

Ordinary Council Meeting

11 September 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 11 SEPTEMBER 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 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

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

Mr Anthony Powell – Acting Coordinator Risk and Compliance

2.2 Apologies

Nil

3. DISCLOSURE OF INTEREST

Nil

4. CONFIRMATION OF MINUTES

RESOLUTION:

That the Minutes of the Council Meeting on 21 August 2019 as circulated be confirmed.

Moved: Cr Mark Harris CARRIED Seconded: Cr Daniel Moloney (R213/19)

5. MATTERS ARISING FROM THE MINUTES

RESOLUTION:

That standing orders be suspended for Rui Xing and Molly Christenen from Ballarat Grammar to give a brief summary of their recent visit to Ainaro at 7:01pm.

Moved: Cr Mark Harris CARRIED Seconded: Cr Jim Rinaldi (R214/19)

RESOLUTION:

That standing orders be resumed at 7:12pm.

Moved: Cr Des Hudson CARRIED Seconded: Cr Jim Rinaldi (R215/19)

CONDOLENCE MOTION

Cr Samantha McIntosh, Mayor called for a condolence motion for Danny Frawley. Our thoughts are for his wife Anita, three daughters, family and friends. Many people have been touched by Danny and the family and it is certainly very sad for our City, State and Country.

Moved: Cr Samantha McIntosh

Seconded: Cr Des Hudson

(R216/19)

6. PUBLIC QUESTION TIME

QT24/19 - Ms Penelope Greenslade - Soldiers Hill

Question

Ms Greenslade stated that she attended the George Treloar sculpture unveiling on Sunday and commented that she would like to see a statue of James Oddie who is a significant person in Ballarat history or Bella Guerin who is the first female graduate and taught at Loreto College. Ms Greenslade asked if Council would be interested in promoting these people with the potential that the Art Galley could help with the James Oddie statue.

Answer

Cr Samantha McIntosh, Mayor commented it was a great pleasure to unveil the George Treloar statue and the suggestions for the James Oddie or Bella Guerin statues will be considered.

Ms Angelique Lush, Director Development and Planning outlined that Council ensures the Public Art program looks at the history of Ballarat when considering options for public art.

QT25/19 - Ms Penelope Greenslade - Soldiers Hill

Question

Ms Greenslade asked if Council can lay a moonlit footpath containing a flouresent compound around Lake Wendouree. Ms Greenslade stated that this type of path is already used in Canberra, and in northern and Western Australia. She outlined that is an environmentally friendly way of lighting up the footpaths around the Lake and has no effects on fishing or wildlife. Ms Greenslade asked if Council would support such a trial.

Answer

Cr Samantha McIntosh, Mayor stated that Officers have looked at this option however it was more expensive. Staff will be asked to relook at the option. The Mayor explained that Council needs to be mindful of the heritage precinct and the appropriate choice of materials and colours.

QT26/19 - Ms Heather Lewis - Ballarat

Question

Ms Lewis asked a question regarding the bird life at Lake Wendouree and the problems that are around Ballarat regarding the traffic and asked what can be done.

Answer

Cr Daniel Moloney asked about the fireworks around Lake Wendouree on events such as Australia Day and if there are plans to have them at a different location around the lake. Cr Moloney suggested the east area near view point because the birds don't nest there at night.

Ms Angelique Lush, Director Development and Planning said we are happy to look at other options for fireworks and provide information through portfolio and a Councillor briefing.

7. REPORTS FROM COMMITTEES/COUNCILLORS

GB59/19 - Cr Belinda Coates

Cr Coates tabled a joint letter from 13 young people and read the following.

"We, the undersigned young people of Ballarat, request that you consider joining the increasing number of organisations who are raising awareness for the global climate strike, by declaring support for the movement, and by encouraging community awareness of the Global Strike on the 20 September. we believe this action will allow a far greater acknowledgement of greatest threat to our future - Climate Change."

The following motion was moved by Cr Belinda Coates, seconded by Cr Daniel Moloney, namely that Council:

Receives and notes the joint letter/petition from young people requesting support for the Global Climate Strike.

Note the positive civic engagement and leadership by young people in the Ballarat area participating in the September 20 Global Climate Strike.

States support for the aims of the strike, being to demonstrate the urgency of moving to 100% renewable energy in the face of climate emergency.

States support for those who are able to attend the strike.

Cr Amy Johnson then moved an amendment to the motion, seconded by Cr Mark Harris, namely that Council:

Receives and notes the joint letter/petition from young people requesting support for the Global Climate Strike.

Moved: Cr Amy Johnson CARRIED Seconded: Cr Mark Harris (R217/19)

RESOLUTION:

That Council:

Receives and notes the joint letter/petition from young people requesting support for the Global Climate Strike.

Moved: Cr Amy Johnson CARRIED Seconded: Cr Mark Harris (R218/19)

GB60/19 - Cr Amy Johnson

Cr Johnson congratulated the Victoria Bowling Club for the work on the synthetic green.

Cr Johnson requested a report to Briefing around the Lake Wendouree lighting funding which was an election promise.

Cr Johnson requested a briefing around the 1000 free car parks and whether we will receive the money from the State Government and if we have been contacted to provide input on where the carparks will be placed.

RESOLUTION:

Request a leave of absence for the 2 October 2019 Council Meeting due to medical reasons.

Moved: Cr Amy Johnson CARRIED Seconded: Cr Des Hudson (R219/19)

Cr Johnson commented on the new flooring at the Ballarat Aquatic and Lifestyle Centre which has been laid. Cr Johnson said it looks fantastic and congratulated the staff working on the project as the work is being undertaken during the evening to ensure the centre is open the following day.

Cr Johnson requested an update from staff about the consultation on the Sturt Street intersection changes. Cr Johnson mentioned that three weeks ago they were informed consultation had occurred and wants to know what the next steps are.

Mr Terry Demeo, Director Infrastructure and Environment will report back to a Councillor Briefing.

GB61/19 - Cr Belinda Coates

Cr Coates requested a report to a Councillor Briefing around an alternative to glyphosate weed killer used in the parks and gardens. Cr Coates mentioned that community members are concerned about the popular areas where children are such as parks and would like an update with the risks to human and pets.

Mr Terry Demeo, Director Infrastructure and Environment explained that Council polices are following the Australian Standards and are reviewed review with an eye to world wide practice and staff are updated in terms of use. Mr Demeo to provide a further update to briefing.

Cr Coates noted that she attended activities connected to waste recycling, infrastructure workshop, State Government Circular Economy Forum, DWELP and climate change and farming impacting on food security.

GB62/19 - Cr Ben Taylor

Cr Taylor mentioned on Saturday morning there was community consultation with regard to the Bakery Hill Masterplan.

GB63/19 - Cr Grant Tillett

Cr Tillett acknowledged the significant roundabout on Gillies and Kennedys road as it is progressing well.

Cr Tillett called for a report to a Councillor briefing regarding the Intermodal Freight Hub and if the area is large enough.

Cr Tillett mentioned that he had attended the Circular Economy Forum along with Cr Coates and Cr Harris.

GB64/19 - Cr Daniel Moloney

Cr Moloney called for a briefing in relation to the state of a footpaths, especially in the older areas in North Ballarat, Wendouree, old Alfredton as a large number of these suburbs have ageing or nonexistent footpaths.

GB65/19 - Cr Samantha McIntosh, Mayor

Madam Mayor formally acknowledged the appointment of Mr David Deutcher to the Committee of Ballarat and is looking forward to working with him.

Madam Mayor outlined events she attended including, Gov Hack, the premier of the movie Ride like a Girl, Unveiling of the George Treloar statue, and the This Girl Can – Active Women and Girls Strategy.

GB66/19 - Cr Amy Johnson

Cr Johnson mentioned that she attended the Ballarat Hockey Association for finals and presented medals and she was approached by families and the players for the construction of a second pitch. Cr Johnson remains strongly supportive for the second and a third pitch and club rooms.

Cr Johnson requested a briefing on the plans for hockey in Ballarat.

RESOLUTION:

To accept Councillor reports.

Moved: Cr Ben Taylor CARRIED Seconded: Cr Daniel Moloney (R220/19)

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 Grant Tillett (R221/19)

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. ASSEMBLIES OF COUNCILLORS

9.1. 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:

- 26 June 2019 Strategic Briefing
- 14 August 2019 Strategic Briefing
- 14 August 2019 Infrastructure and Environment Portfolio Meeting No. 200

Moved: Cr Grant Tillett CARRIED Seconded: Cr Mark Harris (R222/19)

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. DOWLING ROAD - SEALING REQUEST FOLLOWING PETITION

Division: Infrastructure and Environment

Director: Terry Demeo

Author/Position: Vaughn Notting – Executive Manager Infrastructure

Mr John Philips made a public presentation.

RESOLUTION:

Council resolves to:

- 1. Advise the first name petitioner that Council sees Dowling Road as a strategically important north-south connector road linking Remembrance Drive and the Western Highway and in doing so connects the communities of Cardigan, Windermere, Miners Rest and Learmonth.
- 2. Advise all petitioners that Council will pursue a design of Dowling Road inclusive of full pavement and sealing addressing the crest at the northern end and culvert at the southern end of the road.
- 3. Pursue funding opportunities from federal and state Governments for the construction of Dowling Road and demonstrate Council's commitment by funding up to 50% of the works should government fund the remainder.
- 4. Continue to monitor traffic volumes, maintenance spend and risk profile to inform future capital program in respect to Dowling Road.
- 5. Require a further report prior to the end of 2019 in relation to a review of the Sealing Gravel Roads Policy.

Moved: Cr Daniel Moloney CARRIED Seconded: Cr Grant Tillett (R223/19)

EXECUTIVE SUMMARY

A petition by over 100 people in support of the sealing of Dowling Road has been received by Council, with Council resolving to require a full report.

Having investigated the matter in full, the traffic volumes currently experienced on the road are such that the thresholds for sealing a gravel road under Council's policy for "Sealing Gravel Roads" are not met and as such, it would be contrary to Council's adopted policy position to support the sealing of the road. That said, it is recommended that Council require the full design inclusive of sealing be undertaken, to inform immediate safety works and assist in future funding requests.

It is further recommended that Council require a report to review the Sealing Gravel Roads Policy position in accordance with the three year review mechanism.

10.2. HERITAGE REPORT

Division: Development and Planning

Director: Angelique Lush

Author/Position: James Guy – Executive Manager Economic Partnerships

RESOLUTION:

Council resolves to:

Note the policies, procedures and methods used by City of Ballarat to protect history and heritage, particularly in relation to the Ballarat railway precinct and goods shed.

Moved: Cr Mark Harris CARRIED Seconded: Cr Ben Taylor (R224/19)

EXECUTIVE SUMMARY

At its meeting on 31 July 2019, Council requested an update on how the city protects its heritage, particularly related to the Ballarat Station Precinct and the current redevelopment underway.

Council resolved (R175/19):

1. 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.

This report provides an update in relation to these matters and responds to the key questions around heritage management and the role of City of Ballarat and Heritage Victoria in protecting key heritage sites of significance.

10.3. ADOPTION OF ANNUAL STATEMENTS FOR 2018/19

Division: Business Services **Director:** Glenn Kallio

Author/Position: Lorraine Sendall - Executive Assistant, Director Business

Services

RESOLUTION:

Council resolves to:

- 1. Approve the 2018/19 Annual Financial Statements and Performance Statement in principle.
- 2. Nominate Cr McIntosh and Cr Tillett to certify the 2018/19 Annual Financial Statements and Performance Statement on behalf of Council, once amendments or changes requested by the Auditor General have been made.

Moved: Cr Grant Tillett CARRIED Seconded: Cr Samantha McIntosh (R225/19)

EXECUTIVE SUMMARY

In accordance with the *Local Government Act 1989* (sections 126 and 126A) Council is required to approve a set of financial statements in principle and submit the resolution with the Financial Statements to the Auditor-General.

The Audit Advisory Committee considered the Annual Financial Accounts at its meeting held on 4 September 2019 and moved a recommendation that Council approve the Annual Financial Statements and Performance Statement in principle.

10.4. CARRYOVERS 2019/20

Division: Business Services

Director: Glenn Kallio

Author/Position: Glenn Kallio - Director Business Services

RESOLUTION:

Council resolves to:

1. Approve the addition of \$36.141 million as a carryover to the 2019/20 Budget to fund existing projects and activities commenced in the 2018/19 financial year, as per the attached listing of projects.

Moved: Cr Ben Taylor CARRIED Seconded: Cr Grant Tillett (R226/19)

EXECUTIVE SUMMARY

This report sets out those items that are required to be carried forward to the 2019/20 Budget from the previous financial year due to grants being received in advance and/or unfinished projects as at 30 June 2019. The total funds being recommended to be carried forward equates to \$36,141,339. Of this amount to be carried forward, 12,580,572 are funds received from government in May and June 2019, this income relates to works and services that were programmed to be delivered in the 2019/20 financial year.

The table below provides a summary of funding sources:

| | Council Funded (\$) | Govt Funded (\$) | Total |
|--------------------|------------------------|------------------|------------|
| | | | |
| Capital Projects | 21,308,984 | 1,692,297 | 23,001,281 |
| | | | |
| Recurrent Projects | 114,779 | 13,025,279 | 13,140,058 |
| | | | |
| | 21,423,763 | 14,717,576 | 36,141,339 |

In addition to the carryovers, Council achieved a surplus of funds totalling \$1.275 million.

10.5. OUTSTANDING QUESTION TIME ITEMS

Division: Business Services

Director: Glenn Kallio

Author/Position: Ali Evans -Administration Officer Statutory Compliance

RESOLUTION:

That Council endorses the Outstanding Question Time report.

Moved: Cr Des Hudson CARRIED Seconded: Cr Ben Taylor (R227/19)

EXECUTIVE SUMMARY

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

As of 21 August 2019 Council Meeting, there are no outstanding questions.

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 8:43pm whilst the Council is dealing with the following matters;

Moved: Cr Daniel Moloney CARRIED Seconded: Cr Jim Rinaldi (R228/19)

13.1 LICENCE DEED - CARNGHAM ROAD BUNKERS HILL

Division: Infrastructure and Environment

Director: Terry Demeo

Author/Position: Darren Sadler – Executive Manager Property Services and Facilities

Management

(contractual matters)

13.2 CRESWICK ROAD CARPARK

Division: Infrastructure and Environment

Director: Terry Demeo

Author/Position: Vaughn Notting – Executive Manager Infrastructure

(contractual matters)

13.3 CAR PARKING TECHNOLOGY

Division: Infrastructure and Environment

Director: Terry Demeo

Author/Position: Anthony Sheeran – Senior Projects Officer

(contractual matters)

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| That | Council | move | out of | closed | Council | at 8:57pm | and | adopt | the | resolutions | made |
|-------|---------|------|--------|--------|---------|-----------|-----|-------|-----|-------------|------|
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Moved: Cr Mark Harris CARRIED Seconded: Cr Ben Taylor (R234/19)

RESOLUTION

That Council Suspend standing orders at 8:58pm.

Moved: Cr Mark Harris CARRIED Seconded: Cr Des Hudson (R235/19)

RESOLUTION

That Council resume standing orders at 9:03pm.

Moved: Cr Des Hudson CARRIED Seconded: Cr Mark Harris (R236/19)

14. CLOSE

The CEO reported on items discussed in closed Council.

The Mayor declared the meeting closed at 9:03pm.

Confirmed this day of 2019.

Mayor