



Ordinary Council Meeting

12 December 2018

Council Chamber, Town Hall, Sturt Street, Ballarat

MINUTES

Public Copy

MINUTES OF A MEETING OF BALLARAT CITY COUNCIL HELD IN THE COUNCIL CHAMBER, TOWN HALL, STURT STREET, BALLARAT ON WEDNESDAY 12 DECEMBER 2018 AT 7:00PM

MINUTES

ORDER OF BUSINESS:

1. Opening Declaration	4
2. Apologies For Absence	4
3. Disclosure Of Interest	4
4. Confirmation Of Minutes	5
5. Matters Arising From The Minutes	5
6. Public Question Time	6
7. Reports From Committees/Councillors	11
8. Assemblies Of Councillors	13
8.1. Assemblies of Councillors	13
9. Officer Reports	14
9.6. Miners Rest Township Plan Adoption	15
9.1. Smarter Parking Plan Update	17
9.2. PLP/2018/551 - 196 Albert Street, Sebastopol - Variation to liquor licence (increase trading hours and increase licensed red-line area) and a reduction of car parking requirements.....	19
9.3. PLP/2013/221/A - 42-44 Main Road, Bakery Hill - Increase in area for the sale and consumption of liquor	23
9.4. PLP/2018/565 13 Peake Street Golden Point Demolition of outbuildings, partial demolition, alterations and additions to a dwelling, development of three additional dwellings, vehicle crossover, fencing and associated works and a four lot subdivision	27
9.5. International Post Travel Report	50

9.7. Strategic Partnership - Leadership Ballarat	52
9.8. Commerce Ballarat and City of Ballarat Strategic Partnership	54
9.9. Australian Ladies Professional Golf (ALPG) Ballarat Pro Am Tourism Grant Funding Application.....	55
9.10. Revised 2018-19 Budget.....	56
9.11. Meeting Procedure Local Law	58
9.12. Councillor Representation on Committees and External Bodies 2019	59
9.13. Council Meeting Schedule.....	61
9.14. Contracts Special Committee of Council - 28 November 2018	63
9.15. Outstanding Question Time Items	64
10. Notice Of Motion	67
11. Urgent Business	67
12. Section 89 (In Camera)	67
13. Close.....	69

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

2.1 Present

Mayor Samantha McIntosh
Cr Belinda Coates
Cr Mark Harris
Cr Des Hudson
Cr Daniel Moloney
Cr Jim Rinaldi
Cr Ben Taylor
Cr Grant Tillett

Ms Justine Linley - Chief Executive Officer
Mr Terry Demeo - Director Infrastructure and Environment
Mr Neville Ivey - Director Community Development
Mr Glenn Kallio - Director Business Services
Ms Angelique Lush - Director Development and Planning
Mr Cameron Gray - Director Innovation and Organisational Improvement
Mr Cameron Montgomery - Executive Manager Safety, Risk and Compliance Services
Ms Ali Evans - Administration Officer Statutory Compliance
Ms Sarah Anstis - Administration Officer Statutory Compliance

2.2 Apologies

Cr Amy Johnson

RESOLUTION:

That the apology be accepted.

Moved: Cr Belinda Coates
Seconded: Cr Daniel Moloney

CARRIED
(R351/18)

3. DISCLOSURE OF INTEREST

Nil

4. CONFIRMATION OF MINUTES

RESOLUTION:

That the Minutes of the Council Meeting on 21 November 2018 as circulated be confirmed.

Moved: Cr Daniel Moloney

Seconded: Cr Mark Harris

CARRIED

(R352/18)

5. MATTERS ARISING FROM THE MINUTES

Nil

6. PUBLIC QUESTION TIME**QT70/18 - Mr Gerald Jensen, Soldiers Hill****Question**

Mr Jensen asked if residents can be advised what is happening in regards to the works and traffic management surrounding the new carpark at the Railway Station on Nolan Street?

Answer

Mr Terry Demeo, Director Infrastructure and Environment

Mr Demeo advised that the project is a State project and that communication is expected to come from Pellicano, the contractor delivering on behalf of the Government. The Nolan Street closure should only be in place until the internal road providing access to the car park is in place. This was intended to be December, however a shaft was found which has delayed this.

QT71/18 - Ms Sissy Austin, Ballarat East**Question**

Ms Austin asked that with the actions of Yarra City Council and Darebin City Council in mind, would City of Ballarat enter into consultation with the Aboriginal Community of Ballarat regarding celebrations and the events on January 26?

Answer

Cr Samantha McIntosh, Mayor

Madam Mayor advised that she is proud of the City and the way that it is working with the Aboriginal Community.

Mr Neville Ivey, Director Community Development

Mr Ivey advised that the Koorie Engagement Action Group Advisory Committee (KEAG) have looked at this and Officers can engage further with KEAG and the community.

Cr Des Hudson

Cr Hudson advised that the Ballarat and District Aboriginal Co-operative (BADAC) are holding a meeting next week to discuss this topic.

Cr Belinda Coates

Cr Coates requested a report to Briefing on the consultation that will be undertaken regarding January 26.

QT72/18 - Ms Sissy Austin, Ballarat East**Question**

Ms Austin asked if the City of Ballarat believe that the current Australia Day celebrations are respectful?

Answer

Mr Neville Ivey, Director Community Development

Mr Ivey advised that KEAG and Council have been doing work that is in line with what the Community wants. If consultation identified a shortfall, Council would work to fix this through the work of KEAG. Depending on the results this would then be put to Council for consideration.

QT73/18 - Mr Gary Fitzgerald, Ballarat East**Question**

Mr Fitzgerald asked why the changes proposed tonight necessary to the existing Local Law?

Answer

Mr Cameron Montgomery, Executive Manager Safety, Risk and Compliance Services
Mr Montgomery advised that the changes are consistent with a number of other local Councils' and the Ombudsman report.

QT74/18 - Mr John Barnes, Brown Hill**Question**

Mr Barnes asked that given there are a number of errors in the Local Law, would Council consider deferring the decision tonight and fix the errors before bringing back to Council for adoption?

Answer

Cr Samantha McIntosh, Mayor
Cr McIntosh advised that Councillors will consider the item when it comes up.

QT75/18 - Mr John Barnes, Brown Hill**Question**

Mr Barnes asked questions relating to what is to be recorded in the minutes, if questions will be included, and if the broadcasting of meetings will be archived permanently and how it is intended that these be made accessible to the public?

Answer

Mr Cameron Montgomery, Executive Manager Safety, Risk and Compliance Services
Mr Montgomery provided a response that minutes will record questions and answers. Broadcasting recordings will be placed back up onto Council's website and the minutes that record the decision are the true record of Council and not the recording of the meeting.

QT76/18 - Mr Frank Williams, Invermay Park**Question**

Mr Williams asked who gave permission to clean such 30 hectares of native forest off Vincent Drive in Mount Helen?

Answer

Mr Terry Demeo, Director Infrastructure and Environment
Mr Demeo advised that he would take this question on notice.

QT77/18 - Mr Frank Williams, Invermay Park**Question**

Mr Williams asked if the City of Ballarat will provide a more historically accurate account of Pikeman's Dog at the Eureka Centre?

Answer

Cr Samantha McIntosh, Mayor

Cr McIntosh advised that Council will work with the Eureka Centre Advisory Group to ensure that the best experience can be provided to the community.

QT78/18 - Werner Ollering, Miners Rest**Question**

Mr Ollering advised that there have been numerous complaints to the EPA surrounding the noise, traffic and odour of the Saleyards in Miners Rest. Mr Ollering asked what could be done to address the issues of the flawed modelling and how the community can have this re-evaluated?

Answer

Mr Terry Demeo, Director Infrastructure and Environment

Mr Demeo advised that the EPA have recorded 33 complaints as of yesterday. The EPA were on site yesterday with CVLX and their consultants to review their system, with human intervention to make sure that it is maintained at all times. Council have asked that if there are non compliant issues they be fixed right away.

Cr Grant Tillett

Cr Tillett asked what would be the situation if the review undertaken finds that it's not the effluent lines but the facility itself.

Mr Terry Demeo, Director Infrastructure and Environment

Mr Demeo advised that the specifics of the odour are clearly related to the overall facility.

Q79/18 - Werner Ollering, Miners Rest**Question**

Mr Ollering asked what Council can do to ensure that the Saleyards are dimming their lights and that the dimming is effective?

Answer

Mr Terry Demeo, Director Infrastructure and Environment

Mr Demeo advised that he is not aware of specific concerns, but will take this on board.

RESOLUTION:

That Council extends public question time in accordance with clause 66.1 the City of Ballarat Local Law 18 - Meeting Procedure.

Moved: Cr Jim Rinaldi

Seconded: Cr Daniel Moloney

CARRIED

(R353/18)

QT80/18 - Ms Amber Lovett**Question**

Ms Lovett asked that due to the lack of City of Ballarat Councillors attending the Cultural Awareness training session can this training be made mandatory and will the City of Ballarat write a formal apology to KEAG?

Answer

Cr Samantha McIntosh, Mayor

Cr McIntosh advised that Council have done a lot of work acknowledging Aboriginal Culture at the start of Council Meetings, conducting Welcome to Countries and getting education and knowledge. All Councillors have their own experiences and knowledge which won't be public knowledge without each Councillor sharing their individual experiences.

Mr Neville Ivey, Director Community Development

Mr Ivey advised that in regards to the date, there were difficulties in getting all of the Councillors together. He would like for another session to be organised for more Councillors to be involved in the training, but cannot make comment in regards to the apology.

Cr Grant Tillett

Cr Tillett advised that he has attended a number of these sessions and has two adopted cousins, who are traditional owners of this land and who are close members of his family. He has been trained by them as to what his obligations are and doesn't think he should be judged for not attending, as the KEAG do not know what knowledge he has.

QT81/18 Ms Rebecca McIntosh, Cardigan Village**Question**

Ms Ms McIntosh asked a question relating to the traffic at Madden Road and Remembrance Drive and if Council can put in some immediate traffic devices such as flashing lights and speed bumps?

Answer

Cr Daniel Moloney,

Cr Moloney advised that this Friday Regional Roads Victoria are calling a meeting of Victoria Police, City of Ballarat, the Avenue of Honour Committee and community representatives where we will work through a number of the measures you have spoken about. The intersection on Madden Road and Remembrance Drive has grown in traffic numbers with the opening of the Saleyards.

Cr Samantha McIntosh, Mayor

Cr McIntosh requested that an update be provided to briefing.

QT82/18 Mr Rob Broadbent, Mt Pleasant**Question**

Mr Broadbent asked that given that the Lower Civic Hall will come up for demolition in January, has Council explored options for the loss of civic land and the opportunity to replace space which is lost?

Answer

Ms Angelique Lush, Director Development and Planning

Ms Lush advised that Council are working diligently to reopen Civic Hall with a program being developed to make sure the space is fully utilised. In regards to the space being lost, we are exploring the impact of this and we are open to and receptive of options.

Mr Broadbent asked if there is a date for main hall to open?

Cr Samantha McIntosh, Mayor

Cr McIntosh advised there is an event for the opening however the date has not been formally set, but will be shared with the community as soon as it can. Govhub involves significant work, and we need to consider this in regards to opening Civic Hall.

Mr Broadbent asked if Council has explored options of being able to rectify loss of use due to construction noise of GovHub?

Ms Angelique Lush, Director Development and Planning

Ms Lush advised that there is a plan, with a whole team involved to make sure that it is a success. We will meet with your group in the new year to go over this.

QT83/18 Ms Merle Hathaway, Buninyong**Question**

Ms Hathaway expressed her concerns about changes to public question time and asked if Council have considered getting Officers to prepare shorter reports?

Answer

Cr Samantha McIntosh, Mayor

Cr McIntosh advised that Council Meetings have been shortened significantly and that people can just read the executive summary if they wish to.

7. REPORTS FROM COMMITTEES/COUNCILLORS

GB80/18 - Cr Grant Tillett

Cr Tillett attended the funeral of the late Tom Ford and noted his lifetime of achievements.

GB81/18 - Cr Belinda Coates

Cr Coates advised that she is the new Chair of the Central Victorian Greenhouse Alliance, that she attended International Day of People with a Disability at Delacombe Town Centre and the International Day for Human Rights forum at Federation University.

Cr Coates advised that she and the Disability Advisory Committee would like a question on notice relating to the Main Road seating area.

Cr Coates asked a question relating to the time frame for the commencement of live-streaming of meetings?

Mr Cameron Montgomery, Executive Manager Safety, Risk and Compliance Services
Mr Montgomery outlined that the proposal requires Heritage Victoria approval for seeking an exemption to mount the cameras. A procedure will come to briefing and a meeting and there will be training for Councillors.

Cr Coates requested a briefing in the new year for advocacy options for gambling harm.

Cr Coates requested a report to briefing on dual naming with aboriginal naming and timeframe for that to come before Council.

Cr Coates asked that in response to Sissy Austin's question that a briefing come before Council to consider a broader discussion on Koorie engagement.

Cr McIntosh advised that it would be worthwhile to go back to the KEAG to seek further detail.

Cr Coates advised that in relation to the question regarding cultural awareness training it was a call out for an opportunity for relationship building.

GB82/18 - Cr Daniel Moloney

Cr Moloney asked if there is anything that can be done to acknowledge the concerns of the aboriginal community in relation to this Australia Day coming?

Mr Neville Ivey, Director Community Development
We can undertake engagement next week and see what they would like us to do that is more respectful.

GB83/18 - Cr Jim Rinaldi

Cr Rinaldi asked what date should we be able to celebrate Australia Day?

Cr McIntosh advised that she is unsure if anyone has the response.

Cr Rinaldi asked if this a local government issue?

Ms Justine Linley, Chief Executive Officer

This is a day set by the Federal Government, not a day declared by the City of Ballarat.

Cr Harris advised that we do citizenship ceremonies on Australia Day and I think the issue is that we aren't passive.

RESOLUTION:

To accept Councillor reports.

Moved: Cr Daniel Moloney

Seconded: Cr Jim Rinaldi

CARRIED

(R354/18)

8. ASSEMBLIES OF COUNCILLORS**8.1. ASSEMBLIES OF COUNCILLORS**

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

RESOLUTION:

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

- **2 November 2018 Prosperity Portfolio Meeting Economic Partnerships**
- **7 November 2018 Infrastructure and Environment Portfolio Meeting No 186**
- **7 November 2018 Council Agenda Review Briefing**
- **14 November 2018 Strategic Briefing**
- **21 November 2018 Infrastructure and Environment Portfolio Meeting No 187**
- **28 November 2018 Council Agenda Review Briefing**

Moved: Cr Des Hudson
Seconded: Cr Grant Tillett

CARRIED
(R355/18)

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*.

9. OFFICER REPORTS

PROCEDURAL MOTION:

That item number 9.6 'Miners Rest Township Plan Adoption' be brought forward.

Moved: Cr Grant Tillett

Seconded: Cr Daniel Moloney

CARRIED

(R356/18)

9.6. MINERS REST TOWNSHIP PLAN ADOPTION

Division: Development and Planning
Director: Angelique Lush
Author/Position: Gillian Garrod – Senior Strategic Planner
Lisa Kendal – Manager Strategic Planning

RESOLUTION:**Council resolves to:**

1. **Adopt the final Miners Rest Township Plan (November 2018), and associated Miners Rest Township - Background Information and Analysis Report (November 2018) and draft Local Planning Policy and Framework Plan.**

Note: The draft Local Planning Policy and Framework Plan will be subject to further refinements during the planning scheme amendment process.

2. **Seek authorisation from the Minister for Planning to prepare a Planning Scheme Amendment to introduce the Miners Rest Township Plan and associated Local Planning Policy and Framework Plan into the Ballarat Planning Scheme, pursuant to Section 8A of the Planning and Environment Act 1987, and to place the draft Amendment on exhibition pursuant to Section 19 of the Planning and Environment Act 1987.**
3. **Note the Ballarat Airport Safeguarding Study and Noise Modelling Report (Kneebush Planning, July 2018), and progress with updating the Master Plan and associated planning controls when there is certainty around the future of the proposed Aviation Emergency Services Hub.**
4. **Rescind the Council resolution (R505/11) 'Proposed Planning Scheme Amendment – Cummins Road and Lindsays Road, Miners Rest' dated 14 December 2011 to seek authorisation from the Minister for Planning, to proceed with an amendment.**

EXECUTIVE SUMMARY

To ensure future growth and development incorporates local values, Council has committed to undertake local area planning for the City of Ballarat's six townships including Learmonth, Cardigan Village, Burrumbeet, Warrenheip, Buninyong and Miners Rest.

Over the past 19 months, Council officers have worked closely with the community to develop the Miners Rest Township Plan (the Plan). The Plan includes a long-term vision, objectives, strategies and an action plan for Miners Rest, and will help the community and the City of Ballarat manage change into the future.

This report recommends adoption of the Miners Rest Township Plan, Miners Rest Township Plan - Background Information and Analysis Report and draft Local Planning Policy and Framework Plan, and recommends Council request the Minister for Planning to authorise a planning scheme amendment to introduce the Plan and associated local policy into the Ballarat Planning Scheme to give it effect.

The report notes the proposed draft local planning policy and framework plan will be subject to further refinements during the planning scheme amendment process.

This report also recommends Council note the Ballarat Airport Safeguarding Study and Noise Modelling Report (Kneebush Planning, July 2018), and progress with updating the Master Plan and associated planning controls when there is certainty around the future of the proposed Aviation Emergency Services Hub.

This report also recommends that Council rescind a Council resolution from 14 December 2011, Proposed Planning Scheme Amendment – Cummins Road and Lindsays Road, Miners Rest, to proceed with an amendment to rezone land.

PROCEDURAL MOTION:

That Council defers consideration of report 9.6 'Miners Rest Township Plan Adoption'.

Moved: Cr Grant Tillett

Seconded: Cr Jim Rinaldi

CARRIED

(R357/18)

9.1. SMARTER PARKING PLAN UPDATE

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

Ms Anita Hoare made a public representation.

RESOLUTION:**Council resolves to:**

1. **Note the officer's progress report outlining the initial findings of the extensive community consultation;**
2. **Note the preparation of the proposed Smarter Parking Plan in its revised form (December 2018) inclusive of:**
 - a. **A revised zoning plan and a combination of both restricted and paid parking through the zones;**
 - b. **Revised residential car parking regime; and**
 - c. **New technology to support the plan.**
3. **Engage with the relevant State Government agencies to work on an action plan for enhanced public transport, park and ride options, and sustainable transport initiatives in consultation with stakeholders for consideration of Council.**
4. **Authorise Council Officers to liaise with State Government and its agencies as to the delivery, implementation and timelines of the \$14M election promise for the provision of 1,000 free car parks within the Ballarat CBD.**
5. **Bring the full car parking action plan back to Council for consideration informed by the above response as soon as possible in 2019.**
6. **Authorise Council Officers to commence procurement of updated car parking technology in line with budgetary approval processes.**

Moved: Cr Ben Taylor
Seconded: Cr Mark Harris

CARRIED
(R358/18)

EXECUTIVE SUMMARY

Council resolved to pursue a major community and stakeholder consultation process in relation to a new parking plan in mid-2018 with a view to bringing a plan back into the Council chamber prior to the end of 2018. The core feedback from the community during this extensive consultation process was that there is no appetite for, or acceptance of, any major extension of the paid parking network across the Ballarat CBD. Further, it was made clear through this consultation phase that the amenity of the residential areas on the fringe of the Ballarat CBD required a policy position to address what was considered an unacceptable existing situation, along with a need for a very effective enforcement system.

On this basis, this report is presented as a progress report only, providing information on the findings of the most recent consultation undertaken over the past few months. The report recommends that Council note the works that have been undertaken, including a proposed revised plan, and further proposes some additional actions to establish a clearer dialogue with the Victorian Government following the Labor Party's election commitment of \$14 million towards parking in the Ballarat CBD.

It is not the intention that this report generate any formal decision by the Council about the proposed Smarter Parking plan – more investigation and community feedback is required before officers will be in a position to provide considered recommendations to Council. Accordingly, it is recommended that the full car parking action plan be deferred for determination pending the request for further information from the State Government, with the matter to return to the Council Chamber as soon as practicable in 2019.

9.2. PLP/2018/551 - 196 ALBERT STREET, SEBASTOPOL - VARIATION TO LIQUOR LICENCE (INCREASE TRADING HOURS AND INCREASE LICENSED RED-LINE AREA) AND A REDUCTION OF CAR PARKING REQUIREMENTS

Division: Infrastructure and Environment
Director: Terry Demeo
Author/Position: Leah Clark - Coordinator Statutory Planning

Mr John Camilleri made a public representation.

RESOLUTION:

Council resolves to:

Issue a Notice of Decision to Grant a Planning Permit PLP/2018/551 for the land at 196 Albert Street, Sebastopol for a variation to the liquor Licence (increase trading hours and increase licensed red-line area) and a reduction of car parking requirements subject to the following Conditions:

1. Layout Not Altered

The serving and consumption of liquor is restricted to the licensed area shown on the approved plans and must not be altered without the further written consent of the Responsible Authority.

2. Limit on Number of Patrons

Not more than 305 patrons may be present on the premises at any one time without the prior written consent of the Responsible Authority.

If a lesser number of patrons is determined acceptable by a Registered Building Surveyor and/or the Victorian Commission for Gambling and Liquor Regulation, the lesser number will apply.

3. Sale and Consumption of Liquor – Hours

Unless with the prior written consent of the Responsible Authority, the sale and consumption of liquor must only operate as follows:

- **Friday-Saturday 10.00am – 1am the following day.**
- **Any other day 10.00am – 12am the following day.**
- **ANZAC Day and Good Friday – 12pm to 12am the following day.**

4. Amenity

The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:

- (a) **transport of materials, goods or commodities to or from the land;**
 - (b) **appearance of any building, works or materials;**
 - (c) **emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;**
 - (d) **presence of vermin or otherwise;**
-

In the event of any nuisance being caused to the neighbourhood by activities related to the use and development the Responsible Authority may direct, in writing, such actions or works, as deemed appropriate, to eliminate or mitigate such nuisance be undertaken.

5. **Patron Management Plan**

Before the use starts, a Patron Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of the permit. Three copies of the plan must be submitted. The plan must include but is not limited to:

- a) Staffing and security arrangements for the premises designed to ensure the orderly arrival and departure of patrons;
- b) Signage to be used to encourage responsible off-site patron behaviour;
- c) The training of staff in the management of patron behaviour;
- d) Measures to control noise emissions from the premises;
- e) Measures to manage patrons queuing to enter the premises;
- f) Collection of rubbish from roads, car parks and public reserves in the vicinity of the premises and external areas used by patrons.
- g) A documented complaint response procedure to the satisfaction of the responsible authority including the provision of a:
 - i. Contact point during hours of operation
 - ii. Investigation and assessment process
 - iii. Record management of complaints and corrective action taken to resolve the concern.

The Patron Management Plan must be implemented to the satisfaction of the Responsible Authority. The patron management plan must not be modified unless with the further written consent of the Responsible Authority.

6. **Management / Supervision of Premises**

At all times during the operation of the use, there must be present on the premises a person over the age of eighteen (18) years who is responsible for ensuring that the activities on the premises and the conduct of persons attending the premises do not have a detrimental impact on the amenity of the locality to the satisfaction of the Responsible Authority (referred to in this permit as "the manager").

The manager must be authorised by the operator under this permit to make statements at any time on his / her behalf to any officer of the Responsible Authority and of the Victoria Police and/or of Liquor Licensing Victoria authorised under section 129 of the *Liquor Control Reform Act 1998*; and/or to take action on his/her behalf in accordance with a direction by such officer.

7. **Security Measures**

On-site security lighting, appropriately baffled to prevent light glare, shall be provided to the satisfaction of the Responsible Authority;

Video surveillance cameras and recorders to monitor and record the front of the premises must be installed and maintained whilst the premises is open for business and ½ an hour after closure. These tapes must be retained for thirty (30) days and made available for viewing and / or removal at all times by an authorised police officer or an authorised officer of Liquor Licensing.

All security measures must be installed prior to the occupation of the site and maintained to the satisfaction of the Responsible Authority.

8. **Management of Waste**

Prior to the commencement of the use, plans detailing the location of an internal bottle crusher must be submitted to the Responsible Authority. Once approved, the bottle crusher must be used to dispose of all empty bottles to the satisfaction of the Responsible Authority.

9. **Management of Waste**

No emptying of bottles into external waste bins is permitted after 10pm on any night or before 7.00am on any day.

10. **Amenity Reminder**

Prior to the commencement of the use/occupation of the building, the applicant must display a sign at the exit of the premises advising patrons of the proximity of residential dwellings and the need to respect the amenity of the area, to the satisfaction of the Responsible Authority.

11. **Time for Starting and Completion**

This permit for the use of land expires if:

- (a) The use does not start within two years of the date of this permit; or
- (b) The use is discontinued for a period of two years.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards.

Notes:

Noise

Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of music noise from public premises) No. N-2. Any works required to ensure and maintain the noise levels from the premises are in compliance with this policy must be completed prior to the commencement of the use or occupation of the site and maintained thereafter, all to the satisfaction of the Responsible Authority.

Background Music

The provision of music on the premises must be limited to background music only unless with the further written consent of the Responsible Authority. No music is to be played or amplified externally from the building without the further written consent of the Responsible Authority.

Food Act 1984

An application for, and assessment of, food premises construction compliance under the *Food Act 1984* must be made with Council's Environmental Health Unit prior to its construction and use. Detailed floor and elevation plans will form the basis of that assessment and must be submitted for initial approval. A schedule of fixtures fittings and materials used for the fit out is also required.

Any proposed alteration to a food premises must be designed in accordance with requirements of the FSANZ Food Standards Code and Australian Standard 4674

Tobacco Act 1887

An application for, and assessment of, outdoor drinking and dining compliance under the *Tobacco Act 1987* must be made with Council's Environmental Health Unit prior to its construction and use. Detailed floor and elevation plans will form the basis of that assessment and must be submitted for initial approval. A schedule of fixtures fittings and materials used for the fit out is also required.

Any proposed alteration to food or liquor licensed premises for the purpose of facilitating the consumption of tobacco products must be designed in accordance with requirements of the Smoke Free Guide: Licensed Premises and Outdoor Dining or Drinking Areas.

Moved: Cr Des Hudson

CARRIED

Seconded: Cr Mark Harris

(R359/18)

EXECUTIVE SUMMARY

On 21 September 2018, application PLP/2018/551 was lodged to vary the liquor licence by increasing the red line area, increasing the hours of operation and patron numbers. Given the increase in patron numbers, the application also seeks to reduce the statutory car parking rate. The application was advertised and one objection was received. It is recommended that Council issue a Notice of Decision to Grant a Planning Permit.

9.3. PLP/2013/221/A - 42-44 MAIN ROAD, BAKERY HILL - INCREASE IN AREA FOR THE SALE AND CONSUMPTION OF LIQUOR

Division: Infrastructure and Environment
Director: Terry Demeo
Author/Position: Leah Clark - Coordinator Statutory Planning

RESOLUTION:

Council resolves to:

1. Grant an Amended Planning Permit PLP/2013/221/A for the land located at 42-44 Main Road, Bakery Hill for buildings and works, dispensation of car parking and associated liquor licence for a restaurant subject to the following conditions:

1. **Buildings and Works**

The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority. All buildings and works must be constructed and or undertaken in accordance with the endorsed plans to the satisfaction of the Responsible Authority prior to the commencement of the use. All buildings and works must be located clear of any easements or water and sewer mains unless written approval is provided by the relevant authority.

2. **Awning**

The proposed awning must be installed with removable fixings. The awning must be removed when the proposed use ceases without causing damage to the façade of the building to the satisfaction of the Responsible Authority.

3. **Air-conditioning Plant Location**

All air conditioning plant and equipment and services shall be located so as to be incorporated within the building and shall not project beyond the roofline or from an external wall without the consent of the Responsible Authority. All plant and equipment shall be appropriately located and baffled to minimise noise levels to the satisfaction of the Responsible Authority.

4. **Limited on Patrons**

Not more than 100 patrons may be present on the premises at any one time without the written consent of the Responsible Authority.

No more than 16 patrons may be seated within the parklet at any given time.

If a lesser number of patrons is determined acceptable by a Registered Building Surveyor and/or the Victorian Commission for Gambling and Liquor Regulation, the lesser number will apply.

5. **Regulation of Sale and Consumption of Liquor**

The predominant activity carried out on the premises, must be the preparation and serving of meals for consumption on the premises.

6. Sale and Consumption of Liquor - Hours

Without the prior written consent of the Responsible Authority, the sale and consumption of liquor shall only occur within the licensed area between the following hours:

Internal to existing buildings:

Monday to Sunday – 11am until 11pm;
12pm – 11pm Anzac Day;
No trading on Christmas Day or Good Friday.

Parklet:

Monday to Sunday – 11am until 10pm;
12pm – 10pm Anzac Day;
No trading on Christmas Day or Good Friday.

7. Regulation of Delivery Times

Deliveries to and from the site (including waste collection) must only take place between:

- 7am and 5pm Monday to Friday;
- 10am and 5 pm Sunday or public holiday

All ancillary motors or trucks are to be turned off whilst picking up or dropping off stock/materials.

8. Amenity

The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:

- a) transport of materials, goods or commodities to or from the land;
- b) appearance of any building, works or materials;
- c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
- d) presence of vermin or otherwise;

In the event of any nuisance being caused to the neighbourhood by activities related to the use and development the Responsible Authority may direct, in writing, such actions or works, as deemed appropriate, to eliminate or mitigate such nuisance be undertaken.

9. Noise

No amplified music is to be played or piped to external areas without the further written consent of the Responsible Authority. Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of music noise from public premises) No. N-2. Any works required to ensure and maintain the noise levels from the premises are in compliance with this policy must be completed prior to the commencement of the use or occupation of the site and maintained thereafter, all to the satisfaction of the Responsible Authority.

10. Signs Requiring Further Approval

Unless no permit is required under the Planning Scheme, other signs must not be constructed or displayed without a further permit.

11. Permit Expiry – Use and Development

Development and use of land expires if:

- (a) The development or any stage of it does not start within two (2) years of the date of this permit; or
- (b) The development or any stage of it is not completed within four (4) years of the date of this permit; or
- (c) The use does not start within two (2) years after the completion of the development; or
- (d) The use is discontinued for a period of two years.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards (for a request to extend the time to commence the development) or twelve months after the permit expires (for a request to extend the time to complete the development).

Notes:

Food Premises

- a) All food premises (As defined by the *Food Act 1984* must register with Council's Environmental Health Department prior to commencing operation.
- b) All proposed food premises must be designed in accordance with the requirements of the FSANZ Food Standards Code and Australian Standard 4674:2004. A detailed and to scale floor plan of the proposed food premises in conjunction with any other requested documents must be supplied to Council's Environmental Health Unit prior to any approval of an application for registration.
- c) The food premises will require the installation of a grease trap. Enquiries should be made with Central Highlands Water in order to obtain the relevant permits and approvals.

Footpath Trading

A footpath trading permit must be obtained from Council's Local Laws Department before Footpath Trading commences.

Tobacco Act 1987

The *Tobacco Act 1987* has not been assessed as part of this application. This permit does not imply compliance with the *Tobacco Act 1987*. For further information and advice please contact Council's Environmental Health Department on 03 5320 5500.

Moved: Cr Ben Taylor
Seconded: Cr Jim Rinaldi

CARRIED
(R360/18)

EXECUTIVE SUMMARY

On 15 October 2018 an application was lodged to amend planning permit PLP/2013/221 to amend the approved red line plan to include the footpath and outdoor parklet constructed as part of streetscape improvements to Main Road. The application was not advertised. It is recommended that Council issue an amended Planning Permit.

9.4. PLP/2018/565 13 PEAKE STREET GOLDEN POINT DEMOLITION OF OUTBUILDINGS, PARTIAL DEMOLITION, ALTERATIONS AND ADDITIONS TO A DWELLING, DEVELOPMENT OF THREE ADDITIONAL DWELLINGS, VEHICLE CROSSOVER, FENCING AND ASSOCIATED WORKS AND A FOUR LOT SUBDIVISION

Division: Development and Planning
Director: Terry Demeo
Author/Position: Leah Clark - Coordinator Statutory Planning

Mr James Isles made a public representation.

RESOLUTION:

Council resolves to:

1. **Issue a Notice of Decision to Grant a Planning Permit PLP/2018/565 for the land located at 13 Peake Street, Golden Point for the demolition of outbuildings, partial demolition, alterations and additions to a dwelling, development of three additional dwellings, vehicle crossover, fencing and associated works and a four lot subdivision subject to the following conditions:**

1. **Amended Plans Required**

Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with Project Now plans but modified to show:

- (a) A survey plan of the site demonstrating the exact boundaries and location of all existing buildings located within the subject site;
- (b) A revised proposed subdivision plan undertaken in accordance with the survey plan;
- (c) All vehicle crossings to be a minimum of 3m wide;
- (d) Screening treatment to dwelling 3 deck in accordance with Standard B22 – Clause 55.04-6 - Overlooking of the Ballarat Planning Scheme;
- (e) Revised side boundary fences with a reduction in height no greater than 1.2m within the front setback of dwellings fronting either Peake or Tress Street;
- (f) A schedule of colours and materials in accordance with Condition 3;
- (g) A Vegetation Assessment Report in accordance with condition 4;
- (h) Landscape Plan in accordance with condition 5;

Unless otherwise approved in writing by the Responsible Authority, all buildings and works are to be constructed and or undertaken in accordance with the endorsed plans to the satisfaction of the Responsible Authority prior to the commencement of the use.

2. Formal Plan of Subdivision

The formal plan of subdivision lodged for certification must be generally in accordance with the approved plan and must not be modified except to comply with statutory requirements or with the further written consent of the Responsible Authority.

3. Materials and Colours

Before the development starts, a schedule of construction materials, external finishes and colours must be submitted to and approved by the Responsible Authority. When approved, the schedule will be approved to form part of the permit.

4. Vegetation Assessment Report

A Vegetation Assessment Report accompanied by a location plan undertaken by a suitably qualified person/s is required to be undertaken to assess the trees on both 11 and 15 Peake Street, Golden Point and the impact the development hereby approved may have on the future of these trees. The report must demonstrate the Tree Protection Zones (TPZ) of the trees and any tree protection measures which may be required during construction to the satisfaction of the Responsible Authority.

5. Landscape Plan

Prior to the commencement of any works, a landscape plan must be submitted to and approved by the Responsible Authority. When approved the plan will form part of the permit.

The landscape plan must include:

- (a) a survey (including botanical names) of all existing vegetation to be retained and/or removed;
- (b) details of surface finishes of pathways and driveways;
- (c) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, size at planting, sizes at maturity, and quantities of each plant;
- (d) A minimum of one semi mature canopy tree provided in the front setback of all three dwellings fronting both Peake and Tress Streets;
- (e) A minimum of 6 canopy trees to be planted within and spread across the site.

All landscaping works must be carried out in accordance with the approved landscape plan and Council's Landscape Design Manual (August 2012).

6. Completion and Maintenance of Landscaping Works

Prior to the occupation of the buildings commencing all landscape works forming part of the approved Landscape Plans must be completed to the satisfaction of the Responsible Authority. The landscaping shown on the approved landscape plan must be maintained to the satisfaction of the Responsible Authority for 18 months from the practical completion of the landscaping. During this period, any dead, diseased or damaged plants or landscaped areas are to be repaired or replaced during the period of maintenance and must not be deferred until the completion of the maintenance period.

7. Construction Management Plan

Prior to the commencement of works, a Construction Management Plan must be prepared to the satisfaction of the Responsible Authority and endorsed as part of this permit. The Plan must detail:

- (a) hours of demolition and construction to accord with Local Laws
- (b) management of Peake and Tress Street to ensure that they are kept free of parked or standing vehicles or any other obstruction, including building materials, equipment, etc. to maintain free vehicle passage to abutting benefitting properties at all times, unless with the written consent of the Responsible Authority
- (c) methods to contain dust, dirt and mud within the site and the method and frequency of clean up procedures, including the management of on-site storage waste construction bins and vehicle washing
- (d) management of parking of construction machinery and workers vehicles to prevent adverse impact on nearby properties
- (e) management of staging of heavy vehicles, site deliveries and unloading and lifting points with expected frequency, and traffic management in the vicinity, ensure routes to and from the site minimise disruption to residential properties
- (f) minimising disruption to pedestrian access along footpaths
- (g) measures to minimise noise and other amenity impacts from mechanical equipment, including idling trucks, and demolition/construction activities, especially outside of daytime hours
- (h) the provision of adequate environmental awareness training for all on-site contractors and sub-contractors
- (i) a liaison officer for contact by the public and the Responsible Authority in the event of relevant queries or problems experienced.

All works on the land must be undertaken in accordance with the endorsed Construction Management Plan to the satisfaction of the Responsible Authority.

8. Internal Access Ways and Car Parking

Prior to the occupation of the development or issue of statement of compliance (whichever occurs first), the areas set aside for the parking of vehicles and access lanes as shown on the approved plans must to the satisfaction of the Responsible Authority be:

- (a) Constructed with a concrete pavement or flexible granular pavement with asphalt surfacing;
- (b) Properly formed to such levels that they can be used in accordance with the plans;
- (c) Drained.

Car spaces and access lanes must be maintained and kept available for these purposes at all times.

Prior to the occupation of the development or issue of statement of compliance (whichever occurs first), all works shall be completed in accordance with plans submitted to and approved by the Responsible Authority.

9. Engineering Plan and Construction

Prior to the commencement of works, engineering plans and specifications must be submitted to and approved by the Responsible Authority. The engineering plans must accord with the Infrastructure Design Manual and Council's Standard Cross-sections. All engineering works must be constructed in accordance with the approved plans and completed to a standard satisfactory to the Responsible Authority prior to the occupation of the development/use hereby approved commencing or to the issue of Statement of Compliance.

At the completion of the works one set of 'as constructed' civil plans shall be submitted to the Responsible Authority.

The engineering plans must detail the kerb and channel and naturestrip construction plans for work along the Tress Street frontage of the subject site.

10. Naturestrips

Prior to the occupation of the development or the issue of Statement of Compliance (whichever occurs first) the naturestrip fronting the development shall be constructed in accordance with levels and specifications submitted to and approved by the Responsible Authority.

The works shall include:

- a) The reshaping of the naturestrip.
- b) Topdressing the area with a 75 millimetre rolled depth of good quality loamy topsoil free of any weed or seed.
- c) Seeding the area with an appropriate seed mix.

All works shall be completed in accordance with Council's Landscape Design Manual to the satisfaction of the Responsible Authority prior to the occupation of the development or the issue of Statement of Compliance (whichever occurs first).

11. Drainage Plans and Construction

Prior to works commencing on site, drainage, stormwater detention and/or stormwater treatment plans and computations must be submitted to and approved by the Responsible Authority. The drainage, stormwater detention and/or stormwater treatment plans and computations must accord with the Infrastructure Design Manual and/or Council's WSUD guidelines and/or Council's Site Stormwater Management Systems Policy. All drainage works must be constructed in accordance with the approved plans and completed to a standard satisfactory to the Responsible Authority prior to the issue of Statement of Compliance or occupation of the development (whichever occurs first).

At the completion of the works one set of 'as constructed' civil plans shall be submitted to the Responsible Authority.

Any proposed discharge of stormwater requiring a direct and/or modifying an existing connection to a designated waterway (as defined by the *Water Act 1989*) will require approval by the relevant Catchment Management Authority.

12. Drainage Easements

All easements deemed necessary to protect existing or future drainage lines within the proposed development site and properties between the development site and the nominated point of discharge shall be created to the satisfaction of the Responsible Authority.

13. Vehicle Access

Prior to the occupation of the development, vehicle access to the site must be constructed in accordance with plans and specifications set under an approved Vehicle Crossing Permit to the satisfaction of the Responsible Authority.

Note: The construction or altering of a vehicle crossing, footpath and/or any other works or alterations within a road reserve or any other Council asset may require either a Crossover Permit (which includes a driveway and new crossover), a Road Opening Permit (ie. opening up a road for installation of infrastructure), Asset Protection Permit (Temporary Crossing Permit i.e. providing for temporary site access) or other approval to be obtained from the City of Ballarat. This Planning Permit does not constitute such approval. Failure to obtain an appropriate permit or damaging Council infrastructure, including footpaths, kerbs, drains, street trees, nature strips etc or failing to remove redundant crossings and reinstate the kerb, drain, footpath, nature strip or other part of the road is a breach of the Ballarat City Council Community Local Laws (10 Penalty Units). For further information, please contact Council's Asset Protection Officer in relation to Road Opening or Asset Protection permits and Council's Infrastructure Planning & Development Unit via Council's Customer Service Officers and the Arborist relating to Street trees.

14. Contamination Assessment

Prior to the certification of the Plan of Subdivision or works commencing on site (whichever occurs first), a Preliminary Site Investigation Report prepared in accordance with AS4482.1-2005 shall be submitted to the Responsible Authority.

Should the Preliminary Site Investigation report indicate that contaminating activities took place on the site or that contaminants are present, a Detailed Site Investigation in accordance with AS4482.1-2005 shall be undertaken. The Detailed Site Investigation Report shall include any recommended remediation works.

If the report is accepted by the Responsible Authority, the remediation works shall be completed by the applicant to the satisfaction of the Responsible Authority prior to the issue of the Statement of Compliance or occupation of the development (whichever occurs first).

If there are concerns about the nature and extent of the contamination found in the Preliminary and Detailed Site Investigation reports, the Responsible Authority reserves the right to require a statutory environmental audit to be undertaken. In this case either:

- (a) A certificate of environmental audit shall be issued for the land in accordance with Part IXD of the *Environment Protection Act 1970* prior to the issue of the Statement of Compliance; OR

- (b) An environmental auditor appointed under the *Environmental Protection Act 1970* must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the intended use prior to the issue of the Statement of Compliance or occupation of the development (whichever occurs first);

to the satisfaction of the Responsible Authority.

- (c) Where a Statement of Environmental Audit is issued for the land, the development including subdivision hereby approved must comply with all the directions and conditions contained within the Statement.
- (d) Where a Statement of Environmental Audit is issued for the land, prior to the issue of a Statement of Compliance for each stage, a letter prepared by an Environmental Auditor appointed under Section 53S of the *Environment Protection Act 1970* or such other qualified person to the satisfaction of the Responsible Authority must be submitted to the Responsible Authority to verify that the directions and conditions contained within the statement have been satisfied.
- (e) Unless otherwise approved in writing by the Responsible Authority, where a Statement of Environmental Audit is issued for the land, and any condition of that Statement requires any maintenance or monitoring of an ongoing nature, prior to the issue of a Statement of Compliance for any stage of the subdivision authorised by this permit, the permit holder must enter into an Agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987*. All costs associated with setting up the Agreement must be borne by the owner. The Agreement must be registered on Title and run with the land, and must provide to the satisfaction of the Responsible Authority:
- (i) That the registered proprietor will undertake all required maintenance and/or monitoring in accordance with the statement.
 - (ii) Prior to the development commencing, application must be made to the Registrar of Titles to Register the Section 173 Agreement on the title to the land under Section 181 of the *Planning and Environment Act 1987*.

15. Sediment on Roadways

No material shall be deposited on any road external to the site by any means including construction vehicles or associated plant entering or leaving the land subject to this permit. Any material deposited on the road shall be removed by mechanical or manual means to the satisfaction of the Responsible Authority.

Note 1: Depositing such material on Responsible Authority's Roads is an offence under the *Environment Protection (Resource Efficiency) Act 1970* and penalties may apply.

Note 2: Any costs associated with a clean up of road surfaces borne by the Responsible Authority must be met by the permit holder.

16. Section 173 Agreement – OSD/WSUD

If for the purpose of meeting On-Site Stormwater Detention (OSD) and/or Water Sensitive Urban Design (WSUD) requirements rainwater tanks are proposed, and if rainwater tanks are approved for such use by the Responsible Authority, then;

Prior to the issue of Statement of Compliance and prior to the use hereby approved commencing (including the issue of Certificate of Occupancy), an Agreement pursuant to Section 173 of the *Planning & Environment Act 1987* shall be entered into between the owner and the Responsible Authority. The Agreement shall be prepared and registered on the Certificate of Title of the subject land, requiring the owner to install and maintain a rainwater tank as a designated OSD/WSUD system in a condition and to a standard that ensures its correct operation and otherwise to the satisfaction of the Responsible Authority.

Prior to the issue of Statement of Compliance and prior to the use hereby approved commencing (including the issue of Certificate of Occupancy), an application must be made to the Register of Titles to register the Section 173 agreement on the title to the land under section 181 of the *Planning and Environment Act 1987*. The Responsible Authority will not release Statement of Compliance or allow occupation of the development until the agreement has been registered at the titles office and a dealing number assigned confirming that the agreement has been registered.

The Responsible Authority may release the owner from these obligations and/or vary the requirements upon the written request of the owner. The Responsible Authority must be satisfied that the release and/or variation to the agreement will result in a better planning outcome or that the agreement is no longer required.

All costs associated with the preparation, signing, lodgement, registration, amending and ending of the Agreement must be borne by the owner, including all notification costs and legal fees.

17. Section 173 Agreement (tying development permit to subdivision)

Unless otherwise agreed in writing by the Responsible Authority, prior to Statement of Compliance being issued, the development approved by Planning Permit PLP/2018/565 must be completed to the satisfaction of the Responsible Authority or the owner must enter into an agreement with the Responsible Authority pursuant to Section 173 of the *Planning & Environment Act 1987* to provide the following:

- (a) All future land use and development on the land must be in accordance with Planning Permit PLP/2018/565 issued by the Responsible Authority or any subsequent Planning Permit. This does not apply if a Planning Permit is not required under the Ballarat Planning Scheme.

Prior to Statement of Compliance being issued, an application must be made to the Register of Titles to register the Section 173 agreement on the title to the land under section 181 of the *Planning and Environment Act 1987*. The Responsible Authority will not release Statement of Compliance until the agreement has been registered at the titles office and a dealing number assigned confirming that the agreement has been registered.

The Responsible Authority may release the owner from these obligations and/or vary the requirements upon the written request of the owner. The Responsible Authority must be satisfied that the release and/or variation to the agreement will result in a better planning outcome or that the agreement is no longer required.

All costs associated with the preparation, signing, lodgement, registration, amending and ending of the Agreement must be borne by the owner, including all notification costs and legal fees.

18. Public Open Space Monetary Contribution

Prior to the issue of the Statement of Compliance, a monetary contribution of an amount equal to 5% of the current value of all the land within the subdivision shall be paid to the Responsible Authority. If the land is subdivided in stages, the contribution may be paid proportionally to the area of the lots being created.

19. Telecommunications

The owner of the land must enter into an agreement with:

- (a) A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
- (b) A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:

- (c) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
- (d) A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

20. Country Fire Authority (Ref: 1500-64584-85120)

Prior to the issue of a Statement of Compliance under the *Subdivision Act 1988* the following requirements must be met to the satisfaction of the CFA:

- a) The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.

Note –CFA’s requirements for identification of hydrants are specified in ‘Identification of Street Hydrants for Firefighting Purposes’ available under publications on the CFA web site www.cfa.vic.gov.au.

21. Central Highlands Water (Ref: 14/1628)

- a) Any plan lodged for certification will be referred to the Central Highlands Region Water Corporation pursuant to Section 8(1)(a) of the *Subdivision Act 1988*.
- b) Reticulated sewerage facilities must be provided to each lot by the owner of the land (or applicant, in anticipation of becoming the owner) to the satisfaction of the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contributions by the applicant.
- c) A reticulated water supply must be provided to each lot by the owner of the land (or applicant, in anticipation of becoming the owner) to the satisfaction of the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contributions by the applicant.
- d) The owner will provide easements to the satisfaction of the Central Highlands Region Water Corporation, which will include easements for pipelines or ancillary purposes in favour of the Central Highlands Region Water Corporation, over all existing and proposed sewerage facilities within the proposal.
- e) If the land is developed in stages, the above conditions will apply to any subsequent stage of the subdivision.

22. Powercor

- a) The plan of subdivision submitted for certification under the *Subdivision Act 1988* shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.
- b) The applicant shall:-
 - Provide an electricity supply to all lots in the subdivision in accordance with Powercor’s requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor.
 - Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor and provide to Powercor Australia Ltd a completed Electrical Safety Certificate in accordance with Electricity Safe Victoria’s Electrical Safety System.

- The applicant shall provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.
- Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
- Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.

It is recommended that, at an early date, the applicant commences negotiations with Powercor for supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued once all electricity works are completed (the release to the municipality enabling a Statement of Compliance to be issued).

Prospective purchasers of lots in this subdivision should contact Powercor Australia Ltd to determine the availability of a supply of electricity. Financial contributions may be required.

23. Downer

The plan of subdivision submitted for certification must be referred to AusNet Gas Services in accordance with Section 8 of the *Subdivision Act 1988*.

24. Permit Expiry – Development and Subdivision

The permit for development of the land will expire if one of the following circumstances applies:

- a) The development is not started within two years of the date of this permit;
- b) The development is not completed within four years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards (for a request to extend the time to commence the development) or twelve months after the permit expires (for a request to extend the time to complete the development).

The permit for subdivision of the land will expire if the plan of subdivision is not certified within two (2) years of the date of issue of this Permit unless the Responsible Authority grants an extension of the Permit upon application in writing by the permit holder within six (6) months of the prescribed expiry date. Once the plan of subdivision is certified, the Permit will expire five years from the date of certification of the plan of subdivision.

NOTES:

Building Approvals

The buildings & works hereby permitted shall accord with the requirements of the *Building Act 1993*, Building Regulations 2006, Building Code of Australia 2010 and all other relevant acts, regulations & codes.

Containment of Refuse and Disposal of Builders Refuse

Under the provisions of the Ballarat City Council Community Local Law No 5 (as amended to include Local Law No. 9 clauses 3.15 – 3.17) an on-site facility for containment of all builders' refuse is required to be provided on any land where any building work within the meaning of the *Building Act 1993* is being carried out. The local law contains specific provisions about the type and location of refuse containment facilities and the emptying and removal of such facilities.

Works within Road Reserve

The construction or altering of a vehicle crossing, footpath and/or any other works or alterations within a road reserve or any other Council asset may require either a Crossover Permit (which includes a driveway and new crossover), a Road Opening Permit (ie. opening up a road for installation of infrastructure), Asset Protection Permit (Temporary Crossing Permit i.e. providing for temporary site access) or other approval to be obtained from the City of Ballarat. This Planning Permit does not constitute such approval. Failure to obtain an appropriate permit or damaging Council infrastructure, including footpaths, kerbs, drains, street trees, nature strips etc or failing to remove redundant crossings and reinstate the kerb, drain, footpath, nature strip or other part of the road is a breach of the Ballarat City Council Community Local Laws (10 Penalty Units). For further information, please contact Council's Asset Protection Officer in relation to Road Opening or Asset Protection permits and Council's Infrastructure Planning & Development Unit via Council's Customer Service Officers and the Arborist relating to Street trees.

Moved: Cr Des Hudson
Seconded: Cr Mark Harris

CARRIED
(R361/18)

PROCEDURAL MOTION:

That Council adjourn for 5 minutes at 8:54pm.

Moved: Cr Des Hudson
Seconded: Cr Ben Taylor

CARRIED
(R362/18)

PROCEDURAL MOTION:

That Council resumes at 9:07pm.

Moved: Cr Ben Taylor
Seconded: Cr Mark Harris

CARRIED
(R363/18)

NOTICE OF RESCISSION

That Council endorse a notice of rescission of resolution R361/18 that was passed at the Ballarat City Ordinary Council Meeting on Wednesday 12 December 2018.

**Moved: Cr Des Hudson
Seconded: Cr Mark Harris**

**CARRIED
(R364/18)**

9.4. PLP/2018/565 13 PEAKE STREET GOLDEN POINT DEMOLITION OF OUTBUILDINGS, PARTIAL DEMOLITION, ALTERATIONS AND ADDITIONS TO A DWELLING, DEVELOPMENT OF THREE ADDITIONAL DWELLINGS, VEHICLE CROSSOVER, FENCING AND ASSOCIATED WORKS AND A FOUR LOT SUBDIVISION

Division: Development and Planning
Director: Terry Demeo
Author/Position: Leah Clark - Coordinator Statutory Planning

Mr James Bate and Mr James Isles made a public representation.

RESOLUTION:

Council resolves to:

- 1. Issue a Notice of Decision to Grant a Planning Permit PLP/2018/565 for the land located at 13 Peake Street, Golden Point for the demolition of outbuildings, partial demolition, alterations and additions to a dwelling, development of three additional dwellings, vehicle crossover, fencing and associated works and a four lot subdivision subject to the following conditions:**

- 1. Amended Plans Required**

Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with Project Now plans but modified to show:

- (a) A survey plan of the site demonstrating the exact boundaries and location of all existing buildings located within the subject site;**
- (b) A revised proposed subdivision plan undertaken in accordance with the survey plan;**
- (c) All vehicle crossings to be a minimum of 3m wide;**
- (d) Screening treatment to dwelling 3 deck in accordance with Standard B22 – Clause 55.04-6 - Overlooking of the Ballarat Planning Scheme;**
- (e) Revised side boundary fences with a reduction in height no greater than 1.2m within the front setback of dwellings fronting either Peake or Tress Street;**
- (f) A schedule of colours and materials in accordance with Condition 3;**
- (g) A Vegetation Assessment Report in accordance with condition 4;**
- (h) Landscape Plan in accordance with condition 5;**

Unless otherwise approved in writing by the Responsible Authority, all buildings and works are to be constructed and or undertaken in accordance with the endorsed plans to the satisfaction of the Responsible Authority prior to the commencement of the use.

2. Formal Plan of Subdivision

The formal plan of subdivision lodged for certification must be generally in accordance with the approved plan and must not be modified except to comply with statutory requirements or with the further written consent of the Responsible Authority.

3. Materials and Colours

Before the development starts, a schedule of construction materials, external finishes and colours must be submitted to and approved by the Responsible Authority. When approved, the schedule will be approved to form part of the permit.

4. Vegetation Assessment Report

A Vegetation Assessment Report accompanied by a location plan undertaken by a suitably qualified person/s is required to be undertaken to assess the trees on both 11 and 15 Peake Street, Golden Point and the impact the development hereby approved may have on the future of these trees. The report must demonstrate the Tree Protection Zones (TPZ) of the trees and any tree protection measures which may be required during construction to the satisfaction of the Responsible Authority.

5. Landscape Plan

Prior to the commencement of any works, a landscape plan must be submitted to and approved by the Responsible Authority. When approved the plan will form part of the permit.

The landscape plan must include:

- (a) a survey (including botanical names) of all existing vegetation to be retained and/or removed;
- (b) details of surface finishes of pathways and driveways;
- (c) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, size at planting, sizes at maturity, and quantities of each plant;
- (d) A minimum of one semi mature canopy tree provided in the front setback of all three dwellings fronting both Peake and Tress Streets;
- (e) A minimum of 6 canopy trees to be planted within and spread across the site.

All landscaping works must be carried out in accordance with the approved landscape plan and Council's Landscape Design Manual (August 2012).

6. Completion and Maintenance of Landscaping Works

Prior to the occupation of the buildings commencing all landscape works forming part of the approved Landscape Plans must be completed to the satisfaction of the Responsible Authority. The landscaping shown on the approved landscape plan must be maintained to the satisfaction of the Responsible Authority for 18 months from the practical completion of the landscaping. During this period, any dead, diseased or damaged plants or landscaped areas are to be repaired or replaced during the period of maintenance and must not be deferred until the completion of the maintenance period.

7. Construction Management Plan

Prior to the commencement of works, a Construction Management Plan must be prepared to the satisfaction of the Responsible Authority and endorsed as part of this permit. The Plan must detail:

- (a) hours of demolition and construction to accord with Local Laws
- (b) management of Peake and Tress Street to ensure that they are kept free of parked or standing vehicles or any other obstruction, including building materials, equipment, etc. to maintain free vehicle passage to abutting benefitting properties at all times, unless with the written consent of the Responsible Authority
- (c) methods to contain dust, dirt and mud within the site and the method and frequency of clean up procedures, including the management of on-site storage waste construction bins and vehicle washing
- (d) management of parking of construction machinery and workers vehicles to prevent adverse impact on nearby properties
- (e) management of staging of heavy vehicles, site deliveries and unloading and lifting points with expected frequency, and traffic management in the vicinity, ensure routes to and from the site minimise disruption to residential properties
- (f) minimising disruption to pedestrian access along footpaths
- (g) measures to minimise noise and other amenity impacts from mechanical equipment, including idling trucks, and demolition/construction activities, especially outside of daytime hours
- (h) the provision of adequate environmental awareness training for all on-site contractors and sub-contractors
- (i) a liaison officer for contact by the public and the Responsible Authority in the event of relevant queries or problems experienced.

All works on the land must be undertaken in accordance with the endorsed Construction Management Plan to the satisfaction of the Responsible Authority.

8. Internal Access Ways and Car Parking

Prior to the occupation of the development or issue of statement of compliance (whichever occurs first), the areas set aside for the parking of vehicles and access lanes as shown on the approved plans must to the satisfaction of the Responsible Authority be:

- (a) Constructed with a concrete pavement or flexible granular pavement with asphalt surfacing;
- (b) Properly formed to such levels that they can be used in accordance with the plans;
- (c) Drained.

Car spaces and access lanes must be maintained and kept available for these purposes at all times.

Prior to the occupation of the development or issue of statement of compliance (whichever occurs first), all works shall be completed in accordance with plans submitted to and approved by the Responsible Authority.

9. Engineering Plan and Construction

Prior to the commencement of works, engineering plans and specifications must be submitted to and approved by the Responsible Authority. The engineering plans must accord with the Infrastructure Design Manual and Council's Standard Cross-sections. All engineering works must be constructed in accordance with the approved plans and completed to a standard satisfactory to the Responsible Authority prior to the occupation of the development/use hereby approved commencing or to the issue of Statement of Compliance.

At the completion of the works one set of 'as constructed' civil plans shall be submitted to the Responsible Authority.

The engineering plans must detail the kerb and channel and naturestrip construction plans for work along the Tress Street frontage of the subject site.

10. Naturestrips

Prior to the occupation of the development or the issue of Statement of Compliance (whichever occurs first) the naturestrip fronting the development shall be constructed in accordance with levels and specifications submitted to and approved by the Responsible Authority.

The works shall include:

- a) The reshaping of the naturestrip.
- b) Topdressing the area with a 75 millimetre rolled depth of good quality loamy topsoil free of any weed or seed.
- c) Seeding the area with an appropriate seed mix.

All works shall be completed in accordance with Council's Landscape Design Manual to the satisfaction of the Responsible Authority prior to the occupation of the development or the issue of Statement of Compliance (whichever occurs first).

11. Drainage Plans and Construction

Prior to works commencing on site, drainage, stormwater detention and/or stormwater treatment plans and computations must be submitted to and approved by the Responsible Authority. The drainage, stormwater detention and/or stormwater treatment plans and computations must accord with the Infrastructure Design Manual and/or Council's WSUD guidelines and/or Council's Site Stormwater Management Systems Policy. All drainage works must be constructed in accordance with the approved plans and completed to a standard satisfactory to the Responsible Authority prior to the issue of Statement of Compliance or occupation of the development (whichever occurs first).

At the completion of the works one set of 'as constructed' civil plans shall be submitted to the Responsible Authority.

Any proposed discharge of stormwater requiring a direct and/or modifying an existing connection to a designated waterway (as defined by the *Water Act 1989*) will require approval by the relevant Catchment Management Authority.

12. Drainage Easements

All easements deemed necessary to protect existing or future drainage lines within the proposed development site and properties between the development site and the nominated point of discharge shall be created to the satisfaction of the Responsible Authority.

13. Vehicle Access

Prior to the occupation of the development, vehicle access to the site must be constructed in accordance with plans and specifications set under an approved Vehicle Crossing Permit to the satisfaction of the Responsible Authority.

Note: The construction or altering of a vehicle crossing, footpath and/or any other works or alterations within a road reserve or any other Council asset may require either a Crossover Permit (which includes a driveway and new crossover), a Road Opening Permit (ie. opening up a road for installation of infrastructure), Asset Protection Permit (Temporary Crossing Permit i.e. providing for temporary site access) or other approval to be obtained from the City of Ballarat. This Planning Permit does not constitute such approval. Failure to obtain an appropriate permit or damaging Council infrastructure, including footpaths, kerbs, drains, street trees, nature strips etc or failing to remove redundant crossings and reinstate the kerb, drain, footpath, nature strip or other part of the road is a breach of the Ballarat City Council Community Local Laws (10 Penalty Units). For further information, please contact Council's Asset Protection Officer in relation to Road Opening or Asset Protection permits and Council's Infrastructure Planning & Development Unit via Council's Customer Service Officers and the Arborist relating to Street trees.

14. Contamination Assessment

Prior to the certification of the Plan of Subdivision or works commencing on site (whichever occurs first), a Preliminary Site Investigation Report prepared in accordance with AS4482.1-2005 shall be submitted to the Responsible Authority.

Should the Preliminary Site Investigation report indicate that contaminating activities took place on the site or that contaminants are present, a Detailed Site Investigation in accordance with AS4482.1-2005 shall be undertaken. The Detailed Site Investigation Report shall include any recommended remediation works.

If the report is accepted by the Responsible Authority, the remediation works shall be completed by the applicant to the satisfaction of the Responsible Authority prior to the issue of the Statement of Compliance or occupation of the development (whichever occurs first).

If there are concerns about the nature and extent of the contamination found in the Preliminary and Detailed Site Investigation reports, the Responsible Authority reserves the right to require a statutory environmental audit to be undertaken. In this case either:

- (a) A certificate of environmental audit shall be issued for the land in accordance with Part IXD of the *Environment Protection Act 1970* prior to the issue of the Statement of Compliance; OR
- (b) An environmental auditor appointed under the *Environmental Protection Act 1970* must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the intended use prior

to the issue of the Statement of Compliance or occupation of the development (whichever occurs first);

to the satisfaction of the Responsible Authority.

- (c) Where a Statement of Environmental Audit is issued for the land, the development including subdivision hereby approved must comply with all the directions and conditions contained within the Statement.
- (d) Where a Statement of Environmental Audit is issued for the land, prior to the issue of a Statement of Compliance for each stage, a letter prepared by an Environmental Auditor appointed under Section 53S of the *Environment Protection Act 1970* or such other qualified person to the satisfaction of the Responsible Authority must be submitted to the Responsible Authority to verify that the directions and conditions contained within the statement have been satisfied.
- (e) Unless otherwise approved in writing by the Responsible Authority, where a Statement of Environmental Audit is issued for the land, and any condition of that Statement requires any maintenance or monitoring of an ongoing nature, prior to the issue of a Statement of Compliance for any stage of the subdivision authorised by this permit, the permit holder must enter into an Agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987*. All costs associated with setting up the Agreement must be borne by the owner. The Agreement must be registered on Title and run with the land, and must provide to the satisfaction of the Responsible Authority:
 - (i) That the registered proprietor will undertake all required maintenance and/or monitoring in accordance with the statement.
 - (ii) Prior to the development commencing, application must be made to the Registrar of Titles to Register the Section 173 Agreement on the title to the land under Section 181 of the *Planning and Environment Act 1987*.

15. Sediment on Roadways

No material shall be deposited on any road external to the site by any means including construction vehicles or associated plant entering or leaving the land subject to this permit. Any material deposited on the road shall be removed by mechanical or manual means to the satisfaction of the Responsible Authority.

Note 1: Depositing such material on Responsible Authority's Roads is an offence under the *Environment Protection (Resource Efficiency) Act 1970* and penalties may apply.

Note 2: Any costs associated with a clean up of road surfaces borne by the Responsible Authority must be met by the permit holder.

16. Section 173 Agreement – OSD/WSD

If for the purpose of meeting On-Site Stormwater Detention (OSD) and/or Water Sensitive Urban Design (WSUD) requirements rainwater tanks are proposed, and if rainwater tanks are approved for such use by the Responsible Authority, then;

Prior to the issue of Statement of Compliance and prior to the use hereby approved commencing (including the issue of Certificate of Occupancy), an Agreement pursuant to Section 173 of the *Planning & Environment Act 1987* shall be entered into between the owner and the Responsible Authority. The Agreement shall be prepared and registered on the Certificate of Title of the subject land, requiring the owner to install and maintain a rainwater tank as a designated OSD/WSUD system in a condition and to a standard that ensures its correct operation and otherwise to the satisfaction of the Responsible Authority.

Prior to the issue of Statement of Compliance and prior to the use hereby approved commencing (including the issue of Certificate of Occupancy), an application must be made to the Register of Titles to register the Section 173 agreement on the title to the land under section 181 of the *Planning and Environment Act 1987*. The Responsible Authority will not release Statement of Compliance or allow occupation of the development until the agreement has been registered at the titles office and a dealing number assigned confirming that the agreement has been registered.

The Responsible Authority may release the owner from these obligations and/or vary the requirements upon the written request of the owner. The Responsible Authority must be satisfied that the release and/or variation to the agreement will result in a better planning outcome or that the agreement is no longer required.

All costs associated with the preparation, signing, lodgement, registration, amending and ending of the Agreement must be borne by the owner, including all notification costs and legal fees.

17. Section 173 Agreement (tying development permit to subdivision)

Unless otherwise agreed in writing by the Responsible Authority, prior to Statement of Compliance being issued, the development approved by Planning Permit PLP/2018/565 must be completed to the satisfaction of the Responsible Authority or the owner must enter into an agreement with the Responsible Authority pursuant to Section 173 of the *Planning & Environment Act 1987* to provide the following:

- (a) All future land use and development on the land must be in accordance with Planning Permit PLP/2018/565 issued by the Responsible Authority or any subsequent Planning Permit. This does not apply if a Planning Permit is not required under the Ballarat Planning Scheme.

Prior to Statement of Compliance being issued, an application must be made to the Register of Titles to register the Section 173 agreement on the title to the land under section 181 of the *Planning and Environment Act 1987*. The Responsible Authority will not release Statement of Compliance until the agreement has been registered at the titles office and a dealing number assigned confirming that the agreement has been registered.

The Responsible Authority may release the owner from these obligations and/or vary the requirements upon the written request of the owner. The Responsible Authority must be satisfied that the release and/or variation to the agreement will result in a better planning outcome or that the agreement is no longer required.

All costs associated with the preparation, signing, lodgement, registration, amending and ending of the Agreement must be borne by the owner, including all notification costs and legal fees.

18. Public Open Space Monetary Contribution

Prior to the issue of the Statement of Compliance, a monetary contribution of an amount equal to 5% of the current value of all the land within the subdivision shall be paid to the Responsible Authority. If the land is subdivided in stages, the contribution may be paid proportionally to the area of the lots being created.

19. Telecommunications

The owner of the land must enter into an agreement with:

- (a) A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
- (b) A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:

- (c) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
- (d) A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

20. Country Fire Authority (Ref: 1500-64584-85120)

Prior to the issue of a Statement of Compliance under the *Subdivision Act 1988* the following requirements must be met to the satisfaction of the CFA:

- a) The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.

Note –CFA’s requirements for identification of hydrants are specified in ‘Identification of Street Hydrants for Firefighting Purposes’ available under publications on the CFA web site www.cfa.vic.gov.au.

21. Central Highlands Water (Ref: 14/1628)

- a) Any plan lodged for certification will be referred to the Central Highlands Region Water Corporation pursuant to Section 8(1)(a) of the *Subdivision Act 1988*.
- b) Reticulated sewerage facilities must be provided to each lot by the owner of the land (or applicant, in anticipation of becoming the owner) to the satisfaction of the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contributions by the applicant.
- c) A reticulated water supply must be provided to each lot by the owner of the land (or applicant, in anticipation of becoming the owner) to the satisfaction of the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contributions by the applicant.
- d) The owner will provide easements to the satisfaction of the Central Highlands Region Water Corporation, which will include easements for pipelines or ancillary purposes in favour of the Central Highlands Region Water Corporation, over all existing and proposed sewerage facilities within the proposal.
- e) If the land is developed in stages, the above conditions will apply to any subsequent stage of the subdivision.

22. Powercor

- a) The plan of subdivision submitted for certification under the *Subdivision Act 1988* shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.
- b) The applicant shall:-
 - Provide an electricity supply to all lots in the subdivision in accordance with Powercor’s requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor.
 - Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor and provide to Powercor Australia Ltd a completed Electrical Safety Certificate in accordance with Electricity Safe Victoria’s Electrical Safety System.
 - The applicant shall provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.
 - Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.

- **Any construction work must comply with Energy Safe Victoria’s “No Go Zone” rules.**

It is recommended that, at an early date, the applicant commences negotiations with Powercor for supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued once all electricity works are completed (the release to the municipality enabling a Statement of Compliance to be issued).

Prospective purchasers of lots in this subdivision should contact Powercor Australia Ltd to determine the availability of a supply of electricity. Financial contributions may be required.

23. Downer

The plan of subdivision submitted for certification must be referred to AusNet Gas Services in accordance with Section 8 of the *Subdivision Act 1988*.

24. Permit Expiry – Development and Subdivision

The permit for development of the land will expire if one of the following circumstances applies:

- a) The development is not started within two years of the date of this permit;**
- b) The development is not completed within four years of the date of this permit.**

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards (for a request to extend the time to commence the development) or twelve months after the permit expires (for a request to extend the time to complete the development).

The permit for subdivision of the land will expire if the plan of subdivision is not certified within two (2) years of the date of issue of this Permit unless the Responsible Authority grants an extension of the Permit upon application in writing by the permit holder within six (6) months of the prescribed expiry date. Once the plan of subdivision is certified, the Permit will expire five years from the date of certification of the plan of subdivision.

NOTES:

Building Approvals

The buildings & works hereby permitted shall accord with the requirements of the *Building Act 1993*, Building Regulations 2006, Building Code of Australia 2010 and all other relevant acts, regulations & codes.

Containment of Refuse and Disposal of Builders Refuse

Under the provisions of the Ballarat City Council Community Local Law No 5 (as amended to include Local Law No. 9 clauses 3.15 – 3.17) an on-site facility for containment of all builders' refuse is required to be provided on any land where any building work within the meaning of the *Building Act 1993* is being carried out. The local law contains specific provisions about the type and location of refuse containment facilities and the emptying and removal of such facilities.

Works within Road Reserve

The construction or altering of a vehicle crossing, footpath and/or any other works or alterations within a road reserve or any other Council asset may require either a Crossover Permit (which includes a driveway and new crossover), a Road Opening Permit (ie. opening up a road for installation of infrastructure), Asset Protection Permit (Temporary Crossing Permit i.e. providing for temporary site access) or other approval to be obtained from the City of Ballarat. This Planning Permit does not constitute such approval. Failure to obtain an appropriate permit or damaging Council infrastructure, including footpaths, kerbs, drains, street trees, nature strips etc or failing to remove redundant crossings and reinstate the kerb, drain, footpath, nature strip or other part of the road is a breach of the Ballarat City Council Community Local Laws (10 Penalty Units). For further information, please contact Council's Asset Protection Officer in relation to Road Opening or Asset Protection permits and Council's Infrastructure Planning & Development Unit via Council's Customer Service Officers and the Arborist relating to Street trees.

Moved: Cr Mark Harris

CARRIED

Seconded: Cr Des Hudson

(R365/18)

EXECUTIVE SUMMARY

On 24 August 2018 an application was lodged for the demolition of outbuildings, partial demolition, alterations and additions to a dwelling, development of three additional dwellings, vehicle crossover, fencing and associated works and a four-lot subdivision at 13 Peake Street, Golden Point. The Application was advertised and Council has received one objection. It is recommended that Council issue a Notice of Decision to Grant a Permit. plans, prepared by *Project Now, Revision 2, dated 17 September 2018*.

9.5. INTERNATIONAL POST TRAVEL REPORT

Division: Innovation and Organisational Improvement
Director: Cameron Gray
Author/Position: Cameron Gray – Director Innovation and Organisational Improvement

RESOLUTION:**Council resolves to:**

1. **Note the Post Travel Report in accordance with the Councillor Expense and Entitlements Policy.**
2. **Amend the Councillor Expense and Entitlements Policy to require that any Councillor or Officer seeking approval for any International Travel is approved by the Council.**

Moved: Cr Des Hudson
Seconded: Cr Mark Harris

CARRIED
(R366/18)

EXECUTIVE SUMMARY

The *Councillor Expense and Entitlements Policy* requires that international and interstate travel proposed to be undertaken by a Councillor during their duties is approved by the Chief Executive Officer and must be within budget and directly relate to the Council Plan objectives. The Policy also requires that Council considers a Post Travel Report for International Travel.

In carrying out their civic and statutory functions and duties Councillors accept a range of roles and responsibilities in representing the city, its community and stakeholders at a local, national and international level.

As part of their duties the Mayor, Councillors and Officers will be required to undertake interstate and international travel on behalf of Council. Representation of Council at national and international levels is an important part of developing, communicating and implementing Council policy.

All travel was approved by the Chief Executive Officer in accordance with Council policy and travel was undertaken in the most cost-effective manner with consideration of Occupational Health and Safety requirements and the link of travel to the Council plan.

The following international travel was conducted in 2019:

Destination	Dates	Details
Turkey, France and United Kingdom	26/8/18 – 10/9/18	Cr Samantha McIntosh and James Guy (Council Officer) to attend and present at the World League of Historical Cities conference in Bursa, Turkey. Also included a visit to Cornwall to meet with the

		World Heritage Office and visits to Waste to Energy Plants in Cornwall and Peterborough Cr Samantha McIntosh and Louise Tegart (Council Officer) also travelled to France to visit Waste to Energy facilities and the Musée de la Chartreuse.
Malaysia	22/8/18-2/9/18	Anna Parsons (Council Officer) received a scholarship to attend the International Federation of Library Associations and Institutions (IFLA) conference.
Croatia	21/9/18-13/10/18	Jenny Fink (Council Officer) attended the Intercultural Cities Conference provided by the Council of Europe.
New Zealand	18/11/18-23/11/18	Justine Resta (Council Officer) attended the Association of Local Government Information Management NZ conference as a representative of the MAV Technology Committee.
Denmark and Germany	1/11/18-11/11/18	Steve Van Orsouw and Angelique Lush (Council Officers) visited Waste to Energy Facilities in Copenhagen and Alstom Hydrogen technology in Berlin.
China	29/10/18-2/11/18	Cr Samantha McIntosh and Susan Fayad (Council Officer) attended the third Regional Conference of the Organisation of World Heritage Cities Asia-Pacific (OWHC-AP) in Suzhou, China.
New Zealand	12/11/18-14/11/18	Cr Ben Taylor, Justine Linley, Amy Boyd and Brendan Spratling (Council Officers) visited Auckland to research City parking solutions and technology, and Waste to Energy facilities.

9.7. STRATEGIC PARTNERSHIP - LEADERSHIP BALLARAT

Division: Innovation and Organisational Improvement
Director: Cameron Gray
Author/Position: Amy Rhodes – Manager Communications and Marketing

Ms Nicole Roberts made a public representation.

RESOLUTION:

- 1. Approve a Strategic Partnership Grant valued at \$40,391 (excl. GST) per annum for 3 years for Leadership Ballarat and Western Region (LBWR).**
- 2. Acknowledge the important role LBWR plays in developing future leaders for Ballarat.**
- 3. Note that this funding will be provided with conditions relevant to the Strategic Partnerships Grant Program. Conditions include but are not limited to:**
 - a. That one of the fully paid community scholarships be titled “City of Ballarat Sustainability Future Leader” and that this scholarship be provided to a person who contributes to or has contributed to the City of Ballarat Council Plan Sustainability Goal to protect, maintain and enhance our built and natural assets.**
 - b. All events, projects and activities must be based in the City of Ballarat or otherwise provide evidence that the project/event/activity will involve and support a significant amount of people from the municipality.**
 - c. Strategic Partnership Grant recipients are required to enter a Funding Agreement with Council that outlines reporting requirements and a mutually agreed evaluation framework that focuses on performance and outcome measures.**
 - d. Unless otherwise exempt, applicants are to demonstrate a minimum dollar for dollar contribution to the partnership through funds, sponsorship or in-kind support.**
 - e. Unless otherwise approved, a signed acquittal report must be submitted to Council annually. Organisations who fail to provide an acquittal report where required to do so will be ineligible for any further funding from Council.**

Cr Taylor foreshadowed a motion if this is lost to reduce the strategic partnership to \$20,000.00.

Moved: Cr Belinda Coates

LOST

Seconded: Cr Daniel Moloney

RESOLUTION

Council resolves to:

1. Approve a Strategic Partnership Grant valued at \$20,000 (excl. GST) per annum for 3 years for Leadership Ballarat and Western Region (LBWR).
2. Acknowledge the important role LBWR plays in developing future leaders for Ballarat.
3. Note that this funding will be provided with conditions relevant to the Strategic Partnerships Grant Program. Conditions include but are not limited to:
 - a. All events, projects and activities must be based in the City of Ballarat or otherwise provide evidence that the project/event/activity will involve and support a significant amount of people from the municipality.
 - b. Strategic Partnership Grant recipients are required to enter a Funding Agreement with Council that outlines reporting requirements and a mutually agreed evaluation framework that focuses on performance and outcome measures.
 - c. Unless otherwise exempt, applicants are to demonstrate a minimum dollar for dollar contribution to the partnership through funds, sponsorship or in-kind support.
 - d. Unless otherwise approved, a signed acquittal report must be submitted to Council annually. Organisations who fail to provide an acquittal report where required to do so will be ineligible for any further funding from Council.

Moved: Cr Ben Taylor
Seconded: Cr Grant Tillett

CARRIED
(R367/18)

EXECUTIVE SUMMARY

Council has previously funded Leadership Ballarat and Western Region (LBWR) through a sponsorship of \$20,000. The sponsorship has been delivered on an annual basis since 2010 but with no ongoing formal agreement.

LBWR has now applied for a Strategic Partnership Grant under Council's new Grant Policy, for an agreement for funding of \$40,000 annually in 2019, 2020 and 2021. In return for this investment, LBWR would provide a gratis position for one City of Ballarat employee. The funding will specifically contribute towards the delivery of the Canberra experience part of the program (focused on politics and advocacy), two community leadership days (one focused on Local Government and one on a community issue), and two community-based scholarships.

9.8. COMMERCE BALLARAT AND CITY OF BALLARAT STRATEGIC PARTNERSHIP

Division: Development and Planning
Director: Angelique Lush
Author/Position: Sam Magill – Manager Economic Development

RESOLUTION:

Council resolves to:

- 1. Approve a Strategic Partnership between Commerce Ballarat and the City of Ballarat for \$110,000 (excl GST) per annum for a period of 3 years, a total commitment of \$330,000 (excl GST) over the life of the agreement.**
- 2. Acknowledge the important role Commerce Ballarat plays as the major member-based business advocacy organisation in the City.**
- 3. Note that this funding will be provided with the conditions relevant to the Strategic Partnership Grant Program, conditions include but are not limited to;**
 - a. Strategic Partnership funding recipients are required to enter into a Funding Agreement with Council that outlines specific program delivery expectations, reporting requirements and a mutually agreed evaluation framework that focuses on performance and outcome measures.**
 - b. Unless otherwise approved, a signed acquittal report must be submitted to Council annually. Organisations who fail to provide an acquittal report where required to do so, will not receive final payment and will be ineligible for any further funding from Council.**

Moved: Cr Jim Rinaldi
Seconded: Cr Ben Taylor

CARRIED
(R368/18)

EXECUTIVE SUMMARY

Commerce Ballarat is the largest independent business group in the city of Ballarat, working to provide strong, reliable leadership to the Ballarat business community.

Current sponsorship and a contribution agreement is due to expire on 30 June 2019, and Commerce Ballarat have sought to enter into a new consolidated 3-year arrangement. Council seeks to continue the ongoing relationship with Commerce Ballarat and acknowledge the integral role it plays within the Ballarat business community. This new agreement consolidates previous sponsorship and grant funding into a Strategic Partnership which both supports the ongoing advocacy and enables Commerce Ballarat to deliver a range of specific and targeted business programs for the City.

9.9. AUSTRALIAN LADIES PROFESSIONAL GOLF (ALPG) BALLARAT PRO AM TOURISM GRANT FUNDING APPLICATION

Division: Development and Planning
Director: Angelique Lush
Author/Position: Jeff Johnson – Executive Manager Events and the Arts

RESOLUTION:**Council resolves to:**

1. **Approve a one-year \$6,250 (excl. GST) Tourism Event Grant to the Ballarat Golf Club for the Australian Ladies Professional Golf (ALPG) Ballarat Icons Pro Am event.**

Moved: Cr Ben Taylor

CARRIED

Seconded: Cr Des Hudson

(R369/18)

EXECUTIVE SUMMARY

Council has received a Tourism Event Grant application for the Australian Ladies Professional Golf (ALPG) Ballarat Icons Pro Am event, planned for Monday 28 January to Sunday 3 February 2019. The ALPG Ballarat Icons Pro Am is an international level event that marks the start of the ALPG summer tour series.

The Ballarat Golf Club have requested \$25,000 (excl. GST) in cash funding. The club expects that 500 visitors and a further 3000 locals will attend the event producing a projected economic impact of approximately \$340,000.

The club has indicated that funding would be used to pay for a welcome dinner, the ALPG hosting fee and event marketing to encourage higher spectator attendance.

The Prosperity Portfolio Councillors have reviewed the funding request and are in support of the application however with a recommended cash funding amount of \$6,250 (excl. GST).

9.10. REVISED 2018-19 BUDGET

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

RESOLUTION:

Council resolves to:

- 1. Give Public Notice in accordance with sections 129 and 223 of the *Local Government Act 1989* of Council's intention to adopt, at a Council meeting of Council to be held at 7.00 pm on Wednesday 30 January 2019, the proposed 2018-19 Revised Budget.**
- 2. In accordance with the provisions of Section 171 of the Local Government Act 1989, Council will waive \$90.00 of the Rates Levied for the 2018-19 year on properties where the ratepayer:-**
 - a) Is an eligible recipient within the meaning of the State Concessions Act 2004, and has qualified for a waiver under Section 171(4) of the *Local Government Act 1989*, and,**
 - b) Who lives alone in their own home and is solely responsible for the payment of rates and charges on that property.**
- 3. Invite and consider public submissions under Section 223 of the *Local Government Act 1989*, on the proposals contained in the 2018-19 draft revised budget and/or the granting of a rate rebate to eligible pensioners and/or Recreational 1 rateable properties. Written public submissions will be accepted for 28 days ending 9.00am Monday 14 January, 2019. All written submissions will be treated as confidential.**
- 4. Any person who wishes to be heard in support of a submission received by Council should indicate in the written submission that he or she wishes to be heard. Any person requesting that he or she be heard in support of a submission is entitled to appear before a meeting of the Council either personally or by a person acting on his or her behalf at a Special Council meeting scheduled for Wednesday 23 January, 2019 at 7:00pm.**
- 5. In accordance with the provisions of Section 171 of the *Local Government 1989*, Council will waive the Rates Levied for the 2018-19 year on properties where the property is classified as Recreational 1 for rating purposes: -**

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

Moved: Cr Mark Harris
Seconded: Cr Grant Tillett

CARRIED
(R370/18)

EXECUTIVE SUMMARY

The Council must prepare a Revised Budget and Strategic Resource Plan where a significant change to the adopted budget is proposed. The Revised Budget is to contain the information specified in the *Local Government Act 1989* (the Act) and all details required by the *Local Government (Planning and Reporting) Regulations 2014* (the Regulations). As soon as practicable after the Council has prepared a Revised Budget it must give Public Notice. Any person has the right to make a submission under section 223 of the Act on any proposal contained in the Budget.

Following the completion of the statutory obligations including consideration of submissions, Council may adopt the Revised Budget.

9.11. MEETING PROCEDURE LOCAL LAW

Division: Business Services
Director: Glenn Kallio
Author/Position: Cameron Montgomery – Executive Manager Safety, Risk and Compliance Services

RESOLUTION:

Council resolves to:

- 1. Revoke Local Law No. 18 endorsed on 22 August 2012 (R310/12);**
- 2. Maintain the public question time and public submission provisions of Division 9 Clause 66 of Local Law 18 Meeting Procedure to replace Division 8 Clauses 64 and 65 of the proposed Local Law Meeting Procedure;**
- 3. Implement and make the Meeting Procedure Local Law, as shown in Attachment 1 of this report as amended with item 2, effective once gazetted;**
- 4. Write to the person who made a submission on the proposed Meeting Procedure Local Law advising Council’s decision to make the Meeting Procedure Local Law and the reasons set out in this report;**
- 5. Give public notice, and notice in the Victorian Government Gazette, of the making of the Meeting Procedure Local Law; and**
- 6. Send a copy of the Meeting Procedure Local Law so made to the Minister for Local Government.**

Moved: Cr Grant Tillett

Seconded: Cr Jim Rinaldi

CARRIED

(R371/18)

EXECUTIVE SUMMARY

The City of Ballarat recently commenced the process of developing the new Meeting Procedure Local Law to replace Local Law No. 18 Meeting Procedure Local Law.

The draft Meeting Procedure Local Law has been prepared with reference to the State Government Guidelines for Local Laws, and a review of best practice approach across Victoria.

The report provides a summary of the public submission and officer response to the submission.

9.12. COUNCILLOR REPRESENTATION ON COMMITTEES AND EXTERNAL BODIES 2019

Division: Business Services
Director: Glenn Kallio
Author/Position: Ali Evans – Administration Officer Statutory Compliance

RESOLUTION:**Council Resolves to:**

- 1. Endorse the 2019 appointments of Councillor Representation on Committees, Boards, Organisations and Groups as detailed in the attachment tabled.**
- 2. Ensure that all the Committees, Boards, Organisations and Groups are notified of Council's revised representative/s as needed.**
- 3. No longer appoint Councillor Representation to the following Groups or Organisations:**
 - **Ballarat West Town Common Committee**
 - **Regional Motor Sports Facility Group**
 - **MAV Arts and Culture Committee**
 - **MAV Multicultural Committee**
 - **Victorian Local Governance Association (VLGA)**
 - **Rail Freight Alliance Committee**
- 4. Disband the Ballarat Livestock Selling Centre Advisory Committee and revoke the Terms of Reference as previously endorsed by Council.**
- 5. Commence a review of the following Advisory and Non-Advisory Committees and provide an update to Councillors on or before 1 April 2019:**
 - **Public Art Advisory Committee**
 - **Active Transport Working Group**
- 6. Revoke the Terms of Reference for the Her Majesty's Theatre Board Special Committee as endorsed 23 May 2018 by resolution R128/18.**
- 7. Endorse the Terms of Reference for the Her Majesty's Theatre Board Special Committee with amended Part 6 (Membership) to reflect the composition of 12 (twelve) members comprising inter alia, three (3) Councillors appointed by the City of Ballarat which include the Mayor of the Day, Cr Moloney and Cr Johnson, and that when more than one appointed Councillors attend a meeting, only one Councillor may vote on a resolution. If Councillors are unable to agree between themselves which of them is to vote on a resolution the Mayor of the Day may exercise the voting right on the Councillors behalf.**

Moved: Cr Ben Taylor
Seconded: Cr Grant Tillett

CARRIED
(R372/18)

EXECUTIVE SUMMARY

The purpose of this report is for Council to adopt Councillor Representation for Committees and External Bodies in accordance with the City of Ballarat Meeting Procedure Local Law.

9.13. COUNCIL MEETING SCHEDULE

Division: Innovation and Organisational Improvement
Director: Cameron Gray
Author/Position: Cameron Montgomery – Executive Manager Safety, Risk and Compliance Services

RESOLUTION:

Council resolves to:

- 1. Hold Ordinary Meetings of Council on the following dates in 2019:**
 - January 30
 - February 20
 - March 20
 - April 17
 - May 1 (Special Meeting)
 - May 15
 - June 5 (Special Meeting)
 - June 12
 - July 10
 - August 7
 - September 4
 - October 2
 - October 30
 - November 20
 - December 18
- 2. Publicise the schedule of Council meetings on the City of Ballarat website.**
- 3. Inform the public of the Council meetings for 2019 in myBallarat magazine and the Ballarat Times News Group newspaper.**
- 4. Request Officers to present a report to Council in January 2019 to review options in establishing a Planning Committee to ensure that planning items can continue to be dealt with expeditiously.**
- 5. Progress planning and implementation of a *Connect with your Councillors* community engagement campaign throughout 2019 to provide the community informal opportunities to engage with and consult Councillors.**

Moved: Cr Des Hudson
Seconded: Cr Ben Taylor

CARRIED
(R373/18)

EXECUTIVE SUMMARY

It is proposed that the following Ordinary Council Meeting dates for 2019 be adopted. The dates are based on Council Meetings being held on a four weekly rolling cycle, providing for 13 Ordinary Council Meetings within the year. It is also proposed to hold two Special Council Meetings to facilitate the adoption of the 2019/2020 Budget.

- January 30
- February 20
- March 20
- April 17
- May 1 (Special Meeting)
- May 15
- June 5 (Special Meeting)
- June 12
- July 10
- August 7
- September 4
- October 2
- October 30
- November 20
- December 18

9.14. CONTRACTS SPECIAL COMMITTEE OF COUNCIL - 28 NOVEMBER 2018

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

RESOLUTION:**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 meeting held 28th November 2018.

Moved: Cr Mark Harris
Seconded: Cr Grant Tillett

CARRIED
(R374/18)

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 this Committee held on 28th November 2018, one Contract was endorsed by the Committee. This report provides a copy of the minutes of this meeting as well as detailing summary information in relation to this Contract.

9.15. OUTSTANDING QUESTION TIME ITEMS

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

RESOLUTION:

That Council endorses the Outstanding Question Time report.

Moved: Cr Mark Harris

CARRIED

Seconded: Cr Belinda Coates

(R375/18)

EXECUTIVE SUMMARY

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

NOTICE OF RESCISSION

That Council endorse a notice of rescission of resolution R373/18 that was passed at the Ballarat City Ordinary Council Meeting on Wednesday 12 December 2018.

Moved: Cr Jim Rinaldi

CARRIED

Seconded: Cr Daniel Moloney

(R376/18)

9.13. COUNCIL MEETING SCHEDULE

Division: Innovation and Organisational Improvement
Director: Cameron Gray
Author/Position: Cameron Montgomery – Executive Manager Safety, Risk and Compliance Services

RESOLUTION

Council resolves to:

1. Maintain a three weekly cycle of Ordinary Meetings of Council.
2. Publicise the following schedule of Council meetings on the City of Ballarat website:
 - January 30
 - February 20
 - March 13
 - April 3
 - April 24
 - May 1 (Special Meeting)
 - May 15
 - June 5 (Special Meeting)
 - June 12
 - July 3
 - July 31
 - August 21
 - September 11
 - October 2
 - October 30
 - November 20
 - December 11
3. Inform the public of the Council meetings for 2019 in myBallarat magazine and the Ballarat Times News Group newspaper.

Moved: Cr Des Hudson

CARRIED

Seconded: Cr Ben Taylor

(R377/18)

EXECUTIVE SUMMARY

It is proposed that the following Ordinary Council Meeting dates for 2019 be adopted. The dates are based on Council Meetings being held on a four weekly rolling cycle, providing for 13 Ordinary Council Meetings within the year. It is also proposed to hold two Special Council Meetings to facilitate the adoption of the 2019/2020 Budget.

- January 30
- February 20
- March 20
- April 17
- May 1 (Special Meeting)
- May 15
- June 5 (Special Meeting)
- June 12
- July 10
- August 7
- September 4
- October 2
- October 30
- November 20
- December 18

10. NOTICE OF MOTION

Nil

11. URGENT BUSINESS

Nil

12. SECTION 89 (IN CAMERA)

RESOLUTION:

That Council resolve, pursuant to Section 89(2) of the Local Government Act 1989, that the meeting be closed to members of the public at 11:18 pm whilst the Council is dealing with the following matters;

Moved: Cr Des Hudson
Seconded: Cr Grant Tillett

CARRIED
(R378/18)

9.7 STRATEGIC PARTNERSHIP - LEADERSHIP BALLARAT

Division: Innovation and Organisational Improvement
Director: Cameron Gray
Author/Position: Cameron Gray – Director Innovation and Organisational Improvement

(Contractual matters)

9.8 COMMERCE BALLARAT AND CITY OF BALLARAT STRATEGIC PARTNERSHIP

Division: Development and Planning
Director: Angelique Lush
Author/Position: Samantha Magill – Manager Economic Development

(Contractual matters)

9.9 AUSTRALIAN LADIES PROFESSIONAL GOLF (ALPG) BALLARAT ICONS PRO AM - TOURISM EVENT FUNDING BUDGET

Division: Development and Planning
Director: Angelique Lush
Author/Position: Jeff Johnson – Executive Manager Events and the Arts

(Contractual matters)

9.14 CONTRACTS SPECIAL COMMITTEE OF COUNCIL - 28 NOVEMBER 2018

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))

12.1 12A ALBERT STREET LAND SALE

Division: Infrastructure and Environment
Director: Terry Demeo
Author/Position: Darren Sadler – Executive Manager Property Services and Facilities Management

(Contractual matters)

12.2 BALLARAT AUSTRALIA DAY HONOURS

Division: Innovation and Organisational Improvement
Director: Cameron Gray
Author/Position: Clare O'Connor - Coordinator Civic Support

(Any other matter which the Council or Special Committee considers would prejudice the Council)

12.3 TENDER 2018/19-59 GREGORY STREET WEST RECONSTRUCTION

Division: Infrastructure and Environment
Director: Terry Demeo
Author/Position: Robin Hand – Contracts Administration Officer

(Contractual matters)

12.4 TENDER 2018/19-72 HEINZ LANE & SLATEY CREEK ROAD RECONSTRUCTION

Division: Infrastructure and Environment
Director: Terry Demeo
Author/Position: Robin Hand – Contracts Administration Officer

(Contractual matters)

12.5 RECOMMENDATION OF ARTWORK FOR STURT STREET GARDENS - GEORGE TRELOAR MEMORIAL

Division: Development and Planning
Director: Angelique Lush
Author/Position: Kate Gerritsen – Public Art Coordinator

(Contractual matters)

RESOLUTION:

That Council move out of closed Council at 11:46 pm and adopt the resolutions made therein.

**Moved: Cr Des Hudson
Seconded: Cr Mark Harris**

**CARRIED
(R384/18)**

13. CLOSE

The CEO reported on items discussed in closed Council.

The Mayor declared the meeting closed at 11:47 pm.

Confirmed this day of 2018.

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Mayor