

**CITY OF
BALLARAT**



Ordinary Council Meeting

21 November 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 21 NOVEMBER 2018 AT 7:00PM

MINUTES

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1. OPENING DECLARATION

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

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

2. APOLOGIES FOR ABSENCE

2.1 Present

Mayor Samantha McIntosh
Cr Belinda Coates
Cr Mark Harris
Cr Des Hudson
Cr Daniel Moloney
Cr Ben Taylor
Cr Grant Tillett

Mr Cameron Gray - Acting 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
Ms Amy Rhodes - Acting Director Innovation and Organisational Improvement
Mr Cameron Montgomery - Executive Manager Safety, Risk and Compliance Services
Ms Sarah Cuthbert - Statutory Compliance Officer
Ms Sarah Anstis - Administration Officer Statutory Compliance

2.2 Apologies

Cr Amy Johnson and Cr Jim Rinaldi

RESOLUTION:

That the apologies be accepted.

Moved: Cr Des Hudson
Seconded: Cr Belinda Coates

CARRIED
(R321/18)

3. DISCLOSURE OF INTEREST

Nil

4. CONFIRMATION OF MINUTES

RESOLUTION:

That the Minutes of the Council Meetings held on 24 and 29 October 2018 as circulated be confirmed.

Moved: Cr Belinda Coates

Seconded: Cr Daniel Moloney

CARRIED

(R322/18)

5. MATTERS ARISING FROM THE MINUTES

Nil

6. PUBLIC QUESTION TIME

QT69/18 - Mr Stuart Kelly - Ballarat Central

Question

My question relates to a recent planning decision to replace the existing windows with modern designs to the oldest building in Lydiard Street North. What mechanisms are there for Council and Senior Officers to review Officer decisions made under delegations?

Answer

Terry Demeo, Director Infrastructure and Environment responded and explained that in terms of process, these are through the Instrument of Delegations under the Planning and Environment Act. The Planners decisions are reviewed by the Coordinator, Manager and Executive Manager Development Facilitation. There are many reviews, checks and balances in the decision process.

Mr Stuart Kelly asked if this review process is for every decision?

Terry Demeo, Director Infrastructure and Environment responded yes, the mechanism for review is a constant process.

7. REPORTS FROM COMMITTEES/COUNCILLORS

GB74/18 - Cr Belinda Coates

Cr Coates congratulated the Business Improvement Team in the Smart Cities Funding announcement. She mentioned that she is looking forward to seeing what comes as a result of collaboration.

Cr Coates requested a briefing with consideration of the One Planet Principals. She noted that Greater Geelong and Bendigo have endorsed this.

Cr Coates noted City of Ballarat support for lobbying and advocacy in regards to the changes to the Status Resolution Support Services which will launch on 3 December 2018.

GB75/18 - Cr Daniel Moloney

Cr Moloney passed on thanks to City of Ballarat events staff for the Remembrance Day activities.

GB76/18 - Ben Taylor

Cr Taylor noted the recent trip to New Zealand with the Chief Executive Officer and other Council Officers. He mentioned this was a great opportunity to be on their ground to understand their parking in one of the leading cities in the world.

GB77/18 - Daniel Moloney

Cr Moloney asked what is the timing for our car parking report?

Terry Demeo, Director Infrastructure and Environment responded that the intent is to bring it to Council Meeting 12 December 2018.

Cr Daniel Moloney mentioned there is a tight turn around to consider all the community feedback. He hasn't seen a draft report and asked if the report can go in the new year?

Terry Demeo, Director Infrastructure and Environment responded that we can defer it but there has been significant interest from the community. Council Officers feel comfortable that it can be prepared in time but it is Council's decision if they wish to defer the report to the new year.

GB78/18 - Cr Belinda Coates

Cr Coates congratulated the organisers for Reclaim The Night Walk last Friday night, 16 November 2018 to raise awareness for violence against women and feeling safe in our streets and homes.

GB79/18 - Cr Samantha McIntosh, Mayor

Madam Mayor mentioned that she attended the Committee for Ballarat Driverless Vehicle Demonstration which presented a wonderful opportunity for the City.

Madam Mayor reiterated Cr Moloney's comments for Commemorative Day celebrations and thanked Mark Bruty and Heidi Zukauskas who did a brilliant job.

Madam Mayor attended the Avenue of Memories Book launch that was hosted at Mechanics Institute and which was timed perfectly with the commemorative service.

RESOLUTION:

To accept Councillor reports.

Moved: Cr Ben Taylor

Seconded: Cr Daniel Moloney

CARRIED

(R323/18)

8. ASSEMBLIES OF COUNCILLORS

8.1. ASSEMBLIES OF COUNCILLORS

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

RESOLUTION:

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

- 3 October 2018 Infrastructure and Environment Portfolio Meeting No 184
- 5 October 2018 Prosperity Portfolio Meeting Economic Partnerships
- 9 October 2018 Community Development Councillor Portfolio Meeting
- 10 October 2018 Council Agenda Review Briefing
- 11 October 2018 Clean Ballarat Committee Meeting
- 16 October 2018 Eureka Centre Community Advisory Committee
- 17 October 2018 Infrastructure and Environment Portfolio Meeting No 185
- 17 October 2018 Strategic Briefing
- 19 October 2018 Prosperity Portfolio Meeting Events and the Arts
- 23 October 2018 Community Development Councillor Portfolio Meeting

Moved: Cr Belinda Coates

CARRIED

Seconded: Cr Daniel Moloney

(R324/18)

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/2018/529 - 38 GRACEFIELD ROAD, BROWN HILL - DEVELOPMENT OF A DWELLING

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

RESOLUTION:

Council resolves to:

1. Grant a Planning Permit PLP/2018/529 for the land located at 38 Gracefield Road, Brown Hill for the development of a dwelling subject to the following Conditions:

1. Amended Plans Condition

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

- (a) A Tree Management Plan in accordance with condition 2;

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. Tree Management Plan

Prior to the commencement of works on site, a tree management plan prepared by a suitably qualified arborist must be submitted to and approved by the Responsible Authority. When approved, the tree management plan will form part of the permit and all works must be carried out in accordance with the tree management plan.

The tree management plan must detail the minimal amount of trees to be removed to meet the BAL29 level as per Bushfire Management Plan dated 24 August 2018 undertaken by Southern Cross Town Planning and must be generally in accordance with the site plan prepared by 'Hearty Homes' which provides a site survey of the trees on Lot 2, 38 Gracefield Road, Brown Hill.

3. Bushfire Management Plan

The Bushfire Management Plan *Attachment 5 – Bushfire Management Plan* (revision C; dated 24/08/2018); prepared by Southern Cross Town Planning must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.

4. Bushfire Mitigation Measures

The bushfire mitigation measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

5. Permit Expiry – Development Only

This permit will expire if one of the following circumstances applies:

- (a) The development is not started within two years of the date of this permit;
- (b) The development is not completed within four years of the date of this permit.

The responsible authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards (for a request to extend the time to commence the development) or twelve months after the permit expires (for a request to extend the time to complete the development).

NOTES**Building Approvals**

The buildings & works hereby permitted shall accord with the requirements of the Building Act 1993, Building Regulations 2006, Building Code of Australia 2010 and all other relevant acts, regulations & codes.

Builders Rubbish

Under the provisions of the City of Ballarat Community Local Law No 5 (as amended to include Local Law No. 9 clauses 3.15 – 3.17) an on site facility for containment of all builders' refuse is required to be provided on any land where any building work within the meaning of the Building Act 1993 is being carried out. The local law contains specific provisions about the type and location of refuse containment facilities and the emptying and removal of such facilities. A copy of the local law can be obtained from the Council offices at, The Phoenix 25 Armstrong Street South, Ballarat.

Rescode

ResCode has not been assessed as part of this planning application. ResCode will need to be assessed in relation to any building permit application which may require alterations to the building design and/or application for report and consent for dispensation. Any subsequent changes to building design required by the building permit process will require an amendment to the endorsed plans forming part of this planning permit.

Moved: Cr Mark Harris
Seconded: Cr Ben Taylor

CARRIED
(R325/18)

EXECUTIVE SUMMARY

On 13 September 2018 an Application was lodged for the development of a dwelling at 38 Gracefield Road, Brown Hill. The Application was exempt from advertising. The application has progressed to Council on the basis that a Senior Officer is the applicant for the Planning Permit and conduct and administrative policy requires disclosure in this instance. Given there are no non-compliance with relevant Planning Scheme Policy or Zone Provisions, it is recommended that Council grant a Planning Permit subject to Conditions.

APPLICATION DETAILS

Applicant:	Southern Cross Town Planning
Owner:	
Date Lodged:	13 September 2018
Subject Site:	38 Gracefield Road, Brown Hill
Current use:	Vacant
Zone:	General Residential Zone, Schedule 1
Overlays:	Bushfire Management Overlay Vegetation Protection Overlay, Schedule 1
Permit triggers:	Clause 44.06 – Bushfire Management Overlay
Ward:	North
Number of Objections:	None
Mediation Meeting:	No
Council Referral Trigger:	Senior Officer has a financial interest
Covenant or S173	<p>Covenant PS449099X 21/03/2016: Creation of a building envelope which restricts buildings being located outside the building envelope without approval from the Responsible Authority.</p> <p>Covenant AR321545V 07/08/2018:</p> <ul style="list-style-type: none"> a) Not to further subdivide Lots 1, 2, 3 or 4 on the said plan; b) Not to construct or allow to be constructed any fence unless the material used for construction of any fence is timber or farm fencing; c) Not to object to any application for variation of building envelope on any lot. <p>Section 173 Agreement AM016046L:</p> <ul style="list-style-type: none"> a) Prior to commencing any building or works within a Building Envelope on a Lot, a Tree Protection Fence must be erected around the Building Envelope on that Lot to the satisfaction of Council; and b) The Tree Protection Fence must at all times remain erected around the Building Envelope on a Lot to the satisfaction of Council until all building and works on that Lot have been completed.
CHMP Required:	No

9.2. PLP/2018/547 – 317 LEARMONTH STREET, BUNINYONG – SALE AND CONSUMPTION OF LIQUOR IN ASSOCIATION WITH A RESTAURANT AND REDUCTION IN CAR PARKING REQUIREMENTS

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

Mr James Isles and Ms Dianne Ray made public representations.

RESOLUTION:**Council resolves to:**

1. **Issue a Notice of Decision to Grant a Planning Permit PLP/2018/547 for the land located at 317 Learmonth Street, Buninyong for sale and consumption of liquor in association with a restaurant and reduction in car parking requirements subject to the following Conditions:**

1. **Amended Plans Required**

Before the use starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with Ross Barnett Design plans dated 10 October 2018 but modified to show:

- (a) **Waste storage area which will not detrimentally impact on the streetscape or the amenity of adjoining properties.**

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. **Limit of Number of Patrons**

Without the prior written consent of the Responsible Authority, not more than 56 patrons internal to the premise and 16 external to the premise may be present 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:

Internally

- a) Monday to Sunday - 7.00am - 11.00pm;
- b) Good Friday/Anzac Day 12.00pm - 11.00pm.

Footpath Trading Hours

- c) Monday to Sunday - 7.00am until 10.00pm;
- d) Good Friday/Anzac Day 12.00pm - 10.00pm.

4. Sale and Consumption of Liquor – Food and Drink Premises

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

5. Liquor Sold off Premises

No liquor may be sold or provided for consumption off the premises.

6. 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.

7. 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.

8. 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.

9. Number of Car Spaces Required

No fewer than four car spaces must be provided on the land for the use and designed in accordance with Australian Standard AS 2890.6 – 2009.

10. Internal Access Ways and Car Parking

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

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

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

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

11. Drainage Plans and Construction

Prior to occupation of new development, stormwater drainage must be connected to the Legal Point of discharge as given by the Responsible Authority. The drainage must accord with the Infrastructure Design Manual and other standards of the Responsible Authority. All drainage works must be constructed in accordance with the approved plans and completed to a standard satisfactory to the Responsible Authority prior to the occupation of new dwelling.

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

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

12. Waste Management

No emptying of bottle into external waste bins is permitted after 10.00pm on any night or before 7.00am on any day.

13. Time for Starting and Completion – Use Only

This permit for the use of land expires if:

- (a) The use does not start within two years of the date of this permit; or
- (b) 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.

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

The *Tobacco Act 1987* has not been assessed as part of this application. This permit does not imply compliance with the *Tobacco Act 1987*. For further information and advice please contact Council's Environmental Health Department on 03 5320 5500.

Moved: Cr Ben Taylor

CARRIED

Seconded: Cr Des Hudson

(R326/18)

EXECUTIVE SUMMARY

On 16 August 2018 an application was lodged for the use of the land for the sale and consumption of liquor (Café and Restaurant Liquor Licence) and reduction in parking at 317 Learmonth Street, Buninyong. The Application was advertised and five objections (one later withdrawn) and one letter of support was received. It is recommended that Council issue a Notice of Decision to Grant a Planning Permit.

APPLICATION DETAILS

Applicant:	iPlanning Services Pty Ltd
Owner:	Custom Rotor Moulding Pty Ltd
Date Lodged:	16 August 2018
Subject Site:	317 Learmonth Street, Buninyong
Current use:	Vacant commercial building
Zone:	Commercial 1 Zone
Overlays:	Heritage Overlay, Schedule 181 (Buninyong Heritage Precinct)
Permit triggers:	Under Clause 52.06-3 a permit is required to reduce the number of car parking spaces required under Table 1 to Clause 52.06-3. Under Clause 52.17 a permit is required to use land to sell or consume liquor if a licence is required under the Liquor Control Reform Act, 1998. A Restaurant and Café liquor license is sought.
Ward:	South
Number of Objections:	Four objections
Mediation Meeting:	A mediation meeting was held on 11 October 2018
Council Referral Trigger:	Liquor Licence
Covenant or S173	No
CHMP Required:	Not required

9.3. PLP/2018/604 – 444 SWINGLERS ROAD, INVERMAY – ALTERATIONS AND ADDITIONS TO A DWELLING AND DEVELOPMENT OF AN OUTBUILDING

Division: Infrastructure and Environment
Director: Terry Demo
Author/Position: Leah Clark – Coordinator Statutory Planning

RESOLUTION:

Council resolves to:

1. Grant a Planning Permit PLP/2018/604 for the land located at 444 Swinglers Road, Invermay for alterations and additions to the dwelling and development of an outbuilding subject to the following Conditions:

1. **Amended Plans Required**

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

- (a) Amended development plans, generally in accordance with 'ARC Design and Build' plans dated 26 July 2018 showing colours and materials in accordance with condition 2 of the permit.
- (b) Amended Bushfire Management Plan, in accordance with the plan prepared by 'Regional Planning and Design Pty Ltd' which removes the draft stamp;

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. **Colours and Materials**

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

3. **Bushfire Management Plan**

The Bushfire Management Plan *Figure 11 – Bushfire Management Plan* (version A; dated 30/08/2018); prepared by Regional Planning & Design Pty. Ltd. must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.

4. Bushfire Mitigation Measures

The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

5. Septic Tank Systems

The existing septic tank system must be altered/updated to the satisfaction of Council's Environmental Health Unit. A permit to alter a septic tank system must be obtained from Council prior to undertaking any works on the system.

6. Land Management Plan

Use and development of the land must be undertaken in accordance with endorsed Land Management Plan and shall not be altered without the written consent of the Responsible Authority. All works shown on the Plan shall be ongoing for the life of the permit.

7. Permit Expiry – Use and Development

Development and use of land expires if:

- (a) The development or any stage of it does not start within two (2) years of the date of this permit; or
- (b) The development or any stage of it is not completed within four (4) years of the date of this permit; or
- (c) The use does not start within two (2) years after the completion of the development; or
- (d) 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 development) or twelve months after the permit expires (for a request to extend the time to complete the development).

Notes:**Building Approvals**

This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained. The works hereby approved must accord with the requirements of the *Building Act 1993*, *Building Regulations 2018* and *Building Code of Australia 2016*.

ResCode

ResCode has not been assessed as part of this planning application. ResCode will need to be assessed in relation to any building permit application which may require alterations to the building design and/or application for report and consent for dispensation. Any subsequent changes to building design required

by the building permit process will require an amendment to the endorsed plans forming part of this planning permit.

Containment and Disposal of Builders Refuse

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

Moved: Cr Grant Tillett

CARRIED

Seconded: Cr Ben Taylor

(R327/18)

EXECUTIVE SUMMARY

On 5 September 2018 an Application was lodged for alterations and additions to a dwelling and development of an outbuilding at 444 Swinglers Road, Invermay. The Application was not advertised. The application has been brought to Council only on the basis of the applicant's relationship to a senior officer within Council such that the matter is required to be dealt with at Council level in accordance with adopted policy. It is recommended that Council issue a Planning Permit subject to Conditions.

APPLICATION DETAILS

Applicant:	
Owner:	
Date Lodged:	5 September 2018
Subject Site:	444 Swinglers Road, Invermay
Current use:	Double storey dwelling and light grazing activities
Zone:	Farm Zone
Overlays:	Bushfire Management Overlay Environmental Significance Overlay, Schedule 1
Permit triggers:	<p>Farm Zone Under Clause 35.07-4 a permit is required to construct a building or construct or carry out works associated with a Section 2 use (dwelling on a lot under 70 hectares).</p> <p>Bushfire Management Overlay A permit is required for an extension to a dwelling that is greater than 50% of the gross floor area of the existing building and an outbuilding that exceeds 100 square metres.</p> <p>Environmental Significance Overlay, Schedule 1 A permit is required to construct a building or construct or carry out works.</p>
Ward:	North
Number of Objections:	Not advertised
Mediation Meeting:	N/A
Council Referral Trigger:	Senior Officer Financially Benefits
Covenant or S173	None
CHMP Required:	Not required

9.4. PLP/2018/469 113 LYDIARD STREET NORTH BALLARAT CENTRAL PARTIAL DEMOLITION, ALTERATIONS AND ADDITIONS TO EXISTING BUILDING AND INSTALLATION OF BUSINESS IDENTIFICATION SIGNAGE

Division: Infrastructure and Environment
Director: Terry Demeo
Author/Position: Jade Erwin – Coordinator Statutory Planning

Mr Peter Dunne made a public representation.

RESOLUTION:**Council resolves to:**

1. Issue a Planning Permit PLP/2018/469 for the land located at 113 Lydiard Street North, Ballarat Central for the partial demolition, alterations and additions to the existing building and installation of business identification signage subject to the following Conditions:

- 1 **Amended Plans Required**

Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with plans submitted 13 September 2018 application but modified to show:

- a) Modified colour schedule confirming the colour of the rendered panel to match the render colour of *Ludbrook House*.
- b) Entrance FFL modified in line with CCMA condition 4.
- c) Reduction in overall height of addition by 300mm to offset any increase caused by raising FFL as per CCMA condition 4.
- d) Clear details of works/interface with the abutting building at 107 Lydiard Street North.

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 **Minimising glare**

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

- 3 **Heritage (Demolition)**

Demolition is only permitted to sections of the building(s) as identified in the approved demolition plan. The remainder of

the building(s) must be retained in its (their) entirety. Only deteriorated and or unsound building elements (fabric) should be removed with as much of the original material retained as possible. No fabric of retained portion(s) of building(s) is to be removed until assessed by the Responsible Authority and written approval is given.

4 **Corangamite CMA REF: CCMA-F-2018-00485**

Amended plans be provided to show the finished floor level of the building entry along Lydiard Street North to be no lower than 429.8 metres to Australian Height Datum (AHD).

5 **Sign Not Altered**

The location and details of the sign shown on the approved plan must not be altered without the further written consent of the Responsible Authority.

6 **Signs Requiring Further Approval**

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

7 **Sign Maintenance**

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

8 **No Sign Illumination**

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

9 **Expiry Date**

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

10 **Permit Expiry - Development Only**

This permit will expire if one of the following circumstances applies:

- (a) The development is not started within two years of the date of this permit;
- (b) the development is not completed within four years of the date of this permit.

The responsible authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards (for a request to extend the time to commence the development) or twelve months after the permit

expires (for a request to extend the time to complete the development).

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

**CARRIED
(R328/18)**

EXECUTIVE SUMMARY

On 13 July 2018 an Application was lodged for the partial demolition, alterations and additions to the existing building and installation of business identification signage at 113 Lydiard Street North, Ballarat Central. The Application was advertised, and Council has received no objections. It is recommended that Council issue a Planning Permit subject to Conditions.

APPLICATION DETAILS

Applicant:	Morton Dunn Architects
Owner:	CAFS (Child and Family Services Ballarat Inc)
Date Lodged:	13-Jul-2018
Subject Site:	113 Lydiard Street North, Ballarat VIC
Current use:	Ludbrook House (CAFS office)
Zone:	Commercial 1 Zone
Overlays:	Heritage Overlay, Schedule 171
Permit triggers:	<ul style="list-style-type: none"> • Under Clause 34.01-4 (C1Z) a permit is required to construct a building or construct or carry out works • Under Clause 43.01-1 (HO171) a permit is required for part demolition, to construct a building or construct or carry out works and display a sign
Ward:	Central
Number of Objections:	None
Mediation Meeting:	No, none required as no objections
Council Referral Trigger:	Councillor Call up
Covenant or S173	No
CHMP Required:	No

9.5. INTER DOMINION TOURISM GRANT FUNDING APPLICATION

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

RESOLUTION:**Council resolves to:**

- 1. Approve a one-year \$10,000 (excl. GST) Tourism Event Grant to the Ballarat and District Trotting Club for the Inter Dominion trotting event.**

Moved: Cr Grant Tillett

CARRIED

Seconded: Cr Des Hudson

(R329/18)

EXECUTIVE SUMMARY

Council has received a Tourism Event Grant application for the Inter Dominion trotting event, planned on Tuesday 4 December 2018. The Inter Dominion Series consists of three heats and a final and is considered a prestigious event and one of the world's great harness racing series.

The Ballarat and District Trotting Club will host the second heat and has requested \$20,000 (excl. GST) in cash funding. The club expects 1500 tourists and a further 1500 locals will attend the event producing a projected economic impact of approximately \$208,200.

Of the requested \$20,000 cash funding, 64% would be allocated towards marketing and the remaining 36% allocated to entertainment, activities and the hire of a large (audio visual) screen.

The Prosperity Portfolio Councillors have reviewed the funding request and are in support of the application however with a recommended cash funding amount of \$5,000 (excl. GST).

9.6. BALLARAT BEER FESTIVAL TOURISM GRANT FUNDING APPLICATION

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

RESOLUTION:

Council resolves to:

- 1. Approve a one-year \$11,250 (excl. GST) Tourism Event Grant to Ballarat Festivals Pty Ltd for the 2019 Ballarat Beer Festival event.**

Moved: Cr Daniel Moloney
Seconded: Cr Ben Taylor

CARRIED
(R330/18)

EXECUTIVE SUMMARY

Council has received a Tourism Event Grant application for the Ballarat Beer Festival, planned on Saturday 19 January 2019. This is an annual event organised by Ballarat Festivals Pty Ltd and will be held in North Gardens.

Ballarat Festival Pty Ltd have requested \$15,000 (excl. GST) in cash funding and expects a total attendance of 4,650 producing a projected economic impact of \$377,910.

Of the requested \$15,000 cash funding 80% would be allocated towards marketing and the remaining 20% to operational costs.

The Prosperity Portfolio Councillors have reviewed the funding request and are in support of the application however with a recommended cash funding amount of \$11,250 (excl. GST).

9.7. ORGANS OF THE BALLARAT GOLDFIELDS TOURISM GRANT FUNDING APPLICATION

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

RESOLUTION:**Council resolves to:**

- 1. Decline the funding application as the proposal does not meet the required criteria for the Tourism Event grant program;**
- 2. Provide funding support of \$15,000 together with inkind support associated with promotion and marketing towards the 2019 Organs of the Ballarat Goldfields program as part of the implementation of the Ballarat Live Music Strategy.**

Moved: Cr Grant Tillett
Seconded: Cr Ben Taylor

CARRIED
(R331/18)

EXECUTIVE SUMMARY

Council has received a Tourism Event Grant application for Organs of the Ballarat Goldfields, planned between Friday 11 and Sunday 20 January 2019. This is an annual event organised by Organs of the Ballarat Goldfields Inc and will be held predominately within venues in the Ballarat municipality, whilst also extending into the Pyrenees Shire and Hepburn Shire Council municipalities.

Organs of the Ballarat Goldfields Inc has requested \$20,000 (excl. GST) in cash funding and expects a total attendance of 2000 producing a projected economic impact of \$334,800.

Of the requested \$20,000 cash funding 50% would be allocated towards promotion and marketing and the remaining 50% to printing costs. Council has provided sponsorship for the event in the order of \$20,000 each year for over ten years.

The Prosperity Portfolio Councillors have reviewed the application and while supportive of the event are seeking a resolution from Council regarding future funding.

There is an opportunity for Council to consider ways of continuing to support this established music and arts activity as part of the broader Creative City Strategy which is currently out for community consultation, and also as part of the current Live Music Strategy.

It is therefore recommended that while the Tourism Event Grant application be declined, funding support be provided from within Council resources allocated to the implementation of the Live Music Strategy and the Creative City Strategy.

9.8. ACCESS & INCLUSION PLAN

Division: Community Development
Director: Neville Ivey
Author/Position: Peter Appleton – Executive Manager Engaged Communities

Ms Narelle Mason made a public representation.

RESOLUTION:**Council resolves to:**

1. Place the draft Disability Access and Inclusion Plan 2018-2021 on public exhibition for period of at least one month facilitating community feedback through a range of engagement mechanisms.

Moved: Cr Belinda Coates

CARRIED

Seconded: Cr Des Hudson

(R332/18)

RESOLUTION:

That item numbers 9.12 Meeting Procedure Local Law - Submission and 10.1 Notice of Motion be brought forward.

Moved: Cr Belinda Coates

CARRIED

Seconded: Cr Des Hudson

(R333/18)

EXECUTIVE SUMMARY

The City of Ballarat plays a key role in ensuring that everyone who lives in the municipality can participate in all aspects of community life and to fulfil their own aspirations. Developing a Disability Access and Inclusion Plan assists Council to specifically consider the needs of people with a disability in everything it does.

The draft Disability Access and Inclusion Plan 2018-2021 builds on the significant gains from the Council's investment in capacity building across its operations and its advocacy in shaping key strategic projects in the city. Central to the development of the draft plan has been the active engagement and involvement of members from Council's Disability Advisory Committee.

9.12. MEETING PROCEDURE LOCAL LAW - SUBMISSIONS

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

Mr John Barnes made a public representation.

RESOLUTION:

Council resolves to:

- 1. Note the submissions received by Council.**

Moved: Cr Ben Taylor

Seconded: Cr Daniel Moloney

CARRIED

(R334/18)

EXECUTIVE SUMMARY

In accordance with sections 223 of the *Local Government Act 1989*, Council gave public notice of its intention to consider adoption of a new Meeting Procedure Local Law in the Ballarat Times on Saturday 25 August 2018 and invited written submissions. The purpose of this report is to receive written submissions and hear any verbal representations from respondents who requested that they be heard in support of their written submissions.

10. NOTICE OF MOTION

Ms Miriam Robinson, Ms Mary Debrett, Ms Sandra Dillon, Ms Ann Burnett and Ms Michelle Farrington made public representations.

I hereby give notice that at the Ordinary Meeting of Council on 21 November 2018 I will propose the following motion:

RESOLUTION:**That Council**

1. **Notes the recent October 2018 Intergovernmental Panel on Climate Change (IPCC) report on climate change.**
2. **Notes the successful motion to the Municipal Association Victoria (MAV) May 2017 to recognise that we are in a state of ‘climate emergency’ that requires urgent action by all levels of government, including local councils.**
3. **Acknowledges the ‘climate emergency’ and the need for urgent action by all levels of government, including local councils.**
4. **Acknowledge the need for priority resourcing of the carbon neutral and 100% renewables action plan and prioritisation of initiatives that move us towards carbon neutrality and 100% renewables.**
5. **Councillors receive a briefing from officers on how to best act on this ‘climate emergency’ acknowledgment and ensure that this is embedded into the ‘carbon neutrality and 100% renewables action plan’, council plan review and future strategies.**

Cr Belinda Coates**Moved: Cr Belinda Coates****CARRIED****Seconded: Cr Daniel Moloney****(R335/18)**

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

For the Motion were Councillors: Cr Mark Harris
Cr Des Hudson
Cr Samantha McIntosh
Cr Daniel Moloney
Cr Belinda Coates

Against the Motion was: Cr Ben Taylor
Cr Grant Tillet

RESOLUTION:

That Council adjourn for a comfort break at 9:25pm.

Moved: Cr Daniel Moloney

Seconded: Cr Grant Tillett

CARRIED

(R336/18)

RESOLUTION:

That Council resume at 9:36pm.

Moved: Cr Daniel Moloney

Seconded: Cr Ben Taylor

CARRIED

(R337/18)

9.9. SOCIAL POLICY FRAMEWORK

Division: Community Development
Director: Neville Ivey
Author/Position: Breanna Doody - Coordinator Health and Social Planning

RESOLUTION:

Council resolves to:

1. Note the Social Policy Consultation Report detailing received feedback in regard to the draft Social Policy Framework;
2. Adopt and approve the Social Policy Framework including the following amendments to the draft document that was placed on public exhibition:
 - a. The addition of 'Compassion' as a guiding principle (referenced in diagram on pages 4 and 5 and a description provided on page 6 of the amended document).
 - b. The inclusion of the following approaches to be considered within the Framework on page 13
 - United Nations' 'Sustainable Development Goals' (as an inclusive way of responding to the requests for sustainability, World Health Organisation guidelines, and the UN Principles for Responsible Management Education to be considered)
 - Intercultural Cities Programme
 - City of Ballarat Youth Development Framework (draft)
 - Historic Urban Landscape
 - United Nations Global Compact – Cities Programme (UNGCCP)
 - The Charter for Compassion
 - c. Visual changes to improve accessibility – white text on yellow background to be made dark blue, images to have captions.
 - d. An addition to be made to the description of 'Enabler' within the Framework document to articulate the importance of social connection to social wellbeing outcomes. This has been done within the Framework diagram on page 5 and the description on page 7.
3. Produce an Easy English overview flyer of the Framework with links to further information and a video that can be posted on Council's website verbally explaining the Framework and how it will be used.
4. Incorporate feedback related to the position statement templates prior to the roll out of the initial six statements covering Gambling harm, Affordable housing, Alcohol and other drug related harm, Access to adequate and nutritious food, Mental health and wellbeing and Active Living, scheduled to occur in early 2019.

Moved: Cr Belinda Coates
Seconded: Cr Des Hudson

CARRIED
(R338/18)

EXECUTIVE SUMMARY

This report seeks Councils approval of the Social Policy Framework following a period of public exhibition and incorporation of recommended changes. The draft Framework was prepared following examination of existing Council policies and plans, international social policy framework examples and extensive consultation with stakeholders, staff, Advisory Committees of Council and community. The City of Ballarat Social Policy Framework articulates the principles, considerations, roles and responsibilities that guide the City of Ballarat's policy development in areas of social concern and wellbeing. The position statements which will follow the Social Policy Framework will consolidate existing and related social policy from across the City of Ballarat to provide clarity about the City of Ballarat's policy position, key messages, roles and responsibilities regarding specific social issues, and will be added to over time.

9.10. RECOMMENDATION FOR COMMISSION OF ARTWORK FOR STURT STREET GARDENS

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

RESOLUTION:

Move the report into camera to allow for discussion.

Moved: Cr Grant Tillett

CARRIED

Seconded: Cr Ben Taylor

(R339/18)

EXECUTIVE SUMMARY

In 2015, Council commenced negotiations to form a partnership with the George Treloar Memorial Committee to create a public artwork honouring the humanitarian work of Ballarat-born figure Major George Devine Treloar. In the 1920s Major Treloar was engaged in the resettlement of Greek refugees from Asia Minor leading a significant humanitarian effort and making an important contribution to the lives of people in the Greek community of Australia and abroad.

Council received a brief regarding the George Treloar Memorial project in November 2017. A minimum commission budget of \$150,000 was agreed to ensure a work suitable for the Sturt Street Gardens precinct. Council entered into an MOU with the George Treloar Memorial Committee under the Auspice of the Merimna Pontion Kyrion of Oceania stipulating a \$100,000 contribution from the George Treloar Memorial Committee and a \$50,000 commitment from Council to achieve the project. A tender process has been conducted to recruit an artist for the project commission.

Council's Public Art Advisory Committee has recently completed a selection process for the artwork concept. The recommended artist meets the tender requirements and the project objectives.

9.11. BALLARAT AERODROME ADVISORY COMMITTEE

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

RESOLUTION:**Council resolves to:**

1. **Appoint the following individuals on to the Ballarat Aerodrome Advisory Committee 2018 for a three-year term:**
 - **Mr Sandy Gray – Community Representative;**
 - **Mr Peter Vermeend – Community Representative;**
 - **Mr George Langley – Aerodrome Community Tenant;**
 - **Mr Gordon Cornell – Aerodrome Community Tenant;**
 - **Mr Peter Mackay – Aerodrome Tenant;**
 - **Mr Daryl Chibnall – Aerodrome Tenant; and**
 - **Mr Jimmy Lee – STAA, Aerodrome Tenant.**

2. **Acknowledge the import role and contribution the Ballarat Aerodrome Advisory Committee provides to Council and thank Mr Roger Gration and Michael Porter, for their service on the Ballarat Aerodrome Advisory Committee.**

Moved: Cr Daniel Moloney

CARRIED

Seconded: Cr Samantha McIntosh

(R340/18)

EXECUTIVE SUMMARY

This report recommends that Council approve the Ballarat Aerodrome Advisory Committee membership from November 2018 to November 2021. This is a requirement of the Terms of Reference to review the membership on a regular basis.

9.13. ADVISORY COMMITTEE TERMS OF REFERENCE

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

RESOLUTION:

Council resolves to:

1. Revoke the Terms of Reference for Advisory Committees endorsed by Council as below:
 - a) Ballarat Municipal Observatory Advisory Committee Terms of Reference as endorsed 11 December 2013 by resolution R467/13;
 - b) Brown Hill Community Hall Advisory Committee Terms of Reference as previously endorsed by Council;
 - c) Buninyong Community Hall Advisory Committee Terms of Reference as endorsed 26 November 2008 by resolution R479/08;
 - d) Cardigan Village Community Centre Advisory Committee Terms of Reference as previously endorsed by Council; and the
 - e) Clean Ballarat Advisory Committee Terms of Reference as endorsed by Council 9 December 2015 by resolution R436/15.
2. Endorse the Terms of Reference for the following Advisory Committees:
 - a. Ballarat Municipal Observatory Advisory Committee;
 - b. Brown Hill Community Hall Advisory Committee;
 - c. Buninyong Community Hall Advisory Committee;
 - d. Cardigan Village Community Centre Advisory Committee; and the
 - e. Clean Ballarat Advisory Committee.
3. Endorse that the Scotsburn Community Hall Special Committee move from a Section 86 Special Committee of Council to an Advisory Committee of Council.
4. Revoke the Terms of Reference for the Scotsburn Public Hall Special Committee as endorsed by Council 12 June 2002.
5. Endorse the Terms of Reference for the Scotsburn Community Hall Advisory Committee.

Moved: Cr Des Hudson
Seconded: Cr Belinda Coates

CARRIED
(R341/18)

EXECUTIVE SUMMARY

The purpose of this report is to adopt revised Terms of Reference for the Ballarat Municipal Observatory Advisory Committee, Brown Hill Community Hall Advisory Committee, Buninyong Community Hall Advisory Committee, Cardigan Village Community Centre Advisory Committee, and the Clean Ballarat Advisory Committee.

The report also recommends changing the operating structure of the Scotsburn Community Hall from a Section 86 Special Committee of Council to an Advisory Committee of Council and to adopt the Terms of Reference for the Scotsburn Community Hall Advisory Committee.

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

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

RESOLUTION:

Council resolves to:

1. Revoke the S11A. Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) for Nichola Sleight, effective as at 21 November 2018.
2. Endorse the S11A. Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) for Joanna Cuscaden, effective as at 21 November 2018.
3. Sign and affix Council's Common Seal to the S11A. Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*).

Moved: Cr Des Hudson

CARRIED

Seconded: Cr Daniel Moloney

(R342/18)

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
Nichola Sleight	21 November 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
Joanna Cuscaden	21 November 2018

9.15. S6 INSTRUMENT OF DELEGATION - MEMBERS OF STAFF

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

RESOLUTION:

Council resolves to:

- 1. Revoke the S6. Instrument of Delegation - Members of Staff endorsed on 12 September 2018 (R262/18).**
- 2. Exercise Councils power conferred by section 98(1) of the *Local Government Act 1989* and the other legislation referred to in the attached S6. Instrument of Delegation – Members of Staff.**
- 3. Delegate each duty and/or function and/or power described in column 1 of the Schedule and summarised in column 2 of the Schedule, to the member of Council Staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule.**
- 4. Authorise the S6. Instrument of Delegation – Members of Staff (Attachment 1) to:**
 - a) Come into force immediately once the Common Seal of Council is affixed**
 - b) Remains in force until varied or revoked;**
 - c) Be subject to any conditions and limitations set out in sub-paragraph 3.3 of the delegation and the Schedule; and**
 - d) Be exercised in accordance with any guidelines or policies which Council, from time to time, adopts.**
- 5. Sign and affix Council’s Common Seal to the S6. Instrument of Delegation - Members of Staff.**

Moved: Cr Ben Taylor
Seconded: Cr Daniel Moloney

CARRIED
(R343/18)

EXECUTIVE SUMMARY

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

- Change of position title Development Contributions Officer to Coordinator Growth Areas Facilitation;
- Provisions to the new role Administration Officer Growth Areas Facilitation under the *Planning and Environment Act 1987*;
- Provisions to the new role Project Manager Urban Renewal under the *Environment Protection Act 1970* and the *Planning and Environment Act 1987*;
- Provisions to the new role Team Leader Pathways and Drainage under the *Road Management Act 2004*;
- Provisions to the new role Team Leader Road Safety under the *Road Management Act 2004*;
- Provisions to the new role Team Leader Sealed Roads under the *Road Management Act 2004*;
- Provisions to the new role Team Leader Unsealed Roads under the *Road Management Act 2004*;
- Provisions to the new role Road Maintenance Contract Supervisor under the *Road Management Act 2004*; and
- Provisions to the new role Road Maintenance Scheduler under the *Road Management Act 2004*.

The revised delegation has been reviewed at officer level and is considered appropriate for the ongoing administrative efficiency of Council. The draft revised Instrument is presented in attachment 1. Attachment 2 represents the required delegations for the new role Administration Officer Growth Areas Facilitation. Attachment 3 represents the required delegations for the new roles Team Leader Pathways and Drainage, Team Leader Road Safety, Team Leader Sealed Roads, Team Leader Unsealed Roads, Road Maintenance Contract Supervisor and Road Maintenance Scheduler. Attachment 4 represents the required delegations for the new role Project Manager Urban Renewal.

To adopt the amended Instrument, Council must revoke the Instrument that was endorsed at the Council meeting held on 12 September 2018 (R262/18) and endorse the revised Instrument (attachment 1) reflecting changes to conditions and limitations within the *Environment Protection Act 1970*, *Planning and Environment Act 1987* and *Road Management Act 2004*.

9.16. OUTSTANDING QUESTION TIME ITEMS

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

RESOLUTION:

That Council endorses the Outstanding Question Time report.

Moved: Cr Des Hudson
Seconded: Cr Mark Harris

CARRIED
(R344/18)

EXECUTIVE SUMMARY

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

11. URGENT BUSINESS

Nil

12. SECTION 89 (IN CAMERA)**RESOLUTION:**

That Council resolve, pursuant to Section 89(2) of the *Local Government Act 1989*, that the meeting be closed to members of the public at 09:43 pm whilst the Council is dealing with the following matters;

Moved: Cr Ben Taylor**Seconded: Cr Daniel Moloney****CARRIED****(R345/18)****9.5 INTER DOMINION TOURISM EVENT FUNDING BUDGET**

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

(Contractual matters)

9.6 BALLARAT BEER FESTIVAL TOURISM EVENT FUNDING BUDGET

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

(Contractual matters)

9.7 ORGANS OF THE BALLARAT GOLDFIELDS TOURISM EVENT BUDGET

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

(Contractual matters)

9.10 RECOMMENDATION OF ARTWORK FOR STURT STREET GARDENS - GEORGE TRELOAR MEMORIAL

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

(Contractual matters)

12.1 2018/19-40 ARMSTRONG STREET NORTH

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

(Contractual matters)

