

**CITY OF
BALLARAT**



Ordinary Council Meeting

11 March 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 11 MARCH 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."*

2. APOLOGIES FOR ABSENCE

2.1 Present

Mayor Cr Ben Taylor
Cr Belinda Coates
Cr Mark Harris
Cr Des Hudson
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
Mr Cameron Cahill - 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
Ms Jacinta Halvy - Administration Officer Statutory Compliance

2.2 Apologies

Cr Amy Johnson
Cr Daniel Moloney
Cr Samantha McIntosh

RESOLUTION:

That the apologies be accepted.

Moved: Cr Des Hudson
Seconded: Cr Belinda Coates

CARRIED
(R49/20)

3. DISCLOSURE OF INTEREST

Nil

4. CONFIRMATION OF MINUTES

RESOLUTION:

That the Minutes of the Council Meeting on 19 February 2020 as circulated be confirmed.

Moved: Cr Belinda Coates

Seconded: Cr Mark Harris

CARRIED

(R50/20)

5. MATTERS ARISING FROM THE MINUTES

Nil

6. PUBLIC QUESTION TIME**QT25/20 - Susan Scollo - Ballarat Central****Question**

In relation to a rates rise objection submitted, and it being rejected by Council, Susan contacted Cr Harris and had not received a call back.

Answer

Cr Harris apologised as he thought he had returned Susan's call and advised that he will call Susan back tomorrow morning.

Cr Coates asked for a general response to the question.

Justine Linley, Chief Executive Officer responded that you should direct your query to Customer Service and they will direct you to the right area for a response.

QT26/20 - Bob Hartman - Canadian**Question**

In relation to the Friends of the Canadian Corridor, a report about the Koala sightings was reported to Councillors. Which Councillor will take up the challenge and establish this Committee previously outlined to fully implement the City of Ballarat Kola Management Plan.

Answer

Angelique Lush, Director Development and Planning responded that she is aware of current situation of wildlife in Canadian and is looking at the living corridors through Canadian. A report is expected to Council later in the year. Director Lush detailed consultation regarding the committee will commence soon.

Cr Hudson and Cr Coates both acknowledged that they would be happy to chair the committee.

QT27/20 - Sharon Upham - Ballarat East**Question**

In relation to the cycling path, what are the dimensions in the map and how wide is the path and buffer zone?

Answer

Terry Demeo, Director Infrastructure and Environment responded that the shared path is 2.5 meters and buffer distance is 1.5 meters.

QT28/20 - Sharon Upham - Ballarat East**Question**

In relation to the cycling path, do we know how State Government would mitigate the risk of cyclist, pedestrians and cars in close proximity and is it a concern of Council? Can a motion be passed if there are 3 Councillors missing?

Answer

Cr Taylor responded that there is still a majority of Councillors present and have a quorum so a vote can still be taken.

Terry Demeo, Director Infrastructure and Environment explained that the safety of cyclist has been fundamental in the overall consideration of safety for cyclists and pedestrians. The 2.5 meters is a standard width for a path for a recreational cyclist to share the path and a grass buffer distance of 1.5 meters will deliver a separation for traffic and pedestrians.

QT29/20 - Phillip McLelland - Sebastopol**Question**

Is the state of roads depicted in the photographs I have provided acceptable to Council as I have sustained over \$200 damage to my bike whilst riding.

Answer

Cr Hudson responded that they will take the locations of the road on notice.

QT30/20 - Phillip McLelland - Sebastopol**Question**

Who manages the road during construction particularly in Yarrowee Street?

Answer

Cr Hudson answered that last week Director Demeo increased the enforcement of roads to ensure road maintenance during construction.

Terry Demeo, Director Infrastructure and Environment responded that there are development impacts on existing roads which are managed by the building and enforcement as well as the asset team to take corrective action where required to minimise impacts on neighbouring properties.

QT31/20 - Alan Harvey - Buninyong

In relation to the Carbon Neutrality Action Plan, what is the status of the Sustainability Officer appointed to drive the rest of the activity in action 1A?

Answer

Terry Demeo, Director Infrastructure and Environment responded that two officers are to be appointed. One specific Sustainability Officer has been appointed and paperwork is being finalised.

QT32/20 - John Barnes - Brown Hill**Question**

In relation to the Local Government Bill 2019, what will be the major implications to City of Ballarat and are we looking at single Council Wards?

Answer

Cameron Cahill, Director Innovation and Organisation Improvement answered that the Bill passed Upper House with amendments and is due to go to Lower House next week. The decision for either a single or three Councillor Ward will come from the Minister in time for the upcoming election. City of Ballarat is not required to complete the 2020 VEC Ward Review and will remain as current.

QT33/20 - John Barnes - Brown Hill**Question**

In relation to the Local Election, does Council have an intent to run education sessions for potential candidates?

Answer

Cameron Cahill, Director Innovation and Organisation Improvement responded that the new legislation requires two sets of training, one being candidate training and one being Councillor training once they have been appointed.

RESOLUTION:

That Council extends public question time at 7:38 in accordance with clause 64.1 the City of Ballarat Meeting Procedure Local Law.

Moved: Cr Jim Rinaldi

CARRIED

Seconded: Cr Grant Tillett

(R51/20)

QT34/20 - Joe Boin - Invermay**Question**

In relation to the implementation of an electric car fleet and charging stations, would Council consider allocating funds towards more charging stations?

Answer

Cr Taylor, Mayor, responded that the car charging stations can be looked at in the upcoming budget process.

7. REPORTS FROM COMMITTEES/COUNCILLORS

GB15/20 - Cr Belinda Coates

Cr Coates questioned if the advocacy letters regarding the community support program have been actioned from August last year?

Neville Ivey, Director Community Development responded that a draft was provided to the Mayor's office but will follow up the current status.

Cr Coates noted that City of Ballarat members of the Central Victorian Greenhouse Alliance completed a strong advocacy letter to the State Government to ensure they will reach set emission targets.

Cr Coates attended the launch of the Mt Pleasant Tram Mural and congratulated those involved.

Cr Coates congratulated the Friends of Royal Park and Buninyong Sustainability Group on a successful Sustainability Festival.

Cr Coates and Cr Moloney attended the first consultative meeting and great opportunity for Youth Councils to hear about the Committees of Council.

GB16/20 - Cr Grant Tillett

Cr Tillett outlined that the Lake Learmonth Yacht Club was holding a meeting tonight to discuss their future existence.

RESOLUTION

Call for a future report to come to the Chamber in the next 3 months to consider finding water for lake Learmonth, reducing the size and the costs associated with both options.

Moved: Cr Grant Tillett

CARRIED

Seconded: Cr Jim Rinaldi

(R52/20)

GB17/20 - Cr Jim Rinaldi

Cr Rinaldi congratulated the Begonia Festival outlining that over 60,000 people attended the event.

GB18/20 - Cr Mark Harris

Cr Harris mentioned that the Covid-19 is changing every day and is pleased that Council is taking the front foot in organising its essential services.

GB19/20 - Cr Des Hudson

Cr Hudson recognised the Sebastopol BMX Club.

Cr Hudson attended the launch of the Needles, Stitches and Knots and congratulated their success.

GB20/20 - Cr Ben Taylor

Cr Taylor acknowledged the A League Soccer and Super Rugby recently held at Mars Stadium and the tourism it brings to Ballarat.

Cr Taylor acknowledged the Begonia Festival and that over 60,000 people were in attendance and the event was a success.

RESOLUTION:

To accept Councillor reports.

Moved: Cr Ben Taylor
Seconded: Cr Des Hudson

CARRIED
(R53/20)

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 Des Hudson

CARRIED

Seconded: Cr Belinda Coates

(R54/20)

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

RESOLUTION:

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

- **29 January 2020 Infrastructure and Environment Portfolio Meeting**
- **5 February 2020 Council Agenda Review Briefing Agenda**
- **11 February 2020 Lake Wendouree and Gardens Advisory Committee**
- **12 February 2020 Infrastructure and Environment Portfolio Meeting**
- **12 February 2020 Community Development Portfolio Meeting**
- **12 February 2020 Strategic Briefing**
- **26 February 2020 Council Agenda Review Briefing**
- **26 February 2020 Infrastructure and Environment Portfolio Meeting**

Moved: Cr Belinda Coates

Seconded: Cr Mark Harris

CARRIED

(R55/20)

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. OFFICER REPORTS**10.1. SMARTER PARKING PLAN IMPLEMENTATION PROGRESS REPORT**

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

RESOLUTION:

Council resolves to:

Note the progress report in relation to the implementation of the Smarter Parking paid system.

Moved: Cr Des Hudson
Seconded: Cr Mark Harris

CARRIED
(R56/20)

EXECUTIVE SUMMARY

With the ongoing implementation of the Smarter Parking Plan, including the paid parking network which was fully commissioned on 17 February 2020, there is a significant change to how parking across the City is managed. The new meter network is a major change for the community and as such, it is important to take the time to provide effective support and education as people begin to use the system. A regular report to Council in relation to the implementation of the new system will be provided. This is the first of the regular reports.

10.2. BALLARAT IS OPEN - PROSPERITY FRAMEWORK

Division: Development and Planning
Director: Angelique Lush
Author/Position: Kelli Moran – Economic Development Sector Specialist

Mary Hollick made a public representation.

RESOLUTION:

Council resolves to:

1. **Adopt the Ballarat Prosperity Framework**
2. **Acknowledge the effort of the Ballarat Prosperity Framework Reference Group**

Moved: Cr Grant Tillet

CARRIED

Seconded: Cr Jim Rinaldi

(R57/20)

EXECUTIVE SUMMARY

The Ballarat Prosperity Framework has been developed as the output of the Ballarat is Open project which took place in late 2019. The Ballarat is Open project was a community conversation in which an estimated 650 residents and community leaders shared their vision for Ballarat's future. The project included conversations about what needs to change to enable us all to work towards achieving our aspirations. It also explored notions of Ballarat's personality and identity.

The method underpinning the project was creative design thinking; a creative expression of community co-design. Community members – residents, businesses, organisations – came together, collaborated, and let themselves be visionary, creative and innovative in sharing their dreams for our city.

The Ballarat Prosperity Framework provides a conceptual structure of ideas and principles to guide future decision-making which best contributes to Ballarat's future. It is not just a Council document but has significant value right across the City. Specifically, for City of Ballarat, it will be used to underpin economic, land-use, marketing and branding plans for the city.

The Ballarat Prosperity Framework seeks to tell the *Story of Ballarat – the City of Possibilities*. In presenting the content using the constructs of storytelling, it includes the following elements:

- *The Opening Chapter: our setting.* This provides an overview of the 'current state' - aspirations for Ballarat that have already been discussed in community conversations over the past 5 years and that we still aspire to for our future
- *Looking Ahead to Future Chapters – what is the resolution we seek?* This describes our future vision; the future possibilities for Ballarat. This includes a Ballarat that is innovative, courageous and inspiring with a caring community; with an embedded culture of innovative thinking and entrepreneurialism; where the spark of creativity is nurtured everywhere; where our unique identity is celebrated in designing and

managing our growth; where we are a leader in the development of renewable energy systems; and where we are compassionate, with a high level of collective emotional intelligence

- *What Needs to Change to Get Us There? The conflict in our story* – this discusses what our community told us is holding us back – in particular, our collective mindset and behaviours were highlighted. This included conservatism, risk aversion, narrow-mindedness and unhealthy competition. The community asked instead for visionary, bold and united leadership, greater collaboration, and respectful, brave and inspiring debate on issues that matter to our city.
- *Our Central Characters* – in seeking to describe the identity and personality of Ballarat, community members described current Ballarat as traditional, stubborn and caring. Their desired character traits for future Ballarat are innovative, caring, inspiring and courageous.
- *Our Plot Framework* – the ‘framework’ in the Ballarat Prosperity Framework – which we will use to guide our future decisions and actions to achieve our desired vision – is conceived as a matrix of golden threads interwoven with catalysts for change. The ‘golden threads’ are: our appetite for innovation, entrepreneurship and technology; our innate creativity; our heritage; our future sustainability; and our resilient and supportive community. The ‘catalysts’ are: our mindset; our behaviour; and our changing economy and societal expectations.
- *How Might We All Play Our Part?* The final chapter provides guidance on how to use the framework and also presents the ‘possibilities’ – hundreds of creative ideas from the community for how future Ballarat could become an internationally recognised place to visit, be an outstanding place to do business, embed a culture of collaboration and grow and share the pride we have for the city.

10.3. STRATEGIC PARTNERSHIP - BALLARAT SPORTS FOUNDATION

Division: Community Development
Director: Neville Ivey
Author/Position: Mark Patterson - Executive Manager Sport and Active Living

RESOLUTION:**Council resolves to:**

- 1. Acknowledge the work that is undertaken by the Ballarat Sports Foundation (BSF) in its provision of financial and mentoring support to individual athletes from Ballarat in the pursuit of their sporting pursuits at the highest level.**
- 2. Approve a three-year strategic partnership with the Ballarat Sports Foundation (BSF) to the value of \$5,000 (excluding GST) for each year of the agreement.**

Moved: Cr Des Hudson
Seconded: Cr Jim Rinaldi

CARRIED
(R58/20)

EXECUTIVE SUMMARY

The City of Ballarat has historically provided financial support to the Ballarat Sports Foundation. This support enables the foundation to assess, prioritise and allocate financial support for the development of Ballarat athletes. It specifically helps to fund and facilitate their pursuit of high-performance opportunities both within Australia and on the International stage and without such funding they would not otherwise be in a position to pursue their sporting ambitions. The BSF is a volunteer based not for profit organization.

10.4. CYCLING CONNECTIONS PROJECT AND CBD TRAFFIC MODIFICATION UPDATE

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

Sharon Uphman, Melissa Peri, Stuart Kelly, Ben Leaver and Matt Briody made public representations.

RESOLUTION:**Council resolves to:**

- 1. Formally advise Regional Roads Victoria of Council's support for the Cycling Connection / Shared Path in the Sturt Street gardens subject to the detailed design and delivery being undertaken collaboratively with the City of Ballarat inclusive of joint surveillance and management of the construction program.**
- 2. Adopt the principles of the Regional Roads Victoria design of the Cycling Connection / Shared Path in the Sturt Street gardens for the section of Sturt Street which is under the control of the City of Ballarat from Dawson Street to Grenville Street, with a detailed further report to be provided to Council in relation to the design before these works proceeds to tender.**

Moved: Cr Belinda Coates
Seconded: Cr Des Hudson

CARRIED
(R59/20)

EXECUTIVE SUMMARY

Council considered this matter in February 2018 where it resolved to require Regional Roads Victoria (RRV) to undertake a first principles review of the project informed by a detailed consultation approach across Ballarat. This consultation effort by RRV has been extensive where they have effectively broken the project into the explicit vehicular safety initiatives of the Sturt Street intersections as one element and the Cycling Connection / Shared Path in the Sturt Street gardens as the second element. The consultation has informed the treatment of the intersections which is now progressing on the ground and has seen RRV present a detailed design of the Cycling Connection / Shared Path in the Sturt Street gardens which is considered to be respectful of both the heritage qualities of this precinct and also integrate with the landscape setting of this area.

Given the extensive work which has been undertaken to reach what is considered to be a design which is commensurate with the iconic status of Sturt Street, it is recommended that Council formally support the project as proposed subject to a commitment from RRV for an ongoing joint approach in respect to final detailed design and construction management and surveillance of the delivery on the ground.

RESOLUTION

That report item 10.10. Outstanding Question Time be bought forward.

Moved: Cr Des Hudson
Seconded: Cr Jim Rinaldi

CARRIED
(R60/20)

10.10. OUTSTANDING QUESTION TIME ITEMS

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

John Barnes made a public representation.

RESOLUTION:

Council resolves to:

Endorse the Outstanding Question Time report.

Moved: Cr Des Hudson
Seconded: Cr Mark Harris

CARRIED
(R61/20)

EXECUTIVE SUMMARY

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

10.5. COUNCIL PLAN QUARTERLY REPORT

Division: Innovation and Organisational Improvement
Director: Cameron Cahill
Author/Position: Jennifer Brophy – Business Support Officer

RESOLUTION:

Council resolves to:

Note the progress report for the Council Plan 2017 – 2021.

Moved: Cr Des Hudson
Seconded: Cr Mark Harris

CARRIED
(R62/20)

EXECUTIVE SUMMARY

The purpose of this report is to present the progress update of Council's performance against the Council Plan 2017-2021. The period reported is from October 2019 to December 2019 (Quarter 2).

The three-month performance report, provided as an attachment, offers a summary of the progress against the four Council Plan goals; liveability, prosperity, sustainability and accountability.

The intent of this report is to give Councillors and the community the confidence that Council is on track to meet its published commitments.

Highlights from this progress report include:

- Eastern Oval Stage 2 redevelopment – The official opening of the new facilities was conducted prior to the WBBL match between the Melbourne Renegades and Melbourne Stars in November 2019.
- Complete Ballarat Long Term Growth Options Investigation Plan – The Long-Term Growth Options Investigation Plan has been completed and was presented to Council on 30 October 2019. The next stage will be a planning scheme amendment.
- Township plans for Miners Rest – The Miners Rest Township Plan has been completed and was adopted by Council on 11th December 2019.

10.6. STAKEHOLDER REFERENCE GROUPS

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

RESOLUTION:

Defer item to the next meeting.

Moved: Cr Jim Rinaldi
Seconded: Cr Mark Harris

CARRIED
(R63/20)

EXECUTIVE SUMMARY

In late 2019, Councillors requested the Chief Executive Officer to investigate options for the establishment of advisory or reference groups in relation to the Ballarat Major Events Precinct in Ballarat North and in relation to the Tourism Events Strategy implementation.

It is recommended that Councillors approve the establishment of a Tourism Events Stakeholder Reference Group to support the City of Ballarat in achieving the objectives of the Ballarat Event Strategy 2018 - 2028.

Specifically, the purpose of the Group is to:

1. Increase commercial sector participation and support for tourism events.
2. Seek to generate a greater economic return for the visitor economy from tourism events.
3. Assist to build Ballarat's profile as a leading destination of events in regional Australia, focused on building local capability and capacity.
4. Provide expert guidance to support the review of the Ballarat Event Strategy 2018 - 2028.
5. Use its best endeavours to ensure events provide greater community participation and outcomes.

Additionally, it is recommended that Councillors approve the establishment of a Ballarat Major Events Precinct (BMEP) Stakeholder Reference Group. This would ensure all event planning and event activation of the BMEP is shared across all user groups and affected parties in a timely manner; and to provide a forum for advocacy for future development of the BMEP in the interests of the local community.

The purpose of the Group is to:

1. Collaboration between all user groups and local residents;
2. Providing a consultative forum to support event planning and event activation that encourages information sharing across all user groups and stakeholders in a timely manner;
3. Enabling a consultative forum to discuss matters to improve events conducted within the BMEP; and
4. Advocating for future development of the BMEP in the interests of the local community.

10.7. CEO PERFORMANCE REVIEW ADVISORY COMMITTEE TERMS OF REFERENCE

Division: Business Services
Director: Glenn Kallio
Author/Position: Darren Whitford - Coordinator Risk and Compliance

RESOLUTION:**Council resolves to:**

- 1. Revoke the CEO Performance Review Advisory Committee Terms of Reference endorsed 4 April 2018 by resolution (R88/18).**
- 2. Endorse the CEO Performance Review Advisory Committee Terms of Reference attached to come into force immediately.**

Moved: Cr Mark Harris
Seconded: Cr Jim Rinaldi

CARRIED
(R64/20)

EXECUTIVE SUMMARY

The purpose of this report is to adopt revised Terms of Reference for the CEO Performance Review Advisory Committee to reflect a change in position title from Deputy Director Policy and Innovation to Director Innovation and Organisational Improvement.

Currently the Terms of Reference list the annual report to be delivered by the Deputy Director Policy and Innovation to all Councillors In-Camera during a Council meeting. This title is no longer current, and the Terms of Reference will be amended to reflect the new title of Director Innovation and Organisational Improvement.

Clause 8 stipulates that the Terms of Reference are to come into force immediately upon resolution.

No other changes to the Terms of Reference are recommended at this time.

10.8. 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. Exercise the powers conferred by s224 of the *Local Government Act 1989* (the Act) and the other legislation referred to in the attached instruments of appointment and authorisation (the instrument), and that
 - a. Kimberly Purvis and Paul Judge be appointed and authorised as set out in the instruments.
 - b. The instruments come into force immediately the common seal of Council is affixed to the instrument and remain in force until Council determines to vary or revoke them.
 - c. The instruments be sealed.
2. Revoke the S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) for Leah Clark (R354/16).

Moved: Cr Mark Harris
Seconded: Cr Des Hudson

CARRIED
(R65/20)

EXECUTIVE SUMMARY

The purpose of the report is to endorse the S11A Instrument of Appointment and Authorisations under the *Planning and Environment Act 1987* to Kimberly Purvis and Paul Judge.

The purpose of this report is to also seek Council's endorsement to revoke the S11A Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* for Leah Clark.

10.9. 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 s 98(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 Mark Harris
Seconded: Cr Belinda Coates

CARRIED
(R66/20)

EXECUTIVE SUMMARY

The purpose of this report is to present the revised changes to the S6 Instrument of Delegation from Council to Members of Staff for Council's consideration, pursuant to Section 98 of the *Local Government Act 1989*.

It is proposed that the Instrument of Delegation be granted to the positions of members of Council staff rather than to the individual staff members. This means that the delegation will still apply to the incumbent of the position should there be a change in personnel or any staff acting in the role. It is imperative that Council staff have the correct delegation for dealing with matters under the various Acts and Regulations.

Changes to the Instrument of delegation since the last approved iteration include:

- New legislative requirements within the *Residential Tenancies Act 1997* (see attachment two);
- Legislative changes to current provisions of the *Residential Tenancies Act 1997* and *Road Management Act 2004* (see attachment three); and
- Removal of legislative section within the *Rail Safety (Local Operations) Act 2006* (see attachment four).

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 one. Attachment two outlines the new legislative requirements marked up that have been allocated to the appropriate officers. Attachment three outlines the proposed changes to existing legislation. Attachment four outlines the removal of legislation that is no longer required within the *Rail Safety (Local Operations) Act 2006*.

