

**CITY OF  
BALLARAT**



**Ordinary Council Meeting**

**24 October 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 24 OCTOBER 2018 AT 7:00PM**

**MINUTES**

**ORDER OF BUSINESS:**

|   |           |
|---|-----------|
| <b>1. Opening Declaration</b> .....   | <b>4</b>  |
| <b>2. Apologies For Absence</b> .....   | <b>4</b>  |
| <b>3. Disclosure Of Interest</b> .....  | <b>4</b>  |
| <b>4. Confirmation Of Minutes</b> .....   | <b>5</b>  |
| <b>5. Matters Arising From The Minutes</b> .....  | <b>5</b>  |
| <b>6. Public Question Time</b> .....  | <b>6</b>  |
| <b>7. Reports From Committees/Councillors</b> .....   | <b>8</b>  |
| <b>8. Assemblies Of Councillors</b> .....   | <b>10</b> |
| 8.1. Assemblies of Councillors .....  | 10        |
| <b>9. Officer Reports</b> .....   | <b>11</b> |
| 9.1. Annual Report .....  | 11        |
| 9.2. Council Plan Quarterly Update .....  | 12        |
| 9.3. Business Grant Application - Wootten .....   | 13        |
| 9.4. Australian Jazz Convention Tourism Grant Funding Application.....  | 14        |
| 9.5. Ballarat Turf Club Strategic Partnership Application .....   | 15        |
| 9.6. PLP/2016/655/B - 306 Howitt Street, Ballarat North - Amendment to include Sale<br>and Consumption of Liquor, increase hours of operation and patron numbers,<br>buildings and works, use of a restaurant and function centre and reduction in car<br>parking ..... | 16        |
| 9.7. Quarterly Financial Report.....  | 21        |
| 9.8. Advisory Committee Terms of Reference .....  | 22        |
| 9.9. Contracts Committee.....   | 23        |
| 9.10. Outstanding Question Time Items .....   | 24        |

**10. Notice Of Motion ..... 25**

**11. Urgent Business ..... 25**

**12. Section 89 (In Camera) ..... 25**

**13. Close..... 26**

## 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  
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

Nil

## 3. DISCLOSURE OF INTEREST

Nil

**4. CONFIRMATION OF MINUTES**

**RESOLUTION:**

**That the Minutes of the Council Meeting on 26 September and 3 October 2018 as circulated be confirmed.**

**Moved: Cr Mark Harris**

**Seconded: Cr Des Hudson**

**CARRIED**

**(R298/18)**

**5. MATTERS ARISING FROM THE MINUTES**

**6. PUBLIC QUESTION TIME****QT63/18 - Mr Ian Humphrey - Redan****Question**

I have concerns about the loss of local Councillors to state or federal politics and the impact on the stability of Ballarat. Do Council have any way of providing counselling or advising of any potential long term Councillors from jumping from one level of government to another?

**Answer**

Cr Samantha McIntosh, Mayor responded that Councillors for decades have moved from their space in Local Government to develop their skills and apply them in different areas.

Ms Justine Linley - Chief Executive Officer responded that Council has no regulatory requirements or restrictions, either in its own Local Law or any regulations associated with the Local Government Act 1989 to dissuade Councillors from participating in any level of elected public service they choose to engage in.

**QT64/18 - Mr Ian Humphrey - Redan****Question**

In relation to the three million spent on the Her Majesty's Theatre project, what are the economic benefits Ballarat Council will receive in the future?

**Answer**

Cr Samantha McIntosh, Mayor responded that significant work has been done before the proposal was accepted and there were business cases and draft proposals. The Board also had exceptional involvement over a number of years. Officers conducted the work on the economic benefits and Council would not do a project like this if benefits to the community were not clear.

Ms Angelique Lush - Director Development and Planning responded that while she did not have the economic benefits with her at hand, they are significant, and the millions of dollars contributed to the community makes the project very worthwhile. The Theatre brings nearly five million dollars of economic benefit from Royal South Street each year.

**QT65/18 - Mr Stuart Kelly - Ballarat Central****Question**

At Council's August meeting, I asked what the cost of using external consultants to prepare documents such as the Lake Wendouree Draft Masterplan, the Health Knowledge and City Living Draft Masterplan and other similar documents. I received a response early this month which appears on page 362 on tonight's agenda. I'll quote the final paragraph

*"In regards to the cost for production of the strategies, this is dependent upon on the complexity of the individual strategy, all cost associated with the production of the strategies are factored into the individual project budget".*

Do Councillors feel this is an adequate answer to my question?

**Answer**

Cr Moloney responded that he has some sympathy with a desire for more detail of the consultants and what Council spends on individual firms and contracts.

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Cr Harris responded that there are requirements for the use of consultancies and contractors particularly in the strategic planning sense but similarly does agree somewhat for Cr Moloney's view.

Cr Tillett advised that as a Councillor has concerns in the use of consultants in the rates that are being used. There are times when consultants are required, and this is necessary and an important part of how we do work, it is how we manage that is the critical point.

#### **QT66/18 - Mr Stuart Kelly - Ballarat Central**

##### **Question**

On tonight's agenda we have Council's Annual Report. On page 94 of the agenda under Material and Services we find expenditure on consultants of \$606,000 for 2017 and \$463,000 for 2018. What were the tasks carried out by consultants in these years? Did they include such things as the Health Knowledge and City Precinct Masterplan?

##### **Answer**

Mr Glenn Kallio - Director Business Services responded that he would provide a response on what projects these were.

#### **QT67/18 - Ms Alicia Bond - Cardigan Village**

##### **Question**

In relation to the Committee for Miners Rest, we have sent emails about the cattle trucks. The sale yards opened in the past week and work was undertaken from the Traffic Management Plan prior to the opening. Every day this week we have seen cattle trucks going down our street.

##### **Answer**

Mr Terry Demeo - Director Infrastructure and Environment responded that an extensive traffic management plan was prepared, and Council is working with all the operators and will respond to ensure that the trucks follow the designated routes and that appropriate signage of the correct routes are in place.

#### **QT68/18 - Ms Alicia Bond - Cardigan Village**

##### **Question**

In regards to the Miners Rest Community Hall, thank you for the upgrade. In relation to the public liability, as a Committee we do not have a coverage and need for public liability every time we hold a meeting. We pay a hire fee and public liability each meeting which can cost up to \$60 per meeting which is a lot for a not-for-profit Committee. Can you look at reducing the cost of public liability? Can this be changed for a not-for-profit Committee?

Mr Glenn Kallio - Director Business Services responded that this is a Council procedure and insurances are received at a significantly discounted rate.

Cr Grant Tillett commented that he acknowledges Council has waived some of these fees, but he understood Ms Bond's concerns. What he didn't understand was why Council charges for the use of a community hall by a community group and couldn't see why community groups cannot be covered under the Council's public liability policy. Cr Tillett requested a report to come to a briefing regarding the hall insurance and public liability.

## **7. REPORTS FROM COMMITTEES/COUNCILLORS**

### **GB68/18 - Cr Ben Taylor**

Cr Taylor advised that he is undertaking travel to New Zealand to investigate the parking plan and waste to energy options.

### **GB69/18 - Cr Amy Johnson**

Cr Johnson advised, that in relation to the mail out in Ballarat Central for the Skate Facility at City Oval, residents are upset about the loss of green space. Has Council considered this, and will there be consultation to the location to the skate facility? What will consultation look like and has Council looked at alternative locations? If residents are not happy can the Council look outside the CBD?

Mr Neville Ivey - Director Community Development responded that the mail out is forming part of the consultation and there has already been consultation conducted on the impact of stake park users in the central area. Officers have looked at a number of sites and identified land on the corner of Sturt and Pleasant streets. With regard to the nearby consulted residents, officers have received comments and about 70 percent are not supporting the location and about 30 percent are supporting. The consultation will close on 26 October and an assessment will be made as to other locations.

C Johnson advised that she attended the opening of the Sovereign Hill Play Space with the Mayor and Cr Rinaldi, commenting that it was a fantastic morning and paid tribute to Mrs Perry who is a Board Member for all the hard she has done.

### **GB70/18 - Cr Ben Taylor**

Cr Taylor advised that he attended on behalf of Madam Mayor the Buninyong Road Nationals function at Federation University. This year Paralympians will also be completing the course which is fantastic news!

### **GB71/18 - Cr Belinda Coates**

Cr Coates noted the National Apology to victims and survivors of the child abuse that occurred earlier in the week.

Cr Coates also congratulated the cultural diversity team on the human rights award nomination.

Cr Coates advised that she attended the right to the night report back session together with the Mayor.

Cr Coates requested that officers follow up a missed correspondence requesting the Mayor to sign the Inter Cultural Cities (ICC) Welcome City intercultural letter.



**GB72/18 - Cr Grant Tillett**

Cr Tillett requested a report to briefing reviewing the work of the Clean Ballarat Committee focusing on identifying the expectations that the Council has of the Committee and its work against what is outlined in the Current Terms of Reference, against the makeup of the Committee relative to the parameters identified, and discussing what the benefits might be of a total revamp of the Committee including a name change and some direction on how the Committee is expected to operate given its work would seem to span over two very distinct portfolios.

**GB73/18 - Cr Daniel Moloney**

Cr Moloney commented that the 100<sup>th</sup> anniversary of Armistice Day is in a few weeks and acknowledged the work that the Mayor, volunteers and officers have undertaken in preparation for the significant anniversary marking the end of the Great War.

**RESOLUTION:**

**To accept Councillor reports.**

**Moved: Cr Jim Rinaldi**

**Seconded: Cr Ben Taylor**

**CARRIED**

**(R299/18)**

## **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:**

- **15 August 2018 Infrastructure and Environment Portfolio Meeting No 181**
- **24 August 2018 Disability Advisory Committee**
- **5 September 2018 Infrastructure and Environment Portfolio Meeting No 182**
- **19 September 2018 Infrastructure and Environment Portfolio Meeting No 183**
- **19 September 2018 Council Agenda Review Briefing**
- **21 September 2018 Prosperity Portfolio Meeting Events and the Arts**
- **25 September 2018 Mt Buninyong Reserve Advisory Committee Meeting**
- **26 September 2018 Strategic Briefing**

**Moved: Cr Grant Tillett**

**CARRIED**

**Seconded: Cr Daniel Moloney**

**(R300/18)**

#### **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. ANNUAL REPORT

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

#### RESOLUTION:

##### Council resolves to:

1. Note that it considered the City of Ballarat Annual Report 2017–18 in accordance with section 134(1) of the *Local Government Act 1989*.
2. Acknowledge the achievements of the organisation during this reporting period and its achievements against the 2017–21 Council Plan.

**Moved: Cr Ben Taylor**  
**Seconded: Cr Mark Harris**

**CARRIED**  
**(R301/18)**

#### EXECUTIVE SUMMARY

The purpose of this report is to have Council consider the City of Ballarat Annual Report 2016–17 (Annual Report) in accordance with its obligations under section 134 of the *Local Government Act 1989*.

Council is required to consider the report in line with the timelines provided for in the *Local Government (Planning and Reporting) Regulations 2014* and after Council has sent the Annual Report to the Minister.

The Annual Report was delivered to the Minister for Local Government before 30 September 2018 and Council was required to advertise a public notice to advise the community that the Annual Report would be considered at this Council Meeting.

A list of locations where the Annual Report could be obtained or viewed prior to the Council meeting was included and the document itself can be viewed at: <http://www.ballarat.vic.gov.au/ac/budget-reports-and-plans/annual-reports.aspx>

The Annual Report is the final step in the statutory annual reporting process.

**9.2. COUNCIL PLAN QUARTERLY UPDATE**

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

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

1. **Note the progress report for the Council Plan 2017-2021.**

**Moved: Cr Belinda Coates**

**CARRIED**

**Seconded: Cr Ben Taylor**

**(R302/18)**

**EXECUTIVE SUMMARY**

The purpose of this report is to present the third progress update of Council's performance against the Council Plan 2017-2021. The period reported is from April 2018 to June 2018 (Quarter 4).

The three-month performance report, provided as an attachment, offers a summary of the progress against the four Council Plan goals; liveability, prosperity, sustainability and accountability.

The intent of this report is to give Councillors and the Community the confidence that Council is on track to meet its published commitments.

Highlights from this progress report include:

- Completion of an open space physical activity hub at Mount Pleasant Reserve. The cost to complete this project was \$230,000.
- Development and adoption of the Lake Wendouree Master Plan and commencement of implementation, including funding application lodged for lighting the Steve Moneghetti track. Of the Lake Wendouree Master Plan the Paralympic precinct has been completed, cultural heritage permit application has been completed and submitted for approval.
- Adoption of the integrated waste management strategy and recommendations by Clean Ballarat. The integrated waste management strategy was adopted in July and we are working through recommendations.
- Finalisation of the internal Gender Equity Action Plan following the roll out of the Women's Health Grampians Act@Work program.
- Completion of the annual Customer Satisfaction Survey as part of Council's annual reporting process with residents' satisfaction with the City of Ballarat's overall performance recorded as 72%, significantly higher than 2017's score of 68%.

**9.3. BUSINESS GRANT APPLICATION - WOOTTEN**

**Division:** Development and Planning  
**Director:** Angelique Lush  
**Author/Position:** Helen Arnts - Business Engagement Officer

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

- 1. Approve a Business Grant application from Wootten (Cordwainer and Leather Craftsmen) for \$3000 (excl. GST)**

**Moved: Cr Mark Harris**

**CARRIED**

**Seconded: Cr Jim Rinaldi**

**(R303/18)**

**EXECUTIVE SUMMARY**

The Business Grants Program aims to assist and encourage businesses to establish and/or expand in the municipality through offsetting of costs incurred as a result of the new development or expansion. The grant limit for the Business Grants Program is based on a stringent economic benefit test and subject also to the City of Ballarat Business Assistance Scheme.

This report outlines the Business Grant application from Wootten (Custom Fit Australia PTY LTD) who is seeking assistance to establish a retail outlet in Ballarat to complement a newly established manufacturing presence.

Wootten designs and produces high quality leather goods and footwear in Australia. In operation as a footwear company since 1991, Wootten occupies a unique space in the market providing standard and bespoke leather goods and footwear designs in a landscape where manufacturing is decreasing. Wootten has grown as other businesses have declined because of a unique offering, expanded product lines and efficient processes. This has enabled Jess Cameron-Wootten, the head cordwainer, to grow the business year on year for the past decade.

The Grant application seeks funds of \$25,000 to assist in establishing the retail shop front in Ballarat.

Prosperity Portfolio Councillors have reviewed the funding request and support the application, with a recommended amount of \$3,000 (excl. GST).

**9.4. AUSTRALIAN JAZZ CONVENTION 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 \$10,000 (excl. GST) Tourism Event Grant for the Australian Jazz Convention event.**

**Moved: Cr Des Hudson**  
**Seconded: Cr Amy Johnson**

**CARRIED**  
**(R304/18)**

**EXECUTIVE SUMMARY**

Council has received a Tourism Event Grant application for the Australian Jazz Convention event, planned between Wednesday 26 and Monday 31 December 2018. This is an annual event organised by the Australian Jazz Convention Executive Task Force Inc and held across a variety of locations within the Ballarat CBD.

The event organisers have requested \$20,000 (excl. GST) in cash funding and expects a total attendance of 960 people staying on average 4 nights. The anticipated economic impact on the Ballarat community is approximately \$467,840.

The Prosperity Portfolio Councillors have reviewed the funding request and are in support of the application however with a recommended cash funding amount of \$10,000 (excl. GST).

**9.5. BALLARAT TURF CLUB STRATEGIC PARTNERSHIP 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 Strategic Partnership Grant to the Ballarat Turf Club for \$25,000 (excl. GST) per year for three years.**

**Moved: Cr Daniel Moloney**

**Seconded: Cr Jim Rinaldi**

**CARRIED**

**(R305/18)**

**EXECUTIVE SUMMARY**

The Ballarat Turf Club (BTC) is seeking a Strategic Partnership with the City of Ballarat and has requested \$25,000 (excl. GST) each year for three (3) years. The BTC is seeking the funding support to assist the continued promotion and development of thoroughbred racing and training in Ballarat as well as support for the marketing of their annual Ballarat Cup.

The Executive Leadership Team have reviewed the Strategic Partnership funding request and are in support of the application and recommend a cash funding amount of \$25,000 (excl. GST) each year for three years. This grant allocation aligns with the purpose of the Strategic Partnership Program and provides significant economic benefits to Ballarat.

**9.6. PLP/2016/655/B - 306 HOWITT STREET, BALLARAT NORTH - AMENDMENT TO INCLUDE SALE AND CONSUMPTION OF LIQUOR, INCREASE HOURS OF OPERATION AND PATRON NUMBERS, BUILDINGS AND WORKS, USE OF A RESTAURANT AND FUNCTION CENTRE AND REDUCTION IN CAR PARKING**

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

Mr James Robson made a public presentation.

**RESOLUTION:**

**Issue a Notice of Decision to Grant Planning Permit PLP/2016/655/B for the land located at 306 Howitt Street, Soldiers Hill for an amendment to the proposal to include the sale and consumption of liquor, increase the hours of operation and patron numbers, building and works, include the use of the gallery space as a restaurant and function centre and further reduction in car parking requirements subject to the following conditions:**

**1. Amended Plans**

**Before the use and 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 K.H.L.A Building Design plans dated March 2018 but modified to show:**

- a) Revised site plan which accurately demonstrates existing and proposed structures onsite. Please note: the submitted plans do not locate the two existing outdoor structures located behind the existing gallery space;**
- b) Elevation plans for the proposed accessible toilet;**

**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. Materials and Colours**

**The finishing materials of the shipping containers are to be non-reflective unless otherwise approved by the Responsible Authority.**

**3. Limit on Number of Patrons**

**Without the prior written consent of the Responsible Authority, not more than 80 patrons in total 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.**



#### **4. Hours of Operation**

The use may operate only between the hours of:  
Inside the main building and side outdoor dining area:

- Monday to Wednesday – 6.00am until 8.00pm;
- Thursday to Sunday – 6.00am until 11.00pm.

Rear outdoor area including the indoor function space:

- Monday to Wednesday – 7.00am until 8.00pm;
- Thursday to Saturday - 7.00am until 10.00pm;
- Sunday - 10.00am until 10.00pm.

Without the further written consent of the Responsible Authority.

#### **5. 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:

Inside the main building and side outdoor dining area:

- Monday to Wednesday – 6.00am until 8.00pm;
- Thursday to Sunday – 6.00am until 11.00pm.

Rear outdoor area including the indoor function space:

- Monday to Wednesday – 7.00am until 8.00pm;
- Thursday to Saturday - 7.00am until 10.00pm;
- Sunday - 10.00am until 10.00pm.

Without the further written consent of the Responsible Authority.

#### **6. Sale and Consumption of Liquor – Food and Drink Premises**

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

#### **7. Background Music**

The provision of music on the premises must be limited to background music unless with the further written consent of the Responsible Authority.

#### **8. Noise Emissions**

No sound shall be emitted from any device or from any source or activity so as to become a nuisance to occupiers of adjoining properties or impair or impinge upon the amenity of occupiers of properties within the near vicinity to the satisfaction of the Responsible Authority.

**9. 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.

**10. External Lighting**

External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.

**11. Management of Waste**

No emptying of bottles into external waste bins is permitted after 8pm on any night or before 9.00am on any day.

**12. Waste Management Plan**

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

- a) The location and space allocated for storage of waste and recyclable materials, bins and containers;
- b) The type of waste and recyclable materials, bins and containers;
- c) The garbage and recycling equipment (e.g. vehicles and lifting equipment) to be used;
- d) The frequency and timing of waste collection;
- e) The path of access for both users and collection vehicles;
- f) Demonstrate how all collection vehicles can enter and exit the premises in a forward direction. Vehicles must not reverse from the site at any time; and
- g) Measures to manage and minimise noise, odour and litter.

Waste management must be undertaken in accordance with the approved Waste Management Plan to the satisfaction of the Responsible Authority. The endorsed Waste Management Plan shall have ongoing force or effect unless otherwise approved in writing by the Responsible Authority.

**13. Waste Storage**

External waste storage areas shall be restricted to the storage bin area shown on the approved plan or to properly surfaced and drained areas (for pressed and baled materials only). 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.

**14. Drainage Plans and Construction**

Prior to occupation of the development, stormwater drainage from the proposed accessible W/C and two shipping containers must be connected to the existing stormwater drainage system and must not be allowed to flow uncontrolled. The drainage must accord with the Infrastructure Design Manual and other standards of the Responsible Authority. 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 occupation of new development.

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

**15. 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:****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.

**Food Act 1984**

**An application for, and assessment of, food premises construction compliance under the Victorian *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.**

**Moved: Cr Ben Taylor****CARRIED****Seconded: Cr Amy Johnson****(R306/18)****EXECUTIVE SUMMARY**

On 3 May 2018 an Application was lodged for an amendment to the existing permit to allow the sale and consumption of liquor, increase the hours of operation and patron numbers, building and works, including the use of the gallery space as a restaurant and function centre and a further reduction in car parking requirements. The Application was advertised and Council received no objections. It is recommended that Council issue a Notice of Decision to Grant a Planning Permit subject to Conditions.

Cr Moloney

I request a report to briefing for review of Liquor Licensing Delegation Policy.

### **9.7. QUARTERLY FINANCIAL REPORT**

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

#### **RESOLUTION:**

**Council resolves to:**

- 1. Receive the 1<sup>st</sup> Quarter Financial Report for the 2018/19 financial year and note the financial issues contained within the report.**

**Moved: Cr Ben Taylor**

**CARRIED**

**Seconded: Cr Daniel Moloney**

**(R307/18)**

#### **EXECUTIVE SUMMARY**

This report sets out the 1<sup>st</sup> Quarter financial results for the 2018/19 financial year of the Ballarat City Council. The report highlights the major financial issues for the quarter.

**9.8. ADVISORY COMMITTEE TERMS OF REFERENCE**

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

**RESOLUTION:**

**Council resolves to:**

- 1. Revoke the Terms of Reference for Advisory Committees endorsed by Council as below:**
  - a. Intercultural Advisory Committee Terms of Reference endorsed 23 May 2012 by resolution R181/12; and**
  - b. Mt Buninyong Reserve Advisory Committee Terms of Reference as previously endorsed by Council.**
- 2. Endorse the Terms of Reference for the following Advisory Committees:**
  - a. Intercultural Advisory Committee; and**
  - b. Mt Buninyong Reserve Advisory Committee.**
- 3. Disband the Committees and revoke the Terms of Reference endorsed by Council as below;**
  - a. Ballarat Live Music Strategy Advisory Committee endorsed 27 May 2015 by resolution R174/15;**
  - b. Ballarat West Structure Plan Advisory Committee endorsed 3 March 2010 by resolution R065/10;**
  - c. Positive Ageing Advisory Committee endorsed 28 January 2015 by resolution R014/15; and the**
  - d. Water Resources Advisory Committee endorsed 28 January 2004 by resolution C20/04.**

**Moved: Cr Jim Rinaldi**  
**Seconded: Cr Belinda Coates**

**CARRIED**  
**(R308/18)**

**EXECUTIVE SUMMARY**

The purpose of this report is to adopt revised Terms of References for the Intercultural Advisory Committee and the Mt Buninyong Reserve Advisory Committee and to disband the Ballarat Live Music Strategy Advisory Committee, Ballarat West Structure Plan Advisory Committee, Positive Ageing Advisory Committee and the Water Resources Advisory Committee as they are no longer required to meet the Council Plan.

**9.9. CONTRACTS COMMITTEE**

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

**RESOLUTION:**

**Council resolves to revise the Contracts Approval Special Committee of Council:**

- 1. To deal with all contractual matters from \$250,000 up to the value of \$1million as a full delegated committee of Council with all rights and responsibilities pursuant to *Section 86 of the Local Government Act 1989*.**
- 2. To make formal recommendations to full Council on all contractual matters exceeding \$1million in value.**
- 3. Revoke the Terms of Reference for the Contracts Approval Special Committee endorsed 25 October 2017 by resolution R391/17.**
- 4. To adopt a membership arrangement being the Sustainability Portfolio Councillors.**
- 5. Endorse the Terms of Reference as amended with a membership option selected for the Contracts Approval Special Committee.**
- 6. Revoke the C4 Instrument of Delegation for the Contracts Approval Special Committee endorsed 23 August 2018 by resolution R280/17.**
- 7. Endorse the revised C4 Instrument of Delegation for the Contracts Approval Special Committee.**
- 8. Review the Terms of Reference for the Committee in 2019.**

**Moved: Cr Ben Taylor**

**Seconded: Cr Grant Tillett**

**CARRIED**

**(R309/18)**

**EXECUTIVE SUMMARY**

Council's Contracts Approval Special Committee has operated effectively in determining best value outcomes for Council's procurement processes for projects that exceed \$250,000 up to \$1million in value. The Committee will be comprised of membership to be resolved by Council.

With the growth of Ballarat and the continued major projects which the Council is progressing, it is considered that a modernisation of the Contracts Approval Special Committee would be appropriate. It is recommended that the structure of the Committee be reviewed given the breadth of expenditure and extend the delegated authority committed to the Contracts Approval Special Committee. It is further recommended that this Committee in an agreed form, resume the responsibilities of the former Contracts Approval Special Committee as soon as practicable.

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**9.10. 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 Daniel Moloney**

**CARRIED**

**Seconded: Cr Belinda Coates**

**(R310/18)**

**EXECUTIVE SUMMARY**

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



**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 09:31 pm whilst the Council is dealing with the following matters;

**Moved: Cr Jim Rinaldi**  
**Seconded: Cr Mark Harris**

**CARRIED**  
**(R311/18)**

**9.3. BUSINESS GRANT APPLICATION - WOOTTEN BUDGET**

**Division:** Development and Planning  
**Director:** Angelique Lush  
**Author/Position:** Helen Arnts - Business Engagement Officer

(contractual matters)

**9.4. AUSTRALIAN JAZZ CONVENTION TOURISM EVENT FUNDING BUDGET**

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

(contractual matters)

**12.1. BALLARAT SQUASH & RACQUET CENTRE ROOF STRUCTURE RENEWAL**

**Division:** Infrastructure and Environment  
**Director:** Terry Demeo  
**Author/Position:** Michael O'Connell - Property Officer Facility Management

(contractual matters)

**12.2. RECYCLING CONTRACT REVIEW**

**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 09:43 pm and adopt the resolutions made therein.**

**Moved: Cr Jim Rinaldi** **CARRIED**  
**Seconded: Cr Daniel Moloney** **(R314/18)**

**13. CLOSE**

The CEO reported on items discussed in closed Council.

**The Mayor declared the meeting closed at 09:44 pm.**

**Confirmed this** **day of** **2018.**

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**Mayor**