



Ordinary Council Meeting

20 February 2019

Council Chamber, Town Hall, Sturt Street, Ballarat

MINUTES

Public Copy

MINUTES OF A MEETING OF BALLARAT CITY COUNCIL HELD IN THE COUNCIL CHAMBER, TOWN HALL, STURT STREET, BALLARAT ON WEDNESDAY 20 FEBRUARY 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 Des Hudson
Cr Amy Johnson (left meeting at 8:49pm)
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
Mr Jeff Johnson - Acting Director Development and Planning
Mr Cameron Gray - 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 Mark Harris

RESOLUTION:

That the apology be accepted.

Moved: Cr Des Hudson
Seconded: Cr Jim Rinaldi

CARRIED
(R23/19)

3. DISCLOSURE OF INTEREST

Nil

4. CONFIRMATION OF MINUTES**RESOLUTION:**

That the Minutes of the Council Meeting on 23 January 2019 and 30 January 2019 as circulated be confirmed.

Moved: Cr Belinda Coates

CARRIED

Seconded: Cr Amy Johnson

(R24/19)

5. MATTERS ARISING FROM THE MINUTES**RESOLUTION:**

That the proceedings of this Ordinary meeting be recorded to enable testing of equipment.

Moved: Cr Belinda Coates

CARRIED

Seconded: Cr Daniel Moloney

(R25/19)

CONDOLENCE MOTION:

Cr Samantha McIntosh, Mayor, called for a condolence motion to offer condolences to the family of Tamara Farrell.

Murder is always a violent and confronting act, and to have two women die in their homes in Ballarat over the past 12 months is such a tragedy.

We would like to stress to our residents that the City of Ballarat stands against violence of any form.

We are proud to partner with Women's Health Grampians and to be a signatory of CoRE (the Communities of Respect and Equality) to promote change in our community and build a better place to live.

A community that shares a vision for an equal and respectful community, is a safe community.

As a Council, our staff know we are committed to making positive changes through our Gender Equity Action Plan to create a more inclusive, productive and community-focussed workplace - a workplace of respect.

As a community, it's important we stand as one against violence of any shape, against men or women.

Moved: Cr Samantha McIntosh

CARRIED

Seconded: Cr Belinda Coates

(R26/19)

6. PUBLIC QUESTION TIME**QT04/19 - Ms Dianne Smith - Mt Helen****Question**

Ms Dianne Smith asked if it would be possible to play a tape to the Council throughout Council Meetings which is loud and irritating and may disrupt the proceedings?

Answer

Cr Samantha McIntosh, Mayor, stated that it is hard to answer and asked for more detail in relation to the noise.

Ms Dianne Smith advised that this was the noise she was subjected to during January 2017 and January 2018 as a helicopter flew over her property for the Cycling Classic, which Council supports. Ms Smith asked if you would not allow me to play such a tape in your meeting why should I be subjected to it?

Mr Jeff Johnson, Acting Director Development and Planning advised that the helicopter flies within CASA regulations and is an integral part of the event. City of Ballarat work closely with Cycling Australia to ensure that they abide by the laws.

Cr Samantha McIntosh advised that she would be happy to listen to the tape and review.

Cr Ben Taylor asked if there is an opportunity to discuss flight paths in the lead up to the event next year?

Mr Jeff Johnson, Acting Director Development and Planning advised that Council work with GDR Events and Cycling Australia and will look at the noise and footprint of the event and see if there is any leeway with the helicopter flight path.

Cr Grant Tillett advised that Council is in an awkward position as once the aircraft leaves the ground we have no control and regulations are enforced by CASA.

Cr Jim Rinaldi asked why this only started in 2017?

Ms Dianne Smith advised that the course changed in 2017 and that there was no consultation with the neighbourhoods which have been affected.

Cr Jim Rinaldi asked what consultation we have had with the operators?

Mr Jeff Johnson, Acting Director Development and Planning advised that there was limited specific consultation around the noise of the helicopter and the flight path, but there was certainly extensive consultation and three rounds of mail drops prior to the event throughout the community.

QT05/19 - Mr Frank Williams - Invermay Park**Question**

Mr Frank Williams advised that he attended the Invermay Progress Association meeting on Monday night where a letter was discussed regarding industries that are operating in Invermay. Mr Williams asked how it is possible for some residents to have as many as four shipping containers or extra large sheds operating as businesses when it is a rural residential zone which is being affected by these businesses?

Answer - Taken on Notice

Mr Terry Demeo, Director Infrastructure and Environment, advised that he will need to obtain a copy of the letter from the Invermay Progress Association and that each property would need to apply for business permits and that they are assessed on an individual basis.

QT06/19 - Mr Frank Williams - Invermay Park**Question**

Mr Frank Williams asked that given the lead time that Council has for the refurbishment of the Civic Hall and the construction of Gov Hub which both have a significant impact on parking, what has been done by Council in regards to the provision of parking in this precinct?

Answer

Mr Neville Ivey, Director Community Development advised that in terms of young families, we are programming sessions such as Rhyme Time at other areas in the community so that they are accessible. The Sebastopol Library and Lucas Community Hub are great assets. We are managing the best we can, and numbers are down 30% at the Doveton Street Library but this could be because we are programming at other sites.

Mr Terry Demeo, Director Infrastructure and Environment advised that the Civic Hall construction is due to be complete in two weeks time which will free up an area for parking. In the longer term, Council have negotiated to get a \$2 million commitment from State Government for parking for Gov Hub within an immediate 500m catchment. In the short term, we look to use Market Street for those with limited mobility. We will work to provide as many car parks to patrons as possible.

Cr Amy Johnson requested a briefing report on the changes in attendance at the Central and Wendouree Libraries and how we can raise awareness of the Library at Stocklands. As part of the briefing information should also be included on the attendance at Rhyme Time and similar sessions.

7. REPORTS FROM COMMITTEES/COUNCILLORS

GB07/19 - Cr Ben Taylor

Cr Taylor addressed the issues relating to recycling across Victoria and asked what we are doing with our recycling and what affect it has had on recycling pick up?

Mr Terry Demeo, Director Infrastructure and Environment advised that two recycling sites were closed today due to loose stock piles. The Geelong site closed of its own volition to enable them to manage their existing stockpiles. It will be up to 10 days that these sites will not take receivables. We are trying not to interrupt kerbside collection and are hoping that we will have somewhere locally that we will be able to store recycling for the next ten days.

Cr Ben Taylor asked how long we have before we cannot stockpile recycling locally anymore or divert it away and what will happen after the 10 days?

Mr Terry Demeo, Director Infrastructure and Environment advised that there has been a recycling crisis over the last six months. There has been little development on shore which utilises recyclables, which are largely just exported overseas. An all waste interchange would provide for a sorting facility that would allow us to have some control over our recyclables. In the event that we are denied access to a recycling facility we will have little options.

RESOLUTION:

That Council urgently write to the Minister in relation to where the City of Ballarat is as a Council in relation to the recycling crisis and to also a that we have a project ready to go to in terms of the All-Waste Interchange project.

Moved: Cr Ben Taylor

Seconded: Cr Belinda Coates

CARRIED

(R27/19)

GB08/19 - Cr Belinda Coates

Cr Coates requested a briefing session to draft a submission to the State Government on the \$500M sustainability fund which remains unspent on Waste Management and Resource Recovery.

Cr Coates spoke at the Sustainable Living Festival on a panel with other Councillors from across Australia.

Cr Coates attended the Apology to the Stolen Generations as co-chair of the Koorie Engagement Action Group Advisory Committee along with Cr Tillett and Cr Rinaldi and also attended the World Interfaith Harmony Day flag raising and the Waste to Energy Conference.

Cr Coates requested a briefing to Council on the Harwood Grains operating hours.

GB09/19 - Cr Grant Tillett

Cr Tillett attended the Sunraysia Highway Committee Meeting. Significant resources have been spent on the Sunraysia Highway.

Cr Tillett attended the Polo Cross event on the weekend. The Australian championships will be held in Ballarat for a period of eight days.

Cr Tillett expressed disappointment of those who went down to the Western Highway to see the superload transporting the transformer going through the region that left 30 minutes earlier than advertised departure time by VicRoads.

The EPA order time frames on the Saleyards has passed this week and we will wait to see the outcome. I would like to acknowledge consistent work of the CEO in relation to this.

Cr Tillett mentioned the demise of the largest business in Miners Rest and the impact on the community with other businesses also suffering. The loss of employment across a broad spectrum of businesses has been significant.

Cr Tillett advised that he attended a funeral yesterday for a significant Miners Rest resident who was directly affected by the closure.

GB10/19 - Cr Samantha McIntosh, Mayor

Cr McIntosh attended a forum in Geelong led by Bruce Harwood, Mayor of Geelong regarding fast rail and achieving best outcome.

Cr McIntosh attended the Regional Capitals Australia meeting in Canberra with the CEO.

Cr McIntosh attended the Regional Cities Victoria forum in Melbourne.

RESOLUTION:

To accept Councillor reports.

Moved: Cr Ben Taylor

Seconded: Cr Jim Rinaldi

CARRIED

(R28/19)

8. PETITIONS

8.1. OFF LEAD DOG AREA IN BALLARAT EAST

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

Mr Kevin Murphy made a public representation.

RESOLUTION:

Council resolves that the petition be received.

Moved: Cr Jim Rinaldi

CARRIED

Seconded: Cr Belinda Coates

(R29/19)

EXECUTIVE SUMMARY

Council has received a petition signed by 90 residents of the Ballarat area requesting that Council receive this petition as follows:

“We the undersigned dog owners hereby petition that City of Ballarat address the gross deficiencies facing us and our beloved companions in Ballarat East. We need to have an off-lead area for our dogs on the eastern side of Ballarat.

All dogs in order to be happy and socialised need to have the opportunity of running off lead, playing and tumbling with other dogs. It is essential to the creation of a well-adjusted canines.

Some of us work late, some do not drive and some of us walk our dogs and infants in pushers. There is nowhere we can legally exercise our dogs off leads without going miles which means driving. The walking tracks do not have waste dispensers or even doggie bags to pick up after them. What are we paying out registration for?

The section of Specimen Vale between Chamberlain and Rodier Streets would be ideal as it is already partially fenced. Fencing and gating the rest would provide a perfect spot within walking distance.

We also suggest that some days be allocated to/medium dogs and others to large even perhaps even certain time of the day.”

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:

- **23 January 2019 Infrastructure and Environment Portfolio Meeting No 189**
- **25 January 2019 Community Development Councillor Portfolio Meeting**
- **6 February 2019 Council Agenda Review Briefing**

Moved: Cr Grant Tillett

Seconded: Cr Belinda Coates

CARRIED

(R30/19)

EXECUTIVE SUMMARY

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

10. OFFICER REPORTS**10.1. SMARTER PARKING ACTION PLAN**

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

Ms Frances Dorian made a public representation.

RESOLUTION:**Council resolves to:**

1. Note the extensive community consultation process associated with the proposed Smarter Parking Plan in its revised form (December 2018).
 2. Adopt the Smarter Parking Plan inclusive of:
 - a) Extension of Paid Parking Network as per the attached plan on specifically nominated streets;
 - b) 2019/20 Fee Regime of:
 - On – Street Paid Areas (Zone 1)
First 1hr free (per vehicle, per day),
\$3 p/h thereafter
 - Off – Street Paid Areas (Zone 1)
All day parking @ \$6.50 per day
 - c) The Development of an Extended Time Restricted Network as per the attached draft parking management policy with the exception of;
 - A third (maximum number) permit would be considered only in exceptional circumstances having regard to the above mentioned criteria and would be subject to a \$100 annual fee, the quantum of the fee to also be reviewed annually as part of the budget process.
 - d) Implement a revised enforcement regime with enhanced technology and refer the implementation costs for consideration in the 2019/20 budget for the following:
 - New parking meter installation with number plate recognition and credit card technology
 - Number plate recognition enforcement vehicles
 3. Develop an explicit advocacy and direct action plan for enhanced public transport, park and ride options, and sustainable transport initiatives in consultation with stakeholders for consideration of Council in June 2019.
 4. Authorise the CEO to liaise directly with local State Government Members of Parliament and relevant departments on the delivery, implementation and timeframes for the \$14M election promise for the provision of 1,000 free car parks within the Ballarat CBD, and to report back to Council
-

Moved: Cr Ben Taylor
Seconded: Cr Des Hudson

CARRIED
(R31/19)

EXECUTIVE SUMMARY

Council resolved to pursue a major consultation process in relation to a smarter parking plan in mid-2018. Council's position was very clear in relation to the necessity of an extensive consultation process to inform a plan to be adopted by the end of 2018. The message via this extensive consultation process was that there was no appetite or acceptance for any extensive addition to the paid parking network across the Ballarat CBD. Further, it was made very clear through this consultation phase that the amenity of the residential areas on the fringe of the CBD required a policy position to address what was considered an unacceptable existing situation, along with a need for a very effective enforcement system.

The report recommends that Council note the extensive consultation which has been undertaken to date and resolve to adopt the revised plan, along with the development of an advocacy approach across public transport and sustainable transport initiatives. Finally, it is recommended that Council authorise the Chief Executive Officer to liaise directly with local State Government Members of Parliament and relevant departments on the delivery, implementation and timeframes for the \$14M election promise for the provision of 1,000 free car parks within the Ballarat CBD, and to report back to Council.

RESOLUTION:

Cr Amy Johnson sought leave of absence to leave the meeting.

Moved: Cr Amy Johnson
Seconded: Cr Jim Rinaldi

CARRIED
(R32/19)

Cr Amy Johnson left the meeting at 8:49pm.

10.2. BALLARAT INTERNATIONAL FOTO BIENNALE STRATEGIC PARTNERSHIP APPLICATION

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

RESOLUTION:

Council resolves to:

1. Agree to support BIFB for the five-year period (three events) allocated according to the following;
 - a) \$250,000 cash support (\$50,000 cash pa)
 - b) No-charge provision of occupancy of the Mining Exchange for the period of the agreement; and
 - c) No-charge provision* of requested venues for up to 60 days per Biennale event subject to mutually agreed venue agreements for the following:
 - Mining Exchange Exhibition Spaces (increased to 60 days – in-kind valued at \$11,880 per event)
 - Art Gallery of Ballarat (in-kind valued at \$168,000 per event)
 - Backspace Gallery (in-kind valued at \$0)
 - Alfred Deakin Place (in-kind valued at \$0)
 - A-Hall, Town Hall (in-kind valued at \$0)
 - Unicorn Lane Windows (in-kind valued at \$0)
 - ContainArt Shipping Container(s) (in-kind valued at \$0)
2. Acknowledge the significant improvement and success of the 2017 Ballarat International Foto Biennale.
3. Note that this funding will be provided with the conditions relevant to the Strategic Partnership Grant Program

Moved: Cr Daniel Moloney

Seconded: Cr Ben Taylor

CARRIED

(R33/19)

EXECUTIVE SUMMARY

The Ballarat International Foto Biennale (BIFB) is a photographic exhibition that has typically opened for four weeks every second year. Since coming to Ballarat in 2009 the BIFB has received continuous Council funding with the current funding contract due to expire following the next BIFB in October 2019.

BIFB is seeking a Strategic Partnership with the City of Ballarat for the five (5) year period of 1 July 2019 to 30 June 2024. If the requested Strategic Partnership is approved by Council, this would override the current funding agreement which is set to conclude at the completion of the 2019 Biennale.

Officers have reviewed the Strategic Partnership funding request against the program guidelines and recommend providing cash and in-kind support for the requested five-year term.

This grant allocation aligns with the purpose of the Strategic Partnership Program, the 2018 – 2028 (City of Ballarat) Events Strategy, and the Draft Creative City Strategy.

10.3. QUARTERLY FINANCIAL REPORT

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

RESOLUTION:

Council resolves to:

- 1. Receive the 2nd Quarter Financial Report for the 2018/19 financial year and note the financial issues contained within the report.**

Moved: Cr Ben Taylor

CARRIED

Seconded: Cr Belinda Coates

(R34/19)

EXECUTIVE SUMMARY

This report sets out the 2nd Quarter financial results for the 2018/19 financial year of the Ballarat City Council. The report highlights the major financial issues for the quarter.

10.4. 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 30 January 2019 (R18/19).
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:
 1. Come into force immediately once the Common Seal of Council is affixed;
 2. Remains in force until varied or revoked;
 3. Be subject to any conditions and limitations set out in sub-paragraph 3.3 of the delegation and the Schedule; and
 4. 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 Ben Taylor
Seconded: Cr Daniel Moloney

CARRIED
(R35/19)

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 consideration. Changes to the Instrument of Delegations since the last approved iteration include:

- The new position Local Laws and Events Officer (LLEO);
- The new position Executive Manager Project Management Office (EMPMO);
- The new position Subdivision Officer (SO); and
- The new position Technical Support Officer Development Facilitation (TSODF).

The revised delegation has been reviewed at Officer level and is considered appropriate for the ongoing administrative efficiency of Council. The revised Instrument is presented in attachment one. Attachment two represents the delegations required for the new position Subdivision Officer (SO) and Technical Support Officer Development Facilitation (TSODF). Attachment three represents the delegations required for the new position Local Laws and Events Officer (LLEO). Attachment four represents the delegations required for the new position Executive Management Project Management Office (EMPMO).

To adopt the amended Instrument Council must revoke the Instrument that was endorsed at the Council Meeting held on 30 January 2019 (R18/19) and endorse the revised Instrument (attachment one) reflecting changes and conditions within the *Food Act 1984*, *Planning and Environment Act 1987*, *Residential Tenancies Act 1997* and *Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010*.

10.5. OUTSTANDING QUESTION TIME ITEMS

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

RESOLUTION:

That Council endorses the Outstanding Question Time report.

Moved: Cr Belinda Coates

CARRIED

Seconded: Cr Jim Rinaldi

(R36/19)

EXECUTIVE SUMMARY

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

11. NOTICE OF MOTION

Nil

12. URGENT BUSINESS

Nil

13. 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 9:19pm whilst the Council is dealing with the following matters;

Moved: Cr Daniel Moloney

CARRIED

Seconded: Cr Des Hudson

(R37/19)

10.2 BALLARAT INTERNATIONAL FOTO BIENNALE STRATEGIC PARTNERSHIP

Division: Development and Planning

Director: Angelique Lush

Author/Position: Jeff Johnson – Executive Manager Events and the Arts

(Contractual matters)

13.1 WASTE TO ENERGY

Division: Development and Planning

Director: Angelique Lush

Author/Position: Angelique Lush – Director Development and Planning

(Contractual matters)

RESOLUTION:

That Council move out of closed Council at 10:16 pm and adopt the resolutions made therein.

Moved: Cr Ben Taylor

CARRIED

Seconded: Cr Daniel Moloney

(R44/19)

14. CLOSE

The CEO reported on items discussed in closed Council.

The Mayor declared the meeting closed at 10:16pm.

Confirmed this

day of

2019.

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Mayor