

**CITY OF  
BALLARAT**



**Ordinary Council Meeting**

**20 November 2019**

Council Chamber, Town Hall, Sturt Street, Ballarat

**MINUTES**

**Public Copy**

**MINUTES OF A MEETING OF BALLARAT CITY COUNCIL HELD IN THE COUNCIL CHAMBER, TOWN HALL, STURT STREET, BALLARAT ON WEDNESDAY 20 NOVEMBER 2019 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 Ben Taylor  
Cr Samantha McIntosh  
Cr Belinda Coates  
Cr Mark Harris  
Cr Des Hudson  
Cr Amy Johnson (arrived at 8:33pm)  
Cr Daniel Moloney  
Cr Jim Rinaldi  
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  
Ms Natalie Robertson - Acting Director Innovation and Organisational Improvement  
Mr Cameron Montgomery - Executive Manager Safety, Risk and Compliance Services  
Mr Darren Whitford - Coordinator Risk and Compliance  
Ms Sarah Anstis - Administration Officer Statutory Compliance

### 2.2 Apologies

Nil

Acknowledgement that Cr Amy Johnson will be arriving late.

## 3. DISCLOSURE OF INTEREST

Nil

**4. CONFIRMATION OF MINUTES**

**RESOLUTION:**

**That the Minutes of the Council Meetings on 28 and 30 October 2019 as circulated be confirmed.**

**Moved: Cr Mark Harris**

**Seconded: Cr Des Hudson**

**CARRIED**

**(R293/19)**

**5. MATTERS ARISING FROM THE MINUTES**

Nil

**6. PUBLIC QUESTION TIME****QT27/19 - Mr John Barnes - Brown Hill****Question**

Mr Barnes read the statement that was published on the website regarding the Chief Executive Officers delegations. Mr Barnes asked if he was correct in assuming that the media response was authorised by the Chief Executive Officer and correct in the details?

**Answer**

Ms Justine Linley, Chief Executive Officer responded yes, she authorised the media release and that Mr Barnes is correct in the quoted statement as read.

**QT28/19 - Mr John Barnes - Brown Hill****Question**

Mr Barnes asked, having confirmation with lawyers of the breach in preparing the Council report, why was there no mention of the legal advice in the report, why did Councillors not receive a briefing on 6 November 2019 and why was it only discussed after Mr Barnes raised the issues on the 13 November 2019?

**Answer**

Mr Glenn Kallio, Director Business Services responded that when the report was put in front of Councillors, there was no discussion on the item. Mr Kallio advised that the report is to correct an error and legal advice is not provided as a matter of course in the report. He outlined that the report is to review the Chief Executive Officer's delegations. He explained that Councillors have asked questions and that these had been answered.

**QT29/19 - Mr Robert Toogood - Ballarat Central****Question**

Mr Toogood's question related to a petition that was put to Council on 21 August 2019 Council meeting about parking in Sussex Street. Council resolved to receive the petition and refer the matter to the Chief Executive Officer for consideration. Mr Toogood asked for a response and if anything is happening with the petition?

**Answer**

Mr Terry Demeo, Director Infrastructure and Environment, explained that he is happy to provide a response to Mr Toogood within 24 hours.

**QT30/19 - Mr Frank Williams - Invermay****Question**

Mr Williams asked about the new subdivision at Midlands Golf Range and Heinz Lane and if the drainage will be channeled through.

**Answer**

Mr Terry Demeo, Director Infrastructure and Environment, explained that the Ballarat Maryborough line has been prepared with a full drainage scheme that also relied on a complicated plan including culverts and upstream catchments.

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**QT31/19 - Mr Frank Williams - Invermay****Question**

Mr Williams asked if the new road will have traffic management as Heinz Lane has limited entrance from the railway.

**Answer**

Mr Terry Demeo, Director Infrastructure and Environment, took the question on notice.

**QT32/19 - Ms Sally Missing - Buninyong****Question**

Ms Missing asked what Council's priorities are for moving towards a more sustainable Ballarat and for a response to the climate emergency as an integral part of Council's key strategic plans.

Ms Missing also asked what additional resources, financial and human have been allocated by Council in recognition of the declared climate emergency.

**Answer**

Mr Terry Demeo, Director Infrastructure and Environment responded that Council has a courageous target for zero emissions and carbon neutrality. Mr Mayor also noted that Council has worked on methane capture to generate electricity at the landfill and has been doing so for some time.

**QT33/19 - Mr Ryan Foo - Brown Hill****Question**

Mr Foo asked about the media response in Saturday's Courier and who supplied the advice and if the same legal firm was responsible for Council's delegations?

**Answer**

Mr Glenn Kallio, Director Business Services, explained that he received legal advice from two separate firms confirming that Council has not met the requirements under 98(6) of the *Local Government Act 1989*. Council has a subscription service that lists the requirements of different legislation that provides notification when there are changes that councils must follow. Mr Kallio detailed that the law firm does not operate the delegations and we have different subscriptions in regards to different pieces of legislation. Mr Kallio detailed that there is no conflict of interest in relation to the matter.

**QT34/19 - Mr Ryan Foo - Brown Hill****Question**

Mr Foo asked if Councillors have seen the legal advice consistent with the media response.

**Answer**

Cr Taylor, Mayor explained he had seen the legal advice.

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Cr Harris explained that there seemed to be an incorrect perception of a conspiracy and that whilst he understood that there had been an error, Council admitted it and corrected the delegation. Cr Harris explained that you don't need to be a lawyer to understand that the old delegation existed and there is nothing that needs to be questioned. Cr Harris advised that the minutes were incorrect, but the delegations were not incorrect, and it is crystal clear.

Cr Tillett asked why we don't name the people who give Council paid advice.

Mr Glenn Kallio, Director Business Services answered that the organisation is given the advice in confidence. It would be inappropriate, and we would need to seek the lawyer's approval for the advice to be published.

#### **QT35/19 - Ms Lorice Jenkin - Eureka**

##### **Question**

Ms Jenkin asked about the parking near office works and asked if Council think it is too far away?

##### **Answer**

Mr Terry Demeo, Director Infrastructure and Environment advised that the carpark is not in the immediate CBD and the carpark is in recognition of the GovHub development with 1,000 employees coming to the CBD.

#### **QT36/19 - Ms Lorice Jenkin - Eureka**

##### **Question**

Ms Jenkin advised that when driving into carpark from Grenville / Little Channel Street it is very difficult to see if anything is coming.

##### **Answer**

Mr Terry Demeo, Director Infrastructure and Environment took the question on notice.



**7. REPORTS FROM COMMITTEES/COUNCILLORS**

**GB80/19 - Cr Mark Harris**

**RESOLUTION**

**Seek leave of absence for the 11 December 2019 Council Meeting.**

**Moved: Cr Mark Harris**

**CARRIED**

**Seconded: Cr Des Hudson**

**(R294/19)**

**GB81/19 - Cr Des Hudson**

**RESOLUTION**

**Seek leave of absence for the 11 December 2019 Council Meeting.**

**Moved: Cr Des Hudson**

**CARRIED**

**Seconded: Cr Belinda Coates**

**(R295/19)**

**GB82/19 - Cr Grant Tillett**

Cr Tillett noted that in the last two months there has been significant development in the northern part of the municipality that has increased the price of property significantly.

**RESOLUTION**

**Call for a report to a future Council Meeting in relation to how the tree planting will be achieved in the draft Miners Rest Plan and if there is specific budget allocation.**

**Moved: Cr Grant Tillett**

**CARRIED**

**Seconded: Cr Jim Rinaldi**

**(R296/19)**

**GB83/19 - Cr Daniel Moloney****RESOLUTION**

**A report to come to Council in the new year about the establishment of two new Advisory Committees. One to cover Mars Stadium and another to cover events. Can the reports detail a Terms of Reference and details of membership.**

**Moved: Cr Daniel Moloney****CARRIED****Seconded: Cr Grant Tillett****(R297/19)****GB84/19 - Cr Belinda Coates**

Cr Coates noted the Intercultural City Forum was held today by Council.

Cr Coates attended the Central Victorian Greenhouse Alliance Annual General Meeting.

Cr Coates noted that St Aloysius created their first Reconciliation Action Plan.

Cr Coates noted the Spring in the Park events and said that it was terrific and well attended.

Cr Coates congratulated BREAZE and the Environment Network on their recent forum.

Cr Coates noted national fire season and that thoughts are with communities affected in local government areas.

**RESOLUTION**

**Report to Council to spell out issues for the community relating to the awareness and implications of extreme fire seasons.**

**Moved: Cr Belinda Coates****CARRIED****Seconded: Cr Daniel Moloney****(R298/19)****GB85/19 - Cr Samantha McIntosh**

Cr McIntosh reported on the annual report from the previous meeting.

**RESOLUTION:**

**To accept Councillor reports.**

**Moved: Cr Mark Harris****CARRIED****Seconded: Cr Daniel Moloney****(R299/19)**

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## **8. CHIEF EXECUTIVE OFFICER REPORT**

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

### **RESOLUTION:**

**Council resolves to:**

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

**Moved: Cr Des Hudson**

**CARRIED**

**Seconded: Cr Daniel Moloney**

**(R300/19)**

### **EXECUTIVE SUMMARY**

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

## **9. ASSEMBLIES OF COUNCILLORS**

### **9.1. ASSEMBLIES OF COUNCILLORS**

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

#### **RESOLUTION:**

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

- **1 October 2018 Ballarat Heritage Advisory Committee**
- **3 December 2018 Ballarat Heritage Advisory Committee**
- **4 February 2019 Ballarat Heritage Advisory Committee**
- **1 April 2019 Ballarat Heritage Advisory Committee**
- **20 June 2019 Ballarat and Greater Bendigo Heritage Advisory Committee**
- **2 September 2019 Ballarat Heritage Advisory Committee**
- **15 October 2019 Finance Committee Meeting**
- **16 October 2019 Prosperity Portfolio Meeting – Events and the Arts and Economic Partnerships**
- **23 October 2019 Ballarat Municipal Observatory Advisory Committee Meeting**
- **23 October 2019 Strategic Briefing**
- **30 October 2019 Infrastructure and Environment Portfolio Meeting No 204**
- **6 November 2019 Council Agenda Review Briefing**

**Moved: Cr Des Hudson**

**CARRIED**

**Seconded: Cr Daniel Moloney**

**(R301/19)**

#### **EXECUTIVE SUMMARY**

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

**10. PETITIONS****10.1. PARKING IN PARADE COURT**

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

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

1. That the petition be received; and
2. That the petition be referred to the Chief Executive Officer for consideration and response.

**Moved: Cr Belinda Coates**

**CARRIED**

**Seconded: Cr Mark Harris**

**(R302/19)**

**EXECUTIVE SUMMARY**

A petition was received on 22 October 2019 containing 12 signatories requesting Council to consider a permit parking zone along Parade Court, Lake Wendouree.

“We request the 7 property frontages – 1 to 7 Parade Court and 5 & 7 Wendouree parade – be Permit Parking only:

- One sign on the NE corner of Parade Court and Wendouree Parade – arrow to the South.
- One sign on the NW corner of Parade Court and Wendouree Parade – arrow to the South
- One sign at the eastern edge of 5 Wendouree Parade – arrow to the West (2 bays)
- One sign at the western edge of 7 Wendouree Parade – arrow to the East (1 bay).

1. Council’s Parking Plan did not appropriately consider its impact on Parade Court residences.
2. Four signs would not be detrimental to the amenity of the area and would minimise initial and reduce on-going costs to Council.
3. Parade Court is the only ‘no through’ road in the vicinity, so no precedent would be set by Council agreeing to our request.
4. The loss of 13 spaces could easily be replaced by Council appropriately marking parking spaces along the foreshore edge of Wendouree Parade between Ripon Street North and Pleasant Street North and along side boundaries of residences along the eastern side of Pleasant Street North.”

**10.2. CHANGES TO COMMUNITY LOCAL LAW 2017**

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

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

1. That the petition be received; and
2. That the petition be referred to the Chief Executive Officer for consideration and response.

**Moved: Cr Mark Harris**

**CARRIED**

**Seconded: Cr Daniel Moloney**

**(R303/19)**

**EXECUTIVE SUMMARY**

A petition was received 6 November 2019 containing 19 signatories requesting Council to make changes to the Community Local Law 2017, keeping animals 22.1.2(d) and 22.5.2.

“Currently, residents on rural residential blocks are allowed to keep 1 rooster. (*Community Local Law 2017, Keeping Animals 22.1.2(d)*) with rural residential blocks getting smaller (down to 1 and 2 acres) and neighbours creeping closer to each other, this is becoming a huge problem in certain areas across our municipality. The constant crowing of a rooster at 4.30 in the morning can interfere and affect people’s sleep immensely and can lead to irritation and angst between neighbours. Surely this suggestion would just fit in with *Section 24, Noise and Smell from Animals* where it states “An occupier of any land on which any animal is kept must not allow any noise, smell or discharge to emanate from the animal or animal accommodation which is offensive to persons who occupy adjacent or nearby land.”?

1. We, the undersigned would like to ask Council to amend the above law (22.5.2(d)) to match current urban residential law of not being allowed roosters at all as we believe the situations are similar regarding neighbours being affected by the crowing of a rooster (during the night basically) at close proximity.
2. Currently law 22.5.2 states that after a new law is passed regarding the keeping of an animal in excess of that new law, the owner has 2 years to remove the said rooster. We would like this rule changed to a much shorter period, say, 3-6 months.”

## 11. OFFICER REPORTS

### 11.1. ROYAL PARK BUNINYONG COMMITTEE OF MANAGEMENT APPOINTMENT

**Division:** Infrastructure and Environment  
**Director:** Terry Demeo  
**Author/Position:** Darren Sadler- Executive Manager Property Services and Facilities Management

#### RESOLUTION

Council resolves to:

1. Undertake further consultation with the Friends of Royal Park in respect to the surrender of their Committee of Management appointment, and subject to the satisfactory resolution precede with:
  - a. Application to the Department of Environment, Land, Water and Planning for Council to be appointed as Committee of Management for the property identified as Royal Park situated at 1101 – 1109 Warrenheip Street, Buninyong.
  - b. Accept the appointment from the Department of Environment, Land, Water and Planning if successful.

**Moved: Cr Des Hudson**

**CARRIED**

**Seconded: Cr Belinda Coates**

**(R304/19)**

#### EXECUTIVE SUMMARY

This report is to gain from Council a resolution to seek from the Department of Environment Land Water and Planning (DELWP), appointment as the Committee of Management (COM) of the Crown land located at 1101 – 1109 Warrenheip Road, Buninyong also known as Royal Park.

The land is currently managed by the “Friends of Buninyong Royal Park” and it has indicated to DELWP that it wishes to surrender its management appointment on the basis that Council will be appointed the COM.

In 2018/19 an unsuccessful election commitment bid was developed to support the delivery of the concept masterplan which included a new community pavilion, parking, community gardens, new female friendly facility and the construction of two soccer pitches with new LED lighting. It also included little athletics infrastructure which will now be relocated to the old soccer pitch next to the Buninyong Recreation Reserve.

Whilst the election commitment was unsuccessful, Council, through its Sport and Active Living capital budget, has committed to the delivery of a charter of works to develop the site.

In order for Council to progress the delivery of a new female friendly facility, two soccer pitches and new LED lighting, it must have management authority over the site formalised by a Committee of Management appointment.



## 11.2. ROCK BALLARAT STRATEGIC PARTNERSHIP APPLICATION

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

Ms Tracey Spencer made a public representation.

### RESOLUTION:

Council resolves to:

1. Approve a three-year Strategic Partnership Grant to SBK Events Pty Ltd for the Rock Ballarat, Rock 'n' Roll Rockabilly Festival, with a total commitment of \$60,000 (ex GST) over the life of this agreement, in accordance with the following payment schedule;  
Year 1 – 2019/20 \$25,000  
Year 2 – 2020/21 \$20,000  
Year 3 – 2021/22 \$15,000
2. Note that this funding will be provided with the conditions relevant to the Strategic Partnership Grant Program, conditions include but are not limited to;
  - a. Strategic Partnership funding recipients are required to enter into a Funding Agreement with Council that outlines specific program delivery expectations, reporting requirements and a mutually agreed evaluation framework that focuses on performance and outcome measures.
  - b. Unless otherwise approved, a signed acquittal report must be submitted to Council annually. Organisations who fail to provide an acquittal report where required to do so, will not receive final payment and will be ineligible for any further funding from Council.

**Moved: Cr Samantha McIntosh**

**Seconded: Cr Jim Rinaldi**

**CARRIED**

**(R305/19)**

### EXECUTIVE SUMMARY

Rock Ballarat, Rock 'n' Roll Rockabilly Festival (Rock Ballarat) is a weekend long rockabilly festival event scheduled for February and is themed around 1950's rockabilly nostalgia. Filling the gap in Ballarat's event calendar created by the withdrawal of the Ballarat Beat Rockabilly Festival, Rock Ballarat will showcase rockabilly and rock 'n' roll culture through car displays, dancing, live music, food vendors and product stalls staged in the Civic Hall, Mining Exchange and Armstrong Street North.

Rock Ballarat is a commercial event registered to SBK Events Pty Ltd, which was established in 2019. SBK Events Pty Ltd is seeking a Strategic Partnership for \$80,000 (excl. GST) paid over a five (5) year period, in accordance with the following payment schedule:

Year 1 – 2019/20 \$25,000  
Year 2 – 2020/21 \$20,000  
Year 3 – 2021/22 \$15,000  
Year 4 – 2022/23 \$10,000  
Year 5 – 2023/24 \$10,000

Council funding will be used for road closures, venue and equipment hire, security and marketing.

Officers have reviewed the Strategic Partnership funding request against the program guidelines and recommend providing cash funding of \$60,000 (excl. GST) over a three (3) year period, in accordance with the following payment schedule:

Year 1 – 2019/20 \$25,000  
Year 2 – 2020/21 \$20,000  
Year 3 – 2021/22 \$15,000

This grant allocation aligns with the purpose of the Strategic Partnership Program and the Ballarat Events Strategy 2018 – 2028. The event model is an opportunity to support capacity building of the local event industry to deliver a quality home grown event which returns positive economic impact for Ballarat across tourism, hospitality, accommodation and the retail sectors with the long-term goal of becoming a sustainable event for Ballarat.

**11.3. 2020 BALLARAT BEER HOP TOURISM EVENT GRANT APPLICATION**

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

**RESOLUTION:**

**Council resolves to:**

**Approve a one-year \$25,000 (excl. GST) Tourism Event Grant to Ballarat Beer Hop for the 2020 Ballarat Beer Hop event.**

**Moved: Cr Daniel Moloney**

**CARRIED**

**Seconded: Cr Jim Rinaldi**

**(R306/19)**

**EXECUTIVE SUMMARY**

Council has received an application for funding from the Tourism Event Grant for the 2020 Ballarat Beer Hop, to be held in Ballarat on 11 April (Easter Saturday) 2020. The Ballarat Beer Hop is a group of local Ballarat businesses that have come together to develop an activity over Easter that aims to retain locals and attracting visitation to Ballarat during this holiday period.

This event aims to activate the CBD across six licensed venues and create appealing destination marketing content to promote 'Easter for Big Kids' in Ballarat. The Ballarat Beer Hop has requested \$25,000 (excl. GST) in cash funding, and anticipates attracting 1200 attendees, generating an economic impact of \$100,000, in its first year. The inaugural Ballarat Beer Hop held in Easter 2019 attracted 650 people, which provides confidence that there is a market for this event that could be further developed.

The Easter long weekend has been identified as an off-peak period for hospitality that significantly challenges their ability to remain open over the extended long weekend. To investigate options for developing activity during this period a working group of local operators, facilitated by Council Events Officers, has been established. Whilst the Ballarat Beer Hop has been developed independently to this group, it presents an opportunity to help fill the event calendar gap.

The event is seeking assistance to increase the level of marketing and design, and media development, which will directly support the sustainability and growth of the event. Event organisers are confident once the event attracts 1500 - 2000 participants, it will reach financial sustainability and no longer require Council funding.

This grant application aligns with the Ballarat Events Strategy 2018 – 2028. The event model is an opportunity to support capacity building of the local event industry to deliver a quality home grown event which returns positive economic impact for Ballarat across tourism, hospitality, accommodation and the retail sectors. The event has the long-term goal of becoming a significant attractor of visitors to Ballarat over the Easter period.

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**11.4. 2020 BALLARAT BEER FESTIVAL TOURISM EVENT GRANT APPLICATION**

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

**RESOLUTION:**

**Council resolves to:**

**Approve a one-year \$11,840 (excl. GST) Tourism Event Grant to Ballarat Festivals Pty Ltd for the 2020 Ballarat Beer Festival.**

**Moved: Cr Jim Rinaldi**  
**Seconded: Cr Daniel Moloney**

**CARRIED**  
**(R307/19)**

**EXECUTIVE SUMMARY**

Council has received a Tourism Event Grant application from Ballarat Festivals Pty Ltd for the Ballarat Beer Festival scheduled 15 February 2020 in Ballarat. Voted as 'Australia's Most Popular Craft Beer Event', by 20,000 craft beer enthusiasts three years in a row, the event helps strengthen Ballarat's reputation as 'the craft beer regional centre for excellence' in Australia.

Previously held in January, the Festival organiser, has been liaising with Council event officers to identify a new date in February. There are a number of January events in Victoria that compete for both craft beer exhibitors and audience share. The February move will ideally allow the event to grow in content and attendance with the intent to reach financial sustainability.

The Beer Festival has requested \$16,000 (excl. GST) in cash funding and anticipates an economic impact of \$416,560 from visitor audiences. Council funding will be allocated to assist with marketing the event into Melbourne, regional Victoria and some inter-state capitals.

**11.5. S5 INSTRUMENT OF DELEGATION - COUNCIL TO CEO**

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

Mr John Barnes made a public representation.

Cr Amy Johnson arrived at the meeting at 8:33pm.

**RESOLUTION:**

**Council resolves to:**

- 1. Revoke the Instrument of Delegation to the Chief Executive Officer endorsed on 22 October 2014 (R382/14).**
- 2. Exercise it's powers conferred by section 98(1) of the *Local Government Act 1989* and other legislation referred to in the Instrument of Delegation.**
- 3. Delegate each duty/function and/or power set out in the Instrument of Delegation to the person, acting in or performing the duties of the Chief Executive Officer, subject to the conditions and limitations specified in the Instrument.**
- 4. Authorise the Instrument of Delegation as amended. The delegation to:**
  - a. Come into force immediately the common seal of Council is affixed;**
  - b. Remain in force until varied or revoked;**
  - c. Be subject to any conditions and limitations set out in the delegation and the Schedule; and**
  - d. Must be exercised in accordance with any guidelines or policies which Council from time to time adopts.**
- 5. Note that the Instrument includes a power of sub-delegation to members of Council Officers, in accordance with section 98(3) of the *Local Government Act 1989*.**

**Moved: Cr Mark Harris**  
**Seconded: Cr Des Hudson**

**CARRIED**  
**(R308/19)**

**EXECUTIVE SUMMARY**

In accordance with the provisions of the *Local Government Act 1989*, the Instrument of Delegation to the Chief Executive Officer has been reviewed to ensure that it is lawful and allows for the effective operation of Ballarat City Council as an organisation. The purpose of

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this report is to revoke the previously endorsed Instrument of Delegation (R181/10) and endorse the updated Instrument of Delegation to the Chief Executive Officer.

**11.6. 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 31 July 2019 (R185/19).
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:
  - a. Come into force immediately once the Common Seal of Council is affixed;
  - b. Remain 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 Mark Harris**

**CARRIED**

**Seconded: Cr Grant Tillett**

**(R309/19)**

**EXECUTIVE SUMMARY**

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

- Changes to legislative provisions within the *Planning and Environment Act 1987*; and
-

- Removal of the position Domestic Waste Water Management Project Officer under the *Environment Protection Act 1970*, as the position has been made redundant.

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 at attachment 1.



### **11.7. OUTSTANDING QUESTION TIME ITEMS**

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

#### **RESOLUTION:**

**That Council endorses the Outstanding Question Time report.**

**Moved: Cr Daniel Moloney**

**CARRIED**

**Seconded: Cr Belinda Coates**

**(R310/19)**

#### **EXECUTIVE SUMMARY**

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

As of 30 October 2019 Council Meeting, there are no outstanding questions.

**12. NOTICE OF MOTION**

Nil

**13. URGENT BUSINESS**

Nil

**14. SECTION 89 (IN CAMERA)**

**11.2. 2020 ROCK BALLARAT STRATEGIC PARTNERSHIP - CONFIDENTIAL BUDGET**

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

(Contractual matters)

**11.3. 2020 BALLARAT BEER HOP CONFIDENTIAL DOCUMENTS**

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

(Contractual matters)

**11.4. 2020 BALLARAT BEER FESTIVAL TOURISM EVENT GRANT CONFIDENTIAL DOCUMENTS**

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

(Contractual matters)

**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 08:59 pm whilst the Council is dealing with the following matters;

**Moved: Cr Mark Harris**  
**Seconded: Cr Jim Rinaldi**

**CARRIED**  
**(R311/19)**

