



Ordinary Council Meeting

3 July 2019

Council Chamber, Town Hall, Sturt Street, Ballarat

AGENDA

Public Copy

NOTICE IS HEREBY GIVEN THAT A MEETING OF BALLARAT CITY COUNCIL WILL BE HELD IN THE COUNCIL CHAMBER, TOWN HALL, STURT STREET, BALLARAT ON WEDNESDAY 3 JULY 2019 AT 7:00PM.

This meeting is being broadcast live on the internet and the recording of this meeting will be published on council's website www.ballarat.vic.gov.au after the meeting.

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

Information about the broadcasting and publishing recordings of council meetings is available in council's broadcasting and publishing recordings of council meetings procedure is available on the council's website.

AGENDA

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The next Ordinary Meeting of the Ballarat City Council will be held on Wednesday 31 July 2019.

1. OPENING DECLARATION

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

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

2. APOLOGIES FOR ABSENCE

3. DISCLOSURE OF INTEREST

4. CONFIRMATION OF MINUTES

5. MATTERS ARISING FROM THE MINUTES

6. PUBLIC QUESTION TIME

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

QUESTION TIME

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

PUBLIC SUBMISSIONS

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

7. REPORTS FROM COMMITTEES/COUNCILLORS**8. CHIEF EXECUTIVE OFFICER REPORT**

Division: Executive Unit
Director: Justine Linley
Author/Position: Justine Linley – Chief Executive Officer

OFFICER RECOMMENDATION**Council resolves to:**

- 1. Receive and note the CEO's Operational Report.**

EXECUTIVE SUMMARY

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.

RATIONALE

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 implementation to achieve the objectives set by the Council. This operational report provides a greater level of access to not only the organisation's achievements, but also the challenges and issues confronting staff and officers in the delivery of services.

Key achievements, projects and events delivered:2019/20 City of Ballarat Budget

The budget was made available for public submissions in May and adopted by Council in June.

Get Into Games (GIG) 2019

On 10 May, City of Ballarat hosted the 12th annual Get into Games expo at the Mining Exchange Ballarat - the only event of its kind in regional Australia. This year's event enabled 150 secondary students from across the region to hear from some outstanding speakers from the Australian games development industry.

National Manufacturing Week 2019

In May, the City of Ballarat exhibited at the National Manufacturing Week industry expo and conference in Melbourne. Over four days more than 10,000 people attended the event, with more than 250 exhibitors in NMW alone. The City of Ballarat team spoke to exhibitors and attendees about the benefits Ballarat offers business and highlighted our accessibility, connectivity, workforce and availability of high-quality land.

Ongoing community consultation:Ballarat Integrated Transport Plan

Phase One of the Ballarat Integrated Transport Plan (BITP) commenced with the release of the Ballarat Transport Overview, Rail Network discussion paper (summary) and Rail Network background report (detailed) for community consultation. Future mode-specific discussion papers are being developed and will be released every three to four weeks for consultation until September.

16 Bridge Mall Consultation Hub

The Strategic Planning Team is running a consultation hub at 16 Bridge Mall for community members to meet and speak with staff about their ideas for the project.

The consultation hub at 16 Bridge includes an exhibition of heritage photos from the precinct and a space for a local artist to create works, which supports the implementation of the Creative City Strategy.

Bakery Hill and Bridge Mall Precinct Urban Renewal Plan

Phase two of the community engagement process is underway with a response to feedback newsletter released for comment in May. This stage of consultation builds on and tests the ideas and opportunities raised through the previous phase, which will inform the draft Bakery Hill and Bridge Mall Urban Renewal Plan. The Community Working Group has met three times and will meet one more time to discuss and comment on plans which will revive the precinct.

Dowling Forest Precinct Planning Controls Review

Around 45 people attended a community workshop in May at the Miners Rest Town Hall to discuss the preliminary findings of the Dowling Forest Precinct Planning Controls review.

Ongoing projects, initiatives and works:White Night announcement

The Minister for Tourism, Sport and Major Events, the Hon. Martin Pakula MP along with Madam Mayor announced White Night Ballarat will happen on Saturday 21 September, 2019.

Becoming Modern Exhibition Launch

The Art Gallery of Ballarat celebrated the opening of Becoming Modern: Australian women artists 1920-1950, which is a free exhibition on until 4 August that is drawn almost entirely from the gallery's own collection.

Backspace Gallery: Liz Souter Retrospective

The exhibition capturing four decades of basketmaking was open from 30 May –16 June.

Eureka Centre building works

Building works are underway in the old office space at the Eureka Centre to transform this area into a heritage research hub. The works involve removing dividing walls and a kitchenette, and building a prominent main entry door. The hub will accommodate the Ballarat Libraries' Australiana Collection of historical material and associated research services.

Latrobe Saleyards Precinct Urban Renewal Plan

A background paper (issues and opportunities) paper is being prepared and will be released for targeted consultation in mid 2019.

Sealing of Unsealed Shoulder- Leith Street

The sealing of unsealed shoulders in Leith Street from Skipton Street to Yarrowee Parade is complete. Works included grading and removal of approximately 100mm of excess shoulder material and potholes, shaping of shoulders around trees and driveways including creating correct fall to drains and applying Sprayseal to the entire area.

It is estimated the works will save around 20 separate maintenance visits for various tasks.

Scotsburn Hall

The Scotsburn Hall roof has been replaced and insulation has been added to rectify the failing condition of the roof. New heating and cooling was also installed.

Staff achievements and presentations:Victorian Privacy Commissioner's Privacy Awareness Week

Executive Manager Safety, Risk and Compliance Services Cameron Montgomery presented on the various types of information Council collects, and the responsibility of Council to protect the information. The theme for this year's Privacy Awareness Week was 'protecting privacy is everyone's responsibility'.

LEGISLATION, COUNCIL PLAN, STRATEGIES AND POLICY IMPACTS

- *Charter of Human Rights and Responsibilities Act 2006*
- City of Ballarat Council Plan 2017 – 2021

REPORTING AND COMPLIANCE STATEMENTS

Implications	Considered in Report?	Implications Identified?
Human Rights	Yes	No
Social/Cultural	No	No
Environmental/Sustainability	No	No
Economic	No	No
Financial/Resources	Yes	No
Risk Management	No	No
Implementation and Marketing	No	No
Evaluation and Review	No	No

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

Financial/Resources – No additional financial implications have arisen from the preparation of a CEO Operational Report.

OFFICERS DECLARATIONS OF INTEREST

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

REFERENCE DOCUMENTS

- Nil

ATTACHMENTS

Nil

9. ASSEMBLIES OF COUNCILLORS

9.1. ASSEMBLY OF COUNCILLORS

Division: Business Services
Director: Glenn Kallio
Author/Position: Sarah Anstis - Administration Officer Statutory Compliance

OFFICER RECOMMENDATION

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

- **8 May 2019 Infrastructure and Environment Portfolio Meeting no 196**
- **14 May 2019 Community Development Councillor Portfolio Meeting**
- **22 May 2019 Infrastructure and Environment Portfolio Meeting no 197**
- **31 May 2019 Community Development Councillor Portfolio Meeting**
- **1 June 2019 Eureka Centre Advisory Committee Meeting**
- **5 June 2019 Strategic Briefing**
- **6 June 2019 Ballarat Airport Advisory Committee Meeting**
- **12 June 2019 Infrastructure and Environment Portfolio Meeting No 198**
- **19 June 2019 Council Agenda Review Briefing**

EXECUTIVE SUMMARY

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

RATIONALE

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

LEGISLATION, COUNCIL PLAN, STRATEGIES AND POLICY IMPACTS

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

REPORTING AND COMPLIANCE STATEMENTS

Implications	Considered in Report?	Implications Identified?
Human Rights	Yes	No
Social/cultural	Yes	Yes
Environmental/Sustainability	No	No
Economic	No	No
Financial/Resources	No	No
Risk Management	Yes	Yes
Implementation and Marketing	No	No
Evaluation and Review	No	No

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

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

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

OFFICERS DECLARATIONS OF INTEREST

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

REFERENCE DOCUMENTS

- Nil

ATTACHMENTS

1. 8 May 2019 Infrastructure and Environment Portfolio Meeting 196 **[9.1.1 - 1 page]**
2. 14 May 2019 Community Development Portfolio Meeting **[9.1.2 - 1 page]**
3. 22 May 2019 Infrastructure and Environment Portfolio Meeting no 197 **[9.1.3 - 2 pages]**
4. 31 May 2019 Community Development Portfolio Meeting **[9.1.4 - 1 page]**
5. 1 June 2019 Eureka Centre Advisory Committee Meeting **[9.1.5 - 2 pages]**
6. 5 June 2019 Strategic Briefing **[9.1.6 - 2 pages]**
7. 6 June 2019 Ballarat Airport Advisory Committee Meeting **[9.1.7 - 2 pages]**
8. 12 June 2019 Infrastructure and Environment Portfolio Meeting no 198 **[9.1.8 - 1 page]**
9. 19 June 2019 Council Agenda Review Briefing **[9.1.9 - 2 pages]**

ASSEMBLY OF COUNCILLORS RECORD

This record must be completed by the attending Council Officer and returned to the Statutory Compliance Unit within 48 hours after the meeting for recording in the register.

Description of meeting:	Infrastructure and Environment Portfolio Meeting No 196
Date of meeting:	Wednesday 8 May 2019
Start time:	7.30am
Finish time	8.45am

Councillors present:
Cr Ben Taylor, Cr Grant Tillett

Apologies:
Cr Mark Harris

Council staff present:
Terry Demeo – Director Infrastructure and Environment, Darren Sadler – Executive Manager Property Services and Facilities Management, Debra Cartledge (Minute Taker)

Other attendees present:
Nil

Conflict of Interests:
<p>Pursuant to Sections 77, 78 and 79 of the <i>Local Government Act 1989</i> (as amended), if a Councillor has a conflict of interest in a matter which is to be considered or discussed at a meeting, the Councillor must, if he or she is attending the meeting, disclose the conflict of interest.</p> <p>A Councillor who has declared a conflict of interest, must leave the meeting and remain outside the room while the matter is being considered, or any vote is taken.</p>
Nil

Matters Considered: <i>*Provide dots points of matters discussed.</i>
<p>Updates</p> <ul style="list-style-type: none"> • Miners Rest School Parking • Terms of Reference for Integrated Transport & Planning Strategic Portfolio • Planning Committee Report • Building Maintenance Capital Program • 321 Norman Street Application for Subdivision • Monthly Update on Land Sales Status • Cemetery Trust Report • Potential Purchase of Land by Council <p>Reports</p> <ul style="list-style-type: none"> • Discuss Reports for Next Agenda Review in Business Calendar <p>Upcoming Tenders</p> <ul style="list-style-type: none"> • Circulated to Councillors prior to meeting <p>Other Business</p> <ul style="list-style-type: none"> • Villa Maria School – Traffic Flows and Management • Dog Park and Doggie-do Bags • Pioneer Park Relocation of Structure • M Pavilion

Record completed by:	
Signed: 	Position: Director Infrastructure and Environment
Name: Terry Demeo	Date: 28 May 2019

ASSEMBLY OF COUNCILLORS RECORD

This record must be completed by the attending Council Officer and returned to the Statutory Compliance Unit within 48 hours after the meeting for recording in the register.

Description of meeting:	Community Development Councillor Portfolio Meeting
Date of meeting:	Tuesday, 14 May 2019
Start time:	3.30pm
Finish time:	5.10pm

Councillors present:
Cr Des Hudson, Cr Belinda Coates

Apologies: Cr Amy Johnston

Council staff present:
Neville Ivey, Director Community Development
Pete Appleton, Executive Manager Engaged Communities
Helen McIntosh, Executive Assistant Director Community Development

Other attendees present:
Nil

Conflict of Interests:
Pursuant to Sections 77, 78 and 79 of the <i>Local Government Act 1989</i> (as amended), if a Councillor has a conflict of interest in a matter which is to be considered or discussed at a meeting, the Councillor must, if he or she is attending the meeting, disclose the conflict of interest.
A Councillor who has declared a conflict of interest, must leave the meeting and remain outside the room while the matter is being considered, or any vote is taken.

Nil		Left Meeting [No]	[Time left]	[Time returned]
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Matters Considered: <i>*Provide dots points of matters discussed.</i>
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<ul style="list-style-type: none"> • Minutes of Meeting 26 April 2019 • Tour of BSEC Building • Community Engagement Report • Upcoming Strategic Briefings • Upcoming Council Reports • VACSAL Senior Aboriginal Football Netball Carnival • Soup Bus • LGBTIQ Forum Daylesford • Harmony Sculpture • Sports Facilities Fees & Charges
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Record completed by: Helen McIntosh
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Signed: 	Position: Executive Assistant Director Community Development
--	--

Name: Helen McIntosh	Date: 15 May 2019
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ASSEMBLY OF COUNCILLORS RECORD

This record must be completed by the attending Council Officer and returned to the Statutory Compliance Unit within 48 hours after the meeting for recording in the register.

Description of meeting:	Infrastructure and Environment Portfolio Meeting No 197
Date of meeting:	Wednesday 22 May 2019
Start time:	7.30am
Finish time	9.09am

Councillors present:

Cr Ben Taylor, Cr Grant Tillett, Cr Mark Harris

Apologies:

Council staff present:

Terry Demeo – Director Infrastructure and Environment, Belinda Kent (Minute Taker)

Other attendees present:

Nil

Conflict of Interests:

Pursuant to Sections 77, 78 and 79 of the *Local Government Act 1989* (as amended), if a Councillor has a conflict of interest in a matter which is to be considered or discussed at a meeting, the Councillor must, if he or she is attending the meeting, disclose the conflict of interest.

A Councillor who has declared a conflict of interest, must leave the meeting and remain outside the room while the matter is being considered, or any vote is taken.

Nil

Matters Considered: **Provide dots points of matters discussed.*

Updates

- Cycling Update
- Regional Roads Victoria Projects (Keep Moving)
- Regional Waste Group Update
 - eWaste
 - Regional Procurement
 - Green Waste & Organics
- Business Case Development – Recycling Sorting Facility
- Airport Options Post Election
- Capital Program Delivery 2018/19 Update

Reports


- Tannery Lane
- CBD Car Parking

Upcoming Tenders

- Circulated to Councillors prior to meeting

Other Business

- Strategic Portfolio Committees
- Kennedy Road Interactions between Horses and Vehicles
- Launchley Drive Sewer
- Hoon Activity at Airport
- Invermay Recreation Reserve Hydrant
- Beating of the Bounds
- Montgomery Street Reserve
- Eyre Street Tree Issue – Ongoing Engagement

<ul style="list-style-type: none"> • Mount View Estate • Buninyong Streetscape Works 	
Record completed by:	
Signed: 	Position: Director Infrastructure and Environment
Name: Terry Demeo	Date: 28 May 2019

ASSEMBLY OF COUNCILLORS RECORD

This record must be completed by the attending Council Officer and returned to the Statutory Compliance Unit within 48 hours after the meeting for recording in the register.

Description of meeting:	Community Development Councillor Portfolio Meeting
Date of meeting:	Friday, 31 May 2019
Start time:	7.00am
Finish time:	8.40am

Councillors present:
Cr Amy Johnston, Cr Belinda Coates

Apologies: Cr Des Hudson

Council staff present:
Neville Ivey, Director Community Development
Sharelle Knight, Executive Manager Family & Children Services
Helen McIntosh, Executive Assistant Director Community Development
Lesley Morgan, Coordinator Community Engagement & Partnerships

Other attendees present:
Nil

Conflict of Interests:
Pursuant to Sections 77, 78 and 79 of the *Local Government Act 1989* (as amended), if a Councillor has a conflict of interest in a matter which is to be considered or discussed at a meeting, the Councillor must, if he or she is attending the meeting, disclose the conflict of interest.
A Councillor who has declared a conflict of interest, must leave the meeting and remain outside the room while the matter is being considered, or any vote is taken.

Nil		Left Meeting [No]	[Time left]	[Time returned]
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Matters Considered: *Provide dots points of matters discussed.

- Minutes of Meeting 14 May 2019
- Family Day Care Presentation
- LGBTIQ Forum Daylesford
- Council Reports
- Strategic Briefings
- Aboriginal Cultural Liaison Officer
- RAP Launch
- BALC
- Delacombe VRI Cricket Club Update
- Victoria Bowls Club Update
- Soup Bus
- Food is Free

Record completed by: Helen McIntosh

Signed: 	Position: Executive Assistant Director Community Development
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Name: Helen McIntosh	Date: 31 May 2019
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ASSEMBLY OF COUNCILLORS RECORD

This record must be completed by the attending Council Officer and returned to the Statutory Compliance Unit within 48 hours after the meeting for recording in the register.

Description of meeting:	Eureka Centre Community Advisory Committee
Date of meeting:	01/06/2019
Start time:	9.00am
Finish time:	1.00pm

Councillors present:
Deputy Mayor Cr Jim Rinaldi (The Chair) Cr Daniel Moloney (until 12pm)
Apologies:
Angelique Lush - Director Development and Planning Serena Eldridge – Community representative
Council staff present:
Jeff Johnson - Executive Manager Events and the Arts Anthony Camm - Manager Eureka Centre Catherine McLay – Heritage Project Officer
Other attendees present:
Community representatives: Fred Cahir, Ron Egeberg, Samantha Fabry, Mary-Rose McLaren, Phillip Moore; Visitors: Richard Baum (facilitator)

Conflict of Interests:				
Pursuant to Sections 77, 78 and 79 of the <i>Local Government Act 1989</i> (as amended), if a Councillor has a conflict of interest in a matter which is to be considered or discussed at a meeting, the Councillor must, if he or she is attending the meeting, disclose the conflict of interest.				
A Councillor who has declared a conflict of interest, must leave the meeting and remain outside the room while the matter is being considered, or any vote is taken.				
Name of person(s) declaring the conflict	Type & details declared	Left Meeting	Time left	Time returned
Nil	Nil	N/A		

Matters Considered: <i>*Provide dots points of matters discussed.</i>
<ul style="list-style-type: none"> • The Chair welcomed all members; • The Chair asked for conflict of interest declarations; • The Chair introduced the purpose of the planning meeting and its role in informing a 2030 Vision for the Eureka Centre; • The Chair introduced Richard Baum (The Facilitator); • Catherine McLay presented data from the community consultation process; • The Facilitator reviewed past visioning exercises and consolidated ideas to continue work towards a 2030 Vision; • The committee worked through exercises to develop strategic recommendations; • The Facilitator explained the process going forward to complete the 2030 Vision;

Record completed by: Anthony Camm	
Signed: 	Position: Eureka Centre Manager
Name: Anthony Camm	Date: 01/06/2019

ASSEMBLY OF COUNCILLORS RECORD

This record must be completed by the attending Council Officer and returned to the Statutory Compliance Unit within 48 hours after the meeting for recording in the register.

Description of meeting:	Strategic Briefing
Date of meeting:	5 June 2019
Start time:	6:44pm
Finish time:	8.24pm

Councillors present:
Cr Daniel Moloney Cr Ben Taylor Cr Grant Tillett Cr Jim Rinaldi Cr Amy Johnson Cr Mark Harris
Apologies:
Cr Samantha McIntosh Cr Des Hudson Cr Belinda Coates
Council staff present:
Justine Linley – Chief Executive Officer Terry Demeo – Director Infrastructure and Environment Glenn Kallio – Director Business Services Neville Ivey – Director Community Development Angelique Lush – Director Development and Planning Cameron Cahill – Director Innovation and Organisational Improvement Sharelle Knight – Executive Manager Family and Children’s Services Vaughn Notting – Executive Manager Infrastructure
Other attendees present:
Nil

Conflict of Interests:				
Pursuant to Sections 77, 78 and 79 of the <i>Local Government Act 1989</i> (as amended), if a Councillor has a conflict of interest in a matter which is to be considered or discussed at a meeting, the Councillor must, if he or she is attending the meeting, disclose the conflict of interest.				
A Councillor who has declared a conflict of interest, must leave the meeting and remain outside the room while the matter is being considered, or any vote is taken.				
Name of person(s) declaring the conflict	Type & details declared	Left Meeting Yes/No	Time left	Time returned
Nil				

Matters Considered:
Portfolio Updates
Strategic Briefing Reports
<ul style="list-style-type: none"> • Family Day Care Update • Civil Works and Maintenance Update (Quarterly)

- Update on Sturt Street Black Spot Project and Regional Roads Victoria Sturt Street
- Update Tourism and Waste to Energy

Record completed by:	
Signed: 	Position: Director Business Services
Name: Glenn Kallio	Date: 12 June 2019

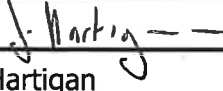
APPENDIX 1



Assembly of Councillors Record

This Form **MUST** be completed by the attending Council Officer and returned **IMMEDIATELY** to Executive Manager Governance and Information Services for recording in the register.

Purpose of meeting:	Ballarat Airport Advisory Committee Meeting
Date of meeting:	6 June 2019
Start time:	8.00 am
Finish time:	8.33 am
Councillors present:	Cr Grant Tillett
Apologies:	Cr Moloney, Sandy Gray, Peter Mackay, Natalie Robertson, Cr McIntosh, Daryl Chibnall and Simon Kinnersley
Council Staff present:	Terry Demeo, John Hartigan and Roland Wade
Other people present:	Warwick Kinscher, Cameron Wright, Graeme Brice and Gordon Cornell
Any conflict of interest disclosed? <i>*If so, provide details of which Councillor(s) disclosed a conflict of interest and any details of that conflict of interest. The time at which the Councillor left and returned should be recorded here, with a statement (if applicable) that a Councillor was absent when one or more of the matters outlined below was being considered.</i>	No

<p>Matters considered:</p> <p><i>*Provide dots points of matters discussed.</i></p>	<ul style="list-style-type: none"> • Update Ballarat West Employment Zone – Terry Demeo • Fire Operations – Cameron Wright • Council's rabbit baiting program – Jansen farm Services • Vintage Engines and Machinery Display – Hut 48, 20 October 2019 • Movement area to be resealed December 2019
<p>Signed: </p>	<p>Position: Airport Manager</p>
<p>Name: John Hartigan</p>	<p>Date: 6 June 2019</p>

ASSEMBLY OF COUNCILLORS RECORD

This record must be completed by the attending Council Officer and returned to the Statutory Compliance Unit within 48 hours after the meeting for recording in the register.

Description of meeting:	Infrastructure and Environment Portfolio Meeting No 198
Date of meeting:	Wednesday 12 June 2019
Start time:	7.30am
Finish time	9.02am

Councillors present:
Cr Ben Taylor, Cr Grant Tillet, Cr Mark Harris

Apologies:

Council staff present:
Terry Demeo – Director Infrastructure and Environment, Executive Manager Property Services and Facilities Management, Natalie Robertson – Executive Manager Development Facilitation, Belinda Kent (Minute Taker)

Other attendees present:
Nil

Conflict of Interests:
Pursuant to Sections 77, 78 and 79 of the <i>Local Government Act 1989</i> (as amended), if a Councillor has a conflict of interest in a matter which is to be considered or discussed at a meeting, the Councillor must, if he or she is attending the meeting, disclose the conflict of interest.
A Councillor who has declared a conflict of interest, must leave the meeting and remain outside the room while the matter is being considered, or any vote is taken.
Nil

Matters Considered: <i>*Provide dots points of matters discussed.</i>
<p>Updates</p> <ul style="list-style-type: none"> • De-Brief Sturt Street Works • Preliminary Business Case Recycling Operation • Monthly Land Sales Update • Flood Mitigation Program Update • Easement Protection – Section 173 Agreement Approach • Monthly Statutory Planning Update <p>Reports</p> <ul style="list-style-type: none"> • Discuss Reports for Next Agenda Review in Business Calendar <p>Upcoming Tenders</p> <ul style="list-style-type: none"> • Circulated to Councillors prior to meeting <p>Other Business</p> <ul style="list-style-type: none"> • Cardigan Village Sewer • Windermere Hotel Refurbishment • Cardigan Village Gutters • Road Maintenance Equipment • Gnarr Street Trees

Record completed by:	
Signed: 	Position: Director Infrastructure and Environment
Name: Terry Demeo	Date: 17 June 2019

ASSEMBLY OF COUNCILLORS RECORD

This record must be completed by the attending Council Officer and returned to the Statutory Compliance Unit within 48 hours after the meeting for recording in the register.

Description of meeting:	Council Agenda Review Briefing
Date of meeting:	19 June 2019
Start time:	7:35pm
Finish time:	10:33pm

Councillors present: Cr Jim Rinaldi Cr Grant Tillett Cr Ben Taylor Cr Des Hudson (left meeting at 10.21pm) Cr Daniel Moloney Cr Amy Johnson Cr Belinda Coates Cr Mark Harris Cr Samantha McIntosh
Apologies: Nil
Council staff present: Justine Linley – Chief Executive Officer Terry Demeo – Director Infrastructure and Environment Angelique Lush – Director Development and Planning (left meeting at 8.15 – returned 8.40pm) Neville Ivey – Director Community Development Glenn Kallio – Director Business Services Cameron Cahill – Director Innovation and Organisational Improvement Lisa Kendal – Manager Strategic Planning (left 8.40pm) James Guy – Executive Manager Economic Partnership (left 8.40pm)
Other attendees present: Nil

Conflict of Interests:				
Pursuant to Sections 77, 78 and 79 of the <i>Local Government Act 1989</i> (as amended), if a Councillor has a conflict of interest in a matter which is to be considered or discussed at a meeting, the Councillor must, if he or she is attending the meeting, disclose the conflict of interest.				
A Councillor who has declared a conflict of interest, must leave the meeting and remain outside the room while the matter is being considered, or any vote is taken.				
Name of person(s) declaring the conflict	Type & details declared	Left Meeting Yes/No	Time left	Time returned
Nil				

Matters Considered: <i>*Provide dots points of matters discussed.</i>
Portfolio Matters
Updates for Councillors
<ul style="list-style-type: none"> • Construction of 3km section of Dowling Road Preliminary Design • Update on the Climate Change Advocacy Request – status and progress and action to date

<ul style="list-style-type: none"> • Report on Progress for the Miners Rest Township Plan and associated integrated plans • Planning Committee – next steps and options • Ballarat is Open Strategy <p>Review of Draft Council Agenda 3 July 2019</p> <ul style="list-style-type: none"> • Chief Executive Officer Report • Keep my Cockatoo and Galahs • Assemblies of Councillors • Clarendon Combined Amendment and Planning Permit Report • Council Land Re-Zoning • Spilt Milk Dry Zone – Changes to Local Laws • Planning Special Committee
<ul style="list-style-type: none"> • Miners Rest Township Plan Update • Contracts Special Committee of Council – 13 March, 3 April and 1 May 2019 • Outstanding Question Time Items <p>Items in Camera</p> <ul style="list-style-type: none"> • Contracts Special Committee of Council – 13 March, 3 April and 1 May 2019 • Tannery Lane Legacy Landfill Resolution • Tender 2018/19-177 Ballymanus Central Park • A Regional Materials Recovery Facility (MRF) for the Ballarat West Employment Zone

Record completed by:	
Signed: 	Position: Director Business Services
Name: Glenn Kallio	Date: 20 June 2019

10. OFFICER REPORTS**10.1. CLARENDON COMBINED AMENDMENT AND PLANNING PERMIT REPORT**

Division: Infrastructure and Environment
Director: Terry Demeo
Author/Position: Louise Lunn – Senior Strategic Planner
Lisa Kendal - Manager Strategic Planning

OFFICER RECOMMENDATION

Council resolves to:

1. Consider all submissions received to combined Planning Scheme Amendment C207 and PLP/2017/444 pursuant to section 22(1) of the Planning and Environment Act 1987.
2. Acknowledge the Council officer responses to submissions received which request changes to combined Planning Scheme Amendment C207 and PLP/2017/444 and support the advocates acting for Council in any independent Planning Panel proceedings to pursue the articulated position to support the development of enhanced planning controls for the site.
3. Request the Minister for Planning to appoint an independent Planning Panel pursuant to section 23 and the provisions of Part 8 of the Planning and Environment Act 1987 to consider submissions received to combined Planning Scheme Amendment C207 and Planning Permit Application PLP/2017/444.
4. Refer all submissions set out in Attachment 2 to the Council officer report to the independent planning panel
5. Authorise Council officers to pursue a significantly enhanced heritage response from the College in advocating the Council's position at the independent Planning Panel proceedings.
6. Authorise Council officers to resist the submissions from the proponents to remove the requirements for third party notification and review rights unless the Master Plan for the site provides significantly improved detail to address concerns raised by submitters.
7. Authorise Council officers to provide further notice, prior to the independent planning panel, of any agreed position that is reached after any further discussions with submitters on the combined Planning Scheme Amendment C207 and PLP/2017/444 where the agreed position results in a change to the combined Planning Scheme Amendment C207 and PLP/2017/444 or in a change to the position of Council on the combined Planning Scheme Amendment C207 and PLP/2017/444 as detailed in the Council officer report.

EXECUTIVE SUMMARY

Combined planning scheme amendment C207 and planning permit application PLP/2017/444 (together, the **Combined Amendment**) was lodged by a professional consultancy, SED, on behalf of Ballarat Clarendon College (**College**) under Section 96A of the *Planning and Environment Act 1987* (**the Act**). The College is the proponent for the Combined Amendment.

Amendment C207 proposes to amend the Ballarat Planning Scheme (**Scheme**) by:

- Inserting a new Schedule 17 to the Special Use Zone (**SUZ17**) - Ballarat Clarendon College Sturt Street Campus.
- Referencing the "Ballarat Clarendon College Sturt Street Campus Master Plan 2017-2030" (**Master Plan**) in SUZ17 of the Scheme.
- Rezoning the land at 1415-1425 Sturt Street, Newington, from Schedule 5 to the Special Use Zone (**SUZ5**) to SUZ17.
- Rezoning the land at 2, 4, 6, 8, 10, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 Ajax Street and 1 Murray Street Newington from Schedule 1 to the General Residential Zone (**GRZ1**) to SUZ17.
- Amending Map 22 of the Scheme to reflect the above.

Planning permit application PLP/2017/444 (the **Permit Application**) applies to 1415-1425 Sturt Street, 1 Murray Street, 14 Ajax Street, 15 Ajax Street, 16 Ajax Street, 17 Ajax Street, 18 Ajax Street, 19 Ajax Street, 20 Ajax Street, 21 Ajax Street, 22 Ajax Street, 23 Ajax Street and 24 Ajax Street, Newington. The Permit Application seeks permission for the:

demolition of three dwellings, tennis courts and partial demolition to existing school building, relocation of a dwelling and modifications of two dwellings into school buildings, development of a sporting playing field, associated buildings and works including development of fences, road works, car parks and removal of a pedestrian easement.

The Master Plan relies on the partial closure of Ajax Street and Murray Street and the inclusion of this land as part of the College. The statutory processes necessary to achieve the road closure contemplated by the Master Plan do not form part of the Combined Amendment and are not before Council for consideration today.

The Explanatory Report prepared pursuant to the Act prior to exhibition provides a detailed analysis of what the Amendment seeks and the land to which it applies. See Attachment 1.

Public exhibition of the Combined Amendment has been undertaken from 14 February to 19 March 2019 in accordance with the Act. Council received a total of 37 submissions in response to exhibition of the Combined Amendment. See Attachment 2 for details of all submissions.

Seven referral authorities were notified, and some made submissions to Council. Four authorities did not object to the amendment in its current form, and three authorities had no objection subject to compliance with requested changes to the proposal and inclusion of specified conditions.

Twenty nine (29) submissions were lodged from individuals and groups within the community. Submissions received stated a range of different concerns, some of which were common across a number of submissions. The majority of submissions objected to the amendment and requested changes to the exhibited proposal, five community submissions supported the Master Plan but requested changes to the proposal as exhibited.

The common themes of concern are:

- traffic management, volume and congestion (stated in 25 submissions);
- proposed closure of pedestrian easement between Ajax Street and Sturt Street (stated in 23 submissions);
- part closure of Ajax Street and Murray Street (stated in 20 submissions);
- demolition of heritage dwellings and infrastructure (stated in 15 submissions);
- inadequate provision of on-site car parking (stated in 14 submissions);
- 'organic growth' or 'creep' of the College into an established residential areas (stated in 13 submissions);
- adverse amenity impacts on the surrounding residential area (stated in 13 submissions); and
- growth in student numbers on the Sturt Street Campus should be accommodated on other campuses that the College owns (stated in 3 submissions).

HWL Ebsworth lodged a submission on behalf of the proponent advising that the College supported the overall intent of the Combined Amendment and the informative role of the Master Plan in indicating the College's development intentions to the local community.

HWL Ebsworth advised the College did not support the following aspects of the Combined Amendment:

- certain aspects of the proposed SUZ17 in particular as relates to the creation of third party objection and review rights on the basis that third party objection and review rights are exempt in the SUZ5 (Private Education Establishment);
- draft permit condition 1(i) in the form exhibited by Council which requires the modification of the Ajax Street interface to facilitate pedestrian access for staff and students to access the College;
- draft permit condition 12 (again, as exhibited by Council) which sets a maximum number of students permitted at 1,195 at any one time; and
- explicit reference to the Master Plan in the SUZ17 based on a concern that by making explicit reference, it will be necessary for the College to seek a planning scheme amendment if the College seeks to undertake works that are contrary to the Master Plan in the future.

The Combined Amendment is complex in that:

- 29 submissions were received by Council from the community and these submissions raise an assortment of interrelated concerns that cannot be addressed by way of a permit condition (imposed on any permit to issue in respect of the Permit Application or otherwise resolved) without adverse impact on other aspects of the Combined Amendment;
- the submission made by HWL Ebsworth on behalf of the College raises concerns about the proposed SUZ17 in circumstances where the content of the Amendment C207 documents was largely prepared by consultants, SED, on behalf of the proponent
- the Master Plan relies on the discontinuance of two local roads. Schedule 10 of the Local Government Act 1989 (**LG Act**) details the process required to discontinue local roads and states a clear test that is to be applied by Council when Council makes decisions under the LG Act about road discontinuances. The Combined Amendment is to be considered separately by Council from the considerations about, and decision under, the LG Act. However, some submitters to the Combined Amendment have raised concerns about the impact of the Combined Amendment on local roads, including Ajax Street and Murray Street. These submissions need to be considered by Council in assessing the amendment proposal under the Act.

A detailed response to issues raised in submissions has been prepared. See Attachment 3. Following a review of submissions received and expert advice, officers recommend that Council refer all submissions in respect to the Combined Amendment pursuant to section 23 (1) (b) of the Act and authorise officers and advocates on behalf of Council to pursue an enhanced heritage outcome from the proposed amendment and to resist the submissions from the proponents to remove third party review rights unless the Master Plan for the site provides a significantly enhanced level of detail.

It is the officer's view that the net community benefit of the amendment has only partially demonstrated to justify the heritage loss and road closure proposed by the amendment, and to which the Master Plan and amendment proposal is reliant on. Consequently, the range of complex and interrelated issues raised in submissions to exhibition (including submission made on behalf of the proponent) cannot be reasonably resolved before Council at this point and as is the intent and purpose under the Planning and Environment Act these matters should appropriately be referred to an independent Planning Panel for consideration. In doing so, it is further recommended that Council provide the authority for Council officers and/or others acting as the advocates for Council in these proceedings to rigorously support the position as outlined in the body of this report.

RATIONALE

The Ballarat Planning Scheme recognises the importance and contribution made by educational institutions to the City. The Regionally Significant Precincts policy (Clause 21.07-2) identifies the Sturt Street Education Cluster as regionally significant with a strategic direction to facilitate ongoing expansion of high quality education services for Ballarat and Western Victoria through being responsive to the individual needs and aspirations of schools and tertiary institutions. The clustering of uses within regionally significant precincts is also encouraged, to best utilise infrastructure and maximise the potential for agglomeration. The Planning Scheme also recognises the history of those educational institutional uses as captured in the Heritage Overlay statement of significance for HO164.

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

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

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

- The loss of dwellings and heritage assets under the Heritage Overlay for inclusion within the College, and in part for the provision of sports infrastructure. Council does not agree with the heritage assessment provided by the applicant and considers the loss of these dwellings as damaging to the heritage value of the City. Council officers have therefore recommended the Council authorise the advocate at the independent panel proceedings to pursue a significantly enhanced heritage response.
- Closure of the pedestrian easement between Ajax Street and Sturt Street, noting that the pedestrian easement is the subject of previous agreement between the College and the Council. Considering the closure on its merits, it is considered that further

justification will need to be produced to support the amendment and planning permit to facilitate the specific development outcomes sought.

- There is limited demonstrated net community benefit beyond the future College community provided to counter the loss of heritage assets, road closures and pedestrian access.
- The necessity to maintain third-party review and appeal rights to ensure an appropriate oversight of future development given the limited information in respect to future stages under the proposed Master Plan.

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

Previous Council Decisions

At the Council meeting held on 2 May 2018, Council resolved (93/18) to:

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

LEGISLATION, COUNCIL PLAN, STRATEGIES AND POLICY IMPACTS

Planning Policy Framework

- Clause 11 (Settlement) seeks to promote sustainable growth and development of Victoria.
- Clause 11.01-1S (Settlement) seeks to ensure sustainable growth and development in Victoria. A strategy to achieve this objective is to focus investment and growth in major regional centres such as Ballarat.
- Clause 15 (Built Environment and Heritage) seeks to recognize the role of urban design, heritage and energy and resource efficiency in delivering liveable and sustainable cities, town and neighbourhoods. It states that planning must support the establishment and maintenance of communities by delivering functional, accessible, safe and diverse physical and social environments through the appropriate location of use and development and through high quality buildings and urban design.

- Clause 15.01-1S (Built Environment) seeks to create urban environments that are safe, health, functional and that contribute to a sense of place and culturally identity.
- Clause 15.01-2S (Building Design) encourages building design outcomes that contribute positively to the local context and enhance the public realm.
- Clause 17 (Economic Development) seeks to provide for a strong and innovative economy where all sectors are critical to economic prosperity.
- Clause 19.02-2S (Education Facilities) seeks to assist in the integration of education and early childhood facilities with regional communities. Strategies to achieve this objective include locating secondary schools in designated precincts and areas that are highly accessible to public transport. Strategies of this policy also seek to ensure streets and accessways adjoining education facilities are designed to encourage safe bicycle and pedestrian access.
- Clause 21.01-1 (Context) identifies education as a key attractor to Ballarat, strengthening its role as a regional centre.
- Clause 21.01-02 (Community Vision) recognises the availability of excellent facilities and services as part of the community vision for Ballarat by 2040.
- Clause 21.01-3 (Land Use Vision) endorses the 10 minute city where cycling and walking are encouraged and reliance on cars is reduced.
- Clause 21.01-4 (Key Issues) identifies the following as key issues: maintaining a compact settlement form as part of Ballarat's '10 Minute City'; Improving the presentation of built areas and entrances; and managing change as part of a historic urban landscape.
- Clause 21.06-2 (Heritage) requires the identification and protection of heritage places, including maintaining the visual prominence of heritage buildings and landmarks.
- Clause 21.06-2 (Heritage) seeks to discourage the demolition of buildings and other elements of identified local, state and national heritage significance. It also seeks to ensure alterations to heritage places are carried out in a sympathetic manner with consideration to the 'Burra Charter'.
- Clause 21.06-4 (Implementation) states that the strategies will be implemented by ensuring permits for demolition of significant elements of a building are only granted where a permit has already been granted for the development of the land or where Council is satisfied it is required to achieve wider strategic objectives.
- Clause 21.07-1 (Economic Growth) encourages the co-location of educational institutions in close proximity to the CBD to strengthen Ballarat's competitive and innovative capacity and its role in Western Victoria as a centre of knowledge, innovation and research.
- Clause 21.07-2 (Regionally Significant Precincts) identifies the Sturt Street Education Cluster as regionally significant with a strategic direction to facilitate ongoing expansion of high quality education services for Ballarat and Western Victoria through being responsive to the individual needs and aspirations of schools and tertiary institutions.

- Clause 21.07-8 (Implementation) states that strategies related to economic development will be implemented by working with education facility providers to plan for the provision of new facilities and the expansion of existing education facilities.
- Clause 21.08-1 (Integrated Transport Networks) seeks to ensure the development along the established boulevards of Victoria Street and Sturt Street maintains the prominence of their landscape character.
- Clause 22.05 (Heritage Conservation and Heritage Precincts) stipulates policy provisions for a permit involving the demolition of a heritage place.

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

The Ballarat Strategy states:

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

Ballarat as a whole is a key regional centre for education and schooling excellence.

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

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

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

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

REPORTING AND COMPLIANCE STATEMENTS

Implications	Considered in Report?	Implications Identified?
Human Rights	Yes	Yes
Social/Cultural	Yes	Yes
Environmental/Sustainability	No	No
Economic	Yes	Yes
Financial/Resources	No	No
Risk Management	Yes	Yes
Implementation and Marketing	No	No
Evaluation and Review	No	No

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

Social/Cultural – This report details several social/cultural issues that have arisen during exhibition of the amendment including:

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

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

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

CONSULTATION

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

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

OFFICERS DECLARATIONS OF INTEREST

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

REFERENCE DOCUMENTS

- Nil

ATTACHMENTS

1. Attachment 1 - C207 Explanatory Report final 7 feb 2019 [**10.1.1 - 10 pages**]
2. Attachment 2 - C 207 summary of submissions 12 June 2019 [**10.1.2 - 28 pages**]
3. Attachment 3 - C 207 Response to submissions 12 June 2019 [**10.1.3 - 19 pages**]

BALLARAT PLANNING SCHEME
AMENDMENT C207
PLANNING PERMIT APPLICATION PLP/2017/444
EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the City of Ballarat, which is the planning authority for this amendment.

The Amendment has been made at the request of SED Regional Advisory, on behalf of Ballarat Clarendon College.

The Amendment is a combined planning scheme amendment and planning permit application under Section 96A of the *Planning and Environment Act 1987 (the Act)*.

Land affected by the Amendment

The Amendment applies to the Ballarat Clarendon College Sturt Street Campus (**Campus**) as shown in 'Plan 1' consisting of the following properties currently owned by the Uniting Church in Australia Property Trust:

General Residential Zone Schedule 1 GRZ1

- 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Ajax Street, Newington
- 15, 17, 19, 21 and 23 Ajax Street, Newington
- 1 Murray Street, Newington

Special Use Zone Schedule 5 Private Education Establishment (SUZ5)

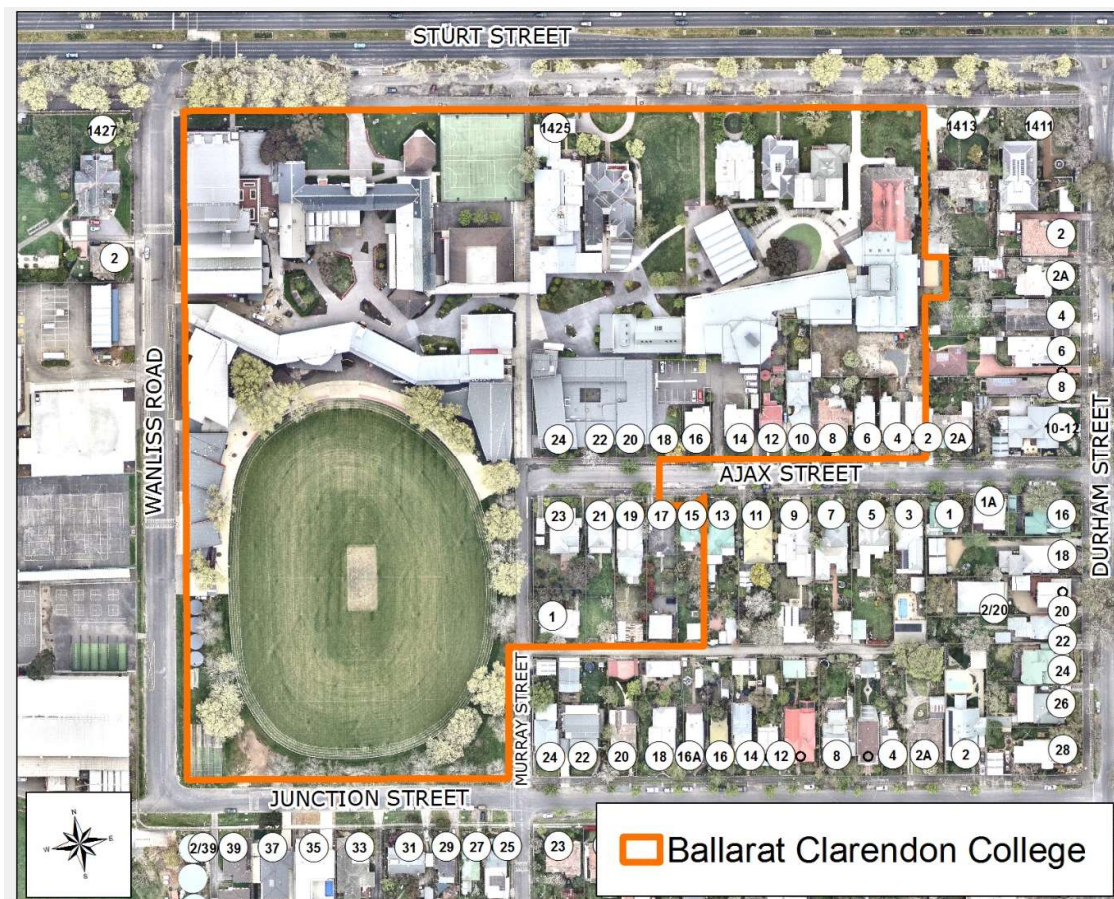
- 1415-1425 Sturt Street, Newington.

The implementation of the Ballarat Clarendon College Sturt Street Campus Master Plan 2017-2030 is dependent on the partial closure of the following roads under the *Local Government Act 1989*:

- Murray Street, from the Right of Way that runs along the rear of properties located on the south side of Ajax Street back to Ajax Street, a distance of approximately 50 metres
- Ajax Street, from 16 Ajax Street back to the western side of Murray Street
- The pedestrian easement that runs through the Ballarat Clarendon College Campus between Sturt Street, in the north, to Ajax Street, in the south.

This process will be undertaken in conjunction with the planning scheme amendment.

Plan 1: Ballarat Clarendon College Sturt Street Campus – Sturt Street, Newington



What the amendment does

The Amendment is a combined with a planning permit application under section 96A of the Act.

Amendment C207 proposes to amend the planning scheme by:

- Inserting a new Schedule 17 to the Special Use Zone (SUZ) - Ballarat Clarendon College Sturt Street Campus (SUZ17).
- Referencing the Ballarat Clarendon College Sturt Street Campus Master Plan 2017-2030 (Master Plan) in SUZ17 of the Ballarat Planning Scheme.
- Rezoning land at 1415-1425 Sturt Street, Newington, from SUZ5 to SUZ17.
- Rezoning land at 2, 4, 6, 8, 10, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 Ajax Street and 1 Murray Street Newington from GRZ1 to SUZ17.
- Amend Planning Scheme Map 22 to reflect the above.

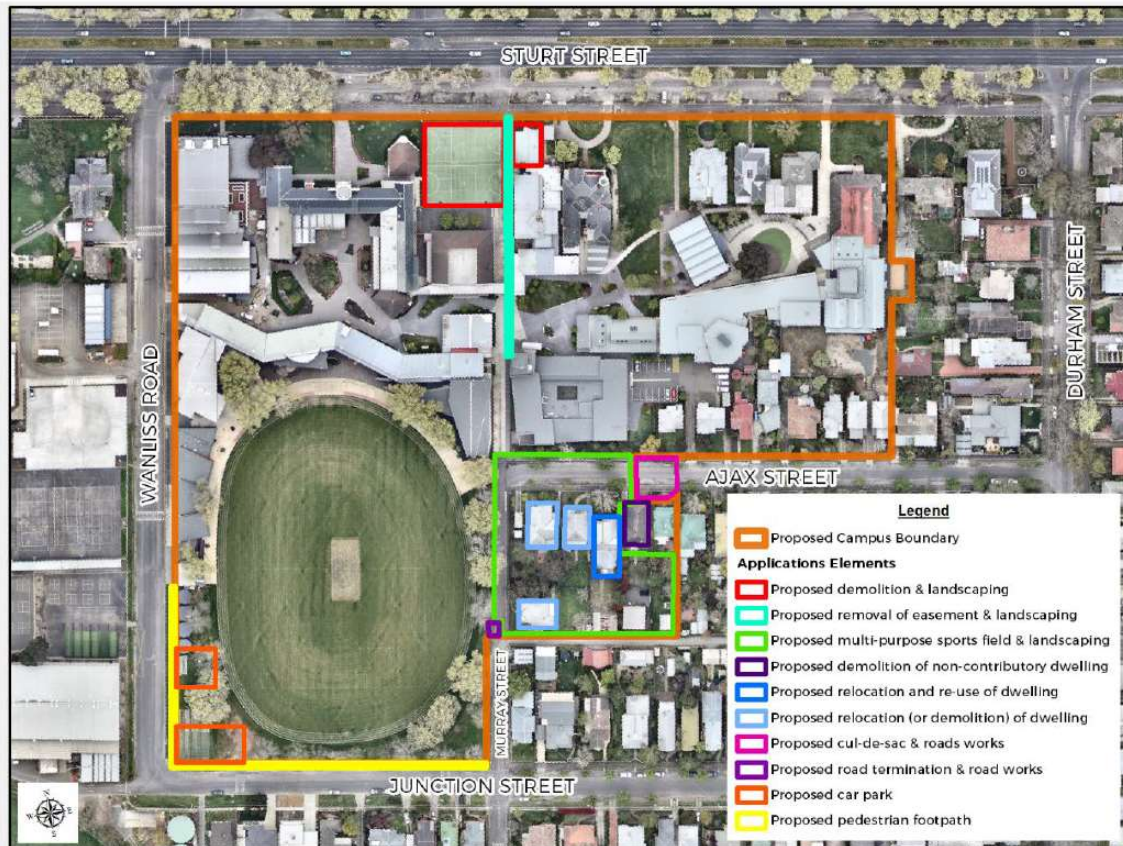
Planning permit application PLP/2017/444 applies to 1415-1425 Sturt Street, 1 Murray Street, 14 Ajax Street, 15 Ajax Street, 16 Ajax Street, 17 Ajax Street, 18 Ajax Street, 19 Ajax Street, 20 Ajax Street, 21 Ajax Street, 22 Ajax Street, 23 Ajax Street, 24 Ajax Street, Newington, Victoria, 3350, otherwise known as the land to be zoned SUZ17.

The proposed works are detailed in Plan 2 and relate to the following:

- The northeast, southwest and eastern part of the Campus.
- 1 Murray Street Newington.
- 17, 19, 21 and 23 Ajax Street, Newington.

- Roadworks in Ajax Street that impinge on the front setback of 15 and 17 Ajax Street, Newington and that lead to the discontinuance of that street.
- Creation of a vehicle court bowl in Ajax Street.

Plan 2: Elements of Planning Application PLP/2017/444



Planning permit application PLP/2017/444 seeks approval under the following provisions of the Ballarat Planning Scheme for the following works:

Clause 43.01 Heritage Overlay

- Demolition or relocation (off site) of three contributory dwellings, being numbers 21 and 23 Ajax Street and 1 Murray Street, Newington.
- Relocation of 19 Ajax Street, a contributory dwelling, to 17 Ajax Street, Newington.
- Numbers 15 Ajax Street and the relocated 19 Ajax Street (to the site of 17 Ajax Street) will be 'repurposed' with the use of these properties generally associated with the proposed new sport areas.
- Development of a multi purpose hard-surface (synthetic grass) sports playing field including nets with associated fencing and 1 megalitre underground stormwater detention tank.
- Demolition of a flat and a carport to the frontage of the girls boarding house.
- Removal of tennis courts fronting Sturt Street located on either side of the pedestrian easement.
- Roadworks involving the termination of vehicular access along Ajax Street with a court bowl that impinges on the setback of 15 and 17 Ajax Street.
- Roadworks in Murray Street, Ajax Street, Junction Street and Wanliss Road reserves including road termination works and new pedestrian footpaths.
- Landscaping treatments, including fencing, within the front setback of Sturt Street.
- Removal of cricket nets, trees and water tanks currently located on the south west corner of the Campus.
- Construction of two car parks comprising of 12 car spaces and 19 car spaces in the south west corner of the Campus.

Proposed SUZ17

- Building and works associated with the construction of the proposed tennis courts, fencing and car parks.

Closure of roads and pedestrian easement

The Master Plan is dependent on the closure of parts of Murray Street and Ajax Street and a pedestrian easement that currently runs between Ajax Street and Sturt Street. This aspect of the proposal will be considered under the *Local Government Act 1989*.

The road discontinuance application under the *Local Government Act 1989* involves a public consultation process and it is anticipated that this will run concurrently with the amendment exhibition process. The decision on the road discontinuance will be considered through a report to Council at the same time as Council considers adoption of the amendment.

The draft planning permit is attached as a separate document to this Explanatory Report.

Strategic assessment of the Amendment

Why is the Amendment required?

Amendment C207 seeks to rezone all land managed by Ballarat Clarendon College at the Sturt Street Campus currently zoned SUZ and GRZ1 to SUZ17.

The rezoning of this land to SUZ17 clearly establishes the Campus boundary.

The Master Plan will apply to all land zoned SUZ17.

The Master Plan details the following key principles that it seeks to achieve:

- Establish a more central campus and sense of address.
- Utilise properties currently owned by Ballarat Clarendon College in Ajax Street, Newington.
- Creation of new active open space area in the south east corner of the proposed SUZ17.
- Creation of new central open space.
- Enhancement of the Sturt Street presentation of the College.

More specifically the Master Plan seeks to achieve the following:

- Improve the quality of facilities offered to students and staff.
- Identify and utilize all the College landholdings associated with the Campus.
- Identify future works required on Campus to ensure the College maintains its high academic standards and contribution to the community.
- Improve the presentation of the Campus to Sturt Street.
- Increase the transparency and understanding between the College, Ballarat City Council and the community regarding the School's vision for the Campus.
- Confirm the future use, conservation of and improvements to the significant heritage assets and facilities of the school within the existing urban fabric and ensure the school's continued contribution to the social heritage of Ballarat.
- Improve the amenity and function of the school's internal gathering spaces.
- Ensure that the traffic associated with the school is managed.

Amendment C207 includes planning application PLP/2017/444 for works associated with Stage 1 of the Master Plan. Planning approval is sought for:

- Works associated with "repurposing" number 15 Ajax Street as a school building.
- Relocation and/or demolition of dwellings 21 and 23 Ajax Street and 1 Murray Street.
- Relocation of number 19 Ajax Street onto the site of 17 Ajax Street.
- Development of a multi purpose sports field and tennis courts, and associated works, on the south eastern side of the Campus.
- Demolition of the car port and flat associated with the girls' boarding school located at the Sturt Street entry to the Campus.
- Removal of the tennis courts located at the Sturt Street entry to the Campus.

- Creation of a turning bowl and associated works that encroach into the front setback of 15 and 17 Ajax Street.
- Creation of two car parks on the south west corner of the Campus that provide for a total of 31 new car spaces accessed from Wanliss Road.
- Landscaping treatments to those areas on Campus generally discussed above.

Future works anticipated by the Masterplan, but that do not form part of planning application PLP/2017/444, include:

- Demolition of the existing chapel and girls boarding school located within the Sturt Street frontage.
- Development of two administration buildings generally within the area of the above demolished buildings.
- Construction of a new chapel to the south of Enderley Lawn.
- Construction of a girls boarding school including and to the rear of numbers 2, 4, 6 and 8 Ajax Street, Newington. Numbers 2, 4, 6 and 8 Ajax Street will be 'repurposed' for this use.

Implementation of future stages of the Master Plan will require a planning permit under the Heritage Overlay as well as the proposed SUZ17.

Plan 3 details the Master Plan vision for the Campus sought under this combined Amendment.



Plan 3: Ballarat Clarendon College Sturt Street Campus Master Plan map

How does the Amendment implement the objectives of planning in Victoria?

The Amendment implements the following objectives of planning in Victoria, contained in Section 4(1) and 12(1) of the Act:

- To provide for the fair, orderly, economic and sustainable use, and development of land.
- To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.
- To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.

- To protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community.
- To balance the present and future interests of all Victorians.

The Amendment implements these objectives by ensuring the future development of the Ballarat and Clarendon College Sturt Street Campus is facilitated in a transparent and coordinated manner while respecting the amenity of the neighbouring residential areas.

How does the Amendment address any environmental, social and economic effects?

Environmental

The Amendment delivers positive environmental effects by:

- Repurposing existing dwellings at numbers 2, 4, 6, 8, 15 and 17 Ajax Street to accommodate school needs.
- Provision of a 1 megalitre water tank beneath the multi purpose playing field.
- Increased tree planting and landscaping throughout the Campus. If a planning permit is granted for the proposed works, a condition will require the planting of street trees on Sturt Street, Wanliss Street and Ajax Street.

Social and Economic

The Amendment is anticipated to have positive social and economic impacts that include:

- Enhancing the presentation of the Campus to Sturt Street and adjoining residential streets.
- Consolidating the Campus as a major educational institution within Ballarat and Victoria.
- Protection and presentation of heritage assets located on the Campus that include the individually listed house and garden at 1421 Sturt Street, Newington, and the contributory dwellings at 2, 4, 6, 15 Ajax Street and the relocated 19 Ajax Street.
- Ensuring the ongoing contribution of Ballarat Clarendon College as a significant contributor to the Ballarat economy in its role as an employer and purchaser of services.
- Enhancing educational facilities provided to students at Ballarat Clarendon College.
- Providing a level of certainty about the future development of the school campus to the wider community.

Does the Amendment address relevant bushfire risk?

It is considered that there are no implications for potential bushfire risk as a result of the Amendment as the land affected is in an existing urban area.

Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The Amendment complies with the following Minister's Directions:

- *Minister's Direction relating to the Form and Content of Planning Schemes*
The form and content of the Amendment is consistent with this Direction
- *Minister's Direction 11 – Strategic Assessment of amendments*
This Amendment is consistent with Ministers Direction 11 as outlined in this Explanatory Report.

How does the Amendment support or implement the Planning Policy Framework and any adopted State policy?

The Amendment is consistent with relevant policies of the Planning Policy Framework as follows:

- Clause 11 Settlement seeks to promote sustainable growth and development of Victoria.
- Clause 11.01-1S Settlement seeks to ensure sustainable growth and development in Victoria. A strategy to achieve this objective is to focus investment and growth in major regional centres such as Ballarat.

The Master Plan that informs Amendment C207 details a vision for the future development and enhancement of the Campus. This investment into the Campus will consolidate the role of Ballarat as a major provider of educational services to central and western Victoria.

- Clause 15 Built Environment and Heritage seeks to recognize the role of urban design, heritage and energy and resource efficiency in delivering liveable and sustainable cities, town and neighbourhoods. It states that planning must support the establishment and maintenance of communities by delivering functional, accessible, safe and diverse physical and social environments through the appropriate location of use and development and through high quality buildings and urban design.
- Clause 15.01-2S Building design encourages building design outcomes that contribute positively to the local context and enhance the public realm.
The Master Plan seeks to address the above by providing for a vision whereby the Sturt Street entrance will be enhanced via the removal of buildings that currently detract from the heritage streetscape and extensive landscaping. The Master Plan sensitively balances the heritage streetscape of Ajax Street with its requirements to provide for future development opportunities on site by “repurposing” a number of the contributory heritage buildings.
- Clause 15.01-1S Built Environment seeks to create urban environments that are safe, health, functional and that contribute to a sense of place and culturally identity.
The emphasis of the Master Plan is to enhance sporting opportunities in the Campus.
- Clause 17 Economic Development seeks to provide for a strong and innovative economic where all sectors are critical to economic prosperity.
- Clause 19.02-2S Education facilities seeks to assist in the integration of education and early childhood facilities with regional communities. Strategies to achieve this objective include locating secondary schools in designated precincts and areas that are highly accessible to public transport. Strategies of this policy also seek to ensure streets and accessways adjoining education facilities are designed to encourage safe bicycle and pedestrian access.

How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The Amendment and permit application implement the Municipal Strategic Statement (MSS) as it will strike an appropriate balance between meeting the strategic intentions for education, the site, the precinct and the city, whilst also aiming to preserve the valued character and amenity of the area. The proposed Amendment is consistent with relevant policies of the Local Planning Policy Framework as follows:

- Clause 21.01-1 identifies education as a key attractor to Ballarat, strengthening its role as a regional centre. The Amendment ensures the future use and development of the land for education.
- Clause 21.01-02 recognizes the availability of excellent facilities and services as part of the community vision for Ballarat by 2040. The Amendment directly supports the continued improvement of the Ballarat Clarendon College Sturt Street Campus and availability of education services to a growing Ballarat.
- Clause 21.01-3. Land Use Vision endorses the 10 minute city where cycling and walking are encouraged and reliance on cars is reduced. The part closure of Ajax Street and Murray Street, and the removal of the pedestrian easement, may impact on the walkability of this area. This impact needs to be considered in light of the enhanced educational facilities provided to the broader community.
- Clause 21.01-4 identifies the following as key issues: maintaining a compact settlement form as part of Ballarat’s ‘10 Minute City’; Improving the presentation of built areas and entrances; and managing change as part of a historic urban landscape. The Amendment addresses all these issues by improving an existing education facility within the urban fabric of Ballarat, in the context of the heritage and cultural values of the site and immediate surrounds.

- Clause 21.06-2 requires the identification and protection of heritage places, including maintaining the visual prominence of heritage buildings and landmarks. The Amendment supports the long-term protection, activation and improvement of heritage assets to be retained on the campus and the improvement of the historic Sturt Street frontage with the removal of the existing tennis courts within the frontage and landscaping to this area.
- Clause 21.06-2 seeks to discourage the demolition of buildings and other elements of identified local, state and national heritage significance. It also seeks to ensure alterations to heritage places are carried out in a sympathetic manner with consideration to the 'Burra Charter'. The Amendment seeks to have minimal impact on locally significant heritage places within the Campus through relocation or reuse of existing dwellings, whilst ensuring the protection and activation of key heritage assets and the broader campus in the long term.
- Clause 21.06-4 states that the strategies will be implemented by ensuring permits for demolition of significant elements of a building are only granted where a permit has already been granted for the development of the land or where Council is satisfied it is required to achieve wider strategic objectives. The proposal provides a clear land use framework for new facilities and structures on the Campus.
- Clause 21.07-1 encourages the co-location of educational institutions in close proximity to the CBD to strengthen Ballarat's competitive and innovative capacity and its role in Western Victoria as a centre of knowledge, innovation and research. The Amendment confirms the role of the Campus within the broader education network and immediate education precinct along with co-located schools.
- Clause 21.07-2 identifies the Sturt Street Education Cluster as regionally significant with a strategic direction to facilitate ongoing expansion of high quality education services for Ballarat and Western Victoria through being responsive to the individual needs and aspirations of schools and tertiary institutions. The clustering of uses within regionally significant precincts is also encouraged, to best utilise infrastructure and maximise the potential for agglomeration. The Amendment directly implements this directive of the Ballarat Planning Scheme.
- Clause 21.07-8 states that strategies related to economic development will be implemented by working with education facility providers to plan for the provision of new facilities and the expansion of existing education facilities. The Amendment directly implements this directive of the Ballarat Planning Scheme by supporting the evolution of the Campus as an existing education facility.
- Clause 21.08-1 Ensure the development along the established boulevards of Victoria Street and Sturt Street maintains the prominence of their landscape character. The proposal supports the improvement of the Sturt Street boulevard interface of the Campus in accordance with the expected landscape character of the area.
- Clause 22.05 stipulates policy provisions for a permit involving the demolition of a heritage place. The proposed relocation (or demolition) of four contributory heritage dwellings requires a permit. A permit for the proposed development is simultaneously sought with this Amendment in the form of all stage 1 works identified in the Master Plan. The draft planning permit attached to this Explanatory Report includes a condition requiring that these heritage places be recorded before demolition works commence. Furthermore, the proposed works will help ensure the long-term viability of the Campus to provide for the education requirements of Ballarat Clarendon College, which is specifically mentioned in the Ballarat Statements of Significance, therefore the cultural significance of the place would continue to be realised. A heritage impact statement has been produced with the application to quantify the impact of the proposal on the significance of the heritage place.

Does the Amendment make proper use of the Victoria Planning Provisions?

The Amendment makes proper use of the Victoria Planning Provisions (VPP).

The application of the SUZ17 to all land managed by Ballarat Clarendon College defines the Campus boundaries and rationalises the existing zones that apply to the site to that of SUZ17.

The SUZ17 references the Ballarat Clarendon College Sturt Street Campus Master Plan 2017-2030 and, in doing so, clearly indicates to both school and local community those works that the school intends to undertake and its rationale for doing so.

The proposed SUZ17 is the most appropriate tool to facilitate ongoing development of the Ballarat Clarendon College site and has been prepared in response to the specific purpose and issues associated with the site. This is consistent with the purpose of the SUZ. The amendment provides a framework to guide the long-term use and development of the land. The rezoning reflects the site's current use and development as an education centre and provides a greater level of surety regarding the future use and development of the site than is currently afforded in the General Residential Zone or the existing SUZ5.

The SUZ is currently applied to educational institutions in Ballarat and in Victoria. The SUZ5 Private Education Establishment is currently applied to part of the site and to the adjoining St Patrick's College site and is similarly used throughout the municipality. There are also a number of examples across metropolitan and regional Victoria where the SUZ has been applied to privately run education centres, including planning scheme amendments Hume C179 and Greater Bendigo C115.

The Amendment continues to make proper use of the VPPs by ensuring consistency in zoning of all land owned by Ballarat Clarendon College with the intent to occupy for the Sturt Street campus. This simplifies the planning provisions and avoids future land use issues of land in more than one zone should the land holding be consolidated.

Planning Practice Note 3 'Applying the Special Use Zone' encourages using the Development Plan or Incorporated Plan Overlay to give effect to master planning. These overlays are not considered an appropriate tool in this case as they remove third party notice and review rights associated with other provisions of the planning scheme. The site is subject to existing controls being the Design and Development, Heritage and Vegetation Protection Overlays. It is reasonable to expect third parties to have an interest and potentially be affected by the built form of implementing the master plan concept on heritage or design grounds.

How does the Amendment address the views of any relevant agency?

The views of any relevant agencies will be sought through the amendment process.

Does the Amendment address relevant requirements of the Transport Integration Act 2010?

The Amendment will not have any significant impact on the objectives and decision-making principles of the *Transport Integration Act 2010*.

Resource and administrative costs

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The Amendment will not have any negative impact on the administrative costs of the responsible authority. It is anticipated that this will be managed within existing resources. The amendment will result in clear use and development directions for the Ballarat Clarendon College Sturt Street Campus, therefore providing certainty to all stakeholders and requiring less administrative processing by the responsible authority.

Where you may inspect this Amendment

The Amendment and the application is available for public inspection, free of charge, during office hours at the following places:

City of Ballarat
The Phoenix Building
25 Armstrong Street South
Ballarat VIC 3350

And on the City of Ballarat website www.ballarat.vic.gov.au.

The Amendment and the application can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.delwp.vic.gov.au/public-inspection.

Submissions

Any person who may be affected by the Amendment and/or planning permit may make a submission to the planning authority. Submissions about the Amendment and/or planning permit must be received by 19 March 2019.

A submission must be sent to:

City of Ballarat
PO Box 655
Ballarat VIC 3353

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: to commence in the week of Monday, 22 July 2019
- panel hearing: to commence in the week of Monday, 5 August 2019

Attachment 2 – Combined Amendment C2017 – Summary of Submissions

	In support of recommendation	Summary of submission	Officer's response to submission	Officer's recommendation
1	No	<p>The submitter does not support C207 due to the following:</p> <p><u>Closure of pedestrian easement</u></p> <ul style="list-style-type: none"> • Closure of pedestrian easement that runs between Sturt St and Ajax Street as it reduces access to the cafes and parklands associated with Lake Wendouree. • The above may have a negative impact on the value of property that currently benefit from the connectivity provided by pedestrian easement. • Proposed closure of pedestrian easement is contrary to the Council agreement in 1980's when it determined to sell part of Murray Street to the School. At that time Council had agreed to maintain a pedestrian easement over the closed easement. • Closure of the pedestrian easement constitutes a '<i>precedent of a powerful monied private organization imposing their demands to the detriment of residents, tenants and landlords which choices of property in these surrounding streets now face the expanding ambitions of a wealthy business group</i>'. 	See report to Council in which these matters have been acknowledged and a Strategic Planning response provided.	Refer to Planning Panel Victoria

	In support of recommendation	Summary of submission	Officer's response to submission	Officer's recommendation
		<u>Road management</u> <ul style="list-style-type: none"> • Anticipated increase in traffic movement along Eyre and Murray Streets. • Safety of children crossing in Eyre St. • The school should expand having regard to the agreement made between it and Council in the 1980s. 		
2	N/A	Victorian Commission for Gambling and Liquor Regulation - referral authority – No comment on proposal.		
3	No	<p>The submitter does not support C207 due to the following:</p> <u>Traffic management</u> <ul style="list-style-type: none"> • Existing traffic congestion in Ajax Street unacceptable. • To overcome the above, recommends that there be no pedestrian access to the College from Ajax Street. • Inadequate number of car parking spaces provided given the number of staff required for the students. 	See report to Council in which these matters have been acknowledged and a Strategic Planning response provided.	Refer to Planning Panel Victoria
4	Requires further work	<p>Central Highland Waters, a referral authority, could not support the proposal given the impact the proposed closure of Murray Street and Ajax Street would have on water and sewerage assets located in these streets.</p> <p>The Water Act 1989 (s.148) provides that CHW's consent is required before any structure or filling could be established over its assets.</p>	See report to Council in regards to works undertaken to date.	Refer to Planning Panel Victoria

	In support of recommendation	Summary of submission	Officer's response to submission	Officer's recommendation
5	No	<p>The submitter does not support C207 on the following grounds:</p> <p><u>Heritage</u></p> <ul style="list-style-type: none"> The school demolished 6 contributory dwellings some years ago and now they want to demolish another three. Removal of so many heritage houses undermines heritage in Ballarat. <p><u>Road management</u></p> <ul style="list-style-type: none"> Increase in traffic movement along Eyre Street given the closure of Ajax Street. 	See report to Council in which these matters have been acknowledged and a Strategic Planning response provided.	Refer to Planning Panel Victoria
6	N/A	Goulburn Murray Water - referral authority – no comment as application is not within its jurisdiction.		
7	No	<p>The submitter does not support C207 on the following grounds:</p> <p><u>Closure of pedestrian easement</u></p> <ul style="list-style-type: none"> Council reneging on an undertaken made in the 1980's when it determined to sell Murray Street on the condition that a pedestrian easement was retained over that land. <p><u>Heritage</u></p> <ul style="list-style-type: none"> Loss of heritage buildings in Ajax and Murray Street. <p><u>Organic growth</u></p> <ul style="list-style-type: none"> Impact on the residential area of Newington with the development of Clarendon College. <p><u>Traffic movement</u></p> <ul style="list-style-type: none"> Impact of Percy Baxter Aged Care Facility will, along with the proposed development of Ballarat Clarendon Campus, will increase traffic 	See report to Council in which these matters have been acknowledged and a Strategic Planning response provided.	Refer to Planning Panels Victoria

	In support of recommendation	Summary of submission	Officer's response to submission	Officer's recommendation
		<p>movement along Durham Street and Junction Street. Durham Street, a local street, will be required to carry substantially more traffic.</p> <p><u>Acquisition of sections of Murray Street and Ajax Street</u></p> <ul style="list-style-type: none"> • Part closure of these streets 'audacious' on behalf of Ballarat Clarendon. • Streets have been part of the neighbourhood for 150 years. 		
8	No	<p>The submitter does not support the amendment on the following grounds:</p> <ul style="list-style-type: none"> • Closure of the pedestrian easement – part of a walking track for family between the intersection of Murray and Ajax Streets and Sturt Street. 	See report to Council in which these matters have been acknowledged and a Strategic Planning response provided.	Refer to Planning Panel Victoria
9	N/A	CASA – referral authority – no objection		
10	No	<p>The submitter does not support the amendment on the following grounds:</p> <p><u>New kerb extension</u></p> <ul style="list-style-type: none"> • New kerb extension for pedestrians north side of Sturt Street, to the frontage of a dwelling at 1426 Sturt Street. <p><u>Insufficient car parking on site</u></p> <ul style="list-style-type: none"> • The proposed 48 car parking spaces (17 existing and 31 proposed) is inadequate to meet the demands associated with a school population of 1,195 students: 	<p>The proposed kerb extension to the north side of Sturt Street is not relevant to this application.</p> <p>Council has had regard to concerns regarding insufficient car parking associated with Ballarat Clarendon College.</p>	Refer to Planning Panel Victoria

	In support of recommendation	Summary of submission	Officer's response to submission	Officer's recommendation
		<p>teaching staff, ancillary staff, students with licences etc.</p> <ul style="list-style-type: none"> • Overflow of car parking associated with the school in residential streets. 		
11	No	<p>The submitter does not support Amendment on the following grounds:</p> <p><u>Removal of pedestrian easement</u></p> <ul style="list-style-type: none"> • Pedestrian easement was granted to the community as a small concession for the loss of vehicle access when the College was granted the closure of the road the title to the previous roadway. • The easement is well used and appreciated by residents, especially as far south as the Waller Estate. • The pedestrian easement is a symbol of a small victory given the battle regarding the previous proposal to close the Murray Street. • Removal of the easement will not necessarily enhance safety for students, especially given the number of entry points to the school. • School should consider other safety measures, other than the closure of the pedestrian access, such as CCTV cameras and enhanced lighting. <p>Heritage</p>	See report to Council in which these matters have been acknowledged and a Strategic Planning response provided.	Refer to Planning Panel Victoria

	In support of recommendation	Summary of submission	Officer's response to submission	Officer's recommendation
		<ul style="list-style-type: none"> • Proposed demolition of heritage dwellings in Ajax Street and Murray Street. • Houses to be demolished are perfect examples of the residences which form the neighbourhood. • Approval for the above will potentially lead to further applications for demolition of heritage properties in Ajax Street. • That aspect of the application that calls for the demolition of three contributory dwellings will <i>"rip the heart out of this lovely neighbourhood and open the door for more similar vandalism"</i>. <p><u>Removal of trees</u></p> <p><u>Traffic movement</u></p> <ul style="list-style-type: none"> • Concern that school buses enter along Durham Street into Junction and then into Wanliss Street is problematic. This aspect of the proposal needs to be considered. <p><u>Alternative areas for expanding the school</u></p> <ul style="list-style-type: none"> • Ballarat Clarendon could expand using its site in Lucas. <p><u>Impact of the development on properties to the south</u></p> <ul style="list-style-type: none"> • Impact of the proposed sporting facility on the property to the south. There is a right of way that separates the proposed sporting facilities with the garage at the rear. There is concern that the proposed cul de sac in Murray St does not provide for 		

	In support of recommendation	Summary of submission	Officer's response to submission	Officer's recommendation
		<p>adequate space when reversing a caravan or trailer</p> <p><u>Economic power of Ballarat Clarendon in pursuing its proposals</u></p> <ul style="list-style-type: none"> Quality of life being compromised due to the schools proposals and expansions into the residential area. 		
12	No objection to Amendment subject to recommended conditions.	<p>Minister for Roads, Minister for Road Safety and the TAC and the Minister for Fishing and Boating had no objection to the proposal. The submission noted that the following assessments of the application had been undertaken:</p> <ul style="list-style-type: none"> Regional Roads Victoria (RRV), in collaboration with the Department of Transport, reviewed the Traffic Impact Assessment. It was satisfied that the detours necessary for public transport users to access the Sturt Street bus stop do not unreasonably impact on network accessibility due to the presence of existing pedestrian crossings of Sturt Street and alternative bus stops located at St Patricks College/Service Street and City Oval/Pleasant Street. Recommended public realm landscaping works should have regard for the design principles of Section 2.6.1 (Relationship between Transport routes and the Surrounding Area-Pedestrians) of the Public Transport Guidelines for Land Use and Development (2008)-a reference 	<p>Council had regard to those recommended conditions. Council notes that those conditions apply to public land.</p>	Refer to Planning Panel Victoria

	In support of recommendation	Summary of submission	Officer's response to submission	Officer's recommendation
		<p>document under clauses 18.01-1S and 18.02-2S.</p> <ul style="list-style-type: none"> RRV noted that it is currently preparing to deliver a package of works along Sturt Street which aims to improve safety, access to schools and traffic flow between Pleasant Street and Dyson Drive. Such works include: <ul style="list-style-type: none"> Adjacent to the Ballarat Clarendon College Sturt Street Campus, RRV will construct a U-turn lane and provide improvements for pedestrian movements across Wanliss Street. These improvements align with the objectives of the Masterplan. RRV will continue to work with the City of Ballarat and school community to complete the upgrades 		
13	No	<p>The submitter raised the following concerns regarding the Amendment:</p> <p><u>Expansion of the school into residential area</u></p> <ul style="list-style-type: none"> School has initiated the problem by proceeding with enrolments that it cannot provide <p><u>Car parking</u></p> <ul style="list-style-type: none"> Limited opportunity on Campus for car parking. An increase in student and staff numbers will generate a greater car parking requirement and will seek to rely on parking in residential areas. The proposed road closure and opening of a new one through Ballarat Health Services facility will impact on traffic flows. 	See report to Council in which these matters have been acknowledged and a Strategic Planning response provided.	Refer to Planning Panel Victoria

	In support of recommendation	Summary of submission	Officer's response to submission	Officer's recommendation
		<u>Removal of the pedestrian easement</u> <u>Demolition of heritage buildings and impact of this on streetscape.</u>		
14	No	<p>The submitter does not support the amendment on the following grounds:</p> <p><u>Impact on traffic movement</u></p> <ul style="list-style-type: none"> • Partial closure of Murray and Ajax Streets will impact on the ability of emergency services to access residents in Ajax Street. • Traffic associated with the school and potential increase if week end sport played on the multi purpose field • Impaired access for residents on the north side of Junction Street to their garages accessed from the laneway. <p><u>Lack of car parking provided</u></p> <ul style="list-style-type: none"> • Insufficient number of car parking spaces for existing staff on site. <p><u>Expansion of school into residential areas</u></p> <ul style="list-style-type: none"> • Growth of school in a residential area. <p><u>Removal of pedestrian easement</u></p> <ul style="list-style-type: none"> • Reduces access to buses in Sturt Street. • Removal of pedestrian easement will increase traffic movement. <p><u>Loss of contributory houses in the heritage overlay</u></p> <ul style="list-style-type: none"> • Demolition of houses to which the heritage overlay applies. • Erosion of neighbourhood character with the expansion of the school. 	See report to Council in which these matters have been acknowledged and a Strategic Planning response provided.	Refer to Planning Panel Victoria

	In support of recommendation	Summary of submission	Officer's response to submission	Officer's recommendation
		<u>Amenity impact</u> <ul style="list-style-type: none"> Noise associated with use of the proposed sporting facility. 		
15	No	<p>The submitter does not support the amendment on the following grounds:</p> <p><u>Impact on residential amenity</u></p> <ul style="list-style-type: none"> Limited access to emergency vehicle access. Concerns regarding Stage 2 of the Master Plan, in particular the relocation of the girls' boarding schools to the rear of properties that front Durham Street in particular overlooking, noise and overshadowing to those properties that front Durham Street. Devaluation of property given relocation of girls boarding school to the west of residential properties that front Durham Street. <p><u>Loss of pedestrian easement</u></p> <ul style="list-style-type: none"> Partial closure of Murray Street and removal of the pedestrian easement limits access to Lake Wendouree from the south of Ajax Street. <p><u>Loss of contributory heritage dwellings</u></p> <ul style="list-style-type: none"> Removal of heritage properties in Ajax street. Insufficient car parking spaces on site. <p><u>Traffic dispersal</u></p> <ul style="list-style-type: none"> Increased traffic movement. 	See report to Council in which these matters have been acknowledged and a Strategic Planning response provided.	Refer to Planning Panel Victoria
16	CFA has no objection to the Amendment	CFA advised no objection to the planning scheme amendment but following modifications required to PLP2017/444:	The proponent has not provided an updated site plan detailing the works and any	Refer to Planning Panel Victoria

	In support of recommendation	Summary of submission	Officer's response to submission	Officer's recommendation
	subject to modifications to PLP2017/444	<ul style="list-style-type: none"> Emergency (fire) access be maintained in Murray street north of the Laneway, adjacent to the proposed multi-sport playing field, to the existing access between the Rowena E Coutts Science Centre and the Darrell J Fraser Library. Access needs to be a minimum of 4 metres, accommodate a truck of 4 metres high and paving must be constructed to facilitate passage of fire vehicles with a GVM f up to 30 tonnes. New landscaping condition to the Sturt Street entrance in the vicinity of the existing tennis courts/laneway should be designed to facilitate fire truck access – including mountable kerbing, gutter crossover load capacity and gate width. 	<p>implications associated with such works.</p> <p>The proposed works will be located in proximity to existing trees. Clarification is required that the conditions can be met and any changes required to accommodate those changes can be addressed..</p>	
17	No	<p>The submitter does not support the amendment on the following grounds:</p> <p><u>Impact on heritage streetscape</u></p> <ul style="list-style-type: none"> Lose of three heritage dwellings will impact on the streetscape <p><u>Proposed removal of the pedestrian easement</u></p> <ul style="list-style-type: none"> Removal of pedestrian access impacts on access to Lake Wendouree and recreational activities to the north of Sturt Street. Recommends that the proposed car park on the corner of Junction and Wanliss Roads will increase traffic movement be 	<p>See report to Council in which these matters have been acknowledged and a Strategic Planning response provided.</p>	<p>Refer to Planning Panel Victoria</p>

	In support of recommendation	Summary of submission	Officer's response to submission	Officer's recommendation
		relocated to the frontage of the School where all traffic is directed to now.		
18	No	<p>The submitter does not support the amendment on the following grounds:</p> <p><u>Impact on traffic management</u></p> <ul style="list-style-type: none"> Traffic management on Murray Street. <p>Requests that an access gate be provided on the east boundary of the oval approximate to the corner of Junction/Murray Streets.</p>	See report to Council in which these matters have been acknowledged and a Strategic Planning response provided	Refer to Planning Panels Victoria.
19	No Recommendations if the application supported	<p>The submitter does not support the amendment on the following grounds:</p> <p><u>Loss of pedestrian easement</u></p> <ul style="list-style-type: none"> School has removed many of the security devices, such as fences and gates previously associated with the pedestrian access way. Council provided an undertaking to residents on the road closure of Murray Street from Ajax Street to Sturt Street that the pedestrian easement would remain in perpetuity. <p><u>Part closure of Ajax Street and Murray Street</u></p> <ul style="list-style-type: none"> Partial closure of Ajax Street and Murray Street effectively removes the ability to 'walk around the block' and, in doing so, reduces neighbourliness. <p><u>Loss of heritage dwellings and infrastructure</u></p> <ul style="list-style-type: none"> Demolition of three heritage dwellings, especially given that the Ballarat Clarendon 	See report to Council in which these matters have been acknowledged and a Strategic Planning response provided.	Refer to Planning Panels Victoria

	In support of recommendation	Summary of submission	Officer's response to submission	Officer's recommendation
		<p>previously four heritage dwellings for the science block.</p> <ul style="list-style-type: none"> • Demolition of the existing chapel not supported. • Ballarat Clarendon should consider expanding into the land that it owns to the west. <p>Recommendations include:</p> <ul style="list-style-type: none"> • Traffic control and access to college from Ajax Street – requests that a sign erected at the Durham/Ajax Street corner that says 'No College Access, Residents only. • School fencing in Ajax Street to be at a height that it cannot be accessed. • No access from Ajax Street to the new Multipurpose Sport Playing Field. • Increase size of turning bowl in Ajax Street to accommodate garbage trucks, large cars with trailers and large delivery vans. • Increase turning circle at the Murray Road laneway intersection. • Provision of 90 degree parking along the grass verge at the Junction Street end of the College Oval. 		
20	No	<p>The submitter does not support the amendment on the following grounds:</p> <p><u>Traffic management and parking</u></p> <ul style="list-style-type: none"> • Impact on traffic management and car parking. 		Refer to Planning Panel Victoria

	In support of recommendation	Summary of submission	Officer's response to submission	Officer's recommendation
		<ul style="list-style-type: none"> Part closure of Murray Street and Ajax Street will exacerbate the above. The One Mile Grid Traffic Management plan and Traffic Impact Assessment makes no mention of traffic movement on Junction Street. School employs 340 EFT. No opportunity provided for an increase in on site car parking. <p><u>Pedestrian public access walkway</u></p> <ul style="list-style-type: none"> Methods, other than closure of the pedestrian walkway, could ensure the safety of students. Girls boarding school is proposed to be relocated. <p><u>Acquisition of public land</u></p> <ul style="list-style-type: none"> Concern that school is 'swallowing' up residential space. 		
21	Support preparation of a Master Plan. Raised a number of concerns regarding the overall proposal. Makes a number of recommendations.	<p>Submission raised following concerns:</p> <p><u>Change in zoning and Master Plan</u></p> <ul style="list-style-type: none"> SUZ5 Precinct creep into areas zoned GRZ1 Diminution of community rights – doesn't support change of zone from GRZ1 to SUZ and impact that this may have on community rights when developments are proposed. Compounded effect of multiple development proposes – with reference to Ballarat health Services (BHS) also known as the Percy Baxter ie 	See report to Council in which these matters have been acknowledged and a Strategic Planning response provided.	Refer to Planning Panel Victoria

	In support of recommendation	Summary of submission	Officer's response to submission	Officer's recommendation
		<ul style="list-style-type: none"> • Ballarat Clarendon College has failed to adequately address community concerns in the proposed Master Plan <p><u>Traffic concerns</u></p> <ul style="list-style-type: none"> • Closure of pedestrian access way and the argument relied on to support this. • Traffic flow and impact such traffic, including buses, may have on street trees and amenity of the residential area. • Traffic displacement from Murray Street and Ajax Street into Durham and Junction Streets – concern that neither street will cope with peak two-way traffic unless widened. • Queries One Mile Grid's Traffic Assessment of increase in traffic movement in Durham and Junction Street. • Part closure of Murray and Ajax Street will lead to a loss of 15 on-street car parking spaces currently available to residents and their visitors increasing pressure on on-street car parking in neighbouring streets. • Insufficient provision of on-site car parking by Ballarat Clarendon College. • Ballarat Clarendon College should be required to remedy on site shortage of car parking spaces and add at least as many public (non-staff/student) parking spaces, to replace those lost to the community. <p><u>Closure of pedestrian easement</u></p> <ul style="list-style-type: none"> • Argument for above based on student security/safety however School does not 		

	In support of recommendation	Summary of submission	Officer's response to submission	Officer's recommendation
		<p>appear to have taken any steps to mitigate risks. For example, low front fences on Sturt Street , no locked gates.</p> <ul style="list-style-type: none"> • Noted that the Girls Boarding House to be removed as part of the broader Master Plan, away from pedestrian easement. • Bad faith on schools' behalf given that the Council agreed to the sale of Murray Street on the condition that a pedestrian access was created • Loss of amenity for residents to the south of school to access Sturt Street. • Note that other schools, such as Camberwell Grammar, have public access walkways through school property. <p><u>Heritage</u></p> <ul style="list-style-type: none"> • Loss of heritage stock • No information as to end fate of heritage-style buildings to be "removed". <p>Supports the preparation of a Masterplan- Recommends further amendments to the proposal as detailed at Part 9 of the Submission and which include:</p> <ul style="list-style-type: none"> • Ballarat Clarendon College to pay full market value for any public land subsumed by it: • Retention of the public access way. • If Ajax and Murray Street are discontinued – conditions relating to future traffic movement required. 		

	In support of recommendation	Summary of submission	Officer's response to submission	Officer's recommendation
		<ul style="list-style-type: none"> • Consideration of impact of multiple development proposals. • Amend parking restrictions. • Provision of more parking on Campus 		
11	Supports the concept of a Master Plan. Has a number of concerns about Amendment	<p>Supports the preparation of a Master Plan. Note the following concerns with the Amendment that relate to:</p> <p><u>Traffic and road closures</u></p> <ul style="list-style-type: none"> • Diminution of community rights if land rezoned from GRZ1 to SUZ. • Traffic – displacement and impact on roads and amenity of residential areas, • Air pollution in heritage areas – buses should be rerouted onto main roads. • Traffic calming and deterrent measures should be introduced. • Loss of 16 on street car parking spaces with the partial closure of Ajax and Murray Streets. • Insufficient car parking on Campus. <p><u>Closure of pedestrian easement</u></p> <ul style="list-style-type: none"> • Student safety should not be the reason given for the sought closure of the pedestrian easement given that school has not sought to address this ie Sturt Street fence low, no capacity for students to be dropped off in campus. • Council agreed to closure of Murray Street on the condition that a pedestrian easement was provided. Ballarat Council 	See report to Council in which these matters have been acknowledged and a Strategic Planning response provided.	Refer to Planning Panels

	In support of recommendation	Summary of submission	Officer's response to submission	Officer's recommendation
		<p>displays poor faith in now seeking its removal.</p> <ul style="list-style-type: none"> • Removal of pedestrian easement will lead to reduction in access and amenity to residents walking north-south. <p><u>Heritage</u></p> <ul style="list-style-type: none"> • Loss of heritage stock and lack of clarity regarding "removal" of heritage buildings. 		
23	No	<p>The submitter does not support the amendment on the following grounds:</p> <p><u>Traffic and car parking</u></p> <ul style="list-style-type: none"> • Proposal will lead to increased traffic flows down Durham and Junction Street. • No consideration been given to the future development of the Percy Baxter House in Durham Street. • Insufficient car parking provided on Campus. <p><u>Loss of heritage dwellings</u></p> <ul style="list-style-type: none"> • Failure to respect the heritage overlays <p><u>Loss of roads and pedestrian easement</u></p> <ul style="list-style-type: none"> • Concern that ratepayers losing community assets to non rate paying organizations, such as Ballarat Clarendon College 	See report to Council in which these matters have been acknowledged and a Strategic Planning response provided.	Refer to Planning Panel Victoria
24	Yes subject to amendments	<p>In support of the proposed Amendment subject to changes that relate to the following:</p> <ul style="list-style-type: none"> • Proposed SUZ17 more onerous in notice requirements than the existing SUZ5 	See report to Council in which these matters have been acknowledged and a Strategic Planning response provided.	Refer to Planning Panel Victoria

	In support of recommendation	Summary of submission	Officer's response to submission	Officer's recommendation
		<ul style="list-style-type: none"> Condition 12 of draft permit PLP/2017/444 sets a maximum cap of 1195 students on campus at any time. Condition 1(i) requires the creation of an additional vehicle access point from Ajax Street. 		
25	No	<p>The submitter does not support the amendment on the following grounds:</p> <p><u>Pedestrian easement</u></p> <ul style="list-style-type: none"> Closure of pedestrian access way and basis on which this is sought – student safety given that the school has done very little to achieve this. <p><u>Traffic management</u></p> <ul style="list-style-type: none"> Failure to consider increase in traffic in Durham Street and Junction Street as a consequence of the Master Plan and the proposed development of the Percy Baxter Home in Durham Street. After hours use of proposed playing fields and impact on residential traffic. <p><u>Relocation of girls boarding house to the rear of 2, 4, 6 & 8 Durham Street.</u></p> <ul style="list-style-type: none"> Limited detail provided as to capacity of boarding house. No detail as to scale of development, where parents and students will access it – no access from Ajax Street to discourage school related traffic to this street. Impact of partial closure of Ajax Street on rubbish truck collection, emergency vehicles etc. <p><u>Heritage</u></p>	See report to Council in which these matters have been acknowledged and a Strategic Planning response provided.	Refer to Planning Panel Victoria

	In support of recommendation	Summary of submission	Officer's response to submission	Officer's recommendation
26	No	<ul style="list-style-type: none"> Loss of bluestone guttering in Ajax Street <p>The submitter does not support the amendment on the following grounds:</p> <p><u>Traffic in Ajax Street</u></p> <ul style="list-style-type: none"> Concern that the proposed court bowl in Ajax Street will become a pseudo "kiss and go" drop off point. <p><u>Amenity</u></p> <ul style="list-style-type: none"> Unclear how the School intends to use the property at 15 Ajax Street and how this may impact on residential uses in its proximity. <p><u>Car parking in Ajax Street</u></p> <ul style="list-style-type: none"> Request that a pedestrian cross over be considered to replace the driveway bridge to be removed if the a court bowl is constructed in Ajax Street. <p><u>Dobson Clothing Shop at 16 Ajax Street</u></p> <ul style="list-style-type: none"> Is there the relevant permissions for this use to operate on the site? Is the above use to remain under the Master Plan. If so, how will parents access the premises as the plans show only emergency access from Ajax Street. 	See report to Council in which these matters have been acknowledged and a Strategic Planning response provided.	Refer to Planning Panel Victoria
27	No	<p>The submitter does not support the amendment on the following grounds:</p> <p><u>Traffic movement</u></p> <ul style="list-style-type: none"> Proposed increase in student population and the resultant increase in traffic 	See report to Council in which these matters have been acknowledged and a Strategic Planning response provided.	Refer to Planning Panel Victoria

	In support of recommendation	Summary of submission	Officer's response to submission	Officer's recommendation
		<p><u>Closure of the pedestrian easement</u></p> <ul style="list-style-type: none"> • Ballarat Clarendon College agreed to the creation of the pedestrian easement on the condition that a pedestrian easement would be created in benefit of the community. • Removal of the above reduces neighbourhood amenity. 		
28	No	<p>The submitter does not support the amendment on the following grounds:</p> <p><u>Amenity</u></p> <ul style="list-style-type: none"> • Potential of overlooking adjoining properties from proposed playing fields. • Impact on amenity of proposed playing fields being used outside of school hours. • Concern that lighting may be installed on the proposed playing fields and impact that this will have on adjoining residential properties. • Safety concerns regarding sporting equipment entering rear yards of residential properties. • Retaining vehicle turning circles in the right of way that runs between properties on the south side of Ajax Street and north side of Junction Street • <u>Impact on operation of laneway when building works occur.</u> <p><u>Drainage concerns</u></p>	See report to Council in which these matters have been acknowledged and a Strategic Planning response provided	Refer to Planning Panel Victoria

	In support of recommendation	Summary of submission	Officer's response to submission	Officer's recommendation
		<ul style="list-style-type: none"> Potential increase in run off from the proposed playing fields to properties to the south given that site to the north is elevated relative to the south. <p><u>Traffic Management</u></p> <ul style="list-style-type: none"> Proposed partial closure of Ajax and Murray Streets will impact on traffic movement and on street car parking. Above will create greater traffic movement in both Durham and Junction Streets. Provision of an extra 21 car parking spaces on site is inadequate given that the proposal seeks to accommodate a student population of 1195 and in excess of 200 staff . Increased demand for on - street car parking when sporting carnivals are held at the school. Location of the proposed car park on the corner of Wanliss Street problematic. <p><u>Removal of pedestrian easement</u></p> <ul style="list-style-type: none"> Easement is used to access bus stop in Sturt Street. Removal of this easement reduces the safety of family members as they will not be able to travel via the most direct route. Easement provides direct route to the lake precinct. <p><u>Impact on heritage</u></p> <ul style="list-style-type: none"> Removal of heritage dwellings and infrastructure not supported as contrary to the heritage overlay. <p><u>Devaluation of property values</u></p>		

	In support of recommendation	Summary of submission	Officer's response to submission	Officer's recommendation
		<ul style="list-style-type: none"> Concern that the above could occur as a consequence of the development. 		
29	No	<p>The submitter does not support the amendment on the following grounds:</p> <p><u>Heritage</u></p> <ul style="list-style-type: none"> Impact of the proposed development on West Ballarat Heritage Overlay precinct. Previous development on Campus led to the loss of 3 heritage dwellings. <p><u>Rezoning of land from GRZ1 to SUZ17</u></p> <ul style="list-style-type: none"> Concern that the above will remove rights of review. <p><u>Removal of the pedestrian easement</u></p> <ul style="list-style-type: none"> Council allowed the closure and sale of Murray Street to Ballarat Clarendon College on the condition that a pedestrian easement ran through the site in compensation to the community for the closure of Murray Street from Ajax Street to Sturt Street. Ballarat Clarendon College has made a number of attempts to have the easement closed, contrary to the undertaking made to Council. No evidence has been provided that the student population has been made unsafe due to the pedestrian easement. <p><u>Traffic impact</u></p> <ul style="list-style-type: none"> Increased traffic movement along Durham and Junction Street as a consequence of changes proposed in the Master Plan. 	See report to Council in which these matters have been acknowledged and a Strategic Planning response provided.	Refer to Planning Panel Victoria

	In support of recommendation	Summary of submission	Officer's response to submission	Officer's recommendation
		<ul style="list-style-type: none"> • Regard should be had to future development in proximity to the site, for example at the Ballarat Health Services Site in Pleasant Street (formerly Percy Baxter Homes). • Difficulty manoeuvring in narrow roads, such as Junction and Durham Street given traffic volume and buses. <p><u>Partial closure of Murray Street and Ajax Street</u></p> <ul style="list-style-type: none"> • Above will compound the traffic management concerns. <p><u>Institutional use encroachment into GRZ</u></p> <ul style="list-style-type: none"> • Master Plan only until 2030. No guarantee that the Master Plan will halt the incursion into a GRZ. 		
30	Support the concept of a Master Plan. However, believe that the Master Plan raises many issues.	<p>The submitter does not support the amendment on the following grounds:</p> <p><u>Traffic congestion, especially in Ajax Street</u></p> <ul style="list-style-type: none"> • School currently provides for a Uniform Shop and sick bay, accessed from Ajax Street. Will these facilities be retained and accessed from Ajax Street. <p><u>Closure of pedestrian easement</u></p> <ul style="list-style-type: none"> • Loss of above would remove a daily routine of walking to the Lake that brings much enjoyment. <p><u>Amenity</u></p> <ul style="list-style-type: none"> • Access to off street parking is from the laneway that separates properties in Ajax Street and Murray Street. Concern is that 	See report to Council in which these matters have been acknowledged and a Strategic Planning response provided	Refer to Planning Panel Victoria

	In support of recommendation	Summary of submission	Officer's response to submission	Officer's recommendation
		<p>parents will access Murray Street from Junction Street with the intention to drop children off. These cars will be required to either reverse or do a u turn to exit. Such manoeuvres will delay cars waiting to exit the right of way.</p> <ul style="list-style-type: none"> Laneway is required to remain accessible at all times. No builder's trucks or delivery trucks to rely on this laneway. 		
31	No	<p>The submitter does not support the amendment on the following grounds:</p> <p><u>Traffic movement</u></p> <ul style="list-style-type: none"> Existing traffic movement in Durham and Junction Streets and that this will be exacerbated with the increase in school population. <p><u>Closure of pedestrian easement</u> <u>School expansion into a residential area and the impact of this on streetscape, amenity and heritage fabric.</u></p>	See report to Council in which these matters have been acknowledged and a Strategic Planning response provided	Refer to Planning Panel Victoria
32	No	<p>The submitter does not support the amendment on the following grounds:</p> <p>:</p> <p><u>Expansion of school into a residential area</u></p> <ul style="list-style-type: none"> Impact on amenity and heritage stock <p><u>Partial closure of Murray and Ajax Streets</u></p> <ul style="list-style-type: none"> Above will impact on the look and feel of the area negatively. <p><u>Loss of pedestrian accessway</u></p> <ul style="list-style-type: none"> Above is contrary to a condition upon which Council determined to approve the closure 	See report to Council in which these matters have been acknowledged and a Strategic Planning response provided	Refer to Planning Panel Victoria

	In support of recommendation	Summary of submission	Officer's response to submission	Officer's recommendation
		<p>of Murray Street from Ajax Street to Sturt Street.</p> <p><u>Impact of the development on car parking</u></p> <ul style="list-style-type: none"> Impact of the increased car parking on soil compaction and health of street trees. 		
33	No	<p>The submitter does not support the amendment on the following grounds:</p> <p><u>Growth of educational institutions at expense of residential areas</u></p> <ul style="list-style-type: none"> Impact of the above in regards to loss of neighbourhood amenity. Roads in residential streets not designed and engineered to cope with the expansion of traffic volume and parking needs. Impact of increased car parking on street verges on street trees and blue stone gutters <p><u>Lack of car parking on Campus</u></p> <ul style="list-style-type: none"> Above contrary to the requirements of clause 52.06 of the Ballarat Planning Scheme. 	See report to Council in which these matters have been acknowledged and a Strategic Planning response provided	Refer to Planning Panel Victoria
34	In principle support for expansion of College to meet increased demand however concerns about aspect of Master Plan	<p>Concerns raised relate to:</p> <p><u>Removal of the pedestrian easement</u></p> <ul style="list-style-type: none"> Above will lead to loss of direct access to the Lake from Ajax Street The effective 'gifting' of this public thoroughfare to a commercial entity is a drastic measure, especially in light of the fact that the creation of the pedestrian easement was a condition upon which the Council agreed to close part of Murray Street. 	See report to Council in which these matters have been acknowledged and a Strategic Planning response provided	Refer to Planning Panel Victoria

	In support of recommendation	Summary of submission	Officer's response to submission	Officer's recommendation
		<ul style="list-style-type: none"> • Justification provided by Ballarat Clarendon College in seeking the closure of the pedestrian easement is based on ensuring the safety of students. School would appear to have done little to mitigate the risks associated with the existence of this easement ie removal of the barriers that originally lined the easement, location of the girls boarding school in proximity to the easement. • Other measures of reducing the risk have not been exhausted ie installation of security cameras, security staff and physical barriers. The above should be implemented. <p><u>Protection of heritage and residential streetscape</u></p> <ul style="list-style-type: none"> • Change from residential to commercial rezoning in prime residential streets. • Impact on amenity neighbourhood environment, heritage overlay and ultimate impact on value of residential properties. • Recommendation that frontage of residential properties be retained in GRZ and rear yards be incorporated in the SUZ to better protect the integrity of the streetscape. <p><u>Traffic movement</u></p> <ul style="list-style-type: none"> • Potential for parents to drop students in Ajax Street in proximity to sporting fields. • Turning streets into cul de sacs further reduces their ability to handle high volumes of traffic. • Limit school traffic in residential streets. 		

	In support of recommendation	Summary of submission	Officer's response to submission	Officer's recommendation
35	DELWP No objection	DELWP – referral authority – no comment to the proposal		
36	EPA No objection	EPA – referral authority – no comment to the proposal.		
37	Objects in current form Recommends a number of changes	<p>Issues raised:</p> <p><u>Closure of the pedestrian walkway</u></p> <ul style="list-style-type: none"> Removes a direct access way to Sturt Street bus and the Lake Precinct <p><u>Closure of Ajax Street</u></p> <ul style="list-style-type: none"> Increases traffic being channelled through Junction Street <p><u>Potential loss of 19 heritage homes</u></p> <p><u>Rezoning that will cause Ballarat City Council to abandon its own heritage overlay</u></p> <p><u>Impact of further development on traffic movement.</u></p> <ul style="list-style-type: none"> Reference to the proposed development of the Percy Baxter Homes in 	See report to Council in which these matters have been acknowledged and a Strategic Planning response provided	Refer to Planning Panel Victoria

Attachment 3 – Combined Amendment C2017 – Summary of Submission and Response to Key Issues Raised

REFERRAL AUTHORITY SUBMISSIONS

Seven referral authorities provided submissions.

Central Highland Waters (CHW) stated in its submission that it could not support the road closures until concerns regarding works proposed in proximity to its assets were resolved.

CHW and the proponent subsequently engaged in discussions regarding the relocation of CHW assets. CHW advised Council on 27 May 2019 that discussions with the proponent were on-going and expected the matters raised to be resolved.

The Country Fire Authority stated in its submission it has no objection to the Combined Amendment subject to the imposition of permit conditions addressing emergency vehicle access and landscaping to ensure access.

Regional Roads Victoria (RRV) submitted that it had no objection to the Combined Amendment, but made recommendations relating to public realm landscaping works. RRV also noted that it is currently preparing to deliver a works package along Sturt Street which aims to improve safety.

Four referral authorities (Goulburn Murray Water, Victorian Commission for Gambling and Liquor Regulation, Department of Environment, Land Water and Planning, and the Civil Aviation Safety Authority) provided submissions to Council stating each authority has no comment to make in respect of the Combined Amendment, or has no objection to the Combined Amendment.

COMMUNITY SUBMISSIONS

Individuals and groups from within the community lodged a total of 29 submissions to the Combined Amendment. Recurring themes extracted from the submissions are provided below.

Traffic management, volume and congestion

Submissions

Twenty-five (25) submissions raise concerns regarding traffic management, volume and congestion.

Objections to the proposed amendment generally relate to the following:

- existing traffic management issues and volumes of traffic created by the College will increase in several local streets including Eyre, Durham and Junction Street;
- the part closure of Ajax and Murray Street will further increase vehicle movement in these streets and impact on the provision of car parking within Ajax Street;
- the proposed development to which the Permit Application relates does not consider traffic generated by the future redevelopment of Percy Baxter Flats in Durham Street;
- uncertainty about access for service vehicles (rubbish trucks and emergency services) to and from Ajax Street, especially regarding the needs of existing residents in that street;
- traffic impacts from access to the multi-purpose playing field from Ajax Street and implications that this will have on traffic movement and car parking for the street; and
- inadequate car parking provision and resulting parking on road verges and damage to street trees.

Strategic Planning Response

Traffic dispersal

The Combined Amendment, when lodged with Council, was accompanied by traffic reports prepared by consulting traffic engineers, One Mile Grid. These reports have been examined by internal expert traffic engineers, who have provided their comments on the reports and the Combined Amendment more broadly. Council's traffic engineers had no objection to the proposed road closures and traffic reallocation from an engineering perspective.

The "Transport Impact Assessment" details existing traffic volumes based on a survey conducted in April 2015. The report considers traffic movement in the surrounding road system on a scenario where Ajax and Murray Streets are discontinued and do not allow public traffic movements. As the survey is based on a single day survey and, given its age, it is not considered to reflect current (in 2019) or proposed traffic movements in the local area as able to be predicted in 2019. Further evidence is required to demonstrate that the traffic movement and parking under the revised scenario of the Master Plan can be managed in an acceptable manner.

Closure of pedestrian easement

The "Transport Impact Assessment" at Part 2.6 surveyed pedestrian movement along the easement on two occasions and determined that the bulk of the users were by student and staff at the College. The report notes that:

As a result of the removal of the pedestrian path existing users of the path would, similar to the traffic redistribution, need to choose an alternate route to travel north-south. Of note, pedestrian movement counts undertaken on a school and non-school day indicate that pedestrians travelling along the path through the school are low with 5 and 19 movements recorded respectively. (page 32)

The report notes that pedestrians would be required to walk a further 280m to 470 metres to access Sturt Street if the pedestrian easement were to be removed. It is recommended that pedestrian access (staff and students) to the school via the south be a mandatory requirement under the Master Plan.

Vehicle movement in Ajax Street

Council's Traffic Engineers noted that the "Traffic impact Assessment" submitted by the proponent reveals that service vehicles need to undertake a 3-point turn manoeuvre at the end of Ajax Street in a scenario where Ajax Street is discontinued and closed for public traffic movements. The comments made state that such manoeuvres are contrary to both Council's waste collection requirements and guidelines in the Infrastructure Design Manual.

There is a mechanism to resolve this problem and allow a single turn for vehicles the size of Council's service vehicles. Works need to be undertaken to create a larger paved area at the terminus of Ajax Street. A draft permit condition 1(b) has been included in the conditions on any permit to issue in respect of the Permit Application that requires "*revised swept path turning templates for court-bowl*", "to be submitted to the responsible authority prior to the commencement of the development."

Note that Council's Heritage Advisor raised the following concern regarding the originally proposed court bowl in Ajax Street:

The proposed vehicle turnaround at the head of Ajax Street, as currently configured, will have a detrimental impact on the setting of the contributory buildings being retained.

For the proposed road closure to function as per the requirements and guidelines to accommodate Council waste collection vehicles, an increase in court bowl size would be required. It is mandatory that this be handled in a manner to deliver an appropriate heritage response.

Proposed closure of pedestrian easement between Ajax Street and Sturt Street

Submissions

Twenty-three (23) submissions raised concerns and objected to the proposed closure of the existing pedestrian easement.

The existing pedestrian easement runs north south between the intersection of Murray Street with Ajax Street and Sturt Street.

The existing pedestrian easement was approved by the former City of Ballarat on 15 October 1990 when it resolved to discontinue a 102 metre length of Murray Street from Sturt Street to just north of Ajax Street. The land in the discontinued length of Murray Street was sold to the College (at market value) on a condition that the College was required to create a 2 metre wide easement along the entire length of the closed section of road for the purpose of pedestrian access.

The Contract of Sale, dated 7 November 1990, captured the above in Part 3 of the Special Conditions. It states:

Special Condition 3.

- (a) *The land is sold subject to the creation of a 2 metre wide pedestrian easement along the eastern boundary of the land and running the length of the land from north to south.*
- (b) *The Purchaser shall ensure that the public has access to and over the pedestrian easement at all times.*
- (c) *The Purchaser shall maintain the pedestrian easement in a safe condition at all times.*

The College applied to have the pedestrian easement extinguished in 2000. Council determined not to approve the extinguishment of the easement after consulting with the community. At that time the community opposed the removal of public access including on the basis that the College had agreed to public access as a condition of purchasing the land in that part of Murray Street that was closed in 1990.

Submitters to the Combined Amendment objected to the proposed extinguishment of the pedestrian easement. Issues raised include:

- removal of pedestrian access limits access for residents to and from Sturt Street including to bus stops, reduces the walkability of the local area, will impact on property values, and reduce opportunities for social interaction;
- privatisation of a community and municipal asset;
- the easement was granted as a concession for the loss of vehicle access when Council granted closure of Murray Road in the 1980s. A decision to change this would be breaching the agreement made at the time of the decision. The College should be required to honor this agreement;
- in favour of the extinguishment of the pedestrian easement, the College stated that the easement should be removed on safety grounds because it facilitates direct access into the school campus.

Strategic Planning Response

There is a history of the College seeking the closure of the pedestrian access over the past 20 years, consistently based on concerns the easement are thought to pose to student safety.

Ten years after the easement was created, in March 2000, the College wrote to Council seeking the removal of the pedestrian easement on the grounds of child safety. The letter notes the proximity between the easement and the girls' boarding house.

Council engaged in public consultation in order to assist making a decision on the College's request to extinguish the pedestrian easement. A substantial number of objections were received by Council opposed to the extinguishment of the easement. A public forum was held and the community members in attendance were strongly opposed to the removal of the pedestrian easement. Council determined not to extinguish the easement and on 14 June 2000 Council advised the College that "*given the continued use of the pedestrian easement along the closed part of Murray Street, Council is not prepared to extinguish the easement*". Reference to this history of events is detailed in a number of submissions received by Council in response to the exhibition of the Combined Amendment and with a request to Council to honour this commitment.

In correspondence received by Council from HWL Ebsworth prior to the commencement of the Combined Amendment, Council was advised¹ that the removal of the pedestrian easement was required in light of recent statutory changes to the following legislation designed to ensure sure child safety:

- *Child Safety Standards under the Education and Training Reform Act 2006 (Training Act);*
- *Child Wellbeing Safety Act 2005 (Child Safety Act);*
- Ministerial Order 870 dated December 2015 made pursuant to the Training Act, which requires schools to take appropriate actions and put in place a range of processes to ensure children are safe and protected. In particular, the objective of this Order is to specify the matters regarding which: (a) a person or body applying for registration of a school; and (b) registered schools; must take action for the purposes of: (c) embedding a culture in Victoria's schools of 'no tolerance' for child abuse; and (d) complying with the prescribed minimum standard for the registration of schools in section 4.3.1(6)(d) of the Training Act.

The HWL Ebsworth letter includes the following statements:

Pursuant to the requirements of the Order, the College is required to implement strategies to identify and reduce or remove risks of child abuse.

Similarly, the Child Safety Standards (made pursuant to section 17 of the Child Safety Act) require schools to reduce and removed identified risks of child abuse.

We are of the view that the Easement is an identifiable risk to child safety. It allows the public to enter the school grounds at all hours and the location of the easement (directly adjacent to a girls dormitory) poses a significant risk to students residing on campus".

Accordingly, we are of the view that in seeking to remove the easement, the College has taken appropriate actions to ensure children are safe and protected (as required by the Order and the Child Safety Standards)."

The letter states that if Council's support is not granted to remove the easement then "*we are of the view that the Council would be exposed to liability claims from the affected child (or children) and also the college*".

¹ Mr Mark Bartley, Partner HWL Ebsworth Lawyers, 22 September 2017

Submissions suggested that management choices made by College that have contributed to this situation, including selecting to house the girls' boarding school in proximity to a pedestrian easement (on a large campus area), removing high fences that previously bounded the easement, retaining easy access to the campus given the low boundary fencing and failing to implement security measures readily available to the College to monitor unauthorised public access to the College campus, such as surveillance cameras.

The history to this pedestrian easement, in particular the nexus between the creation of the pedestrian easement and the College's acquisition of land formerly in Murray Street in 1990, are raised in submissions.

Dr Kate Kerkin of K2 Planning Pty Ltd prepared a social impact assessment on behalf of the College (the *Ballarat Clarendon College Planning Scheme Amendment C207-Social Impact Assessment*, 26 January 2019). This report considered the social impact of aspects of the proposed amendment, such as the closure of the pedestrian easement, and references the comments made by HWL Ebsworth in regard to child safety legislation being a grounds upon which the pedestrian easement should be closed.

The report states that:

Prior work has noted that the origins of the pedestrian easement related to specific destinations north of the campus, particularly church facilities. However, declining attendances and an ageing congregation have contributed to the closure of these churches in recent years. It has particularly been noted that the the St Cuthbert's Church is now a private residence and no longer a key destination for some members of the community.

Given these changes to the land uses north of the campus, it is argued that 'the easement does not have the same significance to pedestrians as it once had when the easement was created.

Dr Kerkin references a Ballarat Courier newspaper regarding the closure of the Pleasant Street Uniting Church. It is unclear as to the relevance, and therefore weight, that attach to this argument in support of the proposed closure of the easement.

In considering proposed closure of the pedestrian easement, regard must be given to:

- Council's strategy to have a walkable city, as captured in Clause 21.01-3 and the Ballarat Strategy, a background document to the Ballarat Planning Scheme;
- The School's concern about, and response to, safety for its students;
- Planning Scheme requirements for Councils to consider the interests of affected people (clause 52.02 Easements, Restrictions and Reserves decision guidelines require that the Responsible Authority have regard to the decision guidelines in Clause 65);
- Twenty three (23) objections were raised to the closure of the pedestrian easement;
- The community on previous occasions has spoken against the proposed loss of a pedestrian easement that provides direct access from the residential area of Newington to Sturt Street and the Lake precinct.

Any decision to close the pedestrian easement must be supported by substantial evidence in support of user decline. The objections lodged in response to its proposed closure suggest a very high and regular use of the easement to bus services along Sturt Street and the Lake Precinct to the north.

Dr Kerkin's research considered options, other than the pedestrian easement along Sturt Street, by which pedestrians could access bus services, generally requiring a further 500 metres walk.

This assessment failed to consider pedestrian movement to the south, from for example Junction or Eyre Street, and the increase in time it will take residents from these streets to walk to either Sturt Street or the Lake Precinct.

Additionally, the pedestrian easement provides ready access for those students who live to the south of the Campus. No regard was had in the report to the increase in time for those students to access the school campus from Sturt Street.

In recommending this matter to be referred to an independent Planning Panel it is acknowledged that additional evidence and justification would be required to substantiate the College position to close the pedestrian access.

Additionally, as Council has previously advised the College, it is free to immediately undertake a range of measures that would not require planning permission, to ensure an appropriate level of safety and security is available to students.

Part closure of Ajax Street and Murray Street

Submissions

Submissions generally raised the following concerns and requested changes to the proposed amendment, including the:

- need to maintain fire vehicle access in Murray Street north of the laneway, adjacent to the proposed multi-sport playing field, to the existing access between the Rowena E Coutts Science Centre and the Darrell J Fraser Library;
- impact on traffic movement for residents of Ajax Street, and impacts on traffic movements more generally in the adjoining residential areas;
- loss of bluestone guttering and street trees;
- concerns that a private organization can seek to purchase and close two local roads in regular use by the community.

Strategic Planning Response

The process for seeking the partial closure of Ajax Street and Murray Street has commenced in compliance with the requirements of Schedule 10 of the Local Government Act 1989, being a separate statutory process from the process under the Act to process and decide on the Combined Amendment.

The College Master Plan (proposed through Amendment C207 to comprise a background document under the proposed SUZ17) relies on the partial closure of Murray Street and Ajax Street to facilitate changes to the College's campus including the construction of a multi-purpose playing field.

As discussed above, the road discontinuance application would be considered by Council at a separate meeting.

The matters that are relevant to the proposed road closure (in response to the exhibition of the Combined Amendment), include:

- traffic movement to the south of the campus;
- loss of on street car parking spaces in Ajax Street and Murray Street; and
- loss of bluestone kerbing and impact on the heritage streetscape.

A response to each of these matters is provided elsewhere in this report.

Heritage – demolition of heritage dwellings and removal of heritage infrastructure

Submissions

A total of fifteen (15) submissions raise concerns and objected to the proposed loss of heritage dwellings and infrastructure in the context of the recognised cultural heritage significance of the dwellings and infrastructure and the broader context of this built fabric in the Ballarat Planning Scheme.

The following concerns have been raised by submitters in regards to the loss of heritage dwellings and infrastructure:

- previous demolition of heritage dwellings and setting a further precedent for future applications from the School to remove heritage dwellings;
- properties proposed to be demolished are excellent examples of the heritage precinct;
- inconsistency between council's application of heritage policies for Ballarat Clarendon versus individual land owners;
- concern regarding the removal of the existing School chapel; and
- removal of bluestone gutters and the impact on the heritage streetscape.

Submitters clearly value the heritage and visual characteristics (amenity and aesthetic) associated with the Ballarat West Heritage Precinct within which the proposed demolition is located. Submitters are generally opposed to any further loss of fabric of identified heritage value within this heritage precinct.

Strategic Planning response

The Permit Application proposes to:

- demolish three dwellings considered contributory to the Ballarat West Heritage Precinct at 1 Murray Street and 21 and 23 Ajax Street;
- relocate the dwelling from 19 Ajax Street to the site of the noncontributory dwelling 17 Ajax Street
- retain and repurpose the dwelling at 15 Ajax Street; and
- remove heritage street infrastructure, being the bluestone guttering, in Ajax Street in creation of the court bowl.

Further works proposed in the Master Plan to take place within the College campus contemplate the removal of non-contributory buildings from the Sturt Street frontage (the girls' boarding house and the existing chapel), which may serve to enhance views to existing individually listed heritage buildings on the campus.

Clause 21.06-2 of the Ballarat Planning Scheme acknowledges that the Ballarat community considers the heritage and historic character of Ballarat as its most valued feature. It states:

Ballarat's heritage resources must be protected, conserved and enhanced for its conservation, cultural and tourism potential as well as ensuring that what makes Ballarat distinctive isn't lost. Ballarat's heritage includes places of national, state and local significance.

Ballarat Council has undertaken substantial work to identify those buildings, trees, landscapes and natural features that it has determined has historic, aesthetic and architectural significance.

Any loss to heritage stock is generally not supported by the Ballarat Planning Scheme, in particular Clause 22.05-1.1, with reference to the *Heritage Overlay – Guidelines for Assessing Planning Permit Applications, Public Draft February 2007*, discourages the demolition of identified contributory elements and the cumulative effect such demolition can have on adversely affecting the significance of the heritage precinct.

The West Ballarat Heritage Precinct (HO164)² is described as follows:

The West Ballarat Precinct is characterised by a heterogeneous combination of substantially intact residential buildings constructed generally from the 1870s to the 1940s, and by a notable collection of educational and cultural/community buildings constructed from the 1860s onwards. Almost all of the buildings in the precinct are individually significant or contributory. The precinct is also characterised by the formal layout and mature tree plantings of Sturt Street, by other notable mature street tree plantings throughout the precinct, and by extensive areas of grassed and landscaped public and private open space including City Oval, school grounds, and many mature private gardens. Furthermore, the precinct is specially distinguished by the substantial integrity of its original engineering infrastructure, particularly as identified by the extensive network of spoon drain channels constructed of bluestone pitchers.

The Ballarat West Heritage Precinct includes an area south of Sturt Street, extending from Russell Street to Queen Victoria and Pleasant Streets. A number of key Ballarat educational institutions, established during the gold rush era, are located within this precinct.

The Ballarat West Heritage Precinct Statement of Significance notes the following:

The history of the West Ballarat precinct is associated with the mining, residential, educational and religious themes in Ballarat's history.

The Precinct is historically important as an early example of a highly desirable mid 19th to mid 20th century goldfields residential area.

The precinct's architectural significance is derived from, amongst other things, the following:

The Precinct is architecturally important for its small groups of private residential development which consist of a wide variety of substantially intact residential buildings of outstanding architectural quality that are associated with Victorian, Federation and Inter-War eras.

Its aesthetic significance is influenced by the following:

The Precinct has aesthetic significance for its outstanding visual qualities of its setting, urban layout and architecture. The important visual qualities reflect the historical, cultural and architectural development of the Precinct, and contribute to the contextual setting of Ballarat.

The important visual qualities of the Precinct are also enhanced by the street landscape design and layout that has contributed to the appearance of a gracious provincial City. These streetscape features include the tree-lined avenues, the soft landscaping of the gravel/grass road shoulders, turf nature strips and asphalt footpaths; the extensive network of bluestone drains, the extensive areas of grassed and landscaped public and private open space including the school grounds, parks, gardens with their mature canopy trees, all contribute to the outstanding wide thoroughfares and residential streets.

² Ballarat Heritage Precincts Statement of Significance 2006

The citation notes that numbers 2A, 9, 10 and 17 Ajax St are not contributory to the Ballarat West Heritage Precinct.

The heritage value of Ajax Street was recognized in the matter of *Ballarat & Clarendon College v Ballarat CC* [2012] VCAT 1105.

The Tribunal constituted by Senior Member Wright QC and Member Cindy Wilson were required to consider an application by College to demolish six contributory dwellings on the north side of Ajax Street to enable the construction of a new science wing on numbers 18, 20, 22 and 24 Ajax Street and the construction of tennis courts on numbers 14 and 16 Ajax Street. All dwellings were listed as being of contributory status to the Ballarat West Heritage Precinct.

The Tribunal determined to approve the demolition of dwellings 18, 20, 22 and 24 Ajax Street for the construction of the science laboratory. In doing so, it noted:

Our consideration of the proposed demolition is guided by various provisions of the Scheme that refer to heritage and in particular the Statement of Significance that relates to the West Ballarat Precinct. As part of that consideration we are required to implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies. Decisions on proposals require a balance of the often competing objectives contained in this policy framework and in reaching what we think is a balanced outcome on demolition we find it acceptable to allow the demolition of four of the dwellings, at 18-24 Ajax Street, to make way for the new science building but not the two dwellings at 14-16 Ajax Street. (paragraph 15)

We find the proposed science building will be a valuable adjunct to an important established education facility and is supported by local polices that recognise education as a key industry in Ballarat and support the expansion of existing education facilities. In balancing the competing objectives, we find the benefit of the science building to the community outweighs the adverse impact on the heritage values that will arise from the loss of four contributory buildings. (paragraph 16)

However, we cannot reach the same conclusion in the case of the proposed tennis courts and parking area. These facilities exist on the school grounds at present, the uses are not of the same educational value as a modern dedicated science wing and their relocation does not produce a benefit that would outweigh the loss of the heritage fabric associated with 14 and 16 Ajax Street. (paragraph 17)

In determining to approve the demolition of numbers 18, 20, 22 and 24 Ajax Street, the Tribunal had regard to the intact nature of the south side of Ajax Street.

Important to our decision is that the contributory dwellings on the south side of Ajax Street will be undisturbed and the majority of the north side will, as put by Mr Raworth, continue to read as a valuable portion of the heritage overlay precinct, noting that he reached this view when contemplating demolition of six dwellings compared to the four we are allowing. (paragraph 22)

Acknowledged conservationist specialist, Mr Bryce Raworth, provided expert evidence on behalf of the College in the above VCAT matter. Mr Raworth also assisted the College in its current application and generally supports the demolition of numbers 1 Murray Street and 21 and 23 Ajax Street and relocation of number 19 Ajax Street.

Mr Raworth supported the removal of the three contributory dwellings on the basis that:

- number 1 Murray Street does not form part of the Ajax Street streetscape and, given its location, its removal will have minimal impact on the broader precinct. Mr Raworth did note that the dwelling was intact and representative of the housing stock in the Ballarat West Heritage Precinct.
- numbers 21 and 23 Ajax Street, whilst he acknowledged were representative of the heritage precinct, were not identified by him as being seen as *'exceptional or 'unusual examples that sit on the higher end of the spectrum of contributory dwelling' and therefore 'their demolition in my opinion will therefore result in an incremental impact upon the character and significance of the precinct'*.

Mr Raworth noted that:

In assessing the extent of incremental impact, it is of note that Ajax Street itself is a fine but generally representative street within the precinct [ie it is not of itself of greater than typical significance], and also that both Ajax and Murray Streets are minor streets within the precinct in terms of length and in terms of circulation and 'visibility' – they are not amongst the more prominent streetscapes.

He also noted that the demolition of those three buildings will provide part of the area required for the proposed multi-purpose playing field. The creation of this field will allow for the removal of the College's existing tennis courts and associated 3 metre high chain wire fence located on the Sturt Street frontage. Mr Raworth was of the view that such works, combined with the future proposed removal of the girls' boarding-house would ultimately enhance views of Ballarat Clarendon College from Sturt Street.

As to these works Mr Raworth noted that:

The proposed demolition of these non-contributory elements will enhance the context and setting of the key significant heritage structures along the Sturt Street campus frontage, which include brick school buildings to the west, the adjacent resident at 1423 Sturt Street and further houses to east at 1415, 1417, 1419 and 1421 Sturt Street. This is a positive heritage outcome.

To the extent that there is an increment of adverse impact associated with the demolition and new works to Ajax Street, a minor street within the precinct, these may be seen to be offset, at least in part, by the benefit gained in terms of improvements to the Sturt Street streetscape.

He was also of the opinion that the proposed vehicle turning circle/court bowl in Ajax Street *'will represent a relatively low key change to the new western termination point of Ajax Street'* and therefore determined that such works were acceptable within a heritage precinct.

Mr Raworth's report generally supported relocation of the dwelling at 19 Ajax Street, a contributory dwelling, to the site of the non-contributory dwelling at 17 Ajax Street, as this approach would retain a contributory dwelling within the streetscape.

City of Ballarat sought independent heritage advice on the proposal from Mr Jim Gardner, who advised:

- *the dwellings at 15, 19, 21 and 23 Ajax Street contribute to the identified heritage significance of HO164 - West Ballarat Heritage Precinct*
- *the dwelling at 17 Ajax Street does not contribute to the identified heritage significance of HO164*
- *the dwelling at 1 Murray Street contributes to the identified heritage significance of HO164*
- *the bluestone setts and spoon drain running along the northern and southern sides of the Ajax Street carriageway contributes to the identified heritage significance of HO164*

- *the demolition of the dwelling at 17 Ajax Street is supported (subject to an appropriate redevelopment - which should be a building not a tennis court)*
- *the relocation of an adjacent 'contributory' dwelling to 17 Ajax Street could conceivably form part of an acceptable heritage outcome*
- *the demolition of between three and four 'contributory' dwellings to provide for tennis courts and other sporting facilities is contrary to the heritage provisions of the Ballarat Planning Scheme and should be refused*
- *the previous permit application resulted in the loss of four dwellings and the demolition (or relocation) of further 'contributory' dwellings will diminish the heritage significance of HO164*
- *the removal of the bluestone setts and spoon drain is contrary to the heritage provisions of the Ballarat Planning Scheme and should be refused*
- *the extent of retention of the front portion of 15 Ajax Street and the (as yet unknown) 'contributory' building proposed to be relocated to the site of 17 Ajax Street appears to be inadequate*
- *the proposed demolition of later structures and landscape works proposed to the Sturt Street frontage of Clarendon College does not ameliorate the loss of heritage fabric on Ajax and Murray Streets.*
- *In conclusion I do not support the proposed combined planning scheme amendment (Ballarat C207) and planning permit application (PLP/2017/444).*

In considering the heritage component of this application, regard has been given to the following:

- Previous VCAT decision
 - The demolition of the four contributory dwellings, being numbers 18, 20, 22 and 24 Ajax Street as approved by the VCAT in the matter of *Ballarat & Clarendon College v Ballarat CC* [2012] VCAT 1105 and the cumulative impact that the removal of another three contributory dwellings from Ajax Street will have on that streetscape.
 - The decision of the VCAT identified above clearly indicated that it did not support the removal of contributory dwellings for the purpose of, in that instance, tennis courts.
 - In the current application the proposal seeks the removal of three contributory dwellings and the closure of two roads for the purpose of a multi-purpose playing field and cricket nets. As indicated by the Tribunal, such works need to be weighed up against the proposed losses.
- Heritage policy and loss of attributes
 - In assessing proposed works in a Heritage Overlay, regard must be given to the objective of Clause 15.03-1S Heritage Conservation and the decision guidelines of Clause 43.01-8.
 - The argument put by Mr Raworth that number 1 Murray Street and numbers 21 and 23 Ajax Street, whilst representative of the period captured by HO164, are not exceptional or unusual examples and therefore demolition of those buildings would be acceptable.

It is noted that heritage controls do not grade buildings. Rather, buildings have been assessed as either being contributory, non-contribution or individually listed. Limited weight can be attached to this argument.

- Council policies generally discourage the demolition of contributory buildings, especially in the absence of compelling evidence to do so. Limited evidence has been provided in this case.
 - The demolitions and works on the south side of Ajax Street will erode the intact nature of that side of the street. Furthermore, the roadworks associated with the proposed court bowl will remove existing bluestone guttering which will further erode the integrity of the streetscape.
 - The relocation of contributory dwellings such as proposed with number 19 Ajax Street to the site of number 17 Ajax Street, is generally not supported by either the Burra Charter nor *Heritage Overlay – Guidelines for Assessing Planning Permit Applications, Public Draft February 2007*. The location of a contributory dwelling is important for its understanding of place.
 - The statement of significance clearly acknowledges that the road system, including kerb, channels and verges, are relevant elements of the broader Ballarat West Heritage Precinct. This application seeks the removal of part the existing gravel verge, bluestone guttering and road formation in part of Ajax Street. Such works will undermine the appreciation of the road and subdivision pattern of this part of the precinct.
- Lack of certainty regarding proposed works under the Master Plan
 - The lack of clarification in the Master Plan as to the scale or presentation of the proposed works that will present to Sturt Street, including the two proposed administration blocks (marked as 39 and 40 on the final Master Plan prepared by William Boags Architect) and the gathering place/contemplation space (marked as 41 on the final Master Plan prepared by William Boags Architect) and, in the absence of such information, whether it can be used as a justification for the removal of contributory buildings from Ajax Street.
 - Council's heritage advisor noted in regard to the proposed works:

There is some concern with the potential impact of these new buildings on the setting of the main college buildings. The minimal set-back for building 38 and proximity to the main college building (3, 4 & 6), for example, will potentially have a detrimental impact on the heritage importance of the Sturt Street frontage. {Proposed building 40, in contrast, could, with the right design by an acceptable addition to the College Campus.

To help plan for this future development a Conservation Management Plan for the whole campus should be undertaken (if one has not been prepared already) and a heritage impact assessment undertaken for each of the new building locations being proposed.
 - Expert heritage advice
 - Council's internal heritage advisor acknowledged that the properties to be demolished are '*good representatives of the street so it will have more impact on the heritage precinct and the Ajax streetscape than acknowledged*'
 - The advice of an independent heritage consultant, Mr Jim Gard'ner, was sought to advise it on the proposed amendment and its impact on HO164, who advised that he could not support the amendment.

Following assessment of the current proposal, which includes the demolition of three contributory dwellings, the relocation of a contributory dwelling, the removal of bluestone guttering and the closure of roads within a heritage precinct, it is considered that the proposal may adversely impact on the cultural significance of the precinct.

It is considered in this case the proposed loss of contributory dwellings, bluestone guttering, and road lay out for the purpose of a playing field would appear not to provide for net community benefit and Council is recommended to authorise the advocates in the independent Planning Panel proceedings to pursue a significantly enhanced heritage response to support any adopted Master Plan.

Inadequate provision of on-site car parking

Submissions

Fourteen (14) submissions were received that raise concerns that there will not be adequate provision of onsite car parking at the College campus.

The College currently provides for 13 on site car parking spaces for staff. Submitter concerns related to the following:

- a total of 48 car parking spaces inadequate for the proposed numbers of students, teachers and ancillary staff;
- no consideration of students who drive to school or spectators or visitors to school sport events;
- part closure of Ajax and Murray Streets will remove at least 16 on street parking spaces;
- issues of fairness when other schools and business must provide car parking in accordance with the Scheme; and
- implementation and enforceability of car parking measures in Ajax Street.

Strategic Planning Response

Car parking requirements

The College currently provides for 17 on site car parking spaces for staff.

Based on the proposed growth under the Master Plan, College anticipates that the increase in student population will generate a requirement of approximately 13 new on-site car parking spaces for staff (based on 260 new students over 10 years).

The proposal provides for the construction of a further two car parking areas accessed from Junction Street (19 car spaces) and Wanliss Street (12 car spaces), which exceeds the 13 car parking spaces required under Clause 52.06-5 for the proposal.

However, the "Traffic Impact Assessment" fails to consider the loss of on street car parking. It notes that the proposed closure of Ajax Street will lead to a loss of approximately 20 on-street spaces along the frontages of 15-25 Ajax Street, but it does not calculate the loss of on-street car parking spaces on the north side of Ajax Street, nor the loss of car parking spaces on the east side of Murray Street that is proposed to be closed.

It is estimated that as many as 40 on street car parking spaces may be lost as part of this proposal. Further evidence will be required to justify this envisaged loss of parking will not in a detrimental impact on the amenity and heritage significance of this neighbourhood.

'Organic growth' or 'creep' of BCC into established residential area

Submissions

Thirteen (13) submissions raised concerns and objected to the encroachment of an educational institutional into an established residential area of Ballarat. Concerns generally related to the following:

- the College's expansion into the residential areas of Newington;
- the College should use land that it owns out on the Avenue of Honour;
- enlargement of school campus through acquisition of residential properties by school over the years had a negative impact on a community in a heritage overlay suburb of Ballarat;
- the College pays no rates therefore has no right to freely acquire public land.

Strategic Planning Response

The College is entitled to purchase land, including residentially zoned land, and, through the Combined Amendment, the College is providing the community with the College's future intentions around growth and program of buildings. A benefit of the Master Plan becoming a referenced document under the SUZ17 is that community concerns about 'ad hoc' growth are diminished.

It is acknowledged that there is some tension between educational land use and residential land use and that educational land uses can give rise to adverse impacts to residential amenity. On the one hand there is public benefit to the City flowing from private secondary schools that provide competitive and contemporary education for the City's residents and the region more broadly. Equally, it is reasonable for a residential community surrounding an educational use to be provided with a level of certainty about the future intentions and to suitably manage amenity impacts.

The proposed rezoning will apply to properties currently owned by the College. The main campus is currently zoned SUZ5. School owned properties in Ajax Street and Murray Street are currently zoned GRZ1.

Currently, the school is largely bounded by Sturt Street to the north, Wanliss Street to the west and Ajax Street to the south. The school does have a direct interface with residential property to its east.

The Ballarat Planning Scheme recognizes the importance and contribution made by educational institutions to the City. It also recognizes the history of those educational institutional uses as captured in the statement of significance for HO164.

Council has worked with the College to ensure that it can evolve to meet its ongoing requirements to remain competitive and provide an exemplary educational institution. However, Council is also very aware of resident concern regarding the encroachment of educational uses into residential precincts.

The proposed closure of part of Ajax Street and Murray Street, and the incorporation of that land into school property, would remove the general buffer those roads currently provide between school and residential properties. In doing so, the potential for conflict between the two uses is heightened.

Council has sought to address those concerns by including review right provisions in the proposed SUZ17, which are not currently provided for in the existing SUZ5 that applies to the school property. The HWL Ebsworth submission, lodged on behalf of the College, challenges this core element of SUZ17, and is discussed in further detail below.

In referring this matter to an independent Planning Panel Council is recommended to provide explicit direction to the advocates representing Council to pursue the maintenance of third-party review rights.

Amenity impact on surrounding residential area

Submissions

Submitters who are members of the community have expressed concerns regarding potential adverse amenity impacts as flow from the Combined Amendment, including:

- impacts during the construction phase, including noise and inconvenience to residential neighbours of the College, and especially on the operation of the laneway that separates properties in Ajax Street and Junction Street from the College, during the provision of the various altered and new built elements of the campus;
- ongoing disruption to residential amenity from the activities of the College involved in the use of the multi-purpose playing field including concerns about hours of operation and lighting;
- relocation of the girls' boarding school to the south east corner of the campus and potential adverse impact on adjoining residential uses from overshadowing, overlooking and noise;
- height of the proposed playing fields and potential overlooking into the rear private open space of residential properties on the north side of Junction Street;
- concerns regarding the need to monitor the level of activity to take place on the multi-use fields and the potential adverse impact on the security of residential properties in the adjacent residential streets including Junction Street;
- adverse impacts of car parking, including adverse impact on street trees resulting from compaction of soil;
- removal of built fabric comprising dwellings in order to facilitate the expansion and further development of the College, and removal of the level of residential land use that will be involved in the College's expansion, which is said to remove the vibrancy and residential feel of the neighborhood; and
- safe and efficient access from and from Ajax Street for residents (on foot and vehicle traffic), emergency services and rubbish trucks.

Strategic Planning Response

In regard to the question regarding overlooking from the proposed multi-purpose playing fields, the applicant has provided an assurance that there will be no overlooking, however no sight line diagrams or levels have as yet been provided to assist in assessing this concern.

No lights are shown or noted as future works on the plans depicting the proposed multi-purpose playing field provided to Council under the Permit Application. On this basis, there are no adverse impacts to flow from illumination that could potentially be an adverse amenity impact to residential neighbours.

Other adverse residential amenity concerns, such as increasing the turning circle away from the laneway into Murray Street and hours of operation of the proposed multi-purpose playing field, can be addressed by way of draft permit condition.

Finer grained amenity concerns related to offsite amenity impacts can be addressed through appropriate permit conditions.

Power of monied, private organisations being favoured above the rights of residential ratepayers

Submissions

Six submissions raised concerns about the perceived imbalance of power between large institutions and individuals.

Submitter concerns generally relate to:

- inconsistency and different treatment of residents compared with College regarding demolition of heritage dwellings; and
- removal of public assets for the benefit of an institution when the individual pays rates to enjoy the benefits of such infrastructure.

Strategic Planning Response

The proponent is entitled to advance the Combined Amendment to the Planning Authority for Council's consideration.

Council is required to assess each proposal for combined scheme amendment and permit application against the Scheme and the relevant provisions of the Act.

To the extent that the College benefits from a different requirement to pay rates from residents, that is not an appropriate nor relevant consideration to which any weight can or should be given as part of the consideration of submissions at this point in the processing of the Combined Amendment.

Student numbers

Submissions

Three objecting submissions from individuals queried the strategic direction of the school regarding student population. In this regard submitters noted that:

- relocation of 150 grade five and six students from the Mair Street site to Sturt Street; and
- if the College's campus is overcrowded, the College should use the campus at Buchan Park, West Ballarat.

Strategic Planning Response

College will determine and make business decisions as to how it manages its school population. The maximum total number of students is discussed later in this report.

Lack of student access from Ajax Street

Submissions

One opposing submitter was concerned that there would be no pedestrian access to the College from Ajax Street, and requested that this access be maintained. The "Traffic and Parking Management Plan" prepared by One Mile Grid notes that pedestrian access to the College campus from Ajax Street will be limited to 'emergency' situations.

Strategic Planning Response

Council acknowledges the benefit in providing a pedestrian access from the south side of the campus and in this regard has sought to impose condition 1(i) as part of any permit to issue in respect of the Permit Application that requires:

Modification of the Ajax Street interface to facilitate pedestrian access for staff and students to the school, to the satisfaction of the Responsible Authority.

Council seeks to maintain pedestrian access from Ajax Street for those students who live south of the Campus. Such students would be required to walk approximately 500 metres to access the Sturt Street entry to the Campus, rather than from Ajax Street.

Council notes earlier concerns from submitters as to the potential, if a pedestrian access way was provided from Ajax Street to the Campus, for such access to encourage “drop offs” in Ajax Street, thus contributing to vehicle congestion in this street.

Whilst submitter concerns are valid, and there may be challenges associated with managing the potential for drop offs in Ajax Street, on balance, Council believes that the pedestrian access is required to be maintained to the Campus from Ajax Street.

HWL Ebsworth submission on behalf of the College

Submission

HWL Ebsworth lodged a submission on behalf of the proponent advising that the College supported the overall intent of the Combined Amendment and the informative role of the Master Plan in indicating the College’s development intentions to the local community.

HWL Ebsworth advised the College did not support the following aspects of the Combined Amendment:

- certain aspects of the proposed SUZ17 in particular as relates to the creation of third party objection and review rights on the basis that third party objection and review rights are exempt in the SUZ5 (Private Education Establishment);
- draft permit condition 1(i) (in the form exhibited by Council that is to be imposed on any permit to be issued in respect of the Permit Application) which requires the modification of the Ajax Street interface to facilitate pedestrian access for staff and students to access the College;
- draft permit condition 12 (again, as exhibited by Council to be imposed on any permit to be issued in respect of the Permit Application) which sets a maximum number of students permitted at 1,195 at any one time; and
- explicit reference to the Master Plan in the SUZ17 based on a concern that by making explicit reference, it will be necessary for the College to seek a planning scheme amendment if the College seeks to undertake works that are contrary to the Master Plan in the future.

Strategic Planning Response

Application of SUZ17 to school property in Sturt Street, Ajax Street and Murray Street

Both the State and Local Planning Policy Framework encourage the provision of educational facilities in, and in proximity to, residential areas.

Clause 32.08 of the GRZ1 specifically seeks ‘*To allow education, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations*’.

What is important to achieve through the Combined Amendment is a Planning Scheme control that allows the Responsible Authority to manage any adverse amenity impacts on the surrounding residential area as the College develops and expands, including:

- ensuring that future use and development of the College occurs in an orderly manner and complements the surrounding context, especially surrounding residential areas;
- providing certainty to the community as to the extent to which these institutions may expand into residential areas; and
- developing a co-operative relationship between the responsible authority, the community and the institution on matters relating to the interface between the institutional use and the surrounding area.

The purpose of the proposed SUZ17 Ballarat Clarendon College Sturt Street Campus is:

To provide for the orderly use and development of the land for the Ballarat Clarendon College Sturt Street Campus generally in accordance with the Ballarat Clarendon College Sturt Street Campus Master Plan 2017-2030 shown at Map 1 to Schedule 17 to Clause 37.01.

To ensure that the use and development of the Ballarat Clarendon College Sturt Street Campus does not cause loss of amenity to the surrounding neighbourhood.

The Sturt Street campus of the College is currently zoned Special Use Zone - Schedule 5 (Private Education Establishment) (SUZ5). As detailed earlier College also owns properties in Ajax Street and Murray Street that are zoned General Residential Zone - Schedule 1 (GRZ1) and the College plans to develop sites that come within, and adjoin, sites zoned GRZ.

Amendment C207 seeks to apply Special Use Zone – Schedule 17 (Ballarat Clarendon College Sturt Street Campus) (SUZ17) to the entire school landholdings (including existing campus zoned SUZ5 and to the residential land owned by the College that is presently zoned GRZ1).

There is a clear rationale for the inclusion of the entire school landholdings to be included in one zone, and an equally clear rationale for that zone to be the Special Use Zone.

There are a number of institutional uses in the City that have been zoned SUZ5 under the Scheme. SUZ5 has previously been applied to educational and institutional sites that generally lacked the residential interface that would apply to the College if Amendment C207 is approved.

As an alternative to the Amendment C207 approach, the entire school landholdings could be zoned SUZ5. However, if this approach were taken, from a strategic planning perspective there would be a strong case to apply an additional planning control mechanism, such as an overlay. This option is recognised in the report from the Tribunal’s 2012 decision in *Ballarat & Clarendon College v Ballarat CC* [2012] VCAT 1105.

The SUZ17, which was largely authored by consultants on behalf of the College, is the preferred option as it provides a single control, eliminating the need for both the SUZ5 and an overlay control.

SUZ17 recognizes the potential impact institutional uses can have on adjoining residentially zoned and used land, and one means of achieving this is by enabling third party participation in future planning permit applications. This is considered appropriate in striking an appropriate balance between offering certainty about the College’s development and growth intentions and providing for community participation in decisions that may vary from the College’s present vision.

While applications under the current SUZ5 are exempt from third party review, Council reiterates there is a basis in fairness and orderly planning for such requirements in the circumstances of this Combined Amendment.

SUZ17 also includes decision guidelines that require consideration of, amongst other things, the interface with adjoining residential land and the effects of the proposed buildings and works on the amenity of the neighbourhood.

Draft permit condition 1(i) which requires the modification of the Ajax Street interface to facilitate pedestrian access for staff and students to access the school

The College is presently attended by students who reside south of the campus and enter and leave the campus from Ajax Street. The existing pedestrian easement provides pedestrian access to the campus from external locations both to the north and south of the campus. If the pedestrian easement is removed as proposed by the College, all students will thereafter need to enter the campus from Sturt Street. Draft permit condition 1(i) has been imposed to enhance entry points from around the campus, in the interests of ensuring that the school peaks for drop off and pick up is split in the surrounding road network evenly, and to support the City's policy commitment to walkability and 10 minute city principles.

Draft permit condition 12 which sets a maximum number of students permitted at 1,195 at any one time.

The Master Plan is based on an anticipated student population of 1,195. Council is aware of community concern regarding the limited car parking opportunities on site and the confined opportunities off site within the surrounding road network, and the resultant vehicle movement associated with the proposed increase in student population, as well as the increased activity and amenity impacts associated with increased activity (increased noise etc). Capping student numbers is considered appropriate given the site's interface with residential areas and limited car parking on site.

Concerns regarding car parking has previously been addressed in this report.

Referencing of the Master Plan in the proposed provision with the fear that such an approach will require a planning scheme amendment if the College seeks to undertake works contrary to that which is provided in the Master Plan.

Reference to the Master Plan in the SUZ17 is considered necessary. The phrase 'generally in accordance' used in the SUZ17 is a well understood 'test' to apply to future proposals and in Council's view allows a reasonable degree of variance from the Master Plan. This provides a reasonable degree of flexibility to the College while at the same time providing a reasonable degree of certainty for Council, stakeholders and the community of future development expectations more broadly.

Certainly, in areas where the Master Plan is very specific, less scope for variance from the vision in the Master Plan will meet a test of 'generally in accordance' and could possibly give rise to the need for the College to revise the Master Plan if it does not wish to undertake development 'generally in accordance' with the Master Plan. It is appropriate, if this occurs, for there to be a public process such as a planning scheme amendment to allow Council as the Planning Authority, other stakeholders and the neighbouring largely residential community the opportunity to participate in such decisions.

10.2. COUNCIL LAND RE-ZONING

Division: Development and Planning
Director: Angelique Lush
Author/Position: Virginia McLeod – Senior Strategic Planner
Lisa Kendal – Manger Strategic Planning

OFFICER RECOMMENDATION

Council resolves to:

1. Note that Council is required to undertake a planning scheme amendment to rezone three Council owned, public land zoned properties to proceed with the sale of these properties, as per Council resolutions R245/16 and R379/18.
2. Seek authorisation from the Minister for Planning to prepare a Planning Scheme Amendment, pursuant to Section 8A of the Planning and Environment Act 1987, to rezone land at:
 - 15 Lake View Court, Ballarat North from Public Park and Recreation Zone to General Residential Zone Schedule 1
 - part of Lot 1 PS545482N at Giot Drive Wendouree, from Public Park and Recreation Zone to General Residential Zone Schedule 1
 - 12A Albert Street, Sebastopol, from Public Use Zone Schedule 6 and General Residential Zone Schedule 1 to Mixed Use Zone; and
3. Place the Amendment on exhibition pursuant to Section 19 of the Planning and Environment Act 1987.

EXECUTIVE SUMMARY

In 2016 Council undertook a review of vacant and underutilised Council land and identified several properties that were considered surplus. Notification of Council's intent to sell these properties was undertaken in accordance with the *Local Government 1989*. On 26 August 2016 and 12 December 2018, Council resolved to commence and satisfy statutory processes to dispose of these surplus properties.

A planning scheme amendment is now required to remove the public land zoning from three of the properties to ensure they can be sold and ultimately developed for a purpose consistent with zoning.

RATIONALE

In accordance with planning guidance material published by the State Government, a public land zone is only suitable for land that is Crown Land or is owned by public authority or a municipal council. As Council is seeking to sell these properties, the public land zone must be removed and replaced with a zone that will be consistent with the type of development outcome expected for the property.

The properties will be rezoned in accordance the suitable use and development outcomes for the site:

- 15 Lake View Court, Ballarat North is 907 square metres, located in an established residential area. The property has no public recreation infrastructure. The property supports trees along the boundaries and is subject to Environmental Significance Overlay Schedule 5. The proposed rezoning to General Residential Zone Schedule 1 (GRZ1) is consistent with the zoning of surrounding properties and wider neighbourhood.
- Giot Drive, Wendouree forms approximately half of the Ealing Avenue Reserve (the remainder of the Reserve being zoned GRZ1). The Reserve is 10,123 square metres in size located within an established residential area. The Reserve remains undeveloped for recreational purposes and is located 50 metres from the Ballarat Secondary College – Wendouree Campus oval. The proposed rezoning to GRZ1 is consistent with the zoning of surrounding properties and acknowledges the suitability of the site for residential development.
- 12A Albert Street, Sebastopol is an irregular-shaped property located at the rear of a row of shops fronting onto Albert Street. The property has a narrow frontage to Albert Street and is currently used as a car park for the surrounding businesses with access to both Albert and Rubicon Street. The property is 2,522 square metres with a small portion of northern part of the site zoned GRZ1, consistent with the adjoining property to the north with the remainder of the site zoned Public Use Zone Schedule 6 (Local Government). The proposed Mixed Use Zone would allow for a number of redevelopment outcomes including for commercial and residential use and is consistent with the existing zoning of commercial properties facing Albert Street.

Please see Attachments 1 – 4 for the draft Explanatory Report and Planning Scheme Maps.

LEGISLATION, COUNCIL PLAN, STRATEGIES AND POLICY IMPACTS

The proposed amendment is consistent with Council's obligations as a planning authority under the *Planning and Environment Act 1987*.

Council has undertaken the statutory processes required under Section s189 and s223 of the *Local Government Act 1989* relating to the identification, classification and notification of surplus Council owned land.

REPORTING AND COMPLIANCE STATEMENTS

Implications	Considered in Report?	Implications Identified?
Human Right	Yes	No
Social/Cultural	Yes	No
Environmental/Sustainability	Yes	No
Economic	Yes	No
Financial/ Resources	Yes	Yes
Risk Management	Yes	Yes
Implementation and Marketing	No	No
Evaluation and Review	Yes	No

Human Rights – the proposed amendment does not impact on any human rights identified in the *Charter of Human Rights Act 2006*.

Social/Cultural - the amendment is not anticipated to have any direct social or cultural implications. Council has been through a process of review, including public notice, to identify these properties as surplus to need. The properties are currently vacant of infrastructure and any community use is of an ad-hoc nature.

Environmental/Sustainability – the amendment is not expected to have any environmental impacts. Environmental impacts of future development of the subject properties will be managed by the *Planning and Environment Act 1987* and/or the *Building Act 1993*.

Financial/Resources – the amendment is expected to have positive financial implications for Council as it will allow the sale of surplus properties.

Economic – the amendment is not expected to have significant broad economic impacts.

Risk Management – the amendment ensures proper use of the provisions of the planning system.

CONSULTATION

The planning scheme amendment process includes public exhibition in accordance with Sections 17, 18 and 19 of the *Planning and Environment Act 1987*. This will commence following authorisation.

The statutory processes required under Section s189 and s223 of the *Local Government Act 1989* relating to the identification, classification and notification of surplus Council owned land have already been completed.

OFFICERS DECLARATIONS OF INTEREST

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

REFERENCE DOCUMENTS

Nil

ATTACHMENTS

1. Attachment 1 - C 216 Draft Explanatory Report [**10.2.1 - 4 pages**]
2. Attachment 2 - Ballarat C 216 003 zn Map 27 Exhibition [**10.2.2 - 1 page**]
3. Attachment 3 - Ballarat C 216 001 zn Map 12 Exhibition [**10.2.3 - 1 page**]
4. Attachment 4 - Ballarat C 216 002 zn Map 17 Exhibition [**10.2.4 - 1 page**]

BALLARAT PLANNING SCHEME

AMENDMENT C216

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the City of Ballarat who is the planning authority for this amendment.

The amendment has been made at the request of the City of Ballarat.

Land affected by the Amendment

The Amendment applies to three properties within the City of Ballarat:

- 15 Lake View Court, Ballarat North
- Part Lot 1 PS545482N Giot Drive, Wendouree
- 12A Albert Street, Sebastopol

A mapping reference table is attached at Attachment 1 to this Explanatory Report.

Strategic assessment of the Amendment

Why is the Amendment required?

City of Ballarat has undertaken a review of all land within its ownership and declared the above properties surplus to operational requirements. At Council meetings 24 August 2016 and 12 December 2018 Council resolved to commence the sale of the properties and undertake the process required by Sections 189 and 223 of the *Local Government Act 1989*.

The amendment is required to remove the public land zone from the properties to allow for the sale and development. The properties will be rezoned in accordance the suitable use and development outcomes for the site:

- 15 Lake View Court, Ballarat North is 907 square metres, located in an established residential area. The property has no public recreation infrastructure. The property supports trees along the boundaries and is subject to Environmental Significance Overlay Schedule 5. The proposed rezoning to General Residential Zone Schedule 1 (GRZ1) is consistent with the zoning of surrounding properties and wider neighbourhood.
- Giot Drive, Wendouree forms approximately half of the Ealing Avenue Reserve (the remainder of the Reserve being zoned GRZ1). The Reserve is 10,123 square metres in size located within an established residential area. The Reserve remains undeveloped for recreational purposes and is located 50 metres from the Ballarat Secondary College – Wendouree Campus oval. The proposed rezoning to GRZ1 is consistent with the zoning of surrounding properties and acknowledges the suitability of the site for residential development.
- 12A Albert Street, Sebastopol is an irregular-shaped property located at the rear of a row of shops fronting onto Albert Street. The property has a narrow frontage to Albert Street and is currently used as a car park for the surrounding businesses with access to both Albert and Rubicon Street. The property is 2,522 square metres with a small portion of northern part of the site zoned GRZ1, consistent with the adjoining property to the north with the remainder of the site zoned Public Use Zone Schedule 6 (Local Government). The proposed Mixed Use Zone

would allow for a number of redevelopment outcomes including for commercial and residential use and is consistent with the existing zoning of commercial properties facing Albert Street.

How does the Amendment address any environmental, social and economic effects?

The amendment adequately addresses the environmental, social and economic effects to provide a net community benefit. The properties at 15 Lake View Court and Giot Drive are currently vacant and do not provide the community with recreational infrastructure. The property at 12A Albert Street, Sebastopol, does provide car parking for local businesses, however council Considers that there is sufficient car parking located on Albert Street and Rubicon Street should the site be redeveloped.

15 Lake View Court, Ballarat North, supports several trees onsite and is subject to the Environment Significance Overlay Schedule 5. This overlay will remain in place and ensure that any future development of the site addresses the environmental objectives of the Overlay.

The amendment will allow the City of Ballarat to progress with the sale of these three properties. Revenue from the sale will assist the City of Ballarat to provide a range of services to the community.

Does the Amendment address relevant bushfire risk?

The subject properties are located within urban areas of Ballarat and the proposed rezoning will have no impact on the bushfire risk.

Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The amendment complies with the requirements of Ministerial Direction No. 11 – Strategic Assessment of Amendments, Ministerial Direction The Form and Content of Planning Schemes, and Ministerial Direction No. 9 – Metropolitan Planning Strategy.

How does the Amendment support or implement the State Planning Policy Framework and any adopted State policy?

The planning scheme amendment consistent with the State Planning Policy Framework. The proposed zoning of the surplus Council land has been identified in accordance with the following objectives of the State Planning Policy Framework:

Clause 11.01 Settlement

The proposed amendment provides for appropriately zoned land that *'responds to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, community facilities and infrastructure'*.

Clause 11.02 Managing Growth

The amendment will provide for additional residential zoned land that will assist with land supply within established and well-serviced residential areas.

Clause 16 Housing

The proposed amendment is consistent with Clause 16 that seeks to ensure *'the long term sustainability of new housing, including access to services, walkability to activity centres, public transport, schools and open space'*. Each of the three properties are located within established suburbs of Ballarat and within walking distance of services.

How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The proposed amendment is consistent with the objectives of the Local Planning Policy Framework.

Clause 21.01 Land Use Vision

The proposed amendment provides for residential and mixed use zone land within the established areas of Ballarat, in close proximity to a range of services. Additional residential zone land will assist in accommodating the projected population growth of Ballarat. The additional area of mixed use zone land at 12A Albert Street provides sufficient land supply for economic growth.

Does the Amendment make proper use of the Victoria Planning Provisions?

The amendment has been prepared in accordance with the Practice Note – Strategic Assessment Guidelines: for planning scheme amendments and is consistent with the form and structure of the Victorian Planning Provisions.

How does the Amendment address the views of any relevant agency?

Views of relevant agencies will be sought as part of the exhibition of the planning scheme amendment.

Does the Amendment address relevant requirements of the Transport Integration Act 2010?

The amendment is not affected by the Transport Integration Act 2010.

Resource and administrative costs

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The proposed new planning provisions will allow for the sale of surplus Council land. The additional income generated by the sale will assist Council with the delivery of services across the City of Ballarat. The proposed rezoning may generate a small number of planning permit applications, subject to the proposed end use of the land. However the administrative costs to determine these permit applications will be able to be adsorbed by the City of Ballarat.

Where you may inspect this Amendment

The Amendment is available for public inspection, free of charge, during office hours at the following places:

City of Ballarat, The Phoenix, 25 Armstrong Street South, Ballarat

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.delwp.vic.gov.au/public-inspection.



ATTACHMENT 1 - Mapping reference table

Location	Land /Area Affected	Mapping Reference
Ballarat North	15 Lake View Court	Ballarat C216 001znMap12 Exhibition
Wendouree	Part Lot 1 PS545482N Giot Drive	Ballarat C216 002znMap17 Exhibition
Sebastopol	12A Albert Street	Ballarat C216 003znMap27 Exhibition

BALLARAT PLANNING SCHEME - LOCAL PROVISION AMENDMENT C216



LEGEND

-  MUZ - Mixed Use Zone
-  Local Government Area

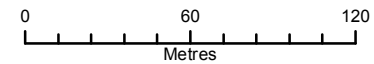
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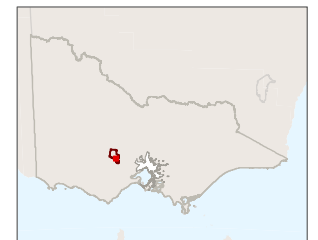
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Part of Planning Scheme Map 27

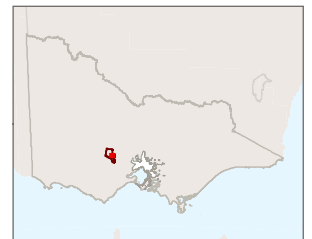


BALLARAT PLANNING SCHEME - LOCAL PROVISION AMENDMENT C216



LEGEND

- PPRZ - Public Park and Recreation Zone
- Local Government Area

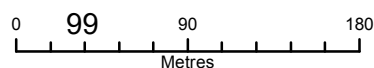


Part of Planning Scheme Map 12

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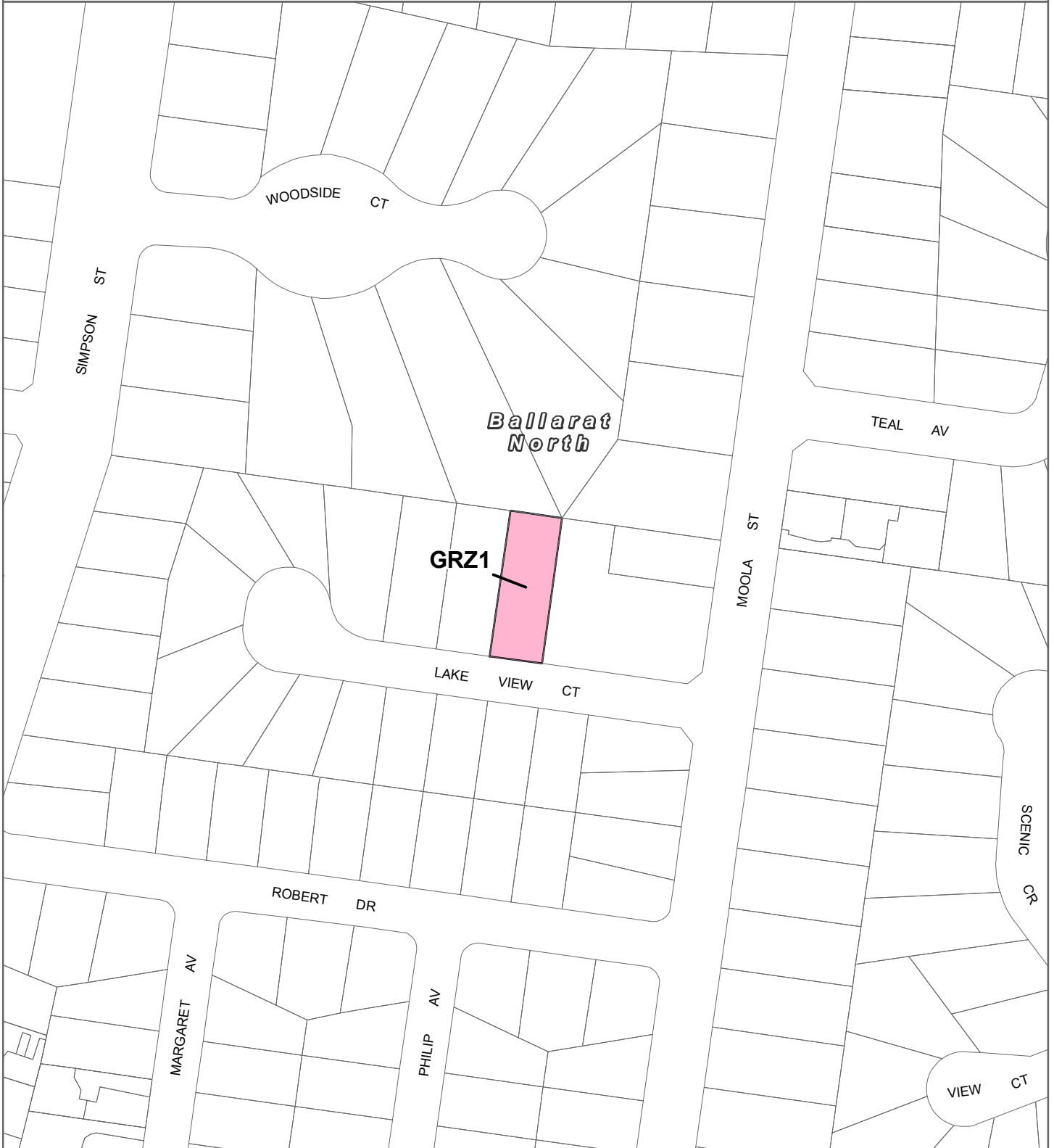
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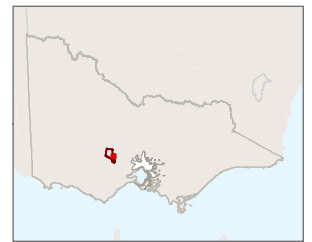
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BALLARAT PLANNING SCHEME - LOCAL PROVISION AMENDMENT C216



LEGEND

- GRZ - General Residential Zone
- Local Government Area



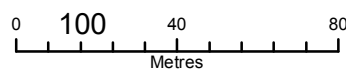
Part of Planning Scheme Map 17

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10.3. SPILT MILK DRY ZONE - CHANGES TO LOCAL LAWS

Division: Development and Planning
Director: Angelique Lush
Author/Position: Heidi Zukauskas – Creative Arts and Events Manager

OFFICER RECOMMENDATION

Council resolves to:

- 1. Pursuant to clause 56.1 of the Community Local Law 2017, designate the Victoria Park environs as a dry zone in which the carriage and/or consumption of alcohol is prohibited for a 36-hour period spanning the conduct of the Spilt Milk event;**
 - a. The 36-hour dry zone period to commence from 12am of the scheduled event day until 6am of the following day**
 - b. The dry zone period to encompass for the 2019 event scheduled for 30 November, and to include potentially future annual Spilt Milk events held in the Victoria Park location.**
- 2. Consistent with the application of clause 56.1, authorise Council Officers to place such notices and signs on or in the vicinity of Victoria Park as are appropriate to advise the public of the alcohol-free zone.**
- 3. Authorise Council Officers to implement an appropriate media strategy to communicate the intent and effect of the application of these proposals to the public and emergency services.**
- 4. Not issue any temporary liquor licences around the Victoria Park precinct for the period encompassed by the Spilt Milk events; with exemption of the Spilt Milk event liquor licence.**

EXECUTIVE SUMMARY

Kick Entertainment together with the City of Ballarat, will bring Spilt Milk, a multi-staged music, food and art festival, from Canberra to Ballarat. This will be the first time the event has been held in Ballarat and is expected to attract over 20,000 spectators. The event will take place in Victoria Park between 11:00am – 11:00pm on 30 November 2019.

To aid the safe management of the area during this time, it is proposed that Council utilise the provisions of clause 56.1 of the Community Local Law 2017 to designate the Victoria Park environs as a dry zone, except for the licenced area managed by the event. This is intended to prevent the consumption of alcohol in the area between the hours of 12am on the morning of the event until 6am the following day for the 2019 event, as well as for potentially future annual Spilt Milk events held in the Victoria Park location.

The designation of the Victoria Park environs as dry-zones is considered an important tool by both the event organisers and Victoria Police for managing antisocial behavior and is based on recommendation by Victoria Police.

It is proposed that should Spilt Milk continue to be held in Ballarat in this location at this general time of year, the Dry Zone remain in place for each event until such a point as Council ceases, or significantly changes, the Spilt Milk event format.

RATIONALE

The annual Spilt Milk event is a ticketed multi-stage music, food and art festival to be held in the precinct of Victoria Park, ticket holders must be 18 years or older. There is significant potential for the general public who did not purchase tickets to gather outside the licenced event area. Whilst the event organisers provide comprehensive risk management strategies, this external audience could cause anti-social behaviour caused by consumption of alcohol.

It should be noted that prohibiting the consumption of alcohol in the area will not guarantee an absence of adverse incidents, however it does provide a process for control by Victoria Police and Council's Regulatory Officers.

As part of the operational planning for the 2019 Spilt Milk event, Council Officers liaised with Ballarat Police who made the following recommendation;

1. That Council should not issue any temporary liquor licenses applicable to the Victoria Park environs for 30 November 2019, except for the licenced area of the event;
2. That Council should declare the entire Victoria Park environs a dry area pursuant to the Local Law.

The adoption of these proposals will allow Victoria Police to manage crowd control and alcohol related issues more effectively.

LEGISLATION, COUNCIL PLAN, STRATEGIES AND POLICY IMPACTS

- *Charter of Human Rights and Responsibilities Act 2006*;
- City of Ballarat Council Plan 2013-2017; and
- City of Ballarat Community Local Law 2017.

REPORTING AND COMPLIANCE STATEMENTS

Implications	Considered in Report?	Implications Identified?
Human Rights	Yes	Yes
Social/Cultural	Yes	Yes
Environmental/Sustainability	No	No
Economic	No	No
Financial/Resources	Yes	Yes
Risk Management	Yes	Yes
Implementation and Marketing	Yes	Yes
Evaluation and Review	No	No

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

Social/Cultural – Imposing alcohol restrictions on the Victoria Park environs during the Spilt Milk events will work toward providing a safe and enjoyable experience for those who attend the event, general Victoria Park users, and for residents in the immediate area.

Financial/Resources – The costs associated with the public promotion of the proposed dry zone is within budget of the City of Ballarat Events Unit.

Risk Management – The primary intention of the proposed dry zone is to reduce the harm that may arise from excessive alcohol consumption at and around the event. Appropriate risk management planning for events is vital and this proposed step is a proactive measure to ensure that adverse alcohol related incidents are minimised.

Implementation/Marketing – as per the following:

Signage

One key component in the implementation of the Victoria Park environs Dry Zone shall be the placement of appropriate signage on and around the park. It is estimated that around twenty-five signs with the wording of *Alcohol-Free Area* will be installed to provide reasonable coverage of the park. That number will allow for two signs to be placed at every entry point into the park and intersecting roads.

Advising the Public

A communications plan will be developed to advise the public through the following methods/outlets:

- Media releases;
- Radio advertising;
- Print advertising; and
- A noticeboard advertisement in The Ballarat Times on the Thursday immediately preceding the event.

CONSULTATION

City of Ballarat's Events Unit has consulted with Spilt Milk organisers and Victoria Police to confirm the request for a Dry Zone for the Spilt Milk event 2019 and potential following years.

OFFICER' DECLARATIONS OF INTEREST

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

ATTACHMENTS

There are no attachments for this report.

10.4. PLANNING SPECIAL COMMITTEE

Division: Development and Planning / Infrastructure and Environment
Director: Angelique Lush / Terry Demeo
Author/Position: Natalie Robertson – Executive Manager Development Facilitation

OFFICER RECOMMENDATION

Council resolves to:

- 1. Establish a Planning Special Committee under the C4 Instrument of Delegation and a Terms of Reference to facilitate:**
 - (a) The consideration of applications for town planning permits required to be considered pursuant to the adopted Instrument of Delegation and/or where an application is called in by Councillors.**
 - (b) The Planning Authority function in respect to Planning Scheme Amendments and related matters, including to consider broad Strategic Planning Policy directions, to hear submissions, to make decisions as permitted by the Planning and Environment Act 1987, in particular to seek authorisation of an amendment and to refer submissions to a panel, and to provide recommendations to the full Council sitting as the Planning Authority pursuant to the Planning and Environment Act 1987.**
- 2. Adopt the Terms of Reference for this Committee to include all nine members of the Ballarat City Council to have voting rights on the Planning Special Committee.**
- 3. Revoke the previous policy position which required all liquor licensing matters to be dealt with by Council, such that these matters are dealt with under delegated authority by Council officers.**
- 4. Have the Planning Special Committee meet on a once per month basis on the fourth Tuesday of each month for the remaining part of 2019 and for Council to consider the scheduling of future meetings as part of the adoption of the Council meeting schedule for 2020.**
- 5. Consider implementation of live streaming of the proceedings of the Planning Special Committee via a further report to Council following the first three meetings of the Planning Special Committee.**

EXECUTIVE SUMMARY

At the Meeting held on 12 June 2019, Council resolved to defer consideration of this item until the next Ordinary meeting of Council. Some additional points for information and clarification have been included in this report.

The purpose of this report is to recommend to Council that a Planning Special Committee be established under the C4 instrument of delegation and a Terms of Reference which ultimately seeks to modernise our planning delegations and management of the processing of a significant body of planning work through the organisation by creation of the Special Committee. Further, the intent of the establishment of the Planning Special Committee is to

provide enhanced engagement and consultation opportunities for Council in dealing with both planning permit applications which Council seeks to play a role in and in the broader strategic planning phase of policy development and planning scheme amendments which are subject to public exhibition.

The recommended position in respect to the Committee is that it consists of all nine Councillors with a quorum of five and that it meets on a monthly basis as a minimum, or as required, to consider both statutory planning matters and the broader strategic planning policy program that Council has committed to. The intention is that the schedule for the Committee be rationalised as part of the 2020 Council meeting schedule, after the operation of the Committee for the final portion of 2019 where meetings are recommended to be held on the Wednesday evening to either precede or follow an Agenda Review Briefing.

Live streaming of these proceedings is recommended to be further considered after the three initial meetings of the Committee where the specific merit of live broadcasting will be the subject of a report to Council. Council is only currently able to live broadcast meetings conducted in the Council Chamber.

RATIONALE

Current Statutory and Strategic Council Planning Process

The City of Ballarat currently has policies which require applications to be dealt with at Council level when there are liquor licence matters associated with a planning permit application or where a senior officer of Council is an applicant, and in respect to matters relating to Cultural Heritage Management Plans (CHMP).

Policies also provide for a call-in mechanism for any application which Councillors believe would be more appropriately dealt with by the full Council. Two Councillors are required to sign a request for an application to be called in. Full Council is also the forum where all strategic planning issues including planning scheme amendments and major policy initiatives are dealt with.

The full Council is considered a less than ideal forum for the consideration of planning permit applications which are clearly controversial and similarly where strategic planning policies and planning scheme amendments are dealt with at Council there are limited opportunities for the public to engage in this process in a complete and detailed manner. It is on this basis that it is recommended to Council that the establishment of a Planning Special Committee to provide an enhanced engagement tool for this major component of Council's responsibilities may be appropriate.

Proposed Planning Committee Process

A Planning Special Committee is proposed that will allow public submissions to be considered in a less formal environment and allow Council to interact with Applicants and Objectors in a way that is not possible under a Full Council setting and which is considered to be likely to produce a better outcome for all parties.

The Planning Special Committee would provide the opportunity for parties to planning processes to make detailed submissions to the Committee and for the Committee to act in a more inquisitorial manner to ensure that decisions are made with the best available information and input by all concerned parties. The current situation from a planning permit application process is obviously very constrained given the standing orders associated with Council meeting procedures and the significant body of work which is dealt with at Council meetings which constrains the time available to deal with individual planning matters.

This situation is amplified in relation to major strategic planning policies and planning scheme amendments where there are large and/or a significant number of submitters. While it is recommended that the ultimate decisions in relation to these “planning authority” decisions are taken by full Council, the intent of the Planning Special Committee is to allow detailed consideration of these matters outside the constraints of the Council meeting process and to allow detailed interaction with interested parties.

The attached Terms of Reference which it is recommended to Council to adopt includes the following purpose and objectives:

PURPOSE

The Committee is established for the purpose of:

- 2.1 considering applications for planning permits which cannot be assessed and determined by Council officers under delegation and/or which are ‘called in’ by Councillors or are otherwise referred at the discretion of the Council officer;
- 2.2 hearing submissions on matters relating to proposed Planning Scheme amendments;
- 2.3 making decisions in relation to proposed Planning Scheme amendments as permitted by the Planning and Environment Act 1987, in particular seeking authorisation of an amendment and to refer submissions to a panel; and
- 2.4 considering broader strategic planning policy directions/proposals and making recommendations to Council about such matters.

OBJECTIVES

The objectives of the Committee are:

- 3.1 to establish a process for consideration of applications for planning permits which are ‘called in’ by a Councillor or referred by a Council officer in their discretion (eg where they determine that the matter is of community interest or significance); and
- 3.2 to consider broader strategic planning policy directions/proposals, to make decisions under the Planning and Environment Act 1987 (as far as possible), and to make recommendations to Council.

The Recommended Structure of the Committee

The Committee would operate under a Terms of Reference which would outline the following structure:

- All nine Councillors;
- Full delegated authority from the Council proper to consider any Planning Permit applications as the Responsible Authority under the *Planning and Environment Act 1987*;
- Full delegated authority to consider strategic planning matters, hear from submitters and make recommendations to the full Council in respect to strategic planning issues.
- Meetings to be held on once per month basis subject to the statutory notification of the agenda and meeting times;
- Meetings are to be public except where the committee determines that a matter should be dealt with in a closed “in camera” session pursuant to Section 89 of the *Local Government Act 1989* and under the same criteria as any matter considered “in camera” by a full Council namely:
 - A resolution to close the meeting to members of the public;
 - Any other matter which the Council or Special Committee considers would prejudice the Council
 - Contractual matters
 - Industrial matters
 - Legal matters

- Matters affecting the security of Council property
- Personnel matters
- Proposed development
- The personal hardship of any resident or ratepayer

It is recommended that planning applications which relate to matters of liquor licensing be dealt with under Officer delegation. The removal of the limitation on officers would allow consideration of these types of applications under delegation. In not having to list for a Council meeting the result is a reduction in assessment time and is in keeping with Council's policy to facilitate growth, economic development and tourism within Ballarat.

Further, the Statutory Planning process runs concurrently with the controls around the Liquor Licensing Act with any applicant also required to obtain a license from VGLR. In assessing any application for a Licensed Premises officers must measure cumulative amenity impact and also undertake public notice to surrounding and adjoining properties before weighing up for approval or refusal.

The attached draft C4 Instrument of Delegation and the draft Terms of Reference will outline the requirements of the Planning Special Committee.

All other specified matters as they relate to Councillors, Senior Officers and Cultural Heritage Management be considered at the Planning Special Committee rather than the full Council as is the current position.

Councillors would continue to retain a right to call in any application to the Planning Special Committee and this mechanism could be used where it was thought that an application of this nature warranted Councillor consideration.

In addition, the Planning Special Committee would also have the authority to refer matters to the full Council where the Committee forms the view that the matter would be better dealt with at full Council.

Meeting Schedule

It is proposed that for the remaining portion of 2019 that the Planning Special Committee would meet once per month either preceding or following the Agenda Review Briefing on a Wednesday evening, with this schedule to be reviewed as part of the establishment of the Council meeting schedule for 2020.

Live Streaming of the Planning Special Committee

In relation to the live streaming of the Planning Special Committee is a relevant consideration given the recent commitment of Council to undertake live broadcasting of all Council meetings where they are held in the Council Chamber.

There are clearly benefits in relation to live broadcasting the Planning Special Committee to deliver transparent decision making in relation to the key responsibility of town planning which Council administers. However, the nature of the Planning Special Committee is intended to be inquisitorial and engaging around the specific properties of interest in respect to planning permit applications and, as such, live broadcasting of the proceedings may have the potential to inhibit the preparedness of the participants in the process to fully engage. On this basis, it is recommended that a further report be provided to Council after the completion of the initial three Planning Special Committee meetings for Council to determine a position on the live broadcasting of these meetings going forward.

There are no ongoing costs associated with live streaming as the licence that Council has entered into does not restrict the number of live streams per month. There would be a capital cost associated with fitting out an additional room to accommodate live streaming if the Planning Special Committee meetings were to be held in a room other than the Council Chamber. The estimate associated with this infrastructure is approximately \$8,000.

LEGISLATION, COUNCIL PLAN, STRATEGIES AND POLICY IMPACTS

- *Charter of Human Rights and Responsibilities Act 2006*
- City of Ballarat Council Plan 2017-2021
- *Local Government Act 1989*
- *Planning and Environment Act 1987*

REPORTING AND COMPLIANCE STATEMENTS

Implications	Considered in Report?	Implications Identified?
Human Rights	Yes	No
Social/Cultural	Yes	Yes
Environmental/Sustainability	Yes	No
Economic	Yes	No
Financial/Resources	Yes	No
Risk Management	Yes	No
Implementation and Marketing	Yes	No
Evaluation and Review	Yes	No

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

Social/Cultural – It is considered that the recommended approach in the development of a Planning Special Committee would provide a better form of interaction in respect to this significant body of Council's work dealing with planning application matters. Further, it is considered that the process would deliver an enhanced outcome in respect to:

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

Environmental/Sustainability – These issues of environmental and sustainability are major considerations in all planning application matters and it is considered that the Planning Special Committee structure would deliver improved opportunities for Council to determine matters having regard to these key issues. This will obviously be the subject of consultation as recommended.

Economic – The planning process has major economic impacts with the processing of applications and associated timeframes being key considerations. It is considered that a Planning Special Committee has the potential to improve outcomes in this respect.

Financial/Resources – The resourcing of the Planning Special Committee will require additional officer resources and will necessitate additional commitment from Councillors. These commitments will be managed within existing budgets.

Risk Management – It is considered that the adoption of the recommended approach would mitigate existing risk in dealing with planning application processes.

Implementation and Marketing – There will be an extensive consultation process with Council to consider a final position in relation to the matter following the conclusion of the consultation period.

Evaluation and Review – The Planning Special Committee structure and operations would be reviewed on an annual basis in accordance with the recommended Terms of Reference.

CONSULTATION

There will be ongoing consultation with stakeholders in relation to the operation of this special committee to ensure that the best come are being achieved for all participants in the planning process.

OFFICERS DECLARATIONS OF INTEREST

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

REFERENCE DOCUMENTS

- Nil

ATTACHMENTS

1. Draft Planning and Environment Act 1987 Delegations for the Establishment of a Planning Committee **[10.4.1 - 1 page]**
2. Planning Special Committee TOR - Final **[10.4.2 - 4 pages]**
3. C4 Instrument of Delegation - Planning Special Committee - Final **[10.4.3 - 3 pages]**

PROVISION	THING DELEGATED	CONDITIONS & LIMITATIONS
s.61(1)	Power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application.	<p>The permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i>.</p> <p><i>Planning Applications must be referred to a Planning Committee meeting for decision where the property that is the subject of the Application is owned or part owned by:</i></p> <ul style="list-style-type: none"> - <i>A Councillor or member of their immediate family;</i> - <i>A Senior Officer or member of their immediate family; and/or</i> - <i>A Council employed Statutory Planning Officer or member of their immediate family. Officer or member of their immediate family.</i> <p><i>For the purpose of this policy:</i></p> <ul style="list-style-type: none"> - <i>A Senior Officer is as defined by the Local Government Act 1989; and</i> - <i>A member of immediate family means the spouse or domestic partner of the person, or a son, daughter, mother, father, brother or sister that regularly resides with the person.</i> <p><i>This policy relates to property owned or part owned by a company whose directors include a Councillor, Senior Officer of Council, a Council employed Statutory Planning Officer, or an immediate family member of any of the preceding.</i></p>
s.22(1)	Consider all submissions made on or before the date set out in the notice.	The Planning Committee shall consider all submissions and hear from all interested parties to Planning Scheme Amendments and relevant planning policy initiatives and recommend a position to the full Council in dealing with these matters.

PLANNING SPECIAL COMMITTEE

TERMS OF REFERENCE

1. BACKGROUND

- 1.1 By this Terms of Reference document, the Ballarat City Council (**Council**) establishes the Planning Special Committee (**Committee**) pursuant to section 86 of the *Local Government Act 1989*. The Committee is established to oversee the implementation of matters as they relate to Statutory Planning and Strategic Planning under delegation from Council as the Responsible Authority under the *Planning and Environment Act 1987*.
- 1.2 The purpose of the Planning Special Committee is to:
- 1.2.1 assess and determine planning permit applications which cannot be assessed and determined by Council officers under delegation and/or which are 'called in' by Councillors or are otherwise referred at the discretion of the Council officer;
 - 1.2.2 provide Council with advice and recommendations with respect to relevant strategic planning matters to assist its decision making for the community in Ballarat; and
 - 1.2.3 make decisions in relation to proposed Planning Scheme amendments as permitted by the *Planning and Environment Act 1987*, in particular to seek authorisation of an amendment and to refer submissions to a panel.
- 1.3 The Committee has the powers, duties and functions of Council as set out in these Terms of Reference and the Instrument of Delegation. These Terms of Reference set out the structure and basis on which the Committee can make decisions for and on behalf of Council.
- 1.4 These Terms of Reference are authorised by a resolution [insert resolution number after the Council meeting] of Council passed on [insert date of the Council meeting the ToR were endorsed, after the Council meeting].

2. PURPOSE

The Committee is established for the purpose of:

- 2.1 considering applications for planning permits which cannot be assessed and determined by Council officers under delegation and/or which are 'called in' by Councillors or are otherwise referred at the discretion of the Council officer;
- 2.2 hearing submissions on matters relating to proposed Planning Scheme amendments;
- 2.3 making decisions in relation to proposed Planning Scheme amendments as permitted by the *Planning and Environment Act 1987*, in particular seeking authorisation of an amendment and to refer submissions to a panel; and
- 2.4 considering broader strategic planning policy directions/proposals and making recommendations to Council about such matters.

3. OBJECTIVES

The objectives of the Committee are:

- 3.1 to establish a process for consideration of applications for planning permits which are 'called in' by a Councillor or referred by a Council officer in their discretion (eg where they determine that the matter is of community interest or significance); and
- 3.2 to consider broader strategic planning policy directions/proposals, to make decisions under the *Planning and Environment Act 1987* (as far as possible), and to make recommendations to Council.

4. ROLES AND RESPONSIBILITY

The role of the Committee is:

- 4.1 to exercise Council's powers and carry out Council's duties and functions, in accordance with these Terms of Reference and as permitted by the Instrument of Delegation, for:
 - a. the assessment and determination of any applications for planning permits as the responsible authority under the *Planning and Environment Act 1987*.
 - b. in relation to strategic planning matters, the:
 - i. consideration of strategic planning matters;
 - ii. hearing from submitters;
 - iii. Seeking of authorisation from the Minister for Planning to proceed with a proposed Planning Scheme amendment;
 - iv. referral of submissions to a panel under Part 8 of the *Planning and Environment Act 1987*; and
 - v. making recommendations to Council in respect of strategic planning issues; and
 - c. the referral of any planning submission to Council for decision;
- 4.2 to support the delivery of Council's obligations under the *Planning and Environment Act 1987*; and
- 4.3 to manage the implementation and ongoing review of strategic planning policies and strategies.

5. DELEGATION OF POWERS, DUTIES AND FUNCTIONS

- 5.1 In order to fulfil and carry out its purposes and objectives Council delegates to the Committee, pursuant to section 86(3) of the *Local Government Act 1989*, the powers, duties and functions set out in the Instrument of Delegation adopted by Council on [# insert date and resolution number] and attached to these Terms of Reference.
- 5.2 The powers, duties and functions of Council conferred on the Committee by these Terms of Reference and Instrument of Delegation must be exercised in accordance with any guidelines or policies that Council may from time to time adopt.
- 5.3 Committee members are at all times expected to act in accordance with their responsibilities set out in Division 1A of Part 4 of the *Local Government Act 1989*.

6. MEMBERSHIP

- 6.1 The Committee will comprise of all nine (9) Councillors (including a Chairperson).
- 6.2 Council officers who attend the meetings of the Committee are to provide advice and support to the Committee and are not considered Committee members and do not have voting rights.
- 6.3 Each member of the Committee has and may exercise one equal vote on any question before the Committee for determination.
- 6.4 Council will revise the membership and voting rights of each Committee member as it sees fit.
- 6.5 A Councillor appointed under clause 6.1.1 will be the Chairperson of the Committee.
- 6.6 If a Chairperson is not appointed by Council, before the Committee's first meeting, the Committee members must appoint a Chairperson at the first meeting.
- 6.7 If the Chairperson is absent from a Committee meeting, the Committee will select a temporary Chairperson to chair the Committee meeting.
- 6.8 All of the Committee members must submit primary and ordinary returns to Council in accordance with section 81 of the *Local Government Act 1989*.

7. MEETINGS

- 7.1 Unless Council resolves otherwise, Committee meetings must be conducted in accordance with:
 - 7.1.1 Council's Meeting Procedure Local Law (as amended from time to time and adopted by Council);
 - 7.1.2 Part 4, Division 2 of the *Local Government Act 1989*; and
 - 7.1.3 the Committee's discretion, as exercised from time to time.
- 7.2 The Committee will meet once each month, or with such frequency as determined by resolution of Council, or in the absence of such a resolution, with such greater frequency as agreed by the Committee from time to time.
- 7.3 A quorum of the Committee will be half of the members plus one.

- 7.4 Voting will be by a majority of votes by a show of hands. Only members in attendance are entitled to vote. The Chairperson shall have the casting vote in the event of an equality of votes.
- 7.5 Sub committees may be appointed by the Committee and meet between general meetings and as authorised by the full Committee. Sub committees do not have any delegated powers.

8. REPORTING

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

- 8.1 Council's Meeting Procedure Local Law (as amended from time to time and adopted by Council);
- 8.2 Part 4, Division 2 of the *Local Government Act 1989*; and
- 8.3 the Committee's discretion, as exercised from time to time.
- 8.4 Minutes of Committee meetings must be forwarded to the Statutory Compliance Unit immediately after adoption by the Committee.
- 8.5 The Committee must prepare and present to Council a report of its activities upon being required to do so by Council and, in any event, at least once per year.

9. CREATION AND DISSOLUTION

- 9.1 By these Terms of Reference the:
 - 9.1.1 Committee is established; and
 - 9.1.2 powers, duties and functions of the Committee, as set out in the Instrument of Delegation, are delegated.
- 9.2 These Terms of Reference and the Instrument of Delegation:
 - 9.2.1 come into force immediately when the resolution of Council adopting them is made; and
 - 9.2.2 remain in force until Council determines to vary or revoke it.
- 9.3 The Committee must be dissolved by a resolution of Council.

Dated: *[insert date of the Council meeting the ToR was endorsed, after the Council meeting]*

C4. Instrument of Delegation (Special Committees)

Ballarat City Council

Instrument of Delegation

to the

Planning Special Committee

Instrument of Delegation

Ballarat City Council (**Council**), pursuant to section 188(1)(a) of the *Planning and Environment Act 1987*, delegates to the Special Committee established by resolution of Council passed on [insert date of resolution establishing committee] (resolution no#) and known as the *Planning Special Committee (the Committee)*, the powers and functions set out in the Schedule, and declares that:

1. this Instrument of Delegation is authorised by a resolution (## Insert Resolution) of Council passed on [Insert Date];
2. the delegation:
 - 2.1 comes into force immediately the Common Seal of Council is affixed to this Instrument of Delegation;
 - 2.2 remains in force until Council resolves to vary or revoke it; and
 - 2.3 is to be exercised in accordance with the guidelines or policies which Council from time to time adopts;
3. all members of the Committee will have voting rights on the Committee;
4. Council Officers who attend the meetings of the Committee are to provide advice and support the Committee and are not classed as Committee members.

Dated: [insert date of the Council meeting the C4 was endorsed, after the Council meeting]

The Common Seal of Ballarat City Council was affixed by authority of the Council in the presence of:)
)
)

..... MAYOR/COUNCILLOR

..... COUNCILLOR

..... CHIEF EXECUTIVE OFFICER

SCHEDULE

Powers and functions

To exercise Council's powers and to perform Council's functions and duties under the *Planning and Environment Act 1987* as they relate to Statutory Planning and Strategic Planning and for these purposes:

1. to function in accordance with the Planning Committee Terms of Reference;
2. to assess and determine any applications for planning permits that are referred to it as the responsible authority under the *Planning and Environment Act 1987*;
3. in relation to strategic planning matters, the power to:
 - 3.1. consider strategic planning matters;
 - 3.2. hear from submitters;
 - 3.3. seek authorisation from the Minister for Planning to proceed with a proposed Planning Scheme amendment;
 - 3.4. refer submissions to a panel under Part 8 of the *Planning and Environment Act 1987*; and
 - 3.5. make recommendations to Council in respect of strategic planning issues; and
4. to refer any submission to Council for further consideration and decision.

Exceptions, conditions and limitations

The Committee is not authorised by this Instrument to:

1. exercise the powers which, by force section 86 of the *Local Government Act 1989* and section 188 of the *Planning and Environment Act 1987*, cannot be delegated.

10.5. MINERS REST TOWNSHIP PLAN UPDATE

Division: Development and Planning
Director: Angelique Lush
Author/Position: Terry Natt – Principal Planner – Strategic Projects
Lisa Kendal – Manager Strategic Planning

OFFICER RECOMMENDATION**Council resolves to:**

- 1. Note the current status of the Miners Rest Township Plan and related items identified in Council resolution R80/19 from its Ordinary Council Meeting dated 3 April 2019.**

EXECUTIVE SUMMARY

At its meeting on 3rd April 2019, Council decided to defer consideration of the Miners Rest Township Plan until a number of interrelated issues are determined.

Council resolved (R80/19):

- 1. That Council defer consideration of the Miners Rest Township Plan and defer any referral to the Minister until the following has been provided:*
 - a) The completion of the review of the planning controls masterplan for the Dowling Forest Equine Precinct.*
 - b) The examination of the draft proposal for the future use and rezoning of the former Boral quarry at Miners Rest.*
 - c) The impact of any current or future options for the Ballarat Airport on surrounding land; and*
 - d) The impact of any proposed Northern Growth Area as part of the current Growth Area Planning investigations being undertaken in conjunction with the Victoria Planning Authority (VPA).*
- 2. That a progress report be provided on these matters to Council when major timeframes have been reached and by the end of June 2019.*

This report provides an update on each of these elements.

RATIONALE

The following provides an update on each of the matters raised in the resolution.

- a) *The completion of the review of the planning controls masterplan for the Dowling Forest Equine Precinct*

Council officers are currently reviewing the planning controls for the Dowling Forest Equine precinct. A draft report is proposed to be released for community consultation in July 2019, with a community workshop proposed for late July 2019.

It is proposed that a report will be prepared for consideration by Council in September 2019 with a recommendation to progress to an amendment.

- b) *The examination of the draft proposal for the future use and rezoning of the former Boral quarry at Miners Rest*

The proposed future use of the Boral land and quarry is supported by the draft Miners Rest Township plan. Specifically, the Plan supports the future rezoning and subdivision of the quarry for residential purposes, subject to a number of considerations being addressed. Council officers are in ongoing discussion with owners and their consultants to manage the draft proposal for the future use and rezoning of the former Boral quarry. There are no time constraints on this in the Miners Rest Township Plan.

Note that the land to the north of the quarry, owned by the same landholders, is already zoned for residential development and is progressing through the development approval process.

Key aspects being managed include:

- Negotiation of an acceptable permit outcome for land currently zoned Residential
- Negotiation of an outcome to manage flooding and the potential delivery of additional net developable area to the developers while achieving improved flood management for the community
- Negotiations regarding the management and rehabilitation of the creek to ensure best practice flood management in consultation with State agencies and the registered aboriginal party

- c) *The impact of any current or future options for the Ballarat Airport on surrounding land;*

As airport manager, Council is required to make long-term strategic decisions that protect the current and potential use and development of the airport. It is a key infrastructure asset for the city and wider region. As there is uncertainty regarding changed future use patterns of the airport (as for any airport), and the noise impacts may be reduced or exacerbated on the land to the north as infrastructure, usage and aviation technology change over time, a precautionary approach is recommended to Council. Once Council's future plans for the airport are clear then this position can be reviewed.

Council officers have secured advice from consultants who have prepared different noise contours having regard to the National Airports Safeguarding Framework (NASF) Guideline. The understanding of current noise impact has been based on modelling from 2010 that shows that land within the Township Plan boundaries is affected by the noise contour N70/20, which is a NASF threshold contour within which land should not be rezoned to residential. Other areas of land are affected by the noise contour N60/50 contour, and advice has been provided

by airport planning consultants that the noise may be significant. Strategic Planning considerations recommend rezoning to a sensitive use be avoided in this area.

The 2010 noise contours form part of the current endorsed Ballarat Airport Master Plan, and the NASF was introduced into the Ballarat Planning Scheme in 2015 via a State-wide amendment.

- d) *The impact of any proposed Northern Growth Area as part of the current Growth Area Planning investigations being undertaken in conjunction with the Victoria Planning Authority (VPA).*

Council officers are preparing a Council report recommending which of the four identified greenfield investigation areas identified in the Ballarat strategy should be considered for future growth. It is proposed to submit a report for consideration by Council in September 2019. This report will also propose a program for implementation.

Discussion with the Victorian Planning Authority has been held to secure advice regarding timing, management and preferred statutory mechanisms to manage the release of the Ballarat's next growth area. This will ensure Council is not unreasonably exposed in terms of provision and funding of infrastructure and that the next growth area meets Ballarat's strategic requirements.

Other matters

A number of other matters have been identified and are resolved or in the process of being resolved:

- Mention of buffer around the saleyards – this has been removed from the plan
- Nelson Street bypass channel proposal - this has been removed from the plan
- Flood mitigation and creek rehabilitation/beautification
 - Negotiations regarding the creek are underway – including liaison with Glenelg Hopkins Catchment Management Authority, DELWP, Registered Aboriginal Party, relevant land owners.
 - Given the complexity of landholdings and issues, e.g. crown land, cultural heritage etc, it is expected to take some time (1-2 years) to resolve all of the issues associated with the creek rehabilitation/flood mitigation planning, and then detailed designs will then need to be finalised and resourcing secured for implementation
- Off-street parking for the Miners Rest Primary School – will be included as an advocacy recommendation in the plan
- Wyndholm Park development – this will be addressed once a decision is made by council regarding future greenfield development for Ballarat (as discussed above)
- Land supply analysis – is being updated to ensure the data is current and clearly presented. The conclusions remain the same.

Next Steps

The revised draft Miners Rest Township Plan will be prepared, including changes to reflect the above issues, and will be reissued for community consultation in late June 2019 for a month. A community drop-in session will be scheduled for late July 2019.

Following this, it is expected the report will be finalised and returned to Council for adoption at its September meeting, along with the Dowling Forest planning controls report.

A planning scheme amendment is proposed to include the plans, policies and framework plans into the Ballarat Planning Scheme. The planning scheme amendment will involve several stages, including:

- Council to request authorisation from the Minister for Planning
- The amendment will be placed on exhibition, which is a formal consultation process for people to provide a submission in favour, objecting or requesting changes to the amendment
- If submissions are received objecting or requesting changes, Council officers will engage with submitters to try and resolve the issues. If this is not possible a report will be presented to Council to request that an independent Planning Panel be appointed to consider these submissions
- The independent Planning Panel will conduct a public hearing and then provide Council with a report and recommendations on how to proceed
- Council officers will prepare a report to Council with a recommendation about whether to proceed or abandon the amendment.

The strategic planning process is guided by the *Planning and Environment Act 1987*, which requires decisions be made on the basis of net community benefit. As the planning authority, Council is required to manage a process that provides for natural justice, including the right for people to have a fair hearing on matters that affect them. The opportunity to be heard through an independent Planning Panel process is an important part of the Victorian Planning System which ensures all stakeholders can represent their interests and concerns during decision making.

The extensive community engagement process undertaken throughout development of the Miners Rest Township Plan has provided residents and stakeholders with the opportunity to identify and discuss issues with Council officers. Whilst Officers seek to resolve outstanding matters, this is not always possible, particularly when there may be investment or commercial interests at stake. Planning Panels Victoria is a part of the Planning System in Victoria explicitly to consider strategic planning matters where there remain outstanding concerns.

LEGISLATION, COUNCIL PLAN, STRATEGIES AND POLICY IMPACTS

- *Charter of Human Rights and Responsibilities Act 2006*
- City of Ballarat Council Plan 2017-2021
- City of Ballarat, Ballarat Strategy, 2015

REPORTING AND COMPLIANCE STATEMENTS

Implications	Considered in Report?	Implications Identified?
Human Rights	Yes	No
Social/Cultural	Yes	Yes
Environmental/Sustainability	Yes	Yes
Economic	Yes	Yes
Financial/Resources	Yes	Yes
Risk Management	Yes	Yes
Implementation and Marketing	Yes	Yes
Evaluation and Review	Yes	Yes

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

Social/Cultural – The Township Plan considers the social and cultural impacts through the considered and extensive consultation approach to community values within the townships. The engagement program involved wide consultation through various methods to ensure that values of the community were understood and incorporated into the Township Plan.

Environmental/Sustainability – The Township Plan takes the environmental constraints and opportunities of the area into consideration and is embedded in a range of principles and actions outlined within the Township Plan. The environmentally significant areas such as the Burrumbeet Creek and Miners Rest wetland have been identified and discussed. The significance of the Burrumbeet Creek and its future is discussed within the Miners Rest Township Plan, with a set of priorities and actions identified. The sustainability of rural areas surrounding Miners Rest is also identified as important with proposed protection of landscape and views towards surrounding volcanic hills.

Economic – The Township Plan provides a clear future for the township by providing the community and Council with a long-term vision and an action plan for meeting this vision, highlighting the importance of developing the town centre and supporting the equine industry. It will assist community groups when applying for grants or lobbying for funding. It will also guide the City of Ballarat and other authorities to prioritise investment in the region.

Financial/Resources –The resources required to implement each action are identified alongside an indication of a timeframe for delivery of the action.

Risk Management – The Township Plan is intended to establish a framework to manage land use change, based on an understanding of community values and asset and resource implications. An extensive community engagement process has been undertaken to ensure that community values are understood and reflected, and a planning scheme amendment is proposed to implement the Township Plan into the planning scheme and minimise risk for future land use growth and development.

Implementation/Marketing – An implementation plan identifies the various priorities, implementation partners and actions alongside the resources required and timeframe for implementation.

Evaluation and Review – A future planning scheme amendment will be carried out to include the Township Plan into the Ballarat Planning Scheme, and a program of Township Plan implementation review will be established.

CONSULTATION

The Miners Rest Township Plan included more community consultation than any other strategic planning project in the City with the exception of the Ballarat Strategy. The process was robust, based on best practice and provided the community with extensive opportunities to be heard. Consultation during preparation of the Miners Rest Township Plan has involved the following stages and processes:

- Initial consultation survey – love, imagine, retain – and drop in session
- Consultation on Issues and Opportunities Report – survey, community workshops, phone calls, emails and one on one meetings
- Consultation on the draft Township Plan - survey and community workshops, phone calls, emails and one on one meetings - including the following documents
 - Draft Miners Rest Township Plan - Priority Action Plan
 - Draft Miners Rest Township Plan
 - Draft Miners Rest Township Plan - Background Information and Analysis Report

- Draft Miners Rest Local Policy and Framework Plan
- Ballarat Airport Safeguarding Study and Noise Modelling Report.
- Further consultation and refinement of the Township Plan occurred from December 2018 – June 2019 to resolve a number of outstanding issues - 1:1 engagement/ meetings with landholders and stakeholders, Councillor briefings
- Dowling Forest Planning Controls Review – 1:1 landholder and stakeholder engagement and workshops, Councillor briefings. Further workshops are planned for July 2019.

In development of the Miners Rest Township plan there has been approximately;

- over 25 one on one meetings with stakeholders
- 4 full Councillor briefings
- 7 meetings with Ward Councillors
- 4 meetings with CFMR
- 6 workshops/drop in with community
- 30 emails
- 30 phone calls
- 3 surveys (150 responses)

Final stages of consultation include:

- Release of the draft Township Plan for comment in June/July 2019
- Community drop in session in July 2019; and
- Future public exhibition of the planning scheme amendment.

OFFICERS DECLARATIONS OF INTEREST

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

REFERENCE DOCUMENTS

Nil

ATTACHMENTS

Nil

10.6. LOCAL GOVERNMENT BILL

Division: Innovation and Organisational Improvement
Director: Cameron Cahill
Author/Position: Justine Linley – Chief Executive Officer

OFFICER RECOMMENDATION

Council resolves to:

Make a further submission on the Exposure Draft of the 2019 Local Government Bill proposed to repeal and replace the *Local Government Act 1989*.

EXECUTIVE SUMMARY

The Victorian Government, in 2015 announced the first comprehensive review of local government in a quarter of a century. The review responds to calls from the local government sector and the community for reform of the *Local Government Act 1989*, which has seen over 90 amending acts resulting in hundreds of individual changes over the past 25 years.

In 2015 Councils and the community were asked to respond and submit to the Local Government Act Review discussion paper to begin a discussion on the role of local government and what the future looks like for local government in Victoria. Then, in 2016 Councils and the community were invited to respond to a Directions Paper.

In December the State Government released the the Exposure Draft of the Local Government Bill 2018 which aims to be a modern, principle based legislative framework for the establishment and administration of a system of local government in Victoria.

Councils, peak bodies and all other interested stakeholders were encouraged to make a submission on the Exposure Draft Bill and these submissions were to inform the final drafting of the Bill. The Local Government Bill was introduced to Parliament in 2018 and while passing through the Legislative Assembly did not pass in the Legislative Council prior to the 2018 election and therefore lapsed.

On 17 June 2019, the now Minister for Local Government, the Hon. Adem Somyrek, announced his intention to reintroduce the Local Government Bill 2019 into the Victorian Parliament with some additions.

The additions are summaries in six broad areas, namely:

Voter Franchise - Simplifying enrolments to vote in council elections to more closely align council electoral rolls with State electoral rolls.

Electoral structure - Simplifying electoral structures to provide greater consistency of representative structures

Training - Introducing mandatory training for council election candidates and councillors to improve competency, skills and transparency

Donation reform - Extending recent changes to electoral campaign donations arrangements to local government elections to ensure the integrity and transparency of the donations process.

Improved conduct - Setting clear standards of conduct to guide council behaviour and establishing a centralised internal resolution process to support councils in dealing with low-level misconduct more efficiently.

Community accountability - Introducing two new pathways that can lead to the disqualification of a councillor.

It is proposed that Council make a further submission on the Exposure Draft Bill with specific comment on electoral structure, training, conduct and community accountability.

RATIONALE

The Local Government Act Review is one of the most significant reviews to be undertaken by the Victorian Government that directly impacts on the way that councils undertake their activities and roles into the future. The review has already looked at the objectives, roles and functions of councils; the powers required of councils to achieve these objectives and perform their roles and functions; and the extent these should be regulated under the Act.

186 submissions were made responding to the Directions Paper, including a submission from the City of Ballarat.

The main concerns of Council's submission to the Directions Paper have been addressed in the Draft Exposure Bill and generally Officers are supportive of the proposed Bill but a number of specific concerns were raised in our submission in 2018.

In summary they include:

- Our continued concern regarding the Fair Go Rate Cap system that greatly inhibits our ability to complete long term financial planning, which is being expected in the Bill;
- The implementation timeframe of the Community Vision, Council Plan, Financial Plan, Asset Plan and 4 Year Budget all required to be delivered after a Council election prior to 30 June 2021;
- The increased role of the Mayor in their ability to appoint a chair to a delegated committee;
- That the office of Mayor can be declared vacant by the Council;
- The requirements regarding the level of engagement on the Council Plan and Budget and the overall sense that the Government will expect deliberative engagement on these documents;
- The missed opportunity to provide a form of privilege to Councillors during Council Meetings, like that enjoyed by State and Commonwealth elected representatives;
- Transitional uncertainties in a number of clauses;
- The number of clauses that provide for direction from subordinate legislation like regulations and guidelines which has not been provided; and
- Various other minor issues or concerns.

Our original submission also acknowledged the inappropriateness of the process for Councillors setting and approving their allowances and increases. This had been addressed in the initial Exposure Bill and we supported this change in our submission. We continue to advocate for Councillor allowances to be in line with other representative positions and these allowances and annual increases be set independently of Council either by the Minister or an appropriate body, in effect removing Councillors from the process of deciding their remuneration.

The submission on the most recent additions is due by 17 July 2019.

It is proposed that Council make a further submission in relation to four of the six additional points as follows:

Electoral Structure

Multi-member wards have been in place in Victoria since the 1950s, as have single-member wards. Pre-amalgamation, Council elections were held yearly and often with some multi-member wards every three years one position in the ward would become vacant. This varied from council to council.

In 1989 the “new” local government act was brought in and provided for some tightening of the ward/riding election process and for elections to be held every three years, not every year. With the wave of local government amalgamations in the 1990s and the appointment of Commissioners the return of elected Councils was also staggered resulting in no single year when every Council went to election. When the Hon Candy Broad was Minister for Local Government in 2008 Parliament agreed to give local government a fixed 4 year, not 3 year, term and to also fix a single date when all Councils would go to election. The City of Ballarat for a number of years up until 2008 had nine single member wards. The current system provides flexibility and enables the community to have a say at each electoral view, on what system of division they support. There are benefits for each model from single member wards, to multi-member wards, to an un-subdivided ward. Equally there are as many challenges. Council would suggest caution in moving to a “one size fits all” electoral structure for local government and prefers that the community retains the option in having its say on what structure it prefers.

Training

The principle of training for candidates as well as induction training for those who are elected is one that the sector has been advocating for for some time. “The particular training requirements for councillors will be specified in regulations. Before regulations are made, the Government will consult with the local government sector to identify what training should be required.” While officers need to be responsible for council/municipality specific induction as this goes to the heart of and importance of a place and community, it would be preferable for all candidates and those who are elected to receive the same technical training and induction designed and delivered by a coordinating body eg. The Municipal Association of Victoria

Improved conduct

This addition will require all councils to abide by a Code of Conduct specified in regulations which sets the minimum standard of behaviour and “will be readily enforceable” and provides for an Arbiter who will be able to direct a councillor to make an apology, direct they be removed from any position they represent for a period of time and to suspend a councillor for a period not exceeding one month. With a single base Code applicable across the state, this is a strengthening of the requirements originally specified in the 2018 Draft Exposure Bill, however the detail needs to ensure that the practical experience of those working in the sector is taken into consideration to ensure it’s effective, efficient and to avoid unintended consequences.

Community accountability

This allows for provisions to be made in legislation to enable a local community to have a Commission of Inquiry set up for their council. If at least 25 per cent of the voters in a municipality sign a petition for a Commission of Inquiry, the Minister must establish the Commission and require it to consider the matters raised in the petition. This particular addition raises more questions that it answers. Does the organisation have a role to play in either the petition or Commission of Inquiry? Who will be on the Commission and who bears the cost of the exercise? What are the indicative timelines for getting from the required number of signatures and having it reviewed by a Commission of Inquiry? Our concern is that this had not been well thought through and could result in a significant impost on local communities.

If passed by Parliament, the provisions of the Local Government Bill 2019 will come into operation over a number of stages, with the final stage being implemented in line with the 2024 general council elections.

This means that Council will continue to apply the previous *Local Government Act 1989* and the corresponding regulations until specific provisions of any new Act commence. Where the new Act requires a new policy, plan or function, Council will have six months after the commencement date to comply with the statutory obligation.

LEGISLATION, COUNCIL PLAN, STRATEGIES AND POLICY IMPACTS

- *Local Government Act 1989*
- Exposure Draft *Local Government Bill 2018*
- *Charter of Human Rights and Responsibilities Act 2006*

REPORTING AND COMPLIANCE STATEMENTS

Implications	Considered in Report?	Implications Identified?
Human Rights	Yes	No
Social/Cultural	No	No
Environmental/Sustainability	No	No
Economic	No	No
Financial/Resources	Yes	Yes
Risk Management	No	No
Implementation and Marketing	No	No
Evaluation and Review	No	No

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

Financial/Resources – Any proposal to change the structure of rating or revenue raising ability for local government to be generated as part of the review of the *Local Government Act 1989* will continue to have an impact on the City of Ballarat finances and financial planning.

CONSULTATION

As this is a Victorian Government process the City of Ballarat is a contributor to the state government's consultation process as part of its advocacy role.

OFFICERS DECLARATIONS OF INTEREST

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

REFERENCE DOCUMENTS

- *Local Government Bill 2018* Exposure Draft
- A New Local Government Act for Victoria – State Government Document
- Draft statement of compatibility - human rights implications

ATTACHMENTS

Nil

10.7. CONTRACTS SPECIAL COMMITTEE OF COUNCIL - 13 MARCH, 3 APRIL AND 1 MAY 2019

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

OFFICER RECOMMENDATION**Council resolves to:**

1. Note, as per the *Local Government Act 1989* Section 88(2) that this matter is designated confidential information under section 89(2) as Contractual Matters and has been considered in making this recommendation.
2. Endorse the Special Contracts Committee minutes of the meetings held on 13th March, 3rd April and 1st May, 2019.

EXECUTIVE SUMMARY

The purpose of this report is to provide Council with copies of minutes of Council's section 86 Special Contracts Committee in accordance with the *Local Government Act 1989*. At the meeting of these Committees held on 13th March, 3rd April and 1st May 2019, five Contracts were endorsed by the Committee. This report provides a copy of the minutes of these meetings as well as detailing summary information in relation to this Contract.

RATIONALE

Section 92 of the *Local Government Act 1989* (the Act) requires that copies of minutes of meetings of the Special committees of Council are kept. Part 5 of the Act also lists minutes of section 86 Committees as a prescribed matter and therefore should be made available to the public. This report advises that minutes of the Special Contracts Committee (the Committee) are attached to this report for the meetings held on 13 March, 3 April and 1 May, 2019.

The Committee has been established to more effectively facilitate Council's Capital Works Program. To that end, the Committee has been established and will meet weekly, as required, in order to provide Council Officers with necessary decisions of Council to enable procurement processes to be completed.

LEGISLATION, COUNCIL PLAN, STRATEGIES AND POLICY IMPACTS

- *Charter of Human Rights and Responsibilities Act 2006*
- *Local Government Act 1989*
- City of Ballarat Council Plan 2017-21
- City of Ballarat Industry Participation Program
- City of Ballarat Purchasing/Procurement Policies and Procedures

LOCAL CONTENT

Contract	Endorsed with recommendation to Council	Value	Outcomes	Local Content Outcome
MAV VP136975	Rosmech Environmental Cleansing Solutions	\$776,499.40 (GST inclusive)	Supply and Delivery of two Dual Control Road Sweepers on Isuzu Cab Chassis	No
2018/19-133	Pipecon Pty Ltd	\$299,536.36 (excluding GST)	Culvert Replacement – Boundary Road, Brown Hill	Yes
2018/19-128	Fulton Hogan Industries Pty Ltd	\$280,805.00 (excluding GST)	Bridge restoration and maintenance works	Yes
2018/19-131	Ballarat Excavation and Transport	\$485,627.69 (excluding GST)	Unsealed Road Pavement Resheeting and Drainage Works	Yes
2018/19-132	Smith and Wil Asphalting Pty Ltd	\$291,727.85 (excluding GST)	Shoulder Reconstruction works	Yes

REPORTING AND COMPLIANCE STATEMENTS

Implications	Considered in Report?	Implications Identified?
Human Rights	Yes	No
Social/cultural	Yes	Yes
Environmental/Sustainability	No	No
Economic	No	No
Financial/Resources	Yes	Yes
Risk Management	Yes	Yes
Implementation and Marketing	No	No
Evaluation and Review	No	No

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

Social/Cultural - The inclusion of the minutes in the Council agenda and their availability to the public will increase awareness of the activities of the Special Contracts Committee and could increase community involvement in decision making at Council.

Risk Management – The Act requires that minutes of Committees established under Section 86 are kept and are made available to the public. There are implications if minutes of Special Committees are not presented to Council.

Financial – As contained within the report.

OFFICER' DECLARATIONS OF INTEREST

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

REFERENCE DOCUMENTS

- City of Ballarat Purchasing/Procurement Policy
- Contracts Approval Special Committee Terms of Reference

ATTACHMENTS

1. Contracts Minutes Wednesday 13 March 2019 [**10.7.1 - 4 pages**]
2. Contracts Minutes Wednesday 3 April 2019 [**10.7.2 - 5 pages**]
3. Contracts Minutes Wednesday 1 May 2019 [**10.7.3 - 4 pages**]



CONTRACTS SPECIAL COMMITTEE

MINUTES

13 March 2019

MINUTES OF THE MEETING OF THE SPECIAL CONTRACTS COMMITTEE
OF THE BALLARAT CITY COUNCIL, HELD IN COMMITTEE ROOM 1,
TOWN HALL, STURT STREET, BALLARAT
ON WEDNESDAY 13 MARCH 2019 AT 4:34PM

Justine Linley
(Chief Executive Officer)

MINUTES

ORDER OF BUSINESS:

PRESENT

Cr Mark Harris (Chair)
Cr Grant Tillett
Cr Ben Taylor

IN ATTENDANCE

Mr Terry Demeo (Director Infrastructure and Environment)
Mr Glenn Kallio (Director Business Services)

APOLOGIES

Nil

DECLARATIONS OF INTEREST

No declarations of interest were received.

CONFIRMATION OF MINUTES

RESOLUTION:

That the minutes of the Contracts meeting held on 6 March, 2019 as circulated, be confirmed.

Moved Cr Ben Taylor
Seconded Cr Grant Tillett

CARRIED

SECTION 89 MATTERS

RESOLUTION:

That the Committee resolves, pursuant to Section 89(2) of the Local Government Act 1989, 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 Grant Tillett

CARRIED

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	PAGE(S)
5.1 MAV CONTRACT VP136975 - SUPPLY AND DELIVERY OF TWO DUAL CONTROL ROAD SWEEPERS (RO GLENN KALLIO / ADRIAN SMITH)	4
5.2 CONTRACT 2018/19-133 BOUNDARY ROAD CULVERT (RO TERRY DEMEO / ROBIN HAND)	4

**5.1 MAV CONTRACT VP136975
SUPPLY AND DELIVERY OF TWO DUAL CONTROL ROAD SWEEPERS**
(RO – Glenn Kallio / Adrian Smith)

SUMMARY

This report recommends that the Contracts Committee as party to the MAV Tender VP136975 award a tender for two dual control road sweepers on Isuzu Cab Chassis being for the supply and delivery.

RESOLUTION

That the Contracts Approval Special Committee resolves that it:

- 1. Award Tender MAV VP136975 for the supply and delivery of two (2) Dual Control Road Sweepers on Isuzu Cab Chassis to Rosmech Environmental Cleansing Solutions for the tendered price of \$388,249.70 each (GST inclusive) for the total tendered price of \$776,499.40 (GST inclusive) for both units.**

Moved Cr Grant Tillett
Seconded Cr Ben Taylor

CARRIED

**5.2 CONTRACT 2018/19-133
BOUNDARY ROAD CULVERT**
(RO – Terry Demeo / Robin Hand)

SUMMARY

This report recommends that the Contracts Committee award a tender for Culvert Replacement at Boundary Road, Brown Hill.

That the Contracts Approval Special Committee resolves that it:

- 1. Award Tender 2018/19-133 ‘Boundary Road, Brown Hill – Culvert Replacement’ to Pipecon Pty Ltd for the total tendered price of \$299,535.36 (excluding GST).**

Moved Cr Grant Tillett
Seconded Cr Ben Taylor

CARRIED

General Business:

No general business was discussed.

RESOLUTION

That the Contracts Approval Special Committee resolve to come out of Section 89 and adopt the resolutions made therein.

Moved Cr Grant Tillett
Seconded Cr Ben Taylor

CARRIED

There being no further business, the Chairperson declared the meeting closed at 4:42pm

Confirmed this day of , 2019

.....
**Cr Mark Harris
Chairperson**



CONTRACTS SPECIAL COMMITTEE

MINUTES

3 April 2019

MINUTES OF THE MEETING OF THE SPECIAL CONTRACTS COMMITTEE
OF THE BALLARAT CITY COUNCIL, HELD IN COMMITTEE ROOM 1,
TOWN HALL, STURT STREET, BALLARAT
ON WEDNESDAY 3 APRIL 2019 AT 4:30PM

Justine Linley
(Chief Executive Officer)

MINUTES

ORDER OF BUSINESS:

PRESENT

Cr Mark Harris (Chair)
Cr Grant Tillett
Cr Ben Taylor

IN ATTENDANCE

Mr Terry Demeo (Director Infrastructure and Environment)
Mr Glenn Kallio (Director Business Services)

APOLOGIES

Nil

DECLARATIONS OF INTEREST

No declarations of interest were received.

CONFIRMATION OF MINUTES

RESOLUTION:

That the minutes of the Contracts meeting held on 13 March, 2019 as circulated, be confirmed.

Moved Cr Ben Taylor
Seconded Cr Grant Tillett

CARRIED

SECTION 89 MATTERS

RESOLUTION:

That the Committee resolves, pursuant to Section 89(2) of the Local Government Act 1989, 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 Grant Tillett

CARRIED

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5.2 CONTRACT 2018/19-131 UNSEALED ROAD PAVEMENT RESHEETING AND DRAINAGE WORKS (RO TERRY DEMEO / ROBIN HAND)	4
5.3 CONTRACT 2018/19-132 SHOULDER RECONSTRUCTION WORKS (RO TERRY DEMEO / ROBIN HAND)	4

**5.1 CONTRACT 2018/19-128
BRIDGE RESTORATION AND MAINTENANCE**
(RO – Terry Demeo / Robin Hand)

SUMMARY

This report recommends that the Contracts Committee award a tender for the provision of Bridge Restoration and Maintenance Works at various structures and locations throughout the municipality.

RESOLUTION

That the Contracts Approval Special Committee resolves that it:

- 1. Award Tender 2018/19-128 for the provision of Bridge Restoration and Maintenance works to Fulton Hogan Industries Pty Ltd for the total tendered price of \$280,805-00 (GST exclusive). The contract term is for 14 weeks with no provision of extensions; and**
- 2. Delegate to the Chief Executive Officer authority to execute the associated Contract on behalf of Council.**

Moved Cr Ben Taylor
Seconded Cr Grant Tillett

CARRIED

**5.2 CONTRACT 2018/19-131
UNSEALED ROAD PAVEMENT RESHEETING AND DRAINAGE WORKS**
(RO – Terry Demeo / Robin Hand)

SUMMARY

This report recommends that the Contracts Committee award a tender for the provision of Unsealed Road Pavement Resheeting and Drainage works on sections of seven individual roads throughout the municipality with a total of 41,500 square metres of roads to be resheeted. This will include the installation of new and widening of existing culverts with the forming of table drains.

That the Contracts Approval Special Committee resolves that it:

- 1. Award Tender Contract Number 2018/19 - 131 for the provision of Unsealed Road Pavement Resheeting and Drainage works to Streebson Pty Ltd t/a Ballarat Excavation & Transport for the total tendered price of \$485,627.69 (GST exclusive). The contract term of four months with no provision of extension; and**
- 2. Delegate to the Chief Executive Officer authority to execute the associated Contract on behalf of Council.**

Moved Cr Ben Taylor
Seconded Cr Grant Tillett

CARRIED

**5.3 CONTRACT 2018/19-132
SHOULDER RECONSTRUCTION WORKS**
(RO – Terry Demeo / Robin Hand)

SUMMARY

This report recommends that the Contracts Committee award a tender for the provision of road shoulder reconstruction works.

That the Contracts Approval Special Committee resolves that it:

- 1. Award Tender Contract Number 2018/19 – 132 for the provision of Shoulder Reconstruction works to Smith and Wil Asphaltting Pty Ltd for the total tendered price of \$291,727-85 (GST exclusive). The Contract terms is for four months with no provision for extensions; and**
- 2. Delegate to the Chief Executive Officer authority to execute the associated Contract on behalf of Council.**

Moved Cr Ben Taylor
Seconded Cr Mark Harris

CARRIED

General Business:

No general business was discussed.

RESOLUTION

That the Contracts Approval Special Committee resolve to come out of Section 89 and adopt the resolutions made therein.

Moved Cr Ben Taylor
Seconded Cr Grant Tillett

CARRIED

There being no further business, the Chairperson declared the meeting closed at 4:33pm

Confirmed this 1st day of May, 2019

.....
**Cr Mark Harris
Chairperson**



CONTRACTS SPECIAL COMMITTEE

MINUTES

1 May 2019

MINUTES OF THE MEETING OF THE SPECIAL CONTRACTS COMMITTEE
OF THE BALLARAT CITY COUNCIL, HELD IN COMMITTEE ROOM 1,
TOWN HALL, STURT STREET, BALLARAT
ON WEDNESDAY 1 MAY 2019 AT 4:35PM

Justine Linley
(Chief Executive Officer)

MINUTES

ORDER OF BUSINESS:

PRESENT

Cr Grant Tillett
Cr Ben Taylor

IN ATTENDANCE

Mr Glenn Kallio (Director Business Services)
Ms Angelique Lush (Director Development and Planning)
Mr Mark Powell (Executive Manager Major Projects)
Mr Matthew Dent (Project Officer)

APOLOGIES

Cr Mark Harris (Chair)

ACTING CHAIRPERSON

In the absence of the Chairman, Mr Kallio opened the meeting and nominations were called for the nomination of an acting Chairperson.

Cr Tillett nominated Cr Taylor as acting Chairperson.

RESOLUTION

That the apology from Cr Mark Harris be received.

Moved Cr Grant Tillett
Seconded Cr Ben Taylor

CARRIED

DECLARATIONS OF INTEREST

No declarations of interest were received.

CONFIRMATION OF MINUTES

RESOLUTION:

That the minutes of the Contracts meeting held on 3 April, 2019 as circulated, be confirmed.

Moved Cr Grant Tillett
Seconded Cr Ben Taylor

CARRIED

SECTION 89 MATTERS

RESOLUTION:

That the Committee resolves, pursuant to Section 89(2) of the Local Government Act 1989, 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 Grant Tillett
Seconded Cr Ben Taylor

CARRIED

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5.1 VARIATION TO CONTRACT 2017/18-100 - REDEVELOPMENT OF GIRRABANYA CHILDREN'S CENTRE (RO ANGELIQUE LUSH / MATTHEW DENT)	4
5.2 VARIATION TO CONTRACT 2017/18-246 - HER MAJESTY'S THEATRE CONSERVATION PROJECT (RO ANGELIQUE LUSH / ROBERT SIEMENSMA)	4

**5.1 VARIATION TO CONTRACT 2017/18-100
REDEVELOPMENT OF GIRRABANYA CHILDREN'S CENTRE**
(RO – Angelique Lush / Matthew Dent)

SUMMARY

This report recommends that the Contracts Committee endorse the variations to a contract for the redevelopment of Girrabanya Children's Centre that was awarded in December 2017.

RESOLUTION

That the Contracts Approval Special Committee resolves that it:

- 1. Endorse the variations to Contract 2017/18-100 Redevelopment of Girrabanya Children's Centre from project start to 1/4/2019, totalling \$115,040.12 (10.84% of contract value) (GST exclusive).**

Moved Cr Grant Tillett
Seconded Cr Ben Taylor

CARRIED

**5.2 VARIATION TO CONTRACT 2017/18-246
HER MAJESTY'S THEATRE CONSERVATION PROJECT**
(RO – Angelique Lush / Robert Siemensma)

SUMMARY

This report recommends that the Contracts Committee endorse the variations to a contract for the Her Majesty's Theatre Conservation Project.

This item was deferred.

General Business:

No general business was discussed

RESOLUTION

That the Contracts Approval Special Committee resolve to come out of Section 89 and adopt the resolutions made therein.

Moved Cr Grant Tillett
Seconded Cr Ben Taylor

CARRIED

There being no further business, the Chairperson declared the meeting closed at 4:39pm

Confirmed this 29th day of May, 2019

.....
Cr Mark Harris
Chairperson

10.8. OUTSTANDING QUESTION TIME ITEMS

Division: Business Services
Director: Glenn Kallio
Author/Position: Sarah Anstis - Administration Officer Statutory Compliance

OFFICER RECOMMENDATION

1. That Council endorses the Outstanding Question Time report.

EXECUTIVE SUMMARY

This report provides Council with an update of response to questions taken on notice and outstanding unanswered questions from Council Question Time.

As of 15 May 2019 Council Meeting, there are no outstanding questions.

RATIONALE

The City of Ballarat Meeting Procedure Local Law calls for a standard agenda item at each Council Meeting that reflects unanswered questions from Public Question Time.

LEGISLATION, COUNCIL PLAN, STRATEGIES AND POLICY IMPACTS

- Meeting Procedure Local Law

OFFICERS DECLARATIONS OF INTEREST

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

ATTACHMENTS

Nil

11. NOTICE OF MOTION

Nil

12. URGENT BUSINESS

13. SECTION 89 (IN CAMERA)

10.7 CONTRACTS SPECIAL COMMITTEE OF COUNCIL - 13 MARCH, 3 APRIL AND 1 MAY 2019

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

(Confidential report designated under the Local Government Act 1989 section 77(2)(b))

13.1 TANNERY LANE LEGACY LANDFILL RESOLUTION

Division: Infrastructure and Environment
Director: Terry Demeo
Author/Position: Terry Demeo – Director Infrastructure and Environment

(legal advice)

13.2 TENDER 2018/19-177 BALLYMANUS CENTRAL PARK

Division: Infrastructure and Environment
Director: Terry Demeo
Author/Position: Terry Demeo – Director Infrastructure and Environment

(contractual matters)

13.3 A REGIONAL MATERIALS RECOVERY FACILITY (MRF) FOR THE BALLARAT WEST EMPLOYMENT ZONE

Division: Infrastructure and Environment
Director: Terry Demeo
Author/Position: Quenton Gay - Waste, Water and Energy Officer

(contractual matters)

14. CLOSE