

**CITY OF
BALLARAT**



Ordinary Council Meeting

12 June 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 12 JUNE 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 Samantha McIntosh
Cr Belinda Coates
Cr Mark Harris
Cr Amy Johnson
Cr Daniel Moloney
Cr Jim Rinaldi
Cr Ben Taylor
Cr Grant Tillett

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

2.2 Apologies

Cr Des Hudson

RESOLUTION:

That the apology be accepted and Cr Des Hudson is granted a leave of absence for Council Meeting on 3 July 2019.

Moved: Cr Jim Rinaldi
Seconded: Cr Belinda Coates

CARRIED
(R125/19)

3. DISCLOSURE OF INTEREST

Nil

4. CONFIRMATION OF MINUTES

RESOLUTION:

That the Minutes of the Council Meeting on 15 May 2019 as circulated be confirmed.

Moved: Cr Mark Harris

Seconded: Cr Amy Johnson

CARRIED

(R126/19)

5. MATTERS ARISING FROM THE MINUTES

Nil

6. PUBLIC QUESTION TIME**QT13/19 - Mr Werner Ollering - Miners Rest****Question**

Mr Werner Ollering stated that Council voted to defer Miners Rest Plan with progress reports to be presented to Council by the end of June. Mr Ollering asked if these reports are on track?

Answer

Ms Angelique Lush, Director Development and Planning responded that there will be an update coming to the chambers.

Mr Ollering asked if the community will have any opportunity to understand the impact of these reports on the plan and if they will have an opportunity for consultation?

Ms Lush advised that we will ensure that that there is more consultation to ensure that the community understand the changes that will impact the plan.

Cr Ben Taylor asked if the progress reports are on track for the Council Meetings for 30 June 2019 or 3 July 2019?

Ms Lush responded that the resolution made was for an update to come back to Council on that date and that we are committed to doing this and ensuring that all parties are informed of updates. There may be a delay in getting the report up, it could be July, however it may be August.

Cr Samantha McIntosh, Mayor asked if there is a chance that an update could be provided to briefing?

Ms Lush responded that an update can be presented at the next Councillor briefing.

QT14/19 - Mr Frank Williams - Invermay Park**Question**

Mr Frank Williams congratulated the City on the Creative Cities Strategy. Mr Williams asked what will happen to the improvements to the Bridge Mall that were part of the Master Plan to redevelop the Mall such as the 3 arches, brick paving, 20 mature trees, wrought iron seats, and play equipment?

Answer

Cr Samantha McIntosh, Mayor advised that the infrastructure can be used around Ballarat or may still be used in the Bridge Mall precinct.

Ms Lush responded that the position of officers and the view of the community is that doing nothing is not an option and we need to do work. We are trying to deliver an outcome for the community and where possible, will recycle and reuse those items.

QT15/19 - Mr Frank Williams - Invermay Park**Question**

Mr Frank Williams asked how the opening of the Mall to traffic will revitalise the Mall and bring in financial returns?

Answer

Cr Samantha McIntosh, Mayor advised that the concerns from the community and traders is that the Mall needs to be updated. There hasn't been a decision made on what kind of movement will be implemented through the Mall, however we know that we want it to be safe, for people to be able to walk, shop, play and enjoy their time.

Ms Lush responded that in order to move forward we need to listen to the community and take them on the journey. We need to ensure that it is the best option for the businesses and the community. Movement is the best decision for the precinct, however the design is still on the table.

QT16/19 - Mr Brian Pola - Sebastopol**Question**

Mr Brian Pola asked what financial strategy Council has established to approach the owners of the buildings in the Bridge Mall to convince them to upgrade?

Answer

Cr Samantha McIntosh, Mayor, advised that our plans for the redevelopment are an allocation from this budget and for the following two years. However this is in draft form and still needs to be approved.

Ms Lush advised that part of this process is the creation of the Bakery Hill Master Plan. We are looking into private and government investment.

Cr Daniel Moloney asked if we having any difficulty consulting or contacting some owners who may not be local?

Ms Lush advised that the challenge for Council is to use all levers at our disposal to ensure that we are providing all opportunities for buildings to be upgraded.

RESOLUTION:

That Council receive the Public Question Time questions.

Moved: Cr Ben Taylor
Seconded: Cr Mark Harris

CARRIED
(R127/19)

7. REPORTS FROM COMMITTEES/COUNCILLORS

GB32/19 - Cr Amy Johnson

Cr Amy Johnson reported that she attended the launch of the synthetic track at the Turf Club and offered congratulations.

Cr Johnson congratulated staff for their work on the Ballarat Heritage Weekend. The crowd numbers were on par with previous year.

Cr Amy Johnson reported that she had the opportunity to officiate at the launch of the Reconciliation Action Plan on Reconciliation Action Week, and thanked Tammy Gilson for the Welcome to Country and Rachel Muir, the Co-Chair of the Koorie Engagement Action Group (KEAG) Advisory Committee who had been closely involved and Cr Rinaldi and Madam Mayor for their attendance.

Cr Johnson attended the Commerce Ballarat Business Day Out which was very well attended by the Business Community.

Cr Johnson reported that she attended the Her Majesty's Theatre Board Special Committee meeting with Cr Moloney. Her Majesty's will open in August ready for South Street.

Cr Johnson reported that the Fernery has commenced stage 1, with the removal of the existing structure.

Cr Johnson laid a wreath with Cr Tillett and Cr Rinaldi to commemorate D-Day.

Cr Johnson congratulated Sam Shalders on a video relating to Share Waste. She encourages all Ballarat residents to get on to Share Waste which connects people with others who have compost and worm farms.

GB33/19 - Cr Jim Rinaldi

Cr Jim Rinaldi provided Council with a report on his recent trip to China.

Cr Rinaldi congratulated Cameron Cahill, Director Innovation and Organisational Improvement on his work ethic and professional attitude on the trip to China.

Cr Rinaldi presented Madam Mayor with gifts from Shenzhen, China.

Cr Samantha McIntosh, Mayor thanked Michelle Philips and her family for their contribution.

GB34/19 - Cr Belinda Coates

Cr Belinda Coates thanked the KEAG Advisory Committee Co-Chair who attended the Reconciliation Action Plan launch, and thanked the Councillors, CEO, and Executive who attended. It was great to see such a high level of support and commitment. It was great to see a strong focus on aboriginal culture throughout the heritage weekend.

Cr Coates congratulated the KEAG Advisory Committee members and the Cultural Partnerships team as finalists in the Helping Achieve Reconciliation Together awards.

Cr Coates asked why there hasn't been a response to her question surrounding why the request for the Mayor to sign an advocacy letter wasn't presented to full Council?

Ms Justine Linley, Chief Executive Officer, answered that it had been intended to report back to the last briefing which Cr Coates was not present at.

Cr Coates stated that she would like all advocacy requests that come through to the Mayor to be presented to all Councillors.

Cr Coates attended the Libraries and Rural Australians for Refugees event which over 100 people attended at the Eureka Centre.

Cr Coates commended local asylum seeker Neil Para on his photographic exhibition 'Without a Roof'.

Cr Samantha McIntosh, Mayor stated that she highly respects Neil Para and his family. Cr McIntosh also reflected on the Reconciliation Action Plan and stated that great work has been done.

GB35/19 - Cr Daniel Moloney

Cr Daniel Moloney acknowledged Volunteers Week which was on 20 May 2019, and thanked all the volunteers across Ballarat.

Cr Moloney represented Council at the 10th anniversary of the Wendouree Train Station, along with former Premier Steve Bracks and Julianna Addison MP.

GB36/19 - Cr Grant Tillett

Cr Grant Tillett stated that he believes the expectation from the Miners Rest Community is to be involved in the amended Miners Rest Township Plan report to ensure that they are happy and that the report will not have to go to a panel. The community would also like to be consulted around the report on Dowling Forest so that this does not have to go to a panel. A third matter surrounds a piece of land which will potentially be impacted by the airport, which will also end up at a panel if the community is not consulted.

GB37/19 - Cr Samantha McIntosh

Cr Samantha McIntosh reported that she had just returned from the World Heritage Cities in Poland where she met with experts to discuss the Goldfields heritage listing. The theme of the event was around sustainable tourism.

Cr McIntosh reported that she visited an All Waste Interchange and Waste to Energy site in Krakow.

RESOLUTION:

To accept Councillor reports.

Moved: Cr Mark Harris

Seconded: Cr Jim Rinaldi

CARRIED

(R128/19)

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 Mark Harris

CARRIED

Seconded: Cr Daniel Moloney

(R129/19)

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. PETITIONS**9.1. SEALING OF DOWLING ROAD MITCHELL PARK/MINERS REST**

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

Mr John Philips and Mr Alistair Cousins made public representations.

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 Daniel Moloney
Seconded: Cr Grant Tillett

CARRIED
(R130/19)

EXECUTIVE SUMMARY

223 residents of the Ballarat area request that Council receive this petition which reads:

“To ensure Dowling Road is given the highest possible ranking under the City of Ballarat rural roads hierarchy for maintenance and upgrade works and to pursue all possible sources of funding to contribute to the cost of sealing the entire road to a standard which would cater for the continued growth of the City including vehicle, cycling and foot traffic.”

9.2. MAKE THE CLAYTON AND RODIER STREET INTERSECTION SAFE

Division: Business Services
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 a report to a future Council Meeting.**

Moved: Cr Ben Taylor

CARRIED

Seconded: Cr Jim Rinaldi

(R131/19)

EXECUTIVE SUMMARY

24 residents of the Ballarat area request that Council receive this petition which reads:

“Once again, a vehicle has lost control on the intersection of Clayton and Rodier Street, and endangered lives by hitting the same tree and property.

- To investigate historical vehicle crash data beyond the usual Black Spot collection period for 5 years, which has caused injury or damage to property, along Clayton St and especially in the vicinity of Rodier St.
- To investigate if there is an unusual bump in the road surface that could have been a possible cause of the most recent vehicle crash, where the vehicle turning out of Butt Street lost control on the bend at Rodier St, causing serious property damage and endangering the life of residents, pedestrians and other motorists in the vicinity. The vehicle crossed into oncoming traffic on Clayton St and hit a tree before smashing through the boundary fence on 425 Clayton Street, causing significant damage to the house.
- To investigate appropriate traffic calming measure in and around the intersection of Clayton and Rodier St, Canadian and in particular:

Consider the installation of a guard rail on Clayton St at the site of the most recent crash and extend the guard rail to the Rodier St corner.

Consider the installation of appropriate traffic warning signs at the same location.”

10. ASSEMBLIES OF COUNCILLORS**10.1. 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:

- 16 April 2018 Public Art Advisory Committee Meeting
- 18 May 2018 Public Art Advisory Committee Meeting
- 25 June 2018 Public Art Advisory Committee Meeting
- 10 September 2018 Public Art Advisory Committee Meeting
- 23 October 2018 Public Art Advisory Committee Meeting
- 26 November 2018 Public Art Advisory Committee Meeting
- 28 March 2019 Eureka Centre Community Advisory Committee Meeting
- 1 April 2019 Public Art Advisory Committee Meeting
- 24 April 2019 Infrastructure and Environment Portfolio Meeting No 195
- 3 May 2019 Economic Partnership Prosperity Portfolio Meeting
- 8 May 2019 Strategic Briefing
- 29 May 2019 Council Agenda Review Briefing Agenda

Moved: Cr Mark Harris

CARRIED

Seconded: Cr Daniel Moloney

(R132/19)

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*.

11. OFFICER REPORTS**11.1. PLANNING SPECIAL COMMITTEE**

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

Mr Stuart Kelly made a public representation.

RESOLUTION:

Council resolves to:

Defer the item for one cycle for further discussion.

Moved: Cr Amy Johnson

CARRIED

Seconded: Cr Ben Taylor

(R133/19)

EXECUTIVE SUMMARY

The purpose of this report is to recommend to Council that a Planning Special Committee be established under the C4 instrument of delegation and a Terms of Reference which ultimately seeks to modernise our planning delegations and management of the processing of a significant body of planning work through the organisation by creation of the Special Committee. Further, the intent of the establishment of the Planning Special Committee is to provide enhanced engagement and consultation opportunities for Council in dealing with both planning permit applications which Council seeks to play a role in and in the broader strategic planning phase of policy development and planning scheme amendments which are subject to public exhibition.

PROCEDURAL MOTION:

That Council adjourn for 5 minutes at 8:50pm.

Moved: Cr Amy Johnson

CARRIED

Seconded: Cr Mark Harris

(R134/19)

PROCEDURAL MOTION:

That Council resumes at 9:02pm.

Moved: Cr Mark Harris

CARRIED

Seconded: Cr Daniel Moloney

(R135/19)

11.2. CIVIC HALL STAGE TWO

Division: Development and Planning
Director: Angelique Lush
Author/Position: Matthew Dent – Project Officer

Ms Merle Hathaway and Rodney Broadbent made public representations.

RESOLUTION:**Council resolves to:**

- 1. Note the completion of stage 1 of the Civic Hall redevelopment project and the outputs it has delivered; and**
- 2. Provide in-principle support for the Civic Hall stage two capital works package to be considered through the 2019/20 budget process to install a commercial kitchen, electrical power upgrade, and installation of performance infrastructure.**

Moved: Cr Daniel Moloney

Seconded: Cr Jim Rinaldi

CARRIED

(R136/19)

EXECUTIVE SUMMARY

This report recommends that Council note the Civic Hall Project stage one is now complete and has delivered the core requirements of resolution R106/16;

- Civic Hall main hall and foyer as a multi-use space
- Commence work on the Ballarat Civic Plaza
- Soft and Hard Landscape (west side)
- Alteration of access to existing car parking

Following completion of stage one, this report further recommends additional investment in the Civic Hall be considered through the current 2019/20 budget process. The allocation of stage two capital works will provide for a commercial kitchen, a significant power upgrade to ensure the power usage required throughout the facility is met, and installation of stage and performance infrastructure.

11.3. AUSTRALIAN RALLY CHAMPIONSHIP: EUREKA RUSH, TOURISM GRANT FUNDING APPLICATION

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

RESOLUTION:**Council resolves to:**

1. Approve a one-year \$10,000 (excl. GST) Tourism Event Grant to the Confederation of Australian Motor Sport for the Australian Rally Championship: Eureka Rush event.

Moved: Cr Ben Taylor

CARRIED

Seconded: Cr Daniel Moloney

(R137/19)

EXECUTIVE SUMMARY

Council has received a Tourism Event Grant application for the Australian Rally Championship: Eureka Rush event, planned for Saturday 24 and Sunday 25 August 2019. The Eureka Rush is one of six rally events that make up the Australian Rally Championship, a nationally recognised event.

The Confederation of Australian Motor Sport (CAMS) have requested \$20,000 (excl. GST) in cash funding. The organisation expects 4500 visitors and a further 4500 locals will attend.

11.4. BALLARAT EAST LOCAL AREA PLAN

Division: Development and Planning
Director: Angelique Lush
Author/Position: Kimberley Purvis – Strategic Planner

RESOLUTION:

Council resolves to:

1. **Adopt the Ballarat East Local Area Plan (May 2019).**
2. **Seek Authorisation from the Minister for Planning to commence a Planning Scheme Amendment, pursuant to Section 8A of the *Planning and Environment Act 1987*, and to place the Amendment on exhibition pursuant to Section 19 of the *Planning and Environment Act 1987*, to introduce:**
 - a. **the Ballarat East Local Area Plan as a Background Document;**
 - b. **Local Planning Policy for Ballarat East which outlines the distinctive characteristics and community values derived preferred character;**
 - c. **Schedule 3 to the Neighbourhood Residential Zone (NRZ3);**
 - d. **Schedules 3, 4 and 5 to the General Residential Zone (GRZ3, GRZ4 and GRZ5);**
 - e. **Schedule 224 to the Heritage Overlay (HO 224); and**
 - f. **Apply the Public Park and Recreation Zone to public reserve land currently used for this purpose**

Note: The Local Planning Policy and planning controls will be subject to further refinements during the planning scheme amendment process. Details of the Heritage Overlay and the Public Park and Recreation Zone will be confirmed following specific consultation with the individual landowners.

3. **Note the Ballarat East Neighbourhood Landscape Character and Significant Views Study (May 2019) and the Development Guidelines - Ballarat East Neighbourhood Character (May 2019)**
4. **Advocate for a portion of the Rifle Range land to be acquired by the State government and incorporated into the Woowookarung Regional Park, in negotiation with the landowner.**

Moved: Cr Jim Rinaldi
Seconded: Cr Belinda Coates

CARRIED
(R138/19)

EXECUTIVE SUMMARY

To ensure future growth and development incorporates local values, Council has committed to undertake local area planning for a number of areas within Ballarat, including Ballarat East. Over the past 4 years, Council officers have undertaken extensive research and worked closely with the community to develop the Ballarat East Local Area Plan. The Ballarat East Local Area Plan includes a long-term vision, objectives, strategies and an implementation plan, and will help the community and the City of Ballarat manage change in Ballarat East into the future.

This report recommends adoption of the Ballarat East Local Area Plan (May 2019) and recommends Council request the Minister for Planning to authorise a planning scheme amendment to introduce:

- the Ballarat East Local Area Plan as a Background Document and associated local policy;
- Schedule 3 to the Neighbourhood Residential Zone (NRZ3);
- Schedules 3, 4 and 5 to the General Residential Zone (GRZ3, GRZ4, GRZ5);
- Schedule 224 to the Heritage Overlay (HO 224); and
- to broaden the application of the Public Park and Recreation Zone (PPRZ) into the Ballarat Planning Scheme to give it effect.

The report notes the proposed draft local planning policy, zone and overlay schedules will be subject to further refinements during the planning scheme amendment process.

The Local Area Plan is underpinned by the Ballarat East Neighbourhood Landscape Character and Significant Views Study (May 2019). Development Guidelines - Ballarat East Neighbourhood Character (May 2019) have been developed to communicate community values and provide decision making guidance to developers.

The final Ballarat East Local Area Plan has been completed following extensive community and stakeholder consultation.

11.5. PLP/2019/010 16-18 ARMSTRONG STREET NORTH, BALLARAT CENTRAL

Division: Infrastructure and Environment
Director: Terry Demeo
Author/Position: Chloe Moorcroft - Statutory Planner

RESOLUTION:

Council resolves, having considered all the matters required under Section 60 of the *Planning and Environment Act 1987*, to Grant an Amended Permit to extend the operating hours for the sale and consumption of liquor from 11:00pm to 1:00am at the 16-18 Armstrong Street North, Ballarat Central, under the provisions of the Ballarat Planning Scheme, subject to the following conditions:

1. **Approved Plans:** The serving and consumption of liquor is restricted to the licensed area shown on the approved plans and must not be altered without the further written consent of the Responsible Authority.
2. **Limit on Number of Patrons:** Without the prior written consent of the Responsible Authority, not more than 115 patrons may be present on the premises at any one time. If a lesser number of patrons is determined acceptable by a Registered Building Surveyor and/or the Victorian Commission for Gambling and Liquor Regulation, the lesser number will apply.
3. **Sale and Consumption of Liquor – Hours:** Without the prior written consent of the Responsible Authority, the sale and consumption of liquor shall only occur within the licensed area between the hours of:
 - Monday to Sunday – 11:00am to 1:00am
 - The eve of Good Friday and Anzac Day– 11:00am to 12:00am
 - Good Friday and Anzac Day – 12:00pm to 1:00am.
4. **Sale and Consumption of Liquor - Food & Drink Premises:** The predominant activity carried out on the premises must be the preparation and serving of meals for consumption on the premises.
5. **Amenity:** The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - a) transport of materials, goods or commodities to or from the land;
 - b) appearance of any building, works or materials;
 - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - d) presence of vermin or otherwise;

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

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

- 7. Time for Starting and Completion – Use only: This permit for the use of land expires if:**
- a) **The use does not start within two years of the date of this permit; or**
 - b) **The use is discontinued for a period of two years.**

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

Moved: Cr Daniel Moloney

CARRIED

Seconded: Cr Mark Harris

(R139/19)

EXECUTIVE SUMMARY

The planning permit for PLP/2019/10 was issued on 17 April 2019 and an application was lodged the same day to amend the permit to extend the liquor licence service hours from 11:00pm to 1:00am. This matter was originally scheduled to go to the 24 April 2019 Ordinary Meeting of Council however the permit applicant agreed to amend the original application with hours of operation extending until 11:00pm so that a planning permit could be granted under officer delegation to allow commencement of the business.

The current application for the permit amendment now seeks to extend the hours to 1:00am which must be decided by a resolution of Council in accordance with the instrument of delegation.

The amendment to the application was not advertised as the original permit application was advertised advising that a 1:00am liquor licence was sought and no objections were received. It is recommended that Council issue an amended Planning Permit.

11.6. PUBLIC ART ADVISORY COMMITTEE REVIEW

Division: Development and Planning
Director: Angelique Lush
Author/Position: Tara Poole - Coordinator Creative City and
Kate Gerritsen – Public Art Coordinator

RESOLUTION:**Council resolves to:**

- 1. Repeal the Public Art Policy (2010) endorsed by Council 10 February 2010 by resolution R032/10, revoke the Public Art Advisory Committee Terms of Reference endorsed by Council 9 June 2010 by resolution R154/10 and wind up the appointed Public Art Advisory Committee.**
- 2. Note the efforts of the Public Art Advisory Committee to support the advancement of the Public Art Master Plan and offer Council's gratitude for their active support and involvement.**
- 3. Establish a panel of up to 12 expert advisors for the purpose of obtaining advice regarding public art project and collection management.**

Moved: Cr Mark Harris

CARRIED

Seconded: Cr Belinda Coates

(R140/19)

EXECUTIVE SUMMARY

The Public Art Advisory Committee was established by the following resolutions of Council:

1. The Public Art Policy (stipulating the appointment of the Committee) adopted on 10 February 2010.
2. The Public Art Advisory Committee Terms of Reference adopted on 9 June 2010.
3. The Public Art Advisory Committee Members appointed on 8 September 2010.

The recently adopted Creative City Strategy identifies Council's public art collection as being of significant importance. The Creative City team are working to accurately document and review the current collection, to future proof additions to the collection and to establish improved ways for the community to engage with their public art collection. As part of the review, the role and function of external advice was also considered.

Officers believe an expert panel will provide a clear pathway for advice to Council on public art matters, a tailored approach that would be flexible and support the delivery of the Creative City Strategy. This is a change to the current position of the current Public Art Policy.

11.7. ADVISORY COMMITTEE TERMS OF REFERENCE

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

RESOLUTION:

Council resolves to:

1. **Revoke the Terms of Reference for Advisory Committees endorsed by Council as below:**
 - a) **Ballarat Aerodrome Advisory Committee Terms of Reference endorsed 10 December 2014 by resolution R470/14;**
 - b) **Burrumbeet Soldiers Memorial Hall Advisory Committee Terms of Reference as previously endorsed by Council;**
 - c) **Disability Advisory Committee Terms of Reference as endorsed 23 February 2013 by resolution R047/13;**
 - d) **Koorie Engagement Action Group Advisory Committee Terms of Reference as endorsed 25 March 2015 by resolution R088/18;**
 - e) **Miners Rest Hall Terms of Reference as previously endorsed by Council;**
 - f) **Regional Soccer Facility Advisory Committee Terms of Reference as endorsed 23 April 2014 by resolution R115/14;**
 - g) **Road Safety Advisory Committee Terms of Reference endorsed 14 June 2016 by resolution R176/06;**
 - h) **Sebastopol RSL Community Hall Terms of Reference as previously endorsed by Council; and the**
 - i) **Warrenheip Community Hall as previously endorsed by Council.**
2. **Endorse the Terms of Reference for the following Advisory Committees:**
 - a. **Ballarat Aerodrome Advisory Committee;**
 - b. **Burrumbeet Soldiers Memorial Hall Advisory Committee;**
 - c. **Disability Advisory Committee;**
 - d. **Koorie Engagement Action Group Advisory Committee;**
 - e. **Miners Rest Mechanics Institute Community Hall Advisory Committee;**
 - f. **Regional Soccer Facility Advisory Committee;**
 - g. **Road Safety Advisory Committee;**
 - h. **Sebastopol RSL Community Hall Advisory Committee; and the**
 - i. **Warrenheip Community Hall.**

Moved: Cr Grant Tillett
Seconded: Cr Daniel Moloney

CARRIED
(R141/19)

EXECUTIVE SUMMARY

The purpose of this report is to adopt revised Terms of Reference documents for the Ballarat Aerodrome Advisory Committee, Burrumbeet Soldiers Memorial Hall Advisory Committee, Disability Advisory Committee, Koorie Engagement Action Group Advisory Committee, Miners Rest Mechanics Institute Community Hall Advisory Committee, Regional Soccer Facility Advisory Committee, Road Safety Advisory Committee, Sebastopol RSL Community Hall Advisory Committee, and the Warrenheip Community Hall.

Cr Daniel Moloney moved item 11.8 and 11.9 in a block.

11.8. S6 INSTRUMENT OF DELEGATIONS (PLANNING AND ENVIRONMENT ACT 1987)

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

RESOLUTION:

Council resolves to:

- 2. Revoke the S6. Instrument of Delegation - Members of Staff endorsed on 15 May 2019 (R117/19).**
- 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 Daniel Moloney

Seconded: Cr Mark Harris

CARRIED

(R142/19)

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:

- Provisions for the new role Growth Areas Facilitation Officer (GAFO) under the *Planning and Environment Act 1987*;
- Provisions for the new role Regulatory Services Support Officer (RSSO) under the *Planning and Environment Act 1987*, *Residential Tenancies Act 1997* and *Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010*; and
- Removal of some provisions to Executive Manager Economic Partnerships (EMEP), Manager Strategic Planning (MSP), Strategic Planner (SP) and Administration Officer Strategic Planning (AOSP) under the *Planning and Environment Act 1987*.

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. Attachment 2 represents the required delegations for the new role of Growth Areas Facilitation Officer. Attachment 3 represents the required delegations for the new role of Regulatory Services Support Officer (RSSO). Attachment 4 represents delegates that have been removed from provisions, positions include, Executive Manager Economic Partnerships (EMEP), Manager Strategic Planning (MSP), Strategic Planner (SP) and Administration Officer Strategic Planning (AOSP).

To adopt the amended Instrument, Council must revoke the Instrument that was endorsed at the Council meeting held on 15 May 2019 (R117/19) and endorse the revised Instrument (Attachment 1) reflecting changes to conditions and limitations within the *Planning and Environment Act 1987*, *Residential Tenancies Act 1997* and *Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010*.

11.9. OUTSTANDING QUESTION TIME ITEMS

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

RESOLUTION:

1. That Council endorses the Outstanding Question Time report.

Moved: Cr Daniel Moloney

CARRIED

Seconded: Cr Mark Harris

(R142/19)

EXECUTIVE SUMMARY

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

As of 15 May 2019, 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 10:29 pm whilst the Council is dealing with the following matters;

Moved: Cr Jim Rinaldi
Seconded: Cr Mark Harris

CARRIED
(R143/19)

11.3. AUSTRALIAN RALLY CHAMPIONSHIP: EUREKA RUSH, TOURISM GRANT FUNDING BUDGET

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

(contractual matters)

14.1. CONTRACT 2018/19-135 - PROVISION OF SERVICE AND REPAIR OF COUNCIL'S PLANT AND EQUIPMENT AND SUPPLY OF TYRES

Division: Business Services
Director: Glenn Kallio
Author/Position: Adrian Smith – Manager Fleet Services

(contractual matters)

14.2. TOURISM SERVICES

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

(contractual matters)
