

OFFICIAL

# Council Meeting

## Agenda

24 April 2024 at 6:30pm

Council Chamber, Town Hall, Sturt Street,  
Ballarat





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

This meeting is being broadcast live on the internet and the recording of this meeting will be published on council's website [www.ballarat.vic.gov.au](http://www.ballarat.vic.gov.au) in the days following the meeting.

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

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

## PUBLIC SUBMISSIONS

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

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**The next meeting of the Ballarat City Council will be held on Wednesday 22 May 2024.**

## 1. OPENING DECLARATION

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

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

## 2. APOLOGIES FOR ABSENCE

## 3. DISCLOSURE OF INTEREST

## 4. MATTERS ARISING FROM THE MINUTES

## 5. CONFIRMATION OF MINUTES

## 6. PUBLIC QUESTION TIME

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

### QUESTION TIME

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

## 7. CHIEF EXECUTIVE OFFICER REPORT

### 7.1. CHIEF EXECUTIVE OFFICER REPORT

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

#### PURPOSE

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

#### BACKGROUND

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

#### KEY MATTERS

##### 3. **Master Plan for the Ballarat Botanical Gardens**

The City of Ballarat is developing a new Master Plan for the Ballarat Botanical Gardens, to guide how we continue to shape the gardens into the future. The Master Plan will focus on the main part of the Gardens and the North and South Reserves. Landscape architect Andrea Proctor will lead the process of developing the new Master Plan and has recently been involved in similar processes for the Royal Botanic Gardens in Melbourne, the Albury Botanic Gardens and the Colac Botanic Gardens. Ms Proctor and her team will also work with a range of stakeholder groups, including the Friends of the Ballarat Botanical Gardens, the Ballarat Botanical Gardens Foundation and Wadawurrung Traditional Owners Aboriginal Corporation.

4. The Master Plan will be the long-term plan for the gardens which will maintain and protect the gardens' important and well-loved features while allowing it to meet visitors' contemporary needs. The gardens are a popular and invaluable heritage and recreational location for residents and visitors, featuring a remarkable plant house and a world-renowned collection of tuberous begonias.

##### 5. **Live4Life to expand in Ballarat schools in 2024**

The award-winning Live4Life program – increasing mental health knowledge throughout Ballarat – will continue to grow in 2024. Returning for its second year, Live4Life is the only mental health education and youth suicide prevention model designed specifically for rural and regional communities. After first being introduced to Ballarat in 2023, the program saw more than 1200 students across eight schools undertake evidence-based teen mental health education in response to a reported increase from schools and agencies in depression, anxiety, cyber bullying, and self-harm. In 2024, the program will expand to 10 schools, with an estimated reach of 3500 students in both Year 8 and Year 10 to participate. The Live4Life Ballarat Partnership Group is comprised of a dedicated collective of secondary schools, health provider networks and community organisations.

**6. Her Majesty's Theatre redevelopment nearing completion**

Anticipation is building at Her Majesty's Theatre as the beloved venue edges closer towards a grand reopening. With works now primarily focusing on installing the two lifts, upgrading fire protection in the auditorium, and completion of the Unicorn Lane fire escape, the project remains on track for completion in mid-2024. It is expected the doors to the iconic theatre will re-open to the public in the third quarter of 2024. The Stage 3 works being undertaken will improve the capability, accessibility, and safety of the 149-year-old theatre. In addition to the two new lifts, which provide full accessibility to the theatre for patrons, staff and performers, the completion of the project will also see an improved front-of-house area, new toilet facilities, administration area, and associated compliance works.

**7. Intercultural garden a step closer to reality**

The Ballarat Intercultural Garden will this year be constructed at the intersection of Sturt and Pleasant Streets, designed to provide a public space that can be used by all members of the community and cultural groups to celebrate events. Tender documents have now been released calling for construction of the project, with works expected to start mid-2024. The garden will beautify and improve the existing space at the north-western corner at the intersection of Sturt and Pleasant Streets, near the City Oval football ground and City Oval Bowling Club. Celebrating Ballarat's cultural diversity, the garden will also include a community flagpole, picnic shelter, park furniture, an arts display plinth, and electrical and water connections.

**8. Draft Ballarat Biodiversity Strategy open for consultation**

The Draft Ballarat Biodiversity Strategy – Healing Country Together has been released for community review and feedback. The draft strategy maps out a future for biodiversity across the municipality, outlining actions that will protect and strengthen Ballarat's natural environment. This strategy will help guide the management and protection of the region's unique landscapes and species and is the first co-designed strategy the City of Ballarat has delivered in partnership with Wadawurrung and alongside the Country Plans of the Wadawurrung and Dja Dja Wurrung Traditional Owners.

The City of Ballarat held extensive community consultation in the development of the Draft Ballarat Biodiversity Strategy – *Healing Country Together* late last year, including hosting a Young People's Forum with 20 participants. Feedback from our community will inform the final Biodiversity Strategy, which is expected to go before Council for consideration later this year. The Biodiversity Strategy will align with the Council Plan 2021-2025 goal to 'develop policy guidance on biodiversity and natural resources management' and supports the Ballarat Strategy 2040.

**9. Continuous Voices project reaches new milestone**

Three artist and designer groups have been shortlisted from a field of 18 applicants to develop designs for the long-awaited Continuous Voices public art memorial. The shortlisted candidates will now begin eight weeks of design development, finishing with their proposed design of the memorial which will then be presented to an expert panel. The expert panel will make a final recommendation which will be considered by Ballarat City Council. In an innovative way of integrating community into the design of public art, the final three shortlisted candidates will meet and work with the community reference group, made up of survivors of abuse and advocates for change, as well as Traditional Owners to further develop their concepts. This will ensure the designers are guided and informed to create their designs, ready for the final stage of competition, presentation and review in May 2024.

**10. Ballarat Botanical Gardens Fernery landscaping officially unveiled**

The Ballarat Botanical Gardens Fernery was opened to residents and visitors as part of the Begonia Festival after landscaping works were completed. The Fernery is now a

spectacular gallery for hundreds of ferns, including a large Elk Horn fern, and plant chandeliers. The landscaping features a new entrance to the Ballarat Botanical Gardens from Wendouree Parade, as part of a fernery forecourt designed around the Claxton Fountain. Inspired by 19th century garden design, the forecourt features paving patterned in the shape of fern frond leaves with timber and bluestone seats. Landscaping at the rear of the structure connects the fernery and the rest of the gardens. Andrea Proctor Landscapes completed the landscaping designs and AQL Landscape Design delivered the landscaping.

#### 11. Events

Ballarat shone brilliantly during another dazzling **Ballarat Begonia Festival** over the March Labour Day long weekend. Despite unseasonably hot conditions, more than 44,000 people are estimated to have attended the three-day festival. A full line-up of on-stage entertainment in the Ballarat Botanical Gardens, a wide array of food and drink, countless family activities, the stunning begonia display and, of course, the PowerFM Begonia Festival Parade were among the highlights to enthral the masses of people over the Labour Day long weekend. The full economic impact of this flagship event, delivered by the City of Ballarat, will take several weeks to calculate, however initial assessments show the event generated an economic impact of \$3 million, injected directly into the local economy. This is boosted by an additional \$2.3 million in media value generated for Ballarat by the event.

#### 12. Harmony Fest

Harmony Fest was a brilliant celebration of all the different cultures that make Ballarat such a vibrant and welcoming intercultural city. Among the events were the launch of the new Ballarat Chinese Heritage Trail brochure, a Peace Pole dedication ceremony, daily musical performances in Sturt Street, Baha'i New Year, plus passata and pasta making demonstrations. Harmony Fest is designed to align with Harmony Day, the United Nation's International Day for the Elimination of Racial Discrimination, which was celebrated on 21 March. The day encourages Australians to come together to reflect on and celebrate the many cultures that create our great nation.

### OFFICER RECOMMENDATION

#### 13. That Council:

##### 13.1 Receive and note the CEO's Operational Report.

### ATTACHMENTS

Nil



## 8. OFFICER REPORTS

### 8.1. DRAFT ESTABLISHING FORMAL POSITIONS OF COUNCIL POLICY

**Division:** Corporate Services  
**Director:** John Hausler  
**Author/Position:** Cameron Montgomery – Executive Manager Governance and Risk

#### PURPOSE

1. The purpose of this report is to provide Council with the Establishing Formal Positions of Council Policy, transposed from the Mt Alexander Shire Council policy into the City of Ballarat Council policy template, in response to the resolution of Council (R29/24) at its 27 March 2024 Council meeting.

#### BACKGROUND

2. Following a Notice of Motion, Council adopted the following resolution (R29/24) at its 27 March 2024 Council meeting:

*That Council:*

*Call for a report to consider the adoption of the Mount Alexander Shire Council, Establishing Formal Positions of Council Policy, prepared in the City of Ballarat policy template, at the next council meeting.*

#### KEY MATTERS

3. In response to the above resolution of Council, officers have prepared the Mount Alexander Shire Council's Establishing Formal Positions of Council Policy in the City of Ballarat policy template and structure. This policy is provided as an attachment.

#### OFFICER RECOMMENDATION

4. **That Council:**
  - 4.1 **Adopt the Establishing Formal Positions of Council Policy; OR**
  - 4.2 **Do not adopt the Establishing Formal Positions of Council Policy.**

#### ATTACHMENTS

1. Governance Review [8.1.1 - 2 pages]
2. Establishing Formal Positions of Council Policy - Draft [8.1.2 - 3 pages]

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

1. This policy is provided in response to a Council resolution, following a Notice of Motion submitted in accordance with Council's Governance Rules.

**COMMUNITY IMPACT**

2. The policy considers the impact of decision-making on members of the Ballarat community.

**CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

3. There are no identified climate emergency or environmental sustainability implications.

**ECONOMIC SUSTAINABILITY IMPLICATIONS**

4. There are no identified economic sustainability implications.

**FINANCIAL IMPLICATIONS**

5. The policy considers the financial implications of Council decision-making.

**LEGAL AND RISK CONSIDERATIONS**

6. There are no identified legal or risk considerations.

**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 or engagement has been conducted in relation to the policy.

**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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**PROCUREMENT COLLABORATION**

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# ESTABLISHING FORMAL POSITIONS OF COUNCIL POLICY

## 1.0 Purpose

Council is increasingly being asked to indicate its position on specific matters that are occurring locally, regionally, nationally and internationally. In doing so, Council is also regularly asked to undertake advocacy in line with that position.

Often the matters are deeply heart felt and immensely complex. They may also be the subject of formal processes occurring at State or Federal Government levels, and many are very remote from the City of Ballarat and the documented priorities of Council.

In most instances, Council has little or no authority to determine the outcome of the matter and often it can have little impact on the views of those making the decisions.

While wide-ranging in nature, a common characteristic of such matters is the significant commitment of City of Ballarat's financial and human resources that would be needed to establish a well-informed position, and/or to undertake associated advocacy. In a highly resource-constrained organisation, this then has consequences for the Ballarat community by impacting on City of Ballarat's existing efforts to support it.

The purpose of this policy is therefore to define when and how Council may, and when it will not, establish a formal position on a specific matter and/or undertake advocacy activities in relation to that matter.

## 2.0 Scope

This policy applies to circumstances in which Council is requested to state its formal position on a specific matter that is not already covered by Council policy, strategy or plans.

Such requests of Council may arise from external parties, officer reports and individual Councillors' Notices of Motion at a Council meeting.

This policy does not apply to:

1. Consideration of requests for letters of support in relation to proposed projects, services and/or initiatives that may directly impact on residents and/or ratepayers in the City of Ballarat.
2. Decisions made by Council and/or staff in accordance with legislative obligations and delegated authority.

## 3.0 Policy Statement

3.1 Council will not establish a formal position or undertake advocacy on a specific matter that is:

- a. Or is reasonably likely to be within the term of the Council, the subject of a referendum at a State or Federal Government level in Australia; and/or
- b. International in nature and over which Council has no legislated authority or responsibility; and/or

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c. Considered by the Mayor and Chief Executive Officer to be too remote from the circumstances of The City of Ballarat's ratepayers and residents and therefore, to have relatively low direct impact on them.

3.2 In addition to Policy Statement 3.1, Council will not establish a formal position or undertake associated advocacy on any matter where the financial or staffing cost to do so is deemed by Council to be:

- a. Prohibitive given the extent of work considered necessary to establish a well-informed position; and/or
- b. A disproportionate use of ratepayer's funds and/or staff given the:
  - i. Likely or anticipated low impact of the advocacy upon the decision-makers; and/or
  - ii. Existence of other more substantial advocacy efforts that align with Council's likely position; and/or
  - iii. Relative low priority of the matter compared with other Council priorities established in policies, strategies and plans.

3.3 In instances beyond those excluded by Policy Statements 3.1 and 3.2, Council may deem it appropriate to establish a formal position and to undertake advocacy on a specific matter. In such instances, consideration of the need for, and extent of, community input to establishing that position will be made in accordance with Council's Community Engagement Policy.

3.4 Any formal position established and/or advocacy undertaken on a specific matter will be consistent with existing adopted policies, strategies and plans of Council to the extent that they apply.

#### 4.0 Supporting documents and references

##### 4.1 Legislation

- *Local Government Act 2020*
- *Gender Equality Act 2020*

##### 4.2 Definitions

<b>Council</b>	Ballarat City Council
<b>Advocacy</b>	Representation on a matter to relevant decision-makers by councillors or staff in accordance with formal positions adopted by Council; including those adopted in policies, strategies and plans.

#### 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.

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## 6.0 Policy owner

Executive Manager Governance and Risk

## 7.0 Authorisation

Adopted by Ballarat City Council on XX.

DRAFT

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## 8.2. PROPOSED ROAD DISCONTINUANCE

**Division:** Development and Growth  
**Director:** Natalie Robertson  
**Author/Position:** Natalie Robertson – Director Development and Growth

### PURPOSE

1. The purpose of this report is to seek Council approval to exercise the powers conferred by clause 3 of schedule 10 of the *Local Government Act 1989* to discontinue a portion of an unused Government road, which is shown as hatched in blue on the plan below. This road adjoins Buninyong Cemetery and the land known as Allotment 8K5 and Allotment 8K6, Atkinsons Road, Magpie, Victoria, 3352.

### BACKGROUND

2. The Buninyong Cemetery Trust has been advocating for discontinuance of a portion of unused road that abuts the cemetery for many years. The unused road also abuts rural living land parcels which are all in common ownership.
3. Having met with affected parties, including the Buninyong Cemetery Trust and adjoining landowners, officers committed to explore options that would best benefit the overall community.
4. Having explored the strategic context of the area and weighing up the affect to adjoining parties, officers recommend undertaking a partial discontinuance of the road reserve.
5. The discontinued portion of the road reserve would remain Crown land whereby the Buninyong Cemetery Trust would become the appointed Crown land administrator. This additional land would provide the Buninyong Cemetery Trust with the viability for expected future expansion and growth.
6. Council would need to have regard to any submissions and community feedback received in respect of the matter.



Proposed partial unused Government Road Discontinuance



Aerial of photo of subject unused Government Road

## KEY MATTERS

7. The partial road discontinuance would ensure that adjoining land parcels do not become landlocked, should they be utilised in the future.
8. Internal referrals including Infrastructure, Property, and Strategic Planning support, in principle, discontinuance of a portion of the road reserve.
9. Officers therefore recommend that Council commence the statutory process to discontinue the identified portion of unused Government road reserve.

## OFFICER RECOMMENDATION

### 10. That Council:

- 10.1 **Support the discontinuance of a portion of unused Government road identified hatched in blue on the plan in this report.**
- 10.2 **Authorise the Chief Executive Officer to commence the appropriate statutory process conferred by clause 3 of schedule 10 of the *Local Government Act 1989* to discontinue the portion of unused Government road.**

## ATTACHMENTS

1. Governance Review [8.2.1 - 2 pages]
2. Maps [8.2.2 - 3 pages]

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

1. This report aligns with Council's Vision, Council Plan, Strategies and Policies.

**COMMUNITY IMPACT**

2. There are no plans for the unused road to be recognised and used formally. All parties affected by the proposed road discontinuance will have an opportunity to make a submission to DEECA.

**CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

3. The closure of a portion of unused road does not present any climate emergency or environmental sustainability implications.

**ECONOMIC SUSTAINABILITY IMPLICATIONS**

4. The closure of a portion of unused road does not present any economic sustainability implications.

**FINANCIAL IMPLICATIONS**

5. The closure of a portion of unused road does not present any financial implications.

**LEGAL AND RISK CONSIDERATIONS**

6. There are no identified legal and risk considerations necessary when considering closure of a portion of unused road does not present any financial implications.

**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. Parties impacted by the road discontinuance have been notified and will also have the opportunity to make a submission to DEECA.

**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**

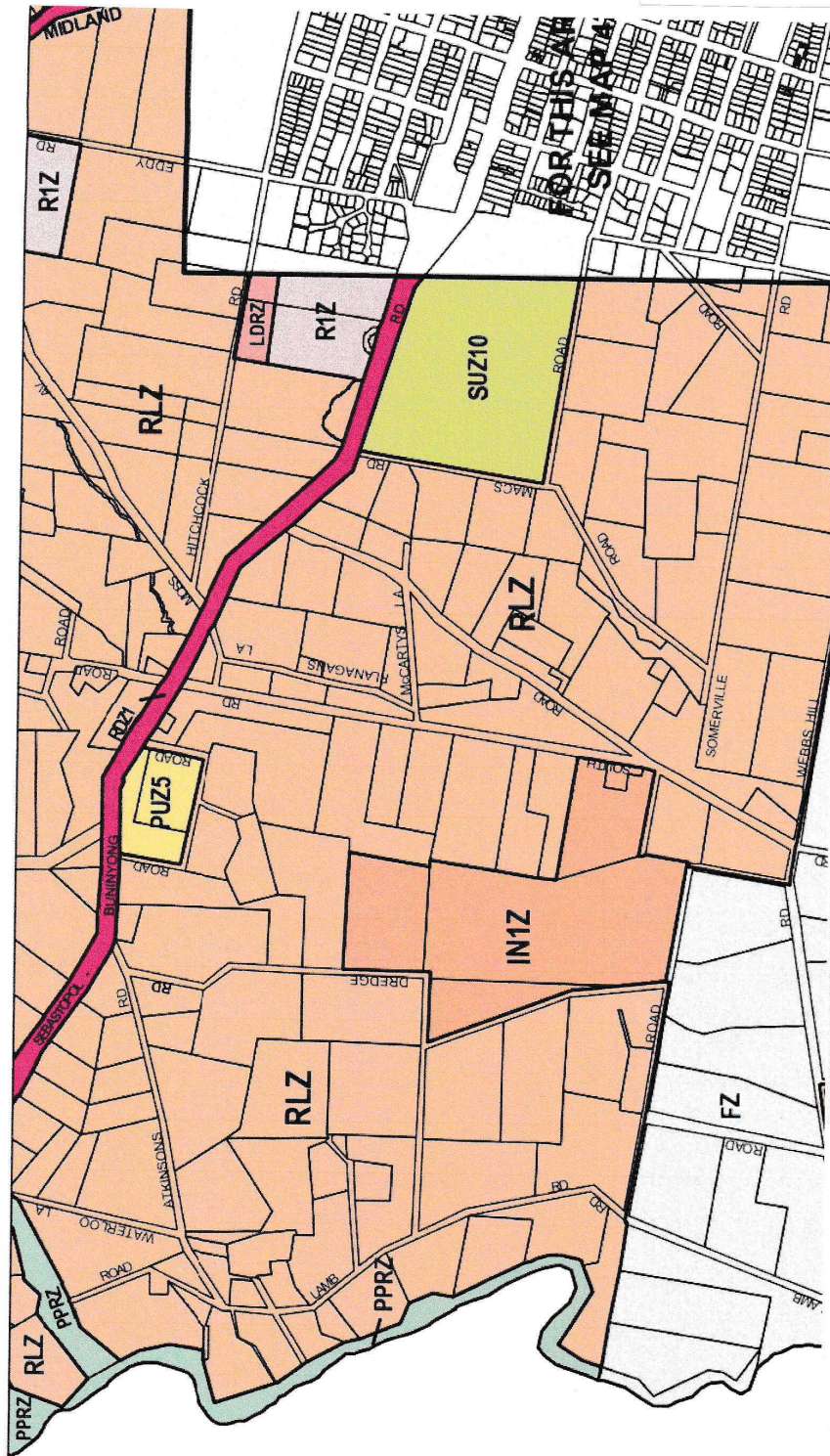
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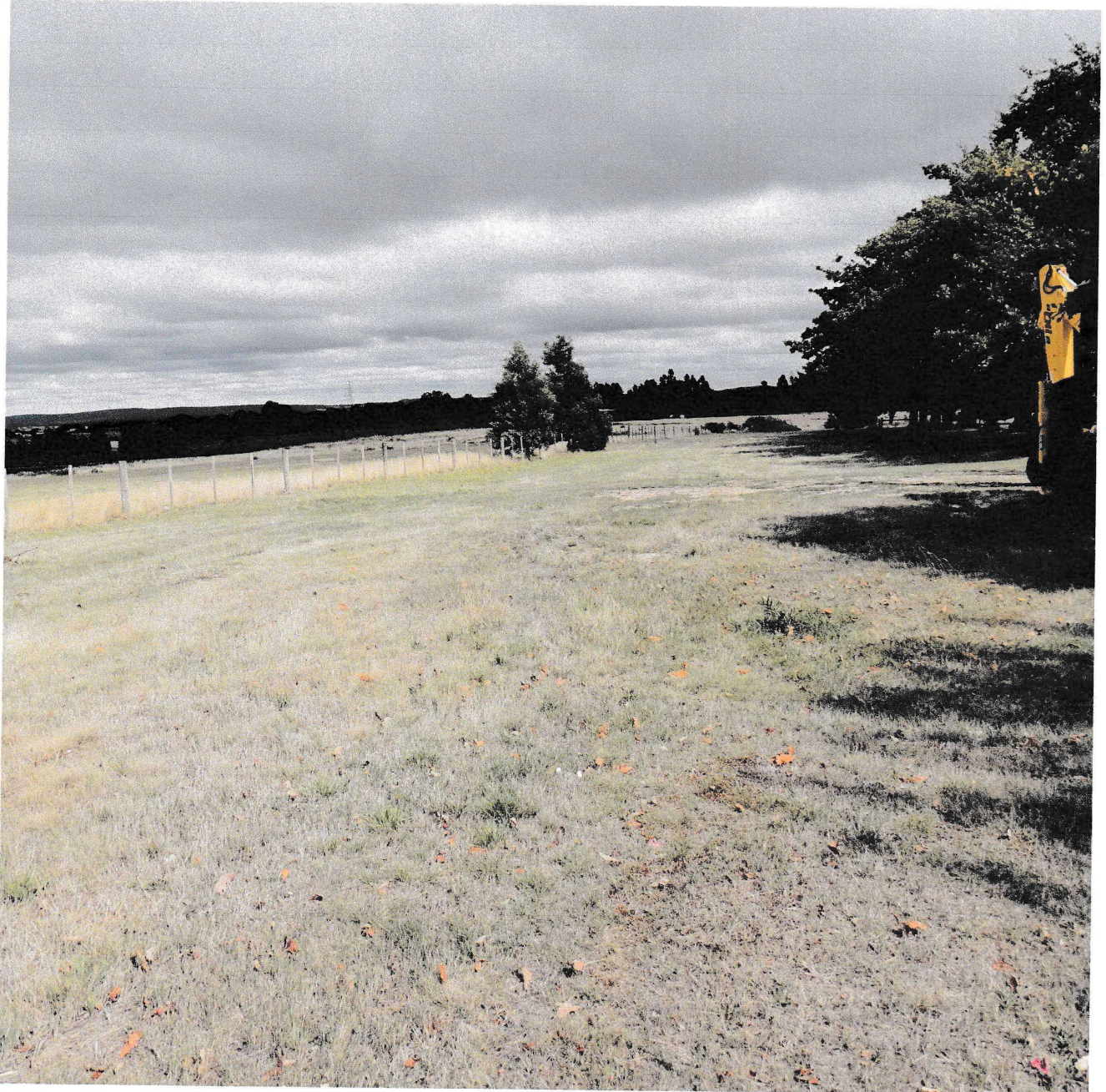
**ATTACHMENT 1**

**TIME - LOCAL PROVISION**

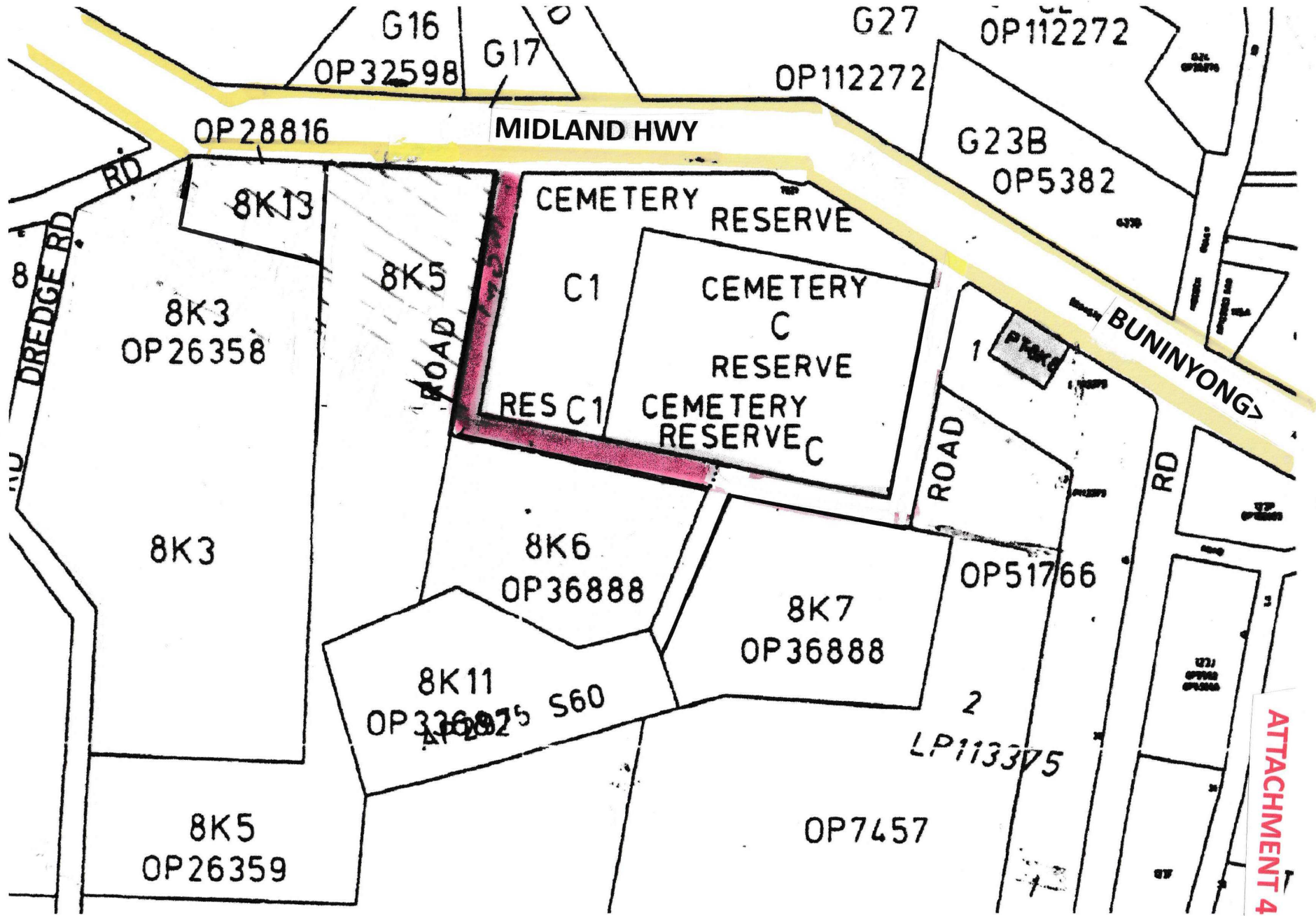




**ATTACHMENT 2**







ATTACHMENT 4

### 8.3. COMMERCE BALLARAT FUNDING AND SERVICE AGREEMENT 2024-2027

**Division:** Economy and Experience  
**Director:** Martin Darcy  
**Author/Position:** Kelli Moran – Executive Manager Economic Growth

#### PURPOSE

1. The purpose of this report is to seek approval of a new funding and service agreement with Commerce Ballarat for the period 1 July 2024 to 30 June 2027 (three years).

#### BACKGROUND

2. Commerce Ballarat is the largest independent business group in Ballarat, providing a broad range of services to approximately 650 member organisations from across all Ballarat's industry sectors.
3. A not-for-profit organisation, Commerce Ballarat's stated purpose is to better business in greater Ballarat by:
  - a. Creating and driving business activity;
  - b. Providing leadership and advocacy;
  - c. Collaborating with key stakeholders to advance business; and
  - d. Facilitating knowledge and skills development for business.
4. Since 2004, City of Ballarat has partnered with Commerce Ballarat to financially support the delivery of a range of programs and events by Commerce Ballarat in fulfilling the above purpose. These include business networking events, conferences, industry forums, skills development workshops, 'buy local' promotions and the annual business awards.

#### KEY MATTERS

5. The current funding and service agreement between City of Ballarat and Commerce Ballarat ends on 30 June 2024. This was a two-year agreement with funding from City of Ballarat of \$113,575 (ex GST) per annum. Commerce Ballarat have successfully delivered upon the requirements of that agreement to date.
6. A new agreement has been prepared in partnership with Commerce Ballarat for Council consideration. The proposed agreement is for three years (1 July 2024 – 30 June 2027), for an amount of \$138,575 per annum (for a total of \$415,725 over the life of the agreement). Given Commerce Ballarat are essentially providing business support services which might otherwise be provided by City of Ballarat, a funding and service agreement is considered the most appropriate format for this agreement.
7. The new agreement proposes an increase of \$25,000 per annum on the current agreement, which is the first substantial increase since 2019. In addition, the agreement includes an in-kind contribution by City of Ballarat of half-day hire of the Mining Exchange or Civic Hall at no hire cost for the Business Awards launch and finalist announcement events. Funding for this agreement forms part of the Economic Development operational budget.



8. The increase in funding will contribute towards the delivery of the following additional new programs and events, responding to emerging business needs since the last agreement:
  - B31 Ballarat Business Month launch event (August);
  - New Forage and Feast program of events for supporting producers, growers and the hospitality sector;
  - Programs to assist businesses support the mental health of their employees;
  - Themed industry-specific 'chats' – such as the new Tradie Network.
9. The proposed agreement outlines that City of Ballarat will be duly acknowledged as a sponsor of all relevant events and projects, with invitations to speak at some of them. Commerce Ballarat and City of Ballarat will continue to share appropriate information to inform the delivery of mutual objectives for the Ballarat business community, and cross-promote events and projects as appropriate.
10. The legal terms of the agreement are detailed in a confidential Council report attachment.

### OFFICER RECOMMENDATION

**11. That Council:**

**11.1 Approves a funding and service agreement with Commerce Ballarat for the period 1 July 2024 to 30 June 2027, to the total value of \$415,725 excluding GST (\$138,575 per annum, ex GST); and**

**11.2 Authorise the Chief Executive Officer to execute the funding and service agreement in accordance with this resolution.**

### ATTACHMENTS

1. Governance Review [8.3.1 - 2 pages]

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

1. This agreement directly supports the delivery of two Council Plan priorities, both of which are referenced in the agreement:
  - Objective 5.1 Deliver an ongoing Covid-19 recovery response for businesses and the community
  - Objective 5.2 Support local businesses to explore, innovate and adapt to emerging economic opportunities

**COMMUNITY IMPACT**

2. Commerce Ballarat is the largest independent business group in Ballarat, providing a broad range of services to approximately 650 member organisations from across all Ballarat's industry sectors.
3. The marketing and media activity of Commerce Ballarat has reach to the broader Ballarat and region general community

**CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

4. No specific implications. Where appropriate, Commerce Ballarat seeks to promote the City of Ballarat's Circular Ballarat business development opportunities and messaging to its members.

**ECONOMIC SUSTAINABILITY IMPLICATIONS**

5. The proposed agreement is a funding and service agreement, which will continue the funding provided to Commerce Ballarat over the past 20 years by City of Ballarat for the delivery of services to our business community. If these services were not being delivered by Commerce Ballarat, there would be an expectation of delivery by City of Ballarat, which would likely cost the organisation more than the funding in the agreement. This is therefore considered an efficient and effective use of resources for service delivery.

**FINANCIAL IMPLICATIONS**

6. The annual funding of \$138,575 per annum for a 3-year period will be allocated within Council's budget capacity.

**LEGAL AND RISK CONSIDERATIONS**

7. If Council were not to provide this funding to Commerce Ballarat it would likely limit the scope of support provided to the business community in Ballarat.

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#### **HUMAN RIGHTS CONSIDERATIONS**

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

#### **COMMUNITY CONSULTATION AND ENGAGEMENT**

9. The CEO of Commerce Ballarat has been directly consulted in the formulation of the proposed agreement

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

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

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

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

#### **PROCUREMENT COLLABORATION**

Not applicable

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## 8.4. COMMUNITY ASSET COMMITTEE MEMBERSHIP

**Division:** Community Wellbeing  
**Director:** Matthew Wilson  
**Author/Position:** Natalie Grero – Community Development Officer

### PURPOSE

1. This report seeks Council support to ratify the revised membership of the Invermay Recreation Reserve Community Asset Committee and Warrenheip Memorial Hall Community Asset Committee.
2. The elected membership of Invermay Recreation Reserve Community Asset Committee and Warrenheip Memorial Hall Community Asset Committee has altered since previously being endorsed.

### BACKGROUND

3. Community Asset Committees are formed in accordance with section 65 of the *Local Government Act 2020* (the Act) and act under delegation in accordance with section 47 of the Act. The Act requires Council to formally ratify any revision to Committee membership.
4. The following Community Asset Committees are currently established for the purpose of managing a community asset in the municipal district:
  - Ascot Mutual Improvement Association Hall
  - Brown Hill Community Hall
  - Buninyong Hall
  - Burrumbeet Soldiers Memorial Hall
  - Cardigan Village Community Centre
  - Invermay Recreation Reserve
  - Miners Rest Mechanics Institute Community Hall
  - Scotsburn Community Hall
  - Sebastopol RSL Hall
  - Warrenheip Memorial Hall

### KEY MATTERS

5. Invermay Recreation Reserve Community Asset Committee:
  - a. The membership of the Invermay Recreation Reserve Community Asset Committee has changed with the election of Rod McDonald.
  - b. The revised membership of the committee is now as follows:
    - Geoffrey Fraser
    - Ruth Nunn
    - Ian Martin
    - Ian Daniel
    - Peter Nunn
    - Lachlan Pryor
    - Jabez Armstrong

- Rod McDonald

6. Warrenheip Memorial Hall Community Asset Committee:

- a. The membership of the Warrenheip Memorial Hall Community Asset Committee has changed with the election of Catherine Gill.
- b. The revised membership of the committee is now as follows:
  - Julie Blackmore
  - Angela Beattie
  - Emma Carter
  - Malcolm McCann
  - Julian Prendergast
  - Catherine Gill

## OFFICER RECOMMENDATION

7. That Council:

7.1 Endorse the revised membership of the Invermay Recreation Reserve Community Asset Committee with the addition of Rod McDonald:

- Geoffrey Fraser
- Ruth Nunn
- Ian Martin
- Ian Daniel
- Peter Nunn
- Lachlan Pryor
- Jabez Armstrong
- Rod McDonald

7.2 Endorse the revised membership of the Warrenheip Memorial Hall Community Asset Committee with the addition of Catherine Gill:

- Julie Blackmore
- Angela Beattie
- Emma Carter
- Malcolm McCann
- Julian Prendergast
- Catherine Gill

## ATTACHMENTS

1. Governance Review [8.4.1 - 1 page]

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

1. This report is a statutory requirement of the *Local Government Act 2020*.

**COMMUNITY IMPACT**

2. It is considered that the report does not have any community impact implications.

**CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

3. It is considered that the report does not have any climate emergency or environmental implications.

**ECONOMIC SUSTAINABILITY IMPLICATIONS**

4. It is considered that the report does not have any economic sustainability implications.

**FINANCIAL IMPLICATIONS**

5. It is considered that the report does not have any financial implications.

**LEGAL AND RISK CONSIDERATIONS**

6. This report is a statutory requirement of *Local Government Act 2020*. The report complies with the Act.

**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 has taken place as part of this report.

**GENDER EQUALITY ACT 2020**

9. There are no gender equality implication 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.

**PROCUREMENT COLLABORATION**

**(For Contracts Only)**

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## 8.5. PROCUREMENT EXEMPTION FOR ENTERPRISE SOFTWARE LICENSING

**Division:** Corporate Services  
**Director:** John Hausler  
**Author/Position:** Sonny Shah – Executive Manager Information & Communication Technology

### PURPOSE

1. This report seeks endorsement of a procurement exemption for Enterprise Software Licensing associated with Council's core ICT system 'Pathway' with Infor; and
2. Seeks endorsement to enter into Contract Number 2023/24-574EX with Infor for the provision of Enterprise Software Licensing for the Pathway System for the total price of \$1,755,932.00 (ex. GST). The contract term is for three (3) years, with the option for two (2) x one (1) year extensions.

### BACKGROUND

3. City of Ballarat currently receive enterprise software solution services for Council's customer transactions and various Council-wide processes from Infor, a global supplier of business software products. Infor are the sole supplier for the Infor Pathway licence, per advice in attachment 2.
4. Council first engaged Infor's services in the early 2000s to supply its Pathway software product and has continued to procure this product from Infor since, without any formal procurement process involving market testing.
5. Infor is the only provider of this software that is currently used to manage the following services, such as:
  - a. Regulatory services, e.g. animal and food registrations
  - b. Financial services, e.g. revenue and rates
  - c. Customer services, e.g. handling customer requests
  - d. Environmental Health services, e.g. licensing requirements
  - e. Building and Planning services, e.g. pre-applications, applications and registrations.
6. Council now contemplates transitioning to an off-premises server version of the Pathway software product (Pathway SaaS).
7. A transition to Pathway SaaS is a critical precursor to a range of initiatives of significance to Council, including:
  - a. Enabling automated 'close the loop' notifications to customers when customer requests are updated and/or actioned.
  - b. Enabling improved system integration to key assets, GIS, and other systems such as Snap Send Solve and Council's Bin Management System.
  - c. Enabling EFTPOS integration and improving accuracy of transaction handling at Customer Experience and other business units using Pathway.
  - d. The Planning Permit Activity Reporting System (PPARS) has been developed in Pathway's SaaS platform that provides information about planning permit activities in Victoria. It enables the coordinated collection of standardised planning permit application data monthly from the planning systems of each Victorian responsible authority. Council will no longer need to manually handle



applications, as the entire process will be automated and synced directly to the PPARS portal in real time.

- e. Delivering of a net cost reduction to the ICT budget of over \$100,000.00 (ex. GST) over the contemplated contract term, due to reduced on-premises server overheads incurred.

## KEY MATTERS

8. The contemplated licence cost for the new multi-year agreement is \$1,755,932.00 (ex. GST) for a period of 5 years (3 years base plus 2 x 1 year options). All Pathway features and modules are included as part of the new SaaS licencing model and there is a single annual price that includes all of the individual service modules above. Pathway does not have individual module pricing.
9. Officers are of the view that a shift away from the Pathway software product to other enterprise software would involve both prohibitive cost and prohibitive operational disruption.
10. The City of Ballarat's Procurement Policy makes specific reference to ongoing computer software licences as an example of where a core service might be capable of being met by a sole supplier only and therefore be eligible for a procurement exemption from obtaining quotations (Appendix 2, page 32 of City of Ballarat Procurement Policy).
11. However, the provision in question includes a stipulation that tendering thresholds must still be complied with. In this instance, the value of the contemplated procurement exceeds the \$300,000 ex. GST threshold for requiring public tendering.
12. Section 3.5.2 of Council's Procurement Policy deals with exemptions from tendering and provides as follows:

*Council may exempt a procurement process from a formal tender process when there are extenuating circumstances. A report must be presented to Council clearly outlining the reasons why a formal tender process should not be completed. No engagement for services or works can commence until exemption formally approved by Council.*
13. Advice has been sought confirming that, due to the prohibitive time and resource cost of an organisational shift away from Pathway as its core system, procurement ought to be exempted from formal tender requirements.

## OFFICER RECOMMENDATION

### 14. That Council:

14.1 Approves an exemption to the Procurement Policy from tendering for this service.

14.2 Resolve to enter into Contract Number 2023/24-574EX with Infor for the provision of Enterprise Software Licensing for the Pathway System for the total price of \$1,755,932.00 (ex. GST). The contract term is for three (3) years with two (2) x one (1) year extension options.

### 14.3 Authorises the Chief Executive Officer to:

- a. Execute the procurement exemption request associated with this procurement;
- b. Finalise the terms of Contract Number 2023/24-574EX with Infor, provided that those contract terms are consistent with this Resolution; and
- c. Execute Contract Number 2023/24-574EX on behalf of Council.

## ATTACHMENTS

1. Governance Review [8.5.1 - 2 pages]
2. City of Ballarat Letter Confirmation [8.5.2 - 1 page]

## OFFICIAL

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

1. This initiative aligns with Council Plan 6.5 - 'Ensure an innovative and forward-thinking approach to our work' and 'Continue to enhance our ICT systems'.

**COMMUNITY IMPACT**

2. This initiative improves the organisation's capacity to deliver effective and efficient services to the community.

**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. The total submitted price of \$1,755,932.00 (ex. GST).

**LEGAL AND RISK CONSIDERATIONS**

6. Advice has been sought confirming that, due to the prohibitive time and resource cost of an organisational shift away from Pathway as its core system, procurement ought to be exempted from formal tender requirements.

**HUMAN RIGHTS CONSIDERATIONS**

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

**COMMUNITY CONSULTATION AND ENGAGEMENT**

8. There are no community consultation implications identified for the subject of this report.

**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**

11. There are no procurement collaboration implications in relation to the matter of this report.

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Level 3, 40 Miller Street  
North Sydney NSW 2060  
Australia  
612 9021 7100  
[www.infor.com](http://www.infor.com)

2<sup>nd</sup> February 2024

City of Ballarat  
PO Box 655  
Ballarat VIC 3353

**Attention:** [REDACTED]

This letter is to certify that Infor are the sole suppliers of Pathway licenses in Australia.

Yours faithfully,

[REDACTED]  
**Director, Accounting Finance & Administration**

## 8.6. REVIEW OF PLANNING POLICIES

**Division:** Development and Growth  
**Director:** Natalie Robertson  
**Author/Position:** Connor Perrott – Manager, Statutory Planning

### PURPOSE

1. The purpose of this report is to seek Council's endorsement to update six policies central to the operation of the Statutory Planning department.
2. Three of these policies relate to department-level processes only and as such it is proposed to convert these into internal procedures. Importantly, two of these procedures would be supported by updated customer information. The third procedure relates to an internal process and no related customer information is required. The remaining three policies have been reviewed and updated versions are presented for adoption.

### BACKGROUND

3. Public guidance available on the Council's website regarding Statutory Planning processes does not accurately reflect current internal practices. This is the result of existing policies having not been updated as required. One such policy dates to 2009.
4. It was identified that the policies required review to ensure each accurately reflected current practices and complied with relevant legislation.
5. Outdated policies and associated public guidance represent a key risk to Council. Insofar as this relates to the planning permit application process, this includes the submission of documentation prepared in good faith by permit applicants which might then be deemed unsatisfactory by planning officers. This could ultimately lead to legal action, including costs, where a permit applicant might feel sufficiently aggrieved by any misleading publicly available information.
6. The six policies identified as requiring immediate review and update are:
  1. Policy for Council Consideration of Planning Applications;
  2. Advertising Planning Applications;
  3. Statutory Planning Fee Waiver and Rebate Policy;
  4. Mediation Policy;
  5. Solar Panels in Heritage Overlays Policy; and
  6. VC53 Policy

### KEY MATTERS

#### Updated policies

7. Existing policies 1, 2 and 3 listed in paragraph 6 above are considered those which should remain publicly available as policies. This is on the basis that each includes important customer information relevant to the planning application process.

8. A summary of each revised policy is set out below. Updated versions of these three policies are also included as attachments to this report.

Policy for Council Consideration of Planning Applications (retitled 'Consideration of Planning Permit Applications Policy')

9. This policy has been updated to further define the decision-making processes available to Council. This includes three approaches, specifically 'Officer under delegation,' 'Officer-led approach' and 'Councillor call-in.'
10. In addition to this, the policy now includes updated guidance regarding the process for notifying Councillors of relevant permit applications together with a more precise definition of 'Senior Officer'. This allows for a clearer interpretation of the policy.
11. Though much of the text has been updated, the basic processes set out in the current version of the policy remain largely unchanged.

Advertising Planning Applications (retitled 'Advertising of Planning Permit Applications Policy')

12. This policy sets out how planning permit applications will be advertised. As the governing section of the *Planning and Environment Act 1987* has not altered since the policy was last updated, the basic processes set out in the revised policy again largely reflect those of the current policy. This includes the extent of notice to be given to third parties.
13. The key change to the policy is the charging rate. The \$150 flat fee previously charged to all permit applications has now been replaced by a user pays system. Permit applicants are now charged for each individual letter and public notice required in association with their application. This is considered to be a more equitable system for both Council and customers.

Statutory Planning Fee Waiver and Rebate Policy

14. This policy sets out when permit application fees will be waived and rebates offered.
15. Again, the basic processes set out in the updated policy largely reflect those of the current policy. Certain references have however been amended.
16. Fee waivers/rebates will be offered in accordance with certain criteria only. This includes, for example, where land is to be used/developed for charitable purposes and where the beneficiary of the permit is a not-for-profit community-based organisation.
17. The key addition is the inclusion of a structured refunds policy in relation to the withdrawal of permit applications. This is dependent upon the stage of the assessment process at which this occurs, with the basic principle being the later in the process the application is withdrawn, the lower the refund. This is to ensure Council's costs are covered by the fees that are retained.

**Policies to be converted into internal procedures**

18. Existing policies 4, 5 and 6 listed in paragraph 6 are those which officers consider should be revoked



- 19. Whilst it is considered that these policies should be revoked, related customer information will still be provided. It is intended to provide enhanced public guidance by way of the provision of diagrams which better explain the relevant elements of each procedure.
- 20. A summary is set out below together with examples of diagrams and guidance which will be made available to the public.

Mediation Policy

- 21. The principles in accordance with which public consultation meetings will be conducted are based upon procedural fairness and are:



**TRANSPARENT**

The process is transparent and inclusive so that all parties have the relevant information to fairly articulate their opinions



**VOICE**

All parties have opportunities for genuine interaction and to raise concerns



**FAIRNESS**

Objectors experience a process that is fair, balanced, consistent, and provides reasonable opportunities for genuine engagement and consideration

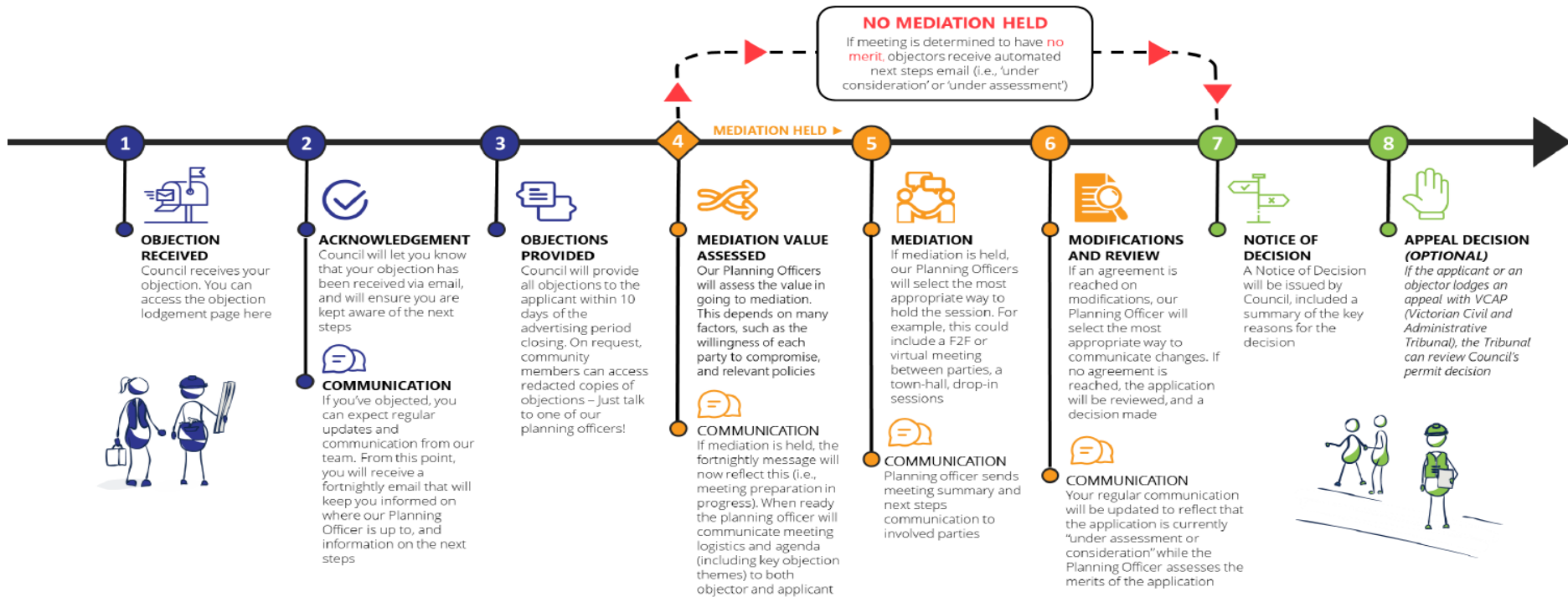


**EDUCATION**

Objectors and Applicants should feel educated and informed throughout the process as to why outcomes were reached





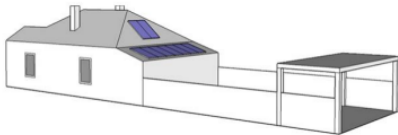
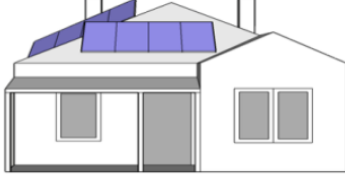
- 22. External guidance will be developed providing both permit applicants and third parties with a visual description of the consultation process. This diagram was again developed with the assistance of BPA and appears below:

## 2. POST-OBJECTION CONSULTATION PROCESS (EXTERNAL)



Solar Panels in Heritage Overlays Policy

23. Updated external guidance again giving customers a visual description of where, and where not, to install solar energy systems will also be developed. This guidance will be similar to the below example from the City of Yarra:

	<p><b>When thinking about where to locate your solar panels, do...</b></p> <ul style="list-style-type: none"> <li>➤ Try and locate them at the rear of a dwelling.</li> <li>➤ Try and conceal them from being seen from a street or public park.</li> <li>➤ Try and conceal them behind a roof parapet.</li> </ul>		<p><b>When thinking about where to locate your solar panels, do not ...</b></p> <ul style="list-style-type: none"> <li>➤ Have them in full view of the street.</li> <li>➤ Install them on frames that are at odd angles with the roof, making them highly visible from a street.</li> <li>➤ Have them in full view of the street and cover the entire roof with them.</li> <li>➤ Only consider one position with no thoughts of an alternative / compromise.</li> </ul>
		 	
<p>Where it is not possible to conceal solar panels from street view, ask your solar retailer to provide you with a brief explanation of what the alternative options were and why this is the preferred option for your property. Ask your solar retailer to review this document / contact the City of Yarra statutory planning team for some pre-application advice.</p>			

VC53 Policy

24. As this process concerns the manner in which Council departments request advice from Statutory Planning only, it is considered that it need not take the form of an external Council policy. Given the nature of this procedure, no public guidance is considered necessary.

**CONCLUSION**

25. The updating of existing policies, revoking of others and their conversion into internal procedures, and the provision of related public guidance is considered a necessary measure to ensure Statutory Planning is providing both external and internal customers with up-to-date and accurate information.

26. Without such updated policy and procedures, Statutory Planning and the Council more broadly is at risk. This potentially includes legal action by permit applicants and third parties who may have based submissions on out-of-date policies and who may subsequently seek to recoup lost costs for example.

27. By updating policies and developing new procedures consistency will be created between internal practices and externally available guidance.

## OFFICER RECOMMENDATION

### 28. That Council:

#### 28.1 Adopt the following updated policies:

1. **Policy for Council Consideration of Planning Applications (to be retitled ‘Consideration of Planning Permit Applications Policy’);**
2. **Advertising Planning Applications (to be retitled ‘Advertising of Planning Permit Applications Policy’); and**
3. **Statutory Planning Fee Waiver and Rebate Policy.**

#### 28.2 Revoke the following policies:

1. **Mediation Policy endorsed by Council on 25 May 2011 (R221/11);**
2. **Solar Panels in Heritage Overlays Policy endorsed by Council on 8 July 2009 (R217/09); and**
3. **Ballarat Planning Scheme Applying Amendment VC53 to Council Projects Policy endorsed by Council on 27 May 2009 (R154/09).**

## ATTACHMENTS

1. Governance Review [8.6.1 - 1 page]
2. Statutory Planning Fee Waiver and Rebate Policy [8.6.2 - 5 pages]
3. Consideration of Planning Permit Applications Policy [8.6.3 - 3 pages]
4. Advertising of Planning Permit Applications Policy [8.6.4 - 4 pages]

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

1. This report aligns with Council's Vision, Council Plan, Strategies and Policies.

**COMMUNITY IMPACT**

2. The subject of this report will generate positive community impacts by way of the provision of updated planning guidance for both proponents and the general public.

**CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

3. There are no 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 potential financial implications to Council if publicly available planning guidance is not up-to-date and does not reflect internal practices. This might include cost claims by permit applicants and/or third parties who have prepared submissions in accordance with out-of-date guidance and who then seek to reclaim lost costs via legal proceedings.

**LEGAL AND RISK CONSIDERATIONS**

6. Out-of-date public guidance represents a risk to Council. As above, this might include cost claims or other legal action by permit applicants and third parties.

**HUMAN RIGHTS CONSIDERATIONS**

7. It is considered that the subject of this 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 public consultation has been undertaken. The policies and procedures the subject of this report have been updated to reflect internal practices and where policies are proposed to be revoked, updated public guidance will be provided in their place.

**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 subject of this report.

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# STATUTORY PLANNING FEE WAIVER AND REBATE POLICY

## 1.0 Purpose

This policy seeks to ensure a consistent approach is applied by Statutory Planning and Planning Support Officers (PSOs) when considering requests to waive or rebate planning application fees.

This policy applies to all parties seeking a chargeable service (either a statutory or non-statutory fee as set out below) from Statutory Planning.

This policy provides those instances where a refund of planning fees may be applied pursuant to Regulation 20 of the *Planning and Environment (Fees) Regulations 2016* and any subsequent revision to this Regulation.

## 2.0 Scope

This policy is for the use of Statutory Planning officers and PSOs when considering a request to waive or rebate planning permit application fees.

## 3.0 Policy Statement

The *Planning and Environment (Fees) Regulations 2016* (the Regulations) enables the City of Ballarat to wholly, or in part, waive or rebate statutory planning fees (refer Regulation 20). Statutory fees are charged in relation to the following items:

- Planning permit applications (VicSmart and Standard);
- Amendments to planning permits;
- Subdivision certifications;
- Certificate of Compliance applications; and
- Matters to the satisfaction of the Responsible Authority

Non-statutory fees apply to:

- Secondary Consent applications;
- Extension of time requests;
- Written advice requests; and
- Advertising materials associated with relevant application types.

The *Subdivision (Fees) Regulations 2016* (Regulation 12) allows the City of Ballarat to also waive and rebate the payment of fees in certain circumstances. The City of Ballarat has however opted to not waive or provide rebates for applications which incur a fee under the *Subdivision (Fees) Regulations*. Currently, fees are charged for the following items:

- Applications to certify plans and Statements of Compliance (SoC);
- Alterations to a plan;
- Applications to amend a certified plan;
- Engineering plans prepared by City of Ballarat;

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- The supervision of works; and
- Checking of engineering plans.

Given the technical nature of the tasks these fees are applied to, it is not considered appropriate to waive or rebate these fees.

### **Legislative Requirement**

Section 47(1)(b) of the *Planning and Environment Act 1987* states a permit application must be accompanied by the prescribed fee. Fees are calculated with reference to the nature and scale of a proposed development, including the estimated cost of all buildings and works.

Statutory planning application fees are set out in the Regulations and are updated on 1 July each year by the Victorian State Government.

Regulation 20, section 16 refers to the waiving of fees and the provision of rebates.

### **Fee Policy**

Table 1 below sets out the circumstances in which the City of Ballarat will exercise its discretion to waive or rebate fees in accordance with Regulation 19.

Circumstance	Maximum % refund
No permit required	100%
Withdrawal and application not yet progressed to initial officer assessment	100%
Withdrawal of application where a Cultural Heritage Management Plan (CHMP) is required but not submitted with application and will not likely be obtained for 180 days (as per RFI template)	90%
Withdrawal following receipt of further information request and/or receipt of referral comments	50%
Lodgement of 57A amendment	Council led = no fee Applicant led = full fee
Withdrawal after giving of notice	20%

**Table 1: Circumstances where planning permit application fees will be waived or rebates offered**

The specific circumstances for waiving application fees or offering rebates is discussed further below

(i) Withdrawal of an application A planning permit application may be withdrawn at any point in the assessment process. To this end, the amount of time invested by Officers will vary and any requested return of fees must reflect the time Officers have spent assessing the application to the point it is withdrawn, as set out in Table 1.

In addition to this, the following will apply:

- If an application is withdrawn and a substantially matching application is submitted for the same property within six months of the original withdrawal, the prescribed fee for the later application will be waived, so long as it was not previously returned;
- Where a part refund was issued in association with the original application, the balance of the prescribed fee associated with the later application will be required to be paid;



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- If the later application includes a new permit trigger which attracts an additional fee, this additional fee must also be paid;
- Where the later application is submitted following any increase in statutory fees the additional prescribed fees must also be paid.

(ii) Proper development

In accordance with Regulation 20(c), a Responsible Authority may waive application fees where it is considered that a proposal represents the 'proper development' of the State, region or municipality. On the basis any permit application consistent with the relevant provisions of the Ballarat Planning Scheme may be considered 'proper', this exemption will only be applied to 'proper' applications considered to be of either State, regional or municipal significance. In these cases, the decision to waive or reduce planning permit application fees shall be deferred to the Chief Executive Officer (CEO).

(iii) Charitable purposes

In accordance with Regulation 20(d), the City of Ballarat will exempt fees required in association with permit applications for land to be used and/or developed exclusively for charitable purposes if all of the following requirements are met:

- The beneficiary of the permit is a not-for-profit community-based organisation occupying Council land;
- The request to waive or rebate fees is made in writing to the Director, Development and Growth and sets out the community benefit(s) that will result from the matter(s) approved by the permit;
- The permit application must meet all requirements in relation to the provision of relevant information, including application forms, plans and technical documents, as appropriate;;
- The beneficiary of the permit must not hold any unpaid debts owed to any City of Ballarat department; and
- The waiving or rebate of fees will be identified in the relevant business budget as negative income.

Other circumstances

*Lapsed applications*

The Regulations do not afford the City of Ballarat discretion to refund fees associated with lapsed applications or the transfer of fees to a later matching application.

No refunds will be provided if an application is lapsed.

Council Planning Permit Applications

The Regulations do not afford the City of Ballarat discretion to waive or rebate fees associated with permit applications lodged by another Council department. In such instances, the department seeking planning permission is required to pay the prescribed application fee in full in accordance with the Regulations.

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### **Process for applying waiver and/or rebate of application fees**

Any request to waive or reduce application fees must be made in writing to the Director, Development and Growth setting out the reasons why a fee waiver/rebate is warranted. Any such request must make reference to the relevant provision(s) of this policy.

Requests can be submitted together with a planning permit application or prior to lodgement. If requesting a fee waiver/rebate prior to lodgement, the applicant must provide details of the proposal along with the request.

The decision to waive or rebate fees will be made by the Director, Development and Growth or the CEO, as relevant, in accordance with the provisions of this policy. The recording of any waiving or rebate of fees will be noted in accordance with Regulation 21.

### **Compliance Responsibilities**

All members of the Statutory Planning team are responsible for advising internal and external customers of the terms of this policy.

## **4.0 Supporting documents and references**

### **4.1 Legislation**

- *Local Government Act 1989*
- *Local Government Act 2020*
- *Planning and Environment Act 1987;*
- *Planning and Environment (Fees) Regulations 2016;*
- *Subdivision (Fees) Regulations 2016;*
- *Charter of Human Rights Act 2007*
- *Gender Equality Act 2020*

### **4.2 Definitions**

**Charitable purpose:** Defined in this policy as a purpose that 'must seek the public weal; and not concerned with the conferment of private advantage'. *D V Bryant Trust Board v Hamilton City Council* (1997) 2 NZLR 342 at 347.

**Not-for-profit community-based organisation:** Defined in this policy as an organisation that provides services to the community and does not operate to make a profit for its members or shareholders, as applicable. Examples include neighbourhood associations and sports clubs.

## **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.

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### 6.0 Policy owner

The owner of this policy is the Chief Executive Officer.

All enquiries regarding this policy should be directed to the Manager of Statutory Planning.

### 7.0 Authorisation

Adopted by Ballarat City Council on XX.

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# Consideration of Planning Permit Applications Policy

## 1.0 Purpose

This policy sets out the City of Ballarat's approach to notifying Councillors of planning permit applications and the steps which then follow to facilitate planning decisions.

This policy is required to ensure a consistent approach is adopted by Statutory Planning officers.

## 2.0 Scope

This policy applies to the consideration of planning permit applications only. This policy does not apply to Planning Scheme Amendments (PSAs). PSAs are subject to different notification processes, as managed by the Strategic Planning department.

This policy represents the City of Ballarat's interpretation of the procedural provisions of the *Planning and Environment Act 1987* (the 'Act').

## 3.0 Policy Statement

The Act requires the City of Ballarat to:

- (a) Manage planning permit applications that are not 'as of right' in accordance with the provisions of the Ballarat Planning Scheme (BPS);
- (b) Determine if further information is required to enable the City of Ballarat to assess a planning permit application;
- (c) Determine if a planning permit application is likely to cause third parties' material detriment and, if so, require notice to be given to identified parties, in accordance with the Act; and
- (d) Consider any submissions received in response to notice together with the relevant provisions of the BPS and make a determination within specified timelines.

### Decision-Making Process

Responsibility for determining planning permit applications is delegated by Ballarat City Council to the Statutory Planning department.

The ways in which a planning permit application may be determined are set out below.

#### 1. Officer under delegation

Where a planning permit application is otherwise considered to be generally in accordance with the relevant provisions of the BPS and of no or limited public interest, Statutory Planning officers will generally be responsible for making a decision.

#### 2. Officer-led approach

Where a planning permit application is considered to be contentious or may be of interest to the

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community, Statutory Planning will brief Councillors who will then determine if the application will be presented to the Planning Delegated Committee for a final decision.

### 3. Councillor call-in

Notwithstanding the Officer-led approach above, where a Councillor independently expresses an interest in a planning permit application and this is seconded by another Councillor, the application will be presented to the Planning Delegated Committee for a final decision.

Importantly, any planning permit application in which a Councillor, Senior Officer or Planning Officer has a material interest, must be presented to the Planning Delegated Committee or a Council meeting for a final decision. Any Councillor, Senior Officer or Planning Officer with a material interest in an application must formally declare a conflict of interest and cannot be involved in the assessment or decision-making process.

### Notice to Councillors

With reference to the Councillor call-in process above, Councillors are made aware of permit applications as follows:

- A list of planning permit applications received the previous week is circulated to Councillors. The list includes primary information such as the property address, planning application reference number and a brief description of the proposal.
- Based on this information, Councillors can request further information via the Chief Executive Officer or Director, Development and Growth in the form of a formal briefing. Based on this briefing, Councillors may then opt to call-in the application for a final decision.

With reference to the Officer-led approach, in determining whether an application may be of interest to Councillors, Planning Officers will give consideration to:

- The scale and significance of the proposal;
- Whether the proposal is consistent with the BPS. importantly, any application that is contrary to policy, regardless of whether or not it is likely to be supported by officers, must be presented to Councillors for final decision;
- Whether the permit application or likely decision is/may be considered controversial;
- The number of objections received and the nature and substance of these objections; and
- The public profile of the application, including whether or not there has been significant public interest, regardless of the number of objections received.

The same processes apply for determining which matters are to be presented to Councillors to adopt a position in response to any application for review lodged in accordance with section 79 (Applications for review of failures to grant permits) of the Act. This section applies where the City of Ballarat has not determined a planning permit application within the prescribed time.



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#### 4.0 Supporting documents and references

##### 4.1 Legislation

- *Local Government Act 2020*
- *Planning and Environment Act 1987*
- *Equal Opportunity Act 2010*
- *Gender Equality Act 2020*

##### 4.2 Associated Documents

- Advertising Planning Applications Policy

##### 4.3 Definitions

**Senior Officer** - defined as a member of staff who (a) has a statutory or delegated power, duty or function; and (b) is nominated by the Chief Executive Officer for the purposes of Part 6, Division 3 of the Local Government Act 2020 due to the nature of that power, duty or function.

Other definitions are as per the *Planning and Environment Act 1987*.

#### 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 Chief Executive Officer. All enquiries regarding this policy should be initially directed to the Manager, Statutory Planning.

#### 7.0 Authorisation

Adopted by Ballarat City Council on XX.

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## ADVERTISING OF PLANNING PERMIT APPLICATIONS POLICY

### 1.0 Purpose

This policy provides how Statutory Planning Officers will notify third parties of a planning permit application. This includes the manner in which public notice will be sent and the extent of this notice. By defining the manner and extent of public notice required, this policy will ensure a consistent approach to advertising.

This policy represents the City of Ballarat's interpretation of the provisions of section 52 (Notice of application) of the *Planning and Environment Act 1987* (the Act).

### 2.0 Scope

This policy is to be used by Statutory Planning Officers when considering how to notify third parties of a planning permit application. This policy does not apply to permit applications which are exempt from the notice and review provisions of the Act, or to permit applications Statutory Planning Officers consider do not warrant public notice. This is limited to applications which it is considered will not cause third parties material detriment.

In addition to this, this policy does not apply to Planning Scheme Amendments (PSAs). PSAs are subject to different public notice and exhibition requirements, as managed by the Strategic Planning department

### 3.0 Policy Statement

Where a permit application raises issues extending beyond the site and its immediate surrounds (such as streetscape or neighbourhood character concerns for example), it is important that Statutory Planning officers consider to what extent public notice should be given.

In accordance with Section 52(1)(a) of the Act, not all planning permit applications need be advertised. Notice of an application is only required if, in the opinion of the Responsible Authority, material detriment may be caused.

Where this is the case, the *minimum* extent of notice given must accord with the requirements of Section 52(1)(a) - (cb) of the Act.

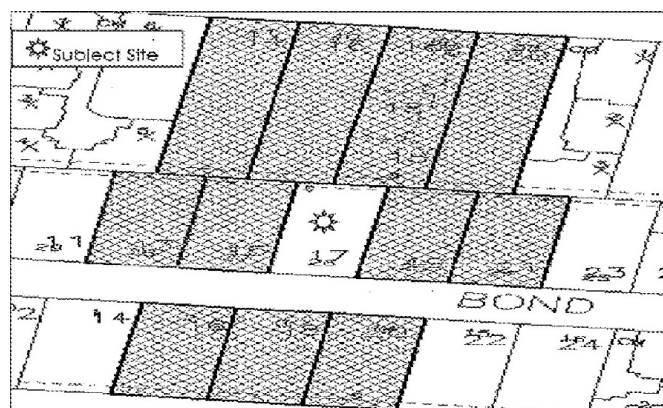
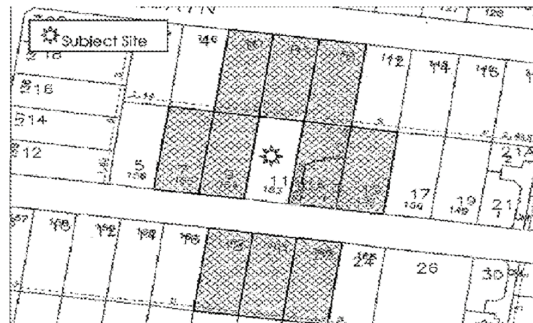
Where a permit application may generate wider impacts, additional notice must be given. This is required by section 52(1)(d), which seeks to ensure notice is provided to 'any other persons' who it is considered may be caused material detriment by the grant of a planning permit.

- In addition to the requirements of section 52(1)(a) - (cb) and in response to section 52(1)(d), the following notice must be given as a *minimum*: Individual letters sent to the owners and occupiers of no less than two properties either side of the subject site. Where the site is on or one removed from properties around the corner or across the corner, individual letters should be sent to properties around the corner or across the road, as applicable; and
- Three properties opposite and three properties behind the site, with the same corner site principles applying.

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The below three examples show these notice requirements in further detail.



In addition to individual notices, where it is considered that a permit application may generate impacts beyond immediate surrounding properties, a public notice must also be displayed on site. Statutory Planning officers will use their discretion to determine when this will be required, however will err on the side of caution and adopt a conservative approach.

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Public notices range in size from A2 (600mm x 450mm) to A0 (1189mm x 841mm). Officers will again use their discretion when determining what size public notice(s) should be used, with consideration given to the nature of the proposal and the physical context of the site and its immediate surrounds. Typically, A2 size signs are most commonly used.

All signs, irrespective of size, are yellow to maximise their visibility.

All signs must be displayed generally at the centre of a site frontage and/or other relevant boundary(ies) and within one metre of the public realm.

### ***Advertising materials***

Statutory Planning erect all signs on behalf of permit applicants. Where a sign is removed or damaged during the advertising period, it is the permit applicant's responsibility to notify Statutory Planning in order to arrange a replacement sign.

All signs must be displayed on site for no less than 14 continuous days. Where a sign is removed/damaged and not replaced the same day, the advertising period will either be suspended or recommence. This is dependent upon the time the sign has already been displayed.

If the sign is removed/damaged on the first day it is displayed, the advertising period will recommence on the day a replacement sign is displayed.

If a sign is removed/damaged towards the end of the 14-day advertising period and Statutory Planning is satisfied that third parties have had sufficient time to review application documents and make a submission, the advertising period will continue from the date a replacement sign is displayed.

All fees and charges associated with individual letters and public notices are to be borne by the permit applicant and will be applied at the annually adjusted rate set by Council.

### **Policy Discretion**

Permit applications that are considered to be of broader community interest will be more widely advertised (beyond that recommended by this policy) at the discretion of the Manager, Statutory Planning.

## **4.0 Supporting documents and references**

### **4.1 Legislation**

- *Local Government Act 1989*
- *Local Government Act 2020*
- *Planning and Environment Act 1987*
- *Charter of Human Rights Act 2007*
- *Gender Equality Act 2020*

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#### 4.2 Definitions

Definitions are as per the *Planning and Environment Act 1987*.

#### 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 Chief Executive Officer.

All enquiries regarding this policy should be initially directed to the Manager, Statutory Planning.

#### 7.0 Authorisation

Adopted by Ballarat City Council on XX.

## 8.7. LAKE WENDOUREE BOAT SHED POLICY

**Division:** Infrastructure and Environment  
**Director:** Bridget Wetherall  
**Author/Position:** Michael Hynes – Executive Manager Property & Facilities  
Nick Venville – Property Coordinator

### PURPOSE

1. The purpose of this report is to seek endorsement of the Lake Wendouree Boat Shed Policy.

### BACKGROUND

2. The Lake Wendouree Boat Shed Policy guides the management and use of boat sheds located at Lake Wendouree.
3. Following the presentation of the Lake Wendouree Boat Shed Policy to Council in August 2023, Council passed Resolution R135/23 endorsing that further community engagement take place prior to the policy being adopted and endorsed by Council.
4. On 9 October 2023 individual correspondence was sent out from City of Ballarat staff to a representative of each Boat Shed stakeholder at Lake Wendouree. Included in this correspondence was a copy of the proposed Lake Wendouree Boat Shed Policy draft and also a letter requesting any feedback with respect to all facets of the proposed policy.
5. Boat Shed representatives were given 28 days to respond in writing with any feedback on the draft policy. City of Ballarat staff received a total of six responses via email.

### KEY MATTERS

6. The community feedback that was received overwhelmingly requested that the tenure and proposed Licence terms be extended (from three years) to the maximum length permitted under the *Crown Land (Reserves) Act (1978)*. To accommodate this request, the policy has been amended to grant Licensees an initial term of four years, followed by two subsequent terms of three years (total ten years).
7. There was also feedback received around the concern that Council could force a change of the use of Boat Sheds at the end of licence terms despite Licensees complying with all licence terms and conditions. This was perceived by Boat Shed representatives as overly pervasive and therefore has been removed from the policy.
8. Feedback was also received from the school Boat Sheds requesting that the schools be excluded from the management principles involving shared or multi-functional use. This is based on the unique educational programs delivered and child safety legislative frameworks the schools are required to adhere to. Amendments have been made to exempt the schools from this management principle.
9. Council officers also met in person with various stakeholders of the Lake Wendouree Boat Sheds and discussed in depth their feedback submitted and how the policy could be amended to be fairer and more transparent.



10. Council officers have reviewed all of the feedback submitted by various Lake Wendouree Boat Shed stakeholders and have made amendments to the policy accordingly to address any concerns where practicable.

### OFFICER RECOMMENDATION

#### 11. That Council:

11.1 Adopt the Lake Wendouree Boat Shed Policy as per Attachment 2.

11.2 Rescind the Lake Wendouree Boat Shed Policy endorsed by Council on 1 April 2020 (R86/20).

### ATTACHMENTS

1. Governance Review [8.7.1 - 1 page]
2. Lake Wendouree Boat Shed Policy [8.7.2 - 6 pages]

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**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 identified 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. Community engagement with Boat Shed Stakeholders has taken place.

**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.

The policy recognises that City of Ballarat cannot exceed the powers conferred on it through Victorian government legislation.

The objectives of this policy are to:

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

### 3.0 Policy Statement

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

City of Ballarat must have Department of Energy, Environment and Climate Action (DEECA) or its successor, approval for any lease or licence of Crown land. When City of Ballarat's premises become vacant or at the expiry of the term, City of Ballarat officers will consider the ongoing future use of the premises and determine a suitable tenant for the premises within appropriate City of Ballarat departments. The occupation of City of Ballarat'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 10 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.

#### Land Owner, Manager and Occupier

The Crown – represented by the relevant Minister and Department – is the land owner. City of Ballarat, 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.

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### 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 City of Ballarat. 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 (where possible), and enable optimal public use of the Lake and surrounds. This principle does not apply to school-operated Boat Sheds delivering educational programs.
- 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 ten (10) years. This tenure will be structured as an initial term of four (4) years and two further terms of three (3) years duration provided all licence conditions have been complied with.

#### *Renewal and Transfer of Licence*

At City of Ballarat'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 to the satisfaction of City of Ballarat;
- 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
- payment of all associated fees and charges.

Licences may be transferred subject to approval from City of Ballarat. A licence may not be transferred by bequest.

A transfer of licence will be subject to:

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

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### *Cancellation of Licence*

A breach by a licensee of the licence or this policy, including failure to pay City of Ballarat 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 City of Ballarat.

### **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 City of Ballarat 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 through a force-majeure event (greater than 50% loss), building of a new boatshed may be permitted within the existing footprint of the structure at the discretion of City of Ballarat. The building of the replacement boatshed must be completed within the timeframes specified within the permit or permission may be deemed to have lapsed.

This does not apply in the case of building neglect.

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 or the City of Ballarat:

- The structure is dilapidated, beyond repair, or is a hazard to public safety;
- The tenant fails to give effect to notices issued by the City of Ballarat;
- 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 not appropriately met.

## **3.3 Occupancy conditions**

### **3.3.1 General Maintenance**

To provide a consistent and fair framework for the conduct of maintenance on City of Ballarat 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 City of Ballarat and the tenant including responsibility for maintaining the structure, the building fixtures and fittings and grounds. The level of maintenance responsibility

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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 City of Ballarat 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 City of Ballarat: general graffiti 28 days and offensive graffiti 7 days. City of Ballarat 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 City of Ballarat to the licensee is remedied within a reasonable time specified in the notice.

### 3.3.2 Risk and Occupational Health and Safety

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

- Release and indemnify City of Ballarat for all claims resulting from any damage, loss, death or injury in connection with the premise unless such claims arise out of City of Ballarat'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 City of Ballarat. The regularity of the review will depend on the use and type of tenant. City of Ballarat or City of Ballarat'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 City of Ballarat as land manager under the *Crown Land (Reserves) Act 1978*, and secondly, obtaining any permission required from Heritage Council Victoria 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 City of Ballarat 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 City of Ballarat.
- 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 City of Ballarat 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 City of Ballarat, 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 and Facilities 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 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.

## 4.0 Supporting documents and references

### 4.1 Legislation

- *Local Government Act 2020*
- *Crown Land (Reserves) Act 1978*
- *Planning and Environment Act 1987*
- *Heritage Act 2017*
- *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 City of Ballarat Lease and Licence Templates
- Standard DEECA Lease and Licence Templates
- Child Safe Standards

### 4.3 Definitions

<b>Annual Licence Fee</b>	The annual fee payable to City of Ballarat as owner or manager of the property.
<b>Boatshed</b>	A shed or similar structure erected on the lake foreshore managed by City of Ballarat and generally used for the storage of boats, watercraft and accessories, and for the comfort and convenience of licensees.
<b>Council</b>	Council consists of the Councillors who are democratically elected to represent the Ballarat municipality in accordance with the <i>Local Government Act 2020</i> .
<b>City of Ballarat</b>	The body corporate constituted in accordance with the <i>Local Government Act 2020</i> .

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<b>DEECA</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>Existing Boatshed</b>	A boat shed that exists at the date of this policy.
<b>Heritage Victoria</b>	Heritage Victoria the Responsible Authority under the <i>Planning and Environment Act 1987</i>
<b>Lease</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. City of Ballarat may grant a lease where the premises will be occupied exclusively by the one user and City of Ballarat considers that granting a lease is in the best interests of the community.
<b>Licence</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>Licensee</b>	A person holding a current licence for any City of Ballarat owned or managed property
<b>Property</b>	Land or building owned or managed by the City of Ballarat and any successor in law.
<b>Site</b>	City of Ballarat freehold land or Crown land managed by the City of Ballarat allocated to a tenant whether or not that site has any structure on it.
<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 City of Ballarat 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 Authorisation

Adopted by Ballarat City Council on XX

## 8.8. CONTRACTS APPROVAL DELEGATED COMMITTEE MINUTES

**Division:** Corporate Services  
**Director:** John Hausler  
**Author/Position:** Lorraine Sendall – Executive Assistant Director Corporate Services

### PURPOSE

1. The purpose of this report is to provide Council with minutes of Council's Contracts Approval Delegated Committee in accordance with the adopted Terms of Reference. This report provides minutes of the meetings held on 20 December 2023 and 28 February 2024 and provides a summary of information in relation to these minutes.

### BACKGROUND

2. To ensure good governance and transparent decision making, minutes of meetings of the Delegated Committees are presented to Council and kept in accordance with the adopted Terms of Reference and the Governance Rules. Minutes of the Contracts Approval Delegated Committee (the Committee) meetings held on 20 December 2023 and 28 February 2024 are attached to this report.
3. The Committee has been established to more effectively facilitate Council's capital works program. To that end, the Committee meets fortnightly, as required, in order to provide Council officers with necessary decisions of Council to enable procurement processes to be completed.

### KEY MATTERS

Contract	Award to	Value	Outcome	Local Content
2022/23-695	Tuff Group Holdings Pty Ltd	Correction to Tender and Contract Number	Correction to Tender and Contract Number – Prince of Wales Hockey Pitch Renewal	No
2022/23-667	DWP Australia Pty Ltd	\$796,405.00 (excluding GST)	Eastwood Leisure Centre Complex Redevelopment	No
MAV Tender EC8310-2023	Shell Energy Retail Pty Ltd	Schedule of rates	Large Market Natural Gas	No
2020/21-112	Tuff Group Holdings P/L	Extension	Leachate Removal Contract Extension	No
2023/24-101	Fulton Hogan Pty Ltd	\$944,389.73 (excluding GST)	Cromwell Street Road Widening	Yes
2023/24-269	Clifton Grange Pty Ltd	Schedule of Rates up to \$980,341.02 (excluding GST)	Waste Soil Removal and Disposal – Ring Road Reserve, Wendouree West	No

2020/21-257	Ballarat Pet and Farm	Extension to Contract	Veterinary Services	Yes
2023/24-141	Blue Sky Services (Vic) Pty Ltd	Schedule of Rates	Cleaning of Family, Youth and Children's Services facilities	No
2023/24-105A	LG Software Solutions Pty Ltd	\$381,448.00 (excluding GST)	Enterprise HR Information System	No
2023/25-105B	Aurion Corporation Pty Ltd	Schedule of Rates	Ongoing Support of Aurion Cloud Payroll System	No

### OFFICER RECOMMENDATION

#### 4. That Council:

- 4.1 Note, in accordance with section 66 of the *Local Government Act 2020* that the material contained in the Contracts Approval Delegated Committee agendas has been designated confidential.**
- 4.2 Receive the Contracts Approval Delegated Committee minutes of the meetings held on 20 December 2023 and 28 February 2024.**

### ATTACHMENTS

1. Confirmed Contracts Minutes of meeting held Wednesday 20 December 2023 [8.8.1 - 11 pages]
2. Confirmed Contracts - Minutes of meeting held Wednesday 28 February 2024 [8.8.2 - 8 pages]



***CONTRACTS APPROVAL  
DELEGATED COMMITTEE***

***MINUTES***

***20 December 2023***

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**MINUTES OF THE MEETING OF THE SPECIAL CONTRACTS APPROVAL DELEGATED  
COMMITTEE OF THE BALLARAT CITY COUNCIL, HELD BY A VIRTUAL MEETING  
ON WEDNESDAY 20 DECEMBER 2023 AT 1:00PM**

**Evan King  
(Chief Executive Officer)**

**MINUTES**

**ORDER OF BUSINESS:**

**PRESENT**

Cr Ben Taylor (Chair)  
Cr Peter Eddy  
Cr Mark Harris

**IN ATTENDANCE**

Mr Evan King (Chief Executive Officer)  
Mr John Hausler (Director Corporate Services)  
Mr Matthew Wilson (Director City Wellbeing)  
Ms Natalie Robertson (Director Development and Growth)  
Ms Bridget Wetherall (Director Infrastructure and Environment)  
Mr Robin Hand (Contracts Administrator)  
Ms Brenda Carey (Executive Manager Regulatory Services)  
Mr Dan Farrar (Project Manager)  
Mr Tim Goddard (Project Manager)  
Mr Vaughn Notting (Executive Manager Infrastructure)  
Mr Les Stokes (Executive Manager Waste and Environment)  
Mr Michael Riseley (Executive Manager Business Services)  
Ms Lorraine Sendall (Minutes)

**ACKNOWLEDGEMENT TO COUNTRY**

Acknowledgement to Country was read by the Chair.

**DECLARATIONS OF INTEREST**

No conflicts of interest were recorded.

**4.1 CORRECTION TO TENDER NUMBER IN MINUTES OF 6 DECEMBER 2023  
– TENDER 2022/23-695 PRINCE OF WALES PARK HOCKEY**

**PURPOSE:**

1. To correct the Tender Number and awarded Contract Number for the resolution to provide a new synthetic turf hockey pitch and associated works at the Prince of Wales Park from **2023/24-695** to **2022/23-695**.
2. An error was made in the report and resolution which then carried over to the minutes.
3. All other information remains correct.

**BACKGROUND**

4. This tender was considered and endorsed at the 6 December 2023 Contracts Approval Delegated Committee meeting, as Item 6.2.
5. Attachment 2. to the Agenda, listed as 2023/24 - 695 Prince of Wales Park Hockey Pitch Renewal. The Tender Evaluation Report [6.2.2 – 10 Pages] stated the correct Tender Number – 2022/23-695.



**KEY MATTERS**

6. All other information tabled in the report was true and correct.

**RESOLUTION:**

**That the Contracts Approval Delegated Committee:**

- 7.1 Note the amendment of the Tender and Contract Number from 2023/24-695 to 2022/23-695 and endorse the previous resolution to enter into Contract Number 2023/24-695, corrected to Contract Number 2022/23-695, for the provision of Prince of Wales Hocking Pitch Renewal with Tuff Group Holdings Pty Ltd for the tendered price of \$907,862.00 (ex GST). The contract term is for six (6) months.**
- 7.2 Authorises the Chief Executive Officer to:**
- a) finalise the terms of Contract number 2022/23-695 with Tuff Group Holdings Pty Ltd, provided that those contract terms are consistent with this Resolution; and**
  - b) execute Contract 2022/23-695 on behalf of Council.**

Moved Cr Ben Taylor  
Seconded Cr Peter Eddy

**CARRIED**

**CONFIRMATION OF MINUTES****RESOLUTION:**

**That the minutes of the Contracts Committee meeting held on 6 December 2023 as circulated, with the above amendment to Contract 2022/23-695 be confirmed.**

Moved Cr Mark Harris  
Seconded Cr Peter Eddy

**CARRIED**

**SECTION 66 MATTERS****RESOLUTION:**

**That the Committee resolves, pursuant to Section 66 of the Local Government Act 2020, that the meeting be closed to members of the public, whilst the Committee is dealing with the following matters, that may include matters that are Commercial in Confidence that may prejudice Council: -**

Moved Cr Peter Eddy  
Seconded Cr Mark Harris

**CARRIED**

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**7.1 TENDER 2023/24-149 BALLARAT ANIMAL SHELTER**  
(RO – Natalie Robertson / Tim Goddard)

**SUMMARY**

1. This report seeks to award a contract for the architectural services for the new Ballarat Regional Animal Shelter.

**BACKGROUND**

2. The existing facility is non-compliant with the Code of Practice and has a number of long-standing functional deficiencies which severely constrains Council's ability to provide effective animal welfare to animals they house.
3. The new facility will address three key areas: improved homing and reclaiming outcomes; improved animal welfare outcomes; improved staff and visitor wellbeing.

**KEY MATTERS**

4. Seven tender submissions were received.

**RESOLUTION**

**5. That the Contracts Approval Delegated Committee:**

**5.1 Resolve to enter into Contract Number 2023/24-149 for the provision of architectural services for the Ballarat Regional Animal Shelter with Architecture Matters Pty Ltd for \$822,836.00 (Excluding GST).**

**5.2 Authorises the Chief Executive Officer to:**

- a. finalise the terms of Contract Number 2023/24-149 with Architecture Matters Pty Ltd, provided that those contract terms are consistent with this Resolution; and
- b. execute Contract Number 2023/24-149 on behalf of Council.

Moved Cr Peter Eddy  
Seconded Cr Ben Taylor

**CARRIED**

**7.2 CONTRACT 2022/23-667  
EASTWOOD LEISURE COMPLETE REDEVELOPMENT – DESIGN SERVICES  
(RO – Matthew Wilson / Dan Farrar)**

**SUMMARY**

1. This report seeks to award a contract for the provision of Eastwood Leisure Complex Redevelopment – Design Services.
2. The scope of the project involves the design and documentation of a new Eastwood Leisure Complex on the site of the existing facility.

**BACKGROUND**

3. The Eastwood Leisure Complex redevelopment project seeks to deliver a new fit for purpose, multifunctional community hub, catering to a diverse and large number of user groups.
4. The new Eastwood Leisure Complex will play an important role in achieving positive health and wellbeing outcomes for the community by providing a new centralised hub from which to run community activities and deliver locally based services.
5. The new facility will replace the existing Eastwood Leisure Complex that has been assessed in a condition report to be functionally and structurally deficient and described as being in poor condition. Deficiencies also include numerous accessibility issues that mean the facility does not meet current building standards and does not provide equitable or compliant access.

**KEY MATTERS**

6. Twenty (20) tender submissions were received of which nineteen (19) were conforming.
7. The tender price is within the planned budget for these works.
8. The project is funded by the City of Ballarat.

**RESOLUTION**

**9. That the Contracts Approval Delegated Committee:-**

**9.1 Resolves to enter into Contract Number 2022/23-667 for the provision of Eastwood Leisure Complex Redevelopment – Design Services with DWP Australia Pty Ltd for the total tendered price of \$796,405.00 (excluding GST).**

**9.2 Authorises the Chief Executive Officer to:**

- a. finalise the terms of Contract 2022/23-667 with DWP Australia Pty Ltd provided that those contract terms are consistent with this resolution; and
- b. execute Contract Number 2022/23-667 on behalf of Council.

Moved Cr Peter Eddy  
Seconded Cr Mark Harris

**CARRIED**

**7.3 MAV TENDER EC8310-2023  
SUPPLY OF GAS TO LARGE COUNCIL SITE UPDATE  
(RO – John Hausler / Michael Riseley)**

**SUMMARY**

1. This report seeks to inform Contracts Approval Delegated Committee of the outcome of Municipal Association of Victoria (MAV) Tender EC8310-2023-Large NG for Large Market Natural Gas and the requirement for Council to enter into a contract for a three year duration.
2. To inform Contracts Approval Delegated Committee of significant per Gigajoules (GJ) unit savings achieved.

**BACKGROUND**

3. The City of Ballarat's current Large Market Gas Contract with Shell Energy concludes on 31 December 2023.

**RESOLUTION**

**4. That the Contracts Approval Delegated Committee:-**

- 4.1 **Note the outcome of the committed volume contract tender facilitated by the Municipal Association of Victoria (MAV) for Large Market Natural Gas.**
- 4.2 **Note the Contracts Approval Delegated Committee resolution made on 30 August 2023 to appoint MAV as its agent for the purpose of joining a committed Tender No EC8310-2023-Large NG for Large Market Natural Gas on its behalf authorising the Chief Executive Officer to finalise the terms of the Contract Tender No EC8310-2023-Large NG for Large Market Natural Gas to provide a term of 12 months and that officers now recommend a 3 year term.**
- 4.3 **Approve entry into the Contract with Shell Energy Retail Pty Ltd for the tendered schedule of rates outlined within their submission for a term of three (3) years commencing January 1, 2024.**
- 4.4 **Authorises the Chief Executive Officer to execute the Contract in accordance with this Resolution.**

Moved Cr Mark Harris  
Seconded Cr Peter Eddy

**CARRIED**

**7.4 LEACHATE REMOVAL CONTRACT EXTENSION  
TENDER 2020/21-112 LEACHATE REMOVAL CONTRACT EXTENSION  
(RO – Bridget Wetherall / Les Stokes)**

**SUMMARY**

1. This report seeks to execute a deed of extension for contract 2020/21-112 for Ballarat Regional Landfill Liquid Waste (Leachate) removal.

**BACKGROUND**

2. At Council meeting 27 January 2021, Council resolved to enter contract 2020/21-112 Ballarat Regional Landfill Liquid Waste (Leachate) removal with RTD Environmental. This is the first of two (2) one year extension options available at Council's sole discretion.

**KEY MATTERS**

3. The first contract term will expire at the end of January 2024.
4. This report sought endorsement to execute a deed of extension for one year. The estimated value of this extension is \$1.5 million.

**RESOLUTION**

**5. That the Contracts Approval Delegated Committee:-**

- 5.1 **Resolve to execute the deed of extension for 1 year allowed for within contract 2020/21-112 Ballarat Regional Landfill Liquid Waste (Leachate) Removal with RTD Environmental. This is the first of two (2) one year (1+1) extension options.**
- 5.2 **Authorise the Chief Executive Officer to execute the associated deed of extension for one (1) year for contract 2020/21-112 on behalf of Council.**

Moved Cr Mark Harris  
Seconded Cr Peter Eddy

**CARRIED**

**7.5 TENDER 2023/24-101 CROMWELL STREET ROAD OPENING**  
(RO – Bridget Wetherall / Robin Hand)**SUMMARY**

1. This report seeks to award a contract for the provision of Cromwell Street road widening from Hertford Street to Rubicon Street, Sebastopol.

**BACKGROUND**

2. This project will see Cromwell Street, Sebastopol (between Hertford Street and Rubicon Street) widened with a new asphalt surface and replaced concrete kerb and channel.
3. Cromwell Street has a dilapidated asphalt carriageway with gravel shoulders and undulating concrete kerb and channel with areas of localized ponding. The extent of works to be undertaken includes:-
  - Earthworks;
  - Minor Drainage Construction;
  - Pavement Construction;
  - Asphalt Surfacing;
  - Kerb and Channel Reconstruction;
  - Kerb Ramp Construction;
  - Construction of Traffic Calming Speed Humps;
  - Line Marking;
  - Vehicle Crossing Reinstatement;
  - Nature Strip Reinstatement; and
  - Signage and ancillary works.

**KEY MATTERS**

4. Ten (10) tender responses were received and evaluated in full.

**RESOLUTION**

5. **That the Contracts Approval Delegated Committee:-**
  - 5.1 **Resolve to enter into Contract Number 2023/24-101 for the provision of Cromwell Street road widening, from Hertford Street to Rubicon Street with Fulton Hogan Industries Pty Ltd for the total tendered price of \$944,389.73 (excluding GST).**
  - 5.2 **Authorises the Chief Executive Officer to:-**
    - a. **finalise the terms of Contract Number 2023/24-101 with Fulton Hogan Industries Pty Ltd, provided that those contract terms are consistent with this Resolution; and**
    - b. **execute Contract Number 2023/24-101 on behalf of Council.**

Moved Cr Ben Taylor  
Seconded Cr Mark Harris

**CARRIED**



**7.6 TENDER 2023/24-269 WASTE SOIL REMOVAL AND DISPOSAL  
- RING ROAD RESERVE, WENDOUREE WEST  
(RO – Bridget Wetherall / Les Stokes)**

**SUMMARY**

1. This report seeks to award a Contract for Waste Soil Removal and Disposal at Ring Road Reserve, Wendouree West.

**BACKGROUND**

2. The chosen contractor will be responsible for the entire project, including the supply of necessary fleet, equipment and resources for loading, transportation, treatment and disposal of materials in compliance with regulations.
3. Waste soil has been tested and classified in accordance with EPA requirements and the chosen contractor will focus on managing waste soils in a way that minimizes waste to landfill.

**KEY MATTERS**

4. The EPA initially raised concern with what appeared to be the dumping of construction wastes at the Ring Road Reserve (back of Wendouree West Reserve). The EPA subsequently issued an Environmental Action Notice requiring Council to remove the waste.
5. Officers have worked closely with the EPA to scope and plan the removal, culminating in the receipt of a Soil Testing and Classification report from an EPA approved testing laboratory in September 2023.
6. The EPA notice requires the soil to be removed by 4 February, 2024.
7. Council must comply with the Environmental Action Notice, therefore Officers will seek formal approval for an allocation of funds through the 2<sup>nd</sup> quarter forecast and mid-year budget review.

**RESOLUTION**

**8. That the Contracts Approval Delegated Committee:-**

- 8.1 **Resolve to award Contract Number 2023/24-269 for the provision of Waste Soil Removal and Disposal – Ring Road Reserve, Wendouree West with Clifton Grange Pty Ltd for the schedule of rates submitted in the tender, up to \$980,341.02 (excluding GST).**
- 8.2 **Authorise the Chief Executive Officer to:**
  - a. **finalise the terms of Contract Number 2023/24-269 for the provision of Waste Soil Removal and Disposal – Ring Road Reserve, Wendouree West with Clifton Grange Pty Ltd, provided that those contract terms are consistent with this Resolution; and**
  - b. **execute Contract Number 2023/24-269 on behalf of Council.**

Moved Cr Peter Eddy  
Seconded Cr Mark Harris

**CARRIED**

**SECTION 66 MATTERS**

**RESOLUTION:**

**That the Committee resolves to come out of Section 66 and adopt the resolutions made therein.**

Moved Cr Ben Taylor

Seconded Cr Peter Eddy

**CARRIED**

**General Business**

No general business was discussed.

There being no further business, the Chairperson declared the meeting closed at 1.17pm

**Confirmed this 28th day of February, 2024**

*Cr Ben Taylor*

**Cr Ben Taylor  
Chairperson**



***CONTRACTS APPROVAL  
DELEGATED COMMITTEE***

***MINUTES***

***28 February 2024***

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**MINUTES OF THE MEETING OF THE SPECIAL CONTRACTS APPROVAL DELEGATED  
COMMITTEE OF THE BALLARAT CITY COUNCIL, HELD BY A VIRTUAL MEETING  
ON WEDNESDAY 28 FEBRUARY 2024 AT 1:00PM**

**Evan King  
(Chief Executive Officer)**

**MINUTES**

**ORDER OF BUSINESS:**

**PRESENT**

Cr Ben Taylor (Chair)  
Cr Peter Eddy  
Cr Mark Harris

**IN ATTENDANCE**

Mr Evan King (Chief Executive Officer)  
Mr John Hausler (Director Corporate Services)  
Mr Matthew Wilson (Director City Wellbeing)  
Ms Natalie Robertson (Director Development and Growth)  
Mr Andrew Prestage (Executive Manager People and Culture)  
Ms Sharelle Knight (Executive Manager Family, Youth and Childrens Services)  
Mr Ross Lord (Project Manager HRIS)  
Mr Michael Riseley (Executive Manager Business Services)  
Mr David Caligari (Contracts Co-ordinator)  
Ms Judi Bird (Procurement Co-ordinator)  
Ms Lorraine Sendall (Minutes)

**ACKNOWLEDGEMENT TO COUNTRY**

Acknowledgement to Country was read by the Chair.

**DECLARATIONS OF INTEREST**

No conflicts of interest were recorded.

**CONFIRMATION OF MINUTES**

**RESOLUTION:**

**That the minutes of the Contracts Committee meeting held on 20 December 2023 as circulated, be confirmed.**

Moved Cr Peter Eddy  
Seconded Cr Mark Harris

**CARRIED**

**SECTION 66 MATTERS**

**RESOLUTION:**

**That the Committee resolves, pursuant to Section 66 of the Local Government Act 2020, that the meeting be closed to members of the public, whilst the Committee is dealing with the following matters, that may include matters that are Commercial in Confidence that may prejudice Council: -**

Moved Cr Ben Taylor  
Seconded Cr Peter Eddy

**CARRIED**

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**6.1 TENDER 2020/21-257 VETERINARY SERVICES CONTRACT EXTENSION**  
(RO – Natalie Robertson / Brenda Carey)**SUMMARY**

1. This report seeks to execute the deed of extension allowed for within contract 2020/21-257 for the provision of Veterinary Services for the Ballarat Animal Shelter. This is the second of two (2) two year extension options available at Council's sole discretion.

**BACKGROUND**

2. At the Contracts Approval Delegated Committee meeting held on 7 April 2021, the Committee resolved to enter into a contract for the provision of veterinary services at the Ballarat Animal Shelter commencing on 1 May 2021.
3. The contract term was for one (1) year with the provision of two (2) two year (2 + 2) extensions at Council's sole discretion.
4. The second contract term will expire on 30 April 2024 and officers recommend Contracts Approval Delegated Committee resolve to execute the second and final contract extension.
5. This report seeks endorsement from the Contracts Approval Delegated Committee to execute a deed of extension for two years.

**KEY MATTERS**

6. Council admits up to 3000 animals per year and works with several community groups, rescue organisations and schools in the municipality. The City of Ballarat has been operational in the management of the existing facility at 5A Gillingham Place, Alfredton since September 2017 and requires veterinary services to attend all admitted animals.
7. Ballarat currently has approximately 20,000 animals registered with Council and provides services to Golden Plains, Hepburn and Pyrenees municipalities.

**RESOLUTION****8. That the Contracts Approval Delegated Committee:**

- 8.1 Resolve to execute the deed of extension allowed for within contract 2020/21-257 Veterinary Services for the Ballarat Animal Shelter with Jahaps Pty Ltd. This is the second of two (2) two-year extension options available at Council's sole discretion.**
- 8.2 Authorises the Chief Executive Officer to:**
  - a. execute the associated deed of extension for 2 years for contract 2020/21-257 on behalf of Council; and**
  - b. execute Contract Number 2020/21-257 on behalf of Council.**

Moved Cr Mark Harris  
Seconded Cr Peter Eddy

**CARRIED**

**6.2 CONTRACT 2023/24-141  
FAMILY AND CHILDRENS SERVICES CLEANING  
– MCH & CHILD CARE CENTRES  
(RO – Matthew Wilson / Melissa Harris)**

**SUMMARY**

1. This report seeks to award a contract for the provision of Family, Youth and Childrens Services facilities cleaning.

**BACKGROUND**

2. Tenders were invited for the cleaning of Family, Youth and Childrens Services facilities, including community hubs that provide early years services such as maternal and child health services, kindergarten and children.
3. The contractor, as a minimum, shall implement routine and programmed cleaning services to City of Ballarat community hubs that provide early years such as maternal and child health, childcare and kindergarten. This work includes, but not limited to:
  - General cleaning services
  - Glass, polished metal, furniture and Window Cleaning
  - Cleaning and polishing of hard floor services;
  - Collection and storage of general waste and recyclables;
  - Replenishment of soaps/paper products as required;
  - Carpet steam cleaning;
  - Clean up and rectification works after storm damage;
  - Reporting of building faults and maintenance;
  - Actively participate in quality control programs;
  - Preference for 'non-chemical' cleaning for children's services.

**KEY MATTERS**

4. Eleven tenderers submitted responses which were evaluated in full.

**RESOLUTION**

**5. That the Contracts Approval Delegated Committee:**

**5.1 Resolve to enter into Contract Number 2023/24-141 for the provision of Family, Youth and Childrens Services cleaning to Blue Sky Services (VIC) Pty Ltd for a three (3) year term (with the option of a one (1) by two (2) year extension) for the tendered schedule of rates.**

**5.2 Authorises the Chief Executive Officer to:**

- a. finalise the terms of Contract Number Contract Number 2023/24-141 with Blue Sky Services (VIC) Pty Ltd, provided that those contract terms are consistent with this Resolution; and
- b. execute Contract Number 2023/24-141 on behalf of Council.

**5.3 Notes that the estimated contract spend is \$1,034,920.99 (ex GST) over five years which assumes annual CPI indexation at 2.5%.**

Moved Cr Peter Eddy  
Seconded Cr Mark Harris

**CARRIED**



**6.3 CONTRACT 2023/24-105 ENTERPRISE HUMAN RESOURCE INFORMATION SYSTEM (HRIS)**  
(RO – John Hausler / Andrew Prestage)

**SUMMARY**

1. This report seeks to award a contract for the implementation and ongoing support of an Enterprise HR Information System (HRIS).

**BACKGROUND**

2. In 2022, the Business Improvement and People and Culture teams at the City of Ballarat conducted a review of the current HR systems, processes and tools to evaluate their robustness to deliver the current and future workforce needs and strategic objectives of Council.
3. The review identified the heavy reliance on manual processing including spreadsheets, inefficient processes and manual data entry which utilises high levels of resourcing.
4. To achieve the strategic objectives of Council, an investment in a fit for purpose Human Resource Information System was recommended.

**RESOLUTION**

**5. That the Contracts Approval Delegated Committee:-**

- 5.1 Resolves to enter into Contract Number 2023/24-105A for the implementation and ongoing support of Enterprise HR Information Systems (HRIS) with LG Software Solutions Pty Ltd (trading as Pulse Software) for the total tendered price of \$381,448.00 (excluding GST). The contract term is for three (3) years.
- 5.2 Resolves to enter into Contract Number 2023/24-105B with Aurion Corporation Pty Ltd for the implementation and ongoing support of Aurion Cloud Payroll System for the tendered schedule of rates. The contract term is for three (3) years.
- 5.3 Authorises the Chief Executive Officer to:
  - a. finalise the terms of Contract Number 2023/24-105A with LG Software Solutions Pty Ltd (trading as Pulse Software), provided that those contract terms are consistent with this resolution;
  - b. Finalise the terms of Contract Number 2023/24-105B with Aurion Corporation Pty Ltd provided that those contract terms are consistent with this Resolution; and
  - c. Execute Contract Numbers 2023/24-105A and 2023/24-105B on behalf of Council.
- 5.4 Notes that the estimated contract spend for Contract Number 2023/23-105B is \$376,456.50 (ex GST) over three years which assumes annual CPI indexation at 2.5%

Moved Cr Ben Taylor  
Seconded Cr Peter Eddy

**CARRIED**

**6.4 UPDATE ON TENDER STATUS**  
(RO – John Hausler / Michael Riseley)

**SUMMARY**

1. This report is provided for the information of the Contracts Committee.

**BACKGROUND**

2. The report outlines the status of tenders – planning, advertising, evaluating or reports being prepared for final approval.
3. The report is provided once a month, to increase transparency regarding the status and progress of tenders.

**KEY MATTERS**

4. The updated report gives a snapshot of the tender status at a set date.
5. The report lists the estimated budget at the time of the Request for Tender. This value will not necessarily be the final amount submitted for approval.
6. The level of approval indicated on the report is based on the budget estimate and may change dependent on the final prices submitted.

**RESOLUTION**

7. **That the Contracts Approval Delegated Committee**
  - 7.1 **Receive and note the tender forecast report**

Moved Cr Peter Eddy  
Seconded Cr Mark Harris

**CARRIED**

**SECTION 66 MATTERS**

**RESOLUTION:**

**That the Committee resolves to come out of Section 66 and adopt the resolutions made therein.**

Moved Cr Ben Taylor  
Seconded Cr Mark Harris

**CARRIED**

**General Business**

No general business was discussed.

There being no further business, the Chairperson declared the meeting closed at 1.14pm

**Confirmed this 27th day of March, 2024**

*Cr Ben Taylor*

**Cr Ben Taylor  
Chairperson**

**Note:**

*There was an error whereby incorrect information was put forward in Item 6.3 Tender 2023/24-141 which resulted in an error in the report and minutes. This item was considered at the 27 March 2024 meeting Item 6.4 for correction.*

## 8.9. S11A INSTRUMENT OF APPOINTMENT AND AUTHORISATION

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

### PURPOSE

1. The purpose of this report is to endorse the S11A Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* for Edmund Beebe.

### BACKGROUND

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

### KEY MATTERS

3. Edmund Beebe holds the position of Heritage Advisor.
4. The *Planning and Environment Act 1987* requires Council to resolve the authorisation for the officer to undertake duties under that Act.

### OFFICER RECOMMENDATION

5. **In the exercise of the powers conferred by section 147(4) of the *Planning and Environment Act 1987*, Ballarat City Council (Council) resolves that–**
  - a. **The member of Council staff referred to in the instrument attached be appointed and authorised as set out in the instrument.**
  - b. **The instrument comes into force immediately upon being signed by Council's Chief Executive Officer and remains in force until Council determines to vary or revoke it.**

### ATTACHMENTS

1. Governance Review [8.9.1 - 2 pages]
2. S11A Edmund Beebe [8.9.2 - 2 pages]

## OFFICIAL

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

1. The Instruments of Appointment and Authorisation are a statutory requirement of Council.

**COMMUNITY IMPACT**

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

**CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

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

**ECONOMIC SUSTAINABILITY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

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

**LEGAL AND RISK CONSIDERATIONS**

6. It is essential that Council's authorisations are constantly maintained and periodically reviewed so that appropriate officers have the power to carry out their duties lawfully. Legislation requires Council to approve authorised officers under the *Planning and Environment Act 1987*.

**HUMAN RIGHTS CONSIDERATIONS**

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

**COMMUNITY CONSULTATION AND ENGAGEMENT**

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

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**GENDER EQUALITY ACT 2020**

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

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

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

**PROCUREMENT COLLABORATION**

**(For Contracts Only)**

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

**Ballarat City Council**

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

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

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

**Edmund Beebe**

**By this instrument of appointment and authorisation Ballarat City Council -**

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

**It is declared that** this instrument -

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

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

Signed by the Chief Executive Officer of Council

Date: .....

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## 8.10. OUTSTANDING QUESTION TIME ITEMS

**Division:** Corporate Services  
**Director:** John Hausler  
**Author/Position:** Stephen Wright – Administration Assistant 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 [8.10.1 - 1 page]
2. QT2/24 - Sean Mulcahy [8.10.2 - 1 page]
3. QT3/24 - Srini Bandla [8.10.3 - 2 pages]
4. QT5/24 - Mitzi McKenzie [8.10.4 - 1 page]
5. QT9/24 - Bernadette Cheesman [8.10.5 - 1 page]
6. QT10/24 - Dean Hurlston [8.10.6 - 1 page]
7. QT11/24 - Gary Smith [8.10.7 - 2 pages]
8. QT12/24 - Richard Purdy [8.10.8 - 1 page]
9. QT13/24 - Robert Goon [8.10.9 - 1 page]
10. QT14/24 and QT15/24 - Pat Cerra [8.10.10 - 1 page]
11. QT16/24 - Bruce Crawford [8.10.11 - 2 pages]
12. QT17/24 - Sean Mulcahy [8.10.12 - 1 page]

Outstanding Question Time Items					
Meeting	Status	Requested	Question	Officer Responsible	Response
28/2/2024 QT2/24	Completed	Sean Mulcahy	Could Council please provide an update on its review of clause 74.3.6 of the Community Local Law 2017, following the officer's comment at the November 2023 meeting that Council was "looking at it from a legal perspective"?	Natalie Robertson, Director Development and Growth	Natalie Robertson, Director Development and Growth, provided a written response
28/2/2024 QT3/24	Completed	Srini Bandla	Question 1: Ballarat Council and CHW have not provided sewer infrastructure in Ballarat West PSP, which has hindered land development progress and exacerbated the housing crisis.  Ballarat Council and CHW have failed to set aside and/or procure land for Sewer infrastructure (BK SPS) in Ballarat West PSP, more specifically in Bonshaw suburb.  There are approximately 3000 Lots in Bonshaw to be unlocked and waiting for BK SPS infrastructure. Slow or no action from the council and CHW only makes the current housing affordability crisis worse and does not help the community.  Can Council/CHW update on the progress of land acquisition for BK SPS and drainage infrastructure?  Question 2  There are planning permits issued for some estates in Bonshaw, which is part of Ballarat West PSP, but waiting for the Sewer Infrastructure. Purchasers of lots in these permitted estates are waiting for Council/CHW to provide solutions so that they can plan for their future housing.  Does Council/CHW have any answers for these purchasers who want to make Bonshaw as their place of residence?	Natalie Robertson, Director Development and Growth	Natalie Robertson, Director Development and Growth, provided a written response
28/2/2024 QT5/24	Completed	Mitzi McKenzie-King	Given the ongoing genocide being committed against the Palestinians and the fact that other councils across Victoria have taken a stand - will Ballarat council commit to calling for a ceasefire in Gaza?	Cr Des Hudson, Mayor	The Office of the Mayor provided a written response
27/3/2024 QT9/24	Completed	Bernadette Cheesman	Question 1 Ballarat City Council has been a part of just as iconic a victory. It is the first time and first place in the world that the multinational behemoth, McDonalds, fell into line with local wishes to retain iconic heritage buildings and work within set heritage confines for their store. Why isn't Ballarat City Council building on this massive victory by educating other councils how such can be done and imposing the same restraints on itself?  Question 2 Will the current Ballarat City Council learn from past mistakes and misjudgements and stay true to the Bakery Hill victory/victories and not be held by old, no longer considered best practice theories?	Natalie Robertson, Director Development and Growth	Natalie Robertson, Director Development and Growth, provided a written response
27/3/2024 QT10/24	Completed	Dean Hurlston	Question 1 What amount of waste enforcement costs in the current financial year 2023/24 has the Council included in its waste levies charged to residents? (if any)  Question 2 What amount of revenue has council included in the current financial year 2023/24 from waste enforcement actions?	John Hausler, Director of Corporate Services	John Hausler, Director of Corporate Services, provided a written response
27/3/2024 QT11/24	Completed	Gary Smith	Question 1 When a cost blowout occurs on a major project is an investigation undertaken and a report created so that council and ratepayers can learn how/why these cost blowouts occur and council can attempt to avoid similar issues in the future?  Question 2 When a major cost blowout occurs is anyone held to account (as would be the case in any commercial entity)?	John Hausler, Director of Corporate Services	John Hausler, Director of Corporate Services, provided a written response
27/3/2024 QT12/24	Completed	Richard Purdy	Question 1 Why is there still so much heavy traffic (trucks, B-Doubles) still passing through the centre of Ballarat (Doveton crossing Sturt St)? Was not the bypass road suppose to alleviate this congestion?  Question 2 Is there sufficient signage to direct heavy traffic to the bypass road?	Bridget Wetherall, Director Infrastructure and Environment	Bridget Wetherall, Director Infrastructure and Environment, provided a written response
27/3/2024 QT13/24	Completed	Robert Goon	Question 1 Was an Asset Protection Permit provided for the long-term ongoing Housing Construction works at 8 Alfred Street Sebastopol where the current public footpaths at this address continue to remain heavily damaged presenting a High Risk Liability Hazard for all pedestrians and school children.  Question 2 Will Council please inform what actions it will take to improve the Public Safety aspects of the current damaged footpath which has been reported numerous times on the SnapSendSolve platform in 2023 and 2024 without response.	Bridget Wetherall, Director Infrastructure and Environment	Bridget Wetherall, Director Infrastructure and Environment, provided a written response
27/3/2024 QT14/24	Completed	Pat Cerra	Will the council give an assurance that maintenance of the lights lakeside, which already after only approximately six months operation, are showing potential systematic malfunctioning, will be born by either the contractor who installed the electrical wiring or suppliers of the LED lights and not ratepayers?	Bridget Wetherall, Director Infrastructure and Environment	Bridget Wetherall, Director Infrastructure and Environment, provided a written response
27/3/2024 QT15/24	Completed	Pat Cerra	Why has the council in its correspondence requirements, such as this form, refused and insulted approximately 95% of ratepayers by not including pronouns which are used by approximately 95% of ratepayers in normal use an instead again catered to the minority and not the majority?	Matthew Wilson, Director Community Wellbeing	Matthew Wilson, Director Community Wellbeing, provided a written response
27/3/2024 QT16/24	Completed	Bruce Crawford	Question 1 Sometimes on Ballarat Council's social media posts, members of our community are leaving comments that are being removed. Whilst I can understand that in some cases this is appropriate, there appears to be many that are removed merely because they don't share the same views as Ballarat Council. Commenting is completely turned off in some Ballarat Council media posts as well. Is this being done to censor the concerns of residents and ratepayers?  Question 2 Will you allow the community to freely and openly debate certain issues that you have raised on your social media that are closed for commenting before proceeding to answering My Say surveys?	Evan King, Chief Executive Officer	Evan King, Chief Executive Officer, provided a written response
27/3/2024 QT17/24	Completed	Sean Mulcahy	How much has Council made from penalties under the Community Local Law 2017 generally, and clauses 50-52 specifically, in each financial year: 1 July 2021 to 30 June 2022, 1 July 2022 to 30 June 2023, and 1 July 2023 to present?	Natalie Robertson, Director Development and Growth	Natalie Robertson, Director Development and Growth, provided a written response

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PO Box 655  
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AUSTRALIA

Telephone: 03 5320 5500  
Facsimile: 03 5333 4061



Date: 4 March 2024

Our Ref: NR:kr

Your Ref: QT2/24

Enquiries: (61) 03 5320 5500

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

Sean Mulcahy

Email: [REDACTED]

Dear Sean,

**RE: OUTSTANDING QUESTION TIME ITEM – QT2/24**

We refer to your question asked at the 28 February 2024 Council Meeting.

**Question 1**

Could Council please provide an update on its review of clause 74.3.6 of the Community Local Law 2017, following the officer's comment at the November 2023 meeting that Council was "looking at it from a legal perspective"?

**Answer 1**

The City of Ballarat Community Local Law was developed and implemented in 2017, in accordance with the legislation in place at the time (Local Government Act 1989).

When the City of Ballarat Community Local Law is next reviewed and developed, which occurs every 10 years, it will be in accordance with the current legislation (Local Government Act 2020) and will therefore ensure consistency with those legislative requirements such as the Charter of Human Rights and Responsibilities Act 2006.

The inclusion of Clause 74.3.6 in the Community Local Law was not intended to deny access to any person but was to enable the provision for any person under the age of six (6) or any person with a disability to be supported by a carer to access and use public amenities in a municipal building.

Yours sincerely

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

Natalie Robertson  
Director Development and Growth

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AUSTRALIA

Telephone: 03 5320 5500  
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Date: 4 March 2024

Our Ref: NR:kr

Your Ref: QT3/24

Enquiries: (61) 03 5320 5500

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

Srini Bandla

Email: [REDACTED]

Dear Srini,

**RE: OUTSTANDING QUESTION TIME ITEM – QT3/24**

We refer to your questions asked at the 28 February 2024 Council Meeting.

**Question 1**

Ballarat Council and CHW have not provided sewer infrastructure in Ballarat West PSP, which has hindered land development progress and exacerbated the housing crisis.

Ballarat Council and CHW have failed to set aside and/or procure land for Sewer infrastructure (BK SPS) in Ballarat West PSP, more specifically in Bonshaw suburb.

There are approximately 3000 Lots in Bonshaw to be unlocked and waiting for BK SPS infrastructure. Slow or no action from the council and CHW only makes the current housing affordability crisis worse and does not help the community.

Can Council/CHW update on the progress of land acquisition for BK SPS and drainage infrastructure?

**Answer 1**

The delivery of sewer infrastructure is Central Highland Water's responsibility and is determined by their Development Servicing Plans which are developed on a five-year basis.

It is clear that the key service that developers are waiting for in this area is the sewer and given that we are not wanting to further constrain land availability within our existing growth area, City of Ballarat continues to advocate for all service delivery within our existing growth area to be completed as soon as possible. Officers meet monthly with servicing agencies, including Central Highlands Water, the Victorian Planning Authority and Department of Transport and Planning and have this item listed on our next agenda.

In regard to the drainage infrastructure this is provided in accordance with planning permit requirements under conditions as development occurs. Interim drainage can be provided by developers at their own cost where the ultimate drainage solution has not yet been delivered in accordance with Precinct Structure Plan requirements. permit requirements under conditions as development occurs. Interim drainage can be provided by developers at their own cost where the ultimate drainage solution has not yet been delivered in accordance with Precinct Structure Plan requirements.

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**Question 2**

There are planning permits issued for some estates in Bonshaw, which is part of Ballarat West PSP, but waiting for the Sewer Infrastructure. Purchasers of lots in these permitted estates are waiting for Council/CHW to provide solutions so that they can plan for their future housing.

Does Council/CHW have any answers for these purchasers who want to make Bonshaw as their place of residence?

**Answer 2**

I believe the first answer responds to this question. However, if this relates to the question of planning permits being issued prior to sewer provision. All planning applications for development are referred to Central Highland's Water who are a determining authority. Any comment and conditions received by any determining authority are imposed upon a planning permit as a condition that must be met.

Developers are expected to have undertaken due diligence on the timing of infrastructure delivery and alternative mechanisms prior to lodging their subdivision applications so that they will be aware of any potential delays.

Yours sincerely



Natalie Robertson  
Director Development and Growth

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Date: 22 March 2024  
Direct Phone: 0409 865 093  
Email: [mavor@ballarat.vic.gov.au](mailto:mavor@ballarat.vic.gov.au)

Mitzi McKenzie-King  
Email: [REDACTED]

**RE: RESPONSE TO PUBLIC QUESTION QT5/24 AT COUNCIL MEETING  
ON 28 FEBRUARY 2024**

Dear Mitzi,

Please see below my response to your questions QT5/24 at the Council Meeting on the 28 February 2024 as you were not in attendance at the meeting.

**QT5/24 – Mitzi**

**Question 1**

Given the ongoing genocide being committed against the Palestinians and the fact that other councils across Victoria have taken a stand - will Ballarat council commit to calling for a ceasefire in Gaza?

**Answer (taken from the meeting's recording and will appear in the minutes)**

"As this matter is being considered as part of the agenda this evening, it would be inappropriate for us to comment on the item during Public Question Time. We'll deal with that as the notice of motion."

The Notice of Motion was passed at the Council Meeting on the 28 February 2024 with the outcome including a letter being sent to the Prime Minister and The Honorable Penny Wong.

Details of the Notice of Motion is available in the agenda [28 February Council Meeting Agenda](#). You will be able to read the minutes in due course, and these will be available on the City of Ballarat website.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Des Hudson".

Cr Des Hudson OAM  
Mayor  
City of Ballarat

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PO Box 655  
Ballarat Vic 3353  
AUSTRALIA

Telephone: 03 5320 5500  
Facsimile: 03 5333 4061



Date: 17 April 2024

Our Ref: NR:kr

Your Ref: QT9/24

Enquiries: (61) 03 5320 5500

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

Bernadette Cheesman

Email: [REDACTED]

Dear Bernadette,

**RE: OUTSTANDING QUESTION TIME ITEM – QT9/24**

We refer to your questions asked at the 27 March 2024 Council Meeting.

**Question 1**

Ballarat City Council has been a part of just as iconic a victory. It is the first time and first place in the world that the multinational behemoth, McDonalds, fell into line with local wishes to retain iconic heritage buildings and work within set heritage confines for their store. Why isn't Ballarat City Council building on this massive victory by educating other councils how such can be done and imposing the same restraints on itself?

**Answer 1**

Council has commenced a multi-year municipal-wide Heritage Gaps review. This includes preparation of documentation to underpin all heritage assessment work for the whole municipality and a best practice approach to undertaking heritage assessment and heritage precinct review. Existing heritage precincts require revision of boundaries, content, gradings and statements of significance with over 1000 individual places identified from previous studies, community nominations and other sources requiring assessment. City of Ballarat's approach is considered a pilot to improve current State Government guidance and serve as leaders in heritage management for other Councils to follow. Heritage guidance and controls do not provide blanket protection of all buildings from redevelopment. Rather, they outline the framework in which development may occur in a manner that preserves the values of heritage places.

**Question 2**

Will the current Ballarat City Council learn from past mistakes and misjudgements and stay true to the Bakery Hill victory/victories and not be held by old, no longer considered best practice, theories?

**Answer 2**

In response to examples such as the Ballarat community's impressive work in saving the 19th Century shops on Bakery Hill in the 1970s, both the State Government and City of Ballarat have introduced wide-ranging heritage controls into the Ballarat Planning Scheme to the point where current heritage controls provide comprehensive protection against demolition of key heritage buildings and as mentioned City of Ballarat remains committed to heritage through the Gaps review that is being prepared in accordance with current State Government Guidance.

Yours sincerely

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

Natalie Robertson  
Director Development and Growth



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Telephone: 03 5320 5500  
info@ballarat.vic.gov.au



Date: 28 March 2024

Mr Dean Hurlston



Dear Mr Hurlston,

**Re: Public Question Time – 27 March 2024**

In response to your questions submitted to last night's Council Meeting I wish to advise as follows:-

**Question 1:**  
***What amount of waste enforcement costs in the current financial year 2023/24 has the Council included in its waste levies charged to residents? (if any)***

I am able to advise that there are no costs relating to waste enforcement that are included in the waste levies charged to residents. Any costs related to waste enforcement would be recovered through general rates.

**Question 2:**  
***What amount of revenue has council included in the current financial year 2023/24 from waste enforcement actions?***

I am able to advise that \$2,500 is the amount of revenue that Council has included in its 2023/24 budget to be received from waste enforcement actions.

Yours sincerely

A handwritten signature in black ink that reads "John Hausler".

John Hausler  
Director Corporate Services

PO Box 655  
Ballarat Vic 3353  
AUSTRALIA  
Telephone: 03 5320 5500  
info@ballarat.vic.gov.au



Date: 28 March 2024

Mr Gary Smith



Dear Mr Smith,

**Re: Public Question Time – 27 March 2024**

In response to your questions submitted to last night's Council Meeting I wish to advise as follows:-

**Question 1:**  
***When a cost blowout occurs on a major project is an investigation undertaken and a report created so that council and ratepayers can learn how/why these cost blowouts occur and council can attempt to avoid similar issues in the future?***

I am able to advise that:

Budgets are set in advance at the beginning of a project, based on the best available information at the time, including giving consideration to potential project risks and the historical costs of similar previous projects. In some instances, officers will seek quantity surveyor reports to guide the project budget. Projects delivered by Council are delivered both under and over budget, dependent on a number of factors such as market conditions for tenderers and complexities identified during delivery, such as heritage, engineering, soil conditions.

Any major budget variation is reported with an explanation through to the Executive Team and then Council for review and consideration. An important part of this process is to understand why such variations have occurred and how Council can reduce the risk of similar issues occurring in the future.

Most recently major budget variations relating to Wendouree West Recreation Reserve, Her Majesty's Theatre and Bridge Mall which related to matters only identifiable during project delivery, have been reported to Council, with other material variations also reported to Council through quarterly budget updates and the Mid-year Budget review.

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**Question 2:**

***When a major cost blowout occurs is anyone held to account (as would be the case in any commercial entity)?***

Yes – officers need to report budget variations through an internal reporting process, that dependent upon materiality may also need to be reported to Council. There is an expectation that major variations are explained and documented.

Yours sincerely



John Hausler  
Director Corporate Services

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



Date: 4 April 2024

Our Ref: BW:cc:bk

Your Ref: QT12/24

Enquiries: (61) 03 5320 5500

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

Richard Purdy

Email: [REDACTED]

Dear Richard

**RE: PUBLIC QUESTION QT12/24 ASKED AT COUNCIL MEETING  
HELD 27 MARCH 2024**

I refer to your question asked at the Council meeting held on Wednesday 27 March 2024 as follows:

*Question 1*

*"Why is there still so much heavy traffic (trucks, B-Doubles) still passing through the centre of Ballarat (Doveton crossing Sturt St)? Was not the bypass road supposed to alleviate this congestion?"*

The bypass road (Ballarat Link Road) is only constructed between the Western Highway and Remembrance Drive. Doveton Street (Midland Highway) at the above-mentioned location is part of the arterial road network managed by the Department of Transport & Planning (DTP) / Regional Roads Victoria (RRV) which is approved for heavy vehicles (general mass limits) on the NHVR heavy vehicle network maps. When the Ballarat Link Road is ultimately completed it will connect the Midland Highway at Sebastopol with the Western Highway, and at this point in time it is anticipated that heavy vehicle traffic through the city centre will reduce. This continues to be a priority one advocacy item for the City of Ballarat to the State and Federal governments to secure government funding for the Ballarat Link Road.

*Question 2*

*"Is there sufficient signage to direct heavy traffic to the bypass road?"*

As the ultimate Ballarat Link Road is yet to be fully constructed, no signage is required.

Yours sincerely

A handwritten signature in black ink, appearing to read "Bridget W".

**Bridget Wetherall**  
**Director Infrastructure & Environment**

CC: Mayor and Councillors  
Civic Support  
Governance  
[REDACTED] Coordinator Traffic and Transport

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Date: 4 April 2024

Our Ref: BW:bk

Your Ref: QT13/24

Enquiries: (61) 03 5320 5500

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

Robert Goon

Email: [REDACTED]

Dear Robert

**RE: PUBLIC QUESTION QT13/24 ASKED AT COUNCIL MEETING  
HELD 27 MARCH 2024**

I refer to your question asked at the Council meeting held on Wednesday 27 March 2024 as follows:

*Question 1*

*"Was an Asset Protection Permit provided for the long-term ongoing Housing Construction works at 8 Alfred Street Sebastopol where the current public footpaths at this address continue to remain heavily damaged presenting a High Risk Liability Hazard for all pedestrians and school children."*

Works at No. 8 Alfred Street, Sebastopol commenced without an Asset Protection Permit in place. Therefore, all damage to assets, whether pre-existing or newly occurring, are required to be reinstated by the builder/owner to City of Ballarat standards on completion of the build.

*Question 2*

*"Will Council please inform what actions it will take to improve the Public Safety aspects of the current damaged footpath which has been reported numerous times on the SnapSendSolve platform in 2023 and 2024 without response."*

Concerns were raised around the condition of Council assets, notably the footpath, and a request was made on 31 January 2024 to the builder to make this safe. An inspection undertaken on 27 March 2024 has also identified the damaged footpath has now been removed and preparation is underway for rectification along with a new crossover to be poured is imminent.

Yours sincerely

A handwritten signature in black ink, appearing to read "Bridget W".

**Bridget Wetherall**  
**Director Infrastructure & Environment**

CC: Mayor and Councillors  
Civic Support  
Governance  
[REDACTED], Acting Executive Manager Infrastructure

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Telephone: 03 5320 5500  
Facsimile: 03 5333 4061



Date: 4 April 2024

Our Ref: BW:bk

Your Ref: QT14/24

Enquiries: (61) 03 5320 5500

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

Pat Cerra

Email: [REDACTED]

Dear Pat

**RE: PUBLIC QUESTION QT14/24 ASKED AT COUNCIL MEETING  
HELD 27 MARCH 2024**

I refer to your question asked at the Council meeting held on Wednesday 27 March 2024 as follows:

*Question 1*

*“Will the council give an assurance that maintenance of the lights lakeside, which already after only approximately six months operation, are showing potential systematic malfunctioning, will be born by either the contractor who installed the electrical wiring or suppliers of the LED lights and not ratepayers?”*

Council officers are aware of faults with the lights installed around Lake Wendouree and are currently working with the electrical contractor and design engineer to identify and rectify the issues. The lights are under warranty and the defect liability period. The lights have been installed as per the specification and any faults with fittings or other electrical hardware will be covered under the defects period. Should the faults be as a result of external damage, as has been the case with a sensor on one of the switch boards, these costs will be covered by Council under the ongoing maintenance of the assets.

*Question 2*

*“Why has the council in its correspondence requirements, such as this form, refused and insulted approximately 95% of ratepayers by not including pronouns which are used by approximately 95% of ratepayers in normal use an instead again catered to the minority and not the majority?”*

Our Director Community Wellbeing thanks you for this question and advises that the majority of people use either 'she/her' pronouns or 'he/him' pronouns which are the first presented choices on the form.

Yours sincerely

A handwritten signature in black ink, appearing to read "Bridget W".

Bridget Wetherall  
Director Infrastructure & Environment

CC: Mayor and Councillors  
Civic Support  
Governance  
Matthew Wilson, Director Community Wellbeing  
[REDACTED], Project Officer

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



Bruce Crawford  
[REDACTED]  
[REDACTED]

Date: 2 April 2024

Your Ref: EK:ab:wm

Enquiries: (61) 03 5320 5500

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

Dear Mr Crawford

Thank you for your public questions at the Council Meeting held Wednesday 27 March 2024. Please find below the responses to your questions.

#### **Question 1**

Sometimes on Ballarat Council's social media posts, members of our community are leaving comments that are being removed. Whilst I can understand that in some cases this is appropriate, there appears to be many that are removed merely because they don't share the same views as Ballarat Council. Commenting is completely turned off in some Ballarat Council media posts as well. Is this being done to censor the concerns of residents and ratepayers?

#### **Response**

The City of Ballarat recognises that social media is an important channel to engage with our community on Council's services, programs and initiatives. Council officers reserve the right to moderate comments and posts on City of Ballarat mediums when they contravene our engagement guidelines. If necessary, we will review and remove any comments that:

- Contain obscene, indecent or profane language
- Contain threats or defamatory statements
- Contain hate speech directed at race, colour, sex, sexual orientation, ethnicity, age, religion or disability
- Are spam-like in nature or clearly off-topic
- Harass or bully
- Are trolling or intend to deliberately disrupt a conversation
- Are otherwise inappropriate or offensive
- Break the law (including violation of copyright laws) or encourage others to do so
- Breach the Facebook community standards.

The engagement guidelines are publicly available on our social media platforms.

#### **Question 2**

Will you allow the community to freely and openly debate certain issues that you have raised on your social media that are closed for commenting before proceeding to answering My Say surveys?

#### **Response**

The City of Ballarat has a specific online platform called MySay for community consultation. Typically, social media posts about community consultation opportunities do have comments enabled. However, in the case of topics where there is the high risk of hate speech, officers can disable comments and direct the community to share their opinion do so via the official [mysay.ballarat.vic.gov.au](https://mysay.ballarat.vic.gov.au) engagement.

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An example of this approach being taken is the current consultation occurring around 26 January activities. This was transparently communicated in the social media post as follows: *"This comment section has been disabled to ensure those wishing to share their opinion do so via the official mysay webpage."*

Yours sincerely



Evan King  
Chief Executive Officer

OFFICIAL



OFFICIAL

PO Box 655  
Ballarat Vic 3353  
AUSTRALIA

Telephone: 03 5320 5500  
Facsimile: 03 5333 4061



Date: 15 April 2024

Our Ref: NR:kr

Your Ref: QT17/24

Enquiries: (61) 03 5320 5500

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

Sean Mulcahy

Email: [REDACTED]

Dear Sean,

**RE: OUTSTANDING QUESTION TIME ITEM – QT17/24**

We refer to your questions asked at the 27 March 2024 Council Meeting.

**Question 1**

What is the current dollar value of a penalty unit under the Community Local Law 2017?

**Answer 1**

The value of a penalty unit is set annually by the Victorian Treasurer and is updated on 1 July each year. Currently One Penalty Unit is equal to one hundred dollars.

**Question 2**

How much has Council made from penalties under the Community Local Law 2017 generally, and clauses 50-52 specifically, in each financial year: 1 July 2021 to 30 June 2022, 1 July 2022 to 30 June 2023, and 1 July 2023 to present?

**Answer 2**

This question was taken on notice given a point of clarification of the funds received under the Community Local Law 2017.

The response is as follows:

Under the Local Government Act 2020 a municipality must have local laws to help manage a range of community safety and public health issues as well as protection of local amenities and regulating activities on council owned facilities, land and roads. City of Ballarat practices an approach of education or to work with our community with infringements being imposed only where there is no alternative.

Funds receipted generally from infringements over the three specified financial years totals \$4,106.40. Approximately, \$1,200 for 21/22, \$1906.40 for 22/23 and for this financial year \$1,000 to date. With no funds having been received from infringements under Clauses 50-52 specifically.

Yours sincerely

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

Natalie Robertson  
Director Development and Growth

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## 9. NOTICE OF MOTION

## 10. REPORTS FROM COMMITTEES/COUNCILLORS

## 11. URGENT BUSINESS

## 12. SECTION 66 (IN CAMERA)

### 8.2 PROPOSED ROAD DISCONTINUANCE

**Division:** Development and Growth  
**Director:** Natalie Robertson  
**Author/Position:** Natalie Robertson – Director Development and Growth

Confidential attachments to report in Council Agenda.

Pursuant to sub rule 3.13.2 of the Governance Rules the information contained within this document is designated as confidential information for the purposes of the *Local Government Act 2020* (the Act). That is “confidential information” that in accordance with section 3 of the Act is:

- (f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

### 8.3 COMMERCE BALLARAT FUNDING AND SERVICE AGREEMENT 2024-2027

**Division:** Economy and Experience  
**Director:** Martin Darcy  
**Author/Position:** Kellie Moran – Executive Manager Economic Growth

Confidential attachments to report in Council Agenda.

Pursuant to sub rule 3.13.2 of the Governance Rules the information contained within this document is designated as confidential information for the purposes of the *Local Government Act 2020* (the Act). That is “confidential information” that in accordance with section 3 of the Act is:

- (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released;

### 8.8 CONTRACTS APPROVAL DELEGATED COMMITTEE

**Division:** Corporate Services  
**Director:** John Hausler, Director Corporate Services  
**Author/Position:** Lorraine Sendall – Executive Assistant, Director Corporate Services

Confidential attachments to report in Council Agenda.

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- (g) private commercial information, being information provided by a business, commercial or financial undertaking that—
  - (i) relates to trade secrets; or
  - (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

## 12.1 CEO ANNUAL REVIEW

**Division:** Corporate Services  
**Director:** John Hausler, Director Corporate Services  
**Author/Position:** Andrew Prestage – Executive Manager People and Culture

Confidential Report in Council Agenda.

Pursuant to sub rule 3.13.2 of the Governance Rules the information contained within this document is designated as confidential information for the purposes of the *Local Government Act 2020* (the Act). That is “confidential information” that in accordance with section 3 of the Act is:

- (f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

## 13. CLOSE