

**CITY OF
BALLARAT**



Ordinary Council Meeting

27 May 2020

Council Chambers, Town Hall, Sturt Street, Ballarat

MINUTES
Public Copy

MINUTES OF A MEETING OF BALLARAT CITY COUNCIL HELD IN THE COUNCIL CHAMBERS, TOWN HALL, STURT STREET, BALLARAT ON WEDNESDAY 27 MAY 2020 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	10
8. Chief Executive Officer Report	12
8.1. Chief Executive Officer Report	12
9. Assemblies Of Councillors	13
9.1. Assemblies of Councillors	13
10. Officer Reports	14
10.1. Response and Recovery Pandemic 2020 Program	14
10.2. January 26	15
10.3. Fernery Stage 2	17
10.4. The Gong - Consultation / Masterplan Development	19
10.5. Ballarat International Foto Biennale	20
10.6. UNESCO Creative City Report - May 2020	24
10.7. Ballarat West Growth Area Land Supply	25
10.8. Fenced Dog Parks Strategy	26
10.9. Planning Permit PLP /2019 / 791 — Electronic Major Promotion Sign — 101 - 107 Sturt Street, Ballarat Central	27

10.10. Power Purchase Agreement Update	31
10.11. Outdoor Pools 2019/20.....	33
10.12. Road National Cycling Review	37
10.13. Council Plan Quarterly Report.....	38
10.14. Appointment to Her Majesty's Theatre Board	39
10.15. S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987).....	40
10.16. Outstanding Question Time Items	41
11. Notice Of Motion	42
11.1. Notices of Motion.....	42
12. Urgent Business	43
13. Section 89 (In Camera)	44
14. Close.....	45

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

Mr Neville Ivey - Acting Chief Executive Officer
Mr Darren Sadler - Acting Director Infrastructure and Environment
Mr Glenn Kallio - Director Business Services
Ms Angelique Lush - Director Development and Planning
Mr Cameron Cahill - Director Innovation and Organisational Improvement
Ms Jenny Fink - Acting Director Community Development
Mr Cameron Montgomery - Executive Manager Safety, Risk and Compliance Services
Ms Natalie Robertson - Executive Manager Development Facilitation

2.2 Apologies

Nil

3. DISCLOSURE OF INTEREST

Nil

4. CONFIRMATION OF MINUTES

RESOLUTION:

That the Minutes of the Council Meeting of 22 April 2020 and 6 May 2020 as circulated be confirmed.

Moved: Cr Des Hudson

Seconded: Cr Daniel Moloney

CARRIED

(R119/20)

5. MATTERS ARISING FROM THE MINUTES

Nil

6. PUBLIC QUESTION TIME

Acting Chief Executive Officer, Neville Ivey read the public questions received.

QT44/20 - John Barnes - Brown Hill

Question

I note from the report on the Photo Biennale that Council officers seek a Return on Investment (ROI) from tourism events of 1:20.

Is this same return sought for the National Road Cycling Championships which are reviewed in Item 10.12 on tonight's Agenda and what have been the returns for the three years of the review, and what is the return anticipated for the 2021 Championships (particularly in light of mass gatherings still being prohibited)?

If another method of assessing the return on the total investment as outlined in the Financial/Resources section of tonight's report is used, what is it and what are the relative figures for the four years mentioned above?

Answer

Angelique Lush, Director Development and Planning advised that we are in unchartered waters due to the COVID-19 Virus in regards to mass gatherings and would take advice from State Government in that regard. Director Lush also noted that Ballarat is a host City of this significant event and that there is a confidential contractual arrangement in place which does not allow the financial information to be disclosed. Director Lush noted the event is assessed by a formula involving overnight stays, media and intangibles including the impact on community and the ability for the younger community to be involved.

Cr Tillett questioned if there were any other events where ROI are confidential.

Director Lush noted it is the only event in her division that is confidential and could not speak for other departments.

Cr Tillett commented that we have an obligation to make the community aware of the benefits.

QT45/20 - John Barnes - Brown Hill

Question

What is the methodology and targets used for assessment of the ROI on Mars Stadium (taking account of the full cash and in-kind support of BCC via sponsorships, ground maintenance, marketing and other costs, including asset depreciation) and what are the figures since it commenced operation, including projections for the current and next financial years?

Answer

Neville Ivey, Acting Chief Executive Officer noted MARS Stadium has a dual purpose firstly as the home for the Ballarat North Sporting Club and also the REBELS program which council run. In regards to upgrades it was noted that an independent report was performed by Ernst and Young and commissioned by the State Government which will make a \$6.6 investment into Mars Stadium.

Cr Tillet questioned how do we handle the depreciation on a Crown owned facility on Crown land. Does its ownership vest in Council and what's the impact on depreciation.

Glenn Kallio, Director Business Services responded that as Council is the Committee of Management, the asset is included in Council's financial reporting and forms part of our depreciation and will go through Council's financial books.

QT46/20 - Jon Kanoa - Ballarat

Question

1. In the spirit of reconciliation and partnership, would council consider rotating the acknowledgment of country between members, as opposed to just being conducted by the Mayor?
2. Would council members commit to attending at least two Koorie Engagement Action Group (KEAG) meetings or per year to show genuine commitment to the city's Reconciliation Action Plan?

Answer

Mayor Taylor commented it was an interesting idea and will be taken to next Agenda briefing.

Cr Harris commented that Councillors can attend any meeting and the offer is open to Councillors.

QT47/20 - Merle Hathaway - Buninyong

Question

The Gong & Botanic Gardens, Buninyong: Council has been advised to replace the west bank of trees, currently a rich habitat for wildlife with a wall of bare rocks - Will an environmental study be done on the effects on habitat and water quality, of permanently replacing all trees with a wall of bare rocks on the east-facing side, and the possibility of those rocks warming the water, further increasing the likelihood of the lake drying out in summer?

Answer

Darren Sadler, Acting Director Infrastructure and Environment expressed that the permit demands that an extensive environmental study will be done.

QT48/20 - Merle Hathaway - Buninyong

Question

Will the general community be consulted in the next phase of developing a Masterplan for this entire heritage area, or it is to be only a handpicked selection of people?

Answer

Darren Sadler Acting Director Infrastructure and Environment confirmed there will be a detailed engagement plan with community members.

QT49/20 - Penelope Greenslade - Soldiers Hill**Question**

Lake Wendouree Lights: Can the Council provide some information on the current status of this project? We understand that Biosis were contracted to provide a report on the environmental impacts of lights, but that they have not yet submitted their report. We would expect that this report be submitted to the Council for discussion before any action is taken to proceed with this project. We understand that a decision has been made to order lights, possibly without Councillors' endorsement. In view of the recent changes in senior council staff, the absence of the Biosis report and the lack of an environmental field assessment of any proposed lights, we request, if this is correct, that any orders be cancelled and the whole project be reassessed.

Answer

Angelique Lush, Director Development and Planning confirmed that the lights have not been ordered and the status has not proceeded. Council is currently awaiting State Government funding. In terms of the Biosis report, the report has been received and found there would be minor impact if any and recommend timing of the lighting should be able to be controlled.

QT50/20 - Steve Koop - Ballarat**Question**

Could your proposed tree planting program be utilised to generate employment for the aboriginal community?

Answer

Darren Sadler Acting Director Infrastructure and Environment acknowledged it is a great initiative and welcomed any proposal from Mr Koop which would be required to align with Council's procurement policy.

QT51/20 - Rachel Muir - Ballarat**Question**

Today marks the start of Reconciliation Week in the spirit of Reconciliation and Community relation would the council consider cancelling the 2021 Fireworks on Jan 26 for the following reasons.

- Out of respect for Aboriginal & Torres Strait Islander peoples
- Protection of our unique wildlife we have in Ballarat
- Care for our population who have sensory issue like Autism
- Fire danger period is high period in January take a look at this year's situation.

Answer

Jenny Fink, Acting Director Community Development responded there will be an upcoming opportunity to discuss the matter during the meeting.

RESOLUTION

To accept the questions received.

Moved: Cr Ben Taylor

Seconded: Cr Samantha McIntosh

CARRIED

(R120/20)

7. REPORTS FROM COMMITTEES/COUNCILLORS

GB33/20 - Cr Samantha McIntosh

Cr McIntosh noted there has been significant conversation during the Heritage Strategic Workshop and detected future gaps to review and there was significant questioning through the media it is an opportune time to provide an update what was discussed, heritage controls and an emphasis on updated on key projects. The heritage gap study progressed to put protection on heritage areas not currently covered. An online website goes live shortly to give the public access to identify sites which need protection, works in progress, improvements GAPS review and restoration projects. A range of restoration projects are being looked at. Council is continuing to work with developers in the early stages to understand that there is a value in heritage. Cr McIntosh advised that she looked forward to the clearer controls and congratulated Councillors on their attendance and input.

GB34/20 - Cr Belinda Coates

Cr Coates acknowledged she is also Co-Chair Koorie Action Group and acknowledged the start of reconciliation week, Sorry Day yesterday and acknowledged the members of the Koorie Action Group watching the live streaming of this Council meeting.

Cr Coates requested a briefing report update by August on options of an environmentally sustainable development report to include advantages, disadvantages and costs.

Cr Coates acknowledged the Intercultural Advocacy Committee Media report quoting Charles Zang. A positive article which congratulated the Ballarat community of non-racism towards certain ethnic groups.

Cr Coates also acknowledge the positive Yarrowee River Trail activation and the increase of public using the reserve, she questioned when we can expect to see the draft Masterplan.

Angelique Lush, Director Development and Planning answered that the draft masterplan is being finalised and can be expected in coming months.

GB35/20 - Cr Daniel Moloney

Cr Moloney acknowledged the start of reconciliation week.

Cr Moloney commented on the upgrades and confusion surrounding the recent opening of Ring Road and Gregory Street West. Cr Moloney also thanked the Acting Chief Executive Officer and the Infrastructure Team for acting promptly and professionally in dealing with the traffic confusion.

RESOLUTION:

Request a report to come before Council by August to discuss upgrade options for Dowling Road in utilising the \$1.5 million grant offered by the Federal Government.

**Moved: Cr Daniel Moloney
Seconded: Cr Amy Johnson**

**CARRIED
(R121/20)**

Cr Johnson congratulated Dowling road residents for the request and acknowledged the safety issues in the road and supported the need for a report.

GB36/20 - Cr Amy Johnson

Cr Johnson requested for update on when playgrounds will be reopened following the State Government announcement.

Neville Ivey, Acting Chief Executive Officer, responded that there are approximately 150 parks across municipality that staff are conducting safety checks.

Darren Sadler, Acting Director Infrastructure and Environment confirmed staff are conducting safety inspections and it is difficult for Council to control the space and will be putting up signage to promote public safety.

Mayor Taylor questioned the new State Government social distancing rules on how 20 person per space how can be enforced.

Darren Sadler, Acting Director Infrastructure and Environment noted signs will be put up at playgrounds and Council cannot enforce but rather educate the public in social distancing.

Cr Johnson requested an update on when Council will open other spaces eg library.

Jenny Fink, Acting Director Community Development advised that the library will reopen Monday 1 June in accordance to regulations, it will offer click and collect and contactless library delivery. Sebastopol library is currently being used as an immunisation site so will have a later opening date.

Cr Johnson congratulated Commerce Ballarat on Business Day Out Event with Lucy Bloom and Jason Cunningham who provided great insights for entrepreneurs.

GB37/20 - Cr Grant Tillett

Cr Tillett asked if we know the increased numbers on customer service enquiries pre and post Covid-19?

Neville Ivey, Acting Chief Executive Officer, advised he was unsure of the actual number but will seek the detail.

Cr Tillett called for a Councillor report to come to the next Councillor Briefing.

8. CHIEF EXECUTIVE OFFICER REPORT

8.1. CHIEF EXECUTIVE OFFICER REPORT

Division: Executive Unit
Director: Neville Ivey
Author/Position: Neville Ivey – Acting Chief Executive Officer

RESOLUTION:

Council resolves to:

Receive and note the CEO’s Operational Report.

Moved: Cr Des Hudson
Seconded: Cr Grant Tillett

CARRIED
(R122/20)

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: Sarah Anstis - Administration Officer Statutory Compliance

RESOLUTION:

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

- 2 December 2019 Ballarat Heritage Advisory Committee
- 3 February 2020 Ballarat Heritage Advisory Committee
- 12 February 2020 Community Safety Advisory Committee
- 24 February 2020 Ballarat Regional Soccer Facility Advisory Committee
- 26 February 2020 Councillor Briefing
- 3 March 2020 Councillor Briefing
- 11 March 2020 Infrastructure and Environment Portfolio Meeting
- 11 March 2020 Councillor Briefing
- 23 March 2020 Councillor Briefing
- 3 April 2020 Prosperity Portfolio Meeting
- 8 April 2020 Infrastructure and Environment Portfolio Meeting
- 8 April 2020 Council Agenda Review Briefing
- 8 April 2020 Finance Committee
- 15 April 2020 Strategic Briefing
- 15 April 2020 Finance Committee
- 22 April 2020 Infrastructure and Environment Portfolio Meeting
- 22 April 2020 Finance Committee
- 6 May 2020 Special Briefing

Moved: Cr Des Hudson
Seconded: Cr Jim Rinaldi

CARRIED
(R123/20)

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. RESPONSE AND RECOVERY PANDEMIC 2020 PROGRAM**

Division: Executive Unit
Director: Neville Ivey
Author/Position: Neville Ivey – Acting Chief Executive Officer

RESOLUTION:**Council resolves to:**

- 1. Note the establishment of the Response and Recovery Pandemic 2020 Taskforce and its work following the key principles of containing the impact of COVID 19, to maintain a healthy workforce, to provide strong leadership across Ballarat and to keep residents and businesses informed of what we are doing and why.**
- 2. Acknowledge that the Taskforce activities have been based on both a response to community need during this Pandemic event, but to also plan for the Health and Economic recovery of our community.**
- 3. Acknowledge the collaborative partnerships whom of all responded during the Pandemic event, including (but not limited to) Ballarat Health Services, UFS, Ballarat Community Health, Federation University, Victorian Police, Ambulance Victoria and Foodbank**

Moved Cr Belinda Coates
Seconded: Cr Mark Harris

CARRIED
(R124/20)

EXECUTIVE SUMMARY

The novel Coronavirus (COVID 19) outbreak is an unprecedented event in recent history. To protect the health of residents and staff, the City of Ballarat instigated its Response and Recovery Pandemic 2020 Plan for its staff, ratepayers, residents and the broader community.

This report details the principles by which decisions were made and an overview of activities undertaken.

10.2. JANUARY 26

Division: Community Development
Director: Jenny Fink
Author/Position: Jenny Fink – Acting Director Community Development

MOTION:

Council resolves to:

1. Note the officers report on a review of 2020 Australia Day weekend.
2. Acknowledge the City of Ballarat's implementation of Reconciliation Victoria's January 26 protocols recognising the honoured place Aboriginal and Torres Strait Islanders have in our Nation's history.
3. Acknowledge that Aboriginal and Torres Strait Islander People may see the day as one of mourning, which is therefore an opportunity to promote understanding, respect and reconciliation.
4. A commitment to work in collaboration with the Koorie Engagement Action Group – KEAG and the wider Ballarat community to plan for future January 26 activities that provide an opportunity to promote understanding, respect and reconciliation.
5. Transition the fireworks away from 26 January activities.

Moved: Cr Belinda Coates

NO VOTE TAKEN

Seconded: Cr Daniel Moloney

RESOLUTION:

Council resolves to:

1. Note the officers report on a review of 2020 Australia Day weekend.
2. Acknowledge the City of Ballarat's implementation of Reconciliation Victoria's January 26 protocols recognising the honoured place Aboriginal and Torres Strait Islanders have in our Nation's history.
3. Acknowledge that Aboriginal and Torres Strait Islander People may see the day as one of mourning, which is therefore an opportunity to promote understanding, respect and reconciliation.
4. A commitment to work in collaboration with the Koorie Engagement Action Group – KEAG and the wider Ballarat community to plan for future January 26 activities that provide an opportunity to promote understanding, respect and reconciliation.

5. **Explore how to transition the fireworks event to include other options such as a sound and light show, an element of the show to pay respect to the Aboriginal and Torres Strait Islander Community.**

Moved: Cr Grant Tillet
Seconded: Cr Amy Johnson

CARRIED
(R125/20)

EXECUTIVE SUMMARY

At the Council Meeting held on 29 January 2020, Councillor Ben Taylor, Mayor of the City of Ballarat requested a report be brought to the Chamber within the next two months to reflect on the 2020 Australia Day weekend, options and activities held while working with the Koorie Engagement Action Group Advisory Committee and other Aboriginal and Torres Strait Islander organisations and community members in Ballarat.

This report provides an overview of the 2020 Australia Day weekend and how future planning and programming around January 26 can be progressed.

10.3. FERNERY STAGE 2

Division: Infrastructure and Environment
Director: Darren Sadler
Author/Position: Darren Sadler – Acting Director Infrastructure and Environment

RESOLUTION:**Council resolves to:**

- 1. Support a design process for Stage 2 of the Ballarat Botanical Gardens Fernery following the Gothic replica approach which was adopted for Stage 1 with a practical approach to deliver the best environment for the establishment and longevity of a fern collection.**
- 2. Support an application to the Growing Victoria's Botanic Gardens grants program for Stage 2 of the Ballarat Botanical Gardens Fernery project with this application to be lodged in partnership with the Friends of the Ballarat Botanical Gardens and the Ballarat Botanical Gardens Foundation Ltd.**
- 3. Support an application to the Growing Victoria's Botanic Gardens grants program for the botanical naming of the collection across the Buninyong Botanical Gardens with this application to be lodged in partnership with the Friends of the Buninyong Botanical Gardens.**

Moved: Cr Samantha McIntosh

CARRIED

Seconded: Cr Daniel Moloney

(R126/20)

EXECUTIVE SUMMARY

With the commencement of Stage 1 construction for the Ballarat Botanical Gardens Fernery following an exhaustive design process, specific direction from Council is sought in relation to progressing Stage 2 of the Fernery project. It is recommended that the theme of Stage 1 be followed with a practical approach adopted to deliver the best environment for the establishment and longevity of a fern collection. With clear direction from Council in this respect, it is further recommended that Council partner with the Friends of the Ballarat Botanical Gardens and the Ballarat Botanical Gardens Foundation Ltd to pursue State Government funding for the completion of the Fernery project. Council's financial commitment in this regard would be limited to available funding from the original \$1.4 million project budget allocation.

Further it is recommended that Council also support an application from the Friends of the Buninyong Botanical Gardens to complete the botanical naming of the collection across the Gardens. The commitment from Council would be limited to available funds within recurrent budgets.

RESOLUTION:

Council adjourn for a comfort break at 9.08pm.

**Moved: Cr Ben Taylor
Seconded: Cr Des Hudson**

**CARRIED
(R127/20)**

RESOLUTION:

Council resumes from comfort break at 9.16pm.

**Moved: Cr Jim Rinaldi
Seconded: Cr Des Hudson**

**CARRIED
(R128/20)**

10.4. THE GONG - CONSULTATION / MASTERPLAN DEVELOPMENT

Division: Infrastructure and Environment
Director: Darren Sadler
Author/Position: Darren Sadler – Acting Director Infrastructure and Environment

Acting Director Infrastructure and Environment Darren Sadler read the written submission submitted by Merle Hathaway and Roger Permezel.

RESOLUTION:**Council resolves to:**

- 1. Note the detailed response provided by the mySay engagement process for the Gong Improvement and Rehabilitation Project which provided a very clear viewpoint that additional consultation in respect to a landscape master plan for the entire precinct was desirable.**
- 2. Commit to a detailed engagement process with the key stakeholders across the town and broader Buninyong community to inform a master plan for the entire precinct to be undertaken during 2020 and early 2021.**
- 3. Defer any further consideration in relation to detailed design of the reservoir wall for the Gong until the completion of the further engagement process.**

Moved: Cr Jim Rinaldi
Seconded: Cr Des Hudson

CARRIED
(R129/20)

EXECUTIVE SUMMARY

The reservoir wall on the Gong within the Buninyong Botanical Gardens has been identified as a potential risk due to the undermining of the wall. A detailed process to define an engineering solution has been completed and in consulting on this proposed solution the community and key stakeholders have clearly articulated a desire to have the project further examine with an overall landscape master plan for the Gardens. The thrust of the consultation response was a desire to see the solution informed by the existing landscape and heritage setting.

Having completed this consultation and receiving this direct feedback, it is recommended that Council commit to a detailed engagement process with the key stakeholders across the town and broader Buninyong community to inform a master plan for the entire precinct to be undertaken during 2020 and early 2021.

10.5. BALLARAT INTERNATIONAL FOTO BIENNALE

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

Angelique Lush, Director of Development and Planning read written submission from Ballarat International Foto Biennale Board.

MOTION:**Council resolves to:**

1. Acknowledge the success of the 2019 Ballarat International Foto Biennale.
2. Approve a Strategic Partnership Grant to the Ballarat International Foto Biennale (BIFB) for a four-year period from 1 July 2020 to 30 June 2024, comprising option 3.
 - a. Provision of in-kind support in the form of the occupancy of the Mining Exchange office for the duration of the partnership agreement;
 - b. Provision of “no-fee” usage of the following City of Ballarat venues for an eight-week period (pending venue availability) for the two Biennale events covered during the partnership agreement, including the identified costs of staffing and cleaning;
 - i. Ballarat Town Hall, A Hall,
 - ii. Art Gallery of Ballarat temporary exhibition space,
 - iii. Art Gallery of Ballarat Annexe,
 - iv. Art Gallery of Ballarat Annexe wall (exterior),
 - v. Art Gallery of Ballarat, Police Lane wall (exterior),
 - vi. Ballarat Mining Exchange exhibition space,
 - vii. Ballarat Mining Exchange two front shop spaces,
 - viii. Alfred Deakin Place,
 - ix. Sturt Street Gardens (CBD).
3. Note that this funding will be provided with the conditions relevant to the Strategic Partnership Grant Program and will include a COVID-19 provision to protect Council’s contribution and require quarterly reports to Council against a schedule with detailed milestones.

Moved: Cr Mark Harris

LOST

Seconded: Cr Des Hudson

AMENDMENT:**Council resolves to:**

1. Acknowledge the success of the 2019 Ballarat International Foto Biennale.
2. Approve a Strategic Partnership Grant to the Ballarat International Foto Biennale (BIFB) for a four-year period from 1 July 2020 to 30 June 2024, comprising option 4.
 - a. Provision of in-kind support in the form of the occupancy of the Mining Exchange office for the duration of the partnership agreement;
 - b. Provision of “no-fee” usage of the following City of Ballarat venues for an eight-week period (pending venue availability) for the two Biennale events covered during the partnership agreement, including the identified costs of staffing and cleaning;
 - i. Ballarat Town Hall, A Hall,
 - ii. Art Gallery of Ballarat temporary exhibition space,
 - iii. Art Gallery of Ballarat Annexe,
 - iv. Art Gallery of Ballarat Annexe wall (exterior),
 - v. Art Gallery of Ballarat, Police Lane wall (exterior),
 - vi. Ballarat Mining Exchange exhibition space,
 - vii. Ballarat Mining Exchange two front shop spaces,
 - viii. Alfred Deakin Place,
 - ix. Sturt Street Gardens (CBD).
3. Note that this funding will be provided with the conditions relevant to the Strategic Partnership Grant Program and will include a COVID-19 provision to protect Council’s contribution and the appointment of a senior City of Ballarat Officer to the Ballarat International Foto Biennale Board.

Moved: Cr Grant Tillet
Seconded: Cr Jim Rinaldi

LOST

RESOLUTION:**Council resolves to:**

1. Acknowledge the success of the 2019 Ballarat International Foto Biennale.
2. Approve a Strategic Partnership Grant to the Ballarat International Foto Biennale (BIFB) for a four-year period from 1 July 2020 to 30 June 2024, comprising option 4.
 - a. Provision of in-kind support in the form of the occupancy of the Mining Exchange office for the duration of the partnership agreement;
 - b. Provision of “no-fee” usage of the following City of Ballarat venues for an eight-week period (pending venue availability) for the two Biennale events covered during the partnership agreement, including the identified costs of staffing and cleaning;
 - i. Ballarat Town Hall, A Hall,
 - ii. Art Gallery of Ballarat temporary exhibition space,
 - iii. Art Gallery of Ballarat Annexe,
 - iv. Art Gallery of Ballarat Annexe wall (exterior),
 - v. Art Gallery of Ballarat, Police Lane wall (exterior),
 - vi. Ballarat Mining Exchange exhibition space,
 - vii. Ballarat Mining Exchange two front shop spaces,
 - viii. Alfred Deakin Place,
 - ix. Sturt Street Gardens (CBD).
3. Note that this funding will be provided with the conditions relevant to the Strategic Partnership Grant Program and will include a COVID-19 provision to protect Council’s contribution and require quarterly reports to Council against a schedule with detailed milestones.

Moved: Cr Des Hudson**CARRIED****Seconded: Cr Samantha McIntosh****(R130/20)**

Cr Tillett asked if there is an active Asset Hire Strategy and if so, could it be discussed at the next Agenda review meeting.

EXECUTIVE SUMMARY

The Ballarat International Foto Biennale (BIFB) is seeking a Strategic Partnership with the City of Ballarat for a four-year period from 1 July 2020 to 30 June 2024, which would encompass two Biennale events scheduled for 2021 and 2023. The BIFB is a highly regarded photographic exhibition that has been held every second year in venues throughout Ballarat. Since coming to Ballarat in 2009 the BIFB has received continuous Council funding. Council further agreed to continue this support in 2019 for another two events giving surety until 2024 although this agreement was not enacted in order to accommodate this current request.

The new Strategic Partnership requested by BIFB includes both cash and in-kind support for the four-year term. The cash funding requested is \$200,000 (Excl. GST) per year, the ongoing free usage of the Mining Exchange office space, and the free usage of a range of Council owned/managed venues and spaces for a period of two months valued at \$44,750 per event. The total value of Council support requested by BIFB for the four-year (two event) term is \$889,500.

Council officers have assessed the Strategic Partnership application and have determined that the funding application aligns with the purpose of the Strategic Partnership Program, the City of Ballarat Events Strategy 2018 – 2028, and the Creative City Strategy. The event produces a significant economic impact with the 2019 event attracting 37,844 participants and injecting \$4.6 million into the local economy.

For these reasons, officers recommend Council approve the provision of funding for the four-years, the ongoing free usage of the Mining Exchange office per year, and the free usage of the requested Council owned/managed venues and spaces, with the exception of the AGB Backspace Gallery, for a period of two months valued at \$44,750 per event.

10.6. UNESCO CREATIVE CITY REPORT - MAY 2020

Division: Development and Planning
Director: Angelique Lush
Author/Position: Tara Poole - Coordinator Creative City

RESOLUTION:**Council resolves to:**

- 1. Note the progress being made to advance Ballarat's designation as a UNESCO Creative City (Craft & Folk Art).**
- 2. Acknowledge the impact of Covid-19 on Ballarat's creative community and on the UNESCO network.**

Moved: Cr Samantha McIntosh

CARRIED

Seconded: Cr Daniel Moloney

(R131/20)

EXECUTIVE SUMMARY

Ballarat has been designated a UNESCO Creative City (Craft & Folk Art) since October 2019. In six months the application of the UNESCO status has been comprehensive, both reacting to international as well as State-wide opportunities. Since the designation, Ballarat has proactively helped form the Victorian Creative Cities Network with Bendigo, Geelong and Melbourne.

COVID-19 has comprehensively impacted most of the UNESCO network, with conference and networking opportunities severely contracted. However, UNESCO has also strategically pivoted initiatives, providing Council with different connection points into the international network and opening up new ways of working.

10.7. BALLARAT WEST GROWTH AREA LAND SUPPLY

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

RESOLUTION:**Council resolves to:**

- 1. Note the status report for the Ballarat West growth area for the third quarter of the 2019/2020 financial year.**
- 2. Strongly advocate to Central Highlands Water the necessity to bring forward the investment in a permanent pump station solution in the southern end of the growth corridor currently included in their long-term sewerage strategy. This investment will maintain the level of development in the Ballarat West Growth Area to meet market expectations.**
- 3. Recognise the effective management of the Ballarat West Development Contributions Plan and facilitation of Development Contributions Plan projects by the Growth Areas Facilitation Unit.**

Moved: Cr Grant Tillett

CARRIED

Seconded: Cr Daniel Moloney

(R132/20)

EXECUTIVE SUMMARY

The purpose of this report is to provide a status update on the progress of the implementation of the Ballarat West Growth Area, the level of growth currently experienced, the Ballarat West Development Contributions Plan (DCP) financial status, and any impediments to development in order to meet the market expectations.

This report includes the Ballarat West Precinct Structure Plan March 2020 status report illustrating the level of planning permits approved and lodged in the Ballarat West Precinct Structure Plan (PSP) since inception. The summary provides a snapshot of the residential lots' statistics and the financial status of the Ballarat West Development Contributions Plan. It further details specific Capital Projects which have been delivered under the Development Contributions Plan and provides a graphic representation of the residential lots released and take up per sub-precinct to date.

Central Highlands Water's Sewerage Servicing Plan has been incorporated to highlight the long-term sewerage strategy for the southern area of the Ballarat West Growth Area. The plan highlights the necessity for the delivery of a permanent sewer pump solution to address this impediment to the continued development of the Ballarat West Growth Area to meet market expectations.

10.8. FENCED DOG PARKS STRATEGY

Division: Infrastructure and Environment
Director: Darren Sadler
Author/Position: Clare Douglas - Haynes – Team Leader Animal Management

Councillors read the written submission prior to the meeting received by Elizabeth Hayward.

RESOLUTION:**Council resolves to:**

- 1. Commit to detailed consultation in respect to the preferred location for an off-leash dog park in Buninyong at James Reserve with the intent to undertake construction as soon as possible following the consultation process.**
- 2. Commit to further detailed consultation in respect to the preferred location for an off-leash dog park at both Miners Rest and Alfredton with these to be funded by operational / recurrent budgets over the 2021 and 2022 financial years.**

Moved: Cr Grant Tillet

Seconded: Cr Amy Johnson

CARRIED

(R133/20)

EXECUTIVE SUMMARY

Following the adoption of the Domestic Animal Management Plan 2017-2021 which recommended investigation into off-leash dog parks within the municipality, consultation has been undertaken across four locations with the Ballarat East off-leash dog park funded and now constructed with community empowerment funding.

The other three locations where detailed consultation was undertaken were Buninyong, Miners Rest and Alfredton. Two options were explored in each of these townships / suburbs. The Buninyong preferred option was James Reserve and it is recommended that detailed consultation with surrounding residents and investigation in respect to any environmental issues be carried out immediately and available monies from the 2020 / 2021 budget be committed to this project.

In relation to Miners Rest and Alfredton, it is recommended that further investigation / consultation around the preferred sites be undertaken with the funding of these facilities to be provided via savings in recurrent and capital budgets in ensuing financial years.

10.9. PLANNING PERMIT PLP /2019 / 791 — ELECTRONIC MAJOR PROMOTION SIGN — 101 -107 STURT STREET, BALLARAT CENTRAL

Division: Infrastructure and Environment
Director: Darren Sadler
Author/Position: Darren Sadler – Acting Director Infrastructure and Environment

Acting Director Infrastructure and Environment Darren Sadler read the written submission submitted by Stuart Kelly and Bernadette Chessman.

RESOLUTION:

Council resolves to:

Support the officer recommendation to issue a Notice of Decision to Grant a Permit for Planning Application PLP/2019/791 for an electronic major promotion sign at 101-107 Sturt Street, Ballarat Central with the following conditions:

1. Amended Plans Required

Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will form part of the permit. The plans must be drawn to scale with dimensions and emailed to info@ballarat.vic.gov.au with the planning reference number. The plans must be generally in accordance with the plans submitted but modified to show:

- a. Remove the term 'Floodlit' from the three relevant descriptions of the existing sign.
- b. Remove the term 'illuminated' from the Project Title description of the existing sign to be demolished.
- c. A Lighting Impact Assessment as required by condition 6.

Unless otherwise approved in writing by the Responsible Authority, all buildings and works are to be constructed and or undertaken in accordance with the endorsed plans to the satisfaction of the Responsible Authority.

2. Operation During Specified Hours

The sign may only be illuminated between the hours of:

- a. 7:00am and Sunset daily.
- b. Between Sunset and 7:00am the following day, all lighting associated with the sign must be turned off.

3. Operation During Specified Hours

The illumination levels of the sign must not exceed the following restrictions:

- a. Maximum permissible luminance of 560 cd/m² during morning and evening twilight, and during overcast weather.
- b. Maximum permissible luminance of 5000 cd/m² during full sun on face of signage during daytime luminance.

4. Advertising Content

The advertising content of the sign must not:

- a. consist of more than one static image at a time;
- b. consist of video, movie or television broadcasts;
- c. consist of any animation or create the illusion of any movement.

5. Dwell Time

The dwell time of each image must be a minimum of one (1) minute per image.

6. Lighting Impact Assessment

Prior to the operation of the sign, a Lighting Impact Assessment must be prepared to the satisfaction of the Responsible Authority and endorsed as part of this permit. The report must be generally in accordance with the report prepared by Electrolight Australia Pty Ltd (Ref: 2547.3, dated 8th November 2019) but updated in accordance with the operational requirements of the sign as approved by the conditions of this permit.

The sign must be managed in accordance with the approved Lighting Impact Assessment to the satisfaction of the Responsible Authority.

7. Removal of Existing Advertising Signs

Prior to the erection of the sign hereby approved, the existing major promotional sign and associated supporting structures must be removed.

8. Signs Not Altered

The location and details of signs including those of the supporting structure, as shown on the approved plans must not be altered without the further written consent of the Responsible Authority.

9. Major Promotional Sign

The sign must not:

- a. Dazzle or distract drivers due to its colouring.
- b. Be able to be mistaken for a traffic signal because it has, for example, red circles, octagons, crosses or triangles.
- c. Be able to be mistaken as an instruction to drivers.

10. Sign Structure Not Altered

The location and details of the structure shown on the approved plan must not be altered without the further written consent of the Responsible Authority.

11. Signs within Land Boundary

The signage hereby permitted must be located wholly within the boundaries of the land and must not impede the view of drivers exiting the site.

12. Sign Maintenance

All signage must be constructed and maintained to the satisfaction of the Responsible Authority.

13. Signs Requiring Further Approval

Unless no permit is required under the Planning Scheme, other signs must not be constructed or displayed without a further permit.

14. Expiry Date – Signage

The signage and associated structures approved by this permit expires 10 years from the date of issue. All signage and supporting structures must be removed to the satisfaction of the Responsible Authority by this date.

15. Signs Not Altered

The location and details of signs including those of the supporting structure, as shown on the approved plans must not be altered without the further written consent of the Responsible Authority.

16. Permit Expiry - Development Only

This permit will expire if one of the following circumstances applies:

- a. The development is not started within two years of the date of this permit;
- b. The development is not completed within four years of the date of this permit.

The responsible authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards (for a request to extend the time to commence the development) or twelve months after the permit expires (for a request to extend the time to complete the development).

Notes:**Building Approvals**

The buildings & works hereby permitted shall accord with the requirements of the Building Act 1993, Building Regulations 2006, Building Code of Australia 2010 and all other relevant acts, regulations & codes.

Moved: Cr Grant Tillett

Seconded: Cr Samantha McIntosh

CARRIED

(R134/20)

EXECUTIVE SUMMARY

An application was lodged for an internally illuminated (digital) advertising sign on the roof of the building at 101-107 Sturt Street in Ballarat Central. The application was advertised, and a number of objections were received. The application has been considered under delegated authority and a notice of decision to issue a planning permit with a number of conditions was issued.

In review of the proposal, it is considered that the signage proposed would have a significant detrimental impact on the heritage streetscape of Sturt Street and on the amenity and context of the CBD precinct generally. It is on this basis that it is recommended that Council formally advise the applicant that the proposal will be opposed through any Victorian Civil and Administrative Tribunal (VCAT) proceedings in respect to the matter on three grounds. Further, it is recommended that Council formally request that VCAT invite Council to review the previous decision pursuant to the *Victorian Civil and Administrative Tribunal Act 1998* - Sect 51A and have the decision set aside and replaced with a decision to refuse the application.

10.10. POWER PURCHASE AGREEMENT UPDATE

Division: Infrastructure and Environment
Director: Darren Sadler
Author/Position: Darren Sadler – Acting Director Infrastructure and Environment

RESOLUTION:**Council resolves to:**

- 1. Acknowledge the decision which has been taken under delegated authority to release the Municipal Association of Victoria (MAV) as the procurement agent for the Power Purchasing Agreement (PPA) to secure an electricity supply from a renewable energy source for the City as part of a broader consortium.**
- 2. Acknowledge the decision which has been taken under delegated authority to support Darebin City Council to act as the lead municipality to initiate a tender process to secure an alternate procurement agent to progress a Power Purchasing Agreement for the Local Government consortium.**
- 3. Formally endorse the decisions of the Chief Executive Officer under delegated authority.**

Moved: Cr Belinda Coates

CARRIED

Seconded: Cr Daniel Moloney

(R135/20)

EXECUTIVE SUMMARY

Council has made previous decisions to pursue a Power Purchasing Agreement (PPA) to secure an electricity supply from a renewable energy source for the City as part of a broader consortium resolving to endorse the Municipal Association of Victoria (MAV) as the preferred procurement agent. The City of Ballarat has now been advised of a potential / perceived conflict of interest with the MAV acting in this role given an established relationship with a renewable energy provider.

The Chief Executive Officer has acted under delegated authority formally releasing the MAV as the procurement agent given this potential / perceived conflict of interest. Further, the Chief Executive Officer has also supported the Darebin City Council to initiate a further process to secure an alternate procurement agent in order to progress this key action under the Carbon Neutrality and 100% Renewable Action Plan to translate the power supply of the City to a total renewable source.

It is recommended that Council acknowledge the decisions taken and formally support the actions of the Chief Executive Officer acting under delegated authority.

RESOLUTION:

Council endorses an extension to the finishing time of the ordinary meeting of Council beyond 11:00pm in accordance with clause 25 of the City of Ballarat Meeting Procedure Local Law.

**Moved: Cr Amy Johnson
Seconded: Cr Samantha McIntosh**

**CARRIED
(R136/20)**

10.11. OUTDOOR POOLS 2019/20

Division: Community Development
Director: Neville Ivey
Author/Position: Michael Riseley – Acting Manager Ballarat Aquatic and Lifestyle Centre

RESOLUTION:

Receive and note the annual outdoor pool usage report for 2019-20.

Moved: Cr Des Hudson

CARRIED

Seconded: Cr Amy Johnson

(R137/20)

EXECUTIVE SUMMARY

The City of Ballarat continued to operate 4 outdoor pools and 2 splash park facilities in the 2019/20 season. This report provides an overview of outdoor pool activity including attendances, operations and costs associated with the provision of ongoing quality services to the community.

Significant pre-season preparation works occurred to ensure all outdoor pools remained at a high standard throughout the 2019/20 season. These works included the draining and repainting of Eureka, Black Hill and Buninyong Aquatic Centre main pools, significant retiling works at Eureka Aquatic Centre, repainting of shade structures, improvements made to toddler pools along with repairs and upgrades made to fencing.

As shown in tables 2 and 3, attendance numbers during the 2019/20 outdoor pools season were impacted by three significant factors – which combined to reduce overall attendance by 14.9% compared to the average over the last four years of 63,090. These factors include the following:

- Cooler weather saw 6 less days of 35 degrees or over (reduction of 35.3%);
- Air quality concerns caused by significant bushfires; and
- COVID-19 pandemic resulting in the closure of Eureka pool 28 days earlier than planned and reduced customer confidence in the lead up to closure.

Benchmarking work coordinated by the Ballarat Aquatic and Lifestyle Centre shows this reduction in attendance was consistent across the state with facilities reporting reductions of up to 43.9% in 18 of the 19 participating facilities. The average reduction across the state was 18.4%. Benchmarking results can be viewed in table 6.

As shown in table 1, poor attendance numbers resulted in a reduction in revenue across all pools of \$33,842.25 which equates to a 16% reduction when compared to the four-year average. A focus was placed on ensuring the program operated as efficiently as possible by reducing variable operational costs by \$35,415.00. While net performance was consistent with the four-year average, table 4 shows that the net cost per visit increased to \$5.87 from the four-year average of \$5.03. This reflects the fixed nature of costs involved in operating pool facilities such as utilities expenses and minimum safe staffing requirements.

Despite the reduction in attendances, our outdoor pools continued to receive positive feedback from patrons, particularly around water quality and the presentation of the pool after pre-season works and ongoing maintenance through the summer. The 2019/20 season also saw the implementation of the traffic light healthy food system at Eureka, Buninyong and Black Hill Aquatic Centres in line with the café at the Ballarat Aquatic and Lifestyle Centre, which was well received.

A particularly good year from a maintenance and up-keep perspective, with only a half-day lost to a damaged foot-valve at Eureka Pool. No other down time was experienced across any other pool. This reflects the great partnership between City of Ballarat's facilities team and Ballarat Aquatic and Lifestyle Centre staff.

1.1 Eureka Aquatic Centre

The Eureka Aquatic Centre remained the largest and most popular outdoor pool facility in our municipality, contributing 70% of the total attendance to outdoor pools over the last four years. This rose to almost 75% of all outdoor pool attendance during the 2019/20 season.

This season, the Eureka Aquatic Centre opened on 1 November 2019 and operated for 143 days, with 28 days closed due to COVID-19 precautions. This is a reduction of 29 days or 16.8% when compared to last year.

The Eureka Aquatic Centre saw a reduction in attendance of 4,276 or 9.7% compared to the four-year average.

Eureka Aquatic Centre attendance numbers were stabilised by attendances deriving from school carnivals, which increased by 5.8% on the previous year to 13,095. This accounts for 32.7% of attendances to Eureka for the season. This year, Eureka Aquatic Centre welcomed back schools including Ballarat Grammar, Damascus College, Loreto College and St Patrick's College, who bring with them 1000-1200 students and hundreds of parents and supporters. Feedback from schools has been excellent again this year.

1.2 Black Hill Aquatic Centre

The Black Hill Aquatic Centre has accounted for 9% of the total attendance to outdoor pools over the last four years. This reduced to 6% of all outdoor pool attendance during the 2019/20 season.

The Black Hill Aquatic Centre opened on 1 December 2019 and operated for 61 days this season, with 30 days closed due to cold weather. This is a reduction of 3 days of operations when compared to last year.

The Black Hill Aquatic Centre saw a reduction in attendance of 2,220 or 41.2% compared to the four-year average.

The Black Hill Aquatic Centre hosted less school carnivals, so attendance figures are more prone to fluctuations in attendance caused by weather and other factors. However, the 2019/20 season saw the continued successful operation of the Black Hill Primary School Intensive Learn to Swim program operating between February 4 to February 14, which operated between Black Hill Aquatic Centre and Ballarat Aquatic and Lifestyle Centre and saw 684 attendances during the program. Feedback from the school was excellent and the program will seek to continue in future years.

1.3 Buninyong Aquatic Centre

The Buninyong Aquatic Centre has accounted for 9% of the total attendance to outdoor pools over the last four years. This reduced to 8% of all outdoor pool attendance during the 2019/20 season.

The Buninyong Aquatic Centre opened on 1 December 2019 and operated for 61 days this season, with 30 days closed due to cold weather. This is a reduction of 3 days of operations when compared to last year.

The Buninyong Aquatic Centre saw a reduction in attendance of 1,405 or 25.5% compared to the four-year average. Buninyong Aquatic Centre attendance numbers are stabilised by 791 attendances to small school carnivals, accounting for 19.3% of its overall attendance and doubled when compared to the previous year's result.

1.4 Brown Hill Pool (supplied by the Brown Hill Progress Association)

The Brown Hill Pool has accounted for 13% of the total attendance to outdoor pools over the last four years. This reduced to 12% of all outdoor pool attendance during the 2019/20 season.

The Brown Hill Pool saw a reduction in attendance of 1,474 or 18.6% compared to the four-year average.

The Brown Hill Pool continued to host community events such as Learn to Swim classes, Water Zumba, Community Party for Australia Day and 3BA Valentines Event. Further, a number of schools used the facility for physical education classes and swimming carnivals.

The Brown Hill Progress Association reported a successful season with no major mechanical interruptions and were supported by City of Ballarat Facilities and Ballarat Aquatic and Lifestyle Centre staff as needed.

1.5 Midlands Splash Park and Sebastopol Splash Park

While Splash Parks remained a popular way for families to cool off on hot days, to date there has been no way of tracking attendance figures. Ballarat Aquatic and Lifestyle Centre staff are investigating sensor technology like that which is used to track foot traffic on walking tracks and at major attractions to provide insight and trending in this space for future seasons.

Procedural Motion

RESOLUTION

That the following items:

10.12. Road National Cycling Review

10.13. Council Plan Quarterly Report

10.14. Appointment to Her Majesty's Theatre Board

10.15. S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

10.16. Outstanding Question Time Items

Be moved as a block as per the officers' recommendations outlined in the agenda.

Moved: Cr Des Hudson

Seconded: Cr Daniel Moloney

CARRIED

(R138/20)

10.12. ROAD NATIONAL CYCLING REVIEW

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

RESOLUTION:

Council resolves to:

Acknowledge the positive outcomes for Ballarat, derived from the funding partnership with Cycling Australia for the hosting rights of the Australian Road National Championships 2018, 2019 and 2020.

Moved: Cr Des Hudson

CARRIED

Seconded: Cr Daniel Moloney

(R138/20)

EXECUTIVE SUMMARY

Over the last three years the Road National Championships (RoadNats) have provided a range of significant economic, social and marketing benefits for Ballarat. The event has grown in the number of riders and spectators, as well as in the volume of national and international media coverage. Working closely with Council officers, the event has also incorporated elements of public art and a range of community-based outcomes, particularly within the Buninyong community.

Over the term of the 2018 – 2020 funding contract, this multi-day sporting event has provided an economic impact of just under \$5 million, has attracted approximately 60,000 spectators and riders (60% from outside of Ballarat), and generated over \$3 million in media exposure for Ballarat.

The most recent event held January 2020 concluded the three-year (2018-2020) funding contract between the City of Ballarat and Cycling Australia with negotiations currently underway to draft a new three-year agreement.

10.13. COUNCIL PLAN QUARTERLY REPORT

Division: Innovation and Organisational Improvement
Director: Cameron Cahill
Author/Position: Jennifer Brophy – Business Support Officer Innovation and Organisational Improvement

RESOLUTION:

Council resolves to:

Note the progress report for the Council Plan 2017 – 2021.

Moved: Cr Des Hudson
Seconded: Cr Daniel Moloney

CARRIED
(R138/20)

EXECUTIVE SUMMARY

The purpose of this report is to present the progress update of Council's performance against the Council Plan 2017-2021. The period reported is from January 2020 to March 2020 (Quarter 3).

The three-month progress report, provided as an attachment, offers a summary of the progress against the four Council Plan goals; liveability, prosperity, sustainability and accountability.

The intent of this report is to give Councillors and the community the confidence that Council is on track to meet its published commitments.

Highlights from this progress report include:

- A Wendouree library and community hub feasibility study – The feasibility study for the Wendouree Library and Community Hub is complete. A number of different sites in the Wendouree area will now be considered for a possible future library site. Further development in this area will be dependent on future funding from both Council and other sources.
- Ballarat Recreation and Active Living Strategy reviewed – A review of the 2014 City of Ballarat Sport and Recreation Strategy has been completed. An action plan titled Active Ballarat has been developed to guide the work of the City of Ballarat in all things related to sport and active living across the municipality. This includes programs to increase participation in organised sporting programs, general recreational activities and the appropriate guides to investment necessary for sports and recreational infrastructure across Ballarat.

10.14. APPOINTMENT TO HER MAJESTY'S THEATRE BOARD

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

RESOLUTION:**Council resolves to:**

- 1. Appoint Ms Virginia Wise to the Her Majesty's Theatre Special Committee (Board) as one of four (4) Royal South Street Representatives to the Special Committee.**
- 2. Recognise the contribution of Brett Macdonald for his voluntary service on the Her Majesty's Theatre Special Committee (Board) as one of four (4) Royal South Street Representatives.**

Moved: Cr Des Hudson

Seconded: Cr Daniel Moloney

CARRIED

(R138/20)

EXECUTIVE SUMMARY

The purpose of this report is to nominate Ms Virginia Wise to the Her Majesty's Theatre (HMT) Special Committee (Board) as one of four (4) Royal South Street (RSSS) representatives to the Special Committee. The HMT Board comprises the following membership:

- Four (4) external skills-based community members sought through publicly invited Expressions of Interest,
- Four (4) members nominated by the Royal South Street Society Inc.,
- One (1) User Group representative nominated by consensus of local theatre user groups,
- Three (3) Councillors appointed by the City of Ballarat. Where more than one appointed Councillor attends a meeting, only one Councillor may vote on a resolution.

10.15. 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. Exercise the powers conferred by s224 of the *Local Government Act 1989* (the Act) and the other legislation referred to in the attached instruments of appointment and authorisations (the instruments), and that
 - a. Brenda Carey and Darren Sadler be appointed and authorised as set out in the instruments.
 - b. The instruments come into force immediately the common seal of Council is affixed to the instruments remain in force until Council determines to vary or revoke it.
 - c. The instruments be sealed.
2. Revoke the S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) for Steven Van Orsouw (R332/19).
3. Revoke the S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) for Lily Garrod (R130/18).
4. Revoke the S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) for Rebekah Isaacs (R332/19).
5. Revoke the S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) for Terry Demeo (R354/16).

Moved: Cr Des Hudson

CARRIED

Seconded: Cr Daniel Moloney

(R138/20)

EXECUTIVE SUMMARY

The purpose of this report is to seek Council's endorsement to revoke the S11A. Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* for Steven Van Orsouw, Lily Garrod, Rebekah Isaacs and Terry Demeo.

The report is also to seek Council's endorsement of the S11A. Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* to Brenda Carey and Darren Sadler.

10.16. 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 Des Hudson

CARRIED

Seconded: Cr Daniel Moloney

(R138/20)

EXECUTIVE SUMMARY

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

11. NOTICE OF MOTION**11.1. NOTICE OF MOTION****RESOLUTION:**

That the CEO submit a report for Council's consideration on a new Procurement Policy and complimentary Contracts Administration Manual by the July 2020 meeting to include the following:

- 1. A revised evaluation criteria and process that provides greater mandatory weighing to price and is scalable to the size and type of contract.**
- 2. A clearer process for the selection of local suppliers with greater transparency on capacity building and business development efforts.**
- 3. An expanded section on contracts management, supervisor and administration that is explicit on the use of best practice review and supervision techniques including milestone assessments, gateway reviews and post-delivery evaluation audit.**

Moved: Cr Grant Tillett

Seconded: Cr Daniel Moloney

CARRIED

(R139/20)

12. URGENT BUSINESS**RESOLUTION:**

Council resolved to admit as Urgent Business at the Ordinary Meeting of Council in accordance with clause 29 of the City of Ballarat Meeting Procedure Local Law the:

- a. Response to the Victorian Ombudsman; and**
- b. Recruitment Services, Interim Chief Executive Officer report.**

Moved: Cr Ben Taylor

CARRIED

Seconded: Cr Des Hudson

(R140/20)

RESOLUTION:

That Council:

- 1. Authorises the Mayor to write to the Ombudsman:**
 - a. Providing a copy of Council's Resolutions made on 18 May 2020:**
 - i. Terminating the Chief Executive Officer's employment, effective immediately on the payment of the equivalent of 6 months of her Total Remuneration Package; and**
 - ii. Commencing the recruitment process for an Interim Chief Executive Officer; and**
 - b. Advising her of Council's intention to request the Interim Chief Executive Officer to conduct a review of Council's policies and procedures relating to recruitment, procurement and use of Council purchase cards; and**
- 2. Requests the Interim Chief Executive Officer, on the commencement of their employment with Council, to initiate a review of Council's policies and procedures relating to recruitment, procurement and use of Council purchase cards, with findings to be reported to Council for its consideration.**

Moved: Cr Amy Johnson

CARRIED

Seconded: Cr Samantha McIntosh

(R141/20)

RESOLUTION:

That Council:

Select Sal Corp to assist Council appoint an Interim Chief Executive Officer.

Moved: Cr Des Hudson

CARRIED

Seconded: Cr Amy Johnson

(R142/20)

13. SECTION 89 (IN CAMERA)**RESOLUTION:**

That Council resolve, pursuant to Section 66 of the *Local Government Act 2020*, that the meeting be closed to members of the public at 11:37pm whilst the Council is dealing with the following matters;

Moved: Cr Des Hudson
Seconded: Cr Mark Harris

CARRIED
(R143/20)

10.5. BALLARAT INTERNATIONAL FOTO BIENNALE

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

(Council business information and private commercial information)

13.1. TENDER MAV VP181617 – PURCHASE OF THREE (3) X 23 CUBIC METER (APPROX.) & ONE (1) X 16 CUBIC METER (APPROX.) SIDE LOADING COMPACTORS TO BE USED BY OUR WASTE & RECYCLE DIVISION

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

(Council business information and private commercial information)

13.2. BALLARAT SPORTS AND ENTERTAINMENT PRECINCT UPDATE

Division: Infrastructure and Environment
Director: Darren Sadler
Author/Position: Darren Sadler – Acting Director Infrastructure and Environment

(Council business information)

RESOLUTION:

That Council move out of closed Council at 12:03am and adopt the resolutions made therein.

Moved: Cr Amy Johnson
Seconded: Cr Des Hudson

CARRIED
(R148/20)

14. CLOSE

The CEO reported on items discussed in closed Council.

The Mayor declared the meeting closed at 12.03am

Confirmed this

day of

2020.

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Mayor