

**CITY OF  
BALLARAT**



**Ordinary Council Meeting**

**4 July 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 4 JULY 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 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  
Ms Natalie Robertson - Executive Manager Development Facilitation  
Mr Neville Ivey - Director Community Development  
Mr Glenn Kallio - Director Business Services  
Mr Jeff Johnson - Acting Director Development and Planning  
Mr Mark Powell - Executive Manager Major Projects  
Ms Jenny Fink - Acting Director Innovation and Organisational Improvement  
Mr Cameron Montgomery - Executive Manager Safety, Risk and Compliance Services  
Ms Ali Evans - Administration Officer Statutory Compliance  
Ms Sarah Anstis - Administration Officer Statutory Compliance

### 2.2 Apologies

Cr Mark Harris  
Cr Des Hudson

## RESOLUTION:

**That the apologies be accepted.**

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

**CARRIED**  
**(R166/18)**

**3. DISCLOSURE OF INTEREST**

Nil

**4. CONFIRMATION OF MINUTES**

**RESOLUTION:**

That the Minutes of the Council Meetings held on 13 June 2018 and 20 June 2018 as circulated be confirmed.

**Moved: Cr Daniel Moloney**

**CARRIED**

**Seconded: Cr Belinda Coates**

**(R167/18)**

**5. MATTERS ARISING FROM THE MINUTES**

Nil

**RESOLUTION:**

That Standing Orders be suspended at 7:09pm to allow for Jasmine Graham who has been shadowing Madam Mayor and Councillor Coates today as part of NAIDOC Week 'Because of Her, We Can' to address Council, and to also present a framed Certificate and Trophy to Council awarded to us in recognition of the Right to the Night project.

**Moved: Cr Grant Tillett**

**CARRIED**

**Seconded: Cr Jim Rinaldi**

**(R168/18)**

**RESOLUTION:**

That Standing Orders be resumed at 7:17pm.

**Moved: Cr Belinda Coates**

**CARRIED**

**Seconded: Cr Jim Rinaldi**

**(R169/18)**

**6. PUBLIC QUESTION TIME****QT35/18 - Ms Lynette McCleanaghan - Ballarat East****Question**

I have contacted Council numerous times regarding parking and the importance of parking within the context of Ballarat growing. I want to express concerns about navigating parking issues for all Ballarat stakeholders.

**Answer**

Cr Samantha McIntosh, Mayor

When parking debate came into Chamber there were a number of concerns expressed across the entire municipality. The CBD Car Parking Action Plan is a significant undertaking that we will be embarking upon.

Cr Jim Rinaldi

What is affecting you or the people that you are speaking to the most?

Ms Lynette McCleanaghan

It doesn't affect me personally, but it is an issue for customer parking for businesses. As Ballarat continues to grow I am thinking ahead and this is a big issue and I understand how quickly this can get out of control as I am from Melbourne.

Cr Jim Rinaldi

Do you have a solution?

Ms Lynette McCleanaghan

There are lots of areas of parking that even locals do not know about, so we need to make people aware. Signage indicating a number of spaces and an arrow would be enough.

**QT36/18 - Mr Gerald Jenzen - Soldiers Hill****Question**

On 16 June 2018, signal mast B31 was removed for transport to its new home in Mornington. Mornington have acquired?? 6 signal masts from Public Transport Victoria (PTV) that used to be located in Ballarat. This kind of equipment needs to be preserved. This is not the only time that heritage items have been removed from the precinct. I understand Council has no formal control over the precinct, but I think that they need to have some input.

I ask that Council make urgent requests to Heritage Victoria and PTV to stop the removal of any further heritage items within the railway precinct, until discussions have been held to determine a process that will allow the retention, protection and possible return of items that are integral to the understanding and interpretation of the site.

**Answer**

Mr Terry Demeo, Director Infrastructure and Environment

I can't give an explicit answer on this. I will need to take the question on notice. However, Council efforts on the precinct have been instrumental and we have had architectural responses created to the redevelopment of the area. In regards to works on the precinct for the future freight line, we will have many discussions on how this work will be implemented.

Cr Samantha McIntosh, Mayor

In regards to a letter to stop further items, is this something that we can proceed with?

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Mr Terry Demeo, Director Infrastructure and Environment

We can work alongside all stakeholders and have ongoing discussions. We can also write a letter to express our concerns.

Cr Grant Tillett

I raised this issue the other night. I had fears that these items were being destroyed, however it would appear that they are being saved by Mornington. Were these items heritage listed?

Mr Gerald Jenzen

Yes, these items were heritage listed, however Heritage Victoria issues a permit to remove them. I believe a letter came to Council before this permit was issued.

Cr Daniel Moloney

I would like some follow up about whether we were informed of this permit. Can we please ensure that the letter to PTV, Vic Track, VLine and Heritage Victoria doesn't just cover the heritage precinct of the station, but that it covers the whole line. We don't want to remove any important assets.

Cr Jim Rinaldi

I find the statement from Mr Jenzen extraordinary. How can these items be taken? I would request very strongly that we get these items back.

Mr Terry Demeo, Director Infrastructure and Environment

Heritage listing is a control that is put over an item, but doesn't remove the ability to put in a planning application to remove or alter an item. It doesn't mean there can be no change, it means that discretion is exercised in regards to that specific item from a heritage perspective.

### **QT37/18 - Mr Gabriel Waldron - Ballarat**

#### **Question**

Given that there is a building on the corner of Camp Street and Sturt Street, the Victorian Institute of Business, which has been empty for a while, could this building be refurbished to house the Department of Justice?

#### **Answer**

Mr Terry Demeo, Director Infrastructure and Environment

From a planning perspective, the building that will house the Department of Justice, is relating specifically to the site on Grenville Street, not to other buildings in the City. I am not trying to dodge the question, however that is not our domain.

Mr Gabriel Waldron

Given that the Plaster Fun House was demolished on a Sunday morning, did the developer receive any punishment? Shouldn't the Plaster Fun House be rebuilt?

Mr Terry Demeo, Director Infrastructure and Environment

I can not explain in detail around the fire, just that it was deemed appropriate for demolition which was then undertaken lawfully. In regards to the Plaster Fun House being rebuilt, Council only deals with the applications which are put before us and there is no power for Council to enforce what is built on the site.

Cr Daniel Moloney

Can Officers explain the ownership arrangement of the building?

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Ms Justine Linley, Chief Executive Officer

The building is on Crown Land and is owned by State Government. Council is the Committee of Management, however we have to oblige by what the State Government want for the site. We can follow this up.

Cr Daniel Moloney

Can I please request a report to briefing on how we can activate this building?

**QT38/18 - Mr Gary Fitzgerald, Ballarat East**

**Question**

Thank you Madam Mayor for the time you made available to me this afternoon and thank you to Jasmine Graham for joining us.

I am confused why item 9.4 Waste Strategy Consultation and Adoption is a report in open Council and then item 12.1 Waste to Energy Update is in camera. I think that all this information should be made available to the public.

**Answer**

Ms Justine Linley, Chief Executive Officer

The Waste to Energy and the handling of waste within the community is incredibly important. This item is confidential because the item involves contractual matters. Once a decision has been made we will inform the public.

**QT39/18 - Mr Gary Fitzgerald, Ballarat East**

**Question**

There was a recent trip by the Mayor and CEO to Canberra. In the past, reports have come to Council regarding these trips, however, they are not made available to the public. There needs to be reports to Council following trips as it informs the public so that we understand why these trips were undertaken.

**Answer**

Cr Samantha McIntosh, Mayor

The recent trip to Canberra was a delegation with the Central Highlands group of Councils. On the Mayors Facebook page there is a report and some information available.

Cr Daniel Moloney

This trip was a worthwhile exercise. The details of the trip are not secret and there are a few fact sheets which I am hoping we will be able to get on our website.

Cr Samantha McIntosh, Mayor

We will make sure that these are placed online.

**RESOLUTION:**

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

**Moved: Cr Jim Rinaldi**

**CARRIED**

**Seconded: Cr Daniel Moloney**

**(R170/18)**

**QT40/18 - Frank Williams - Invermay Park**

**Question**

My question relates to the footpath on the eastern side of Doveton Street North between the Library and Mair Street.

I understand that over 1000 people visit the Library on a daily basis. Why were two patches of the footpath not sealed at the same time as the area surrounding the new garden beds and bustop in that same area?

**Answer**

Mr Terry Demeo, Director Infrastructure and Environment

I can't speak explicitly, however there are different projects managed by different parties and while it may look uncoordinated this is how it is done. I will take this question on notice.

Mr Frank Williams

I am surprised that with ongoing maintenance work that this hasn't been done before now.

**QT41/18 - Mr Tim Argall - Ballarat**

**Question**

When will public consultation start regarding the parking strategy?

**Answer**

Mr Terry Demeo, Director Infrastructure and Environment

I would welcome the opportunity to meet with Mr Argall. 6 August 2018 is the kick off date to begin an 8 week consultation phase in regards to the CBD and broader area of the municipality.

**7. REPORTS FROM COMMITTEES/COUNCILLORS****GB42/18 - Cr Belinda Coates**

Congratulations to Jasmine Graham, she has done a terrific job and I would like to congratulate her for putting her hand up for this opportunity. Sissy Austin from the Koorie Engagement Action Group pitched the idea and we all loved it. Thank you to Madam Mayor for participating. Actions like this show how we can walk the walk.

I attended the launch of portrait project and you would have seen the portraits in the foyer tonight. Sissy pitched this project also, people were skeptical of it, however the working group got some funding and pulled this off. It is a fabulous project and I want to acknowledge this launch as part of NAIDOC week.

**GB43/18 - Cr Grant Tillett**

I am stewing over what Mr Jenzen said and want the Chamber to know that we should be extremely angry about what has happened.

**GB44/18 - Cr Amy Johnson**

I would like to acknowledge Jasmine Graham and the fantastic initiative as a part of NAIDOC week.

I would also like to acknowledge the fantastic work at Ballarat Wildlife Park on the opening of the penguin enclosure which I attended with my daughter. Numbers of penguins have increased from 4 to 12 from last year.

**GB45/18 - Cr Daniel Moloney**

I also attended the Ballarat Wildlife Park opening of the penguin enclosure.

I know plenty of bricks are thrown around the Chamber from time to time and last week I was the Council representative acknowledging the work that was done to repair the Trades Hall facade. Council's contribution was small, however we now have a beautiful building and the brick I present tonight was a part of the facade which fell off and was given to Council.

**GB46/18 - Cr Samantha McIntosh, Mayor**

I was at Trades Hall Friday night for Mud and Blood, the story of Pompey Elliott. It was a beautiful Hall to present the play in. We should follow up and see if it can be brought back to Ballarat.

**RESOLUTION**

**To accept Councillor reports.**

**Moved: Cr Jim Rinaldi**

**Seconded: Cr Daniel Moloney**

**CARRIED**

**(R171/18)**

## **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:**

- **11 April 2018 Community Safety Advisory Committee Meeting**
- **30 May 2018 Agenda Review Briefing**
- **5 June 2018 Community Development Councillor Portfolio Meeting**
- **6 June 2018 Strategic Briefing**
- **6 June 2018 Infrastructure and Environment Portfolio Meeting No 176**
- **7 June 2018 Ballarat Airport Advisory Committee Meeting**
- **7 June 2018 Clean Ballarat Committee Meeting No. 12**

**Moved: Cr Grant Tillett**

**CARRIED**

**Seconded: Cr Belinda Coates**

**(R172/18)**

#### **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/2017/832 IPLANNING PTY LTD - 11 GRENVILLE STREET NORTH, BALLARAT CENTRAL

**Division:** Infrastructure and Environment  
**Director:** Terry Demeo  
**Author/Position:** Natalie Robertson - Executive Manager Development Facilitation

Mr Brett Edgington, Mr Tim Argall, Ms Judith Buchanan, Ms Alasa Brackley-Dubois, Mr James Iles, Ms Sharon Upham and Ms Ann Beggs-Suncter made public representations.

#### RECOMMENDATION:

##### Council resolves to:

Issue a Notice of Decision to Grant a Planning Permit PLP/2017/832 for the land located at 11 Grenville Street North, Ballarat Central for Development of an office building and dispensation of car parking subject to the following Conditions:

#### 1. Amended Plans Required

Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with plan submitted 2 February 2018 but modified to show:

- a) A maximum three storey (circa 9m) street wall to Grenville Street frontage, with the upper floors recessed a minimum 1.5m behind this street wall to the satisfaction of the Responsible Authority;
- b) Provide a full width weather canopy to the Grenville Street North public realm. The weather canopy should extend across the Grenville Street N western footpath no less than 750mm from the kerb line and should be no higher than 3.6m above the subject site's NGL;
- c) Reduction in front setback of building to Grenville Street, with the disabled access ramp moved internally if required;
- d) Revised materials/colour schedule in light of changes to building design;
- e) Visitor bicycle rack to be provided at the property frontage;
- f) Revised floor plan showing bicycle facilities for staff including showers/change rooms as per the requirements of Clause 52.34; and
- g) Finished floor level raised to a minimum 418.9 metres Australian Height Datum, as per Condition 15.

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. Boundary Walls**

The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.

**3. Minimising Glare**

The exterior colour and cladding of the building(s) must be non-reflective to the satisfaction of the Responsible Authority.

**4. Plant / Equipment or Features on Roof**

No plant, equipment or related services other than those shown on the approved plans are permitted above the roof level of the building(s) hereby approved without the further written consent of the Responsible Authority.

**5. Section 173 Agreement**

Unless otherwise agreed in writing by the Responsible Authority, prior to Certificate of Occupancy being issued the owner must enter into an agreement with the Responsible Authority pursuant to Section 173 of the *Planning & Environment Act 1987* to provide the following:

- (a) The south facing boundary windows (within 1m of the property boundary) are to be infilled with brick or other appropriate material at any point in the future where the abutting property at 7-9 Grenville Street is redeveloped to a height which would block solar access to these windows. *Note – solar access to these boundary windows must not limit the future development of 7-9 Grenville Street.*

Prior to Certificate of Occupancy being issued an application must be made to the Register of Titles to register the Section 173 agreement on the title to the land under section 181 of the Act. A copy of the completed Agreement including the dealing number assigned confirming that the agreement has been registered must be provided to the Responsible Authority prior to Certificate of Occupancy being issued.

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

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

**6. Construction Management Plan**

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

- (a) Hours of demolition and construction to accord with Local Laws;
  - (b) Management of Cattin Street and Grenville Street to ensure that they are kept free of parked or standing vehicles or any other obstruction, including building materials, equipment, etc. to maintain free vehicle
-

- passage to abutting benefitting properties at all times, unless with the written consent of the Responsible Authority;
- (c) Methods to contain dust, dirt and mud within the site and the method and frequency of clean up procedures, including the management of on-site storage waste construction bins and vehicle washing;
  - (d) Management of parking of construction machinery and worker's vehicles to prevent adverse impact on nearby properties;
  - (e) Management of staging of heavy vehicles, site deliveries and unloading and lifting points with expected frequency, and traffic management in the vicinity, ensuring routes to and from the site minimise disruption to residential properties;
  - (f) Minimising disruption to pedestrian access along footpaths;
  - (g) Measures to minimise noise and other amenity impacts from mechanical equipment, including idling trucks, and demolition/construction activities, especially outside of daytime hours;
  - (h) The provision of adequate environmental awareness training for all on-site contractors and sub-contractors; and
  - (i) A liaison officer for contact by the public and the Responsible Authority in the event of relevant queries or problems experienced.

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

#### **7. Green Travel Plan**

Before the use starts, a Green Travel 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 Green Travel Plan is to include details of the proposed design initiatives and sustainable management practices to reduce car usage and improve sustainable transport options (including walking, cycling, public transport and carpooling) available to staff. The Green Travel Plan should include, but not be limited to the following:

- (a) Staffing and operational hours for the premises designed to enable flexibility in staff arrival and departures;
- (b) Signage and communication to be used to encourage responsible green-travel behaviour by staff;
- (c) Consider end of trip facilities such as showers, change rooms, secure storage and bicycle storage;
- (d) Education and awareness initiatives and incentives for staff to encourage more sustainable modes of travel to/from the site;
- (e) Management practices identifying sustainable transport alternatives;
- (f) Lobby areas of building to include real time information of train and bus services;
- (g) Details of bicycle spaces for staff;
- (h) Implementation of staff car-pooling scheme;
- (i) Employee information packs (e.g. myki cards for new staff/workers);
- (j) Details of regular review of Green Travel Plan; and
- (k) Any other relevant matters.

The Green Travel Management Plan must be implemented to the satisfaction of the Responsible Authority and must not be modified unless with the further written consent of the Responsible Authority.

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## **8. 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.

## **9. Vehicle Access – Use/Development**

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

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

## **10. Internal Access Ways and Car Parking**

Prior to the occupation of the development, the areas set aside for the parking of vehicles and access lanes as shown on the approved plans must to the satisfaction of the Responsible Authority be:

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

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

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

#### **11. Engineering Plans and Construction**

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

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

The engineering plans must detail:

- (a) Footpath to be constructed/reinstated along frontage of the site on Cattan Street.
- (b) Kerb and channel construction and drainage along frontage of the site on Cattan Street.
- (c) Construction of sealed road along frontage of the site on Cattan Street.

#### **12. Drainage Plans and Construction**

Prior to occupation of new office complex, stormwater drainage must be connected to the Legal Point of discharge as given by the Responsible Authority. 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 dwelling. At the completion of the works one set of 'as constructed' civil plans shall be submitted to the Responsible Authority.

#### **13. Sediment on Roadways**

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

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

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

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**14. Corangamite CMA**

Finished floor levels must be constructed no lower than 418.9 metres to Australian Height Datum.

Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Corangamite Catchment Management Authority to demonstrate that the floor levels have been constructed in accordance with Corangamite Catchment Management Authority's requirements.

**15. 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;  
or
- (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 Approvals**

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

**Works within Road Reserve**

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

**Signage**

No signage has been assessed or approved as part of this application. Further planning approval is required prior to the installation of any business identification signage.

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**Containment of Refuse**

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

**Air Conditioning Plant**

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

Moved: Cr Ben Taylor

LAPSED FOR WANT OF SECONDER

Seconded:

**MOTION:**

Issue a refusal to grant a Planning Permit PLP/2017/832 for the land located at 11 Grenville Street North, Ballarat Central for Development of an office building and dispensation of car parking. The proposal does not conform with parking and height requirements for the subject site.

Moved: Cr Daniel Moloney

LOST

Seconded: Cr Amy Johnson

Cr Tillett foreshadowed a motion to defer consideration of the Planning Permit PLP/2017/832 for the purpose of the developers to meet with Council to discuss options for the subject site.

**RESOLUTION:**

Defer consideration for one cycle of the Planning Permit PLP/2017/832 for the purpose of the developers to meet with Council to discuss options for the subject site.

Moved: Cr Grant Tillett

CARRIED

Seconded: Cr Jim Rinaldi

(R173/18)

**EXECUTIVE SUMMARY**

On 8 December 2017 an Application was lodged for Development of an office building and dispensation of car parking at 11 Grenville Street North, BALLARAT CENTRAL. The Application was advertised and Council has received two (2) objections. It is recommended that Council issue a Notice of Decision to Grant a Planning Permit subject to Conditions.

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**PROCEDURAL MOTION:**

**That Council adjourn for a comfort break at 9:45pm.**

**Moved: Cr Grant Tillett**

**CARRIED**

**Seconded: Cr Ben Taylor**

**(R174/18)**

**PROCEDURAL MOTION:**

**That Council resumes at 10:00pm.**

**Moved: Cr Daniel Moloney**

**CARRIED**

**Seconded: Cr Ben Taylor**

**(R175/18)**

**9.2. PLP/2018/200 331 MAIR STREET BALLARAT CENTRAL EXTENSION TO LICENSED AREA AND LICENSED HOURS ASSOCIATED WITH GENERAL LIQUOR LICENCE, INCREASE IN PATRON NUMBERS AND ASSOCIATED REDUCTION IN CAR PARKING AND BICYCLE PARKING**

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

Mr Tim Argall made a public representation.

**RESOLUTION:**

**Council resolves to:**

**Issue Planning Permit PLP/2018/200 for the land located at 331 Mair Street, Ballarat Central for an extension to the licensed area and licensed hours associated with the General Liquor Licence, an increase in patron numbers and associated reduction in car parking and bicycle parking subject to the following Conditions:**

- 1. Layout Not Altered**  
The layout of the uses on the endorsed plans must not be altered without the further written consent of the Responsible Authority.
- 2. Limit on Number of Patrons**  
Without the prior written consent of the Responsible Authority, not more than 240 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.
- 3. 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:
  - 7am to 12am (midnight) – Monday to Sunday.
- 4. Amenity**  
The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
  - a) transport of materials, goods or commodities to or from the land;
  - b) appearance of any building, works or materials;
  - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and
  - d) presence of vermin or otherwise;

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

**5. Provision of Seating**

Tables and chairs must be placed on the premises so as to be available for at least 75% of patrons attending the premises at any one time.

**6. Sale and Consumption of Liquor**

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

**7. 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 ensure external doors are kept closed during events and at all times whilst entertainment music is being played.
- f) Measures to manage patrons queuing to enter the premises;
- g) Collection of rubbish from roads, car parks and public reserves in the vicinity of the premise and external areas used by premise patrons; and
- h) A documented complaint response procedure to the satisfaction of the Responsible Authority including the provision of a:
  - Contact point during hours of operation;
  - Investigation and assessment process; and
  - Record management of complaints and corrective action taken to resolve the concern.

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.

**8. Management / Supervision of Premises**

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

The Manager must be authorised by the operator under this permit to make statements at any time on his / her behalf to any officer of the Responsible Authority and to Victoria Police and/or Liquor Licensing Victoria authorised

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under section 129 of the *Liquor Control Reform Act 1998*; and/or to take action on his/her behalf in accordance with a direction by such officer.

**9. 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.

No external announcements or music is to be amplified externally from the building.

**10. Noise from Premises**

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

**11. Security Measures**

- a) On-site security lighting, appropriately baffled to prevent light glare, shall be provided to the satisfaction of the Responsible Authority;
- b) Video surveillance cameras and recorders to monitor and record all public entrances to the premises must be installed and maintained whilst the premises is open for business and ½ an hour after closure. These tapes must be retained for thirty (30) days and made available for viewing and / or removal at all times by an authorised police officer or an authorised officer of Liquor Licensing.

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

**12. Management of Waste – Bottle Crusher**

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

**13. Permit Expiry**

This Permit will expire if:

- a) The use does not start within two (2) years of the date of the permit;  
or
- b) Once commenced, if 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 use).

**NOTES:*****Tobacco Act 1987***

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

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

**14. *Building Act 1993***

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

Sanitary and amenity facilities must be provided in accordance with the requirements of the Building Code of Australia.

**15. *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

**Moved: Cr Grant Tillett**

**CARRIED**

**Seconded: Cr Jim Rinaldi**

**(R176/18)**

**EXECUTIVE SUMMARY**

On 3 April 2018 an application was lodged for the extension to the licensed area and licensed hours associated with the General Liquor Licence, an increase in patron numbers and associated reduction in car parking and bicycle parking at 331 Mair Street, Ballarat Central. The application was advertised and Council has received no objections. It is recommended that Council issue a Planning Permit subject to Conditions.

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**9.3. LANDFILL COMPLIANCE REPORT**

**Division:** Infrastructure and Environment  
**Director:** Terry Demeo  
**Author/Position:** Louise Turner – Coordinator Environmental Services

**RESOLUTION:**

**Council resolves to:**

- 1. Receive the status report on compliance responsibilities at the City of Ballarat Regional Landfill and Closed Landfills.**

**Moved: Cr Belinda Coates**

**Seconded: Cr Ben Taylor**

**CARRIED**

**(R177/18)**

**EXECUTIVE SUMMARY**

The City of Ballarat is required to manage its operating Landfill (the Ballarat Regional Landfill at Smythesdale) and closed landfills under its control in accordance with the *Environment Protection Act 1970* requirements. The Victorian Auditor-General's Report Managing Landfills (September 2014) identified a number of recommendations regarding risk assessment and planning that have been progressively implemented. This report is to inform Council of the current status of compliance management in respect to improving and maintaining compliance in line with industry best practice and Environmental Protection Authority (EPA) requirements.

**9.4. WASTE STRATEGY CONSULTATION AND ADOPTION**

**Division:** Infrastructure and Environment  
**Director:** Terry Demeo  
**Author/Position:** Ruby Ogier – Supervisor Administration Support

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

- 1. Adopt the Draft City of Ballarat Resource Recovery and Waste Management Strategy 2018-2022.**
- 2. Undertake a communications program to inform the community of the adopted Strategy.**
- 3. Note the actions in respect to advancing the waste to energy initiative for Ballarat and broader region.**
- 4. Note the changed circumstance in respect to recycling and necessity for further action from Council in relation to the waste management area.**

**Moved: Cr Belinda Coates**  
**Seconded: Cr Ben Taylor**

**CARRIED**  
**(R178/18)**

**EXECUTIVE SUMMARY**

The Council, having adopted the Draft City of Ballarat Resource Recovery and Waste Management Strategy 2018-2022, has undertaken a detailed consultation program where there was genuine community engagement in the Draft Strategy. With the benefit of this consultation program, there have been improvements made to the Strategy across the key target areas that the community referenced. With these modifications, it is recommended that the Strategy be adopted.

Further, it is recommended that a detailed information program be developed to communicate the Strategy to the broader Ballarat community.

**9.5. COUNCIL PLAN PROGRESS REPORT**

**Division:** Innovation and Organisational Improvement  
**Director:** Jenny Fink  
**Author/Position:** Jenny Fink – Acting Director Innovation and Organisational Improvement

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

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

**Moved: Cr Belinda Coates**

**Seconded: Cr Jim Rinaldi**

**CARRIED**

**(R179/18)**

**EXECUTIVE SUMMARY**

The purpose of this report is to present the second progress update of Council's performance against the Council Plan 2017-2021. The period reported is from January 2018 to March 2018 (Quarter 3).

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.

At a Special Council Meeting on 16 May 2018, Council noted the review of the Council Plan 2017-2021. Council is required to review the plan annually and as the Plan is still only in its first year, the Council resolved to make no adjustments.

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:

- Opening of the \$4 million Lucas Community Hub;
- Completion of the 2018 Active Women and Girls' Strategy;
- Development of the Supported Social Connections Programs; and
- Redevelopment and opening of City Oval.

**9.6. 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 Ben Taylor**  
**Seconded: Cr Daniel Moloney**

**CARRIED**  
**(R180/18)**

**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 10:17 pm whilst the Council is dealing with the following matters;

**Moved: Cr Amy Johnson**  
**Seconded: Cr Jim Rinaldi**

**CARRIED**  
**(R181/18)**

**12.1. WASTE TO ENERGY UPDATE**

**Division:** Development and Planning  
**Director:** Angelique Lush  
**Author/Position:** Mark Powell – Executive Manager Major Projects  
Steve Van Orsouw – Executive Manager Operations and Environment

(Contractual matters)

**12.2. TENDER 2017/18-230 WEBB ROAD- DELACOMBE TOWN CENTRE OUTFALL DRAIN**

**Division:** Infrastructure and Environment  
**Director:** Terry Demeo  
**Author/Position:** Robin Hand - Contracts Administrator Officer

(Contractual matters)

**12.3. TENDER 2017/18-217 'PANEL OF PREFERRED SUPPLIERS - ROAD MAKING MATERIALS'**

**Division:** Infrastructure and Environment  
**Director:** Terry Demeo  
**Author/Position:** Robin Hand - Contracts Administrator Officer

(Contractual matters)

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**12.4. TENDER 2017/18-218 'PANEL OF PREFERRED SUPPLIERS - ROAD MAKING SERVICES'**

**Division:** Infrastructure and Environment  
**Director:** Terry Demeo  
**Author/Position:** Robin Hand - Contracts Administrator Officer

(Contractual matters)

**12.5. TENDER 2017/18-219 'PANEL OF PREFERRED SUPPLIERS - PLANT & EQUIPMENT HIRE'**

**Division:** Infrastructure and Environment  
**Director:** Terry Demeo  
**Author/Position:** Robin Hand - Contracts Administrator Officer

(Contractual matters)

**12.6. TENDER NO. 2017/18-161 REDEVELOPMENT OF BROWN HILL HALL**

**Division:** Development and Planning  
**Director:** Angelique Lush  
**Author/Position:** Robert Powell – Project Manager

(Contractual matters)

**12.7. TENDER NO. 2017/18-236 DOUG DEAN RESERVE FLOODLIGHTING PROJECT**

**Division:** Development and Planning  
**Director:** Angelique Lush  
**Author/Position:** Rob Siemensma – Project Manager

(Contractual matters)

**12.8. NORTH BALLARAT FUNCTIONS FACILITY**

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

(Contractual matters)

