

**CITY OF  
BALLARAT**



**Ordinary Council Meeting**

**2 September 2020**

Virtual Meeting

**MINUTES**  
**Public Copy**

**MINUTES OF A MEETING OF BALLARAT CITY COUNCIL HELD AS A VIRTUAL MEETING ON WEDNESDAY 2 SEPTEMBER 2020 AT 7:00PM**

**MINUTES**

**ORDER OF BUSINESS:**

<b>1. Opening Declaration</b> .....	<b>4</b>
<b>2. Apologies For Absence</b> .....	<b>4</b>
<b>3. Disclosure Of Interest</b> .....	<b>4</b>
<b>4. Confirmation Of Minutes</b> .....	<b>5</b>
<b>5. Matters Arising From The Minutes</b> .....	<b>5</b>
<b>6. Public Question Time</b> .....	<b>6</b>
11.2. ICAN Cities Appeal.....	13
<b>7. Reports From Committees/Councillors</b> .....	<b>14</b>
<b>8. Chief Executive Officer Report</b> .....	<b>16</b>
8.1. Chief Executive Officer Report .....	16
<b>9. Assemblies Of Councillors</b> .....	<b>17</b>
9.1. Assemblies of Councillors .....	17
<b>10. Officer Reports</b> .....	<b>18</b>
10.1. Community Engagement Review Report 2019/2020 .....	18
10.2. Lake Wendouree Speed Limit Reduction Request .....	19
10.3. Naming of the Ballymanus Central Park .....	20
10.4. Council Plan Quarterly Report.....	21
10.5. Community Allocations Delegated Committee .....	22
10.6. Support Options for Royal South Street Society .....	23
10.7. Nightingale Street, Newington: Road Discontinuance/Sale.....	24
10.8. Carryovers.....	25
10.9. Contract for Microsoft Large Account Reseller .....	26
10.10. Contract for Telecommunications Data and Internet Connectivity.....	27

10.11. Contracts Special Committee Minutes - 29 July 2020.....	28
10.12. S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987).....	29
10.13. Outstanding Question Time Items .....	30
<b>11. Notice Of Motion .....</b>	<b>31</b>
11.1. Ballarat Railway Gates .....	31
<b>12. Urgent Business .....</b>	<b>33</b>
<b>13. Section 66 (In Camera) .....</b>	<b>33</b>
<b>14. Close.....</b>	<b>33</b>

## 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 Janet Dore - Chief Executive Officer  
Mr Darren Sadler - Acting Director Infrastructure and Environment  
Mr Pete Appleton - Acting Director Community Wellbeing  
Mr Sean Portelli - Acting Director Business Services  
Ms Natalie Robertson - Acting Director Development and Growth  
Mr Cameron Montgomery - Executive Manager Governance and Risk

### 2.2 Apologies

Nil

## 3. DISCLOSURE OF INTEREST

Nil

**4. CONFIRMATION OF MINUTES**

**RESOLUTION:**

**That the Minutes of the Council Meeting on 12 August 2020 as circulated be confirmed.**

**Moved: Cr Belinda Coates**

**Seconded: Cr Mark Harris**

**CARRIED**

**(R213/20)**

**5. MATTERS ARISING FROM THE MINUTES**

Nil

**6. PUBLIC QUESTION TIME**

Cameron Montgomery, Executive Manager Governance and Risk read the written questions received.

**QT67/20 - Stephanie Rosestone****Question**

Do Councillors have a concern for the potential impact of the Western Victorian Transmission Network Project on matters protected by planning overlays within the council boundaries, namely Environmental Significance, Vegetation Protection and Bushfire Management? How will Council represent these environmental and safety interests and issues within the project development and assessment processes?

**Answer**

Cr Tillett responded that as a North Ward Councillor, until the matter goes before the Environment Significance Review that has been announced by the Government, and until he gets a good idea where the pathway is, he doesn't know how to fight the fight. Cr Tillett noted that there is a view that it will go through Wattle Flat, which he is receiving advice to the contrary, and he notes from the documentation provided tonight that there is a potential third pathway that he doesn't know anything about. Cr Tillett stated that at the appropriate time, Council will take appropriate steps to support the community in the best interest of the City.

Cr Moloney asked for a response from Officers as to when can we expect an update from the project on the preferred route?

Janet Dore, Chief Executive Officer responded that there is a Chief Executive Officers group who are meeting with all their delegates and are meeting with AusNet, and they have a Council engagement process and there is nothing specific at the moment. Janet advised that she asked last week why the line could not be underground and the response was that it's too expensive. Terry Natt in the Strategic Planning team is representing Council on the group and will feed us information when we get it but there is nothing specific yet.

Cr Hudson requested all questions relating to Wattle Flat be read together and questions all be answered at once.

**QT68/20 - Karolina Kuzmich****Question**

Are Council aware that the Wattle Flat community are very disappointed in the lack of support/communications they have received regarding the W.V. transmission project? How does Council see their role in this project and what action will they be taking?

**QT69/20 - Jane Neville****Question**

When did the planning department of Council become aware of the Western Victorian Transmission Network Project, and what actions have Councillors and relevant Council

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management employees taken regarding the potential impact on particularly the North Ward by this project, on matters protected by planning overlays within the council boundaries, namely Environmental Significance, Vegetation Protection and Bushfire Management?

Are Council aware of a potential third route, recently communicated in writing by AusNet, that will go south of Glen Park State Forest?

### **QT70/20 - Sue Quinlan**

#### **Question**

Last year our farm 'Banyandah Homestead' which is in Wattle Flat was used for training purposes for Aviation Victoria for training helicopter pilots for firefighting. As our lake is in close proximity to Ballarat airport and has access for 2 helicopters to be in use if a fire occurs it's essential for Ballarat and surrounds to be used. If this Western Victoria Transmission Network Project goes ahead the helicopter firefighters will not be able to use it. As our farmland adjoins Glen Park National Forest & Creswick State Forest if a Fire was to occur Ballarat would be highly at risk.

My question is to your Councillors, is how do you propose to assist the Wattle Flat Community Action Group in seeking to have the Transmission Towers built underground so our Ballarat and surrounding area feel safe in the future. I request that you come to our Banyandah Homestead Farm and see the area of interest.

#### **Answer**

Mr Mayor asked if Council is aware of a potential third route that has been recently communicated in writing from AusNet that will go South of Glen Park?

Natalie Robertson, Acting Director Development and Growth responded that she doesn't believe we have received any communication on a potential third route and we will do some investigating to see if there is anything in the public realm.

Cr Coates asked for more clarity around timing for the key information like the routes and the Environmental Significance Study for example.

Janet Dore, Chief Executive Officer responded that she has no idea about timing from the documents she has seen, but it's not looking like under a year and maybe more like 18 months or 2 years.

Cr McIntosh asked if we have looked at a collaborative way forward with regards to consultation with this given that there are other surrounding municipalities and we have bodies such as the Central Highlands group of Councils that we can be a stronger voice. This may provide more impact and possibly more clarity.

Natalie Robertson, Acting Director Development and Growth responded that there has been joint correspondence sent by a number of surrounding Councils as well as sent individually by City of Ballarat.

**QT71/20 - Michael Moloney****Question**

Council issued a press release on 19/8/20 informing the community that a Sydney-based architecture firm had been awarded the contract to design the \$2.4m Ballarat Library of the Future upgrade. Does council believe this decision is justifiable in light the current pandemic, financial crisis, and Council's own "Be Kind" to local business initiative?

**Answer**

Janet Dore, Chief Executive Officer advised we recently revised the Procurement Policy and the Director Corporate Services has more information. However, she cannot make any apology for us procuring one of the best national firms when it also has local content engaged with it.

Sean Portelli, Acting Director Corporate Services responded by providing background on how the procurement policy works. The successful tenderer was awarded the future library refurbishment upgrade contract following a thorough and transparent selection process under Councils procurement policy. It was awarded after a two stage process. The first was an expression of interest which received 26 submissions and was short listed down to 3 firms who were invited to tender. The successful company will be using several local contractors creating jobs for local workers during the construction phase.

**QT72/20 - Michel Moloney****Question**

After following a "thorough and transparent selection process under Council's new Procurement Policy" (footnote 1), Council has awarded a \$2.4M design project to a Sydney-based architecture firm. Considering that local award-winning architecture firms were denied the opportunity to tender on this project, does Council consider this new policy to be a success when it fails to support local jobs or give local businesses a fair go?

**Answer**

Sean Portelli, Director Business Services responded that the background information he provided previously applies to this question as well in relation to the tender process.

**RESOLUTION:**

**That Council extends public question time in accordance with clause 3.7.1 of the City of Ballarat Governance Rules.**

**Moved: Cr Samantha McIntosh**

**Seconded: Cr Jim Rinaldi**

**CARRIED**

**(R214/20)**



**QT73/20 - Bob Hartmann****Question**

This question is regarding the establishment Koala Plan implementation committee as identified in the Koala Plan of Management and agreed to at the March 11th 2020, City of Ballarat Council meeting as the minutes recorded.

On 12th August the Friends received a letter from Ms N Robertson reporting that our request had been passed to the Living Corridors Action Plan.

We welcome the inclusion of strategic Koala issues within that plan however it does not and cannot address the operational issues that affect Koalas, as per the original Koala Plan, on a day by day basis in the city area.

These operational issues include the following

- Koala monitoring, including oversight and approvals.
- Koala catching methods:
- Injured and deceased Koalas
- Community education.
- Working with Parks Victoria, Rural Roads Victoria and other agencies on Koala related issues.
- And being a responsive conduit when projects or items affect koalas

My question is:

Considering that at the 11 March 2020 Council meeting, two Councillors offered to chair the Koala Plan implementation committee. When will the first meeting of this committee be scheduled? (Covid 19 safe methods and procedures could be utilised).

**Answer**

Natalie Robertson, Acting Director Development and Growth responded that the Kola Management Plan is reviewed as part of the Living Corridors Action Plan which is being currently being developed by Council. There was a commitment by Council to have a draft completed by middle of 2020, however, in the circumstances we have had delays in our progress. The intent of the Living Corridors Action Plan is to provide governance and land use actions alongside engagement actions and ensure the broadest possible reach to external stakeholders to assist in koala protection. Operational matters and the establishment of a Koala Plan implementation committee will be considered as part of this review. At this stage we have not implemented and are not likely to until the new Council is elected in November.

Cr Des Hudson acknowledged the time that has passed and stated that this could have been handled better.

**QT74/20 - John Barnes****Question**

With carryover from last year to this of a record-breaking \$55m, and cash-flows showing no need to borrow \$22m adopted on July 8's Budget, what changes will be made to future budget processes to ensure decisions are made on accurate data and assumptions, and do you think

in hindsight, you should have given yourselves until the end of August to better estimate the carryovers before adopting the budget, as I submitted at the time?

**Answer**

Sean Portelli, Acting Director Corporate Services responded that the carryover process doesn't necessarily need to happen. His advice to the next Director Corporate Services would be that part of the budget process all these carryovers be incorporated into the budget and as close to the 30 July as possible as that's when we make reasonable estimates based on professional judgement of how much we think will be carried over in the next year. In short there wouldn't be a carryover process, it would be those carryover projects would form part of the capital works for the following year budget. In relation to timeliness, one of the usefulness of a budget is to give managers certainty about the resources they need to do their spending and therefore, if the financial year starts on 1 July, its highly desirable to have the budget approved before 1 July to give mangers the certainty they need to deliver what they need to deliver.

**QT75/20 - John Barnes****Question**

Excluding approximately \$20m of advanced payments, leaving \$35m for projects to go over more than one financial year, how much of the \$35m carryover is due to projects being budgeted either without an expenditure profile or running behind schedule; and with a capital spend for 2020/21 of now \$93m, what have you put in place to reassure the public that you are capable of delivering such a large program?

**Answer**

Sean Portelli, Acting Director Corporate Services responded that with the budget profiling, which is part of the quarterly report for July-September we will have a look at the profiling or phasing of the project life cycle of these projects. He understands in relation to recreation projects, which is a \$10m capital spend, it may go over 2 or 3 years, but moving forward we will ensure that the money going into this financial year, will be disclosed there and in forward years they won't form part of the budget. In speaking to the directors, it's their intention to deliver those projects.

Mr Mayor asked about the cash flow on hand, as we did have in the budget the fall back of borrowing up to \$22m if needed. How is Councils financial position in relation to the option to borrow against the \$22m? Can you please provide an update on how Council is performing with cash on hand and the need?

Sean Portelli, Acting Director Corporate Services responded that the cash position of Council is very strong and at this point in time he can't see Council having a need to borrow it, or even at the end of the year. He advised these are uncertain times, but it is comforting to know that we have the ability to borrow \$22m if Council needs to.

**QT76/20 - Kevin Zibell****Question**

This question is regarding the planning applications for the proposed development PLP/2020/33 at 2001 Geelong Road and 1106 Warrenheip Street Buninyong PLP/2020/418.

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The letter said in part:

*“As I’m sure you understand it isn’t possible to have a meeting at the moment due to the restrictions imposed by the Covid-19 Pandemic...”*

and

*“While it was not possible to hold a formal mediation meeting please be assured that your concerns were considered in the assessment of the proposal.”*

Today (September 2, 2020) I received an email from the Manager of Statutory Planning that contains the following:

*“As the COVID19 restrictions are in place, Council is not in a position to hold a mediation meeting for this application.*

*I wanted let you know that are yet to make a decision on this application, but will have regard to the concerns you have raised when making a decision on the application.*

*We will provide you with a copy of the decision made.”*

There are a number of objectors to both applications and we have requested meetings via zoom or similar with the Councils Statutory Officers. These requests have not been agreed to, using the COVID restrictions as the reason.

Buninyong & District Community Association is disappointed with these responses and will raise them formally through a letter. We regard the inability of Statutory Planners to make alternative meeting arrangements as being poor process.

We note the Council has just adopted “New Governance Rules and Public Transparency Policy” at its last meeting.

*My question is:*

- 1. When did the Council decide to stop the mediation process?*
- 2. Will the Council require the mediation processes to occur as intended by utilising COVID Safe measures and thus meeting Council’s new Public Transparency Policy.”*

### **Answer**

Natalie Robertson, Acting Director Development and Growth responded by explaining the process. At the beginning of the COVID-19 pandemic, State Government declared that Statutory Planning process should not be impeded by the pandemic and planning matters should continue to be considered. Conducting mediations at the onset of the pandemic was difficult and options of Zoom and larger Teams meetings were not available to us. We are only now trying to determine how we can conduct a better mediation process in the current circumstances. However, the mediation process is not a mandated requirement under the Planning and Environment Act and it’s an option that Council chooses to in normal circumstances try to bring the parties together to a better outcome.

We consider that the proses we are using can be considered a mediation process although it is not the usual type.

Officers receive objections, discuss objections with the objector, discuss these concerns with the applicant, and ask the applicant to respond which they have in this case, and the plans were revised however objections were upheld.

The officer weighs up those objections quite extensively in their reports.

**RESOLUTION:**

**That the questions be received.**

**Moved: Cr Des Hudson**

**Seconded: Cr Amy Johnson**

**CARRIED**

**(R215/20)**

**RESOLUTION:**

**That item 11.2 ICAN Cities Appeal be brought forward.**

**Moved: Cr Mark Harris**

**Seconded: Cr Amy Johnson**

**CARRIED**

**(R216/20)**

**11.2. ICAN CITIES APPEAL**

Lynne Reeder, Mary Hollick, Margaret Beavis and Margaret Lenan Ellis made public representations.

Pete Appleton, Acting Director Community Wellbeing read Madonna Quixley's written submission.

**RESOLUTION:****That Council:**

1. **Endorses the ICAN Cities Appeal, that is, that Ballarat City Council “is deeply concerned about the grave threat that nuclear weapons pose to communities throughout the world. We firmly believe that our residents have the right to live in a world free from this threat. Any use of nuclear weapons, whether deliberate or accidental, would have catastrophic, far-reaching and long-lasting consequences for people and the environment. Therefore, we warmly welcome the adoption off the Treaty and the Prohibition of Nuclear Weapons by the United Nations in 2017, we call on our national government to sign and ratify it without delay.”**
2. **Write to the Minister of Foreign Affairs and the Shadow Minister for Foreign Affairs informing them that Council has endorsed the ICAN Cities Appeal and call for the government to sign and ratify the Treaty of behalf of the Australian people.**
3. **Write to ICAN to inform them of Council’s decision to join the ICAN Cities appeal.**

**Moved: Cr Belinda Coates**

**LOST**

**Seconded: Cr Daniel Moloney**

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

**For the Motion were Councillors:** Cr Moloney  
Cr Harris  
Cr Coates

**Against the Motion was:** Cr Hudson  
Cr McIntosh  
Cr Rinaldi  
Cr Tillett  
Cr Johnson  
Cr Taylor

## **7. REPORTS FROM COMMITTEES/COUNCILLORS**

### **GB56/20 - Cr Samantha McIntosh**

Cr McIntosh noted the trees in Black Hill Reserve and stated that she believes that it is important that we should listen to concerns because the community haven't seen consultation.

Darren Sadler, Acting Director Infrastructure and Environment responded that the pine plantations have been assessed across the City as a broad-based assessment of all the plantations across our municipality and there are concerns raised as part of those assessments. We will harvest the plantations across the City, and it is purely based on the safety concerns that we hold given their age which is well past their life. Following the harvesting, the areas will be reinstated, and that is where we feel the consultation with the community is best offered to provide the community with the opportunity to be engaged in discussion about how those areas will be further reinstated once those pines have been removed.

Mr Mayor asked if the consultation will be prior to the removal?

Darren Sadler, Acting Director Infrastructure and Environment responded that we are waiting for the final assessment to determine how harvesting will occur. Again, due to the safety of this, the consultation will be very limited and will just be when the harvesting will occur. The main component of the consultation will occur with the reinstatement of the areas following the removal.

Cr McIntosh asked for a follow up report to Assembly about the project, removal and reinstatement of the trees.

### **GB57/20 - Cr Des Hudson**

Cr Hudson noted that this would be Director Neville Ivey's Council meeting however he isn't online tonight, but this would be his last Council Meeting. Cr Hudson noted that Director Ivey has been with Council for 11 years and has had a distinguished career during his time at Council. Cr Hudson wished him and his family all the very best and thanked him for his service.

### **GB58/20 - Cr Grant Tillett**

Cr Tillett noted that there has been comments in the paper about the desirability of the removal of the trees and he understands where and why that is coming from. If there has been a failure in this matter at all, it is that we did miss perhaps a public relations exercise of telling the people in the various areas where these plantations are what has happened. Cr Tillett advised that as a member of the portfolio committee that deals with these matters, I recall receiving a presentation from the Manager of Parks and Gardens in which he reported that the arborist had declared these trees to be if not a danger at the moment, certainly on the verge. Some in a bad state and varying degrees of disrepair. Cr Tillett acknowledged that Council are not in a position as a Council to allow defined risks to last longer than necessary.

**GB59/20 – Cr Amy Johnson**

Cr Johnson congratulated residents on their great advocacy work regarding the Black Hill trees.

Cr Johnson noted that she has requested for a briefing back to Council on the ability of rate relief similar to Golden Plains Shire.

**GB60/20 - Cr Mark Harris**

Cr Harris asked if Golden Plains Shire had a 0% rate increase or was the package additional?

Cr Johnson responded that they had a rate increase and then used a targeted method to make sure that the relief went to those that most needed it.

**GB61/20 - Belinda Coates**

Cr Coates thanked community members and officers involved in the Advisory Committees that she has been part of and outlined that the committees have wrapped up prior to the caretaker period.

Cr Coates thanked everyone for the questions regarding the Black Hill pine trees and for requesting further information.

Cr Coates noted that in reference to the rate discussion, Council did explore other options and decided upon a 0% rate rise although she is happy to consider discussions again.

**8. CHIEF EXECUTIVE OFFICER REPORT**

**8.1. CHIEF EXECUTIVE OFFICER REPORT**

**Division:** Executive Unit  
**Director:** Janet Dore  
**Author/Position:** Janet Dore – Chief Executive Officer

**RESOLUTION:**

**Council resolves to:**

**Receive and note the CEO’s Operational Report.**

**Moved: Cr Daniel Moloney**

**Seconded: Cr Grant Tillett**

**CARRIED**

**(R217/20)**

**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:** Executive Unit  
**Director:** Janet Dore  
**Author/Position:** Sarah Anstis - Statutory Compliance Officer

#### RESOLUTION:

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

- 8 July 2020 Infrastructure and Environment Portfolio Meeting
- 22 July 2020 Mayor, Councillor and CEO Meeting
- 28 July 2020 Councillor Strategic Workshops
- 29 July 2020 Mayor, Councillor and CEO Meeting
- 31 July 2020 Prosperity Portfolio
- 5 August 2020 Strategic Briefing
- 5 August 2020 Mayor, Councillor and CEO Meeting
- 11 August 2020 Councillor Strategic Workshop
- 11 August 2020 Councillor Portfolio Meeting
- 13 August 2020 Mayor, Councillor and CEO Meeting
- 14 August 2020 Prosperity Portfolio
- 19 August 2020 Agenda Review Briefing
- 21 August 2020 Disability Advisory Committee

**Moved:** Cr Daniel Moloney

**Seconded:** Cr Jim Rinaldi

**CARRIED**  
**(R218/20)**

#### 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. COMMUNITY ENGAGEMENT REVIEW REPORT 2019/2020**

**Division:** Community Wellbeing  
**Director:** Pete Appleton  
**Author/Position:** Pete Appleton – Acting Director Community Wellbeing

**RESOLUTION:****Council resolves to:**

- 1. Note the benchmarking and delivery of community engagement practice across Council since the adoption of the Community Engagement Framework in March 2019.**
- 2. Commence the process to develop a new Community Engagement Policy prior to 1 March 2021 as required by the Local Government Act 2020.**

**Moved: Cr Belinda Coates**  
**Seconded: Cr Des Hudson**

**CARRIED**  
**(R219/20)**

**EXECUTIVE SUMMARY**

This report provides Council with a summary of the community engagement completed across the organisation since March 2019. It is the first full annual report in relation to community engagement since the adoption of Council's Community Engagement Framework in March 2019. The report articulates the level and extent of engagement undertaken across the organisation, reports on community engagement benchmarking results announced through the last year and illustrates how the organisation continues to build capacity across the staff teams working on projects where community engagement is required. As well as responding to a recommendation from the Victorian Auditor General's Office in relation to public participation and community engagement, the report aligns with the *Local Government Act 2020* and the need for Council to adopt a new Community Engagement Policy by 1 March 2021.

**10.2. LAKE WENDOUREE SPEED LIMIT REDUCTION REQUEST**

**Division:** Development and Growth  
**Director:** Natalie Robertson  
**Author/Position** Natalie Robertson - Acting Director Development and Growth

**RESOLUTION:****Council resolves to:**

- 1. Undertake an awareness campaign whilst collecting new traffic survey data and report back to Council the findings of this data.**
- 2. Request Regional Roads Victoria remove driver confusion and create a standardised 40 km/h on the southern side of Wendouree Parade to ensure there are no short isolated sections of 50 km/h between Pleasant St Primary School and Ripon St and Pleasant St Primary School and Loreto College. This would create a uniform 40 km/h on the western and southern sides of Lake Wendouree, and a uniform 50 km/h on the northern side. The eastern section would remain the transition between the two speed zones.**
- 3. Conduct an awareness campaign over summer 2020/21 for Wendouree Parade that encourages responsible driver, cyclist and pedestrian behaviour.**

**Moved: Cr Daniel Moloney**

**CARRIED**

**Seconded: Cr Mark Harris**

**(R220/20)**

**EXECUTIVE SUMMARY**

In late 2019 the Lakes and Gardens Advisory Committee formally requested Council to investigate options to make Wendouree Parade a 40km/h Speed Zone for the entirety of the Lake. In support of this request Cr Daniel Moloney at the 30 October 2019 meeting requested a report to Council to respond to this request.

Following this request and in line with consent requirements, officers sought Regional Roads Victoria (RRV) consideration for a uniform 40km/h limit on the entire Wendouree Parade circuit. The formal response confirmed that the current speed limits on Wendouree Parade are deemed appropriate, with 40km/h in high pedestrian activity areas/school zones and 50km/h in the balance, built-up/residential areas which was also supported by Victoria Police. RRV have however advised should Council consider it appropriate to change the entire parade to 40km/h the correct Speed Zone Process must be followed for support to any change to speed limits signs.

**10.3. NAMING OF THE BALLYMANUS CENTRAL PARK**

**Division:** Development and Growth  
**Director:** Natalie Robertson  
**Author/Position:** Lily Garrod – Administration Officer Growth Areas  
Facilitation

**RESOLUTION:**

**Council resolves to:**

**Adopt the proposal to name the first central park in the Ballarat West Growth Area “Djila-tjarriu” (pronounced Jilla-ja-roo) meaning “place of play”.**

**Moved: Cr Belinda Coates**

**CARRIED**

**Seconded: Cr Daniel Moloney**

**(R221/20)**

**EXECUTIVE SUMMARY**

This report proposes to name the first central park in the Ballarat West Growth Area “Djila-tjarriu” (Jilla-ja-roo) meaning “Place of Play”. This proposal to name the park reflects its history of traditional owners of the land, Wadawurrung, with the land preserved for people to come together to enjoy and appreciate it. The City of Ballarat has collaborated with Wadawurrung to receive language permission for the use of Djila-tjarriu.

The naming proposal has undergone a community and public consultation process conducted in accordance with the current Naming Rules for Places in Victoria (Naming Rules). The naming proposal received 13 formal submissions in favour and seven formal submissions against the naming proposal. The seven submissions against the proposal were about the inconsistencies with the estate theme, Irish/Anglo-Saxon historical links, and option to vote. The suggestions detailed in the objections received are not in accordance with the Naming Rules, Principle (I). The 13 submissions received in favour of the naming proposal supports the City of Ballarat’s indigenous heritage and the opportunity to understand the culture and language of the traditional owners.

**10.4. COUNCIL PLAN QUARTERLY REPORT**

**Division:** Corporate Services  
**Director:** Sean Portelli  
**Author/Position:** Jennifer Brophy – Business Support Officer Innovation & Organisational Improvement

**RESOLUTION:**

**Council resolves to:**

**Note the progress report for the Council Plan 2017-2021.**

**Moved: Cr Grant Tillett**

**CARRIED**

**Seconded: Cr Samantha McIntosh**

**(R222/20)**

**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 April 2020 to June 2020 (Quarter 4).

The three-month performance 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:

- Participation in the Intercultural Cities program – The City of Ballarat has been a member of the Intercultural Cities Program since 2016. During this time, we have developed an Intercultural Strategy and developed an Australasian Chapter of Intercultural Cities in partnership with the Council of Europe. All of our programs and projects align with our intercultural principles outlined in the strategy.
- Implement the Ballarat Economic Program to facilitate investment and Ballarat jobs – This has been a four-year program and highlights have included: Ballarat West Employment Zone, Gov Hub, Creative Cities Strategy and strong growth across employment and economic output.
- Developing and implementing a Bakery Hill Master Plan and renewing key sites – The Bakery Hill Master Plan has been completed and adopted by Council, and progress has been made in planning for renewal of key sites. The business case is underway, and staff have been secured to facilitate the redevelopment.

**10.5. COMMUNITY ALLOCATIONS DELEGATED COMMITTEE**

**Division:** Community Wellbeing  
**Director:** Pete Appleton  
**Author/Position:** Pete Appleton – Acting Director Community Wellbeing

**RESOLUTION:**

In exercise of the powers conferred by s63 of the *Local Government Act 2020* (the Act), Council resolves that:

1. From the date of this resolution, the Community Allocations Delegated Committee be established.
2. The members of the Community Allocations Delegated Committee are: Cr Coates, Cr Hudson, Cr Tillett, Sofia Fiusco, David Harris and Dr Samantha Fabry
3. The chairperson of the Community Allocations Delegated Committee is:  
Cr Hudson
4. A quorum for the Committee is a whole number that is an absolute majority, which is the number of members that is greater than half the total number of members of the Delegated Committee.
5. All members of the Delegated Committee have voting rights on the Delegated Committee.
6. Endorse the Community Allocations Delegated Committee Terms of Reference.
7. Disband the Community Grants Special Committee established by Council 27 January 2011 (R030/11).
8. Revoke the Community Grants Special Committee Terms of Reference endorsed on 25 October 2017 (R391/17).
9. Revoke the Community Impact Special Committee C4 Instrument of Delegation endorsed by Council on 23 August 2017 (R280/17).

**Moved: Cr Grant Tillett**

**Seconded: Cr Des Hudson**

**CARRIED  
(R223/20)**

**EXECUTIVE SUMMARY**

The purpose of this report is to establish the following committee:  
Community Allocations Delegated Committee

The report is to also adopt the Terms of Reference, endorse the members, determine the Chairpersons for the delegated committee, disband the Special Committee and revoke their C4 Instrument of Delegation and Terms of Reference.

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**10.6. SUPPORT OPTIONS FOR ROYAL SOUTH STREET SOCIETY**

**Division:** Community Wellbeing  
**Director:** Pete Appleton  
**Author/Position:** Jeff Johnson – Executive Manager Events and Tourism

**RESOLUTION:****Council resolves to:**

- 1. Vary the Royal South Street Society Funding Agreement to allow payment of the 2020 instalment of \$60,000 (Excl. GST) to the Society even though the Eisteddfod cannot be presented due to the impacts of the Coronavirus (Covid-19) pandemic.**
- 2. Recognise the efforts of the Royal South Street Society Board to host the 2020 Eisteddfod in the face of extreme challenges presented by the Coronavirus pandemic.**

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

**CARRIED**  
**(R224/20)**

**EXECUTIVE SUMMARY**

This report has been produced following a request from the Royal South Street Society (RSSS) for a contract variation to their Strategic Partnership funding agreement 2019 – 2022. Whilst the impact of Covid-19 has resulted in the cancellation of all live performances of the 2020 South Street Eisteddfod, the RSSS have requested Council provide the full funding payment for 2020.

The loss of revenue to RSSS from the event cancellation will present significant challenges to the organisation's ongoing viability. This financial situation is further exacerbated by the reduced income for RSSS from the 2018 and part of 2019 event. This was a result of the unavailability of Her Majesty's Theatre and the subsequent increased net costs of an alternate performance space.

**10.7. NIGHTINGALE STREET, NEWINGTON: ROAD DISCONTINUANCE/SALE**

**Division:** Infrastructure and Environment  
**Director:** Darren Sadler  
**Author/Position:** Linda Skewes – Property Officer

**RESOLUTION:****Council resolves to:**

- 1. Exercise the powers conferred by Clause 3 of Schedule 10 of the *Local Government Act 1989* to commence the statutory procedures to discontinue the road which is currently occupied as a shared driveway for vehicular access to both 13 and 15 Nightingale Street.**
- 2. Subject to satisfactory resolution of any submissions received in response to Section 223 of the *Local Government Act 1989*, delegate to the Chief Executive Officer to dispose of the land at market value.**

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

**CARRIED**  
**(R225/20)**

**EXECUTIVE SUMMARY**

A request has been received to discontinue a road to enable a re-establishment of the residential title boundary for the property at 13 Nightingale Street, Newington. As a result of historical circumstances, the subject road reserve, carriageway, vests in Council as per the *Local Government Act 1989*. The land is currently occupied as a shared driveway for vehicular access to both 13 and 15 Nightingale Street, Newington and is approximately 41 square metres. It is recommended that the statutory procedures to discontinue and close this road be undertaken to enable the sale of this land to 13 Nightingale Street, Newington, which will allow the owner to formalise their property boundaries and ownership. Further it is recommended that the Chief Executive Officer be delegated authority to formalise the disposal for the road reserve subject to any submission being appropriately resolved.



**10.8. CARRYOVERS**

**Division:** Corporate Services  
**Director:** Sean Portelli - Acting Director Corporate Services  
**Author/Position:** Stephen Bigarelli - Acting Manager Financial Services

**RESOLUTION:**

**Council resolves to:**

**Approve the addition of \$54.658 million as a Carryover to the 2020/21 Budget to fund existing projects and activities commenced in the 2019/20 financial year, as per the attached listing of projects.**

**Moved: Cr Daniel Moloney** **CARRIED**  
**Seconded: Cr Grant Tillett** **(R226/20)**

**EXECUTIVE SUMMARY**

This report sets out those items that are required to be carried forward to the 2020/21 Budget from the previous financial year due to grants being received in advance and/or unfinished projects as at 30 June 2020. The total funds being recommended to be carried forward equates to \$54,657,872. Of this amount to be carried forward, \$18,772,384 are funds received from government during 2019/20, and this income relates to works and services that were programmed to be delivered in the 2020/21 financial year.

The table below provides a summary of funding sources by Capital and Recurrent Projects:

	Council Funded \$	Govt Funded \$	Total \$
Capital Projects	35,533,485	8,030,367	43,563,852
Recurrent Projects	352,003	10,742,017	11,094,020
	<u>35,885,488</u>	<u>18,772,384</u>	<u>54,657,872</u>

Refer Attachment Statement of Cash Flows Management Report for the impact on Cash as a result of adopting Carry Overs. In summary, if the budget is implemented as adopted (excluding Proceeds from Borrowings which at this point appears unnecessary), at the end of the 2020/21 Financial year, Council will have Cash, Cash Equivalents and Term Deposits of \$41.233M. Of these funds, \$18.415M will be committed funds leaving \$22.818M as unrestricted cash.

**10.9. CONTRACT FOR MICROSOFT LARGE ACCOUNT RESELLER**

**Division:** Corporate Services  
**Director:** Sean Portelli  
**Author/Position:** Chris Crawley – ICT Service Delivery Manager

**RESOLUTION:**

**Council resolves to:**

**Approve the execution of contract '2020/21 - 91Q' to deliver Microsoft software and associated services to the nominated Large Account Reseller with an estimated amount of \$2,025,000.00 (GST excl.) for a period of thirty six months, effective as of 1 August 2020.**

**Moved: Cr Grant Tillett**  
**Seconded: Cr Mark Harris**

**CARRIED**  
**(R227/20)**

**EXECUTIVE SUMMARY**

Council enter into a new Microsoft Enterprise Agreement as a result of the market testing completed by Municipal Association of Victoria (MAV) and Council officers.

**10.10. CONTRACT FOR TELECOMMUNICATIONS DATA AND INTERNET CONNECTIVITY**

**Division:** Corporate Services  
**Director:** Sean Portelli  
**Author/Position:** Chris Crawley - ICT Service Delivery Manager

**RESOLUTION:**

**Council resolves to:**

**Approve the execution of contract '2020/21 - 93Q' to deliver essential telecommunications data and Internet connectivity to the nominated Service Provider with an estimated amount of \$1,260,000.00 (GST excl.) for a period of thirty-six months.**

**Moved: Cr Grant Tillett**

**CARRIED**

**Seconded: Cr Daniel Moloney**

**(R228/20)**

**EXECUTIVE SUMMARY**

Council can enter into a new telecommunications data and Internet connectivity agreement as a result of the market testing completed by the State of Victoria's Department of Premier and Cabinet (DPC) and Council officers.

**10.11. CONTRACTS SPECIAL COMMITTEE MINUTES - 29 JULY 2020**

**Division:** Corporate Services  
**Director:** Sean Portelli  
**Author/Position:** Lorraine Sendall - Executive Assistant, Director Corporate Services

**RESOLUTION:****Council resolves to:**

1. Note, as per the *Local Government Act 2020* Section 66 that this matter is designated confidential.
2. Receive the Contracts Approval Special Committee minutes of the meeting held on 29 July 2020.

**Moved: Cr Mark Harris**  
**Seconded: Cr Grant Tillett**

**CARRIED**  
**(R229/20)**

**EXECUTIVE SUMMARY**

The purpose of this report is to provide Council with copies of minutes of Council's Contracts Approval Special Committee in accordance with the adopted Terms of Reference. At the meeting of this Committee held on 29 July 2020, one contract was approved by the Committee. This report provides a copy of the minutes of this meeting as well as detailing summary information in relation to this Contract.

**10.12. S11A INSTRUMENT OF APPOINTMENT AND AUTHORISATION (PLANNING AND ENVIRONMENT ACT 1987)**

**Division:** Executive Unit  
**Director:** Janet Dore  
**Author/Position:** Sarah Anstis - Statutory Compliance Officer

**RESOLUTION:****Council resolves to:**

1. Revoke the S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) for Angelique Lush (R181/20).
2. Revoke the S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) for Darren Sadler (R138/20).
3. Revoke the S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) for Kimberley Purvis (R138/20).

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

**CARRIED**  
**(R230/20)**

**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 Angelique Lush, Darren Sadler and Kimberley Purvis.

**10.13. OUTSTANDING QUESTION TIME ITEMS**

**Division:** Executive Unit  
**Director:** Janet Dore  
**Author/Position:** Sarah Anstis -Statutory Compliance Officer

Cameron Montgomery, Executive Manager Governance Risk read John Barnes' written submission.

**RESOLUTION:**

**Council resolves to:**

**Endorse the Outstanding Question Time report.**

**Moved: Cr Grant Tillett**  
**Seconded: Cr Mark Harris**

**CARRIED**  
**(R231/20)**

**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****11.1. BALLARAT RAILWAY GATES**

At the 24 June 2020 Ordinary Council Meeting, item 11.1 Notice of Motion (as amended) was deferred to a future Council meeting.

**That Council:**

- 1. That this Council notes and affirms the established heritage importance of the Ballarat Station Railway gates; and**
- 2. In view of the recent accident and damage to the gates requests VicTrack to keep Council fully informed of its plans to restore the gates and investigate the incident so that future risks to the public are eliminated; and**
- 3. Advises all relevant Ministers and stakeholders of this position.**
- 4. Notes that Council as the Responsible Planning Authority will deal with the future planning permit application on its merits.**

**Moved: Cr Samantha McIntosh**

**Seconded: Cr Grant Tillett**

**RESOLUTION**

The motion be taken from the table.

**Moved: Cr Grant Tillett**

**Seconded: Cr Des Hudson**

**CARRIED**

**(R232/20)**

**MOTION:**

**That Council:**

- 1. That this Council notes and affirms the established heritage importance of the Ballarat Station Railway gates; and**
- 2. In view of the recent accident and damage to the gates requests V/Line to keep Council fully informed of its plans to restore the gates and investigate the incident so that future risks to the public are eliminated; and**
- 3. Advises all relevant Ministers and stakeholders of this position.**
- 4. Notes that Heritage Victoria as the Responsible Planning Authority will deal with the future planning permit application on its merits.**

**Moved: Cr Samantha McIntosh**

**Seconded: Cr Grant Tillett**

**LOST**

**RESOLUTION:**

**That Council:**

- 1. Notes the established heritage importance of the Ballarat Station Railway gates and strong preference that they be reinstated if investigations conclude safety will not be compromised;**
- 2. Acknowledges that V/Line is the responsible authority for the restoration of the crossing at Lydiard St and calls for its opening to traffic as soon as possible; and**
- 3. Advise all relevant Ministers and stakeholders of this position.**

**Moved: Cr Daniel Moloney**

**Seconded: Cr Amy Johnson**

**CARRIED**

**(R233/20)**



