



Ordinary Council Meeting

3 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 3 OCTOBER 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 Stephen Bigarelli - Acting Director Business Services
Ms Angelique Lush - Director Development and Planning
Mr Cameron Gray - Director Innovation and Organisational Improvement
Ms Lisa Kendal - Manager Strategic Planning
Mr Cameron Montgomery - Executive Manager Safety, Risk and Compliance
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 12 September 2018 as circulated be confirmed.

Moved: Cr Amy Johnson

Seconded: Cr Daniel Moloney

CARRIED

(R273/18)

5. MATTERS ARISING FROM THE MINUTES

6. PUBLIC QUESTION TIME**QT57/18 - Mr Gary Fitzgerald, Ballarat East****Question**

The Coat of Arms dates back to before amalgamation and lived in the foyer of the Civic Hall. It was meant to be taken to the tip and to be disposed of, however last Saturday it turned up for auction. The Save Civic Hall Group have worked long and hard over the years to save the Hall. We were successful in purchasing the Coat of Arms. The Save Civic Hall group will present the Arms back to the people of Ballarat. Madam Mayor and Councillors, its a travesty that part of our heritage can be lost in this way. Can Council undertake an audit of all our assets to know what we have?

Answer

Cr Samantha McIntosh, Mayor

Save Civic Hall bid \$1,700 on the Coat of Arms and they are currently working on reinstating them to their original position at the entrance. In relation to the asset register, Council has looked at an asset register and looked at our buildings and included monuments owned by Council. Roger Trudgeon has been working through items and he has been through most of the Town Hall. Everything has a barcode and is recorded digitally into a register. The register will prevent this from occurring in the future.

QT58/18 - Mr John Barnes, Brown Hill**Question**

On Saturday 6 October between 12-1pm, Save our Station are having a public meeting at Victorian Railways Institute Hall in Lydiard Street. As you are aware, Save our Station are major advocates in the community for a better outcome in the station redevelopment and Council have also been advocating behind the scenes. Will someone from Council attend the meeting on Saturday where you can outline what you have been advocating and the success you have had?

Answer

Cr Samantha McIntosh, Mayor

I am available and so is Cr Rinaldi.

QT59/18 - Mr John Barnes, Brown Hill**Question**

Did Councillors have the opportunity to discuss the Annual Report? Would you be in position to outline key financial, operational and governance issues that you have learnt from the annual report?

Answer

Cr Samantha McIntosh, Mayor

I am happy to meet with you.

Justine Linley, Chief Executive Officer

The Annual Report has not yet been released and I think Mr Barnes is referring to the Annual Statement of Accounts. The Annual Report has been provided to the Minister as required by the Local Government Act and will be released tomorrow.

QT60/18 - Tim Stevens, Brown Hill

Question

In regards to the Compact City Activation Plan in the Planning Scheme Review, would the City of Ballarat have another look into the 10 minute city and drive time, not just from Town Hall but also major shopping centres such as Lucas and Wendouree?

Answer

Ms Lisa Kendal - Manger Strategic Planning

It is possible to add additional work in the growth areas. A primary assessment was completed quite a while ago and we now have more sophisticated ways to undertake another assessment.

QT61/18 - Susan Moody, Burrumbeet

Question

I request for the Burrumbeet Township Plan to reflect Burrumbeet as a world class destination.

Answer

Ms Angelique Lush, Director Development and Planning

The master plan is on tonight's agenda and this should be considered by Councillors.

QT62/18 - Susan Moody, Burrumbeet

Question

Will the Committee of Management be returned to City of Ballarat?

Answer

Mr Terry Demeo, Director Infrastructure and Environment

The Friends of Lake Burrumbeet Group meet several times a year. It was previously resolved to hand control back to State Government as Burrumbeet is a Regional/National asset and it isn't feasible for Council to manage. The Friends of Lake Burrumbeet Group are not satisfied with this decision.

7. REPORTS FROM COMMITTEES/COUNCILLORS**GB62/18 - Cr Ben Taylor**

In relation to a study around Buninyong bypass have we heard anything in regards to the report from over 12 months ago?

Mr Terry Demeo - Director Infrastructure and Environment

There was an announcement that \$150,000 would be allocated for the work. We have not heard anything else.

Cr Ben Taylor

Can Council write to the Minister about when the report will be public?

Cr Samantha McIntosh, Mayor

I support that a letter should be written and a report to a Councillor briefing.

GB63/18 - Cr Jim Rinaldi

Mount Helen is a heritage area and has special character. How can we protect Mount Helen and can it be included in a Township Plan?

Ms Lisa Kendal - Manager Strategic Planner

There are two projects that can consider Mount Helen. The Compact City Activation Plan works to protect character which is currently underway. It can also be considered in the Buninyong Township Plan and consultation is currently underway.

Cr Ben Taylor

It has been highlighted in recent years that Mount Helen has a unique environment and these areas should be protected. How can we get Mount Helen to have its own township plan in future years?

Ms Angelique Lush – Director Development and Planning

We can consider it and prioritise in our schedule of works. I would recommend a discussion at briefing and you can look at the schedule and prioritise what is most important and look at what we are currently working on. It can take up to 4 years to create a township plan.

GB64/18 - Cr Amy Johnson**RESOLUTION**

I request a leave of absence for 30 October 2018 to 25 November 2018.

Moved: Cr Amy Johnson

CARRIED

Seconded: Cr Des Hudson

(R274/18)

I attended the 30th birthday of City of Ballarat Occasional Care services.

I attended Reading Hour and read books to young children and I congratulate staff for this event.

I attended the launch of Ballarat Times and I attended the event with Madam Mayor and Cr Tillett.

GB65/18 - Cr Grant Tillett

VicRoads commenced work on a new roundabout on Creswick Road, understanding that when work commenced, they needed to reduce the speed to 80km. The roundabout work is causing a huge slow down and the traffic in Gillies Road has grown. Can we make sure that VicRoads honour their commitment?

I attended a meeting at the new Saleyards site. I am concerned that there was meant to be more speed limit signs as part of road works. This morning it was indicated by the Developer that they didn't think it was their responsibility and they thought it was VicRoads. Can Council enquire with VicRoads as to who is responsible and will Council institute the plan?

Terry Demeo - Director Infrastructure and Environment

In relation to Gillies Road, there were a number of commitments for an 80km speed limit. We did advocate for a permanent commitment. I will follow up.

Variable speed limits are the preference for the Saleyards site to deal with the peaks and troughs in the traffic to the Saleyards. VicRoads are the approving authority. I will chase up with VicRoads to have this installed correctly.

Cr Grant Tillett

Can a report be presented at portfolio on VicRoads plans?

GB66/18 - Cr Belinda Coates

I attended the Ballarat Times launch.

I attended the Essential Directors Update where one of the key points discussed was around climate change and the need to have this at the front of mind for directors.

I attended the International Day of Sign Language event at the Library where the group learnt basic Auslan.

I attended the Seniors Awards as part of seniors month and would like to congratulate all of the recipients.

GB67/18 - Cr Mark Harris

The Mayoral Chains haven't come to Chamber, can you provide some comments about the cost of the new Mayoral Chains?

Mr Cameron Montgomery, Executive Manager Safety, Risk and Compliance Services

The former Mayoral Chains were retired, and we developed a new set of chains that replicate the old chains. The cost was approximately \$113,000. This is for 41 links at approximately \$2,700 each.

RESOLUTION:

To accept Councillor reports.

Moved: Cr Jim Rinaldi

Seconded: Cr Daniel Moloney

CARRIED

(R275/18)

8. ASSEMBLIES OF COUNCILLORS

8.1. ASSEMBLIES OF COUNCILLORS

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

RESOLUTION:

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

- 3 April 2017 Ballarat Heritage Advisory Committee Meeting
- 5 June 2017 Ballarat Heritage Advisory Committee Meeting
- 7 August 2017 Ballarat Heritage Advisory Committee Meeting
- 2 October 2017 Ballarat Heritage Advisory Committee Meeting
- 4 December 2017 Ballarat Heritage Advisory Committee Meeting
- 9 April 2018 Ballarat Heritage Advisory Committee Meeting
- 6 August 2018 Ballarat Heritage Advisory Committee Meeting
- 7 August 2018 Community Safety Advisory Committee
- 22 August 2018 Cemetery Trust Meeting
- 24 August 2018 Community Development Councillor Portfolio Meeting
- 29 August 2018 Council Agenda Review Briefing
- 5 September 2018 Strategic Briefing
- 6 September 2018 Ballarat Airport Advisory Committee Meeting

Moved: Cr Mark Harris

CARRIED

Seconded: Cr Grant Tillett

(R276/18)

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. DRAFT COMMUNITY ENGAGEMENT FRAMEWORK

Division: Community Development
Director: Neville Ivey
Author/Position: Pete Appleton - Executive Manager Engaged Communities

RESOLUTION:

That Council place the draft Community Engagement Framework on public exhibition for four (4) weeks facilitating community feedback through a range of engagement mechanisms.

Moved: Cr Belinda Coates

CARRIED

Seconded: Cr Amy Johnson

(R277/18)

EXECUTIVE SUMMARY

The draft Community Engagement Framework provides Council with an opportunity to renew its commitment to engage with the community. The intent of the draft framework is to raise the standard of community engagement by strengthening planning, active participation and feedback components in each engagement process used throughout the organisation.

The draft framework directly responds to the 2017 Victorian Auditor-General's Office (VAGO) audit into public participation and community engagement across the Local Government sector. The structure and content of the framework is directly based on the recommendations resulting from the audit and the better practice guidance notes provided by the VAGO.

9.2. NAME TWO UNNAMED ROADS IN DURHAM LEAD

Division: Infrastructure and Environment
Director: Terry Demeo
Author/Position: Lani Smith - Place Names Officer

RESOLUTION:

Council resolves to:

- 1. Adopt the name Dianchi Lane for an unnamed road in Durham Lead**
- 2. Adopt the name Wildflower Lane for an unnamed road in Durham Lead**

Moved: Cr Ben Taylor
Seconded: Cr Jim Rinaldi

CARRIED
(R278/18)

EXECUTIVE SUMMARY

This report details two recent naming proposals with recommendations for adoption by Council. The naming proposals have been conducted in accordance with the current *Naming Rules for Places in Victoria* (The Naming Rules) and have recently undergone a public engagement process. There are no objections to the names.

9.3. PLP/2018/298 227 GRANT STREET GOLDEN POINT

Division: Development and Planning
Director: Terry Demeo
Author/Position: Rachel Blackwell – Principal Statutory Planner

Mr Mick Staley made a public representation.

RESOLUTION:**Council resolves to:**

Issue a Notice of Decision to Grant a Planning Permit PLP/2018/298 for the land located at 227 Grant Street, Golden Point for buildings and works, sale and consumption of liquor (under a Restaurant and Café licence), display of business identification and illuminated signage and alteration of access to a Road Zone Category 1, 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 the plans submitted but modified to show:

- a) A materials schedule as required by Condition 3 including samples of cladding and painted colours to the building and rotunda.**
- b) The provision of an acoustic fencing treatment to the northern boundary of the subject site adjacent to the adjoining property at 404 Barkly Street, between the frontage of the façade of the garage at No 404 and the site frontage. The fencing should be designed and undertaken in consultation with the owner of 404 Barkly Street Golden Point.**
- c) Elevation details of the proposed signage to the existing building and rotunda. The elevations should detail the location and dimensions of the proposed signage, height above ground level and lighting.**
- d) Elevation details of the proposed fencing treatment (existing fence to be reduced to 1.1 metres high) to the Barkly, Grant and Peel Street frontages.**
- e) The location, height and design of all plant equipment shown on a roof and elevation plans.**
- f) The location of one secure bicycle space for an employee that are to meet Clause 52.34-6 (Design of bicycle spaces).**
- g) A Waste Management Plan as required by Condition 4.**
- h) A revised Landscape Plan in accordance with Condition 6 which references the proposed measures to be undertaken to outline the area in which alcohol can be consumed.**

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. 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.

3. Materials and Colours Details

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

4. Heritage (Demolition)

Demolition is only permitted to sections of the buildings as identified in the approved demolition plan. The remainder of the buildings must be retained in its (their) entirety. Only deteriorated and or unsound building elements (fabric) should be removed with as much of the original material retained as possible. No fabric of retained portions of buildings is to be removed until assessed by the Responsible Authority and written approval is given.

5. 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) 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.

6. Landscape Plan (Development and Other Applications)

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

The landscape plan must include:

- a) a survey (including botanical names) of all existing vegetation to be retained and/or removed;
 - b) details of surface finishes of pathways and driveways;
-

- c) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, size at planting, sizes at maturity, and quantities of each plant.

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

7. 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.

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; or
- d) presence of vermin or otherwise;

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

9. Noise 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;

10. 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.

11. No liquor may be sold

No liquor may be sold or provided for consumption off the premises without the prior written consent of the Responsible Authority.

12. Limit on Number of Patrons

Without the prior written consent of the Responsible Authority, not more than seventy (70) 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.

13. Hours of Operation

The use may operate only between the hours of:

- 7am to 5pm – Monday – Thursday
- 7am to 9pm – Friday – Saturday
- 8am to 9pm - Sunday
- 12 noon to 9pm - Good Friday and ANZAC day.

without the further written consent of the Responsible Authority.

14. Regulation of Delivery Times

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

- 8am and 8pm Monday to Friday
- 8am and 8pm Saturday
- 8am and 8pm Sunday and public holidays

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

15. Patron Management Plan

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

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

iii. Record management of complaints and corrective action taken to resolve the concern.

h) Any other measures requirements

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

16. **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.

17. **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.

18. **Signs Not Altered**

The location and details of signs including those of the supporting structure, as shown on the approved plans must not be altered without the further written consent of the Responsible Authority.

19. **No Flashing Light**

The signage hereby permitted must not contain any flashing or intermittent flashing light.

20. **Sign Maintenance**

All signage must be constructed and maintained to the satisfaction of the Responsible Authority.

21. **Signs Requiring Further Approval**

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

22. **Light Emissions**

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

23. **Expiry Date**

The signage approved by this permit expires 15 years from the date of issue. All signage must be removed to the satisfaction of the Responsible Authority by this date.

24. Number of Car Spaces Required

No fewer than 5 car spaces must be provided on the land for the use and development, including 1 space clearly marked for use by disabled persons and designed in accordance with Australian Standard AS 2890.6 – 2009.

25. Protective Kerbs

Protective kerbs to a minimum height of 150mm must be provided to the satisfaction of the Responsible Authority to prevent damage to fences or landscaped areas.

26. 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/or the designated loading bay hereby approved 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.

27. VicRoads (Ref: 25822/18)

- a) Prior to the commencement of the use or occupation of the development, all disused or redundant vehicle crossings must be removed and the area reinstated to the satisfaction of the Responsible Authority (RA) and at no cost to Roads Corporation (VicRoads) or the RA.
- b) Separate approval under the Road Management Act 2004 for this activity may be required from VicRoads. Please contact VicRoads prior to commencing any works.
- c) Vehicles must enter and exit the land in a forward direction at all times
- d) The luminance of the advertising sign should be such that it does not give a veiling luminance to the driver, of greater than 0.25 cd/m², throughout the driver's approach to the advertising sign.

28. Expiry

The permit will expire if the serving and consumption of liquor from the premises 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.

29. Permit Expiry - Development Only

This permit 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).

Notes:**Building Act 1993****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 2018 and Building Code of Australia 2016. Food Act 1984

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

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

All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service

Soundproofing of Plant and Equipment

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.

Moved: Cr Mark Harris

CARRIED

Seconded: Cr Belinda Coates

(R279/18)

EXECUTIVE SUMMARY

On 11 May 2018 an Application was lodged for buildings and works, sale and consumption of liquor (under a Restaurant and Café licence), display of business identification and illuminated signage and alteration of access to a Road Zone Category 1 at 227 Grant Street Golden Point. The Application was advertised, Council has received 7 objections. It is recommended that Council issue a Notice of Decision to Grant a Planning Permit subject to Conditions.

9.4. CLIMATE COUNCIL NETWORK MEMBERSHIP

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

RESOLUTION:

Council resolves to:

- 1. Write to the Australian Climate Council nominating the City of Ballarat as a member of the Cities Power Partnership (CPP); and**
- 2. Should the nomination be accepted, select 5 actions from the CPP program guide and commit to delivery of those 5 actions over the time frame agreed with the Climate Council.**

Moved: Cr Grant Tillett

CARRIED

Seconded: Cr Belinda Coates

(R280/18)

EXECUTIVE SUMMARY

The City of Ballarat has been invited to join the Cities Power Partnership (CPP) of the Australian Climate Council. The CPP is the largest climate program for Local Government in Australia, currently with more than 70-member councils representing 8 million Australians.

It is envisaged that membership of the CPP will build the profile of Ballarat as a green city and leader in sustainability as referenced in the Ballarat Strategy and Council Plan 2017-2021. Membership requires Council to pledge and commit to the delivery of 5 actions from the 40 actions identified in the CPP program guide.

Should Council's nomination be accepted, it is considered that accreditation will be a straightforward process as the CPP aligns with existing works by Council being undertaken as part of the City of Ballarat Carbon Neutrality and 100% Renewables Action Plan.

9.5. BURRUMBEET, CARDIGAN VILLAGE AND LEARMONTH TOWNSHIP PLANS

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

Ms Susan Moody made a public representation.

RESOLUTION:**Council resolves to:**

- 1. Adopt the Burrumbeet Plan: Our Township Plan Towards 2040 and Cardigan Village Plan: Our Township Plan Towards 2040 and proposed Local Planning Policies and Framework Plans.**
- 2. Adopt the proposed changes to the Learmonth Local Planning Policy and removal of the proposed Township Zone schedule.**
- 3. Seek authorisation from the Minister for Planning to prepare a Planning Scheme Amendment to incorporate the Burrumbeet, Learmonth and Cardigan Village Township Plans, and associated Local Planning Policies and Framework Plans, into the Ballarat Planning Scheme, pursuant to section 8A of the *Planning and Environment Act 1987* and place the Amendment on exhibition pursuant to section 19 of the *Planning and Environment Act 1987*.**

Moved: Cr Grant Tillett

CARRIED

Seconded: Cr Daniel Moloney

(R281/18)

EXECUTIVE SUMMARY

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

Over the past 18 months, Council officers have worked closely with the community to complete the Burrumbeet Township Plan and Cardigan Village Township Plan. The plans include a long-term vision and action plan for each town, and will help the community and the City of Ballarat manage appropriate change into the future. The Learmonth Township Plan was completed and adopted by Council in 2016.

This report recommends adoption of the Burrumbeet and Cardigan Village Plans, and associated Local Planning Policies and Framework Plans. It also recommends adoption of changes to the propose Learmonth Local Planning Policy and removal of the Township Zone Schedule, which were previously adopted at the Council in 2016. This report also recommends a Planning Scheme Amendment be undertaken to incorporate the Township Plans and associated policies and plans into the Ballarat Planning Scheme.

9.6. BALLARAT PLANNING SCHEME REVIEW 2018

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

RESOLUTION:

Council resolves to:

1. Adopt the *Ballarat Planning Scheme Review (September 2018)* as the review required by section 12B(1) of the *Planning and Environment Act 1987* and forward the report to the Minister for Planning as required by section 12B(5) of the *Planning and Environment Act 1987*.
2. Request the Minister for Planning to prepare and approve a Planning Scheme Amendment to implement the new Planning Policy Framework into the Ballarat Planning Scheme under Section 20(4) of the *Planning and Environment Act 1987*.
3. Seek authorisation from the Minister for Planning to prepare and exhibit a Planning Scheme Amendment to correct anomalies and update the form and content of zone and overlay schedules of the Ballarat Planning Scheme as required by the new Ministerial Direction on Form and Content of Planning Schemes (2017), pursuant to Section 8A of the *Planning and Environment Act 1987*.

Moved: Cr Grant Tillett

CARRIED

Seconded: Cr Ben Taylor

(R282/18)

EXECUTIVE SUMMARY

As required by the *Planning and Environment Act 1987*, City of Ballarat staff have completed a review of the Ballarat Planning Scheme. The Ballarat Planning Scheme Review Report (2018 Review) provides Council with:

- an overview of the performance of the Ballarat Planning Scheme (BPS) since the last review in 2015;
- an understanding of the state, regional and local policy changes that have occurred since the last review;
- an 'audit' of the existing strategic and statutory provisions in the BPS;
- a review of relevant VCAT decisions and Panel reports; and
- a program for implementing future strategic work.

The 2018 Review found that the Local Planning Policy Framework (Municipal Strategic Statement and Local Policies) is generally consistent with the objectives and strategies contained within the State Planning Policy Framework (SPPF) and does not need significant review. It was however identified that there are number of deficiencies with specific controls, including zone and overlay schedules and mapping, that need to be amended or corrected to provide more effective tools for decision-making.

The 2018 Review also includes a future strategic work program to respond to issues identified through the consultation and review of VCAT decisions, such as heritage and neighbourhood character controls and the structure and content of zone and overlay schedules.

As part of its Smart Planning program to make the planning process more streamlined and efficient, the State Government recently introduced a new structure - Planning Policy Framework (PPF) via amendment VC148. The City of Ballarat will need to restructure its Local Planning Policy Framework to align with this new structure. Ballarat recently participated as a pilot Council to test this new structure and is well placed to implement the restructure immediately.

It is recommended that Council adopt the 2018 Review Report and immediately commence preparation of an amendment to implement the restructured PPF into the planning scheme. It also recommends that Council seek authorisation to prepare and exhibit a planning scheme amendment to correct zoning and overlay anomalies, and to update schedules to ensure consistency with the Ministerial Direction on *Form and Content of Planning Schemes* (2017).

RESOLUTION

That Council adjourn for a comfort break at 8:47pm.

Moved: Cr Mark Harris

Seconded: Cr Grant Tillett

CARRIED

(R283/18)

RESOLUTION

That Council resume at 8:59pm.

Moved: Cr Mark Harris

Seconded: Cr Des Hudson

CARRIED

(R284/18)

9.7. BALLARAT GOLF CLUB - ELECTRONIC GAMING MACHINE APPLICATION TO VCGLR

Division: Community Development
Director: Neville Ivey
Author/Position: Pete Appleton - Executive Manager Engaged Communities

Ms Deb Gleenslade and Mr John King made public representations.

RESOLUTION:

Council resolves to submit a social and economic impact assessment to the Victorian Commission for Gambling and Liquor Regulation with regard to the application submitted by the Ballarat Golf Club to increase the number of electronic gaming machines by 6 at the Ballarat Golf Club, 1800 Sturt Street, Ballarat.

Moved: Cr Belinda Coates
Seconded: Cr Des Hudson

CARRIED
(R285/18)

Cr Rinaldi

I request a Councillor Briefing around gambling and lobbying/advocating during the state election.

EXECUTIVE SUMMARY

On 20 August 2018 Council received a copy of an application to the Victorian Commission for Gambling and Liquor Regulation (VCGLR) from the Ballarat Golf Club to increase the number of Electronic Gaming Machines (EGMs) by 6 at the Ballarat Golf Club, 1800 Sturt Street, Ballarat.

Section 3.4.19 of the *Gambling Regulation Act 2003*, provides Council with the opportunity to make a submission to the Commission in respect of:

- The social and economic impact of the proposed amendment on the wellbeing of the community of the municipal district in which the approved venue is located; and
- Taking into account the impact of the proposed amendment on the surrounding municipal districts.

Council has until close of business on 10 October 2018 to advise the VCGLR if it intends to make a social and economic impact assessment submission on the proposal to the VCGLR. Council then has until the close of business on 2 November 2018 to submit a social and economic impact assessment to the VCGLR.

9.8. EUREKA CENTRE COMMUNITY ADVISORY COMMITTEE TERMS OF REFERENCE

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

RESOLUTION:

Council resolves to:

1. Endorse the Terms of Reference for the Eureka Centre Community Advisory Committee with clause 7.2.3 amended to read 'The Committee will dissolve 12 months after the resolution of the Council adopting the Terms of Reference is made'.
2. Nominate one of the Prosperity Portfolio Councillors appointed to the Committee as the Chairperson of the Committee.

Moved: Cr Daniel Moloney

CARRIED

Seconded: Cr Mark Harris

(R286/18)

RESOLUTION:

Nominate Cr McIntosh as the representative of the Prosperity Portfolio as the Chairperson of the Committee.

Moved: Cr Jim Rinaldi

CARRIED

Seconded: Cr Ben Taylor

(R287/18)

EXECUTIVE SUMMARY

At the 12 September 2018 Ordinary Council meeting Councillors requested an updated Terms of Reference for the Eureka Centre Community Advisory Committee.

The updated Terms of Reference were to include:

1. Amend the "Purpose" section of the Eureka Centre Community Advisory Committee Terms of Reference to include the following "2.5 Provide recommendations on how to develop the Eureka Centre into a visitor attraction."
2. The Terms of Reference to be in the new Terms of Reference template with "A Councillor" replacing "The Councillor" at clause 4.5

The updated Terms of Reference is attached to this report.

9.9. BRIDGE MALL SPECIAL RATE

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

RESOLUTION:**Council resolves:**

1. In accordance with section 163(1) of the *Local Government Act 1989* ('the Act'), Council declares a Special Rate for a five year period commencing 1 July 2018 and ending on 30 June 2023 on specified properties in the Bridge Mall to defray a proportion of the annual expenditure for the Promotion, Security Services and the employment of a part-time Manager for the Bridge Mall Business Association.
2. Specify the following for the purposes of section 163(2), 163(2A) and 163(2B) of the Act:
 - a. The total amount of the Special Rate to be levied is \$148,000 for each of the 5 years. The annual budget for the Bridge Mall Business Association's initiatives and projects related to the Special Rate is \$218,000 per annum.
 - b. The total amount of the Special Rate which may be levied is not to exceed \$148,000, which is calculated in accordance with section 163(2A) of the Act.
 - c. For the purposes of 2(b) above:
 - i. The 'benefit ratio' (R) to be levied on liable persons is 68% for properties levied;
 - ii. There are no properties receiving a special benefit from the Special Rate which are not levied with the Special Rate;
 - iii. The 'community benefit' from the Special Rate is 32%.
 - d. The criteria to be used as the basis for levying the Special Rate is:
 - i. On all street level properties located between Grenville Street and Peel Street that face the Bridge Mall, Coliseum Walk and the ground floor tenancies in Norwich Plaza, as follows:-
 - Odd Numbers from 17 to 81 Bridge Mall (inclusive);
 - Even Numbers from 2 to 90 Bridge Mall (inclusive);
 - 1 to 17 Norwich Plaza (inclusive);
 - 1 to 6 Coliseum Walk (inclusive).
 - ii. For the first year of the Special Rate, a rate in the dollar of 0.002977 cents in the dollar based on the property's Capital Improved Value. For each subsequent year, a rate in the dollar will be declared by Council based on the CIV of properties in the Special Rate to raise \$148,000 per annum.

Moved: Cr Jim Rinaldi
Seconded: Cr Ben Taylor

CARRIED
(R288/18)

EXECUTIVE SUMMARY

After advertising its intention to declare a Bridge Mall Special Rate on Saturday 25 August 2018, Council received and considered submissions at a Special Meeting on Wednesday 26 September, 2018.

Noting that there were no submissions received by Council to consider.

9.10. MEETING PROCEDURE LOCAL LAW

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

MOTION

Council resolves to:

1. Receive the proposed Meeting Procedures Local Law.
2. Maintain the public question time provisions of Division 9 Clause 66 of Local Law 18 Meeting Procedure to replace Division 8 Clauses 64 and 65 of the proposed Local Law Meeting Procedure;
3. Maintain the public submissions provisions of Division 9 Clause 67 of the Local Law 18 Meeting Procedure to replace Division 10 Clause 67 of the proposed Local Law Meeting Procedure
4. Authorise commencement of the statutory process for the making of the proposed Local Law in accordance with Part 5 of the *Local Government Act 1989* (the Act), by giving public notice of its intention to make the proposed Local Law and inviting submissions under section 223 of the Act.

Moved: Cr Grant Tillett

LOST

Seconded: Cr Jim Rinaldi

RESOLUTION

Council resolves to:

1. Receive the proposed Meeting Procedures Local Law.
2. Approve the public question time provisions of Division 8 Clauses 64 and 65 of the proposed Local Law Meeting Procedure.
3. Approve the public submissions provisions of Division 10 Clause 67 of the proposed Local Law Meeting Procedure.
4. Authorise commencement of the statutory process for the making of the proposed Local Law in accordance with Part 5 of the *Local Government Act 1989* (the Act), by giving public notice of its intention to make the proposed Local Law and inviting submissions under section 223 of the Act.

Moved: Cr Des Hudson

CARRIED

Seconded: Cr Mark Harris

(R289/18)

Upon being put to the meeting, the Motion was declared carried. Cr Grant Tillett called for a division:

For the Motion were Councillors: Cr Mark Harris
Cr Des Hudson
Cr Amy Johnson
Cr Daniel Moloney
Cr Belinda Coates

Against the Motion was: Cr Samantha McIntosh
Cr Jim Rinaldi
Cr Ben Taylor
Cr Grant Tillett

EXECUTIVE SUMMARY

The purpose of this report is to propose that Council makes a new local law to govern the meeting procedures for Council and Special Committee meetings.

9.11. AUDIT ADVISORY COMMITTEE MINUTES - 5 SEPTEMBER 2018

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

RESOLUTION:**Council resolves to:**

1. Note, in accordance with the *Local Government Act 1989* section 77(2), that Confidential report on this matter is designated confidential information under Section 89(2) as any other matter which the Council or Special Committee consider would prejudice the Council or any person and has been considered in making this recommendation.
2. Endorse the agenda of the Audit Advisory Committee for 5 September, 2018 and adopt the resolutions made therein.

Moved: Cr Ben Taylor

CARRIED

Seconded: Cr Belinda Coates

(R290/18)

EXECUTIVE SUMMARY

This report provides Council with the Minutes of the meeting of Council's Audit Advisory Committee (the Committee) held on 5 September, 2018.

9.12. 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 Amy Johnson
Seconded: Cr Des Hudson

CARRIED
(R291/18)

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 10:36pm whilst the Council is dealing with the following matters;

Moved: Cr Ben Taylor
Seconded: Cr Des Hudson

CARRIED
(R292/18)

9. OFFICER REPORTS – CONFIDENTIAL ATTACHMENTS

9.11 AUDIT ADVISORY COMMITTEE AGENDA - 5 SEPTEMBER 2018

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

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

12. ITEMS IN CAMERA – CONFIDENTIAL REPORTS

12.1 COIN COLLECTION CONTRACT

Division: Infrastructure and Environment
Director: Terry Demeo
Author/Position: Amy Boyd – Executive Manager Regulatory Services

(Contractual Matters)

12.2 TENDER 2018/19-04 'MAJOR PATCHING WORKS IN VARIOUS LOCATIONS'

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

(Contractual Matters)

12.3 POWERCOR AGREEMENT FOR LEASE (DEED) FOR SUBSTATION (KIOSK TYPE) AT THE SMYTHESDALE REGIONAL LANDFILL

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

(Contractual matters)

12.4 FERNERY RECONSTRUCTION CONTRACT

Division: Infrastructure and Environment
Director: Terry Demeo
Author/Position: Vaughn Notting – Executive Manager Infrastructure

(Contractual matters)
