

**CITY OF
BALLARAT**



Ordinary Council Meeting

31 July 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
31 JULY 2019 AT 7:00PM**

MINUTES

ORDER OF BUSINESS:

1. Opening Declaration	4
2. Apologies For Absence	4
3. Disclosure Of Interest	4
4. Confirmation Of Minutes	5
5. Matters Arising From The Minutes	5
6. Public Question Time	6
7. Reports From Committees/Councillors	8
8. Chief Executive Officer Report	12
9. Petition	13
9.1. Smarter Parking	13
10. Assemblies Of Councillors	14
10.1. Assemblies of Councillors	14
11. Officer Reports	15
11.1. Clemente Partnership.....	15
11.2. Adoption of Municipal Emergency Management Plan 2019- 2021	17
11.3. Loan Report	18
11.4. Adoption of 2019 General Valuation	19
11.5. Community Impact Special Committee.....	20
11.6. Contracts Special Committee of Council Minutes - 29 May and 19 June 2019 ..	21
11.7. Audit Advisory Committee Minutes - 20 February 2019 and 1 May 2019.....	22
11.8. S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987).....	23
11.9. S6 Instrument of Delegation - Members of Staff	24

11.10. Outstanding Question Time Items 26

12. Notice Of Motion 27

13. Urgent Business 27

14. Section 89 (In Camera) 27

15. Close..... 28

1. OPENING DECLARATION

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

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

2. APOLOGIES FOR ABSENCE

2.1 Present

Mayor Samantha McIntosh
Cr Belinda Coates
Cr Mark Harris
Cr Des Hudson
Cr 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
Ms Megan Franzo - Manager Communications and Marketing
Ms Amanda Western - Executive Manager Project Management Office
Mr Cameron Montgomery - Executive Manager Safety, Risk and Compliance Services
Ms Ali Evans - Administration Officer Statutory Compliance
Ms Sheridan Coulter - Administration Officer Safety and Wellbeing

2.2 Apologies

Nil

3. DISCLOSURE OF INTEREST

Nil

4. CONFIRMATION OF MINUTES

RESOLUTION:

That the Minutes of the Council Meeting on 19 June, 26 June and 3 July 2019 as circulated be confirmed.

Moved: Cr Belinda Coates

CARRIED

Seconded: Cr Amy Johnson

(R173/19)

5. MATTERS ARISING FROM THE MINUTES

Nil

6. PUBLIC QUESTION TIME**QT17/19 - Mr Kent Warrick - Mt Helen****Question**

Mr Kent Warrick stated that the area he lives in is covered by a Section 173 agreement to to exclude dogs or cats as pets in order to protect the sanctuary and the koala overlay. Mr Warrick asked if Council should uphold these policies and agreements?

Answer

Cr Ben Taylor stated that the development was unique with having the restrictions on pets and asked how we can ensure this is enforced so that people who buy in the area understand the agreement before purchasing?

Mr Terry Demeo, Director Infrastructure and Environment answered that it is difficult to enforce the Section 173 agreement in its entirety. Council has the option to submit a VCAT application to forcefully require the removal of pets although this is not a preferred approach. The agreement is in place with many owners that once an animal passes, it will not be replaced.

Cr Des Hudson commented that a firm enforcement regime would have as many community disbenefits, however it is not fair on the residents who have chosen to live in the area for the reason of there being no pets allowed.

Cr Ben Taylor asked if we can have communication with the residents about the issue?

Mr Terry Demeo responded that there could be an annual letter to reinforce the information.

Mr Warrick stated that Council's brochure explains that the restriction is enforced by Council.

Mr Terry Demeo responded that we take a pragmatic approach and have not exercised the discretion to remove animals at this point.

QT18/19 - Mr Bruce Crawford - Redan**Question**

Mr Bruce Crawford explained that a storm brought down a tree in his street damaging the fuse box on his property. Mr Crawford explained that reports had labelled the tree as being in poor condition which was then upgraded to being in fair condition, with all correspondence from Council referring to the Road Management Act. Mr Crawford questioned the reports and if the settlement offer of Council is fair and reasonable in the circumstances?

Answer

Mr Terry Demeo, Director Infrastructure and Environment explained that we have a rigorous reporting regime and as the tree was in fair condition no further action was required at the time of assessment. Mr Demeo stated that he understands that the settlement is frustrating in regards to the insurance process.

Cr Daniel Moloney stated that he believes that this case is blatantly unfair and asked what discretion Council has for insurance claims?

Mr Cameron Montgomery, Executive Manager Safety, Risk and Compliance Services explained that this claim was managed under our Road Management Plan which is set in accordance with the Road Management Act. There is a threshold that needs to be met and officers managed this claim consistently with all others.

Cr Moloney asked why we require residents to sign a deed of release not to talk about claims?

Mr Montgomery answered that the clause forms part of a normal deed of release in finalising an insurance matter. The line is used in a formal contract provided to us by our lawyers.

Cr Moloney asked that given the inspection report stated that the tree was in a poor condition which then miraculously became fair, shouldn't we use some discretion?

Mr Glenn Kallio, Director Business Services answered that if the report deemed the tree was required to be removed immediately, and it then proceeded to fall, we would use discretion. The information showed that this was not the case, so we applied the Road Management Act.

QT19/19 - Mr Frank Williams - Invermay Park

Question

Mr Frank Williams addressed an article in The Courier and asked if the City of Ballarat will re-examine the 2006 Koala Plan and if Council will revamp the plan to help preserve the natural habitat and the koala population of the Ballarat region?

Answer

Ms Angelique Lush, Director Development and Planning responded that in light of the discussions at a previous Council meeting, Officers are reviewing the Koala Plan to see what action needs to be taken. In regards to preserving the natural habitat and population, this will be considered in the review.

7. REPORTS FROM COMMITTEES/COUNCILLORS

GB44/19 - Cr Belinda Coates

Cr Coates advised that she attended the Intercultural Cities Forum, which was well attended.

Cr Coates passed on congratulations to all those involved in NAIDOC week celebrations, with a fabulous turn out to the Facing Up event held in the Botanical Gardens.

Cr Coates spoke at the Beyond Plastic Bag Forum organised by Federation University.

Cr Coates advised that she has been appointed as the Chair for the Committees of Management for the Highlands Local Learning Network.

Cr Coates as Chair of the Central Victorian Greenhouse Alliance passed on congratulations for a successful conference.

GB45/19 - Cr Ben Taylor

Cr Taylor stated that Victorian recycling has been in the spotlight as in the last week there have been significant changes in the industry. Cr Taylor asked what our plan is for the short term and what will happen if SKM doesn't reopen?

Mr Terry Demeo, Director Infrastructure and Environment explained that this is a changing landscape. SKM is a large company with over half the kerbside collection share across Victoria. SKM are closed at this point in time, however we are told that this is not a long term closure and they will reopen later this week. Our transport companies are able to accommodate a two to three week delay in drop off. Our longer term view is to become completely sustainable and deliver a Materials Recycling Facility and all waste interchange.

Cr Taylor asked what timelines are in place to ensure that we can deal with this at a local level?

Mr Demeo responded that that a Waste to Energy Facility and All Waste Interchange would be co-located at the north west corner of BWEZ. This land is Crown Land and is not serviced at this point. We are looking to pursue the transfer of the land to Council for this direct purpose, however there would still be a \$350,000 expenditure to place conduit for power and services under the rail line.

Cr Taylor requested that Council call on Local MPs to advance our case with the State government.

RESOLUTION:

That Council make representation and seek a delegation to meet with Local MPs, relevant Ministers, the Premier and Treasurer to develop a solution for waste management, in particular recycling.

Further, that Council mount a community campaign to include significant community engagement to step up the pressure on government and to increase education on the waste hierarchy, to reduce, reuse and recycle.

Moved: Cr Ben Taylor

CARRIED

Seconded: Cr Amy Johnson

(R174/19)

GB46/19 - Cr Grant Tillett

Cr Tillett reported that a Mildura business is making railway sleepers from light plastics and these are being trialed in Melbourne. A Ballarat company is researching what can be made from unused plastics. Recycling isn't about the sorting of the items, but rather about how we reuse the items we recycle. What is our Economic Development team doing to foster companies who will be able to use the products once we are able to sort them?

Cr Tillett called for an update including a time schedule, target dates for achievement of works, and evidence of the work that Economic Development is undertaking in the form of a report to the Infrastructure Portfolio.

Cr Tillett reported that along with Director Ivey and Director Demeo they met representatives of the crew of the HMAS Ballarat upon return from a 9 month deployment. The delegation left us with a photo of the crew which I hope will be displayed with other HMAS Ballarat items in the Town Hall.

Cr Tillett called for a report to briefing addressing how we can ensure water supply is maintained in Lake Learmonth so that it can become the popular and productive tourism asset it has been.

Cr Tillett visited the site of the Quest development at the railway station and is disappointed in its close proximity to the Goods Shed as it impacts the ambience of the historic view.

Cr Tillett expressed his concern at the removal of bluestone blocks which made up the sub structure of the platform of the original Goods Facility. Cr Tillett asked what is happening with history in our City? Are we an historic City? Is heritage important to our City? Where are Heritage Victoria with all these developments?

Cr Tillett called for a report regarding heritage.

RESOLUTION:

Present a report that outlines policies and procedures and the efforts of the Council and methods used to protect history and heritage, particularly in relation to the railway precinct and goods shed.

**Moved: Cr Grant Tillett
Seconded: Cr Jim Rinaldi**

**CARRIED
(R175/19)**

GB47/19 - Cr Amy Johnson

Cr Amy Johnson visited the Ballarat Sports and Events Centre to film a video regarding the funding they have received. The official opening of the Centre is this Sunday. Credit needs to be paid to Peter Eddy from Ballarat Basketball who advocated for this project. The Centre have opened their doors to community groups and are making the facility accessible. The National Coaches Conference will be held at the facility in October, rather than in Canberra.

GB48/19 - Cr Jim Rinaldi

Cr Rinaldi attended the Sons of the West presentation and would like to congratulate the Western Bulldogs on what they are achieving. Cr Rinaldi also congratulated them on the initiative of the Daughters of the West.

GB49/19 - Cr Daniel Moloney

Cr Moloney requested a leave of absence for the Council meeting in October.

RESOLUTION:

That leave of absence be approved for Cr Moloney for the Council meeting 2 October 2019.

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

**CARRIED
(R176/19)**

Cr Moloney thanked Royal South Street for their patience with the upgrades to Her Majesty's Theatre. Cr Moloney thanked Nicholson Constructions, a local company who have happily taken on at least 130 variations to the initial contract of works for Her Majesty's Theatre and have made this work within the budget and time frames.

Cr Moloney reported that he attended the Youth Council meeting on Tuesday night and advised that they will be attending the next Council meeting on 21 August.

GB50/19 - Cr Samantha McIntosh

Cr McIntosh, Mayor reported that she has spent the last two days in Canberra with Regional Cities Australia, a group which she Chairs.

RESOLUTION:

To accept Councillor reports.

Moved: Cr Ben Taylor

Seconded: Cr Jim Rinaldi

CARRIED

(R177/19)

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 Ben Taylor

CARRIED

Seconded: Cr Daniel Moloney

(R178/19)

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. PETITION

9.1. SMARTER PARKING

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 consideration and response.**

Moved: Cr Mark Harris

CARRIED

Seconded: Cr Belinda Coates

(R179/19)

EXECUTIVE SUMMARY

A petition was received 12 June 2019 containing 27 signatories requesting Council reject the Smarter Parking Plan.

The petition reads as follows:

“The Residents and Ratepayers of Talbot Street North, Ballarat reject the City of Ballarat Smarter Parking Plan.

The following Residents and Ratepayers of Talbot Street North, Ballarat request that there are no changes to the current parking time limits and number of residential parking permits”

10. ASSEMBLIES OF COUNCILLORS**10.1. 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:

- **17 May 2019 Events and the Arts**
- **21 June 2019 Events and the Arts Economic Partnerships**
- **26 June 2019 Strategic Briefing**
- **28 June 2019 Community Development Councillor Portfolio Meeting**
- **28 June 2019 Disability Advisory Committee**
- **9 July 2019 Community Development Councillor Portfolio Meeting**
- **17 July 2019 Agenda Review**

Moved: Cr Grant Tillett

CARRIED

Seconded: Cr Daniel Moloney

(R180/19)

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. CLEMENTE PARTNERSHIP

Division: Community Development
Director: Neville Ivey
Author/Position: Lesley Morgan - Coordinator Community Engagement and Partnerships

Ms Josha-Lyn Gibson made a public representation.

RESOLUTION:

Council resolves to:

Approve a five-year Strategic Partnership Agreement with Clemente Ballarat for \$15,000 per year as outlined in the Clemente Partnership Agreement.

Moved: Cr Des Hudson

CARRIED

Seconded: Cr Belinda Coates

(R181/19)

EXECUTIVE SUMMARY

Clemente Ballarat is a free tertiary educational program for local adults facing multiple forms of disadvantage, including but not limited to mental illness, unemployment, domestic violence and substance abuse. It is a formal partnership between Australian Catholic University, Federation University, Centacare, The Smith Family, The Ballarat Foundation and the City of Ballarat.

The formal partners contribute funding in various ways including:

- ACU and Federation University provide academic staff offering in kind teaching services;
- Centacare and Smith Family carry out recruitment and ongoing support of Learning Partners;
- All partners participate in marketing; and
- A monetary contribution to the salaries of the Clemente program coordinator and assistant staff member.

The proposed City of Ballarat funds will be part of the overall operating budget and are used for various purposes including contribution to salary costs, costs of catering for students, advertising and marketing, some program delivery expenses and contribution to insurance expenses.

Clemente Ballarat is the only model nationally that has strong partnerships with local government, Library, two universities and three support agencies. Local Government in line with Council Plans has a responsibility to ensure Ballarat is a better place for all to live.

Clemente strives to provide a range of accessible and integrated educational programs which support all people, to achieve improved wellbeing and build stronger relationships within the

Ballarat community. Success of the program is measured through research, outcomes and qualitative feedback.

Key performance indicators are the number of students who participate, the tangible positive outcomes for each student and their families and benefits to the wider community.

Clemente is a program with international origins beginning in the USA in the 1990's and coming to Australia in 2003. Ballarat Clemente began in 2008 with a strong partnership and support from the City of Ballarat.

Since 2008 over 250 local people have taken part in the program. The expected number of participants for 2019 is 26.

Those who complete the four semesters of study receive a Certificate in Liberal arts, accredited by Australian Catholic University and attend graduation with the other students.

11.2. ADOPTION OF MUNICIPAL EMERGENCY MANAGEMENT PLAN 2019-2021

Division: Community Development
Director: Neville Ivey
Author/Position: Pete Appleton – Executive Manager Engaged Communities
Bill Cook – Municipal Emergency Manager

RESOLUTION:

Council resolves to defer the report.

Moved: Cr Grant Tillett

CARRIED

Seconded: Cr Des Hudson

(R182/19)

EXECUTIVE SUMMARY

This report seeks Council's endorsement of a draft Municipal Emergency Management Plan (MEMP) prior to an audit by the Victorian State Emergency Service scheduled for September 2019. The draft 2019-2021 plan which details agreed prevention, response and recovery arrangements has been updated and approved by members of the City of Ballarat Municipal Emergency Management Planning Committee which includes representatives from Victoria Police, State Emergency Service (SES), Department of Health & Human Services, CFA, DELWP, Ambulance Victoria, Ballarat Base Hospital, Red Cross, Victorian Council of Churches, Ballarat Community Health and City of Ballarat.

11.3. LOAN REPORT

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

RESOLUTION:

Council resolves to:

- 1. Authorise the Chief Executive Officer to seek expressions of interest for loan funds totaling \$10,000,000.**
- 2. Authorise the Chief Executive Officer to accept the terms and conditions of the loan totaling \$10,000,000, sign and seal the documentation on behalf of Council.**

Moved: Cr Grant Tillett
Seconded: Cr Des Hudson

CARRIED
(R183/19)

EXECUTIVE SUMMARY

This report seeks Council to approve the raising a loan for \$10 million to advance recreation projects as per the 2019/20 Budget.

11.4. ADOPTION OF 2019 GENERAL VALUATION

Division: Business Services
Director: Glenn Kallio
Author/Position: Rod Leith, Manager Revenue & Procurement Services

RESOLUTION:

Council resolves to adopt the 2019 General Valuation.

Moved: Cr Ben Taylor
Seconded: Cr Mark Harris

CARRIED
(R184/19)

EXECUTIVE SUMMARY

Following amendments to the Valuation of Land Act 1960 (VLA) in late 2017, the State Government centralised the responsibility for land valuation with Valuer General Victoria and introduce annual valuations for Council rate setting, Land Tax and Fire Services Property Levy purposes.

In a letter to Council's Chief Executive Officer dated 30 May 2018, the Valuer General gave notice under section 6(1) of the VLA to cause a general valuation to be made of rateable and non-rateable leviable land within the City of Ballarat as at 1 January 2019.

The 2019 General Valuation was subsequently returned by the Valuer General in June this year, certified as generally true and correct in accordance with Section 7AD of the VLA. The 2019 General Valuation was then reported to the Minister for Planning, Hon Richard Wynne MP to make a declaration under Section 7AF of the VLA.

Confirmation of the Minister's Declaration was received from the Valuer General by letter to Council's Chief Executive Officer dated 3 July 2019.

The following table shows the average percentage increases in valuations from 2018 to 2019 for each category of property:-

	No of Props	CIV 2018 level	CIV 2019 level	% Chg
Residential	45,169	\$14,686,484,000	\$16,027,596,500	9.1%
Commercial	3,382	\$2,195,921,700	\$2,270,329,200	3.4%
Industrial	1,593	\$845,140,500	\$899,070,500	6.4%
Rural (inc Urban Farm Land)	3,466	\$2,046,184,000	\$2,145,616,000	4.9%
Non-Rateable Leviable	875	\$794,147,500	\$806,890,000	1.6%
	54,485	\$20,567,877,700	\$22,149,502,200	7.7%

11.5. COMMUNITY IMPACT SPECIAL COMMITTEE

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

Cr Grant Tillett moved items 11.5, 11.6, 11.7, 11.8, 11.9 and 11.10 as a block.

RESOLUTION:**Council resolves to:**

- 1. Endorse Kerry Pask as the new community representative on the Community Impact Committee following the recent expression of interest process.**
- 2. Acknowledge and thank outgoing community committee member Lynne Sheedy for her commitment and participation on the Community Impact Committee over the last four years.**
- 3. Endorse the proposed amendments to the 2019 / 2020 Community Impact Grant Program.**

Moved: Cr Grant Tillett

CARRIED

Seconded: Cr Des Hudson

(R185/19)

EXECUTIVE SUMMARY

This report seeks Council's endorsement for a new community member representative on the Community Impact Committee and proposes amendments to the Community Impact Grant Program for 2019 / 2020. The nominated community committee member has been selected by the 3 Councillor representatives on the Committee following a publicly advertised expression of interest process. The proposed amendments to the Community Impact Grant Program for 2019 / 2020 are as a result of a committee workshop held on Tuesday 25 June 2019.

**11.6. CONTRACTS SPECIAL COMMITTEE OF COUNCIL MINUTES - 29 MAY
AND 19 JUNE 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 29 May and 19 June 2019.

Moved: Cr Grant Tillett
Seconded: Cr Des Hudson

CARRIED
(R185/19)

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 29th May and 19th June, 2019, one Contract and one variation to a Contract was endorsed by the Committee. This report provides a copy of the minutes of this meeting as well as detailing summary information in relation to this Contract.

11.7. AUDIT ADVISORY COMMITTEE MINUTES - 20 FEBRUARY 2019 AND 1 MAY 2019

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

RESOLUTION:**Council resolves to:**

1. Note, in accordance with the *Local Government Act 1989* section 77(2), that Confidential report on this matter is designated confidential information under Section 89(2) as any other matter which the Council or Special Committee consider would prejudice the Council or any person and has been considered in making this recommendation.
2. Endorse the minutes of the Audit Advisory Committee for 20 February 2019 and 1 May 2019 and adopt the resolutions made therein.

Moved: Cr Grant Tillett
Seconded: Cr Des Hudson

CARRIED
(R185/19)

EXECUTIVE SUMMARY

This report provides Council with the Minutes of the meeting of Council's Audit Advisory Committee (the Committee) meetings held on 20 February 2019 and 1 May, 2019.

11.8. 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. Revoke the S11A. Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) for Kimberley Purvis R344/15, effective as at 31 July 2019.**
- 2. Endorse the S11A. Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) for Vanessa O'Shea, effective as at 31 July 2019.**
- 3. Sign and affix Council's Common Seal to the S11A. Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*).**

Moved: Cr Grant Tillett
Seconded: Cr Des Hudson

CARRIED
(R185/19)

EXECUTIVE SUMMARY

The purpose of this report is to enable Council to revoke the S11A. Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) for Kimberley Purvis.

This report is also to endorse the S11A. Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) to Vanessa O'Shea.

11.9. 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:**

1. Revoke the S6. Instrument of Delegation - Members of Staff endorsed on 12 June 2019 R142/19.
2. Exercise Councils power conferred by section 98(1) of the *Local Government Act 1989* and the other legislation referred to in the attached S6. Instrument of Delegation – Members of Staff.
3. Delegate each duty and/or function and/or power described in column 1 of the Schedule and summarised in column 2 of the Schedule, to the member of Council Staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule.
4. Authorise the S6. Instrument of Delegation – Members of Staff (Attachment 1) to:
 - a. Come into force immediately once the Common Seal of Council is affixed;
 - b. 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 Grant Tillett
Seconded: Cr Des Hudson

CARRIED
(R185/19)

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:

- Removal of the position Director Development and Planning (DDP) and Executive Manager Economic Partnerships (EMEP) from sections within the *Planning and Environment Act 1987*, *Rail Safety (Local Operations) Act 2006*, *Residential Tenancies Act 1997* and *Road Management Act 2004*, as they are no longer required following a review of position requirements. The specific changes are detailed in attachment two.
- Removal of the position Strategic Planning Administration Officer (SPAO) from sections with the *Planning and Environment Act 1987*, as they are no longer required following a review of the position requirements. The position Administration Officer Statutory Planning (AOSTP) has replaced these sections within the *Planning and Environment 1987*. The specific changes are detailed in attachment three.
- Inclusion of the position Coordinator Compliance and Parking Enforcement (CCPE) and Executive Manager Regulatory Services (EMRS) to sections within the *Planning and Environment Act 1987*, following a review of the position requirements. The specific changes are detailed in attachment four.
- Inclusion of the position Growth Areas Facilitation Officer (GAFO), Coordinator Growth Areas Facilitation (CGAF), Administration Officer Growth Areas Facilitation (AOGAF) to sections within the *Planning and Environment Act 1987*, following a review of the position requirements. The positions Coordinator Statutory Planning (CSTP), Manager Statutory Planning (MSTP) and Principal Statutory Planning (PSTP) have been removed from these sections within the *Planning and Environment Act 1987*, as they are no longer required. The specific changes are detailed in attachment five.
- Inclusion of the new position Coordinator Statutory Planning Operations (CSTPO) to sections within the *Environment Protection Act 1970*, *Planning and Environment Act 1987* and *Planning and Environment Regulations 2015*, following a review of the position requirements. The specific details are identified in attachment six.
- A legislative update was received in relation to the *Local Government Act 1989*. The item has not been delegated, as the power remains with the Chief Executive Officer. The details of the change can be found in attachment seven.

The revised Instrument of 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.

11.10. 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 Grant Tillett
Seconded: Cr Des Hudson

CARRIED
(R185/19)

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 3 July 2019, Council Meeting, 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 09:33 pm whilst the Council is dealing with the following matters;

Moved: Cr Mark Harris

CARRIED

Seconded: Cr Jim Rinaldi

(R186/19)

11.6. CONTRACTS SPECIAL COMMITTEE OF COUNCIL - 29 MAY AND 19 JUNE 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))

11.7. AUDIT ADVISORY COMMITTEE AGENDA - 20 FEBRUARY 2019 AND 1 MAY 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)

14.1. WASTE TO ENERGY

Division: Development and Planning

Director: Angelique Lush

Author/Position: Amanda Western – Executive Manager Project Management Office

(Contractual matters)

14.2. BUSINESS CASE FOR PURCHASING 100% RENEWABLE ENERGY

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

(Contractual matters)

RESOLUTION:

That Council move out of closed Council at 10:06 pm and adopt the resolutions made therein.

Moved: Cr Mark Harris

CARRIED

Seconded: Cr Grant Tillett

(R191/19)

15. CLOSE

The CEO reported on items discussed in closed Council and disclosed that in regards to the Waste to Energy project Council resolved to hold off any action until after the State Government presents its Circular Economy Policy and Action Plan, expected in late 2019.

The Mayor declared the meeting closed at 10:06 pm.

Confirmed this

day of

2019.

.....

Mayor