

**CITY OF
BALLARAT**



Ordinary Council Meeting

12 September 2018

Council Chamber, Town Hall, Sturt Street, Ballarat

MINUTES

Public Copy

**MINUTES OF A MEETING OF BALLARAT CITY COUNCIL HELD IN THE COUNCIL
CHAMBER, TOWN HALL, STURT STREET, BALLARAT ON WEDNESDAY
12 SEPTEMBER 2018 AT 7:00PM**

MINUTES

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1. OPENING DECLARATION

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

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

2. APOLOGIES FOR ABSENCE

2.1 Present

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

Ms Justine Linley - Chief Executive Officer
Mr Terry Demeo - Director Infrastructure and Environment
Mr Pete Appleton - Acting Director Community Development
Mr Glenn Kallio - Director Business Services
Ms Angelique Lush - Director Development and Planning
Mr Cameron Gray - Director Innovation and Organisational Improvement
Mr Cameron Montgomery - Executive Manager Safety, Risk and Compliance
Mr Darren Whitford - Coordinator Risk and Compliance Services
Ms Ali Evans - Administration Officer Statutory Compliance

2.2 Apologies

Cr Des Hudson
Cr Jim Rinaldi

RESOLUTION:

That the apologies be accepted.

Moved: Cr Belinda Coates
Seconded: Cr Daniel Moloney

CARRIED
R245/18

3. DISCLOSURE OF INTEREST

Nil

4. CONFIRMATION OF MINUTES

RESOLUTION:

That the Minutes of the Council Meeting on 22 August 2018 as circulated be confirmed.

Moved: Cr Belinda Coates

Seconded: Cr Daniel Moloney

CARRIED

(R246/18)

5. MATTERS ARISING FROM THE MINUTES

Nil

6. PUBLIC QUESTION TIME**QT55/18 - Mr Gary Fitzgerald - Ballarat East****Question**

At the Council meeting on 1 August 2018 I asked why the report on Freedom Camping had not been made public. I was told that this was because Freedom Camping did not meet the needs of Ballarat. Cr Tillett asked for a report and to my knowledge this has not happened. Can this please be confirmed?

Answer

Ms Angelique Lush - Director Development and Planning

Cr Tillett asked for a report on this and a report will be coming to briefing in two weeks time.

QT56/18 - Mr Gary Fitzgerald - Ballarat East**Question**

It is not long until Civic Hall is reopened. What arrangements are underway for the opening of Civic Hall and the Board of Management? The 'Save the Civic Hall' group are able to assist in any way.

Answer

Cr Samantha McIntosh, Mayor

The opening has been scheduled for later this year or early in 2019. It is important to also understand the impact of the works on the neighbouring GovHub site may alter the timing of the opening and what can be scheduled to occur in the Civic Hall. An undertaking was also given to include the Save Civic Hall group in discussion and planning for the opening of the hall and its use.

Ms Angelique Lush - Director Development and Planning

There is a plan that is developing nicely. We anticipate presenting this to Councillors for review in the near future, however, it is dependent on the sensitive works on the Gov Hub build. The impact of this will be delivered to Councillors in a briefing in a few weeks.

7. REPORTS FROM COMMITTEES/COUNCILLORS

RESOLUTION:

That Standing Orders be suspended at 07:18 pm to brief Council on “Taking Ballarat to the World”.

**Moved: Cr Samantha McIntosh
Seconded: Cr Grant Tillett**

**CARRIED
(R247/18)**

RESOLUTION:

That Standing Orders be resumed at 07:36 pm.

**Moved: Cr Grant Tillett
Seconded: Cr Amy Johnson**

**CARRIED
(R248/18)**

GB57/18 Cr Belinda Coates

I attended the Regional Waste Forum and the Climate Emergency Conference in Darebin.

I would like to call for briefings on:

- Exploring a single use plastics policy for City of Ballarat Events; and
- Travel Policy review with options.

GB58/18 Cr Grant Tillett

I would like an update on when the lights will be switched on at the Ballarat Link Road.

Mr Terry Demeo, Director Infrastructure and Environment

Powercor infrastructure requires an audit before it will be operational. The audit that was undertaken identified some minor works that were required. Powercor will complete another audit within the next week.

Cr Grant Tillett

Were these works required as a result of Council works or work by a contractor?

Mr Terry Demeo, Director Infrastructure and Environment

The issue was with the depth of cover of conduit in a specific area. This was an issue from Winslow and was corrected at their expense.

Cr Grant Tillett

Is there a water play park near the oval in Dowling Street?

Mr Terry Demeo, Director Infrastructure and Environment

There is no water play park in Dowling Street. The former pool is filled and is used as an off-lead dog park.

Mr Pete Appleton, Acting Director Community Development
This is Parkour infrastructure which was installed 4 or 5 years ago.

Cr Grant Tillett

There are major earthworks occurring at the Ballarat West Employment Zone (BWEZ) which I would suggest has an impact on the speed at which rainwater makes its way to the Burrumbeet Creek. Is there significant detention between the end of BWEZ and the time the water will get to the creek. Have any investigations been completed in relation to this?

Ms Angelique Lush, Director Development and Planning

The plans in place for BWEZ were all done to the required specifications with detailed modelling.

GB59/18 Cr Daniel Moloney

I call for a briefing on options for a second hockey pitch in Ballarat.

GB60/18 Cr Amy Johnson

I agree that we do need a second hockey pitch in Ballarat. Hockey Ballarat are restrained for growth due to only having one pitch.

Children's Week is coming up on 20-28 October 2018. There are some extraordinary events that will be happening with the program of events being released on the City of Ballarat website very soon.

GB61/18 Cr Samantha McIntosh, Mayor

I would like to remind Councillors of the document on the Central Victorian Goldfields World Heritage Listing Bid.

I would like to call for a report to Council on how we can battle online bullying on social media platforms and come together to advocate against online bullying and be a leader in this space to start to make a difference.

Moved: Cr Samantha McIntosh

CARRIED

Seconded: Cr Grant Tillett

(R249/18)

RESOLUTION:

To accept Councillor reports.

Moved: Cr Daniel Moloney

CARRIED

Seconded: Cr Ben Taylor

(R250/18)

8. ASSEMBLIES OF COUNCILLORS

8.1. 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:

- **1 August 2018 Infrastructure and Environment Portfolio Meeting No 180**
- **3 August 2018 Prosperity Portfolio Meeting Economic Partnerships**
- **8 August 2018 Clean Ballarat Committee Meeting No 13**
- **15 August 2018 Strategic Briefing**
- **17 August 2018 Prosperity Portfolio Meeting Events and the Arts**

Moved: Cr Daniel Moloney
Seconded: Cr Grant Tillett

CARRIED
(R251/18)

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*.

9. OFFICER REPORTS

9.1. VICTORIAN MASTERS AND PARA-CYCLING CHAMPIONSHIP TOURISM GRANT FUNDING APPLICATION

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

RESOLUTION:

Council resolves to:

- 1. Approve a one-year \$5,000 (excl. GST) Tourism Event Grant for the Victorian Masters and Para Cycling Championship event.**

Moved: Cr Daniel Moloney

CARRIED

Seconded: Cr Grant Tillett

(R252/18)

EXECUTIVE SUMMARY

Council has received a Tourism Event Grant application for the Victorian Masters and Para Cycling Championship event, planned for Saturday 6 to Sunday 7 October 2018. This is an annual event organised by Cycling Victoria and will be located predominantly in Learmonth, with elements of the course extending into the Pyrenees Shire.

The funding request is for \$5,000 and the event expects a total attendance of 1,000 people with an anticipated economic impact of approximately \$132,300.

9.2. NAIDOC FOOTBALL & NETBALL CARNIVAL TOURISM GRANT FUNDING APPLICATION

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

RESOLUTION:**Council resolves to:**

- 1. Approve a one-year \$15,000 (excl. GST) Tourism Event Grant for the NAIDOC Football & Netball Carnival event.**

Moved: Cr Amy Johnson

CARRIED

Seconded: Cr Belinda Coates

(R253/18)

EXECUTIVE SUMMARY

Council has received a Tourism Event Grant application for the NAIDOC Football & Netball Carnival event, planned between Friday 12 and Sunday 14 October 2018. This is an annual event organised by Ballarat and District Aboriginal Cooperative (BADAC) and will be held at MARS Stadium, Lakers Oval and Wendouree Basketball Centre.

The funding request is for \$15,000 cash (excl. GST), the event expects a total attendance of 5,000 people with an anticipated economic impact of approximately \$1,269,000.

The Prosperity Portfolio Councillors have reviewed the event funding request and are in support of the application but recommend a cash funding amount of \$11,250 (excl. GST). Council is also supporting the event with free venue hire, including MARS Stadium, valued at \$3,000.

9.3. SOCIAL POLICY STATEMENT

Division: Community Development
Director: Neville Ivey
Author/Position: Breanna Doody - Coordinator Health and Social Planning

RESOLUTION:**Council resolves to:**

- 1. Place the Draft Social Policy Framework on public exhibition for one month facilitating community feedback through a range of engagement activities.**

Moved: Cr Grant Tillett

CARRIED

Seconded: Cr Amy Johnson

(R254/18)

EXECUTIVE SUMMARY

The purpose of the drafted Social Policy Framework is to articulate the principles, considerations, roles and responsibilities that will guide City of Ballarat policy development in areas of social concern and wellbeing. The position statements which will ensue from the Social Policy Framework will consolidate existing and related social policy from across the City of Ballarat to provide clarity about the City of Ballarat's policy position, key messaging, and roles and responsibilities regarding specific social issues, and will be added to over time.

We are proposing to undertake a program of community consultation to gather feedback on the draft Social Policy Framework and Position Statement templates between 24 September and 19 October 2018. This would involve: an online survey, drop in sessions, social media promotions and direct contact with key stakeholders and partners.

To assist with understanding of the Social Policy Framework we propose to release the drafted Social Policy Framework, a diagrammatic version of the Framework, an example of a Position Statement and a diagrammatic version of a Position Statement as attached.

9.4. CHCV FORMATION REPORT

Division: Innovation and Organisational Improvement
Director: Cameron Gray
Author/Position: Cameron Gray – Director Innovation and Organisational Improvement

RESOLUTION:**Council resolves to:**

- 1. Authorise the Chief Executive Officer to apply to have City of Ballarat join Central Highlands Councils Victoria Incorporated upon its registration.**
- 2. Appoints the Mayor as the City of Ballarat's representative for Central Highlands Councils Victoria Incorporated.**
- 3. Notes that the proposed incorporation of Central Highlands Councils Victoria and Council's membership does not involve an investment and/or risk exposure that exceeds the thresholds set out in s 193(5C) of the *Local Government Act 1989*.**

Moved: Cr Daniel Moloney

CARRIED

Seconded: Cr Ben Taylor

(R255/18)

EXECUTIVE SUMMARY

The purpose of this report is to support Central Highlands Councils to become an incorporated association pursuant to the *Associations Incorporation Reform Act 2012* and to authorise the Chief Executive to join the association once membership is available.

**9.5. COUNCIL COMMITTEE OF MANAGEMENT YUILLE CAIRN
WETLAND SEBASTOPOL**

Division: Infrastructure and Environment
Director: Terry Demeo
Author/Position: Darren Sadler – Executive Manager Property Services and
Facilities Management

RESOLUTION:**Council resolves to:**

- 1. Request the Department of Environment, Land, Water and Planning (DELWP) to appoint the City of Ballarat as the Committee of Management for the parcel of land known as CA 1E Section 11 Township of Sebastopol (Yuille Cairn Wetland).**

Moved: Cr Ben Taylor

CARRIED

Seconded: Cr Mark Harris

(R256/18)

EXECUTIVE SUMMARY

The Department of Environment, Land, Water and Planning (DELWP) has requested that the City of Ballarat be appointed as Committee of Management for the parcel of land known as CA 1E Section 11 Township of Sebastopol (Yuille Cairn Wetland), located in Vickers Street, Sebastopol.

Following investigation, it was discovered that in 1995 the City of Ballarat requested to be appointed as the Committee of Management of specified areas of Crown Land along the Yarrowee River. The Yuille Cairn Wetland area was identified within this request. This area is an unreserved parcel of Crown land, which forms part of the Yarrowee River Corridor.

A review of DELWP files revealed that the non-appointment of this parcel in 1995 was an oversight, and it did not occur.

This report is to again formally seek the Committee of Management appointment from DELWP for the site.

This site contains the Yuille Memorial and Council has maintained this site for many years.

9.6. BROADCASTING OF COUNCIL MEETINGS

Division: Business Services
Director: Glenn Kallio
Author/Position: Cameron Montgomery – Executive Manager Safety, Risk and Compliance Services

RESOLUTION:**Council resolves to:**

- 1. Approve in principle to live stream Ordinary and Special Council meetings, excluding matters to be considered in camera, where meetings are conducted in the Council Chambers, Town Hall, Sturt Street; and**
- 2. Authorise the Chief Executive Officer to make all arrangements necessary to commence live streaming via a Council website as the streaming platform (as described in Option 2 of this report).**

Moved: Cr Belinda Coates

CARRIED

Seconded: Cr Amy Johnson

(R257/18)

EXECUTIVE SUMMARY

At the Ordinary meeting held on 2 May 2018, Council resolved to receive a report investigating options and considerations related to live streaming of Ordinary, Special and other Council meetings.

Council officers have undertaken a review of the 79 other Councils across Victoria to determine if and how they live stream their meetings and considerations undertaken. It was noted that Council's utilise several different approaches to not only live stream, but also broadcast Council meetings. This report provides Council with the results of the review and further information as to the issues and impacts that would be associated with the various forms of live streaming of meetings.

9.7. NAME A NEW PARK IN ALFREDTON - KARINGGA PARK

Division: Infrastructure and Environment
Director: Terry Demeo
Author/Position: Lani Smith - Place Names Officer

RESOLUTION:**Council resolves to:**

- 1. Adopt the name Karingga Park for a new park which will be constructed as part of a development located to the south of Kilkenny Drive in Alfredton as detailed in the plan attached to this report.**

Moved: Cr Daniel Moloney

CARRIED

Seconded: Cr Mark Harris

(R258/18)

EXECUTIVE SUMMARY

This report details a recent naming proposal that has undergone a public exhibition process. The naming proposal has been conducted in accordance with the current *Naming Rules for Places in Victoria (Naming Rules)*. The name is supported by the local Registered Aboriginal Party and a consultation process in accordance with the *Naming Rules* produced no objections to the naming.

9.8. ADOPTION OF ANNUAL ACCOUNTS FOR 2017/18

Division: Business Services
Director: Glenn Kallio
Author/Position: Lorraine Sendall - Executive Assistant, Director Business Services

RESOLUTION:

Council resolves to:

- 1. Approve the 2017/18 Annual Financial Statements and Performance Statement in principle.**
- 2. Nominate Cr McIntosh and Cr Tillett to certify the 2017/18 Annual Financial Statements and Performance Statement on behalf of Council, once amendments or changes requested by the Auditor General have been made.**

Moved: Cr Grant Tillett
Seconded: Cr Mark Harris

CARRIED
(R259/18)

EXECUTIVE SUMMARY

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

The Audit Advisory Committee considered the Annual Financial Accounts at its meeting held on 5 September 2018 and moved a recommendation that Council approve the Annual Financial Statements and Performance Statement in principle.

PROCEDURAL MOTION:

That Council adjourn for 5 minutes at 8:58pm.

Moved: Cr Amy Johnson
Seconded: Cr Samantha McIntosh

CARRIED
(R260/18)

PROCEDURAL MOTION:

That Council resumes at 09:07 pm.

Moved: Cr Daniel Moloney
Seconded: Cr Ben Taylor

CARRIED
(R261/18)

9.9. S6 INSTRUMENT OF DELEGATION - MEMBERS OF STAFF

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

RESOLUTION:**Council resolves to:**

1. Revoke the S6. Instrument of Delegation - Members of Staff endorsed on 1 August 2018 (R212/18).
2. Exercise Council's power conferred by section 98(1) of the *Local Government Act 1989* and the other legislation referred to in the attached S6. Instrument of Delegation – Members of Staff.
3. Delegate each duty and/or function and/or power described in column 1 of the Schedule and summarised in column 2 of the Schedule, to the member of Council Staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule.
4. Authorise the S6. Instrument of Delegation – Members of Staff (Attachment 1) to:
 - a. Come into force immediately once the Common Seal of Council is affixed;
 - b. Remains in force until varied or revoked;
 - c. Be subject to any conditions and limitations set out in sub-paragraph 3.3 of the delegation and the Schedule; and
 - d. Be exercised in accordance with any guidelines or policies which Council, from time to time, adopts.
5. Sign and affix Council's Common Seal to the S6. Instrument of Delegation - Members of Staff.

Moved: Cr Ben Taylor
Seconded: Cr Grant Tillett

CARRIED
(R262/18)

EXECUTIVE SUMMARY

The purpose of this report is to present the revised changes to the S6. Instrument of Delegation - Members of Staff (Instrument) for Council's consideration. Changes to the Instrument of Delegation since the last approved iteration include:

- provisions for the new role Principal Statutory Planner (PSTP) and Senior Statutory Planner (SSTP) under the *Planning and Environment Act 1987*.

The revised delegation has been reviewed at officer level and is considered appropriate for the ongoing administrative efficiency of Council. The draft revised Instrument is presented at Attachment 1. Attachment 2 and 3 represents the required delegations for the new roles of Principal Statutory Planner and Senior Statutory Planner.

To adopt the amended Instrument, Council must revoke the Instrument that was endorsed at the Council meeting held on 1 August 2018 (R212/18) and endorse the revised Instrument (Attachment 1) reflecting changes to conditions and limitations within the Planning and Environment Act 1987.

9.10. 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. Endorse the S11A. Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) for Leah Slater, effective as at 12 September 2018.
2. Sign and affix Council's Common Seal to the S11A. Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*).

Moved: Cr Daniel Moloney

CARRIED

Seconded: Cr Grant Tillett

(R263/18)

EXECUTIVE SUMMARY

This report is also to endorse the S11A. Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) to:

Name of Employee	Date of Authorisation
Leah Slater	12 September 2018

9.11. OUTSTANDING QUESTION TIME ITEMS

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

RESOLUTION:

That Council endorses the Outstanding Question Time report.

Moved: Cr Daniel Moloney

Seconded: Cr Mark Harris

CARRIED

(R264/18)

EXECUTIVE SUMMARY

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

10. NOTICE OF MOTION

Nil

11. URGENT BUSINESS

Nil

12. SECTION 89 (IN CAMERA)

RESOLUTION:

That Council resolve, pursuant to Section 89(2) of the Local Government Act 1989, that the meeting be closed to members of the public at 09:09 pm whilst the Council is dealing with the following matters;

Moved: Cr Daniel Moloney

CARRIED

Seconded: Cr Grant Tillett

(R265/18)

12.1 EUREKA CENTRE COMMUNITY ADVISORY COMMITTEE MEMBERSHIP

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

(Personnel matters)

12.2 TENDER NO. 2017/18-258 HER MAJESTY'S THEATRE CONSERVATION PROJECT - STAGE 1 EARLY WORKS PACKAGE

Division: Development and Planning
Director: Angelique Lush
Author/Position: Robert Siemensma – Project Manager

(Contractual matters)

12.3 BURRUMBEET CARAVAN PARK

Division: Infrastructure and Environment
Director: Terry Demeo
Author/Position: Darren Sadler – Executive Manager Property Services and Facilities Management

(Any other matter which the Council or Special Committee considers would prejudice the Council)

