

**CITY OF
BALLARAT**



Ordinary Council Meeting

15 May 2019

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 15 MAY 2019 AT 7:00PM

MINUTES

ORDER OF BUSINESS:

1. Opening Declaration	4
2. Apologies For Absence	4
3. Disclosure Of Interest	5
4. Confirmation Of Minutes	5
5. Matters Arising From The Minutes	5
6. Public Question Time	5
7. Reports From Committees/Councillors	6
8. Chief Executive Officer Report	9
9. Assemblies Of Councillors	10
9.1. Assemblies of Councillors	10
10. Officer Reports	11
10.1. Strategic Partnership Application - West Vic Academy of Sport.....	11
10.3. Ballarat's Creative City Strategy and Creative Precinct Master Plan.....	12
10.4. PLP/2014/495/a - 203 and 203a Wendouree Parade, Lake Wendouree	13
10.5. PLP/2018/852 307-309 Mair Street Ballarat Central Buildings and works associated with a tavern, use of land for sale and consumption of liquor (on premises licence), waiver of car parking requirements and display of business identification signage	21
10.6. PLP/2019/38 - 28 Main Road, Bakery Hill.....	26
10.7. Council Plan Progress Report - Quarter 3	30
10.8. Royal South Street Strategic Partnership Application	31
10.9. Bakery Hill and Bridge Mall Masterplan Progress Report and Early Works.....	32
10.13. Food Strategy.....	38

10.10. Quarterly Financial Report.....	35
10.11. Draft 2019-20 Budget.....	36
10.12. Council Plan Annual Review.....	38
10.14. Reconciliation Action Plan 2019-2021	39
10.15. Invermay Recreation Reserve Special Committee Membership	40
10.16. Contracts Special Committee of Council - 6 March 2019.....	41
10.17. S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987).....	42
10.18. S6 Instrument of Delegation - Members of Staff	43
10.19. Outstanding Question Time Items	45
11. Notice Of Motion	46
12. Urgent Business	46
13. Section 89 (In Camera)	46
14. Close.....	47

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 Ben Taylor
Cr Grant Tillett

Ms Justine Linley - Chief Executive Officer
Mr Terry Demeo - Director Infrastructure and Environment
Mr Neville Ivey - Director Community Development
Mr Glenn Kallio - Director Business Services
Ms Angelique Lush - Director Development and Planning
Mr Cameron 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 Jim Rinaldi

RESOLUTION:

That the apology be accepted.

Moved: Cr Daniel Moloney
Seconded: Cr Grant Tillett

CARRIED
(R97/19)

3. DISCLOSURE OF INTEREST

Nil

4. CONFIRMATION OF MINUTES

RESOLUTION:

That the Minutes of the Council Meeting on 3 April 2019 as circulated be confirmed.

Moved: Cr Belinda Coates

Seconded: Cr Amy Johnson

CARRIED

(R98/19)

5. MATTERS ARISING FROM THE MINUTES

Nil

6. PUBLIC QUESTION TIME

Nil

7. REPORTS FROM COMMITTEES/COUNCILLORS**PROCEDURAL MOTION:**

That item 10.2 'Midlands and District Amateur Swimming Association Strategic Partnership' be withdrawn.

Moved: Cr Des Hudson

CARRIED

Seconded: Cr Grant Tillett

(R99/19)

GB25/19 - Cr Belinda Coates

Cr Coates reported that she attended the third of four meetings of the Bakery Hill and Bridge Mall Consultation Working Group, and commented that it was good to see that there is still constructive feedback coming in.

Cr Coates advised that she recently attended the Sebastopol Library event 'Libraries Change Lives' and commended the library team.

Cr Coates reported that last night she attended a climate forum with over 100 community members.

Cr Coates advised that a community member ask why the Mayor didn't sign the climate change initiative.

Cr Samantha McIntosh, Mayor advised that she will take the question on notice.

Ms Justine Linley, Chief Executive Officer, advised that we will look at providing a response to the community on this.

GB26/19 - Cr Daniel Moloney

Cr Daniel Moloney acknowledged a petition which is to be tabled formally at the next Council meeting on 12 June 2019. The petition has been signed by 223 residents of the Ballarat area and requests that Council receive this petition which reads:

“To ensure Dowling Road is given the highest possible ranking under the City of Ballarat rural roads hierarchy for maintenance and upgrade works and to pursue all possible sources of funding to contribute to the cost of sealing the entire road to a standard which would cater for the continued growth of the City including vehicle, cycling and foot traffic.”

GB27/19 - Cr Grant Tillett

Cr Grant Tillett reported that he attended a meeting of the Sunraysia Highway Action Committee which involved all Councils between Ballarat and Mildura. The only section of the Highway in the Ballarat Municipality ends at Waubra, however this is an important part of our network. There has been a massive explosion in the operation of VicRoads and Regional Roads Victoria with the organisations being totally revamped.

GB28/19 - Cr Des Hudson

Cr Des Hudson acknowledged a petition which is to be tabled formally at next Council meeting on 12 June 2019. The petition has been signed by 24 residents of the Ballarat area and requests that Council receive this petition which reads:

“Once again, a vehicle has lost control on the intersection of Clayton and Rodier Street, and endangered lives by hitting the same tree and property.

- To investigate historical vehicle crash data beyond the usual Black Spot collection period for 5 years, which has caused injury or damage to property, along Clayton St and especially in the vicinity of Rodier St.
- To investigate if there is an unusual bump in the road surface that could have been a possible cause of the most recent vehicle crash, where the vehicle turning out of Butt Street lost control on the bend at Rodier St, causing serious property damage and endangering the life of residents, pedestrians and other motorists in the vicinity. The vehicle crossed into oncoming traffic on Clayton St and hit a tree before smashing through the boundary fence on 425 Clayton Street, causing significant damage to the house.
- To investigate appropriate traffic calming measures in and around the intersection of Clayton and Rodier St, Canadian and in particular:

Consider the installation of a guard rail on Clayton St at the site of the most recent crash and extend the guard rail to the Rodier St corner.

Consider the installation of appropriate traffic warning signs at the same location.”

GB29/19 - Cr Amy Johnson

Cr Amy Johnson congratulated community members Zac Budge and Matt Burch who are running community clean up days on a Sunday. They have held two clean up days and had nine volunteers on the second Sunday and cleaned up 31 bags of rubbish. Cr Johnson consulted with the CEO to see if there is a way that we can assist them with the disposal of the rubbish.

Cr Amy Johnson thanked all the groups that put on ANZAC Day commemorations and acknowledged the hard work that goes into these events. Cr Johnson acknowledged the Miners Rest Community who put on a fantastic morning and Cr Tillett who filled in as guest speaker.

GB30/19 - Cr Ben Taylor

Cr Ben Taylor acknowledged the ANZAC Day events at the RSL in Buninyong. They do a great job of keeping the stories alive in the community.

Cr Ben Taylor advised that in regard to the speeding traffic in Sturt Street, the briefing that was to occur hasn't been on the agenda and asked when this will happen.

Ms Justine Linley, Chief Executive Officer, advised that Inspector Dan Davidson has been asked to come to the next Strategic Briefing.

GB31/19 - Cr Samantha McIntosh

Mayor, Cr Samantha McIntosh, extended congratulations to Corey Loader who received the Queens Scout. Corey has faced a lot of challenges, but has achieved great things.

Cr Samantha McIntosh reported that there have been many announcements in the lead up to the Federal Election and Councillors have been focused to ensure that projects are being delivered or funded by Government. There have been many announcements around Her Majesty's Theatre, Sovereign Hill and the North-South Highway connection and Airport project.

Cr Samantha McIntosh acknowledged the great work of Officers and Councillors.

RESOLUTION:

To accept Councillor reports.

Moved: Cr Belinda Coates
Seconded: Cr Amy Johnson

CARRIED
(R100/19)

8. CHIEF EXECUTIVE OFFICER REPORT

Division: Executive Unit
Director: Justine Linley
Author/Position: Justine Linley – Chief Executive Officer

RESOLUTION:

Council resolves to:

- 1. Receive and note the CEO's Operational Report for March and April.**

Moved: Cr Belinda Coates

CARRIED

Seconded: Cr Grant Tillett

(R101/19)

EXECUTIVE SUMMARY

The CEO's Operational Report highlights issues and outcomes affecting the organisation's performance as it delivers services and implements the Council's strategies and policy decisions.

9. ASSEMBLIES OF COUNCILLORS

9.1. 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:

- 13 February 2019 Infrastructure and Environment Portfolio Meeting No 190
- 27 February 2019 Infrastructure and Environment Portfolio Meeting No 191
- 13 March 2019 Infrastructure and Environment Portfolio Meeting No 192
- 15 March 2019 Prosperity Portfolio Meeting – Events and the Arts
- 26 March 2019 Mt Buninyong Reserve Advisory Committee Meeting
- 27 March 2019 Infrastructure and Environment Portfolio Meeting No 193
- 27 March 2019 Strategic Briefing
- 29 March 2019 Community Development Councillor Portfolio Meeting
- 3 April 2019 Cemetery Trust Meeting
- 10 April 2019 Infrastructure and Environment Portfolio Meeting No 194
- 10 April 2019 Council Agenda Review Briefing
- 12 April 2019 Prosperity Portfolio Meeting
- 17 April 2019 Finance Committee
- 17 April 2019 Strategic Briefing
- 26 April 2019 Community Development Councillor Portfolio Meeting
- 1 May 2019 Council Agenda Review

Moved: Cr Grant Tillett

CARRIED

Seconded: Cr Des Hudson

(R102/19)

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*.

10. OFFICER REPORTS**10.1. STRATEGIC PARTNERSHIP APPLICATION - WEST VIC ACADEMY OF SPORT**

Division: Community Development
Director: Neville Ivey
Author/Position: Mark Patterson - Executive Manager Sport and Active Living

Mr Alan Campbell made a public representation.

RESOLUTION:**Council resolves to:**

- 1. Approve a one-year Strategic Partnership Agreement with the West Vic Academy of Sport for \$10,000 cash**
- 2. Note the annual report on the programs of the West Vic Academy of Sport which were supported by a strategic partnership**

Moved: Cr Amy Johnson
Seconded: Cr Des Hudson

CARRIED
(R103/19)

EXECUTIVE SUMMARY

The West Vic Academy of Sport is an organisation that supports the development of athletes across more than 20 different Olympic Sports. It is one of only six regional academies of its type established in Victoria.

Its vision is to provide talented Western Victorian athletes with high performance services in order to enhance their chances of State and National representation.

Recent highlights which typify the work of the academy include the success of Buninyong wheelchair athlete Sam Rizzo when he placed 6th at the 2018 Commonwealth Games last year, and Alanna Peart who claimed a national title with a gold medal in the under-16 girls 5000m race walk at the Australian Winter Walking Championships on the Sunshine Coast.

The City of Ballarat has historically been a strong supporter of the West Vic Academy of Sport and in 2018 entered a strategic partnership enabling the organisation to meet its objectives for many amazingly talented Ballarat athletes.

10.3. BALLARAT'S CREATIVE CITY STRATEGY AND CREATIVE PRECINCT MASTER PLAN

Division: Development and Planning
Director: Angelique Lush
Author/Position: Kelli Moran – Economic Development Sector Specialist

Ms Esther Anatolitis, Mr Joe Toohey, Ms Janelle Ryan and Ms Pauline O'Shannessy-Dowling made public representations.

RESOLUTION:

Council resolves to:

1. Adopt *Ballarat's Creative City Strategy*.
2. Adopt *Ballarat's Creative City Strategy Precinct Master Plan*.
3. Note the report on the public consultation undertaken on the *Draft Ballarat's Creative City Strategy* and *Draft Ballarat's Creative Precinct Master Plan*.

Moved: Cr Mark Harris

CARRIED

Seconded: Cr Belinda Coates

(R104/19)

EXECUTIVE SUMMARY

The draft *Ballarat's Creative City Strategy* presents a proposed long-term vision for the City, to guide policy and investment for the cultural and creative industries. The strategy is built on comprehensive research and extensive engagement with community and expert stakeholders. It takes a long-term view and outlines a proposed plan to achieve the vision "*Ballarat is an iconic city which inspires creativity, demands discovery and rewards the inquisitive*".

To support the objectives of *Ballarat's Creative City Strategy*, the *Ballarat's Creative Precinct Master Plan* has also been drafted, to guide the future development of the creative precinct in the city. This precinct takes Lydiard Street as its 'spine', but also incorporates the future GovHub neighbourhood, as well as Camp Street and both of Federation University Australia's CBD campuses.

Collectively, and with community support, the strategy and master plan aim to position Ballarat as one of Australia's leading creative cities. By increasing creative participation, attracting and supporting creative talent and developing a world-class creative industry and precinct. It aims to take our intrinsic Ballarat creative spirit and apply it not just to consolidating Ballarat as an internationally-notable centre for arts and culture, but also applying it to our city's continuous innovation, economic growth and social sustainability. It also strives to make Ballarat the city of the sustainable creative practitioner.

10.4. PLP/2014/495/A - 203 AND 203A WENDOUREE PARADE, LAKE WENDOUREE

Division: Infrastructure and Environment
Director: Terry Demeo
Author/Position: Leah Clark - Coordinator Statutory Planning

Mr Peter Vernon made a public representation.

RESOLUTION:

Council resolves to:

1. **Proceed to the Victorian Civil and Administrative Tribunal with a position to support the amendment of Planning Permit PLP/2014/495 on the land located at 203 and 203a Wendouree Parade, Lake Wendouree for the development of 17 dwellings and reduction in visitor car parking requirements subject to the following permit conditions:**

1. **Buildings and Works**

The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority. All buildings and works must 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. All buildings and works must be located clear of any easements or water and sewer mains unless written approval is provided by the relevant authority.

2. **Colours and Materials**

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

3. **Maintenance of Landscaping Works**

Before the development starts, a landscape plan generally in accordance with the plans prepared by CDA Design Group Pty Ltd, Drawing No TP01B dated May 2014 must be submitted to and approved by the Responsible Authority.

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).

When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions.

4. Completion of Landscaping Works

Prior to the occupation of the development, 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 plans must be maintained to the satisfaction of the Responsible Authority for 18 months from the practical completion of the landscaping. During this period, any dead, diseased or damaged plants or landscaped areas are to be repaired or replaced during the period of maintenance and must not be deferred until the completion of the maintenance period.

5. Street Tree Provision

Prior to any works commencing on site, the permit holder shall prepare a plan for the provision of street trees within the road reserve adjacent to and within the proposed development at locations approved by the Responsible Authority. The street tree locations must accord with the requirements of section 5 of Council's Landscape Design Manual (August 2012).

Prior to occupation of the development, the street trees shall be planted within the road reserve in accordance with the approved plan. The trees shall be of semi-mature age and approved species and supplied, planted and maintained in accordance with the Responsible Authority's Tree Planting Guidelines. The permit holder is to provide a bond in the amount of \$500 per street tree. The tree/s shall be maintained for a period of 18 months from planting to the satisfaction of the Responsible Authority. The bond will be returned 18 months after completion of planting and maintenance works to the satisfaction of the Responsible Authority.

6. Tree Protection During Construction

Prior to the commencement of any works on site, a Tree Management Plan (TMP) must be prepared by a suitably qualified arborist to the satisfaction of the Responsible Authority. The arborist must be qualified to AQF Level 5 or more. Once prepared, the TMP must be submitted to, and approved by the Responsible Authority. Once approved, the TMP will be endorsed and will then form part of this permit.

The TMP must be prepared to incorporate:

- a) All of the tree protection measures as set out in section 5.3 of the report titled '*Arboricultural Impacts Assessment Report*' prepared by the firm Tree Dimensions dated 11 August 2014. Such tree protection measures must include the site and the adjoining property at No.205 Wendouree Parade, Lake Wendouree; and
- b) All of the tree protection measures as set out in section 11.2 of the Arbor Safe '*Arboricultural Report & Expert Witness Statement*' dated 18 August 2015 in relation to the Sweet Gum, Japanese Maple and Silver Birch on the adjoining property at No. 205 Wendouree Parade, Lake Wendouree.

In addition to the above, the TMP must be prepared pursuant to the Australian Standard *AS:4970-2009 Protection of Trees on Development Sites* and be further structured to include (but is not limited to) the following sections:

- a) Supervision, monitoring and reporting of all on and off site arboricultural works and actions;
- b) Pre-construction/demolition details to include the following:
 - Establishment of tree protection zones;

- **Types and heights of barriers to be installed around the tree protection zones;**
 - **The amounts and types of mulch to be placed above the tree protection zones;**
 - **Irrigation and/or nutritional requirements of retained trees and the methods of cutting and managing any roots or branches that extend beyond the established tree protection zones;**
 - **Details on the demolition of infrastructure within the tree protection zones of any retained trees on either property;**
 - **The approval of tree protection measures (once established) by the Responsible Authority and/or the project arborist, prior to the commencement of any works;**
 - **The exact location and construction method for the basement excavation adjacent to the protected trees on the adjoining property at No.205 Wendouree Parade to be determined, as alterations to the extent of the basement would increase the future health impacts upon them e.g via battering of the basement excavations in a westerly direction; and**
 - **No site levelling/scraping is to occur within the tree protection zones of any of the subject trees.**
- c) During Construction, details to include the following:**
- **Watering regimes during construction and the methods of protecting any exposed/severed roots and protecting canopy branches;**
 - **Provision for the project arborist to visit the site on a monthly or fortnightly basis during the period of construction to assess tree protection fencing, mulching and soil moisture levels etc. to ensure the retained trees are being effectively managed;**
 - **Details as to the demolition and construction of proposed boundary fencing, as this could have a significant impact upon the subject trees at 203 and 205 Wendouree Parade. These details need to be known prior to any construction as it could have a significant impact upon the trees at both properties;**
 - **The need for underground services (of all types) to be placed outside the tree protection zones of all retained trees. If this cannot be achieved, then a provision for them to be bored underground at a depth determined by the project arborist must be made;**
 - **Landscaping plans must detail the exact location and level of any proposed turf, irrigation and/or paved areas within the tree protection zone of any retained tree and must avoid soil levelling/scraping and the laying of impervious surfaces within them.**
- d) Post Construction details to include the following:**
- **The installation of any permanent watering systems and undertaking any necessary remedial works; and**
 - **A final inspection of the site and the subject trees on both properties must be made by the project arborist and thereafter approval given for tree protection fencing to be dismantled. Any further arboricultural and/or plant health care requirements that are applicable at this time are to be discussed with the site/project manager(s).**

All works and actions specified in the endorsed TMP must be implemented at the prescribed times and to the satisfaction of the Responsible Authority.

7. Construction Management Plan (CMP)

Prior to the commencement of works, a CMP must be prepared to the satisfaction of the Responsible Authority and endorsed as part of this permit.

The CMP must detail:

- a) Construction hours limited to 7.30am to 6.00pm weekdays and 8.00am to 1.00pm Saturdays, these hours do not relate to any rock excavation or blasting works required by the proposal;
- b) Any rock excavation or blasting works required to be undertaken on the site are only permitted to be undertaken between the hours of 8.00am to 5.00pm weekdays and 9.00am to 1.00pm Saturdays.
- c) Management of Dawsons Avenue and Wendouree Parade to ensure that free vehicle passage is maintained to abutting benefitting properties at all times, unless with the written consent of the Responsible Authority;
- d) Methods to contain dust, dirt and mud within the site and on the adjoining streets including the method and frequency of clean up procedures and the management of on-site storage waste construction bins and vehicle washing;
- e) Management of parking of construction machinery and workers vehicles to prevent adverse impact on nearby properties;
- f) Management of staging of heavy vehicles, site deliveries and unloading and lifting points with expected frequency, and traffic management in the vicinity to ensure routes to and from the site minimise disruption to residential properties;
- g) Measures to minimise noise and other amenity impacts from mechanical equipment, including idling trucks, and demolition or construction activities;
- 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 CMP to the satisfaction of the Responsible Authority.

8. 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) Properly formed to such levels that they can be used in accordance with the plans; and
- b) Drained.

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

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

9. Waste Management Plan

A waste management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plan must be drawn to scale with dimensions. When endorsed, the plan will form part of the permit.

10. Vehicle Access

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.

11. Naturestrips

Prior to the occupation of the development, the naturestrip fronting the development shall be constructed in accordance with levels and specifications submitted to and approved by the Responsible Authority.

The works shall include:

- a) The reshaping of the naturestrip;
- b) Topdressing the area with a 75mm rolled depth of good quality loamy topsoil free of any weed or seed; and
- c) Seeding the area with an appropriate seed mix.

All works shall be completed in accordance with Council's Landscape Design Manual to the satisfaction of the Responsible Authority prior to an occupancy permit being issued.

12. Drainage Plans and Construction (Use)

Prior to works commencing on site, drainage, stormwater detention & stormwater treatment plans & computations must be submitted to and approved by the Responsible Authority. The drainage plans & computations must accord with the Infrastructure Design Manual, Council's Site Stormwater Management Systems Policy and Council's WSUD guidelines.

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

All drainage works must be constructed in accordance with the approved plans and shall be completed to a standard satisfactory to the Responsible Authority prior to the use hereby approved commencing or occupation of the development.

Any proposed discharge of stormwater requiring a direct and/or modifying and existing connection to a designated waterway (as defined by the *Water Act 1989*) will require approval by the relevant Catchment Management Authority.

13. Sediments 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.

14. Sediment Control Measures

Prior to the commencement of any works on site, a Sediment Control Plan detailing sediment control measures during construction must be submitted to the Responsible Authority for approval. Control measures should be consistent with the EPA publication 480 'Environment Guidelines for Major Construction Sites'. When approved the Sediment Control Plan shall form part of this permit. All sediment control measures shall be undertaken and remain in place until the completion of site works to the satisfaction of the Responsible Authority.

15. Contamination Assessment (Use)

Prior to works commencing on site a Preliminary Site Investigation Report prepared in accordance with AS4482.1-2005 shall be submitted to the Responsible Authority.

Should the Preliminary Site Investigation Report indicate that contaminating activities took place on the site or that contaminants are present, a Detailed Site Investigation in accordance with AS4482.1-2005 shall be undertaken. The Detailed Site Investigation report shall include any recommended remediation works.

If the Report is accepted by the Responsible Authority, the remediation works shall be completed by the applicant to the satisfaction of the Responsible Authority prior to the use hereby permitted commencing.

If there are concerns about the nature and extent of the contamination found in the Preliminary and Detailed Site Investigation reports, the Responsible Authority reserves the right to require a statutory environmental audit to be undertaken. In this case either:

- a) A certificate of environmental audit shall be issued for the land in accordance with Part IXD of the *Environment Protection Act 1970* prior to the issue of the Statement of Compliance; OR
- b) An environmental auditor appointed under the *Environmental Protection Act 1970* must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the intended use prior to the use hereby permitted commencing on the site;
- c) Where a Statement of Environmental Audit is issued for the land, the development including subdivision hereby approved must comply with all the directions and conditions contained within the Statement
- d) Where a Statement of Environmental Audit is issued for the land, prior to the issue of a Statement of Compliance for each stage, a letter prepared by an Environmental Auditor appointed under section 53S of the *Environment Protection Act 1970* or such other qualified person to the satisfaction of the Responsible Authority must be submitted to the Responsible Authority to verify that the directions and conditions contained within the statement have been satisfied; and

- e) Unless otherwise approved in writing by the Responsible Authority, where a Statement of Environmental Audit is issued for the land, and any condition of that Statement requires any maintenance or monitoring of an ongoing nature, prior to the issue of a Statement of Compliance for any stage of the subdivision authorised by this permit, the permit holder must enter into an Agreement with the Responsible Authority pursuant to section 173 of the *Planning and Environment Act 1987*. All costs associated with setting up the Agreement must be borne by the owner. The Agreement must be registered on Title and run with the land, and must provide to the satisfaction of the Responsible Authority:
- i. That the registered proprietor will undertake all required maintenance and/or monitoring in accordance with the statement; and
 - ii. Prior to the development commencing, application must be made to the Registrar of Titles to Register the section 173 Agreement on the title to the land under section 181 of the *Planning and Environment Act 1987*

16. 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.

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. 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 issued date of this permit.
- (b) The development is not completed within four years of the issued date of this permit.

In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

2. Review the Ballarat Strategy.

Moved: Cr Mark Harris

CARRIED

Seconded: Cr Des Hudson

(R105/19)

Cr Tillett requested that his opposition be recorded in the minutes in accordance with Section 73.1 of the Meeting Procedure Local Law 2018.

EXECUTIVE SUMMARY

On 18 January 2019 an Application was lodged with VCAT to amend Planning Permit PLP/2014/495 under section 87A of the *Planning and Environment Act 1987*. The original permit was issued at the direction of VCAT under its Order dated 25 September 2015.

The specifics of the proposed changes are as follows:

The most fundamental change is the increase in number of dwellings and associated mix of dwellings to that previously approved. An additional four dwellings are proposed, providing a total of 17 dwellings. The proposed dwelling mix comprises: 5 x 3 bedroom dwellings; 8 x 2 bedroom dwellings; and 4 x 1 bedroom dwellings. The previously approved dwelling mix was: 1 x 3 bedroom dwelling; 10 x 2 bedroom dwellings; and 2 x 1 bedroom dwellings.

A total of 22 car parking spaces are to be provided in the basement car park, providing car parking for each dwelling as per required standards. However, a reduction in visitor car parking spaces has been requested. The previous car park was designed to accommodate 20 car spaces which housed all required resident car spaces and visitor spaces with 5 spaces provided surplus to the planning scheme requirements.

In this instance, any variation to the originally approved Planning Permit and endorsed plans is specifically dealt with by VCAT in accordance with the direction under the original VCAT orders for the issue of the Planning Permit. Council is required to form a view in relation to the proposed amendment to the plans / development in this instance in order that VCAT has a complete position from all stakeholders in determining a formal position in relation to the proposed amendment.

The Amendment Application was advertised and VCAT has received 5 objections.

It is recommended that Council advises VCAT it does consent to the issue of an amended permit subject to conditions. The officer recommendation in this regard is based on the view that the overall building bulk is no more adverse to the neighbouring properties than was the case with the original proposal, and further that the impact of the additional dwellings is not of a nature which would justify the refusal of the proposed amendment on planning grounds.

10.5. PLP/2018/852 307-309 MAIR STREET BALLARAT CENTRAL BUILDINGS AND WORKS ASSOCIATED WITH A TAVERN, USE OF LAND FOR SALE AND CONSUMPTION OF LIQUOR (ON PREMISES LICENCE), WAIVER OF CAR PARKING REQUIREMENTS AND DISPLAY OF BUSINESS IDENTIFICATION SIGNAGE

Division: Infrastructure and Environment
Director: Terry Demeo
Author/Position: Stephanie Durant – Principal Statutory Planner

RESOLUTION:

Council resolves to:

1. Issue a Planning Permit PLP/2018/852 for the land located at 307-309 Mair Street, Ballarat Central, for Buildings and works associated with a tavern, use of land for sale and consumption of liquor (on premises licence), waiver of car and bicycle parking and display of business identification signage subject to the following Conditions:

1. **Buildings and works**

The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority. All buildings and works must 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. All buildings and works must be located clear of any easements or water and sewer mains unless written approval is provided by the relevant authority.

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. **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.

4. **No Sign Illumination**

The signage must not be illuminated by external or internal light except with the further written consent of the Responsible Authority.

5. **Limit on number of patrons**

Without the prior written consent of the Responsible Authority, not more than 141 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.

6. 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:

12pm to 11pm – Monday to Sunday.

7. Amenity

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

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

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

8. 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. 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.

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

9. 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 any member of the Victoria Police and/or of Liquor Licensing Victoria authorised 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.

10. **Waste Collection**

Waste collection from the site must only take place between 9am and 10pm Monday to Saturday except with the further written consent of the Responsible Authority.

11. **Background Music Only**

The provision of music on the premises must be limited to background music only unless with the further written consent of the Responsible Authority. No music is to be played or amplified externally of the building without the further written consent of the Responsible Authority.

12. **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.

13. **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.

14. **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.

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.

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 Ben Taylor

CARRIED

Seconded: Cr Mark Harris

(R106/19)

EXECUTIVE SUMMARY

On 12 December 2019 an Application was lodged for buildings and works associated with a tavern, use of land for sale and consumption of liquor (on premises licence), waiver of car and bicycle parking and display of business identification signage at 307-309 Mair Street Ballarat Central.

The subject site is a former retail premises (used for second-hand whitegoods sales) which is located opposite the refurbished Civic Hall and the GovHub construction site. The further investment and redevelopment of properties within this precinct is in keeping with the strategic directions under Council's adopted CBD Strategy and the policy position articulated in the Ballarat Planning Scheme and Ballarat Strategy.

It is considered that a further tavern in this location to further invigorate the precinct is an appropriate planning response subject to conditions to manage the premises accordingly. The Application was advertised, and Council received one objection which has been withdrawn. It is recommended that Council issue a Planning Permit subject to conditions.

10.6. PLP/2019/38 - 28 MAIN ROAD, BAKERY HILL

Division: Development and Planning
Director: Terry Demeo
Author/Position: Heath Steward - Statutory Planner (Contractor)

RESOLUTION:

Council resolves to:

1. Issue Planning Permit PLP/2019/038 for the land located at 28 Main Road, Bakery Hill for the use of land to sell and consume liquor associated with a General Licence subject to the following conditions:

1. Amended Plans Required

Before the use 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 advertised plans (11062 - Red Line Plan dated December 2018) received on 8 March 2018 but modified to show:

- a) The red line plan amended to show a 1.8 metre separation between the building and the footpath trading area for the unimpeded movement of pedestrians.
- b) Tables and chairs in the footpath trading area and parklet area in accordance with condition 4.

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. Sale and Consumption of Liquor – Hours

Without the prior written consent of the Responsible Authority, the sale and consumption of liquor shall only occur within the licensed area between the following hours:

Inside and Rear Courtyard:

- Sunday to Wednesday – 7am until 11pm;
- Thursday to Saturday – 7am until 1am; and
- Good Friday and ANZAC Day – 12pm until 11pm.

Footpath and Parklet:

- Sunday to Wednesday – 7am until 11pm;
 - Thursday to Saturday – 7am until 11pm; and
-

- Good Friday and ANZAC Day – 12pm until 11pm.

4. Sale and Consumption of Liquor with Food

Between the hours of 7am and 10am across the site and at all times in the footpath trading area and parklet area, the serving and consumption of alcohol must be associated with seated meals prepared and consumed on the premises to the satisfaction of the Responsible Authority.

5. 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. 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 premises and external areas used by premises 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; and
 - iii. Record management of complaints and corrective action taken to resolve the concern.

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

6. Limit on Number of Patrons

Without the prior written consent of the Responsible Authority, not more than 140 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.

7. Entertainment Noise

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.

8. Amenity

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

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

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. Permit Expiry

The permit will expire if the use does not commence within two years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.

Notes:

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.

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

Footpath Trading

A footpath trading permit must be obtained from Council's Local Laws Department before Footpath Trading commences.

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.

Moved: Cr Ben Taylor

CARRIED

Seconded: Cr Belinda Coates

(R107/19)

EXECUTIVE SUMMARY

On 16 January 2019 an application was lodged for a liquor licence associated with a hotel and inclusive of footpath trading.

The proposal in this instance is to amend the current liquor licence in the 'Main Bar' premises located in the Bakery Hill / Main Road precinct which Council has invested heavily in with on-street infrastructure. This application seeks to amend the existing licence to accommodate the on-street parklet infrastructure, including footpath trading and take-away local wines, beers and ciders, as part of the overall licenced premises.

The application was advertised with no objections received. It is recommended that Council issue a Planning Permit subject to conditions.

10.7. COUNCIL PLAN PROGRESS REPORT - QUARTER 3

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

RESOLUTION:**Council resolves to:**

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

Moved: Cr Ben Taylor

CARRIED

Seconded: Cr Mark Harris

(R108/19)

EXECUTIVE SUMMARY

The purpose of this report is to present the progress update of Council's performance against the Council Plan 2017-2021. The period reported is from January 2019 to March 2019 (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.

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:

- The Civic Hall Hub Precinct redevelopment (stage 1 of Civic Hall redevelopment) is now complete and an official opening was held on 1 March 2019. The facility was then successfully transitioned to in-house operations and management.
- The Ballarat Urban Forest Action Plan (2019) was adopted by Council on 13 March 2019. It sets an ambitious policy base and works program to manage all vegetation in Ballarat as a true "urban forest". Priority targets include increasing canopy coverage from existing 17 per cent to 40 per cent by 2040; achieving an increase in two hectares (20,000m²) of green space in the CBD; and developing tree precinct plans for priority areas of social vulnerability.
- The Ballarat Cycling Action Plan was adopted by Council in March 2017 and defined the Ballarat Bicycle Network for priority separated cycling routes which ultimately would mean more than 90 per cent of houses are within 400m of a priority cycling route. The Transport Accident Commission allocated \$9.3 million to VicRoads to deliver the routes. City of Ballarat has now finalised designs for its own 2018/19 bicycle investment, focused on the Warrenheip Gully Trail and key linkages from the east of the city onto the Canadian Creek Trail.

10.8. ROYAL SOUTH STREET STRATEGIC PARTNERSHIP APPLICATION

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

RESOLUTION:**Council resolves to:**

- 1. Approve a Strategic Partnership Grant to the Royal South Street Society (RSSS) for the Royal South Street Eisteddfod event for a four-year period from 1 July 2019 to 30 June 2022 of \$60,000 (excl. GST) cash funding per year; and**
- 2. Acknowledge the Royal South Street Society's significant contribution to Ballarat and the region's performing arts community and associated businesses; and**
- 3. Note that this funding will be provided with the conditions relevant to the Strategic Partnership Grant Program and that Council may withhold part of the proposed funding in any given year where Her Majesty's Theatre is available for full use by the RSSS.**

Moved: Cr Daniel Moloney

CARRIED

Seconded: Cr Grant Tillett

(R109/19)

EXECUTIVE SUMMARY

The Royal South Street Society (RSSS) requests a Strategic Partnership to help fund an increase in the effectiveness and reach of its marketing and promotion of the annual Royal South Street Eisteddfod. The need for additional marketing activity is to increase audience and participant numbers which have declined due in part to the closure Her Majesty's Theatre (HMT) for major construction works.

In past years over 11,000 competitors performed in the Eisteddfod at Her Majesty's to some 34,000 audience members annually. In 2018 RSSS Eisteddfod applications fell by 18% with a significant number of elite championship calisthenic and dance schools choosing not to participate. It is understood that this result was largely due to uncertainty about the availability of HMT and RSSS's ability to produce a professional theatre style offering outside of HMT.

Officers have reviewed the Strategic Partnership funding request against the program guidelines and recommend providing financial support for the requested four-year term. This grant allocation aligns with the purpose of the Strategic Partnership Program, the 2018 – 2028 (City of Ballarat) Events Strategy, the Draft Creative City Strategy and delivers on the Deed of Agreement between the Ballarat City Council and RSSS 1987.

10.9. BAKERY HILL AND BRIDGE MALL MASTERPLAN PROGRESS REPORT AND EARLY WORKS

Division: Development and Planning
Director: Angelique Lush
Author/Position: James Guy – Executive Manager Economic Partnerships

Mr Mick Moloney, Ms Mary Hollick and Mr Nathan Porter made public representations.

RESOLUTION:**Council resolves to:**

- 1. Note the strong community feedback received to date requesting a major investment in the Bakery Hill/ Bridge Mall CBD precinct so as to transition the area to a premium mixed-use, safe, accessible and environmentally sustainable area.**
- 2. Provide in-principle support for a staged major capital works and investment package to open up the Bridge Street Mall to shared pedestrian and vehicular movement, provide an environmentally sensitive and attractive public realm and streetscape.**
- 3. Allocate \$15 million towards Stage 1 works to be apportioned across the 2019/20, 2020/21 and 2021/22 budget years.**

Moved: Cr Samantha McIntosh

CARRIED

Seconded: Cr Des Hudson

(R110/19)

EXECUTIVE SUMMARY

The Bakery Hill and Bridge Mall precinct is the most significant entry point to the Ballarat CBD from the east and is a site of historic and National significance, being foremost the location of the raising of the Eureka Flag. The precinct has also traditionally formed the commercial core of Ballarat. In recognition of this and in the face of a gradual decline of commercial/retail activity within the precinct, the City of Ballarat with the support of the Victorian Planning Authority, is currently preparing an Urban Renewal Plan to facilitate transformation of the precinct back into a thriving, inclusive and sustainable city gateway and the urban heart of Ballarat.

Through November 2018 and April 2019, two significant rounds of community engagement on the Bakery Hill and Bridge Mall Urban Renewal Precinct were undertaken following a comprehensive research and investigative phase undertaken in conjunction with the Victorian Planning Authority.

Throughout both phases of community consultation, there has been a strong call for change. More specifically, it is clear that 'business as usual' within the precinct is not an option as the retail and commercial decline cannot be reversed without major interventions. In recognition of the feedback provided through phases 1 and 2 of the community engagement process and

the urgency placed on the need to arrest the continuing decline, Council has prepared an early capital works package which will mark the commencement of the Precinct's longer-term transformation over the next 2 to 5 years. This early works package will form part of the longer-term Urban Renewal Plan for the broader area.

This report recommends that a significant investment in the Bakery Hill/Bridge Street area (including Little Bridge Street) be approved and funding allocations form part of the current budget process. If approved, early works will mark the commencement of a major transformation of the entire precinct over the next 2 to 5 years. Details of the exact form and design of physical changes, and other public/private partnership opportunities in surrounding streets and spaces will be explored with the community and business over Phase 3 of consultation which is about to commence.

A decision regarding the broader Bakery Hill / CBD Urban Renewal Plan is scheduled to be considered by Council in late 2019, taking in the areas currently occupied by large at grade car parks to the south and north of the Bridge Mall.

PROCEDURAL MOTION:

That item number '10.13 Food Strategy' be brought forward.

Moved: Cr Des Hudson

Seconded: Cr Belinda Coates

CARRIED

(R111/19)

10.13. FOOD STRATEGY

Division: Community Development
Director: Neville Ivey
Author/Position: Caroline Amirtharajah - Health and Wellbeing Planning Officer

Mr Sean Duffy made a public representation.

RESOLUTION:**Council resolves to:**

1. Place the draft Food Strategy on public exhibition including using MySay for a period of one month.

Moved: Cr Belinda Coates

CARRIED

Seconded: Cr Amy Johnson

(R112/19)

EXECUTIVE SUMMARY

The draft strategy, *Good Food for All 2019-22*, outlines the main issues facing the community in relation to the food system, clarifies Council's role to address these issues, draws attention to the breadth of community projects in this area, and details a series of actions to be undertaken over the next four years. *Good Food for All* was developed following a long period of facilitated consultation and open and online opportunities for feedback from June to December 2018.

10.10. QUARTERLY FINANCIAL REPORT

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

RESOLUTION:

Council resolves to:

- 1. Receive the 3rd Quarter Financial Report for the 2018/19 financial year and note the financial issues contained within the report.**
- 2. Note that the \$10 million loan from the State Government for recreation projects will not be accessed this financial year due to delays in the signing off the loan by the State Government.**
- 3. Not to refinance loans repaid this financial year totaling \$3.073 million as per the budget, due to surplus funds.**

Moved: Cr Ben Taylor
Seconded: Cr Grant Tillett

CARRIED
(R113/19)

EXECUTIVE SUMMARY

This report sets out the 3rd Quarter financial results for the 2018/19 financial year of the Ballarat City Council. The report highlights the major financial issues for the quarter.

10.11. DRAFT 2019-20 BUDGET

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

RESOLUTION:

Council resolves to:

- 1. Give Public Notice in accordance with sections 129 and 223 of the *Local Government Act 1989* of Council's intention to adopt, at a Special Council meeting of Council to be held at 7.00 pm on Wednesday 26 June 2019, the proposed 2019-20 Budget.**
- 2. In accordance with the provisions of Section 171 of the Local Government 1989, Council will waive \$92.50 of the Rates Levied for the 2019-20 year on properties where the ratepayer:-**
 - a) Is an eligible recipient within the meaning of the State Concessions Act 2004, and has qualified for a waiver under Section 171(4) of the *Local Government Act 1989*, and,**
 - b) Who lives alone in their own home and is solely responsible for the payment of rates and charges on that property.**
- 3. Invite and consider public submissions under Section 223 of the *Local Government Act 1989*, on the proposals contained in the 2019-20 draft budget and/or the granting of a rate rebate to eligible pensioners and/or Recreational 1 rateable properties. Written public submissions will be accepted for 28 days ending 9.00am Monday 17 June 2019.**
- 4. Any person who wishes to be heard in support of a submission received by Council should indicate in the written submission that he or she wishes to be heard. Any person requesting that he or she be heard in support of a submission is entitled to appear before a meeting of the Council either personally or by a person acting on his or her behalf at a Special Council meeting scheduled for Wednesday 19 June 2019 at 7:00pm.**
- 5. In accordance with the provisions of Section 171 of the *Local Government 1989*, Council will waive the Rates Levied for the 2019-20 year on properties where the property is classified as Recreational 1 for rating purposes: -**

The objective of this waiver is to provide financial assistance to those sporting and recreational clubs that are required to pay rates.

**Moved: Cr Grant Tillett
Seconded: Cr Ben Taylor**

**CARRIED
(R114/19)**

EXECUTIVE SUMMARY

The Council must prepare a Budget and Strategic Resource Plan for each financial year. The Budget is to contain the information specified in the *Local Government Act 1989* (the Act) and all details required by the *Local Government (Planning and Reporting) Regulations 2014* (the Regulations). As soon as practicable after the Council has prepared a Budget it must give Public Notice. Any person has the right to make a submission under section 223 of the Act on any proposal contained in the Budget.

Following the completion of the statutory obligations including consideration of submissions, Council may adopt the Budget.

It will be prudent and fiscally responsible to ensure the adoption of the 2019-20 Budget by 30 June 2019 to comply with the Act, and to set the direction and priorities of the Council.

10.12. COUNCIL PLAN ANNUAL REVIEW

Division: Innovation and Organisational Improvement
Director: Cameron Gray
Author/Position: Matthew Swards – Manager Business Improvement

RESOLUTION:

Council resolves to:

- 1. Note the review of the Council Plan 2017-2021; and**
- 2. Note that no adjustments are proposed.**

Moved: Cr Grant Tillett
Seconded: Cr Mark Harris

CARRIED
(R115/19)

EXECUTIVE SUMMARY

The purpose of this report is to inform the Council that no adjustments are proposed to the Council Plan 2017-2021 (Council Plan) as the result of this year's review. The *Local Government Act 1989* (the Act) requires the Council, at least once each financial year, to 'consider whether the current Council Plan requires any adjustment in respect of the remaining period of the Council Plan'.

During this year's budget and annual planning discussions, Councillors and Officers considered whether any adjustments may be required to the Council Plan. Following that process no adjustments to the Council Plan are proposed this year.

10.14. RECONCILIATION ACTION PLAN 2019-2021

Division: Community Development
Director: Neville Ivey
Author/Position: Elizabeth Hardiman – Intercultural Partnerships Officer
Jenny Fink - Executive Manager Learning and Community Hubs

RESOLUTION:**Council resolves to:**

- 1. Acknowledge the invaluable guidance and feedback received from groups, organisations and individuals towards developing Council's draft Reconciliation Action Plan (RAP) 2019-2021.**
- 2. Accept the recommendations of the Koorie Engagement Action Group, the RAP Working Group and Reconciliation Australia.**
- 3. Acknowledge that Reconciliation with Aboriginal and Torres Strait Islander peoples is an 'All of Council' responsibility.**
- 4. Endorse the City of Ballarat's Reconciliation Action Plan 2019-2021.**

Moved: Cr Belinda Coates
Seconded: Cr Daniel Moloney

CARRIED
(R116/19)

EXECUTIVE SUMMARY

This report seeks Council's endorsement of the RAP, which has been extensively reviewed and developed by Council's key advisory committee, the Koorie Engagement Action Group (KEAG) and affiliated RAP Working Group. It has also been endorsed by Reconciliation Australia. Additional public consultation is not considered necessary at this late stage of the plan's development.

PROCEDURAL MOTION:

That Council adjourn for 5 minutes.

Moved: Cr Amy Johnson
Seconded: Cr Grant Tillett

NO VOTE TAKEN

Cr Taylor moved items 10.15, 10.16, 10.17, 10.18 and 10.19 in a block.

10.15. INVERMAY RECREATION RESERVE SPECIAL COMMITTEE MEMBERSHIP

Division: Community Development
Director: Neville Ivey
Author/Position: Neville Ivey – Director Community Development

RESOLUTION:

Council resolves to:

- 1. Appoint Mr Lachlan Pryor to the Invermay Recreation Reserve Special Committee; and**
- 2. Accept the resignation of Ms Marianne Farrar and thank Ms Farrar for her service to the Invermay Recreation Reserve Special Committee.**

Moved: Cr Ben Taylor
Seconded: Cr Des Hudson

CARRIED
(R117/19)

EXECUTIVE SUMMARY

The purpose of this report is to appoint Mr Lachlan Pryor to the Invermay Recreation Reserve Special Committee and accept the resignation of Ms Marianne Farrar.

10.16. CONTRACTS SPECIAL COMMITTEE OF COUNCIL - 6 MARCH 2019

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

RESOLUTION:

Council resolves to:

1. Note, as per the *Local Government Act 1989* Section 88(2) that this matter is designated confidential information under section 89(2) as Contractual Matters and has been considered in making this recommendation.
2. Endorse the Special Contracts Committee minutes of the meetings held on 6 March, 2019.

Moved: Cr Ben Taylor
Seconded: Cr Des Hudson

CARRIED
(R117/19)

EXECUTIVE SUMMARY

The purpose of this report is to provide Council with copies of minutes of Council's section 86 Special Contracts Committee in accordance with the *Local Government Act 1989*. At the meeting of these Committees held on 6 March 2019, one Contract was endorsed by the Committee. This report provides a copy of the minutes of this meeting as well as detailing summary information in relation to this Contract.

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

Division: Business Services
Director: Glenn Kallio
Author/Position: Sarah Anstis - Administration Officer Statutory Compliance

RESOLUTION:

Council resolves to:

1. Revoke the S11A. Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) for Abbie Stark (R156/17), effective as at 15 May 2019.
2. Revoke the S11A. Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) for Eddie Wyman (R45/17), effective as at 15 May 2019.
3. Revoke the S11A. Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) for Luke Gavin (R231/18), effective as at 15 May 2019.
4. Endorse the S11A. Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) for Edwin Wyman, effective as at 15 May 2019.
5. Endorse the S11A. Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) for Rhett English, effective as at 15 May 2019.
6. Endorse the S11A. Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) for Terry Natt, effective as at 15 May 2019.
7. Sign and affix Council's Common Seal to the S11A. Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*).

Moved: Cr Ben Taylor
Seconded: Cr Des Hudson

CARRIED
(R117/19)

EXECUTIVE SUMMARY

The purpose of this report is to enable Council to revoke the S11A. Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) for Abbie Stark, Eddie Wyman and Luke Gavin.

The report is to also endorse the S11A Instrument of Appointment and Authorisation (*Planning and environment Act 1987*) to Edwin Wyman, Rhett English and Terry Natt.

10.18. S6 INSTRUMENT OF DELEGATION - MEMBERS OF STAFF

Division: Business Services
Director: Glenn Kallio
Author/Position: Sarah Anstis - Administration Officer Statutory Compliance

RESOLUTION:

Council resolves to:

- 1. Revoke the S6. Instrument of Delegation - Members of Staff endorsed on 20 February 2019 (R35/19).**
- 2. Exercise Councils power conferred by section 98(1) of the *Local Government Act 1989* and the other legislation referred to in the attached S6. Instrument of Delegation – Members of Staff.**
- 3. Delegate each duty and/or function and/or power described in column 1 of the Schedule and summarised in column 2 of the Schedule, to the member of Council Staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule.**
- 4. Authorise the S6. Instrument of Delegation – Members of Staff (Attachment 1) to:**
 - i. Come into force immediately once the Common Seal of Council is affixed;**
 - ii. Remains in force until varied or revoked;**
 - iii. Be subject to any conditions and limitations set out in sub-paragraph 3.3 of the delegation and the Schedule; and**
 - iv. Be exercised in accordance with any guidelines or policies which Council, from time to time, adopts.**
- 5. Sign and affix Council’s Common Seal to the S6. Instrument of Delegation - Members of Staff.**

Moved: Cr Ben Taylor
Seconded: Cr Des Hudson

CARRIED
(R117/19)

EXECUTIVE SUMMARY

The purpose of this report is to present the revised changes to the S6 Instrument of Delegation – Members of Staff for Council's consideration. Changes to the Instrument of Delegation since the last approved iteration include.

- The new position Supervisor Asset Surveillance (SASU);
- The new position Municipal Building Surveyor (MBS);
- The new position Principal Planner Strategic Projects (PPSP);
- Removed the position Senior Strategic Planner (SPP); and
- The change of position title Coordinator Traffic and Transport (CTT) to Coordinator Integrated Transport (CIT).

The revised delegation has been reviewed at Officer level and is considered appropriate for the ongoing administrative efficiency of Council. The revised Instrument is presented in attachment one. Attachment two represents the delegations required for the new position Supervisor Asset Surveillance (SASU). Attachment three represents the delegations required for the new position Municipal Building Surveyor (MBS). Attachment four represents the delegations required for the new position Principal Planner Strategic Projects (PPSP).

To adopt the amended Instrument, Council must revoke the Instrument that was endorsed at the Council Meeting held on 20 February 2019 (R35/19) and endorse the revised Instrument (attachment one) reflecting changes and conditions within the *Environment Protection Act 1970*, *Residential Tenancies Act 1997*, *Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010*, *Road Management Act 2004* and *Planning and Environment Act 1987*.

10.19. 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 Ben Taylor
Seconded: Cr Des Hudson

CARRIED
(R117/19)

EXECUTIVE SUMMARY

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

11. NOTICE OF MOTION

Nil

12. URGENT BUSINESS

Nil

13. 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 10:30pm whilst the Council is dealing with the following matters;

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

**CARRIED
(R118/19)**

10.8 ROYAL SOUTH STREET STRATEGIC PARTNERSHIP APPLICATION FINANCIALS

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

(Contractual matters)

10.16 CONTRACTS SPECIAL COMMITTEE OF COUNCIL - 6 MARCH 2019

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

(Confidential report designated under the Local Government Act 1989 section 77(2)(b))

13.1 APPOINTMENT TO AUDIT ADVISORY COMMITTEE

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)

