

**CITY OF  
BALLARAT**



**Ordinary Council Meeting**

**23 May 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 23 MAY 2018 AT 7:00PM**

MINUTES
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## 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 Amy Johnson  
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  
Ms Natalie Robertson - Executive Manager Development Facilitation  
Mr Jeff Johnson - Executive Manager Events and the Arts  
Mr Darren Whitford - Coordinator Risk and Compliance Services  
Ms Ali Evans - Administration Officer Statutory Compliance  
Ms Sarah Anstis - Governance Administration Officer

### 2.2 Apologies

Nil

## 3. DISCLOSURE OF INTEREST

Nil

**4. CONFIRMATION OF MINUTES**

**RESOLUTION:**

**That the Minutes of the Council Meeting on 2 May 2018 as circulated be confirmed.**

**Moved: Cr Belinda Coates**

**Seconded: Cr Mark Harris**

**CARRIED**

**(R115/18)**

**5. MATTERS ARISING FROM THE MINUTES**

Nil

## **6. PUBLIC QUESTION TIME**

### **QT32/18 - Mr Wayne Gunn, Wendouree**

#### **Question**

What is Council doing about violence and assaults that are happening in Ballarat at popular bus stops and venues?

#### **Answer**

Neville Ivey - Director Community Development

The Community Safety Advisory Committee has an association with Victoria Police who have primary responsibility and are the first respondents to scenes. There have been conversations with the State Government about extending security at the station and the bus interchange. Council are acknowledging there are incidents and we are advocating to Victoria Police and the State Government.

### **QT33/18 - Mr Wayne Gunn, Wendouree**

#### **Question**

Mr Wayne Gunn

Years ago, we had security at taxi ranks and lots of issues were solved by having a person physically there. I know PSO's and Victoria Police are busy, is there some way to control this such as an independent security company to make arrests?

#### **Answer**

Neville Ivey - Director Community Development

The two taxi ranks in Camp St and Lydiard St are serviced by security funded by Council and there has been some tremendous success over the time. I'm happy to take your details to further discuss.

**7. REPORTS FROM COMMITTEES/COUNCILLORS****GB36/18 - Cr Ben Taylor**

In relation to the rate environment and the budget, I would like some clarification in regards to the Wodonga City Council overcharging on the waste levy. Do we do this in Ballarat?

Glenn Kallio - Director Business Services

Overcharging of services isn't prohibited, however our service charge is simply to fund the service that we are delivering. As far as garbage and green waste, our charges are calculated on how much it costs us.

**GB37/18 - Cr Belinda Coates**

I would like to present a petition on behalf of Patricia Fiskin and other residents in regards to St Aidans Drive, Wendouree. I understand the issue has been passed onto the traffic team, but I would like to present the petition.

The petition reads "That the road surface of St Aidans, Wendouree be modified to include speed reducing structures (popularly known as a "speed hump") to address the inherent dangers caused by the many vehicles driving through St Adians Drive daily at excessive speed."

**RESOLUTION:**

**That Council receive the petition.**

**Moved: Cr Belinda Coates**

**Seconded: Cr Mark Harris**

**CARRIED**

**(R116/18)**

## 8. ASSEMBLIES OF COUNCILLORS

### 8.1. ASSEMBLIES OF COUNCILLORS

**Division:** Business Services  
**Director:** Glenn Kallio  
**Author/Position:** Sarah Anstis - Governance Administration Officer

#### RESOLUTION:

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

- 23 March 2018 Infrastructure and Environment Portfolio Meeting No 171
- 4 April 2018 Infrastructure and Environment Portfolio Meeting No 172
- 10 April 2018 Lake Wendouree and Gardens Advisory Committee Meeting
- 11 April 2018 Saleyards Briefing
- 13 April 2018 Community Development Councillor Portfolio Meeting
- 18 April 2018 Infrastructure and Environment Portfolio Meeting No 173
- 24 April 2018 Finance Committee
- 24 April 2018 Strategic Briefing
- 27 April 2018 Community Development Councillor Portfolio

**Moved: Cr Des Hudson**

**CARRIED**

**Seconded: Cr Belinda Coates**

**(R117/18)**

#### 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

### 9.1. PLP201838 2 MIDLIN STREET BROWN HILL

**Division:** Infrastructure and Environment  
**Director:** Terry Demeo  
**Author/Position:** Jane Archer - Statutory Planner

Mr Mike Kaufman, Ms Heather McClure and Mr Travis Smith made public representations.

#### MOTION

**Council resolves to defer the report to enable Officers to further investigate traffic conditions in Middlin Street, Brown Hill.**

**Moved: Cr Grant Tillett**  
**Seconded: Cr Jim Rinaldi**

**LOST**

#### RESOLUTION:

**Council resolves to:**

1. **Issue a Notice of Decision to Grant a Planning Permit PLP/2018/38 for the land located at 2 Middlin Street, Brown Hill for the development of two dwellings and three lot subdivision, subject to the following conditions:**

1. **Amended Plans**

**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 those prepared by Tony De Jong Drafting but modified to show:**

- (a) **The proposed accessway widened to 5.5 metres at the subject site's entrance;**
- (b) **A revised service cabinet and letter box location if current location is impacted by access widening; and**
- (c) **Material and colour details 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. Easements**

All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.

**4. 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.

**5. Material and Colour Details**

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.

**6. Internal Access Ways and Car Parking**

Prior to the commencement of the use or occupation of the development or issue of a 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; and
- (c) Drained.

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

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

## **7. Vehicle Access**

Prior to the occupation of the development or issue of a Statement of Compliance (whichever occurs first), 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 Law 2017 (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.*

## **8. Drainage Plan 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.

## **9. 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.

## **10. Contamination Assessment**

Prior to the Certification of the Plan of Subdivision or works commencing on site and the issue of a building permit for new dwellings (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
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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*.

#### 11. 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.

#### 12. 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.

**13. Section 173 Agreement**

Unless otherwise agreed in writing by the Responsible Authority, prior to Statement of Compliance being issued or Certificate of Occupancy being issued (whichever occurs first) the development approved by Planning permit PLP/2018/38 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 prior to the occupation of the building:

- (a) All future land use and development on the land must be in accordance with Planning Permit PLP/2018/38 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.
- (b) No building is to be constructed on the lot unless a Garden Area (as defined in Clause 72 of the Ballarat Planning Scheme) is provided in accordance with Clause 32.08-4 of the Ballarat Planning Scheme. An ending clause must be included in the agreement that specifies the requirement will no longer need to be satisfied if the garden area requirement is removed from the Ballarat Planning Scheme

Prior to Statement of Compliance being issued or prior to Certificate of Occupancy being issued (whichever occurs first) 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 Act. 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.

**14. Provision of Services**

The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the approved plan in accordance with the authority's requirements and relevant legislation at the time.

All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.

The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act.

15. 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 telecommunications 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.

16. 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.

17. Central Highlands Water Authority (Ref: 18/1347)

- (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
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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 Authority, 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) The owner will provide easements to the satisfaction of Central Highlands Region Water Corporation for pipelines or ancillary purposes through adjoining land, as it is considered by the Corporation that such easements are required for the economical and efficient servicing of sewerage facilities to the subdivision.
- (f) If the land is developed in stages, the above conditions will apply to any subsequent stage of the subdivision.

18. **Powercor Australia Ltd (Ref: 244159)**

- (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 (A payment to cover the cost of such work will be required). In the event that a supply is not provided the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so informed.
  - 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.
  - 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.
  - 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.

19. **Downer Tenix (Gas) (Ref: S18-920)**

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

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**20. 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 Act****Building Approvals**

This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained. The works hereby approved must accord with the requirements of the *Building Act 1993*, *Building Regulations 2006* and *Building Code of Australia 2014*.

**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 Law 2017 (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.

**Containment of Refuse and Disposal of 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.

**Moved: Cr Ben Taylor****CARRIED****Seconded: Cr Mark Harris****(R118/18)****EXECUTIVE SUMMARY**

On 17 January 2018 an application was lodged for the development of two dwellings and three lot subdivision at 2 Middlin Street, Brown Hill. The application was advertised, and Council has received seven objections. It is recommended that Council issue a Notice of Decision to Grant a Planning Permit subject to Conditions.

**RESOLUTION**

**Council resolves to investigate traffic calming measures and options for safety to pedestrians in Middlin Street.**

**Moved: Cr Ben Taylor****CARRIED****Seconded: Cr Daniel Moloney****(R119/18)**

**9.2. PLP/2004/355/A 9367C WESTERN HIGHWAY WARRENHEIP**

**Division:** Development and Planning  
**Director:** Terry Demeo  
**Author/Position:** Jade Erwin - Statutory Planner

Ms Danni Fry made a public representation.

**RESOLUTION:****Council resolves to:**

**Issue a Notice of Decision to Grant an Amendment to Planning Permit PLP/2004/355/A for the land located at 9367C Western Highway, Warrenheip, subject to the conditions listed below.**

**Proposed Amended Preamble:**

**Use and development of an indoor and outdoor recreation facility (mini golf), including food and drink premises, use of the building as a place of assembly (cabaret club) and live music venue, associated caretakers dwelling, dispensation of car parking, liquor licence and erection of a 9m high structure.**

**Proposed Amended Conditions:****1. Amended Plans Required**

**Before the use and/or 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 amended plan submitted 16 March 2018 but modified to show:**

- a) Amended plans showing 12am (midnight) licensing in lieu of 1am licensing.**
- b) Details of proposed acoustic treatment to the building, to the satisfaction of the Responsible Authority.**
- c) Patron Management Plan in accordance with Condition 9.**

**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. Completion and Maintenance of Landscaping Works**

**Prior to the use of the site or 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.

**3. 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.

**4. Music and equipment noise**

All external plant and equipment must be acoustically treated or placed in sound proof housing to reduce noise to a level satisfactory to the Responsible Authority. Details of plant equipment location and acoustic treatment shall be submitted to the Responsible Authority prior to the commencement of the use hereby approved.

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.

No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast playing of music or similar purpose after 9.00pm.

**5. Hours of Operation and Delivery Times**

**Hours of Operation**

The uses hereby approved under this permit may operate only between the following hours, seven days a week:

- Indoor and Outdoor Mini-golf: 9.00am to 10.00pm
- Food and drink premises/cabaret/function centre: 9.00am to 12am (midnight) the following day

without the further written consent of the Responsible Authority.

Despite the above hours, all live music and entertainment must cease by 11.00pm without the further written consent of the Responsible Authority.

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### **Delivery times**

**Deliveries to and from the site (including waste collection) must only take place between 8.00am and 10.00pm without the further written consent of the Responsible Authority.**

### **6. Liquor**

**Without the prior written consent of the Responsible Authority, the sale and consumption of liquor shall only occur within the licensed areas as shown on the endorsed plans and only between the following hours:**

- For the outdoor mini-golf licensed area (coloured orange): 11.00am to 9.00pm**
- For the indoor mini-golf licensed area (coloured green): 11.00am to 10.00pm**
- For the restaurant/cabaret/function centre indoor and outdoor area (coloured blue): 11.00am to 12.00am (midnight).**

### **7. Regulation of Sale and Consumption of Liquor**

**The predominant activity carried out in the function centre and place of assembly, must be the preparation and serving of meals for consumption on the premises.**

### **8. Limit on Number of Patrons**

**Without the prior written consent of the Responsible Authority, not more than 150 patrons may be present on the premises at any one 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.**

### **9. 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) Measure to ensure external doors are kept closed during performances and at all time whilst live music is being played.**
- f) Measures to manage patrons queuing to enter the premises;**

- g) Collection of rubbish from roads, car parks and public reserves in the vicinity of the premise and external areas used by premise patrons;**
- h) A documented complaint response procedure to the satisfaction of the Responsible Authority including the provision of:**
  - A contact point during hours of operation;**
  - Investigation and assessment process;**
  - 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.**

**10. Waste Storage**

**External waste storage areas shall be restricted to the bin storage area shown on the approved plan. Storage bins shall be screened from view of the street and adequately covered to the satisfaction of the Responsible Authority to minimise dispersal of material by wind or water and vermin and pest insect access. Appropriate controls shall be implemented to restrict the movement of wind blown litter and prevent the site appearing unsightly. No litter shall be discharged beyond the boundaries of the site. All storage areas shall be surfaced and capable of being washed down with waste water being directed to sewer via an appropriate litter trap. No odour shall be emitted from any waste storage areas so as to cause offence to adjoining property occupiers to the satisfaction of the Responsible Authority.**

**11. Fencing of car park**

**A non translucent fence to a minimum height of 2.0m shall be erected on the western and southern boundaries of the on site car park to the satisfaction of the Responsible Authority.**

**12. Lighting**

**On-site external lighting shall be installed to the satisfaction of the Responsible Authority prior to the occupation of the buildings. External lighting including security lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.**

**13. Internal Access Ways and Car Parking**

**Prior to the commencement of the use or occupation of the development, 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 flexible granular pavement and spray sealed or concrete or crushed rock;**
-

- b) Properly formed to such levels that they can be used in accordance with the plans;
- c) Drained;
- d) Line-marked to indicate each car space and all access lanes;
- e) Clearly marked to show the direction of traffic along access lanes and driveways.

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

Prior to the commencement of the use or occupation of the development, all works shall be completed in accordance with plans submitted to and approved by the Responsible Authority.

**14. Drainage Easements**

Prior to the commencement of site works, the existing drains running through the site must either be protected by newly created easements clear of structures and areas of subsurface disturbance pursuant to the *Subdivision Act 1998* or relocated to existing easements to the satisfaction of the Responsible Authority.

**15. Loading/Unloading**

The loading and unloading of vehicles and the delivery of goods to and from the premises must at all times be conducted entirely within the site and must not disrupt the circulation and parking of vehicles on the land or street network to the satisfaction of the Responsible Authority.

All Vehicle entry to and egress from the site shall be in a forward direction.

**16. Drainage Construction with On-site Storm-water**

All underground or surface drainage works that are considered necessary by the Responsible Authority shall be constructed in accordance with plans, computations and specifications submitted to and approved by the Responsible Authority prior to the commencement of construction of drainage works.

Such drainage works shall include the provision of an on-site storm-water detention system designed in accordance with the City of Ballarat's 'Site Storm-water Management Systems Policy' and installed to transport storm-water run-off from the subject land and surrounding land or adjoining road(s) to an approved point of discharge.

No storm-water shall drain or discharge from the land adjoining properties without the prior approval of the Responsible Authority.

On completion of the construction of the storm-water detention system, as constructed drawings shall be submitted to the Responsible Authority. The plans shall be certified by a suitably qualified and experienced engineer eligible for Corporate Membership of the Institution of Engineers, that the completed works are in accordance with the approved plans, design levels and specification.

**All works shall be completed to a standard satisfactory to the Responsible Authority prior to the use hereby approved commencing.**

**17. Sediment Control Measures**

**Details of site sediment control measures (a Sediment Control Plan) during site construction works shall be submitted to the satisfaction of the Responsible Authority prior to the commencement of site works. Control measures should be consistent with the EPA publication 480 'Environment Guidelines for Major Construction Sites'. When approved the Sediment Control Plan shall be endorsed as forming part of this permit. All sediment control measures shall be undertaken and remain in place until the completion of site works in accordance with the Sediment Control Plan to the satisfaction of the Responsible Authority.**

**18. Maintenance and appearance of Miner Structure**

**The miner structure shall be maintained in good visual condition at all times to the satisfaction of the responsible authority.**

**The miner shall remain in an unpainted form to the satisfaction of the responsible authority. Ground based 'up lit' lighting only may be used to specifically illuminate the structure.**

**19. VicRoads condition (ref: BALT SY 005 06)**

**Any existing tourist signs and posts (service signs) that are currently used for the Woolshed on the Western Highway and that are not relevant to the new development must be removed or a new application to replace the existing signs must be approved by the Responsible Authority and installed prior to the opening date of the development**

**20. 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 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:****Site signage.**

This permit has not approved the erection of any site signage other than shown on the endorsed plan. Site signage may require a further planning permit.

Full construction of the common property carpark and access is required by planning permit 104-04.

**Air Conditioning Plant**

Any air conditioning system incorporating one or more cooling towers must comply with and be managed in accordance with the relevant provisions of the *Public Health and Wellbeing Act 2008*.

**Moved: Cr Belinda Coates**

**CARRIED**

**Seconded: Cr Jim Rinaldi**

**(R120/18)**

**EXECUTIVE SUMMARY**

On 23 January 2018 an application was lodged for an amendment to Planning Permit PLP/2004/355 to allow for use and development of an indoor and outdoor recreation facility (mini golf), including food and drink premises, use of the building as a place of assembly and live music venue, associated caretaker's dwelling, dispensation of car parking, liquor licence and erection of a 9m high structure at 9367c Western Highway, Warrenheip. The Application was advertised and Council has received one objection. It is recommended that Council issue a Notice of Decision to Amend the Permit subject to a number of changed and new conditions.

**9.3. INTERCULTURAL CITY STRATEGIC PLAN 2018-2021**

**Division:** Community Development  
**Director:** Neville Ivey  
**Author/Position:** Frances Salenga - Coordinator Cultural Diversity

Mr Chez Diechera, Ms Meeta Narsi and Ms Yvon Davis made public representations.

**RESOLUTION:****Council resolves to:**

- 1. Endorse the Intercultural City Strategic Plan 2018- 2021**
- 2. Acknowledge the key stakeholders in the formation and direction of this strategy. Key stakeholders include: Multicultural Ambassadors (past and present), The Intercultural Advisory Committee, Council Committees and Partners – Ballarat Friends of Ainaro Community Committee (BFACC), The Koori Engagement Action Group (KEAG) and the Ballarat Regional Settlement Advocacy Committee (BRSAC).**

**Moved: Cr Belinda Coates**

**CARRIED**

**Seconded: Cr Daniel Moloney**

**(R121/18)**

**EXECUTIVE SUMMARY**

In 2009, the City of Ballarat developed its Cultural Diversity Strategy 2009-2014 which has been based on a commitment to developing intercultural relationships between its indigenous, culturally and religiously diverse population and Australian-born residents. This Plan was for the period 2009-2014 and it shaped Council's activities and policies in relation to how it carried out its community development functions. In 2015-16, Council decided to further progress delivered actions to a higher level to establish program sustainability and community engagement.

After an extensive community consultation process, four pillars were identified and adapted by Council to guide the development of the next Intercultural City Strategy 2018-2021 and consequently, a yearly Action Plan which is due to be delivered in the third quarter of 2018.

These pillars are:

- **Key Priority Area 1 - Responsive Services**

\*Provide services / programs with easy access points for Cultural and Linguistically Diverse (CALD) and newly arrived communities.

- **Key Priority Area 2 - Active Citizenship**

\*Create opportunities for CALD people with other communities to exercise their rights and responsibilities to influence public life.

- **Key Priority Area 3 - Leadership and Advocacy**

\*Engage CALD communities and other residents in finding solutions to addressing specific community needs.

- **Key Priority Area - Maximizing and Valuing Diversity**

\*Celebrate the 'diversity advantage' of the Ballarat Intercultural City.

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**9.4. RECOMMENDATION FOR COMMISSION OF ARTWORK FOR MAIN ROAD**

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

**RESOLUTION:**

**Council resolves to:**

- **Accept the Public Art Advisory Committee Recommendation for the commission of artwork as part of the Main Road Revitalisation Project at Main Road and Humffray Street South, Ballarat.**

**Moved: Cr Daniel Moloney**

**CARRIED**

**Seconded: Cr Mark Harris**

**(R122/18)**

**EXECUTIVE SUMMARY**

On 26 May 2010, Council adopted the CBD Strategy, a long-term plan to guide growth and change in the Central Business District over the next 20-25 years. The Strategy includes a recommendation to “Undertake streetscape improvements to the Main Road shopping area’ to enhance the shopping strip potential and interpret significant stories of the area (p.81).

On 13 December 2017, Council adopted the Ballarat Heritage Plan (2017-2030), Our People, Culture & Place a strategy to ‘facilitate growth and change while safeguarding Ballarat’s heritage, now and into the future’. The Plan identifies a need to “Use place-based stories as a tool to sustain Ballarat’s identity and sense of place” (p.43).

Council’s Public Art Advisory Committee has recently completed a selection process for an artwork that will align with the Main Road Revitalisation Project and deliver a key component of the storytelling (heritage interpretation) project that spans the length of the shopping precinct.

**RESOLUTION**

**That Council adjourn for a comfort break at 9:05pm.**

**Moved: Cr Amy Johnson**

**CARRIED**

**Seconded: Cr Mark Harris**

**(R123/18)**

**RESOLUTION**

**That Council resume at 9:13pm.**

**Moved: Cr Mark Harris**

**Seconded: Cr Jim Rinaldi**

**CARRIED**

**(R124/18)**

**9.5. GILLIES ROAD - SPEED LIMIT AND ROAD SAFETY**

**Division:** Infrastructure and Environment  
**Director:** Terry Demeo  
**Author/Position:** Jim Leonard - Coordinator Traffic & Transport

**RESOLUTION:****Council resolves to:**

1. Continue to actively advocate for a reduction of the current open road 100km/h speed limit to become 80km/h on Gillies Road between Olliers Road and Kennedys Road, Cummins Road from Gillies Road to Ballarat-Maryborough Road (Howe Street), Sharpes Road from Gillies Road to Raglan Street and Kennedys Road from Gillies Road to the existing 80km/h zone.

**Moved: Cr Grant Tillett**

**CARRIED**

**Seconded: Cr Ben Taylor**

**(R125/18)**

**EXECUTIVE SUMMARY**

Gillies Road is currently an open road, 100km/h speed zone, performing a traffic route function, with sparse abutting development generating multiple access points.

Regulatory Speed Limit signs are classified as Major Traffic Control Devices, the installation, removal or alteration of which Council requires formal VicRoads consent to implement. The current State Government protocol requires "significant" speed limit amendments to be ratified by the office of the Minister for Roads and Road Safety, which includes meeting a range of criteria.

**9.6. STATE AND FEDERAL ELECTIONS POLICY**

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

Cr Johnson declared conflict of interest as a Liberal Candidate for the State Election. Cr Johnson left the chamber at 9:19pm before discussion had occurred.

Cr Hudson declared perceived conflict of interest as a general member of a Political party.

Cr Taylor declared a perceived conflict of interest as a general member of a Political party.

Cr Coates declared a perceived conflict of interest as a general member of a Political party.

Cr McIntosh declared a perceived conflict of interest as a general member of a Political party.

Cr Moloney declared a perceived conflict of interest as a general member of a Political party.

**RESOLUTION:****Council resolves to:**

- 1. Adopt the State and Federal Elections Policy.**

**Moved: Cr Des Hudson**

**CARRIED**

**Seconded: Cr Mark Harris**

**(R126/18)**

Cr Johnson returned to the Council Chamber at 9:59pm.

**EXECUTIVE SUMMARY**

This report recommends that Council approves the State and Federal Elections Policy (the Policy).

The intent of the Policy is to provide options and guidance for Councillors in the event of nomination as a candidate to contest a State or Federal seat covering an area located within Council's municipal district.

Councillors must exercise due care and diligence in fulfilling their roles as a Councillor and Candidate as they are two distinct roles. In particular, they must ensure that they do not act in matters where they have a conflict of their roles due to being both a Councillor and a Candidate; that they do not misuse their position as a Councillor to advance their role as a Candidate; and they continue to adhere to the Councillor Code of Conduct in respect to their role as a Councillor.

**9.7. HERITAGE RESTORATION LOAN APPLICATION – 803  
MACARTHUR STREET, BALLARAT CENTRAL**

**Division:** Development and Planning  
**Director:** Angelique Lush  
**Author/Position:** Susan Fayad - Coordinator Heritage and Cultural  
Landscapes

**RESOLUTION:****Council resolves to:**

- 1. Endorse the provision of a heritage loan of \$9,280 for the property at 803 Macarthur Street, Ballarat Central, in accordance with the Ballarat Heritage Restoration Loans Policy.**

**Moved: Cr Des Hudson**

**CARRIED**

**Seconded: Cr Daniel Moloney**

**(R127/18)**

**EXECUTIVE SUMMARY**

The Ballarat Heritage Advisory Committee has received and recommended an application for a Heritage Loan for \$9,280 from the owner of 803 Macarthur Street, Ballarat Central. The application is to replace roof cladding, guttering and downpipes in galvanised iron. This loan will supplement a heritage grant through the Ballarat Heritage Restoration Fund, enabling the works to proceed. The Ballarat Heritage Advisory Committee asks for Council's endorsement of their recommendation.

**9.8. TERMS OF REFERENCE - HER MAJESTY'S THEATRE**

**Division:** Development and Planning  
**Director:** Angelique Lush  
**Author/Position:** Daniel Henderson –Manager Her Majesty's Ballarat

**RESOLUTION:**

**Council resolves to:**

- 1. Revoke the Terms of Reference for the Her Majesty's Theatre Board as endorsed by Council on 28 August 2013 by resolution R322/13.**
- 2. Endorse the Terms of Reference for the Section 86 Special Committee for Her Majesty's Ballarat.**
- 3. Sign and seal the endorsed Terms of Reference for the Section 86 Special Committee.**

**Moved: Cr Daniel Moloney**

**CARRIED**

**Seconded: Cr Jim Rinaldi**

**(R128/18)**

**EXECUTIVE SUMMARY**

The purpose of this report is to adopt the revised Terms of Reference document for Her Majesty's Ballarat Special Committee.



**9.9. ADOPTION OF THE S6 INSTRUMENT OF DELEGATION - MEMBERS OF STAFF**

**Division:** Business Services  
**Director:** Glenn Kallio  
**Author/Position:** Sarah Anstis - Governance Administration Officer

**RESOLUTION:****Council resolves to:**

1. **Revoke the S6. Instrument of Delegation - Members of Staff endorsed on 4 April 2018 (R79/18).**
2. **Exercise Councils power conferred by section 98(1) of the *Local Government Act 1989* and the other legislation referred to in the attached S6. Instrument of Delegation – Members of Staff.**
3. **Delegate each duty and/or function and/or power described in column 1 of the Schedule and summarised in column 2 of the Schedule, to the member of Council Staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule.**
4. **Authorise the S6. Instrument of Delegation – Members of Staff (Attachment 1) to:**
  1. **Come into force immediately once the Common Seal of Council is affixed**
  2. **Remains in force until varied or revoked;**
  3. **Be subject to any conditions and limitations set out in sub-paragraph 3.3 of the delegation and the Schedule; and**
  4. **Be exercised in accordance with any guidelines or policies which Council, from time to time, adopts.**
5. **Sign and affix Council’s Common Seal to the S6. Instrument of Delegation - Members of Staff.**

**Moved: Cr Daniel Moloney**  
**Seconded: Cr Mark Harris**

**CARRIED**  
**(R129/18)**

**EXECUTIVE SUMMARY**

The purpose of this report is to enable Council to revoke the S6. Instrument of Delegation - Members of Staff (Instrument) that was endorsed at the Council meeting held on 4 April 2018 (R79/18) and to endorse the revised Instrument reflecting changes to conditions and limitations within the *Food Act 1984* and *Planning and Environment Act 1987*.

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

**Division:** Business Services  
**Director:** Glenn Kallio  
**Author/Position:** Sarah Anstis - Governance Administration Officer

#### RESOLUTION:

Council resolves to:

1. Revoke the S11A. Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) for Emily Hobbs, effective as at 23 May 2018.
2. Revoke the S11A. Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) for David Dwight, effective as at 23 May 2018.
3. Endorse the S11A. Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) for Lily Garrod, effective as at 23 May 2018.
4. Sign and affix Council's Common Seal to the S11A. Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*).

Moved: Cr Ben Taylor

CARRIED

Seconded: Cr Grant Tillett

(R130/18)

#### EXECUTIVE SUMMARY

The purpose of this report is to enable Council to revoke the S11A. Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) to the following:

Name of Employee	Date Authorisation to be revoked
Emily Hobbs	23 May 2018
David Dwight	23 May 2018

This report is also to endorse the S11A. Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) to:

Name of Employee	Date of Authorisation
Lily Garrod	23 May 2018

**9.11. OUTSTANDING QUESTION TIME ITEMS**

**Division:** Business Services  
**Director:** Glenn Kallio  
**Author/Position:** Sarah Anstis -Governance Administration Officer

**RESOLUTION:**

**That Council endorses the Outstanding Question Time report.**

**Moved: Cr Daniel Moloney**

**Seconded: Cr Jim Rinaldi**

**CARRIED**

**(R131/18)**

**EXECUTIVE SUMMARY**

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

**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 10:03pm whilst the Council is dealing with the following matters;

**Moved: Cr Jim Rinaldi**  
**Seconded: Cr Grant Tillett**

**CARRIED**  
**(R132/18)**

**9.4. RECOMMENDATION OF ARTWORK FOR MAIN ROAD**

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

(Contractual matters)

**12.1. NORTH BALLARAT FUNCTIONS FACILITY**

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

(Contractual matters)

**RESOLUTION:**

That Council move out of closed Council at 11:12pm and adopt the resolutions made therein.

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

**CARRIED**  
**(R136/18)**

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**13. CLOSE**

The CEO reported on the items discussed in closed Council.

**The Mayor declared the meeting closed at 11:13pm.**

**Confirmed this**

**day of**

**2018.**

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**Mayor**