

**CITY OF
BALLARAT**



Ordinary Council Meeting

19 February 2020

Council Chamber, Town Hall, Sturt Street, Ballarat

MINUTES
Public Copy

MINUTES OF A MEETING OF BALLARAT CITY COUNCIL HELD IN THE COUNCIL CHAMBER, TOWN HALL, STURT STREET, BALLARAT ON WEDNESDAY 19 FEBRUARY 2020 AT 7:00PM

MINUTES

ORDER OF BUSINESS:

1. Opening Declaration	3
2. Apologies For Absence	3
3. Disclosure Of Interest	3
4. Confirmation Of Minutes	4
5. Matters Arising From The Minutes	4
6. Public Question Time	5
7. Reports From Committees/Councillors	9
8. Chief Executive Officer Report	12
9. Assemblies Of Councillors	13
9.1. Assemblies of Councillors	13
10. Officer Reports	14
10.1. Planning Scheme Amendment C216.....	14
10.2. Quarterly Financial Report - 2nd Quarter Ending 31 December 2019.....	16
10.3. Contracts Special Committee of Council Minutes - 19th December 2019 and 17th January 2020	17
10.4. Outstanding Question Time Items	18
11. Notice Of Motion	19
12. Urgent Business	19
12.1. Rail Transport Link	20
13. Section 89 (In Camera)	21
14. Close	22

1. OPENING DECLARATION

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

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

2. APOLOGIES FOR ABSENCE

2.1 Present

Mayor Cr Ben Taylor
Cr Samantha McIntosh
Cr Belinda Coates
Cr Mark Harris
Cr Des Hudson
Cr Amy Johnson
Cr Daniel Moloney
Cr Jim Rinaldi
Cr Grant Tillett

Ms Justine Linley - Chief Executive Officer
Mr Terry Demeo - Director Infrastructure and Environment
Mr Neville Ivey - Director Community Development
Mr Glenn Kallio - Director Business Services
Mr Cameron Cahill - Director Innovation and Organisational Improvement
Mr James Guy - Executive Manager Economic Partnerships
Mr Cameron Montgomery - Executive Manager Safety, Risk and Compliance Services
Mr Darren Whitford - Coordinator Risk and Compliance
Ms Sarah Anstis - Administration Officer Statutory Compliance

2.2 Apologies

Nil

3. DISCLOSURE OF INTEREST

Nil

4. CONFIRMATION OF MINUTES

RESOLUTION:

That the Minutes of the Council Meeting on 29 January 2020 as circulated be confirmed.

Moved: Cr Belinda Coates

CARRIED

Seconded: Cr Daniel Moloney

(R30/20)

5. MATTERS ARISING FROM THE MINUTES

RESOLUTION:

Suspend standing orders at 7:04pm to welcome a delegation from District of Ainaro in Timor Leste.

Moved: Cr Ben Taylor

CARRIED

Seconded: Cr Amy Johnson

(R31/20)

Cr Coates as the chair of the Friends of Ainaro Special Committee introduced and welcomed Seynor Albertino and Senyora Aguida.

Senyor Albertino provided a speech and presented a gift to Mr Mayor.

RESOLUTION:

That standing orders be resumed at 7:14pm.

Moved: Cr Mark Harris

CARRIED

Seconded: Cr Des Hudson

(R32/20)

6. PUBLIC QUESTION TIME**QT13/20 - Joe Boin - Invermay****Question**

In relation to the Carbon Neutrality Action Plan, how is the City ensuring Ecologically Sustainable Development in the building permit process?

Answer

Terry Demeo, Director Infrastructure and Environment responded that Council has limitations in housing design with Victorian Building laws as dwellings do not require a planning permit, however Council can assist with advocacy.

QT14/20 – Joe Boin - Invermay**Question**

In relation to the Carbon Neutrality Action Plan, how is the City becoming electric vehicle and electric bike ready?

Answer

Glenn Kallio, Director Business Services explained that purchasing electric cars as part of the fleet are not financially viable at this point. He detailed that Council has invested in Hybrid cars and when electric cars become more viable, Council will look into purchasing.

Terry Demeo, Director Infrastructure and Environment responded that the Buninyong community was the first to step up with charging stations, partnering with Council and that Council would continue to partner with communities and prepare to adapt to the technology.

QT15/20 - Nicole Davies - Bunkers Hill**Question**

In regards to a notice of decision to grant a planning permit to access the Bells Road and Glenelg Highway, can Council explain why safety of children who catch buses was not considered as many trucks enter the intersection.

Answer

Terry Demeo, Director Infrastructure and Environment advised that the application could not be refused on planning grounds. Mr Demeo further noted that Ward Councillors have been advocating on this issue and a freight movement study will be conducted and explained that this is a matter of urgency and the intention is to have this completed in the next 10 weeks.

QT16/20 - Nicole Davies - Bunkers Hill**Question**

Are there any regulations around trucks travelling past school bus stops?

Answer

Terry Demeo, Director Infrastructure and Environment replied that the road is for shared uses including freight, cars and buses.

QT17/20 - Gary Fitzgerald - Ballarat East**Question**

Councillor Expenses on the website is listed in accordance with the Local Government Act, Can Council take it one step further and not just provide a dollar figure but include specific details?

Answer

Cameron Cahill, Director Innovation and Organisational Improvement explained that this is covered in the Councillor Expenses and Entitlement Policy which Council is due to review in the April cycle and this can be included in the review.

QT18/20 - Gary Fitzgerald - Ballarat East**Question**

In the Courier last week there was an artist impression of a bike track near St Pauls Cathedral that had bikes, skateboards and pedestrians. Who will be on the path and who regulates its use?

Answer

Cr Taylor advised that it is a Regional Roads Victoria project.

James Guy, Executive Manager Economic Partnerships answered that Regional Roads Victoria has proposed a shared path where bikes are permitted, and a report will be presented to Council in due course.

RESOLUTION:

That Council extends public question time at 7:46pm in accordance with clause 64.1 the City of Ballarat Meeting Procedure Local Law.

**Moved: Cr Des Hudson
Seconded: Cr Grant Tillett**

**CARRIED
(R33/20)**

QT19/20 - Scott Davies - Bunkers Hill**Question**

In granting the permit in Bells Road conditions outlined that there can be no more than 24 trucks in day and if Council will grant this number and how often will they come past?

Answer

Terry Demeo, Director Infrastructure and Environment answered that the works are flexible and if there are additional movements proposed, those who have objected will be consulted.

QT20/20 - Scott Davies - Bunkers Hill**Question**

The current permit requires trucks to turn left onto the highway. Residents have seen trucks turning right and moving through the Bell Road area and how will this be monitored.

Answer

Terry Demeo, Director Infrastructure and Environment advised that it is difficult to enforce all aspects of these types of conditions. In these types of events, Council is reliant on advice from observers. Should concerns be raised, a surveillance method would be used to determine compliance.

Cr Taylor suggested a meeting with planners to go through the issues and concerns.

QT21/20 - Stuart Kelly - Ballarat Central**Question**

In relation to the Planning Special Committee we were assured agendas and minutes would be publicly available and published. I found the August agenda and minutes but was unable to find the November and February agendas and minutes.

Answer

Justine Linley, Chief Executive Officer answered that there was no meeting in February and that is why the minutes from November are not on the website because they will be submitted to the next meeting of the Committee.

QT22/20 - Stuart Kelly - Ballarat Central**Question**

Will the Live Streaming of the Planning Special Committee Meetings report go to a future Council meeting?

Answer

Justine Linley, Chief Executive Officer responded that there will be a review of the options of Live Streaming of the meeting. The meetings are not held in the Chambers so as to allow for more free conversations with the submitters and officers. Justine noted that the broadcasting equipment is not set up in the Trench Room.

QT23/20 - Simon Kingsley**Question**

In relation to the Quarry permit, Bunkers Hill, Clause 10 states no noise to be impacted on neighbouring properties and has Council considered this.

Terry Demeo, Director Infrastructure and Environment explained that noise is measurable, and a noise review would need to be undertaken and determine what would be a nuisance. Officers undertaking the review would need to be at a sensitive location at a house or backyard to determine the noise.

QT24/20 - Simon Kingsley

Question

In regards to the planning permit, who pays for damage and deterioration of the roads from the trucks turning right?

Answer

Terry Demeo, Director Infrastructure and Environment answered that it is Council's responsibility for the maintenance of the road.

7. REPORTS FROM COMMITTEES/COUNCILLORS

GB09/20 - Cr Belinda Coates

Cr Coates attended the Gambling Forum at Ballarat Community Health with Cr Hudson.

Cr Coates is Chair of the Friends of Ainaro Special Committee and the committee joined with the Bendigo Friends group.

Cr Coates acknowledged the launch of Interfaith Harmony Week where Cr Taylor spoke and raised the flag.

Cr Coates attended the first National Climate Emergency Summit on Friday and Saturday which had thousands in attendance.

GB10/20 - Cr Amy Johnson

Cr Johnson attended the Interfaith Harmony Flag Raising.

Cr Johnson was the MC at a Civic Reception yesterday for Kristy Sellars who won Australia's Got Talent last year. Cr Johnson acknowledged that Kristy is an incredible young businessperson who owns 17 PhysiPole Studio franchises and will soon be starting her business internationally.

Cr Johnson was the MC at the Pause Fest event. Cr Johnson thanked staff who assisted in the event.

Cr Johnson spoke about the parking changes that have rolled out and relayed negative feedback from the Community. Cr Johnson outlined that community members are confused and need 10-15 minutes of explanation. In regards to the app, some people are paying a premium service fee and Council should review which is the best app that we can use. She explained that business trade has dropped, and a lot of customers won't continue shopping at some places because the parking is confusing and expensive.

Cr Taylor, Mayor, asked if the parking app is being used by other municipalities across Australia

Terry Demeo, Director Infrastructure and Environment answered yes, the app is being used by other municipalities and the premium service is only if you want it and sign up.

Justine Linley, Chief Executive Officer, responded that Council has developed its project management guidelines in accordance with the State Government's Investment Management Standard. This includes a series of reviews along the lines of the Gateway Review process to determine if the project is meeting the desired outcomes. A review is due in approximately June 2020, four months after the implementation, and would be undertaken by an independent party.

Mayor, Cr Taylor, explained that the Eastwood Street meters were confusing and have been removed and reverted to two hour parking with no meters. Cr Taylor explained that this was responded to very quickly.

Mayor, Cr Taylor, asked when the meters were turned on.

Terry Demeo, Director Infrastructure and Environment explained that the old meters were turned off at the start of December and parking was free in January. A portion of the parking went live on 3 February 2020 and the final stage was turned on 17 February 2020.

MOTION

That an independent report into the Smarter Parking be provided in 2 cycles (6 weeks) reviewing the current parking system and the changes implemented including feedback from residents, whether this is the correct app and best app, future opportunities for cash and coin, simple for people to use, pricing and impact on local businesses.

Moved: Cr Amy Johnson

LOST

Seconded: Cr Daniel Moloney

RESOLUTION:

A standing Agenda item on smarter parking in every Council meeting and briefing, providing an update on smarter parking plans. What can be done, what will be done and any urgent actions required.

Moved: Cr Ben Taylor

CARRIED

Seconded: Cr Des Hudson

(R34/20)

GB11/20 - Cr Samantha McIntosh

Cr McIntosh acknowledged Paralympics Australia and Ballarat North Sports Club coming together to launch the Para-tough Cup in April.

Cr McIntosh congratulated Kristy Sellars on her great success and that it was great to see her recognised at the Town Hall.

Cr McIntosh noted Ballarat High School invited 22 German Exchange Students to visit the Town Hall and it was a great honor to be able to meet with these school students.

Cr McIntosh acknowledged the Ballarat Cycle Classic fundraiser.

Cr McIntosh noted the 60th birthday on the Innerwheel Club of Wendouree who gives so much to the community.

Cr McIntosh acknowledged the Barkly Square Art Exhibition.

Cr McIntosh noted that the Sportmans Club put Kieren Perkins on the stage and should be acknowledged for their efforts.

Cr McIntosh attended the Mid Summer Nights Dream at the Buninyong Botanic Gardens.

Cr McIntosh noted the Memorial Service on 16 February 2020 honouring the nurses who served our country in World War 1 and World War 2.

Cr McIntosh requested a report to assembly to look at the opportunity for a memorial statue to honour the nurses who served in World War 1 and World War 2.

Cr McIntosh congratulated the work completed by the gardens crews with the plants in Sebastopol in the roundabouts and would love to see more work done in the shopping areas in Sebastopol.

Cr McIntosh requested a report to briefing on how we are managing heritage developments and the response from our planning department and that it come before Council in the next two cycles.

GB13/20 - Cr Mark Harris

Cr Harris noted that Friends of the Canadian Corridor have reported sightings of a powerful owl in Ballarat and congratulated the work of the Friends.

GB14/20 - Cr Grant Tillett

Cr Tillett attended the 16th anniversary of the Prisoner of War Memorial.

Cr Tillett explained that a tree was cut down in the North Ward and suggested that signage be placed on trees requiring removal in order to inform the community.

Cr Tillett noted that the Saleyards is still a critical issue.

Cr Tillett noticed that Regional Development is advertising for people for the Freight Hub and asked who owns it, what's the purpose and do we have a say?

James Guy, Executive Manager Economic Partnerships responded that they are pleased that there is an expression of interest at Freight Hub. Council is looking for market interest in what we can do with the site.

8. CHIEF EXECUTIVE OFFICER REPORT

Division: Executive Unit
Director: Justine Linley
Author/Position: Justine Linley – Chief Executive Officer

RESOLUTION:

Council resolves to:

Receive and note the CEO’s Operational Report.

Moved: Cr Grant Tillett

CARRIED

Seconded: Cr Belinda Coates

(R35/20)

EXECUTIVE SUMMARY

The CEO’s Operational Report highlights issues and outcomes affecting the organisation’s performance as it delivers services and implements the Council’s strategies and policy decisions.

9. ASSEMBLIES OF COUNCILLORS

9.1. ASSEMBLIES OF COUNCILLORS

Division: Business Services
Director: Glenn Kallio
Author/Position: Christian Dymock - Administration Officer – Statutory Compliance

RESOLUTION:

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

- **Prosperity Portfolio held 17 January 2020**
- **Strategic Briefing held 22 January 2020**

Moved: Cr Mark Harris

CARRIED

Seconded: Cr Des Hudson

(R36/20)

EXECUTIVE SUMMARY

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

10. OFFICER REPORTS

10.1. PLANNING SCHEME AMENDMENT C216

Division: Development and Planning
Director: Angelique Lush
Author/Position: Virginia McLeod – Senior Strategic Planner / Lisa Kendal – Manager Strategic Planning

RESOLUTION:

Council resolves to:

1. Split Ballarat Planning Scheme Amendment C216ball into two parts:
 - Part 1 - Rezone part of Lot 1 PS545482N at Giot Drive Wendouree from Public Park and Recreation Zone (PPRZ) to General Residential Zone Schedule 1 (GRZ1) and rezone land at 12A Albert Street, Sebastopol, from Public Use Zone Schedule 6 and GRZ1 to Mixed Use Zone and apply the Environmental Audit Overlay (EAO) in accordance with Ministerial Direction No. 1.
 - Part 2 - Rezone land at 15 Lake View Court, Ballarat North, Wendouree from PPRZ to General Residential Zone Schedule 1
2. Adopt Ballarat Planning Scheme Amendment C216ball (Part 1) as exhibited and submit the Amendment to the Minister for Planning for approval.
3. Request that the Minister for Planning appoint an independent Planning Panel pursuant to Section 23 and the provisions of Part 8 of the *Planning and Environment Act 1987* to consider the submissions received to Amendment C216ball (Part 2) to the Ballarat Planning Scheme.
4. Notify submitters of Council's resolution to request the appointment of an independent Planning Panel by the Minister of Planning for Planning Scheme Amendment C216ball (Part 2).

Moved: Cr Grant Tillett

CARRIED

Seconded: Cr Mark Harris

(R37/20)

Upon being put to the meeting, the Motion was declared carried. Cr Rinaldi called for a Division.

For the Motion were Councillors: Cr Taylor
Cr Tillett
Cr Johnson
Cr Hudson
Cr Harris
Cr Coates

Against the Motion were: Cr Rinaldi
Cr Moloney
Cr McIntosh

EXECUTIVE SUMMARY

In 2016 Council undertook a review of vacant and underutilised Council land and identified several properties that were considered surplus. Notification of Council's intent to sell these properties was undertaken in accordance with the *Local Government Act 1989*. On 26 August 2016 and 12 December 2018, Council resolved to commence and satisfy statutory processes to dispose of the 3 surplus properties listed below which were required to be rezoned to remove the Public Use Zone.

Note this report deals only with the rezoning of the identified land parcels. A final decision to sell the properties is made by Council through a separate process under separate legislation.

On 3 July 2019 Council resolved to seek authorisation for and exhibit Planning Scheme Amendment C216ball in order to rezone the above properties to allow for the sale. Amendment C216ball seeks to:

- rezone part of Lot 1 PS545482N at Giot Drive Wendouree from PPRZ to GRZ1
- rezone land at 12A Albert Street, Sebastopol, from Public Use Zone Schedule 6 and GRZ1 to Mixed Use Zone and apply the Environmental Audit Overlay (EAO) in accordance with Ministerial Direction No. 1.
- rezone land at 15 Lake View Court, Ballarat North, Wendouree from Public Park and Recreation Zone (PPRZ) to General Residential Zone Schedule 1(GRZ1)

Public exhibition for Amendment C216ball was held from 21 November to 23 December 2019. A total of 3 submissions were received during the public exhibition.

It is recommended that the amendment be split into Part 1 and Part 2.

- Part 1 is to rezone land at Giot Drive, Wendouree, and 12A Albert Street Sebastopol. As there are no outstanding submissions for these sites it is recommended Council resolve to adopt the amendment and submit to the Minister for Planning for approval.
- Part 2 is to rezone land at 15 Lake View Court, Ballarat North. As there is one submission that Council maybe unable to resolve it is recommended that Council resolve to appoint an independent planning panel. Panel recommendations can then assist Council to make a final decision on Part 2.

10.2. QUARTERLY FINANCIAL REPORT - 2ND QUARTER ENDING 31 DECEMBER 2019

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

RESOLUTION:

Council resolves to:

Receive the 2nd Quarter Financial Report for the 2019/20 financial year and note the financial issues contained within the report.

Moved: Cr Mark Harris

CARRIED

Seconded: Cr Des Hudson

(R38/20)

EXECUTIVE SUMMARY

This report sets out the 2nd Quarter financial results for the 2019/20 financial year of the Ballarat City Council. The report highlights the major financial issues for the quarter.

10.3. CONTRACTS SPECIAL COMMITTEE OF COUNCIL MINUTES - 19TH DECEMBER 2019 AND 17TH JANUARY 2020

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 19th December 2019 and 17th January 2020.

Moved: Cr Grant Tillett
Seconded: Cr Mark Harris

CARRIED
(R39/20)

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 19th December, 2019 and 17th January, 2020, three contracts were endorsed by the Committee and variations to one contract. This report provides a copy of these minutes of these meetings as well as detailing summary information in relation to this Contract.

10.4. OUTSTANDING QUESTION TIME ITEMS

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

RESOLUTION:

Council resolves to:

Endorse the Outstanding Question Time report.

Moved: Cr Belinda Coates

CARRIED

Seconded: Cr Jim Rinaldi

(R40/20)

EXECUTIVE SUMMARY

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

11. NOTICE OF MOTION

Nil

12. URGENT BUSINESS

RESOLUTION:

Council endorses to accept 12.1 Rail Transport Link report as an urgent business at this ordinary meeting of Council in accordance with clause 29 of the City of Ballarat Meeting Procedure Local Law.

**Moved: Cr Amy Johnson
Seconded: Cr Des Hudson**

**CARRIED
(R41/20)**

12.1. RAIL TRANSPORT LINK

Division: Executive Unit
Director: Justine Linley
Author/Position: Justine Linley – Chief Executive Officer

RESOLUTION:

Council resolves to:

- 1. Adopt the core principle that any solution(s) for future development of rail infrastructure and networks throughout Victoria, including the Melbourne Airport Rail Link (MARL) should not disadvantage the future growth and prosperity of Ballarat, nor impact in a negative way Ballarat's ability to connect with and travel to and from this state's Capital City;**
- 2. Advocate to both the State and Commonwealth governments the importance of both levels of government committing to a Melbourne Airport Rail Link (MARL) that provides for world-class airport train connectivity; that takes pressure off congested rail networks; that improves regional rail services to the state's largest regional centres; and positions Sunshine as the only stop on an express service between the airport and Melbourne;**
- 3. Work with our counterpart regional cities of Bendigo, Geelong, Warrnambool and Horsham to progress the Western Rail discussion and implementation; and**
- 4. Write to the Prime Minister, the Premier and Victorian Minister for Transport advising Council's position.**

Moved: Cr Ben Taylor

Seconded: Cr Des Hudson

CARRIED

(R42/20)

EXECUTIVE SUMMARY

This report is submitted as an item of Urgent Business for consideration by the Council so as to provide clarity on the City of Ballarat's principle position and role in advocacy for a better rail network for Ballarat and the Western Region. It is important that this position is clarified during a period where specific engineering solutions are being expounded which may or may not be to the benefit of Ballarat in the long term.

It is proposed that Council affirm that the City of Ballarat's core principle is that any solution(s) for future development of rail infrastructure and networks throughout Victoria, including the Melbourne Airport Rail Link (MARL) should not disadvantage the future growth and prosperity of Ballarat, nor impact in a negative way Ballarat's ability to connect with and travel to and from this state's Capital City.

On this basis, Council does not intend to promote any one or single proposed solution, but instead continue to advocate for the best solution for Ballarat and the region, whatever that solution might be.

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 09:58 pm whilst the Council is dealing with the following matters;

Moved: Cr Des Hudson
Seconded: Cr Jim Rinaldi

CARRIED
(R43/20)

RESOLUTION:

That Council adjourn for a comfort break at 9:59pm.

Moved: Cr Des Hudson
Seconded: Cr Samantha McIntosh

CARRIED
(R44/20)

RESOLUTION:

That Council resume at 10:06pm.

Moved: Cr Des Hudson
Seconded: Cr Daniel Moloney

CARRIED
(R45/20)

10.3. CONTRACTS SPECIAL COMMITTEE OF COUNCIL - 19TH DECEMBER 2019 AND 17TH JANUARY 2020

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))

13.1. TENDER 2019/20-81 SCOTCHMANS LEAD BRIDGE

Division: Infrastructure and Environment
Director: Terry Demeo
Author/Position: Robin Hand – Contracts Administration Officer

(Contractual matters)

