

Ordinary Council Meeting

31 January 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 31 JANUARY 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 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

Mr John Ciavarella - Acting Manager Statutory Planning

Ms Ali Evans - Administration Officer Statutory Compliance

Ms Sarah Anstis - Governance Administration Officer

2.2 Apologies

Cr Amy Johnson

RESOLUTION:

That the apology be accepted.

Moved: Cr Mark Harris CARRIED Seconded: Cr Jim Rinaldi (R01/18)

3. DISCLOSURE OF INTEREST

3.1 DIRECT INTERESTS

Nil

3.2 INDIRECT INTERESTS

Nil

Note:

Cr Daniel Moloney stated that there may be a potential perceived conflict of interest on item 9.6 as he has a membership with two rowing clubs.

Cr Ben Taylor stated that there may be a potential perceived conflict of interest on item 9.1 as he was the previous owner of the property, 2 Eddy Avenue, 12 years ago.

4. CONFIRMATION OF MINUTES

RESOLUTION:

That the Minutes of the Council Meeting on 13 December 2017 as circulated be confirmed.

Moved: Cr Belinda Coates CARRIED Seconded: Cr Daniel Moloney (R02/18)

5. MATTERS ARISING FROM THE MINUTES

Nil

6. PUBLIC QUESTION TIME

QT01/18 - Mr Robert Scott - Newington

Question

There was no mention on the City of Ballarat website of the Ballarat Citizen of the Year Awards. I called staff at the City of Ballarat and was told that this was a private event, but the staff member that I spoke to wasn't able to tell me why it was private. I am disappointed that I was not able to attend. Peter Caligari was a worthy winner and I would like to know why this was a closed event?

Answer

Justine Linley, Chief Executive Officer

The Citizenship and Awards Ceremony were not closed to members of the public, but they were not broadly and widely promoted.

Mr Robert Scott

I rang an employee who told me that it was a closed event.

Cr Samantha McIntosh, Mayor

We will follow up on this. Peter Calligari was an exceptionally worthy recipient. The event was held at the chosen venue due to the numbers of attendees as there were lots of new citizens being welcomed.

Cr Daniel Moloney

Is it possible to separate the Australia Day Awards and the Citizenship Ceremony, and could these events possibly be in a larger venue?

Justine Linley, Chief Executive Officer

We will be reviewing the event surrounding Australia Day. We wouldn't have been able to fit many more people into the venue, so we will look into other venues and separating the events.

QT02/18 - Mr Gary Fitzgerald - Ballarat East

Question

Thanks to the people from Eddy Avenue for your commitment to your cause. I will not ask my questions and will give them the time that my questions would take.

QT03/18 - Mr Frank Williams - Invermay Park

Question

My issue is regarding the controversial Vic Roads proposal of a bike path through Ballarat Central. Has the City of Ballarat adopted a position in relation to the closed roads and the bike track, and have they completed an assessment into the effect on the elm trees?

Answer

Cr Samantha McIntosh, Mayor

Council have not adopted a position and this issue will possibly come to the next meeting of Council. We have looked at the proposal and have put forward a number of questions.

In regard to the mature elm trees I personally, and I am just speaking for myself, however I would not accept the demolition of statues or trees and we will look closely at these plans when they come back to us. Vic Roads have done a significant layer of consultation with the community, from which they will bring back plans.

Cr Grant Tillett

This is a very interesting question and we need to acknowledge that the end of Sturt Street is Vic Roads property. However does that extend to the trees and the statues?

Terry Demeo, Director Infrastructure and Environment

Council maintains and controls the Sturt Street Gardens (central median) and there has been extensive work with Council arborists to ensure minimal impact.

QT04/18 - Mr Frank Williams - Invermay Park

Question

Will City of Ballarat facilitate a public forum for reactions to the proposals?

Answer

Cr Samantha McIntosh

Vic Roads have a full set up of boards with information at the Ballarat Mechanics Institute, with this information also being available on their website. There was also door knocking of residents and businesses.

Terry Demeo, Director Infrastructure and Environment

There has been extensive invitation to consult given to the affected areas and those parties invited did take up the opportunity to individually consult. A lot of energy has been put into consulting and this is ongoing and will be considered when council takes up a position in due course.

Frank Williams,

Mr Howard's letter to the editor states that Vic Roads cannot proceed without the support of Council. Is this correct?

Cr Samantha McIntosh, Mayor

Yes, this is correct.

Cr Grant Tillett

If Vic Roads wish to complete the road works but they do not wish to do the bike track, do they still need to come to us for approval to do the works?

Terry Demeo, Director Infrastructure and Environment

Funding for this project is via TAC for the complete project which aims to provide a safer road system. I do not think that a project that is incomplete will go ahead.

Cr Samantha McIntosh. Mayor

You can make further contact if you wish for more clarification.

QT05/18 - Don Boak, Mt Clear

Question

There was a blackwood tree in front of our property which has been taken out. I rang and spoke to the arborist and questioned why the tree was taken out, and asked to see the report into why this was completed? Is this correct procedure and why can't I see this report?

Answer

Terry Demeo, Director Infrastructure and Environment I will take this question on notice.

7. REPORTS FROM COMMITTEES/COUNCILLORS

GB01/18 - Cr Jim Rinaldi

I have a question regarding the Jack Grenville Reserve. The barbecues in the area have been disconnected and I would like to know how they can be reconnected? Could a response be provided to be conveyed to the Councillors and residents of the area.

GB02/18 - Cr Grant Tillett

I understand that there were to be changes to the traffic management arrangements at the Miners Rest school before the commencement of school year. Has this taken place?

Mr Terry Demeo, Director Infrastructure and Environment

Consultation has been completed, receiving 3 responses all of which were positive. They didn't want parking in front of the vacant block of land in front of their block, however were happy with having a one-way street. Works will be undertaken next week, to put in place the one-way street, turning lane and signage required.

Cr Grant Tillett

My second question is that more than 6 months ago there was a discussion regarding recreation facilities in the City. I had asked for a review of recreation 'exposure' in regards to all recreation facilities in the City.

Mr Neville Ivey, Director Community Development

This is a large piece of work covering participation in all sports and complexities around ovals and facilities across the City. This extensive work will be coming into the next cycle.

GB03/18- Cr Daniel Moloney

I look forward to the report on sport participation and facilities.

We had been promised a review of the issues with our buses and timetabling by Public Transport Victoria within a period of twelve months. 29 January 2018 marked the 12 month anniversary of when this was promised, I am hoping that we can update letters to Public Transport Victoria asking for the full review of issues with our buses and public transport. The operation of our buses is very important.

I would like to notify the Chambers that this afternoon I resigned from the board of MADE (Museum of Australian Democracy at Eureka). I do so with a heavy heart as there are so many people there that work very hard to preserve this piece of history. However this is an unusual situation where I have been appointed by Council to act on behalf of Council. This Committee is owned by Council, such as the Committee for Her Majesty's Theatre Board which I sit on. I hope to always make decisions which are for the best interest of both MADE and the City of Ballarat. With the decision making which we will be undertaking regarding MADE which will guide the future of MADE, I don't think that it is appropriate that I be on the board of MADE.

GB04/18 Cr Mark Harris

Is there a requirement that the City of Ballarat be represented on this board?

Justine Linley, Chief Executive Officer

No, there is no requirement for the City of Ballarat to have a director on the board in the constitution or in the General Service Agreement.

GB05/18 Cr Jim Rinaldi

I met with people running the Victorian Battery Storage Facility for which many of the details are still unknown. I think we need to let the community know as much as we can although we don't have all the information.

GB06/18 Cr Belinda Coates

I would like to provide an update from the Koorie Engagement Action Group. The final of four sessions have been held and some Councillors have attended. The sessions provided some very great and interesting stories.

There will be an invitation to all Councillors in the coming months and there is an expectation from the Koorie Community that all Councillors will take part in these events to build these relationships.

Cr Samantha McIntosh, Mayor

All Councillors do try and attend these events and we have interaction with the Koorie community in other forums.

GB07/18 Cr Ben Taylor

I just realised that this is our first meeting of the year, so the first time that we have met since Christmas, so I would like to mention the Road National Cycling Championships which was a very successful event and I would like to congratulate all the staff. All staff responded well to changes that were required due to the extreme weather.

Council also ran fireworks on Australia Day. These were welcome and well received and it 'really went off with a bang'.

GB08/18 Cr Samantha McIntosh, Mayor

I would also like to thank Officers for the Road Nationals Cycling Championships. I would also like to congratulate the Sebastopol Cycling Club who put on an event which bought people to town a few days earlier and increased stay times. There were many successes around these events.

The art show in Back Space, Summer Sundays, Australia Day fireworks, were all examples of lots of events which took place over a month that is normally very quiet. We are seeing a vibrant City throughout this month and thanks to Officers who could be off on holidays themselves.

I would like to reiterate to all Australia Day award recipients that their successes have been given to Ballarat far and wide. We need to reflect on all of those, even the nominees. Peter Caligari should be celebrated, along with the Young Citizen of the year and Event of the Year.

2018 will be a great year!

RESOLUTION:

To accept Councillor reports.

Moved: Cr Jim Rinaldi CARRIED
Seconded: Cr Ben Taylor (R03/18)

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:

- 4 October 2017 Infrastructure and Environment Portfolio Meeting No 164
- 1 November 2017 Infrastructure and Portfolio Meeting No 165
- 15 November 2017 Infrastructure and Environment Portfolio Meeting No 166
- 17 January 2018 Councillor Briefing
- 1 December 2017 Prosperity Portfolio Meeting Development and Planning
- 6 December 2017 Infrastructure and Environment Portfolio Meeting No 167
- 8 December 2017 Prosperity Portfolio Meeting Development and Planning
- 13 December 2017 Community Safety Advisory Committee
- 15 December 2017 Western Highway Action Committee
- 20 December 2017 Councilor Briefing

Moved: Cr Grant Tillett CARRIED
Seconded: Cr Belinda Coates (R04/18)

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. PLP/2017/308 2 EDDY AVENUE, MOUNT HELEN

Division: Development and Planning

Director: Angelique Lush

Author/Position: Jade Erwin - Statutory Planner

Mr Kevin Zibell, Ms Linda Zibell, Mr Kevin Flynn, Ms Debra Harris, Mr Dale Young and Ms Janice Marty made public representations.

RESOLUTION:

Council resolves to:

Issue a Notice of Refusal to Grant a Planning Permit PLP/2017/308 for the land located at 2 Eddy Avenue Mount Helen for the development of an apartment building comprising ten (10) dwellings and basement car park based on the following grounds of refusal:

1. Grounds of Refusal

- a. The intensity, scale, bulk and built form of the development does not respond to the existing spatial and visual characteristics of its location, but proposes a much higher housing density than that evident in the street which will have a significant negative impact on the existing neighbourhood character.
- b. The proposed development fails to comply with the ResCode requirements at Clause 55 including Standard B1, Standard B6, Standard B28, and Standard B32.
- c. The proposed development fails to comply with planning policies aimed at protecting neighbourhood character, including Clause 15.01-2, Clause 15.01-5, Clause 21.06-3 and Clause 32.08.
- d. The proposal is inconsistent with the purpose of the General Residential Zone (GRZ1) which aims to encourage development that respects the neighbourhood character of the area.

Moved: Cr Jim Rinaldi CARRIED Seconded: Cr Des Hudson (R05/18)

EXECUTIVE SUMMARY

On 18 May 2017, an Application was lodged for the development of an apartment building comprising ten (10) dwellings and a basement car park at 2 Eddy Avenue, Mount Helen. The Application was advertised and Council has received 64 objections. It is recommended that Council issue a Notice of Decision to Grant a Planning Permit subject to Conditions.

PROCEDURAL MOTION:

That Council adjourn for 10 minutes at 9:44pm.

Moved: Cr Mark Harris CARRIED Seconded: Cr Ben Taylor (R06/18)

PROCEDURAL MOTION:

That Council resumes at 9:59pm.

Moved: Cr Ben Taylor CARRIED Seconded: Cr Des Hudson (R07/18)

PROCEDURAL MOTION:

That item number '9.10 Tourism Event Grant Funding Application - 2018 CAMS Rally' be brought forward.

Moved: Cr Des Hudson CARRIED Seconded: Cr Jim Rinaldi (R08/18)

9.10. TOURISM EVENT GRANT FUNDING APPLICATION - 2018 CAMS RALLY

Division: Development and Planning

Director: Angelique Lush

Author/Position: Daniel Henderson – Acting Executive Manager Events and the Arts

Mr. Chris Stevens made a public representation

RESOLUTION:

Council resolves to:

Approve a one-year \$7,500 (excl. GST) Tourism Event Grant for the 2018 CAMS Rally event.

Moved: Cr Mark Harris CARRIED Seconded: Cr Des Hudson (R09/18)

EXECUTIVE SUMMARY

Council has received a Tourism Event Grant application for the 2018 CAMS Rally event, planned for 3-4 March 2018. The event is in its second year and features a round of both the Australian Rally Championship (ARC) and the Victorian Rally Championship (VRC). The funding request is for \$25,000 and the event expects a total attendance of 7,500 people with anticipated economic impact of the event at approximately \$594,000.

9.2. AUDIT ADVISORY COMMITTEE MEETING 29TH NOVEMBER 2017

Division: Business Services

Director: Glenn Kallio

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

RESOLUTION:

Council resolves to:

1. Endorse the minutes of the Audit Advisory Committee for 29 November, 2017 and adopt the resolutions made therein.

Moved: Cr Grant Tillett CARRIED
Seconded: Cr Ben Taylor (R10/18)

EXECUTIVE SUMMARY

This Report provides Council with the Minutes of the meeting of Council's Audit Advisory Committee held on 29 November, 2017.

9.3 CENTRALISED & ANNUALISED VALUATIONSCENTRALISED & ANNUALISED VALUATIONS

Division: Business Services **Director:** Glenn Kallio

Author/Position: Rod Leith - Manager Revenue & Procurement Services

RESOLUTION:

Council resolves to:

- 1. Acknowledge the recent changes to the Valuation of Land Act 1960 resulting in the centralisation of valuations made for rating and taxation purposes with the Valuer-General Victoria and the introduction of annual valuations for Council Rate setting purposes, Land Tax and Fire Services Property Levy from the 2019 revaluation year onwards.
- 2. Not exercise its power under Section 10 of the Valuation of Land Act 1960 to 'opt-out' of the centralised valuation process with the Valuer-General Victoria.

Moved: Cr Ben Taylor CARRIED Seconded: Cr Mark Harris (R11/18)

EXECUTIVE SUMMARY

All Councils in Victoria are currently required to complete a revaluation of all properties every 2 years. Currently land valuation services in the City of Ballarat, for the purposes of Council Rate setting, are performed by a Valuation contractor appointed by Council, Opteon Victoria Pty Ltd. The current valuation contract will expire during mid 2018.

On 14 December 2017 the State Parliament passed the *State Taxation Acts Further Amendment Act 2017* and received Royal assent on 19 December 2017. Among the reforms of this legislation were significant changes to the process for land valuations for rating and taxation purposes.

Commencing from 1 July 2018 the Government will centralise land valuations with Valuer General Victoria and introduce annual valuations for Council Rate setting, Land Tax and Fire Services Property Levy purposes.

Due to the impact on Councils, the *Valuation of Land Act 1960* will allow for individual Councils to 'opt-out' of the centralisation with the Valuer General Victoria until 2022. If Council wishes to 'opt-out' of the 2019 valuation, it must do so by Monday 12 February 2018 (extension from closing date of 30 January 2018 granted to City of Ballarat by Valuer-General, Robert Marsh).

The State Government has agreed to pay the full cost of annual valuations (excludes supplementary valuations), unless the Council 'opts-out', in which case existing funding arrangements are maintained, (Council currently spends approximately \$100,000 per annum on general valuations, after allowing for SRO funding). Advice from the Valuer General and the MAV states that the new arrangements will save Victorian Councils \$15 million collectively every 2 years. Council will track the cost or savings impact for the City of Ballarat.

9.4. RATE CAP AND VARIATION

Division: Business Services

Director: Glenn Kallio

Author/Position: Glenn Kallio - Director Business Services

RESOLUTION:

Council resolves to:

1. Advise the Essential Services Commission that it does not intend to seek a variation to the rate cap of 2.25 percent for the 2018-2019 Financial Year.

Moved: Cr Daniel Moloney CARRIED Seconded: Cr Jim Rinaldi (R12/18)

EXECUTIVE SUMMARY

In 2015 the Victoria Government introduced the Fair Go Rates system which commenced in the 2016-2017 financial year. Legislation required to give effect to the system was passed by the Victorian Parliament in November 2015 and come into operation on 2 December 2015.

Before 31 December each year, the Minister for Local Government decides upon and announces the Average Rate Cap to apply in the forthcoming year. The Minister has set the Average Rate Cap for the Financial Year 2018–2019 at 2.25 percent.

The Fair Go Rates system provides for the ability for Councils to apply for a higher cap. Any Council intending to seek a variation or a higher cap for the forthcoming financial year is required to indicate that intention by 31 January 2018.

It is proposed that the Council advises the Essential Services Commission that it does not intend to seek a variation to the rate cap for the 2018-2019 Financial Year.

9.5. RECOMMENDATION OF ARTWORK FOR THE WENDOUREE WEST RECREATION RESERVE

Division: Development and Planning

Director: Angelique Lush

Author/Position: Kate Gerritsen - Public Art Coordinator

RESOLUTION:

Council resolves to:

1. Accept the Public Art Advisory Committee recommendation for commission of Col Henry's artwork 'Spirit of the Forest' at Wendouree West Recreation Reserve.

Moved: Cr Mark Harris CARRIED Seconded: Cr Daniel Moloney (R13/18)

EXECUTIVE SUMMARY

On 17 January 2017, Council entered into a funding agreement with the Department of Justice and Regulation for delivery of the Wendouree West Recreation Reserve Safety Activation Project. The Project includes \$20,000 for the commissioning of a public artwork to accompany upgrades to public amenities at the Reserve. The artist selection process has resulted in the Public Art Advisory Committee recommending the artwork 'Spirit of the Forest' by Col Henry to be installed in the Reserve in March 2018.

9.6. LAKE WENDOUREE AND GARDENS ADVISORY COMMITTEE UPDATED TERMS OF REFERENCE

Division: Infrastructure and Environment

Director: Terry Demeo

Author/Position: Terry Demeo, Director Infrastructure and Environment

RESOLUTION:

Council resolves to:

- 1. Revoke the Terms of Reference for the Lake Wendouree and Gardens Advisory Committee as endorsed by Council on 22 April 2015 by resolution R140/15.
- 2. Endorse the draft Terms of Reference for the Lake Wendouree and Gardens Advisory Committee.
- 3. Sign and Seal the endorsed Terms of Reference for the Lake Wendouree and Gardens Advisory Committee.
- 4. Appoint Councillor Samantha McIntosh and Councillor Daniel Moloney as nominated representatives to the Committee with Councillor Ben Taylor as deputy for the Committee if required.
- 5. In accordance with the Terms of Reference, Council appoint Councillor Samantha McIntosh as the Chair of the Committee for the initial 12 months of the operation of the Committee under these Terms of Reference.

Moved: Cr Daniel Moloney CARRIED Seconded: Cr Grant Tillett (R14/18)

EXECUTIVE SUMMARY

The purpose of this report is to adopt revised Terms of Reference documents for the Lake Wendouree and Gardens Advisory Committee.

9.7. BALLARAT HERITAGE ADVISORY COMMITTEE TERMS OF REFERENCE

Division: Development and Planning

Director: Angelique Lush

Author/Position: Susan Fayad - Coordinator Heritage and Cultural Landscapes

RESOLUTION:

Council resolves to:

1. Endorse the revised Ballarat Heritage Advisory Committee Terms of Reference.

- 2. Appoint Cr Moloney as the second Councillor of the Ballarat Heritage Advisory Committee.
- 3. Appoint two newly elected general community representatives for a three- year term: Mr. Cornelius (Neil) Huybregts and Ms. Ailsa Brackley du Bois.
- 4. Note the future appointment of two (2) community representatives (15-25 years of age) following adoption of the Terms of Reference by Council, with a further report to come to Council.

Moved: Cr Ben Taylor CARRIED Seconded: Cr Jim Rinaldi (R15/18)

EXECUTIVE SUMMARY

On 13 December 2017, Council adopted *Our People, Culture & Place. A plan to sustain Ballarat's heritage 2017-2030* (the heritage plan) and moved to 'review the Ballarat Heritage Advisory Committee Terms of Reference in accordance with the heritage plan recommendations' (R454/17). In line with Council's Committee Policy, the revised Ballarat Heritage Advisory Committee Terms of Reference (ToR) is presented here for Council's consideration.

The revision includes changes to the Purpose, Objectives and Membership of the Committee, as outlined in this report, and applies Council's most recent standard Terms of Reference template. The revised ToR has been approved by Committee members and all new members proposed in the ToR have confirmed they are available to sit on the Committee. In addition, two (2) general community representative positions have been publicly advertised with new members, Mr. Cornelius (Neil) Huybregts and Ms. Ailsa Brackley du Bois, elected by Committee members. Two further community representatives (15-25 years of age) are new membership positions to be appointed post adoption of the ToR by Council. An additional report would come to Council for consideration at that time.

9.8. PLP/2017/789 40 LYDIARD STREET NORTH BALLARAT CENTRAL

Division: Development and Planning

Director: Angelique Lush

Author/Position: Rachel Blackwell - Statutory Planner

RESOLUTION:

Council Resolves to:

 Issue Planning Permit PLP/2017/789 for land at 40 Lydiard Street North Ballarat Central for use of the land for the sale and consumption of liquor (General Liquor Licence) subject to the following conditions:

1. Approved Plans

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

2. 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:

Monday - Saturday
 Sunday
 Good Friday/Anzac Day
 8.00am - 1.00am
 10.00am - 11.00pm
 12.00pm - 11.00pm

3. Limit on Number of Patrons

Without the prior written consent of the Responsible Authority, not more than 78 patrons may be present within that part of the licensed area confined to the building and not more than 67 patrons may be present within that part of the licensed area confined to the outdoor dining area 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. Sale and Consumption of Liquor - Food & Drink

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

5. Management of Waste

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

6. Noise from Premises SEPP N1 and N2

The licensee shall ensure that the level of noise emitted from the premises shall not exceed, to the satisfaction of the Responsible Authority:

(a) the permissible noise level from mechanical equipment as specified in the State Environment Protection Policy N-1 (Control of Noise Industrial, Commercial and Trade Premises within the Melbourne Metropolitan area); and

(b) the permissible noise levels for entertainment noise as specified in the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2:

7. Background Music Only

The provision of music and entertainment on the premises must be limited to background music or entertainment by performers using non-amplified instruments unless with the further written consent of the Responsible Authority.

8. Amenity

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

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

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

9. Expiry

The permit will expire if the use does not commence within two 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 three months afterwards.

Notes:

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.

Tobacco Act 1984

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

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

Loudspeakers

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

Moved: Cr Mark Harris CARRIED Seconded: Cr Ben Taylor (R16/18)

EXECUTIVE SUMMARY

On 27 November 2017 an application was lodged for the use of land at 40 Lydiard Street North, Ballarat Central for the sale and consumption of liquor. The application was advertised, and Council has received no objections. It is recommended that Council issue a planning permit subject to conditions.

9.9. TOURISM EVENT GRANT PROGRAM APPLICATIONS - SWIM TO THE RINGS

Division: Development and Planning

Director: Angelique Lush

Author/Position: Daniel Henderson – Acting Executive Manager Events and the Arts

RESOLUTION:

Council resolves to:

Approve a one-year \$3,000 (excl. GST) Tourism Event Grant for the 2018 Swim to the Rings event.

Moved: Cr Daniel Moloney CARRIED Seconded: Cr Jim Rinaldi (R17/18)

EXECUTIVE SUMMARY

Council has received a Tourism Event Grant application for the inaugural 2000m Open Water 'Swim to the Rings' event, planned for 25 March 2018. The event is organised by the Ballarat Triathlon Club and will be held at Lake Wendouree along the rowing course. The event will also include a 500m 'Splash and Dash' swim event. The funding request is for \$22,000 and the event expects a total attendance of 2,500 people with an anticipated economic impact of approximately \$127,500.

9.11. TOURISM EVENT GRANT APPLICATION - PLATE UP BALLARAT

Division: Development and Planning

Director: Angelique Lush

Author/Position: Daniel Henderson – Acting Executive Manager Events and the Arts

RESOLUTION:

Council resolves to:

Approve a one-year \$25,000 (excl. GST) Tourism Event Grant for the 2018 Plate Up Ballarat.

Moved: Cr Ben Taylor CARRIED Seconded: Cr Belinda Coates (R18/18)

EXECUTIVE SUMMARY

Council has received a Strategic Partnership Grant application from Plate & Glass Pty Ltd requesting \$30,000 (Ex GST) in funding over three years for a new tourism focused food and wine event called Plate Up Ballarat. As Plate Up Ballarat is a month-long food and wine festival, it has been assessed as a Tourism Event Grant Application. The event is proposed to be held in May 2018 and will showcase Ballarat's most prominent restaurants, celebrated chefs, local producers and favourite dishes from the region. The funding request of \$30,000 is for marketing activities, infrastructure and equipment hire. The event expects a total attendance of over 25,000 for its first event. The anticipated economic impact of this event is projected to be more than \$860,860.

9.12. ADJUSTMENT TO MAYORAL AND COUNCILLOR ALLOWANCE

Division: Business Services Glenn Kallio

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

RESOLUTION:

That Council note the report to increase the Mayoral and Councillor Allowance by 2.0% from 1 December 2017 in accordance with the notice published in the Government Gazette G47 on 23 November 2017.

Moved: Cr Mark Harris CARRIED Seconded: Cr Ben Taylor (R19/18)

EXECUTIVE SUMMARY

The Minister for Local Government, the Hon Marlene Kairouz MP has reviewed the limits and ranges of the current Mayoral and Councillor Allowances and has determined under section 73B of the Local Government Act 1989 that the allowances be increased by an adjustment factor of 2.0% from 1 December, 2017.

The Minister has advised that Council must therefore increase the current Mayoral and Councillor allowances by 2.0% from 1 December 2017, under section 73B(5) of the Act.

This adjustment was advertised in the Victorian Government Gazette on 23 November, 2017.

9.13. 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 Leanne Wilson, effective as at 31 January 2018.

- 2. Revoke the S11A. Instrument of Appointment and Authorisation (Planning and Environment Act 1987) for Louise Barton, effective as at 31 January 2018.
- 3. Endorse the S11A. Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) for Stephanie Durant effective as at 31 January 2018.
- 4. Endorse the S11A. Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) for Lynne Souter effective as at 31 January 2018.
- 5. Sign and affix Council's Common Seal to the S11A. Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*).

Moved: Cr Mark Harris CARRIED Seconded: Cr Ben Taylor (R20/18)

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
Leanne Wilson	31 January 2018
Louise Barton	31 January 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
Stephanie Durant	31 January 2018
Lynne Souter	31 January 2018

9.14. 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 27 September 2017 (R223/17).
- 2. Exercise Council's 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. Remain 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 Grant Tillett CARRIED
Seconded: Cr Ben Taylor (R21/18)

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 27 September 2017 (R223/17) and to endorse the revised Instrument reflecting changes to conditions and limitations within the *Planning and Environment Act 1987*.

9.15. 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 Mark Harris CARRIED Seconded: Cr Daniel Moloney (R22/18)

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 10:52 pm whilst the Council is dealing with the following matters;

Moved: Cr Mark Harris CARRIED Seconded: Cr Des Hudson (R23/18)

12.1 PROCUREMENT AUSTRALIA – CONTRACT 2106/0634 RETAIL ELECTRICITY, NATURAL GAS AND ASSOCIATED SERVICES

Division: Business Services **Director:** Glenn Kallio

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

(Contractual matters)

12.2 CHS BROADBENT - BUSINESS GRANTS PROGRAM APPLICATION

Division: Development and Planning

Director: Angelique Lush

Author/Position: Siobhan Dent – Economic Development Officer

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

Council)

(Contractual matters)

12.3 AUDIT ADVISORY COMMITTEE - 29 NOVEMBER 2017

Division: Business Services **Director:** Glenn Kallio

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

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

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12.4 TOURISM EVENT GRANT APPLICATION BUDGET - CAMS RALLY

Division: Development and Planning

Director: Angelique Lush

Author/Position: Daniel Henderson – Acting Executive Manager Events and the Arts

(Contractual matters)

12.5 TOURISM EVENT GRANT APPLICATION BUDGET – SWIM TO THE RINGS BUDGET

Division: Development and Planning

Director: Angelique Lush

Author/Position: Kate Joss – Community Events Officer

(Contractual matters)

12.6 TENDER 2017/18-163 GILLIES ROAD RECONSTRUCTION

Division: Infrastructure and Environment

Director: Terry Demeo

Author/Position: Robin Hand – Contracts Administration Officer

(Contractual matters)

12.7 TOURISM EVENT GRANT PROGRAM - PLATE UP BALLARAT BUDGET

Division: Development and Planning

Director: Angelique Lush

Author/Position: Kate Joss – Community Events Officer

(Contractual matters)

12.8 TENDER 2017/18-134 RENEWAL OF AIRPORT HUT 48, 50 & 52

Division: Infrastructure and Environment

Director: Terry Demeo

Author/Position: Michael O'Connell - Project Officer Facility Management

(Contractual matters)

RESOLUTION:

That Council move out of closed Council at 11:17 pm and adopt the resolutions made therein.

Moved: Cr Ben Taylor CARRIED Seconded: Cr Jim Rinaldi (R28/18)

13. CLOSE

The CEO reported on the items discussed in closed Council.

The Mayor declared the meeting closed at 11:18 pm.

Confirmed this	day of	2018.
		Mayor