



Ordinary Council Meeting

14 March 2018

Council Chamber, Town Hall, Sturt Street, Ballarat

MINUTES

Public Copy

MINUTES OF A MEETING OF BALLARAT CITY COUNCIL HELD IN THE COUNCIL CHAMBER, TOWN HALL, STURT STREET, BALLARAT ON WEDNESDAY 14 MARCH 2018 AT 7:00PM

MINUTES

ORDER OF BUSINESS:

1. Opening Declaration	4
2. Apologies For Absence	4
3. Disclosure Of Interest	5
4. Confirmation Of Minutes	5
5. Matters Arising From The Minutes	5
6. Public Question Time	6
7. Reports From Committees/Councillors	8
8. Assemblies Of Councillors	11
8.1. Assemblies of Councillors	11
9. Officer Reports	12
9.1. PLP/2018/014 331 Mair Street, Ballarat Central	12
9.2. PLP/2017/665 413 Sturt Street Ballarat Central - Use of the Land for the Sale and Consumption of Liquor (General Licence)	16
9.3. Name an Unnamed Road - Barry's Lane	19
9.4. Recommendation of Poetry Installation for Little Bridge Street Pocket Park	20
9.5. S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987).....	21
9.6. Adoption of the S6 Instrument of Delegation - Members of Staff	22
9.7. Outstanding Questions	23
10. Notice Of Motion	24
10.1. Notice of Motion	24
11. Urgent Business	26
12. Section 89 (In Camera)	27

13. Close..... 28

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 Des Hudson
Cr Amy Johnson
Cr Daniel Moloney
Cr Jim Rinaldi
Cr Ben Taylor
Cr Grant Tillett

Ms Justine Linley - Chief Executive Officer
Mr Terry Demeo - Director Infrastructure and Environment
Mr Neville Ivey - Director Community Development
Mr Glenn Kallio - Director Business Services
Ms Angelique Lush - Director Development and Planning
Mr Cameron Gray - Director Innovation and Organisational Improvement
Mr Cameron Montgomery - Executive Manager Safety, Risk and Compliance Services
Mr Darren Whitford - Coordinator Risk and Compliance Services
Ms Ali Evans- Administration Officer Statutory Compliance
Ms Sarah Anstis - Governance Administration Officer
Mr Steve Van Orsouw - Executive Manager Operations and Environment

2.2 Apologies

Cr Mark Harris

RESOLUTION:

That the apology be accepted.

Moved: Cr Des Hudson

Seconded: Cr Belinda Coates

**CARRIED
(R51/18)**

3. DISCLOSURE OF INTEREST

3.1 DIRECT INTERESTS

Nil

3.2 INDIRECT INTERESTS

Cr Samantha McIntosh declared a conflict of interest in relation to item 9.3.

4. CONFIRMATION OF MINUTES

RESOLUTION:

That the Minutes of the Council Meeting on 21 February 2018 as circulated be confirmed.

Moved: Cr Belinda Coates

Seconded: Cr Amy Johnson

CARRIED

(R52/18)

5. MATTERS ARISING FROM THE MINUTES

Nil

6. PUBLIC QUESTION TIME**QT11/18 - Mr Frank Williams - Invermay Park****Question**

I would like to know how many Councillors have inspected Ballarat East and the number of playgrounds for families that are in the area? Due to the growth and development in Ballarat East in last decade, how many playgrounds should there now be in the area? There are currently three. What are Council's plans to install further playgrounds in Ballarat East?

Answer

Cr Samantha McIntosh, Mayor

The urban landscape approach involves community consultation and feedback from the Ballarat East community regarding what they would like to see. It includes social and cultural involvement and will include the likes of play spaces.

Angelique Lush, Director Development and Planning

The Ballarat East Township Planning Process is underway with a large community engagement process. This assesses physical structures and economic development for the area.

QT12/18 - Mr Frank Williams - Invermay Park**Question**

We hear a lot about historical precincts and preserving the heritage buildings and streetscapes in Ballarat. The Borough of Sebastopol and Library building are being upgraded with all that remains of the building being the facade. Does the City of Ballarat believe they are complying with the heritage strategy by only keeping the facade on this building and others throughout Ballarat?

Answer

Cr Samantha McIntosh, Mayor

My personal views may be different from the views of others, however the Burra Charter is a document that speaks about preservation. It does not always protect the internals of buildings. I am not saying that I agree or disagree with this approach but there are State and National regulations which override individual views.

Angelique Lush, Director Development and Planning

All projects that are undertaken go through a rigorous process to ensure that we are compliant with regulations.

Mr Frank Williams

Would you call this facadism?

Cr Samantha McIntosh, Mayor

I do believe and refer to this as facadism, however all owners of houses do have to meet planning regulations.

QT13/18 – Ms Lynette McLennahan - Ballarat East

Question

I would just like to make a statement and thank Council for responding appropriately and placing no standing signs in Marthas Lane Ballarat East. I would like to encourage Council to continue to apply these types of parking restrictions in lanes such as this.

Answer

Cr Samantha McIntosh, Mayor

Thank you for your comments regarding parking. The parking strategy has taken a number of years to get to this place, and it will continue to be reviewed. Each area of parking needs to be looked at individually, and our strategy lets us do that.

QT14/18 – Mr Paul Murphy - Middle Park

Question

Why were there no Eureka descendants on the Board of MADE (Museum of Democracy at Eureka) or among patrons?

Answer

Cr Samantha McIntosh, Mayor

Question taken on notice.

QT15/18 – Mr Paul Murphy - Middle Park

Question

If Malcolm Turnbull's new building laws mean that the Eureka Flag cannot be displayed on government construction sites, why is his wife Lucy Turnbull a patron of MADE? We are asking Lucy Turnbull to stand down as a patron of MADE.

Answer

Cr Samantha McIntosh, Mayor

Question taken on notice.

7. REPORTS FROM COMMITTEES/COUNCILLORS

GB17/18 - Cr Samantha McIntosh

I have been made an honorary member of Scouts Ballarat. I attended the Scouts Ballarat birthday and presented certificates. We need to thank the Scouts for their many years of contributions to our community. I will wear my Scouts scarf through the Councillor reports.

GB18/18 - Cr Grant Tillett

We had Begonia Festival over the weekend which is one of Ballarat's biggest weekends, however there was a major fiasco relating to this. The trains were not running and there were no proper buses running from Melbourne to Ballarat. For the next several weekend shutdowns of the railway lines, there will be no buses again. This is disrespectful to Ballarat. Ballarat people commute to Melbourne on weekends, as well as through the week, to perform their work in Melbourne. We as Council, should make our dissatisfaction well known. I understand that there is a fight between VLine and the bus companies, but the loser in this situation is Ballarat.

I have a question for Officers. The local law with regulations on drones is due to go through gazette, however two amendments must be made. When will this happen?

The Begonia Princess set sail on the weekend and docked in Gippsland, meaning that we only have one ferry left here. We need to pay due respect to this boat.

GB19/18 - Cr Samantha McIntosh

I have had great feedback come through to me regarding the Begonia Festival, and it is important that we recognise staff for their great contributions. We had great numbers, and people are staying at the Festival longer.

Further to Councillor Tillett's comments regarding the bus situation, I would like to know what is happening with the buses in regards to White Night. I would love to be reassured that there will be buses available for White Night. Can we have a piece of communication tomorrow to reassure us of the regularity of the bus services?

GB20/18 - Cr Amy Johnson

Councillor Moloney, Director Ivey and I attended a Youth Council Meet and Greet. The Youth Council would like a stronger relationship with Councillors and mentoring opportunities. We discussed the idea of members of the Youth Council buddying up with us, so that they can be heard and have the experience. We also discussed the idea of bundling up issues that relate to youth in one meeting and to have the Youth Council as part of the meeting to guide our decision making on the night.

I would like to congratulate the Begonia Festival, the sustainability theme was fantastic. I went a few times over the weekend as this was the first year my child was old enough to enjoy the activities. It was great to see the kids getting dirty doing all the tasks.

Cr Taylor and I undertook consultation in the Bridge Mall as part of a pop up consultation exercise. The major feedback is the safety concerns for the precinct, however people love this area and want to activate this part of the City through events and aesthetics. There are common themes of the three R's. A roof, a road running through and rejuvenation.

I attended the turning of the sod at the Ballarat Sports and Events Centre, the Commerce Ballarat Bisnet Breakfast at the Western Hotel, the Soroptimist International- International Women's day event and the Ballarat Swap Meet.

I would like to table a petition of 461 signatures, relating to VicRoad's proposed changes to Mair Street and the community's opposition to those changes, particularly the loss of car parking in that precinct.

Can I please have a briefing back to Council relating to the costing for lighting around Lake Wendouree. I'm interested to see if we have any information available relating to the approximate cost of lights, specifically LED and solar lighting and lighting that's sympathetic to the heritage feel of the precinct. I would like this briefing to Council within two cycles.

GB21/18 - Cr Belinda Coates

In regards to International Women's Day last week, I would like to commend Madam Mayor on the unveiling of the portraits of the female Mayors which will reside in the Trench Room. I would also like to commend the CEO on the City of Ballarat's afternoon tea event in conjunction with Women's Health Grampians, Ballarat Health Services and ABC Radio. It was great to see so many staff at the event and how the City of Ballarat is supporting gender equality.

GB22/18 - Cr Ben Taylor

There have been investigations into trees which were removed from the Midland Highway in Buninyong. I would like to know how we can discourage people from removing trees. What kind of penalties do we have in place? What is our policy and what measures can we put in place? Can I please have a report to briefing.

I would like a report to briefing regarding Air BNB's. Can we have some information about our regulatory policies in regards to this type of industry in Ballarat, and if there are none what this means for our City.

GB23/18 - Cr Daniel Moloney

As Cr Johnson mentioned we do need to do more work with the Youth Council and do our best to explain what we do. We need to try and encourage young people and explain the processes of Local Government.

I would also like to mention the Begonia Festival as it would be remiss of us not to pay regards to Council's garden staff and the awesome work that they do to get the flowers to bloom at the right time and the work that they do all throughout the year to have the gardens looking great. Also to the events team who continue to get 60,000 plus people to the event each year.

Madam Mayor and I attended an Irish delegation at MADE. This was the first time that an Irish Government representative has been to the site since the Eureka Battle took place.

GB24/18 - Cr Samantha McIntosh

I would just like to send out the message regarding White Night. This will be a great event, so make sure that everyone knows so that they can come along.

RESOLUTION:

To accept Councillor reports.

Moved: Cr Grant Tillett

Seconded: Cr Belinda Coates

**CARRIED
(R53/18)**

8. ASSEMBLIES OF COUNCILLORS

8.1. ASSEMBLIES OF COUNCILLORS

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

RESOLUTION:

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

- **7 February 2018 Council Agenda Review Briefing**
- **9 February 2018 Community Development Councillor Portfolio Meeting**
- **14 February 2018 Community Safety Advisory Committee**
- **14 February 2018 Strategic Briefing**
- **23 February 2018 Community Development Councillor Portfolio Meeting**
- **23 February 2018 Disability Advisory Committee Meeting**
- **23 February 2018 Western Highway Action Committee**
- **28 February 2018 Council Agenda Review Briefing**

Moved: Cr Des Hudson

Seconded: Cr Daniel Moloney

CARRIED

(R54/18)

EXECUTIVE SUMMARY

The purpose of this report is to provide Council with copies of Assembly of Councillor Records as required under section 80A(2) of the *Local Government Act 1989*.

9. OFFICER REPORTS**9.1. PLP/2018/014 331 MAIR STREET, BALLARAT CENTRAL**

Division: Development and Planning
Director: Angelique Lush
Author/Position: Jade Erwin - Statutory Planner

RESOLUTION:

Council resolves to:

1. Issue Planning Permit PLP/2018/014 for the land located at 331 Mair Street, Ballarat Central for the use of the land for a general liquor licence subject to the following Conditions:

1. Layout not altered

The layout of the uses on the endorsed plans must not be altered without the further written consent of the Responsible Authority

2. Limit on Number of Patrons

Without the prior written consent of the Responsible Authority, not more than 120 patrons may be present on the premises at any one time.

If a lesser number of patrons is determined acceptable by a Registered Building Surveyor and/or the Victorian Commission for Gambling and Liquor Regulation, the lesser number will apply

3. Sale and Consumption of Liquor – Hours

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

- 7am to 11pm – Monday to Sunday.

4. Amenity

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

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

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

5. Sale and Consumption of Liquor - Food Premises

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

6. Patron Management Plan

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

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

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

7. Management / Supervision of Premises

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

The manager must be authorised by the operator under this permit to make statements at any time on his / her behalf to any officer of the Responsible Authority and of the Victoria Police and/or of Liquor Licensing Victoria authorised under section 129 of the Liquor Control Reform Act 1998; and/or to take action on his/her behalf in accordance with a direction by such officer.

8. Noise from Premises

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

9. Background Music Only

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

10. Security Measures

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

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

11. Management of Waste – Bottle Crusher

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

12. Permit Expiry

This Permit will expire if:

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

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards (for a request to extend the time to commence the use).

Notes***Tobacco Act 1987***

An application for, and assessment of, outdoor drinking and dining compliance under the 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.

Building Act 1993

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

Food Act 1984

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

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

Moved: Cr Daniel Moloney

CARRIED

Seconded: Cr Grant Tillett

(R55/18)

EXECUTIVE SUMMARY

On 4 January 2018 an Application was lodged for a General Liquor Licence at 331 Mair Street, Ballarat Central. The Application was advertised and Council has received no objections. It is recommended that Council issue a Planning Permit subject to Conditions.

9.2. PLP/2017/665 413 STURT STREET BALLARAT CENTRAL - USE OF THE LAND FOR THE SALE AND CONSUMPTION OF LIQUOR (GENERAL LICENCE)

Division: Development and Planning
Director: Angelique Lush
Author/Position: Rachel Blackwell - Statutory Planner

RESOLUTION:

Council resolves to:

1. Issue Planning Permit PLP/2017/665 for land at 413 Sturt Street Ballarat Central for use of the land for the sale and consumption of liquor (Café/Restaurant Liquor Licence) subject to the following conditions:

1. Approved Plans

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

2. Sale and Consumption of Liquor - Hours

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

- a) Monday - Sunday 8.00am - 11.00pm
 - b) Good Friday/Anzac Day 12.00pm - 11.00pm

3. Limit on Number of Patrons

- Without the prior written consent of the Responsible Authority, not more than 66 patrons may be present within that part of the licensed area confined to the building and footpath.

If a lesser number of patrons is determined acceptable by a Registered Building Surveyor and/or the Victorian Commission for Gambling and Liquor Regulation, the lesser number will apply.

4. Sale and Consumption of Liquor - Food & Drink

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

5. Management of Waste

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

6. Noise from Premises SEPP N1 and N2

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

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

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

7. Background Music Only

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

8. Amenity

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

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

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

9. Permit Expiry

The permit will expire if:

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

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

Notes:

Food Act 1984

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

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

Tobacco Act 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 Belinda Coates
Seconded: Cr Daniel Moloney

CARRIED
(R56/17)

EXECUTIVE SUMMARY

On 5 October 2017 an application was lodged for the use of land at 413 Sturt Street, Ballarat Central for the sale and consumption of liquor (restaurant and café liquor licence). It is recommended that Council issue a planning permit subject to conditions.

9.3. NAME AN UNNAMED ROAD - BARRY'S LANE

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

INDIRECT INTEREST

Cr Samantha McIntosh declared a direct conflict of interest as direct family relations own property in the Lane.

PROCEDURAL MOTION

To elect the Deputy Mayor, Cr Daniel Moloney, as temporary Chairperson for item 9.3.

Moved: Cr Grant Tillett

CARRIED

Seconded: Cr Daniel Moloney

(R57/18)

Cr Samantha McIntosh left the Chamber at 7:44pm before discussion had occurred.

RESOLUTION:

Council resolves to:

Adopt the name Barry's Lane for an unnamed road in Ballarat East.

Moved: Cr Des Hudson

CARRIED

Seconded: Cr Ben Taylor

(R58/18)

EXECUTIVE SUMMARY

The purpose of this report is to advise Council of the outcome of a recent naming proposal and seek the adoption of a new name for an unnamed road. This naming proposal has been conducted in accordance with the current *Naming Rules for Places in Victoria 2016 (The Rules)*, these are the statutory requirements for naming roads, features and localities and as a naming authority Council must adhere to these rules.

Cr Samantha McIntosh returned to the Chamber at 7:45pm.

9.4. RECOMMENDATION OF POETRY INSTALLATION FOR LITTLE BRIDGE STREET POCKET PARK

Division: Development and Planning
Director: Angelique Lush
Author/Position: Kate Gerritsen - Public Art Coordinator

RESOLUTION:

Council resolves to:

Accept the Public Art Advisory Committee recommendation for the commission of a poetry installation at the Little Bridge Street Pocket Park.

Moved: Cr Belinda Coates

CARRIED

Seconded: Cr Amy Johnson

(R59/18)

EXECUTIVE SUMMARY

On 6 October 2017, Council entered into a funding agreement (deed of variation) with the Department of Justice and Regulation for delivery of the Little Bridge Street Pocket Park.

The Project includes funding for the commissioning of a public artwork to accompany upgrades to public amenities. The aim of the project is to strengthen community connection and engagement with the site, improve facilities and reduce anti-social behavior in the area.

The artist selection process has resulted in the Public Art Advisory Committee recommending the submission by a Ballarat poet. The detailed submission is provided in the confidential agenda as it involves contractual information.

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

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

RESOLUTION:

Council resolves to:

1. Revoke the S11A. Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) for Nirveen Kaur, effective as at 14 March 2018.
2. Endorse the S11A. Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) for Amy Boyd, effective as at 14 March 2018.
3. Sign and affix Council's Common Seal to the S11A. Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*).

Moved: Cr Ben Taylor
Seconded: Cr Des Hudson

CARRIED
(R60/18)

EXECUTIVE SUMMARY

The purpose of this report is to enable Council to revoke the S11A. Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) to the following:

Name of Employee	Date Authorisation to be revoked
Nirveen Kaur	14 March 2018

This report is also to endorse the S11A. Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) to:

Name of Employee	Date of Authorisation
Amy Boyd	14 March 2018

9.6. ADOPTION OF THE S6 INSTRUMENT OF DELEGATION - MEMBERS OF STAFF

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

RESOLUTION:**Council resolves to:**

1. **Revoke the S6. Instrument of Delegation - Members of Staff endorsed on 31 January 2018 (R21/18).**
2. **Exercise Council's power conferred by section 98(1) of the *Local Government Act 1989* and the other legislation referred to in the attached S6. Instrument of Delegation – Members of Staff.**
3. **Delegate each duty and/or function and/or power described in column 1 of the Schedule and summarised in column 2 of the Schedule, to the member of Council Staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule.**
4. **Authorise the S6. Instrument of Delegation – Members of Staff (Attachment 1) to:**
 1. **Come into force immediately once the Common Seal of Council is affixed;**
 2. **Remain in force until varied or revoked;**
 3. **Be subject to any conditions and limitations set out in sub-paragraph 3.3 of the delegation and the Schedule; and**
 4. **Be exercised in accordance with any guidelines or policies which Council, from time to time, adopts.**
5. **Sign and affix Council's Common Seal to the S6. Instrument of Delegation - Members of Staff.**

Moved: Cr Daniel Moloney

Seconded: Cr Des Hudson

CARRIED

(R61/18)

EXECUTIVE SUMMARY

The purpose of this report is to enable Council to revoke the S6. Instrument of Delegation - Members of Staff (Instrument) that was endorsed at the Council meeting held on 31 January 2018 (R21/18) and to endorse the revised Instrument reflecting changes in the organisational structure.

9.7. OUTSTANDING QUESTIONS

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

RESOLUTION:

Council resolves to:

Endorse the Outstanding Question Time report.

Moved: Cr Des Hudson
Seconded: Cr Jim Rinaldi

CARRIED
(R62/18)

EXECUTIVE SUMMARY

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

10. NOTICE OF MOTION

10.1. NOTICE OF MOTION

Mr Peter Kepal, Mr Greg Fort, Mr Phil Sargeant, Ms Debbie Clark, Ms Larelle Taylor, Ms Donna Blackburn, Ms Lee Squire and Mr Richard McClure made public representations.

RECOMMENDATION:

That Council resolves that:

- a. Council does not support the State Government and Vic Roads' proposed changes to Mair Street in their current form.
- b. Council notes that the current proposal would see a significant loss of on-street car parking in Mair Street.
- c. Council notes that this significant loss would have a severe detrimental impact on surrounding businesses.
- d. Council will work with the State Government and Vic Roads, in conjunction with the Mair Street traders and the community, to develop a more appropriate and acceptable plan to redevelop Mair Street.

Moved: Cr Amy Johnson
Seconded: Cr Ben Taylor

LOST

PROCEDURAL MOTION:

That Council adjourn for a comfort break at 10:10pm.

Moved: Cr Ben Taylor
Seconded: Cr Daniel Moloney

CARRIED
(R63/18)

PROCEDURAL MOTION:

That Council resumes at 10:17pm.

Moved: Cr Ben Taylor
Seconded: Cr Jim Rinaldi

CARRIED
(R64/18)

RESOLUTION:

Council resolves to:

- 1. Support the current Vic Roads staging for the delivery of Mair Street of Stage 1a) --- Dawson Street --- Sturt to Mair & Mair Street from Dawson to Armstrong & Stage 1b) Mair from Davies to Humffray Street.**
- 2. Request Vic Roads funding for the unfunded stage from Armstrong to Humffray as a priority to allow the project to be delivered in a seamless manner.**
- 3. Request Vic Roads to continue to engage with all stakeholders to ensure the project is structured in a manner to deliver the best short and longer term outcomes for the business & property owners on Mair Street and the Northern CBD precinct.**

Moved: Cr Daniel Moloney

CARRIED

Seconded: Cr Belinda Coates

(R65/18)

Upon being put to the meeting, the Motion was declared carried. Cr Daniel Moloney called for a Division.

For the Motion were:

Cr Des Hudson
Cr Samantha McIntosh
Cr Daniel Moloney
Cr Jim RinaldiCr Ben TaylorCr Belinda CoatesCr Grant Tillett

Against the Motion was:

Cr Amy Johnson

11. URGENT BUSINESS

RESOLUTION:

Council the accepts "12.2 MADE Transition Process" confidential report as an item of urgent business at this Ordinary meeting of Council in accordance with clause 33 of the City of Ballarat Local Law 18 - Meeting Procedure.

Moved: Cr Des Hudson

Seconded: Cr Amy Johnson

CARRIED

(R66/18)

12. SECTION 89 (IN CAMERA)

RESOLUTION:

That Council resolve, pursuant to Section 89(2) of the Local Government Act 1989, that the meeting be closed to members of the public at 10:26 pm whilst the Council is dealing with the following matters;

Moved: Cr Des Hudson
Seconded: Cr Jim Rinaldi

CARRIED
(R67/18)

9.4 RECOMMENDATION OF POETRY INSTALLATION FOR LITTLE BRIDGE STREET POCKET PARK

Division: Development and Planning
Director: Angelique Lush
Author/Position: Kate Gerritsen - Public Art Coordinator

(Contractual matters)

12.1 FUTURE PROVISION OF HOME AND COMMUNITY CARE - PYP PROGRAM

Division: Community Development
Director: Neville Ivey
Author/Position: Ann Pitt - Executive Manager Active Ageing

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

12.2 MADE TRANSITION PROCESS

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

This matter is considered confidential in accordance with the provisions of Section 89 of the Local Government Act 1989 as it relates to a contractual matter.

RESOLUTION:

That Council move out of closed Council at 10:48 pm and adopt the resolutions made therein.

Moved: Cr Ben Taylor
Seconded: Cr Jim Rinaldi

CARRIED
(R70/18)

