

**CITY OF
BALLARAT**



Ordinary Council Meeting

29 January 2020

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 29 JANUARY 2020 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."*

The Mayor provided the following speech.

"Welcome everyone to the first meeting of the Council of the City of Ballarat for a new decade, the New Roaring Twenties and the Lunar New Year of the Rat.

It has been a very full month or so since our last meeting in December 2019 and while I will make further comments in Councillor Reports, I would like to firstly acknowledge the great success of the past long weekend here in the City.

The Commonwealth Government asks us to recognise 26 January as Australia Day and at the City of Ballarat we are doing just that. With respect, with reverence, with the understanding that not everyone has a single view of January 26, that not everyone can celebrate the day wholeheartedly as an increasing number see it more as a day of commemoration and acknowledgement of endurance and survival and of course in an inclusive society that it is ok to have a difference of opinion, just as we all have different life experiences and histories.

I will acknowledge further the fantastic contributions of our volunteers, the nominees and recipients of the City of Ballarat Australia Day Awards. I will also acknowledge the very respectful and moving Survival Dawn Ceremony held on Sunday morning at View Point, then the Citizenship Ceremony where we welcomed 27 new citizens to Ballarat and later the family-oriented fireworks around the lake on Sunday evening where we raised funds towards the Victorian Bushfire Appeal.

I will take the opportunity before beginning our first meeting of the year to foreshadow that later in Councillor reports I will be seeking a report to the chamber within the next two months to reflect on the 2020 Australia Day weekend, the activities held and the options and opportunities we might have as a Council to further progress implementation of the Reconciliation Action Plan, and to work with KEAG and other Aboriginal and Torres Strait Islander organisations and community members in Ballarat to make Ballarat a better place for all.

Lastly Councillors, as you all know we have had challenging times across the State and the Nation with bushfire disasters, not only in our own backyard in Lexton and Allendale but throughout Gippsland and across the country, this challenge is still not over. Our bushfire season continues, and I know our community is aware of this ongoing threat and encourage members of the community to continue their preparedness. Our thoughts go out to those families and communities directly affected.

Thank you Councillors and members of the gallery."

RESOLUTION

Cr Coates moved a condolence motion for the bush fire victims, Nationally, State and Locally.

Moved: Cr Belinda Coates

CARRIED

Seconded: Cr Samantha McIntosh

(R01/20)

2. APOLOGIES FOR ABSENCE

2.1 Present

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

Justine Linley - Chief Executive Officer
Terry Demeo - Director Infrastructure and Environment
Neville Ivey - Director Community Development
Glenn Kallio - Director Business Services
Angelique Lush - Director Development and Planning
Cameron Cahill - Director Innovation and Organisational Improvement
Cameron Montgomery - Executive Manager Safety, Risk and Compliance Services
Darren Whitford - Coordinator Risk and Compliance
Sarah Anstis - Administration Officer Statutory Compliance

2.2 Apologies

Nil

3. DISCLOSURE OF INTEREST

Cr Samantha McIntosh declared a conflict of interest on item 11.5 Rationalisation of title boundaries 5 Inkerman Street Newington as a family member owns the property.

4. CONFIRMATION OF MINUTES

RESOLUTION:

That the Minutes of the Council Meeting on 11 December 2019 as circulated be confirmed.

Moved: Cr Daniel Moloney

Seconded: Cr Jim Rinaldi

CARRIED

(R02/20)

5. MATTERS ARISING FROM THE MINUTES

Nil

6. PUBLIC QUESTION TIME

QT01/20 - Edith Fry - Golden Point

Question

Edith Fry asked if there is bush fire preparedness in the bush land parks in the City?

Answer

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

Neville Ivey, Director Community Development, responded that Fire Prevention Officers have been conducting inspections on properties from October onwards and have already issued over 500 notices in the municipality.

QT02/20 - Gary Fitzgerald - Ballarat East

Question

Gary Fitzgerald asked why there isn't much information on Council's website about the Councillors expenses and what each Councillor has spent.

Answer

Cameron Cahill, Director Innovation and Organisational Improvement, responded that the publication is in line with the reporting regulations and the Councillor Expense Entitlements Policy.

QT03/20 - Gary Fitzgerald - Ballarat East

Question

Gary Fitzgerald asked if Council has regulations when dealing with protesters such as the protest at Civic Hall on the Australia Day weekend?

Answer

Justine Linley, CEO provided a response that there is currently no by-law prohibiting protestors to participate in lawful protest unless there was an affray.

QT04/20 - Corey Barlett - Ballarat

Question

Corey Barlett accepted the Ballarat Community Activity of the Year award for the 2020 Australia Day Awards as president of the Ballarat Roller Derby and asked if Council would consider moving the awards to another day?

Answer

Mayor Cr Taylor responded that he intends to move a motion about the Australia Day weekend later in the meeting.

QT05/20 - Sally Missing - Buninyong

Question

Sally Missing asked how is Council engaging the community to participate in the Carbon Neutrality Plan?

Answer

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

QT06/20 - John Barnes - Brown Hill

Question

John Barnes asked a detailed question regarding the process of Council signing off service reviews and the progress towards achieving them within the four year scope.

Answer

Justine Linley, Chief Executive Officer responded that full and comprehensive service profiles have been compiled and supplied to Councillors.

QT07/20 - John Barnes - Brown Hill

Question

John Barnes asked a detailed question regarding the 68 services areas in the adopted 2019/20 Council budget.

Answer

Cameron Cahill, Director Innovation and Organisational Improvement, took the question on notice.

QT08/20 - Sissy Austin - Sebastopol

Question

Would Council consider moving the Australia Day fireworks to another day such as ANZAC Day?

Answer

Mayor Cr Taylor responded that he intends to move a motion about the Australia Day weekend later in the meeting.

QT09/20 - Rachel Muir - Ballarat

Question

Rachel Muir asked why City of Ballarat refused to cancel the fireworks on Australia Day despite the signed petition?

Answer

Mayor Cr Taylor responded that the fireworks had been paid for and we used the event as a fundraiser.

QT10/20 - Rachel Muir - Ballarat**Question**

Rachel Muir asked how the Mayor plans to combat racism in Ballarat?

Answer

The Mayor responded that the views presented were not in relation to the context in which the matter was discussed.

Cr Moloney provided a response that Council is keen to have a conversation about the impact on all members of the community as highlighted by the Mayor's proposal for a review of the Australia Day activities.

RESOLUTION:

That Council extends public question time in accordance with clause 64.1 the City of Ballarat Meeting Procedure Local Law.

**Moved: Cr Grant Tillett
Seconded: Cr Des Hudson**

**CARRIED
(R03/20)**

QT11/20 - Gareth Jones - Nerrina**Question**

Gareth Jones asked for an update on the Waste to Energy program.

Answer

Mayor Cr Taylor explained that there have been challenges due to a State Government Policy around circular economy which has been delayed.

QT12/20 - Gareth Jones - Nerrina**Question**

Gareth Jones asked what are the long term goals around glass in Ballarat.

Answer

The Mayor responded that we are waiting for the State Government to release its Circular Economy policy which was due in December but is yet to be released.

Cr McIntosh reported that this is something that Council is very excited about and keen to access to commence building a facility to redirect waste away from landfill. The pass on glass initiative has enabled an 80% reduction of glass going into landfill.

7. REPORTS FROM COMMITTEES/COUNCILLORS**GB01/20 - Cr Ben Taylor****RESOLUTION**

That a report be brought to the Chamber within the next two months to reflect on the 2020 Australia Day weekend, options and activities held while working with the Koorie Engagement Action Group Advisory Committee and other Aboriginal and Torres Strait Islander organisations and community members in Ballarat.

Moved: Cr Ben Taylor**CARRIED****Seconded: Cr Belinda Coates****(R04/20)****GB02/20 - Cr Amy Johnson**

Cr Johnson thanked residents for their contributions to the bush fire relief which raised \$20,0000 and passed on her condolences to those that have been affected by the bush fires.

Cr Johnson called for a report to a briefing in what Council can do to support people in the community to reduce household carbon admissions and be more environmentally sustainable.

Cr Johnson attended her first Brown Hill Hall Community Committee and outlined her concerns about how much energy they use and hopes that Council can provide solar panels for their roof in the future.

Cr Johnson attended the Australia Day awards and congratulated Nick Locandro as Citizen of the Year.

Cr Johnson thanked staff, performers and contractors for the Summer Sundays event.

Cr Johnson attended the Road Cycling Championship and thanked staff for working with Cycling Australia.

Cr Johnson congratulated Christian Ashby for his results in the para-cycling and passed on her best wishes to him.

Cr Johnson congratulated the organisers of the Wallaby Track and would like to advocate for a public toilet in the area moving forward.

GB03/20 - Cr Grant Tillett

Cr Tillett noted that Council approved the Northern Growth Plan and wants to see it progressed.

Cr Tillett attended the Organs of the Goldfields, Summer Sundays and Terang bushfire crisis seminar.

GB04/20 - Cr Belinda Coates

Cr Coates thanked the Ballarat community for their support on Survival Day.

Cr Coates acknowledged Nick Locandro for his Citizen of the Year Award.

GB05/20 - Cr Daniel Moloney

Cr Moloney acknowledged the Road Nationals, Summer Sundays, Organs of the Goldfields and the Carols by Candlelight. Cr Moloney thanked Director Lush's team for the great job they do with the events each year.

Cr Moloney echoed Cr Coates' comments about the Survival Dawn Ceremony at View Point on 26 January.

Cr Moloney requested a briefing on the status of the Skate Park Framework approved in August 2019.

GB06/20 - Cr Des Hudson

Cr Hudson requested that we look at subsidising the access fees in the Community Halls.

RESOLUTION

Report to a future Council Meeting on the associated costs and income for the Community Halls.

Moved: Cr Grant Tillett

CARRIED

Seconded: Cr Des Hudson

(R05/20)

GB07/20 - Cr Samantha McIntosh

Cr McIntosh requested a briefing on the dual naming of places in recognition of the traditional custodians.

GB08/20 - Cr Ben Taylor, Mayor

Cr Taylor, Mayor, highlighted the 150 year anniversary of when Town Hall foundation was laid.

RESOLUTION:

To accept Councillor reports.

Moved: Cr Daniel Moloney

CARRIED

Seconded: Cr Jim Rinaldi

(R06/20)

8. CHIEF EXECUTIVE OFFICER REPORT

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

RESOLUTION:

Council resolves to:

Receive and note the CEO's Operational Report.

Moved: Cr Grant Tillett

CARRIED

Seconded: Cr Daniel Moloney

(R07/20)

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: Sarah Anstis - Administration Officer Statutory Compliance

John Barnes made a public representation.

RESOLUTION:

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

- 20 November 2019 Mayor, Councillor and CEO Meeting in Jesse Scott Room
- 4 December 2019 Strategic Briefing
- 5 December 2019 Ballarat Airport Advisory Committee Meeting
- 11 December 2019 Mayor, Councillor and CEO Meeting in Jesse Scott Room
- 13 December 2019 Disability Advisory Committee
- 15 January 2020 Infrastructure and Environment Portfolio Meeting

Moved: Cr Daniel Moloney

CARRIED

Seconded: Cr Jim Rinaldi

(R08/20)

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 AND JOINT LETTERS**10.1. LAL LAL AND ELSWORTH STREET - PETITION**

Division: Business Services
Director: Glenn Kallio
Author/Position: Christian Dymock - Administration Officer – Statutory Compliance

Jeff Hardy made a public representation.

RESOLUTION:**Council resolves to:**

1. That the petition be received; and
2. That the petition be referred to the Chief Executive Officer for a report to a future Council Meeting.

Moved: Cr Jim Rinaldi
Seconded: Cr Des Hudson

CARRIED
(R09/20)

EXECUTIVE SUMMARY

A petition was received on 6 December 2019 containing 23 signatories.

The petition reads as follows

“We, the undersigned residents of the homes between Lal Lal Street and Elsworth Street, petition the Council and ask that a speed hump or any other device to reduce the speeding cars using this stretch of road, be installed as soon as possible. Over the past few years many local pets have been killed and with a growing number of grandchildren and families within the Street we feel that a fatality because of the speed that people travel down this section of road will unfortunately happen.”

10.2. AUSTRALIA DAY FIREWORKS - JOINT LETTER

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

RESOLUTION:

Council resolves to:

Receive a Joint Letter dated 6 January 2020 in relation to the Australia Day fireworks.

Moved: Cr Belinda Coates

CARRIED

Seconded: Cr Mark Harris

(R10/20)

EXECUTIVE SUMMARY

A Joint Letter was received on 6 January 2020 referring to an online petition of 6,500 signatories requesting Council to reconsider the 26 January Australia Day fireworks.

11. OFFICER REPORTS**11.1. RATE CAP AND VARIATION**

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

RESOLUTION:**Council resolves to:**

Advise the Essential Services Commission that it does not intend to seek a variation to the rate cap of 2.0 percent for the 2020-2021 Financial Year.

Moved: Cr Grant Tillett

CARRIED

Seconded: Cr Samantha McIntosh

(R11/20)

EXECUTIVE SUMMARY

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

Before 31 December each year, the Minister for Local Government decides upon and announces the Average Rate Cap to apply in the forthcoming year. The Minister has set the Average Rate Cap for the Financial Year 2020–2021 at 2.0 percent.

The Fair Go Rates system provides for the ability for Councils to apply for a higher cap. Any Council intending to seek a variation or a higher cap for the forthcoming financial year is required to indicate that intention by 31 January 2020.

It is proposed that the Council advises the Essential Services Commission that it does not intend to seek a variation to the rate cap for the 2020-2021 Financial Year.

11.2. 2020 NATIONAL POLOCROSSE CHAMPIONSHIPS - TOURISM EVENT GRANT SUBMISSION

Division: Development and Planning
Director: Angelique Lush
Author/Position: Heidi Zukauskas – Acting Executive Manager for Arts and Events

RESOLUTION

Approve a one-year \$13,000 (excl. GST) Tourism Event Grant to Polocrosse Victoria Inc. for the 2020 Australian Polocrosse Championships to be held in Ballarat in April 2020.

Moved: Cr Grant Tillett

CARRIED

Seconded: Cr Daniel Moloney

(R12/20)

EXECUTIVE SUMMARY

Council has received a Tourism Event Grant application from Polocrosse Victoria Inc for the 2020 Australian Polocrosse National Championships to be held in Ballarat from 30 March to 5 April 2020. The event, organised by Polocrosse Victoria, relies heavily on the support of the Ballarat Polocrosse Club. Polocrosse Victoria Inc. has requested \$24,000 (excl. GST) in cash funding and is estimated to deliver an approximate economic impact of \$434,600.

The Australian Polocrosse Championships is a biennial competition, held in a different state every two years. This is a National Level event and is expected to attract up to 3,000 participants and spectators. This event was last held in Ballarat in 2010 and was well managed.

This grant application aligns with the Ballarat Events Strategy 2018 – 2028 by delivering an event during a low mid-week event period to activate the City and inject economic impact in the lead up to Easter 2020.

11.3. 2020 BALLARAT GIFT - TOURISM EVENT GRANT PROGRAM SUBMISSION

Division: Development and Planning
Director: Angelique Lush
Author/Position: Heidi Zukauskas – Acting Executive Manager for Arts and Events

RESOLUTION:

Council resolves to:

Approve a one-year \$13,000 (excl. GST) Tourism Event Grant to Ballarat Athletics Club Inc. for the 2020 Ballarat Gift event to be held 8-9 February 2020.

Moved: Cr Grant Tillett

CARRIED

Seconded: Cr Samantha McIntosh

(R13/20)

EXECUTIVE SUMMARY

Council has received a Tourism Event Grant application for the Ballarat Gift, to be held on 8-9 February 2020 at the City Oval. The Ballarat Gift is organised by the Ballarat Athletic Club and has been running annually since 1949. The event is an athletics carnival that caters for elite Australian athletes, juniors, masters, and open men and women. The Ballarat Gift attracts over 1,200 entries and large spectator crowds during the two-day event. The 2020 event expects an estimated economic impact of \$211,600.

This grant application aligns with the Ballarat Events Strategy 2018 – 2028 in supporting flagship state events for the athletic sporting discipline. The Ballarat Gift is the second biggest gift in Australia behind the Stawell Gift and attracts interstate participation.

11.4. RED HOT SUMMER TOUR EVENT - CHANGES TO LOCAL LAW

Division: Development and Planning
Director: Angelique Lush
Author/Position: Heidi Zukauskas, Acting Executive Manager Events and the Arts

RESOLUTION:**Council resolves to:**

1. Pursuant to clause 56.1 of the Community Local Law 2017, designate the North Gardens environs as a dry zone in which the carriage and/or consumption of alcohol is prohibited for a 12-hour period spanning the conduct of the Red Hot Summer Tour event;
 - a. The 12-hour dry zone period to remain in force from 11am - 11pm of the scheduled event day
 - b. The dry zone period to encompass for the 2020 event scheduled for 28 March, and all future annual Red Hot Summer Tour events held in Ballarat at North Gardens, Lake Wendouree or Victoria Park location.
2. Consistent with the application of clause 56.1, authorise Council Officers to place such notices and signs on or in the vicinity of North Gardens and Lake Wendouree as are appropriate to advise the public of the alcohol-free zone.
3. Authorise Council Officers to implement an appropriate media strategy to communicate the intent and effect of the application of these proposals to the public and emergency services.
4. Not issue any temporary liquor licences around the North Gardens and immediate Lake Wendouree precinct for the period encompassed by the Red Hot Summer Tour event; with exemption of the Red Hot Summer Tour event liquor licence.

Moved: Cr Des Hudson
Seconded: Cr Mark Harris

CARRIED
(R14/20)

EXECUTIVE SUMMARY

Regional Touring are returning to Ballarat in 2020 with the Red Hot Summer Tour. The event will take place in North Gardens between 12:30pm – 10:00pm on 28 March 2020.

To aid the safe management of the area during this time, it is proposed that Council utilise the provisions of clause 56.1 of the Community Local Law 2017 to designate the North Gardens environs as a dry zone, except for the licensed area managed by the event. This is intended to prevent the consumption of alcohol in the area between the hours of 11am on the morning of the event until 11pm on the evening of the 2020 event, as well as for future annual Red Hot Summer Tour events held in the North Gardens, Lake Wendouree or Victoria Park locations.

The designation of the North Gardens environs as dry-zones is considered an important tool by both the event organisers and Victoria Police for managing antisocial behavior and is based on recommendation by Victoria Police.

It is proposed that all future Red Hot Summer Tour events maintain the Dry Zone status in place for each event until such point as Council lifts the restriction, or the Red Hot Summer Tour event changes format and it is not deemed necessary.

11.5. RATIONALISATION OF TITLE BOUNDARIES 5 INKERMAN STREET NEWINGTON

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

Cr McIntosh declared a conflict of interest as an extended family member has interest in the property and left the meeting at 9:08pm before discussion occurred.

RESOLUTION:**Council resolves to:**

- 1. Undertake the formal Gazettal process in respect to the discontinuance and closure of this portion of Inkerman Street, Newington.**
- 2. Subject to satisfactory resolution of any submissions received in response to the Gazettal of the proposal, delegate to the Chief Executive Officer to dispose of the land at market value.**

Moved: Cr Grant Tillett
Seconded: Cr Des Hudson

CARRIED
(R15/20)

Cr McIntosh returned to the meeting after the debate and vote at 9:09pm

EXECUTIVE SUMMARY

A request has been received for the rationalization of a residential title boundary for the property at 5 Inkerman Street, Newington. As a result of historical circumstances, the residential parcel has extended beyond the formal title boundary and occupied an area of some 158m² of the Inkerman Street Road Reservation. Having reviewed the options in respect to rectifying this situation it is considered that the consolidation of this portion of land into the residential title is potentially the most appropriate course of action. It is therefore recommended that a formal process of Gazettal of the discontinuous and closure of this portion of the Road Reservation be undertaken to determine the appropriateness of this approach. Further it is recommended that the Chief Executive Officer be delegated authority to formalize the disposal of the portion of Road Reserve subject to any submission being appropriately resolved.

11.6. AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION (ALGWA)

Division: Business Services
Director: Glenn Kallio
Author/Position: Christian Dymock - Administration Officer – Statutory Compliance

RESOLUTION:

Council resolves to:

Appoint Cr Amy Johnson as the Councillor representative for the Australian Local Government Women's Association having voting rights for the Association.

Moved: Cr Des Hudson

CARRIED

Seconded: Cr Belinda Coates

(R16/20)

EXECUTIVE SUMMARY

The purpose of this report is to provide the Australian Local Government Women's Association (ALGWA) with the nominated Councillor representative for voting rights with the Association.

11.7. BALLARAT FRIENDS OF AINARO SPECIAL COMMITTEE MINUTES

Division: Community Development
Director: Neville Ivey
Author/Position: Frances Salenga - Coordinator Intercultural Services

RESOLUTION:

Council resolves to:

- 1. Endorse the minutes of the Ballarat Friends of Ainaro Special Committee for 2019 and adopt the resolutions made therein.**
- 2. Acknowledge the resignation of committee member Barry Flynn and commend him for his service to the Ballarat Friends of Ainaro Special Committee.**

Moved: Cr Belinda Coates

Seconded: Cr Mark Harris

CARRIED

(R17/20)

EXECUTIVE SUMMARY

This report provides Council with the minutes of the meetings of Council's Ballarat Friends of Ainaro Special Committee (BFACC) held in 2019 and includes the resignation of Committee member Barry Flynn on 19 May 2019. Barry has made a significant contribution to both the Ainaro community and the Committee.

11.8. CONTRACTS SPECIAL COMMITTEE OF COUNCIL MINUTES - 2 OCTOBER, 16 OCTOBER AND 20 NOVEMBER 2019

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

RESOLUTION:**Council resolves to:**

1. Note, as per the *Local Government Act 1989* Section 88(2) that this matter is designated confidential information under section 89(2) as Contractual Matters and has been considered in making this recommendation.
2. Endorse the Special Contracts Committee minutes of the meetings held on 2 October, 16 October and 20 November 2019.

Moved: Cr Grant Tillett
Seconded: Cr Mark Harris

CARRIED
(R18/20)

EXECUTIVE SUMMARY

The purpose of this report is to provide Council with copies of minutes of Council's section 86 Special Contracts Committee in accordance with the *Local Government Act 1989*. At the meeting of these Committees held on 2nd and 16th October and 20th November, 2019, ten contracts were endorsed by the Committee and variations to four contracts. This report provides a copy of these minutes of these meetings as well as detailing summary information in relation to this Contract.

11.9. 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

Moved items 11.9 and 11.10 as a block.

RESOLUTION:

Council resolves to:

Exercise the powers conferred by s224 of the *Local Government Act 1989* (the Act) and the other legislation referred to in the attached instrument of appointment and authorisation (the instrument), and that

- 1. Virginia McLeod, be appointed and authorised as set out in the instrument.**
- 2. The instrument comes into force immediately the common seal of Council is affixed to the instrument, and remains in force until Council determines to vary or revoke it.**
- 3. The instrument be sealed.**

Moved: Cr Daniel Moloney

Seconded: Cr Grant Tillett

CARRIED

(R19/20)

EXECUTIVE SUMMARY

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

11.10. 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:

Exercise the powers conferred by s98(1) of the *Local Government Act 1989* and the other legislation referred to in the attached instrument of delegation, and that:

- 1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *Instrument of Delegation to members of Council staff*, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.**
- 2. The instrument comes into force immediately the common seal of Council is affixed to the instrument.**
- 3. On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.**
- 4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**

Moved: Cr Daniel Moloney
Seconded: Cr Grant Tillett

CARRIED
(R19/20)

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:

- Delegations for the new role Senior Strategic Planner (SSP) under the *Environment Protection Act 1970*, *Planning and Environment Act 1987* and *Planning and Environment Regulations 2015* (see attachment two).
- Removal of the position Development Facilitation Administration Officer (DFAO) from the *Planning and Environment Act 1987*, *Planning and Environment Regulations 2015* and the *Road Management Act 2004* as the position is now inactive.
- Inclusion of the position Supervisor Asset Surveillance (SASU) and Coordinator Asset Management (CAM) to s120(1) and S120(2) to the *Road Management Act 2004*.
- Inclusion of the position Supervisor Asset Surveillance (SASU) to sch7 cl12(4), sch 7 cl12(5), sch7 cl19(1), sch7 cl19(2)&(3) and sch7 cl20(1) to the *Road Management Act 2004*.

- Inclusion of the position Supervisor Asset Surveillance (SASU) to r25(1) to the *Road Management (General) Regulations 2016*.
- Removal of Director Infrastructure and Environment (DIE), Executive Manager Development and Facilitation (EMDF) and Manager Statutory Planning (MSTP) from R19 in the *Planning and Environment Act 1987*.
- Removal of Director Development and Planning (DDP), Executive Manager Economic Partnerships (EMEP) and Manager Strategic Planning (MSP) from R20 in the *Planning and Environment Act 1987*.
- Inclusion of Director Infrastructure and Environment (DIE) and Executive Manager Property Services and Facilities Management (EMPSFM) to s60(1) of the *Cemeteries and Crematoria Act 2003*.
- Removal of Executive Manager Safety, Risk and Compliance Services (EMSRCS) and Coordinator Risk and Compliance (CRC) from r25(2) and r25(5) of the *Road Management (General) Regulations 2016* and r15 and r522(2) of the *Road Management (Works and Infrastructure) Regulations 2015*.
- Removal of Executive Manager Operations and Environment (EMOE) and Coordinator Parks and Gardens (CPS) and inclusion of Director Infrastructure and Environment (DIE) of r32, r33(1), r33(2), r34 and r36 in the *Cemeteries and Crematoria Regulations 2015*.
- Removal of Director Development and Planning (DDP) in s20(2) and 20(3) of the *Cemeteries and Crematoria Act 2003*.

The revised delegations have been reviewed at officer level and are considered appropriate for the ongoing administrative efficiency of Council. The draft revised Instrument is presented at Attachment 1. Attachment 2 represents the required delegations for the new role of Senior Strategic Planner (SSP).

11.11. OUTSTANDING QUESTION TIME ITEMS

Division: Business Services
Director: Glenn Kallio
Author/Position: Christian Dymock -Administration Officer – Statutory Compliance

John Barnes made a public representation.

RESOLUTION:

Council resolves to:

Endorse the Outstanding Question Time report.

Moved: Cr Mark Harris
Seconded: Cr Des Hudson

CARRIED
(R20/20)

EXECUTIVE SUMMARY

This report provides Council with an update of responses to questions taken on notice and outstanding unanswered questions from public question time.

As of 28 January 2020 there are no outstanding questions.

12. NOTICE OF MOTION

Nil

13. URGENT BUSINESS

Nil

14. 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 09:17 pm whilst the Council is dealing with the following matters.

Moved: Cr Des Hudson
Seconded: Cr Mark Harris

CARRIED
(R21/20)

RESOLUTION

That Council adjourns for a comfort break at 9:17pm.

Moved: Cr Des Hudson
Seconded: Cr Amy Johnson

CARRIED
(R22/20)

RESOLUTION

That Council resume at 9:25pm.

Moved: Cr Des Hudson
Seconded: Cr Mark Harris

CARRIED
(R23/20)

**11.2. 2020 NATIONAL POLOCROSSE CHAMPIONSHIPS - TOURISM EVENT GRANT
SUBMISSION CONFIDENTIAL DOCUMENTS**

Division: Development and Planning
Director: Angelique Lush
Author/Position: Kate Joss - Community Events Officer

(Contractual matters)

11.3. 2020 BALLARAT GIFT - TOURISM EVENT GRANT SUBMISSION CONFIDENTIAL DOCUMENTS

Division: Development and Planning
Director: Angelique Lush
Author/Position: Kate Joss - Community Events Officer

(Contractual matters)

11.8. CONTRACTS SPECIAL COMMITTEE OF COUNCIL - 2 OCTOBER, 16 OCTOBER AND 20 NOVEMBER 2019

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

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

14.1. DEED OF VARIATION GORDON BUILDING LEASE

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

(contractual matters)

14.2. SUPPLY OF NATURAL GAS - SMALL AND LARGE MARKET FOR COUNCIL SITES

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

(contractual matters)

14.3. AUDIT ADVISORY COMMITTEE - 4 SEPTEMBER 2019

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

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

14.4. APPOINTMENT OF ELECTRICITY BRIDGING CONTRACT POST JUNE 2020

Division: Infrastructure and Environment
Director: Terry Demeo
Author/Position: Quenton Gay – Waste, Water and Energy Officer

(contractual matters)

14.5. TENDER 2019/20-176 RING ROAD RECONSTRUCTION, STAGE 3

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

(contractual matters)

RESOLUTION:

That Council move out of closed Council at 09:33 pm and adopt the resolutions made therein.

Moved: Cr Samantha McIntosh
Seconded: Cr Daniel Moloney

CARRIED
(R29/20)

15. CLOSE

The CEO reported on items discussed in closed Council.

The Mayor declared the meeting closed at 09:35 pm.

Confirmed this

day of

2020.

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Mayor