

**CITY OF
BALLARAT**



Ordinary Council Meeting

25 January 2017

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 25 JANUARY 2017 AT 7:00PM

MINUTES

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1. OPENING DECLARATION

Councillors: *"We, the Councillors of the City of Ballarat, declare that we will carry out our duties in the best interests of the community, and through collective leadership will maintain the highest standards of good governance."*

Mayor: *"I respectfully acknowledge the Wadawurrung and Dja Dja Wurrung People, the traditional custodians of the land, and I would like to welcome members of the public in the gallery."*

2. APOLOGIES FOR ABSENCE

2.1 Present

Mayor Samantha McIntosh
Cr Belinda Coates
Cr Mark Harris
Cr Des Hudson
Cr Amy Johnson
Cr Daniel Maloney
Cr Jim Rinaldi
Cr Ben Taylor
Cr Grant Tillett

Ms Justine Linley - Chief Executive Officer
Mr Terry Demeo - Director Infrastructure and Environment
Mr Glenn Kallio - Director Business Services
Ms Angelique Lush - Acting Director Development and Planning
Mr James Guy- Executive Manager Economic partnerships
Mr Cameron Duthie - Policy and Projects Strategist
Mr Cameron Montgomery – Executive Manager Safety, Risk and Compliance Services
Ms Sarah Anstis - Governance Administration Officer
Ms Zoe Eastick - Governance Officer

2.2 Apologies

Nil

3. DISCLOSURE OF INTEREST

Cr Tillett made a declaration of interest on the following matters:

Item 9.1 disclosure of an indirect interest by reason of a perceived conflict of interest as he was a submitter/party to the matter; and

Item 9.2 disclosure of an indirect conflict of interest by reason of close association.

4. CONFIRMATION OF MINUTES

RESOLUTION:

That the Minutes of the Council Meeting on 14 December 2016 as circulated be confirmed.

**Moved: Cr Belinda Coates
Seconded: Cr Des Hudson**

**CARRIED
(R02/17)**

5. MATTERS ARISING FROM THE MINUTES

Mr John Barnes made a public submission.

6. PUBLIC QUESTION TIME

QT01/17 - Werner Ollering, Miners Rest

Question

Asked if there are any plans to make Public Question Time more user friendly?

Answer

Cr McIntosh, Mayor

Council plans to come back to the community soon with a response to proposed changes.

QT02/17 - Werner Ollering, Miners Rest

Question

Will it change to the questions being prepared?

Answer

Cr McIntosh, Mayor

It has been discussed that the questions could be registered before the meeting. As a result, Officers can gather information and provide the response as soon as possible.

QT03/17- Sarah Kotolo, Ballarat North

Question

Ballarat Aquatic Lifestyle Centre restructure affecting Childcare services. Can families be reassured that Council has heard these concerns regarding process and access to Occasional Care?

Answer

Cr McIntosh, Mayor

Council has had significant conversations about this. Council will review at a Councillor Briefing.

QT04/17- Garry Fitzgerald, Ballarat East

Question

Who decides if the 40km remains and will it be a Council or Vic Roads decision?

Answer

Justine Linley, Chief Executive Officer

Council is currently undertaking a review process. It has been identified to come to a Councilor Briefing in March 2017.

QT05/17- Garry Fitzgerald, Ballarat East

Question

Will public opinion be sought regarding the new process for Public Question Time when rewriting the Local Law 18?

Answer

Justine Linley, Chief Executive Officer

The Meeting Procedure Local Law 18 is required to be reviewed as part of a legislated process. The process involves consultation with the community.

QT06/17- Peter Wills, Golden Point

Question

Asked about the barbeque at the park, and the park itself, near Sovereign Hill regarding responsibilities and details of the lease arrangements.

Answer

The CEO advised that the park and barbeque were the responsibility of the Sovereign Hill Museums Association. Mr Demeo further advised that a review of lease documentation has not yet been completed in full but he also believed that the Sovereign Hill Museums Association was responsible for that area.

QT07/17- Peter Wills, Golden Point

Question

Should the community feel free to use the other barbecue at the other side of fence?

Answer

This was taken as a rhetorical question.

QT08/17- Frank Williams, Invermay Park

Question

How could Officers issue a planning permit for one of the most heritage locations in Ballarat in Webster Street? The planning permit was issued to turn buildings into medical suites for St John of God.

Answer

Justine Linley, Chief Executive Officer

The CEO clarified that the property Mr Williams is referring to is located at 109 Webster Street. This property is not owned by St John of God but is in the vicinity of the hospital. That matter is the subject of a VCAT hearing which is currently scheduled to be heard in June 2017.

QT09/17 - Frank Williams, Invermay Park

Question

What will this Council do to prevent destruction of iconic and historical residential streetscape in Webster Street for future generations?

Answer

Cr McIntosh, Mayor

There are many planning requirements and we do respect our heritage in this Council. Council have put strategies through to the Planning Department to protect as much as we can.

RESOLUTION:

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

Moved: Cr Grant Tillett

CARRIED

Seconded: Cr Jim Rinaldi

(R03/17)

QT10/17- Penelope Greenslade, Ballarat Central

Question

Why has Public Transport Victoria broken their promise on the bus park bays in the Lydiard Street area?

Answer

Cr Moloney

Council is concerned at the conduct of Public Transport Victoria and has advocated on the resident's behalf.

7. REPORTS FROM COMMITTEES/COUNCILLORS**CD01/17 Cr Grant Tillett**

Cr Tillett report that he had received a briefing on the Emergency Services arm of Council. Cr Tillett commented that fire plug services were a priority and sought assurances that these works will be prioritised.

CD02/17 Cr Belinda Coates

Cr Coates advised that the Koorie Engagement Action Group (KEAG) were working on a cultural awareness program for Councillors. The draft program has been developed and KEAG recommends all Councillors to attend all sessions.

Cr Coates also reiterated that KEAG seeks the City of Ballarat to begin a broad conversation, over the next 12 months, about the growing national discussion about changing the date for Australia Day celebrations towards a more inclusive date; and a broader celebration of our multicultural history, inclusive of aboriginal cultural history.

GB01/17 Cr Amy Johnson

Cr Johnson sought leave of absence February 8 and 22 February 2017 Council Meeting.

RESOLUTION:

That leave of absence be granted for Cr Johnson on Council Meetings 8 February and 22 February 2017.

Moved: Cr Amy Johnson

CARRIED

Seconded: Cr Des Hudson

(R04/17)

Cr Johnson also commented that there has been a significant effort to increase the number of events held in the City this summer and thanked organisers for their work.

CD03/17 Cr Samantha McIntosh

The Mayor reported that she had been invited to present at a Parliamentary Committee meeting regarding the relocation of the air crane away from the Ballarat aerodrome. The Mayor noted the importance of Ballarat in emergency management and fire fighting efforts, not just for the immediate area but also for the region, the state and areas in southern NSW and eastern South Australia.

RESOLUTION:

That the reports made by Councillors be accepted.

Moved: Cr Des Hudson

CARRIED

Seconded: Cr Jim Rinaldi

(R05/17)

8. ASSEMBLIES OF COUNCILLORS

8.1. ASSEMBLIES OF COUNCILLORS

Division: Business Services
Director: Glenn Kallio
Author/Position: Sarah Anstis – Governance Administration Officer

RESOLUTION:

That Council approves the report on Assemblies of Councillors as listed:

- **11 July 2016 Ballarat Heritage Advisory Committee**
- **16 November 2016 Councillor Briefing**
- **1 December 2016 Ballarat Airport Advisory Committee Meeting**
- **5 December 2016 Ballarat Heritage Advisory Committee**
- **9 December 2016 Disability Advisory Committee**
- **21 December 2016 Councillor Briefing Rate Cap and Budget**
- **4 January 2017 Councillor Briefing Ballarat Aquatic and Lifestyle Centre**
- **9 January 2017 PTV and BCC Ballarat Bus Network Update Meeting**
- **18 January 2017 Councillor Briefing**

Moved: Cr Des Hudson

CARRIED

Seconded: Cr Belinda Coates

(R06/17)

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/2016/119 - 134 HOWE STREET MINERS REST

Division: Development and Planning
Director: Angelique Lush
Author/Position: John Ciavarella – Coordinator Statutory Planning

Cr Tillett declared a conflict of interest in this item and left the chamber for the discussion and vote at 7:53pm.

Kellie Jones made a public representation for this item and item 9.2.

Alicia Bond made a public representation.

Werner Ollering made a public representation for this item and item 9.2.

Tim Wright made a public representation for this item and item 9.2.

OFFICER'S RECOMMENDATION

Council Resolves to:

1. Issue a Notice of Decision to grant a Planning Permit PLP/2016/119 for subdivision of the land into 38 lots, removal of easements E-1, E-2 and E-3 and removal of a covenant at 134 Howe Street, Miners Rest subject to the following conditions:

1. Formal Plan of Subdivision

The formal plan of subdivision lodged for certification must be generally in accordance with the approved plan and must not be modified except to comply with statutory requirements or with the further written consent of the Responsible Authority.

2. Creation of Restriction

The plan of subdivision submitted for certification must include a creation of restriction on a separate sheet showing the building envelopes in accordance with the approved plan. The wording of the creation of restriction shall be as follows:

Land to be Burdened: Lots 74, 75, 90, 91 and 102 on this plan.

Land to Benefit: All lots on this plan

Creation of Restriction

Upon registration of this plan, the following restriction is created.

Description of Restriction

Fencing shall not occupy more than 30 percent of the frontage to Howe Street.

No fencing is allowed on those boundaries adjoining Reserve No. 1 and Reserve No. 2.

Dwellings must be oriented to have a sense of address to Howe Street as well as internal roads.

No vehicle access is allowed directly to Howe Street.

Definitions

“Fencing” – means “fence” within the definitions of the Fences Act 1968.

Variations

Variation of these requirements will require approval from the Responsible Authority.

3. Section 173 Agreement

Prior to the issue of a Statement of Compliance, the owner must wholly end Section 173 Agreement vested in instrument number AL333794H pursuant to Section 177(2)(a) of the Planning and Environment Act 1987.

An application must be made to the Registrar of Titles to end the Section 173 Agreement on the title to the land under section 183(2) of the Act. The responsible authority will not release Statement of Compliance until the Agreement has been ended at the titles office and a dealing number assigned or other official document confirming that the Agreement has been ended.

4. Landscape Master Plan

Prior to the commencement of any works, a landscape master plan must be prepared for the entire site (inclusive of land within approved subdivisions PLP/2014/364 and PLP/2014/861) and be approved by the Responsible Authority. When approved, the plan will form part of the permit.

The Landscape Master Plan is broadly conceptual and should not show detailed design or specifications but must include:

- a) An accurate survey of the entire subdivision showing all existing vegetation, topography, title boundaries, surrounding roads etc.
- b) Proposed stages with road and lot layouts.
- c) A detailed vegetation assessment survey showing all existing vegetation to be retained, protected and/or removed with accompanying report that is consistent with the requirements of the *Native Vegetation Management Framework, Department of Sustainability and Environment, 2002*.
- d) Locations, sizes and title designation of all public reserves (eg drainage, recreational, linear etc).
- e) Proposed major features and concepts for reserves (eg playgrounds, water features, retention basins, native vegetation offset plantings, footpaths, etc).
- f) Concepts and locations for street tree plantings and landscaping treatments within road reserves (eg roundabouts, centre medians etc).
- g) Proposed planting styles and locations for all plantings in public reserves and streets, footpath locations and pathway linkages through the subdivision and public reserves.

5. Landscape Plans

Prior to the commencement of works, a detailed landscape plan must be prepared for all land within that particular stage and be approved by the Responsible Authority. The landscape plan for the stage must be generally in accordance with the approved Landscape Master Plan and when approved will form part of the permit.

The landscape plan for the stage must include relevant details for:

- (a) All existing vegetation, built structures and landscape features to be retained, protected and/or removed.
 - (b) All proposed landscape works within the public reserves including plantings, vegetation offset areas, garden beds and lawn areas, playgrounds, paths, fencing, park furniture, boardwalks, bridges, and perimeter fencing details to all private boundaries adjoining public reserves.
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- (c) All proposed drainage infrastructure within public reserves including earthworks, retention basins, underground pipes, stormwater outlets and water sensitive urban design treatments.
- (d) Street tree plantings and landscaping in road reserves including naturestrips, roundabouts and centre medians.
- (e) Planting schedules of all proposed plantings within the public reserves and road reserves including details of botanical names, common names, supply sizes and plant numbers.
- (f) Landscape works required to be undertaken by the applicant as part of other permit conditions, approved plans or additional information requested by the Responsible Authority (eg Weed Management Plans, Native Vegetation Management plans, Arboricultural reports, Cultural Heritage Management Plans).

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

6. 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 subdivision 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 the issue of a Statement of Compliance, 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 trees shall be maintained for a period of eighteen (18) months from planting to the satisfaction of the Responsible Authority. The bond will be returned eighteen (18) months after completion of planting and maintenance works to the satisfaction of the Responsible Authority.

Or

Prior to the issue of Statement of Compliance the permit holder must pay Council \$750 per street tree for their provision and eighteen (18) month maintenance period.

Note: For information regarding suitable street tree species see Council's adopted Urban Design Manual Part B: Landscape Character Area Guidelines (Version 1.0, 2012), available on Council's website.

7. Completion and Maintenance of Landscaping Works

Prior to the issue of a Statement of Compliance, all landscape works forming part of the approved Landscape Plans must be completed to the satisfaction of the Responsible Authority. The landscaping shown on the approved landscape plan must be maintained to the satisfaction of the Responsible Authority for 18 months from the practical completion of the landscaping. During this period, any dead, diseased or damaged plants or landscaped areas are to be repaired or replaced during the period of maintenance and must not be deferred until the completion of the maintenance period.

8. Bonding, Completion and Maintenance of Landscaping

The applicant must ensure that all landscaping works forming part of the approved plans are maintained in accordance with the Landscape Design Manual unless otherwise stated in this permit. Bonding of works may be permitted in accordance with the Landscape Design Manual.

9. Telecommunications

The owner of the land must enter into an agreement with:

- a) A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
- b) A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

- c) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
- d) A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

10. 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 Howe Street and Cummins Road to ensure that those roads 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 workers 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,
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ensure 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
- 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.

11. Functional Layout Plan

Prior to submission of any detailed engineering plans and certification of the plan of subdivision, Functional Layout Plans in accordance with the Infrastructure Design Manual (IDM) shall be submitted to and approved by the Responsible Authority.

12. Engineering Plans and Construction

Prior to the commencement of works, engineering plans and specifications (inclusive of land within proposed subdivisions PLP/2014/364 and PLP/2014/861) 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 shall be completed to a standard satisfactory to the Responsible Authority prior to the issue of Statement of Compliance.

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) Construction of all roads internal to the subject site.
- b) Construction of Cummins Road along the entirety of the frontage of the site.
- c) Installation of bollards within Reserves 1 and 2 to prevent vehicle access.
- d) Construction of underground and surface drainage, detention basins/wetlands and the like
- e) Construction of footpath, naturestrip, street lighting and all other ancillary works as deemed necessary by the Responsible Authority.

13. Drainage Plans and Construction

Prior to works commencing on site, drainage, stormwater detention and stormwater treatment plans (inclusive of land within proposed subdivisions PLP/2014/364 and PLP/2014/861) must be submitted to and approved by the Responsible Authority. The drainage, stormwater detention and stormwater treatment plans must accord with the Infrastructure Design Manual, Water Sensitive Urban Design guidelines and any other requirements of 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 issue of Statement of Compliance.

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

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

14. Footpath Construction

A footpath shall be constructed along the frontage of lots within the subject site and along the frontage of lots on both Cummins Road and Howe Street.

Prior to works commencing on site, engineering plans must be submitted to and approved by the Responsible Authority. The plans must accord with the Infrastructure Design Manual and Council's Standard Drawings.

All 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 issue of Statement of Compliance.

15. Naturestrips

The naturestrip fronting all lots and reserves shall be constructed in accordance with levels and specifications submitted to and approved by the Responsible Authority.

The works shall include:

1. The reshaping of the naturestrip.
2. Topdressing the area with a 75 millimetre rolled depth of good quality loamy topsoil free of any weed or seed.
3. Seeding the area with an appropriate seed mix.

All works shall be completed in accordance with Council's Landscape Design Manual and shall be to the satisfaction of the Responsible Authority prior to the issue of Statement of Compliance.

16 Drainage Easements

All easements deemed necessary to protect existing or future drainage lines within the proposed development site and properties between the development site and the nominated point of discharge shall be created to the satisfaction of the Responsible Authority.

17. Street Lighting

Prior to works commencing on site, a street lighting plan prepared by a suitably qualified professional must be submitted to the Responsible Authority for approval. Street light design must accord with the Infrastructure Design Manual, using energy efficient 18w LED globes in local streets, T5 fluorescent globes in street lighting managed by VicRoads and ensure compliance with AS1158 (or the AS at the time of installation). Fittings must comply with Council's street light service provider's standard fittings. Non-standard fittings will not be permitted.

Once approved, all works detailed on the street lighting plan shall be installed to the satisfaction of the Responsible Authority prior to the issue of a Statement of Compliance.

18. Street Naming and Numbering

Prior to any works commencing on site, the permit holder must contact Council's Revenue Officer and/or Place Names Officer to arrange street numbering and naming requirements. All costs associated with the numbering of properties and naming of streets (including but not limited to supply and installation of street signs) must be borne by the permit holder. All works must be completed to the satisfaction of the Responsible Authority prior to the issue of a Statement of Compliance.

19. Contamination Assessment

Prior to the certification of the Plan of Subdivision, 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 issue of a Statement of Compliance.

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 a 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 issue of a Statement of Compliance.

to the satisfaction of the Responsible Authority.

- (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.
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- (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.
- (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.

20. 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.

21. 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.

22. Filling of Lots

If lots within the development are to be filled, details of the filling must be shown on the road and drainage construction plans.

Details to be shown include:

- Existing natural features
- Existing improvements
- Natural and finished surface levels

Once approved the filling operation shall be undertaken in accordance with the plan in the following way:

- a) Prior to the commencement of filling commencing on any particular area of the site, topsoil shall be stripped and stockpiled on the site. Topsoil is not to be removed from the site but stored to be used and spread over the site on the completion of the filling operation, with additional soil if needed, to a depth of 100 millimetres.
- b) The land shall be shaped so as not to concentrate water onto adjoining land.
- c) Only clean inert filling shall be deposited on the site.
- d) No material shall be stored or dumped on any area not approved for filling or stockpiling.
- e) No damage shall be caused to kerb and channel, road pavement, strip-strips, drainage infrastructure or any other Responsible Authority asset due to the filling operation. If any damage is caused, the damage shall be repaired immediately to the satisfaction of the Responsible Authority.
- f) Deposited material shall be shaped in accordance with the approved detailed plan or as directed by the Responsible Authority.
- g) Any land proposed to be further developed by the construction of buildings, roadways or drainage lines shall be compacted to 95% Modified (In accordance with Australian Standard 1289.5-2.1). Test results shall be submitted to the Responsible Authority.
- h) Appropriate dust suppression measures shall be implemented to ensure that a nuisance is not caused to adjoining landowners or the general public to the satisfaction of the Responsible Authority.
- i) If the filling is not completed in accordance with the approved plan, an as constructed plan, showing natural and finished surface levels, shall be submitted to the Responsible Authority.

All works required to comply with this condition shall be completed to the satisfaction of the Responsible Authority prior to the issue of a Statement of Compliance.

23. Fees for Checking Engineering Plans

Prior to the issue of a Statement of Compliance, a fee for checking engineering plans shall be paid to the Responsible Authority, pursuant to Section 43(2)(a)(iv) of the Subdivision Act 1988 and Clause 9 of the Subdivision (Fees) Interim Regulations 2012. The fee shall be in accordance with the Infrastructure Design Manual and must be approved in writing by the Responsible Authority prior to payment.

24. Supervision Fee

Prior to the issue of a Statement of Compliance, a supervision fee shall be paid to the Responsible Authority pursuant to Section 17(2)(b) of the Subdivision Act 1988 and Clause 8 of the Subdivision (Fees) Interim Regulations 2012. The fee shall be in accordance with the Infrastructure Design Manual and must be approved in writing by the Responsible Authority prior to payment.

25. Guarantee of Works

Prior to the issue of a Statement of Compliance, or unless otherwise agreed in writing by the Responsible Authority, the permit holder must provide a Guarantee of Work (bond) with the Responsible Authority in accordance with the Infrastructure Design Manual. The guarantee should be based on the same priced Bill of Quantities used to calculate the plan checking and supervision

fees and must be approved in writing by the Responsible Authority prior to lodgement.

The guarantee shall be released at the termination of the Defects Liability Period, subject to the completion of all defect rectification works to the satisfaction of the Responsible Authority.

26. Central Highlands Region Water Authority (Ref: 16/3787)

- (a) Any plan lodged for certification will be referred to the Central Highlands Region Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act 1988.
- (b) Reticulated sewerage facilities must be provided to each lot by the owner of the land (or applicant, in anticipation of becoming the owner) to the satisfaction of the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contributions by the applicant.
- (c) A reticulated water supply must be provided to each lot by the owner of the land (or applicant, in anticipation of becoming the owner) to the satisfaction of the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contributions by the applicant.
- (d) The owner will provide easements to the satisfaction of the Central Highlands Region Water Authority, which will include easements for pipelines or ancillary purposes in favour of the Central Highlands Region Water Corporation, over all existing and proposed sewerage facilities within the proposal.
- (e) If the land is developed in stages, the above conditions will apply to any subsequent stage of the subdivision.

Note: As the property is located within the Land Subject to Inundation Overlay, all Wastewater assets are to be designed and constructed above the 1 in 100 year flood level and designed to the satisfaction of Central Highlands Region Water Corporation to avoid the impacts of flooding.

27. Powercor Australia Ltd (Ref: 500000224532)

- (a) The plan of subdivision submitted for certification under the *Subdivision Act 1988* shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.
 - (b) The applicant shall:
 - Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor (A payment to cover the cost of such work will be required). In the event that a supply is not provided the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so informed.
 - Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. Compliance must be arranged through a Registered Electrical Contractor.
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- Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
 - Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.
 - Set aside on the plan of subdivision for the use of Powercor Australia Ltd reserves and/or easements satisfactory to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required to service the subdivision.
 - Alternatively, at the discretion of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways shall be provided. Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of a caveat prior to the registration of the plan of subdivision.
 - Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of "Powercor Australia Ltd" for "Powerline Purposes" pursuant to Section 88 of the Electricity Industry Act 2000.
 - Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.
 - Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.
 - Obtain Powercor Australia Ltd's approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.
 - Provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.
28. Country Fire Authority (Ref: 15000-59617-62620)
- a) The subdivision as shown on the endorsed plans must not be altered without the consent of CFA.
 - b) Prior to the issue of a Statement of Compliance under the Subdivision Act 1988 the following requirements must be met to the satisfaction of the CFA:
 - i. Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120m and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries.
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- ii. Hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.

Note - CFA's requirements for identification of hydrants are specified in 'Identification of Street Hydrants for Firefighting Purposes' available under publications on the CFA web site (www.cfa.vic.gov.au).

- c) Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.
 - i. The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.
 - ii. Curves must have a minimum inner radius of 10 metres.
 - iii. Have a minimum trafficable width of 3.5 metres and be clear of encroachments for at least 0.5 metres on each side and 4 metres above the access way.
 - iv. Roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives.

29. VicRoads

Vehicular access for the proposed subdivision must be via Cummins Road.

30. Expiry of Permit

The plan of subdivision must be certified within four (4) years of the date of issue of this Permit unless the Responsible Authority grants an extension of the Permit upon application in writing by the permit holder within six (6) months of the prescribed expiry date. Once the plan of subdivision is certified, the Permit will expire five years from the date of certification of the plan of subdivision.

MOTION:

That Council defer the matter for further investigation, and a further report to Council.

Moved: Cr Daniel Moloney

Seconded: Cr Des Hudson

LOST

(R07/17)

RESOLUTION:**Council Resolves to:**

Issue a Notice of Refusal to grant a Planning Permit PLP/2016/119 for subdivision of the land into 38 lots, removal of easements E-1, E-2 and E-3 and removal of a covenant at 134 Howe Street, Miners Rest on the following grounds:

- 1. The risk associated with extenuating the flooding in Miners Rest, in the event of a major flood event is unacceptable.**
- 2. It would be premature to approve the development given the status of the draft Burrumbeet Flood Study.**
- 3. Approval of the development in its current form would not be in accordance with the State policy for floodplain management.**
- 4. Approval of the proposed development would have an unacceptable detrimental impact on the amenity of Miners Rest.**

Moved: Cr Ben Taylor**CARRIED****Seconded: Cr Jim Rinaldi****(R08/17)****EXECUTIVE SUMMARY**

On 24 February 2016 an Application was lodged for subdivision of the land into 38 lots, removal of easements E-1, E-2 and E-3 and removal of a covenant at 134 Howe Street, Miners Rest. The Application was advertised and Council has received two objections. It is recommended that Council issue a Notice of Decision to Grant a Planning Permit subject to conditions.

PROCEDURAL MOTION**That Council adjourns for 5 minutes.****Moved: Cr Amy Johnson****CARRIED****Seconded: Cr Des Hudson****(R09/17)****PROCEDURAL MOTION****That Council resumes.****Moved: Cr Des Hudson****CARRIED****Seconded: Cr Mark Harris****(R10/17)**

9.2. PLP/2014/861 - LOT 1 CUMMINS ROAD - SUBDIVISION OF THE LAND INTO 40 LOTS

Division: Development and Planning
Director: Angelique Lush
Author/Position: John Ciavarella – Coordinator Statutory Planning

Cr Tillett declared a conflict of interest in this item and left the Council chamber prior to the commencement of the discussion and vote.

OFFICER'S RECOMMENDATION:

That Council:

1. Issue a Notice of Decision to grant a Planning Permit PLP/2014/861 for subdivision of the land into 40 lots at Lot 1 Cummins Road, Miners Rest subject to the following conditions:

1. Amended Plans Required

Prior to certification of the plan of subdivision, 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 plan of subdivision compiled by *Dickson Hearn Pty Ltd, version 5, PS735120R* but modified to show:

- The replacement of lot 37 and any surrounding applicable land with a reserve to be vested in Council in order to preserve Victorian Aboriginal Heritage Place 7623-0216 consistent with the approved Cultural Heritage Management Plan prepared by Terra Culture Pty Ltd. dated 8 September 2014. To this end, a Feature Survey prepared by a licensed Land Surveyor must be submitted demonstrating consistency with Map 6 and the area designated as 'Place Extent' referred to at page 57 of the approved CHMP. This will ensure that any land outside lot 37 but still within the 'Place Extent' is captured within the required reserve.

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. Formal Plan of Subdivision

The formal plan of subdivision lodged for certification must be generally in accordance with the approved plan and must not be modified except to comply with statutory requirements or with the further written consent of the Responsible Authority.

3. Landscape Master Plan

Prior to the commencement of any works, a landscape master plan must be prepared for the entire site (inclusive of land within approved subdivisions

PLP/2014/364 and PLP/2016/119) and be approved by the Responsible Authority. When approved, the plan will form part of the permit.

The Landscape Master Plan is broadly conceptual and should not show detailed design or specifications but must include:

- An accurate survey of the entire subdivision showing all existing vegetation, topography, title boundaries, surrounding roads etc.
- Proposed stages with road and lot layouts.
- A detailed vegetation assessment survey showing all existing vegetation to be retained, protected and/or removed with accompanying report that is consistent with the requirements of the *Native Vegetation Management Framework, Department of Sustainability and Environment, 2002*.
- Locations, sizes and title designation of all public reserves (eg drainage, recreational, linear etc).
- Proposed major features and concepts for reserves (eg playgrounds, water features, retention basins, native vegetation offset plantings, footpaths, etc).
- Concepts and locations for street tree plantings and landscaping treatments within road reserves (eg roundabouts, centre medians etc).
- Proposed planting styles and locations for all plantings in public reserves and streets, footpath locations and pathway linkages through the subdivision and public reserves.

4. Landscape Plans

Prior to the commencement of works, a detailed landscape plan must be prepared for all land within that particular stage and be approved by the Responsible Authority. The landscape plan for the stage must be generally in accordance with the approved Landscape Master Plan and when approved will form part of the permit.

The landscape plan for the stage must include relevant details for:

- All existing vegetation, built structures and landscape features to be retained, protected and/or removed.
- All proposed landscape works within the public reserves including plantings, vegetation offset areas, garden beds and lawn areas, playgrounds, paths, fencing, park furniture, boardwalks, bridges, and perimeter fencing details to all private boundaries adjoining public reserves.
- All proposed drainage infrastructure within public reserves including earthworks, retention basins, underground pipes, stormwater outlets and water sensitive urban design treatments.
- Street tree plantings and landscaping in road reserves including naturestrips, roundabouts and centre medians.
- Planting schedules of all proposed plantings within the public reserves and road reserves including details of botanical names, common names, supply sizes and plant numbers.
- Landscape works required to be undertaken by the applicant as part of other permit conditions, approved plans or additional information requested by the Responsible Authority (eg Weed Management Plans, Native Vegetation Management plans, Arboricultural reports, Cultural Heritage Management Plans).

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

5. Completion and Maintenance of Landscaping Works

Prior to the issue of a Statement of Compliance, all landscape works forming part of the approved Landscape Plans must be completed to the satisfaction of the Responsible Authority. The landscaping shown on the approved landscape plan must be maintained to the satisfaction of the Responsible Authority for 18 months from the practical completion of the landscaping. During this period, any dead, diseased or damaged plants or landscaped areas are to be repaired or replaced during the period of maintenance and must not be deferred until the completion of the maintenance period.

6. Bonding, Completion and Maintenance of Landscaping

The applicant must ensure that all landscaping works forming part of the approved plans are maintained in accordance with the Landscape Design Manual unless otherwise stated in this permit. Bonding of works may be permitted in accordance with the Landscape Design Manual.

7. 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 subdivision 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 the issue of a Statement of Compliance, 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 trees shall be maintained for a period of eighteen (18) months from planting to the satisfaction of the Responsible Authority. The bond will be returned eighteen (18) months after completion of planting and maintenance works to the satisfaction of the Responsible Authority.

Or

Prior to the issue of a Statement of Compliance the permit holder must pay Council \$750 per street tree for their provision and eighteen (18) month maintenance period.

Note: For information regarding suitable street tree species see Council's adopted Urban Design Manual Part B: Landscape Character Area Guidelines (Version 1.0, 2012), available on Council's website.

8. Public Open Space Land Contribution

Prior to the certification of the plan of subdivision, a contribution of an amount equal to 5% of the area of the site shall be demonstrated on the plan of subdivision in a location satisfactory to the Responsible Authority.

9. Telecommunications

The owner of the land must enter into an agreement with:

- A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in
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accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

- A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
- A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

10. 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:

- Hours of demolition and construction to accord with Local Laws
- Management of Howe Street and Cummins Road to ensure that those roads 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
- 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
- Management of parking of construction machinery and workers vehicles to prevent adverse impact on nearby properties
- Management of staging of heavy vehicles, site deliveries and unloading and lifting points with expected frequency, and traffic management in the vicinity, ensure routes to and from the site minimise disruption to residential properties
- Minimising disruption to pedestrian access along footpaths
- Measures to minimise noise and other amenity impacts from mechanical equipment, including idling trucks, and demolition/construction activities, especially outside of daytime hours
- The provision of adequate environmental awareness training for all on-site contractors and sub-contractors
- 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.

11. Functional Layout Plan

Prior to submission of any detailed engineering plans and certification of the plan of subdivision, Functional Layout Plans in accordance with the Infrastructure Design Manual (IDM) shall be submitted to and approved by the Responsible Authority.

12. Engineering Plans and Construction

Prior to the commencement of works, engineering plans and specifications (inclusive of land within proposed subdivisions PLP/2014/364 and PLP/2016/119) 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 shall be completed to a standard satisfactory to the Responsible Authority prior to the issue of a Statement of Compliance.

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:

- Construction of all roads internal to the subject site.
- Construction of Cummins Road along the entirety of the frontage of the site.
- Construction of underground and surface drainage, detention basins/wetlands and the like
- Construction of footpath, naturestrip, street lighting and all other ancillary works as deemed necessary by the Responsible Authority.

13. Drainage Plans and Construction

Prior to works commencing on site, drainage, stormwater detention and stormwater treatment plans (inclusive of land within proposed subdivisions PLP/2014/364 and PLP/2016/119) must be submitted to and approved by the Responsible Authority. The drainage, stormwater detention and stormwater treatment plans must accord with the Infrastructure Design Manual, Water Sensitive Urban Design guidelines and any other requirements of 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 issue of a Statement of Compliance.

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

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

14. Footpath Construction

A footpath shall be constructed along the frontage of lots within the subject site and along the frontage of lots on both Cummins Road and Howe Street.

Prior to works commencing on site, engineering plans must be submitted to and approved by the Responsible Authority. The plans must accord with the Infrastructure Design Manual and Council's Standard Drawings.

All 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 issue of Statement of Compliance.

15. Naturestrips

The naturestrip fronting all lots and reserves shall be constructed in accordance with levels and specifications submitted to and approved by the Responsible Authority.

The works shall include:

1. The reshaping of the naturestrip.
2. Topdressing the area with a 75 millimetre rolled depth of good quality loamy topsoil free of any weed or seed.
3. Seeding the area with an appropriate seed mix.

All works shall be completed in accordance with Council's Landscape Design Manual and shall be to the satisfaction of the Responsible Authority prior to the issue of Statement of Compliance.

16. Drainage Easements

All easements deemed necessary to protect existing or future drainage lines within the proposed development site and properties between the development site and the nominated point of discharge shall be created to the satisfaction of the Responsible Authority.

17. Street Lighting

Prior to works commencing on site, a street lighting plan prepared by a suitably qualified professional must be submitted to the Responsible Authority for approval. Street light design must accord with the Infrastructure Design Manual, using energy efficient 18w LED globes in local streets, T5 fluorescent globes in street lighting managed by VicRoads and ensure compliance with AS1158 (or the AS at the time of installation). Fittings must comply with Council's street light service provider's standard fittings. Non-standard fittings will not be permitted.

Once approved, all works detailed on the street lighting plan shall be installed to the satisfaction of the Responsible Authority prior to the issue of a Statement of Compliance.

18. Street Naming and Numbering

Prior to any works commencing on site, the permit holder must contact Council's Revenue Officer and/or Place Names Officer to arrange street numbering and naming requirements. All costs associated with the numbering of properties and naming of streets (including but not limited to supply and installation of street signs) must be borne by the permit holder. All works must be completed to the satisfaction of the Responsible Authority prior to the issue of Statement of Compliance.

19. Contamination Assessment

Prior to the certification of the Plan of Subdivision, 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 issue of a Statement of Compliance.

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 issue of the Statement of Compliance.

to the satisfaction of the Responsible Authority.

- (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.
- (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.
 - 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*.

20. 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.

21. 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.

22. Filling of Lots

If lots within the development are to be filled, details of the filling must be shown on the road and drainage construction plans.

Details to be shown include:

- Existing natural features
- Existing improvements
- Natural and finished surface levels

Once approved the filling operation shall be undertaken in accordance with the plan in the following way:

- Prior to the commencement of filling commencing on any particular area of the site, topsoil shall be stripped and stockpiled on the site. Topsoil is not to be removed from the site but stored to be used and spread over the site on the completion of the filling operation, with additional soil if needed, to a depth of 100 millimetres.
 - The land shall be shaped so as not to concentrate water onto adjoining land.
 - Only clean inert filling shall be deposited on the site.
 - No material shall be stored or dumped on any area not approved for filling or stockpiling.
 - No damage shall be caused to kerb and channel, road pavement, strip-strips, drainage infrastructure or any other Responsible Authority asset due to the filling operation. If any damage is caused, the damage shall be repaired immediately to the satisfaction of the Responsible Authority.
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- **Deposited material shall be shaped in accordance with the approved detailed plan or as directed by the Responsible Authority.**
- **Any land proposed to be further developed by the construction of buildings, roadways or drainage lines shall be compacted to 95% Modified (In accordance with Australian Standard 1289.5-2.1). Test results shall be submitted to the Responsible Authority.**
- **Appropriate dust suppression measures shall be implemented to ensure that a nuisance is not caused to adjoining landowners or the general public to the satisfaction of the Responsible Authority.**
- **If the filling is not completed in accordance with the approved plan, an as constructed plan, showing natural and finished surface levels, shall be submitted to the Responsible Authority.**

All works required to comply with this condition shall be completed to the satisfaction of the Responsible Authority prior to the issue of a Statement of Compliance.

23. Fees for Checking Engineering Plans

Prior to the issue of a Statement of Compliance, a fee for checking engineering plans shall be paid to the Responsible Authority, pursuant to Section 43(2)(a)(iv) of the Subdivision Act 1988 and Clause 9 of the Subdivision (Fees) Interim Regulations 2012. The fee shall be in accordance with the Infrastructure Design Manual and must be approved in writing by the Responsible Authority prior to payment.

24. Supervision Fee

Prior to the issue of Statement of Compliance, a supervision fee shall be paid to the Responsible Authority pursuant to Section 17(2)(b) of the Subdivision Act 1988 and Clause 8 of the Subdivision (Fees) Interim Regulations 2012. The fee shall be in accordance with the Infrastructure Design Manual and must be approved in writing by the Responsible Authority prior to payment.

25. Guarantee of Works

Prior to the issue of Statement of Compliance, or unless otherwise agreed in writing by the Responsible Authority, the permit holder must provide a Guarantee of Work (bond) with the Responsible Authority in accordance with the Infrastructure Design Manual. The guarantee should be based on the same priced Bill of Quantities used to calculate the plan checking and supervision fees and must be approved in writing by the Responsible Authority prior to lodgement.

The guarantee shall be released at the termination of the Defects Liability Period, subject to the completion of all defect rectification works to the satisfaction of the Responsible Authority.

26. Central Highlands Region Water Authority (Ref: 15/4222)

- Any plan lodged for certification will be referred to the Central Highlands Region Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act 1988.
- Reticulated sewerage facilities must be provided to each lot by the owner of the land (or applicant, in anticipation of becoming the owner) to the satisfaction of the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contributions by the applicant.
- A reticulated water supply must be provided to each lot by the owner of the land (or applicant, in anticipation of becoming the owner) to the satisfaction of the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contributions by the applicant.
- The owner will provide easements to the satisfaction of the Central Highlands Region Water Authority, which will include easements for pipelines or ancillary purposes in favour of the Central Highlands Region Water Corporation, over all existing and proposed sewerage facilities within the proposal.
- If the land is developed in stages, the above conditions will apply to any subsequent stage of the subdivision.

27. Powercor Australia Ltd (Ref: 500000211921)

- (a) The plan of subdivision submitted for certification under the *Subdivision Act 1988* shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.
 - (b) The applicant shall:
 - Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor (A payment to cover the cost of such work will be required). In the event that a supply is not provided the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so informed.
 - Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor.
 - Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
 - Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.
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- **Set aside on the plan of subdivision for the use of Powercor Australia Ltd reserves and/or easements satisfactory to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required to service the subdivision.**

Alternatively, at the discretion of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways shall be provided. Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of a caveat prior to the registration of the plan of subdivision.

- **Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of "Powercor Australia Ltd" for "Powerline Purposes" pursuant to Section 88 of the Electricity Industry Act 2000.**
- **Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.**
- **Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.**
- **Obtain Powercor Australia Ltd's approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.**
- **Provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.**

28. Country Fire Authority (Ref: 69009-688403-61596)

- a) The subdivision as shown on the endorsed plans must not be altered without the consent of CFA.**
- b) Operable hydrants, above or below ground must be provided to the satisfaction of CFA.**
- c) The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of the building envelope, the rear of all lots) must be 120m and hydrants must be no more than 200m apart.**
- d) Hydrants must be identified as specified in 'Identification of Street Hydrants for Firefighting purposes' available under publications on the Country Fire Authority web site (www.cfa.vic.gov.au).**
- e) Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.**

- f) The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.

29. DownerTenix (Gas) (Ref: S16-657)

The plan of subdivision submitted for certification must be referred to AusNet Services (Gas) in accordance with Section 8 of the Subdivision Act 1988.

30. VicRoads

A functional layout plan for the proposed access arrangements (option 1) as outlined in the Traffic Impact Assessment report must be prepared and submitted to VicRoads for approval.

Prior to commencement of road works, detailed plans must be prepared and submitted to VicRoads for approval.

All road works must be completed to the satisfaction of VicRoads.

31. Expiry of Permit

The plan of subdivision must be certified within four (4) years of the date of issue of this Permit unless the Responsible Authority grants an extension of the Permit upon application in writing by the permit holder within six (6) months of the prescribed expiry date. Once the plan of subdivision is certified, the Permit will expire five years from the date of certification of the plan of subdivision.

RESOLUTION:

That Council issue a Notice of Refusal to grant a Planning Permit PLP/2014/861 for subdivision of the land into 40 lots at Lot 1 Cummins Road, Miners Rest on the following grounds:

1. The risk associated with extenuating the flooding in Miners Rest, in the event of a major flood event is unacceptable.
2. It would be premature to approve the development given the status of the draft Burrumbeet Flood Study.
3. Approval of the development in its current form would not be in accordance with the State policy for floodplain management.
4. Approval of the proposed development would have an unacceptable detrimental impact on the amenity of Miners Rest.

Moved: Cr Daniel Moloney
Seconded: Cr Jim Rinaldi

CARRIED
(R11/17)

EXECUTIVE SUMMARY

On 30 October 2014 an application was lodged for subdivision of the land into 40 lots at Lot 1 Cummins Road, Miners Rest. The Application was advertised and Council has received two objections. It is recommended that Council issue a Notice of Decision to Grant a Planning Permit subject to conditions.

9.3. PLP/2016/735 - 61 WEBSTER STREET, BALLARAT - SALE AND CONSUMPTION OF LIQUOR FOR A RESTAURANT AND CAFÉ LIQUOR LICENCE

Division: Development and Planning
Director: Angelique Lush
Author/Position: Brenton Hann - Statutory Planner

Mr Ryan Boyes made a public representation.

RESOLUTION:**Council Resolves to:**

Issue Planning Permit PLP/2016/735 to use the land located at 61 Webster Street, Ballarat Central to sell or consume liquor on the premises subject to the following conditions:

1. Approved Plans

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

2. Sale and Consumption of Liquor – Hours

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

Monday to Friday – 7.00am to 6.00pm
Saturday and Sunday – 8.00am to 4.00pm

3. Limit on Number of Patrons

Without the prior written consent of the Responsible Authority, not more than 50 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.

4. Provision of Seating

Tables and chairs must be placed on the premises so as to be available for at least 50 patrons attending the premises at any one time.

5. Sale and Consumption of Liquor - Food & Drink Premises

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

6. Management of Waste

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

7. Amenity

The use 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 the Responsible Authority may direct, in writing, such actions or works, as deemed appropriate, to eliminate or mitigate such nuisance be undertaken.

8. 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:

Tobacco Act 1987

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

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

Moved: Cr Amy Johnson
Seconded: Cr Jim Rinaldi

CARRIED
(R12/17)

EXECUTIVE SUMMARY

On 6 October 2016 an Application was lodged for the use of the land to sell and consume liquor on the premises at 61 Webster Street, Ballarat Central. The Application was advertised and Council has received no objection. It is recommended that Council issue a Planning Permit subject to Conditions.

APPLICATION DETAILS

Applicant:	Ryan Boyes
Owner:	Jane Weneses
Date lodged:	6 October 2016
Subject site:	61 Webster Street, Ballarat Central
Current use:	Food and Drink Premises (café)
Zone:	General Residential Zone Schedule 1 (GRZ1)
Overlays:	Design and Development Overlay Schedule 7 (DDO7) Heritage Overlay (HO166) Vegetation Protection Overlay Schedule 2 (VPO2)
Permit triggers:	Pursuant to Clause 52.27 (Licensed Premises) a planning permit is required to use the land to sell or consume liquor where a licence is required under the Liquor Control Reform Act 1998
Ward:	Central
Number of objections:	Nil
Mediation Meeting:	N/A
Council referral trigger:	Liquor licence
Covenant or s173:	Section 173 Agreement AM199465N – relates to storage and removal of refuse in association with the café on the site
CHMP Required:	No

9.4. MAYORAL AND COUNCILLOR ALLOWANCE

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

Paul Gordon-Smith made a public representation on behalf of the Ballarat Residents and Ratepayers Association.

RESOLUTION:**That Council:**

- 1. For its term in Council, resolves to set the Mayoral and Councillor Allowance, \$ 94,641 p.a for the Mayoral Allowance and \$29,630 p.a. for the Councillor Allowance from 25 January 2017.**
- 2. Authorises the Councillor and Mayoral allowances to be placed on public exhibition for 28 days in accordance with Section 223 of the *Local Government Act 1989*.**
- 3. Following public exhibition, receives a report to Council to consider any submissions received and adopt the Mayoral and Councillor allowances.**

Moved: Cr Des Hudson

CARRIED

Seconded: Cr Ben Taylor

(R13/17)

EXECUTIVE SUMMARY

As per section 74 (1) of the Local Government Act, Council must review and determine the level of the Councillor allowance and the Mayoral allowance within the period of 7 months after a general election.

Councillors receive an allowance that is fixed by an order of Council. There are three category ranges which are based on the revenue and population base of each Council. The City of Ballarat has been in Category 2 with Council in the past setting its allowances at the top of the range. Council has recently been advised that the Minister for Local Government, the Hon Natalie Hutchins MP has approved the alteration for Council to be reclassified to Category 3 which places Council in a higher scale for its Mayoral and Councillor allowance, if it so desires.

9.5. STATUTORY PLANNING 1ST QTR REPORT 2016/2017

Division: Development and Planning
Director: Angelique Lush
Author/Position: Natalie Robertson – Coordinator Statutory Planning-
Major Development Projects

RESOLUTION:

That Council receives the Planning Activity Report for the first quarter period, July to September 2016.

Moved: Cr Ben Taylor

CARRIED

Seconded: Cr Des Hudson

(R14/17)

EXECUTIVE SUMMARY

This report provides an outline of the Statutory Planning Unit activity during the period July 2016 to September 2016.

9.6. CITY OF BALLARAT SPONSORSHIP REQUESTS

Division: Policy and Innovation
Director: Cameron Duthie
Author/Position: Cameron Duthie - Policy and Projects Strategist

Cr Johnson declared a conflict of interest in dot point 3 as she is a member for the Rotary Club Wendouree Breakfast.

OFFICER RECOMMENDATION:

That Council enters into one-off sponsorship agreements for the following:

- **Sovereign Hill Red Coat Replacement Appeal \$20,000- move Hudson and second Taylor**
- **2017 Ballarat Beat Festival (Rockabilly) \$10,000**
- **Rotary Club Wendouree Breakfast– 2017 Buskers Festival \$10,000**

RESOLUTION:

That Council splits the officer recommendations into three separate motions to enable each application to be considered separately.

Moved: Cr Amy Johnson
Seconded: Cr Des Hudson

RESOLUTION:

That Council enters into one-off sponsorship agreement for the Sovereign Hill Red Coat Replacement Appeal \$20,000.

Moved: Cr Des Hudson **CARRIED**
Seconded: Cr Ben Taylor **(R16/17)**

RESOLUTION:

That Council enters into one-off sponsorship agreements for the Ballarat Beat Festival (Rockabilly) \$10,000.

Moved: Cr Des Hudson **CARRIED**
Seconded: Cr Amy Johnson **(R17/17)**

Cr Johnson made a declaration of interest regarding Buskers Festival: disclosure of an indirect interest - conflict of duty by reason of being a member of the Rotary Club Wendouree Breakfast.

Cr Johnson left the Council Chamber at 9:52pm and remained outside for the discussion and the vote.

RESOLUTION:

That Council enters into one-off sponsorship agreement for the Rotary Club Wendouree Breakfast– 2017 Buskers Festival \$10,000.

Moved: Cr Belinda Coates

CARRIED

Seconded: Cr Des Hudson

(R18/17)

Cr Johnson returned to the Council Chamber at 9:53pm.

EXECUTIVE SUMMARY

The purpose of this report is to consider three requests for Council sponsorship.

The requests are:

- Sovereign Hill Red Coat Replacement Appeal - \$20,000 ask
- Ballarat Beat Festival (Rockabilly) - \$15,000 ask
- Rotary Club Wendouree Breakfast - 2017 Buskers Festival- \$10,000 ask

It is proposed that formal one-off sponsorship agreements be prepared as follows:

- Sovereign Hill Red Coat Replacement Appeal \$20,000
- Ballarat Beat Festival (Rockabilly) \$10,000
- Rotary Club Wendouree Breakfast – 2017 Buskers Festival \$10,000

9.7. FERNERY REDEVELOPMENT AND GATEKEEPERS COTTAGE

Division: Infrastructure and Environment
Director: Terry Demeo
Author/Position: Terry Demeo - Director Infrastructure and Environment

RESOLUTION:

That Council approve the request made by the Friends of the Ballarat Botanical Gardens for the former Gatekeepers Cottage, currently located at 1414 Gregory Street, Ballarat, to be relocated and refurbished in or near the vicinity of the Ballarat Botanical Gardens Fernery as part of the Fernery redevelopment project.

Moved: Cr Grant Tillett

CARRIED

Seconded: Cr Daniel Moloney

(R19/17)

EXECUTIVE SUMMARY

Council at its meeting held on 14 December 2017 resolved to call for a further report on the request made by the Friends of the Ballarat Botanical Gardens to relocate and refurbish the former Gatekeepers Cottage in or near the vicinity of the Ballarat Botanical Gardens Fernery project.

There is an extensive history in relation to this matter with Council considering various options for the relocation of the cottage to the Ballarat Botanical gardens and also an option to impose heritage controls on the site at 1414 Gregory Street.

In July 2016, following two years of discussion, Council resolved to:

1. *"Advise that there is no support for the relocation of the house located at 1414 Gregory Street to the Ballarat Botanical Gardens Precinct.*
2. *Confirm no financial commitment to the relocation of the house currently located at 1414 Gregory Street in Lake Wendouree, into the Ballarat Botanical Gardens.*
3. *Consider the development of an education facility for Ballarat Botanical Gardens as part of the staged delivery of the Fernery Project.*
4. *Advise the owners of the property located at 1414 Gregory Street that Council accepts the potential demolition and/or removal of the house from its current location and will take no action to prevent demolition or removal. "*

This resolution of the Council has been implemented.

Subsequently, correspondence was received from the Friends of the Ballarat Botanical Gardens advising that they were interested in taking ownership of the Gatekeepers Cottage and for it to be used for educational purposes and form part of the Fernery re-development project.

It is proposed that the Council agree to the most recent request of the Friends of the Ballarat Botanical Gardens to include the relocation and refurbishment of the former Gatekeepers Cottage as part of the Fernery redevelopment project on the basis of the offer of financial contributions to be made by both the FBBG and external parties.

9.8. FEDERAL BETTER REGIONS GRANT FUNDING ROUND FEBRUARY 2017

Division: Infrastructure and Environment
Director: Terry Demeo
Author/Position: Terry Demeo - Director Infrastructure and Environment

RESOLUTION:**Council Resolves to:**

- 1. Submit an application for Australian Government funding through the Better Regions Funding Round for February 2017 for:**
 - a. The Civic Hall redevelopment; and**
 - b. The Ballarat Botanical Gardens Fernery Redevelopment Stage One.**

- 2. Provide a letter of support and assist in advocacy for the Ballarat Sports and Events Centre project should Basketball Ballarat wish to submit an application for this first round of the Better Regions Fund.**

Moved: Cr Belinda Coates
Seconded: Cr Grant Tillett

CARRIED
(R20/17)

EXECUTIVE SUMMARY

The Australian Government has opened the first round of the Better Regions Fund on 18 January 2017 which is a competitive fund to provide for economic growth within regional Australia. The criteria for this funding includes:

- Economic benefit to a region.
- Social benefit to a region.
- Value for money.
- Capacity and capability of the applicant to deliver a strong project outcome.

An internal review of options for projects which may be considered for application to this fund has been undertaken, identifying three potential options:

- Regional Basketball Facility
- Ballarat Botanical Gardens Fernery Redevelopment– Stage One
- Civic Hall redevelopment (Internal Works)

Applicants may submit up to two applications per round. Applications for the Infrastructure Project Stream close on 28 February 2017. If successful, projects must be completed by 31 December 2019.

It is considered that both the Civic Hall redevelopment (Internal Works) and the Ballarat Botanical Gardens Fernery Redevelopment (Stage One) projects best meet the funding criteria, would be able to be completed within the required timeframe and could be developed as full funding applications.

The Civic Hall redevelopment project application will be for \$4,000,000 requiring a matched amount of funding from Council. This matched funding is already provided for in the current financial year budget. The total project cost is based on the masterplan for the

implementation of both the early works package and internal works component of the Civic Hall redevelopment with the intention of opening up the hall for community use as soon as practicable, with programing as part of the longer-term concept of a library of the future. It is proposed to put in an application to complete an internal works project to a cost of \$8,000,000.

The Ballarat Botanical Gardens Fernery Redevelopment (Stage One) application will be for \$1,400,000 which also required the same amount of matched funding. This matched funding is already provided for in the current financial year budget. The total project cost based on the current concept design is \$4,500,000. It is proposed to put in the application to complete Stage One only, which is a project cost of \$2,800,000.

It is proposed that Council proceed with these applications and provide a further letter of support, together with advocacy assistance, for the submission of the Ballarat Regional Basketball and Events project.

9.9. RATE CAP AND VARIATION

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

RESOLUTION:**That Council:**

- 1. Advises the Essential Services Commission that it does not intend to seek a variation to the rate cap of 2 per cent for the 2017-2018 Financial Year; and**
- 2. Advocates to the State and Federal Governments for a more equitable distribution of the taxation dollar and a thorough review of funding for local government infrastructure and services.**

Moved: Cr Grant Tillett
Seconded: Cr Ben Taylor

CARRIED
(R21/17)

RESOLUTION:

- 1. Cr Johnson requested a leave of absence and left the meeting at 10:09pm.**

Moved: Cr Amy Johnson
Seconded: Cr Des Hudson

CARRIED
(R22/17)

EXECUTIVE SUMMARY

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

Before 31 December each year, the Minister for Local Government decides upon and announces the Average Rate Cap to apply in the forthcoming year. The Minister has set the Average Rate Cap for the Financial Year 2017-2018 at two (2) per cent.

The Fair Go Rates system provides for the ability for councils to apply for a higher cap. Any council intending to seek a variation or a higher cap for the forthcoming financial year is required to indicate that intention prior to 31 January 2017.

It is proposed that the Council advise the Essential Services Commission that it does not intend to seek a variation to the rate cap for the 2017-2018 Financial Year.

It is further proposed that Council increase its advocacy for a more equitable allocation of public funding to local government.

9.10. AMENDMENT TO TERMS OF REFERENCE - CONTRACTS SPECIAL COMMITTEE

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

RECOMMENDATION:

Council Resolves to:

- 1. Adopt the amended Terms of Reference for the Contracts Special Committee to include four Councillors to sit on the Contracts Approval Special Committee.**

RESOLUTION:

That the Terms of Reference for the Contracts Special Committee remain as is and Cr Taylor will remove himself from the Contracts Special Committee.

Moved: Cr Ben Taylor
Seconded: Cr Grant Tillet

CARRIED
(R23/17)

EXECUTIVE SUMMARY

This report seeks Council's endorsement for an amendment to the Terms of Reference for the Contracts Special Committee.

9.11. OUTSTANDING QUESTION TIME ITEMS REPORT

Division Business Services
Director Glenn Kallio
Author/Position Sarah Anstis – Governance Administration Officer

RESOLUTION:

Council Resolves to:

- 1. Endorse the Outstanding Question Time Item Report.**

Moved: Cr Des Hudson

CARRIED

Seconded: Cr Daniel Moloney

(R24/17)

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

11. URGENT BUSINESS

12. SECTION 89 (IN CAMERA)

RESOLUTION:

That Council resolves, pursuant to Section 89 (2) of the *Local Government Act 1989*, that the meeting be closed to members of the public at 10.11pm whilst the Council is dealing with the following matters, 12.1, 12.2, 12.3, 12.4, 12.5, 12.6, 12.7 and 12.8.

Moved: Cr Des Hudson

CARRIED

Seconded: Cr Mark Harris

(R25/17)

12.1. EUREKA STADIUM – TENURE RESOLUTION

Division: Infrastructure and Environment

Director: Terry Demeo

Author/Position: Terry Demeo - Director Infrastructure and Environment

(Proposed developments)

12.2. 2016/17-60 DRAFFINS ROAD, WINDERMERE

Division: Infrastructure and Environment

Director: Terry Demeo

Author/Position: Carol Brown - Engineering Designer/Contract Administrator

(Contractual Matters)

12.3. 2016/17-61 BIRDWOOD AVENUE, SEBASTOPOL

Division: Infrastructure and Environment

Director: Terry Demeo

Author/Position: Carol Brown - Engineering Designer/Contract Administrator

(Contractual Matters)

12.4. 2016/17-68 RURAL ROAD RESHEETING

Division: Infrastructure and Environment
Director: Terry Demeo
Author/Position: Carol Brown - Engineering Designer/Contract Administrator

(Contractual Matters)

12.5. 2016/17-59 GREENHALGHS ROAD, WINTER VALLEY

Division: Infrastructure and Environment
Director: Terry Demeo
Author/Position: Carol Brown - Engineering Designer/Contract Administrator

(Contractual Matters)

12.6. 2016/17 – 58 MAJOR PATCH RESEAL PROGRAM'

Division: Infrastructure and Environment
Director: Terry Demeo
Author/Position: Luke Ives - Coordinator Road Maintenance

(Contractual Matters)

12.7. TENDER 2016/17-64 DRAINAGE AND IRRIGATION UPGRADE WORKS FOR WESTERN OVAL, BALLARAT

Division: Community Development
Director: Neville Ivey
Author/Position: Robert Siemensma - Project Manager

(Contractual Matters)

12.8. CYCLING AUSTRALIA ROAD NATIONALS CHAMPIONSHIPS CONTRACT RENEWAL

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

(Contractual matters)

RESOLUTION:

That Council move out of closed Council at 10:48pm

Moved: Cr Des Hudson

CARRIED

Seconded: Cr Belinda Coates

(R35/17)

The CEO reported on the items considered in Closed Council.

13. CLOSE

The Mayor declared the meeting closed at 10:50pm.

Confirmed this

day of

2017.

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Mayor