

**CITY OF
BALLARAT**



Ordinary Council Meeting

16 September 2020

Virtual Meeting

MINUTES
Public Copy

MINUTES OF A MEETING OF BALLARAT CITY COUNCIL HELD AS A VIRTUAL MEETING ON WEDNESDAY 16 SEPTEMBER 2020 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 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 - Director Business Services
Ms Natalie Robertson - 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 26 August and 2 September 2020 as circulated be confirmed.

Moved: Cr Mark Harris

Seconded: Cr Amy Johnson

CARRIED

(R234/20)

5. MATTERS ARISING FROM THE MINUTES

Nil

6. PUBLIC QUESTION TIME**QT77/20 - Stuart Kelly****Question**

Regarding the lighting of the Moneghetti track around Lake Wendouree. In order to keep faith with the concept of community consultation, will the published plans for this project be reassessed in response to the public feedback via Council's mySay pages which closed on Friday? Particularly in terms of the number and style of the lights to be used.

Answer

Janet Dore, Chief Executive Officer responded that the officers have been considering the feedback and there may be some further thought put in to the spacing and design and it may have to be a short further consultation period but we are actively working on it.

QT78/20 - Stuart Kelly**Question**

There is currently a planning permit application for yet another large electronic sign following those in Curtis Street, Sturt Street and Humffray Street North – this time for a sign on the historic but unprotected former Humffray Street Primary School. Can Council initiate the steps necessary to update the Planning Scheme to more adequately cover this type of sign?

Answer

Natalie Robertson, Director Development and Growth responded that this is current application that is not yet decided. The City's Strategic Planning Team is currently undertaking a heritage review that will ultimately result in updated and improved controls in the Ballarat Planning Scheme. Consultation around the community with the extent of heritage protection and the types of controls to be implemented is expected in 2021 and will form part of a wider program including development of a city wide housing strategy, employment land strategy and neighbourhood character study. The neighbourhood Character Study is currently open for submissions by MySay and this would be an opportunity to respond regarding signage there or proposed types of signage considerations.

Cr Grant Tillett asked how we define the City of Ballarat, and asked for confirmation that it includes the broader municipality and not just CBD.

Natalie Robertson, Director Development and Growth responded that The City of Ballarat is defined as the municipality. The Heritage review is taking submissions on the entire municipality so it does consider the entire of Ballarat.

QT79/20 - Penelope Greenslade**Question**

Now that the "have your say" community consultation process is closed, can the Council please make available all the submissions please on Lake Wendouree lights? A summary of what was said is not sufficient. I understand privacy issues could be involved here so I suggest the following data should be made publicly available:

- a. Total number of respondents
- b. Number of respondents who were concerned about effect of lights on wildlife
- c. Number of respondents who did not believe the lights would make the lake safer for users at night.
- d. Number of respondents who believed more people would use the lake at night and had data to support this view.
- e. Number of respondents who were concerned about type of lights and suggested lower, and less powerful lights
- f. Number of respondents who wanted solar powered lights
- g. Number of respondents who only wanted part of the lake lit
- h. Number of respondents who though the cost was too high wanted the \$1.7 spent on other more urgent projects.
- i. Number of respondents who did not see the need for additional lighting.

Answer

Darren Sadler, Acting Director Infrastructure and Environment responded that it is recognised there are broadly 3 main areas of concern being heritage, environmental impact and the design and height. The project team as part of the normal process are now considering all submissions and reviewing the project in line with them. More detail is being prepared and a demonstration site being considered to further engage with the community.

QT80/20 - Mary Debrett**Question**

With approximately \$2 million of State Government funding at stake, and given the importance of public transparency at this time, why was no alternative design for the Lake Wendouree lighting offered for public consideration / community engagement on the MySay Ballarat website—other than the proposed 220+ 5x metre high poles, which raise obvious problems for wildlife, heritage and the mature trees that line the perimeter of the lake?

Answer

Darren Sadler, Acting Director Infrastructure and Environment responded that the project has been in development for over 12 months and during that time the project group have engaged expert advice in all matters relating to the project. As the Chief Executive Officer has previously mentioned, the team are working through all the details and further advice will be provided.

QT81/20 - Penelope Greenslade**Question**

Re: Lydiard Street level crossing gates. The motion passed by the Council recommending Victrack/Vicrail repair the gates forthwith included the term “if it can be done safely“. This implies that only during the process of repairing the gates is safety an issue. As the accident was caused by a brake failure of a part of the train, the statistics available indicate that the probability of this happening again is negligible to nearly non-existent. The type of gate was not the cause of the accident. Can the Council therefore please pass an amending motion excluding the term “if it can be done safely“?

Answer

Cr Taylor, Mayor responded that Council have moved the motion and it has been voted on and decided. If a future Council wishes to, they can provide a motion in the future.

Cr Moloney responded as a mover of the motion, the intention was to cover all basis in the sense that heritage and safety are both important. We are not the agency that ultimately determines this in the first place and we are not the responsible authority and VLine will be the applicant and Heritage Victoria will decide. As Mr Mayor said, a future Council may come up with a future motion but for now that one carried unanimously.

QT82/20 - Renee Bethune**Question**

Could I ask all Councillors in particular those representing the South Ward, how they determined 12A Albert St Sebastopol as 'surplus' land which is now currently for sale?

Answer

Darren Sadler, Acting Director Infrastructure and Environment responded that Council was presented with a report in approximately 2017 seeking consideration that the car park site at 12A Albert Street be considered surplus. The site was identified with a number of properties that would be put forward that Council Officers determined required that consideration. Specifically to Albert Street, the recommendation was made on a basis that Officers determined it was under utilised, poorly designed, dilapidated and had poor surveillance. It was recommended to commence the process to determine if there was a market for the site which would complement any future development of the precinct with the intent for the site to remain as a carpark but in private ownership. It was deemed that council run the process and further consider public submissions at the time.

Council advertised its intention to sell in January 2018 again in July 2020 and also considered the disposal in the public agenda in 2019 and advertised its intention in the Council bulletin and on the Council's website in 2018 and 2020.

QT83/20 - Renee Bethune**Question**

Further to the above, why was there zero community consultation with directly impacted South Ward businesses and neighbouring residents with regards to this pivotal decision making?

Answer

Darren Sadler, Acting Director Infrastructure and Environment responded that as part of the planning process there was to have the land rezoned and there was consultation with residents and businesses within the precinct. There has been substantial notification through advertising, Council website, its bulletin and the information contained within the public agenda. We have received some feedback on the proposal to dispose of the land from businesses and other stakeholders within the precinct. Talking through the issues, none of them have progressed their objection or submissions in writing from any of those process.

QT84/20 - Brent Webb**Question**

In regards to the removal of the pine trees at Black Hill Swimming Pool what procedures and processes does Ballarat city follow to ensure they are getting the best value for the community in zero cost contracts for the removal of assets that have commercial value?

Answer

Darren Sadler, Acting Director Infrastructure and Environment advised that Council will run an expression of interest and then consider each proposal on its merits. Council has been presented with a proposal which will have the site harvested and reinstated to its satisfaction at no cost. This initial proposal can be used as a benchmark as what the expectations are to progress the treatment of the predominantly unsafe plantations and be used again to compare other expressions of interests that we receive. The initial proposal was received as an initiative for harvesting and it was after consideration that a correct process must be run for the expression of interest.

Cr McIntosh asked if there is an opportunity for community consultation before the trees are cut down so they understand what possibilities could be and may help alleviate and calm the process moving forward.

Janet Dore, Chief Executive Officer responded that there is a community meeting next Monday to do that.

QT85/20 - Brent Webb**Question**

Have Ballarat city examined how the pine tree removal and the procedures to do so could impact water drainage, soil erosion, the gravel road and carpark, safe access to the area and the operation of the Black Hill Swimming Pool now that it is permitted to open up under relaxed covid restrictions?

Answer

Darren Sadler, Acting Director Infrastructure and Environment responded that the further detail of impact of water drainage and soil erosion has been examined and further information will be provided at the consultation on Monday night.

QT86/20 - Julian Whitta**Question**

With respect to Council's intention to harvest the pine tree stand above the Black Hill pool at Binney's Reserve and other plantations, how will the community be involved in the site design, species selection, and planting, along with maintenance and other issues associated with the site?

With respect to Council's intention to harvest the pine tree stand above the Black Hill pool at Binney's Reserve, does Council have any specific timeline in mind for community consultation over harvesting options, site rehabilitation, and when work on the replanting of the site will actually occur?

Answer

Darren Sadler, Acting Director Infrastructure and Environment advised that he believes he has answered this previously but would like Director Appleton to explain more about the consultation and what it will encompass.

Pete Appleton, Acting Director Community Wellbeing responded that there is a meeting planned for Monday for anyone that has put in a submission. After the meeting, Council will go into caretaker for a number of weeks and we will be unable to complete community engagement. Following caretaker, we will, subject to COVID-19 restrictions, be able to get on site with community members to walk the site and look at issues through the design, species and build collaborative conversations for the future of the site. While it is inhibited by caretaker over the next few weeks, we hope to be on site by early November for an appropriate plan of action.

QT87/20 - Patricia Powell

Question

With respect to Council's intention to harvest the pine tree stand above the Black Hill Pool at Binney's Reserve, Council has stated that these trees are just one of a number of plantations which it is appraising for safety. Will Council provide the locations of these other plantations?

Answer

Darren Sadler, Acting Director Infrastructure and Environment responded that yes there are a number of sites that we are looking at the condition and health of the plantations. I will provide further information to Mrs Powell but there are some at Victoria Park and Prior Park which are concerning us at the moment.

QT88/20 - Patricia Powell

Question

Will the removal of the Pine trees at Binney Reserve include provisions that the pine heads are mulched and the over 200 remaining tree stumps are mechanically removed, or will they be left protruding from the ground?

Answer

Darren Sadler, Acting Director Infrastructure and Environment responded that the site will be reinstated to the satisfaction of Council, following the community consultation but it is certainly Council's preference that stumps are ground out with no protrusions.

QT89/20 - Anne Beggs-Sunter**Question**

In relation to the Instrument of Delegation as it applies to planning applications, who oversees decisions made by any of the ten approved officers? By what mechanism does Council have the opportunity to call in an application? The Instrument of Delegation gives no information on this issue, is there a base number of objections to a proposal that would trigger it being called in for Council decision?

Answer

Natalie Robertson Director Growth and Development responded that all planning officers have delegations to make decisions and the coordinator reviews their decisions. The decisions of the Coordinator are reviewed by the Manager Statutory Planning and decision of the Manager Statutory Planning is reviewed by the Director. Any application can be called in and planning officers can decide all applications, regardless of the number of objections.

RESOLUTION:

That the questions be received.

Moved: Cr Mark Harris

CARRIED

Seconded: Cr Jim Rinaldi

(R235/20)

RESOLUTION:

That item 10.1 Community Infrastructure Guidelines and 10.3 Greenfield Growth Areas be brought forward.

Moved: Cr Grant Tillett

CARRIED

Seconded: Cr Jim Rinaldi

(R236/20)

10.1. COMMUNITY INFRASTRUCTURE GUIDELINES

Division: Community Wellbeing
Director: Pete Appleton
Author/Position: Breanna Doody – Coordinator Health and Social Planning
Belinda Hynes – Social Planning and Engagement Officer

John Barnes was called into the meeting and made a public representation.

RESOLUTION:**Council resolves to:**

- 1. Adopt the Community Infrastructure Planning Policy.**
- 2. That following investigation and public consultation, officers provide a report within the next 12 months on establishing a cost/benefit methodology for whole of life program costs for all council services, and seek to integrate and subsume the current Asset Management Policy and Community Infrastructure Policy into one coherent policy document capable of guiding council's investments in social and physical infrastructure.**

Moved: Cr Daniel Moloney

Seconded: Cr Jim Rinaldi

CARRIED

(R237/20)

EXECUTIVE SUMMARY

This report recommends Council adoption of the Community Infrastructure Planning Policy. The Community Infrastructure Planning Policy seeks to inform an integrated and strategic planning process for the delivery of community infrastructure across the City through the application of an agreed set of planning principles. The new policy will guide fair, transparent and equitable decision making and provides the community with a clear understanding of how decisions are made.

The policy will underpin an evidence-based process that enables Council to clearly identify current and future community infrastructure needs for the municipality, and prioritise investment based on clear and consistent rationale. The policy and the subsequent process to be developed will assist Council to be prepared and to quickly respond to external funding opportunities which may arise and to plan to meet community needs now and into the future. Following internal and community consultation, attempts to include and/or respond to all constructive feedback provided has resulted in the following changes to the draft Community Infrastructure Planning Policy:

- Improved clarity and focus through suggested wording changes and added detail;
 - Addition of key considerations in the principles of 'Sustainability', 'Access, inclusion and equity' and 'Innovation and adaptability';
 - Additional dot point articulating purpose following strong feedback about community input;
 - Reordering of principles to ensure those that were perceived as higher in importance were listed earlier in the document;
 - Additional references to other key strategic documents and legislation; and
-

- More terms and explanations included in definitions.

Responses to all community members comments have been provided in the attached consultation report and will be emailed to participants and will also be made available on Council's mySay page.

10.3. GREENFIELD GROWTH AREAS

Division: Development and Growth
Director: Natalie Robertson
Author/Position: James Guy – Executive Manager Economic Growth
Terry Natt – Manager Strategic Planning

Mike Kaufmann was called into the meeting and provided a public representation.

RESOLUTION:**Council resolves to:**

- 1. In addition to the resolution of Council dated 30 October 2019 (R280/19) to proceed with a policy related planning scheme amendment which identifies the Northern and Western Greenfield Investigation Areas as Ballarat's future greenfield growth areas, include in that same amendment the rezoning of the land to the Urban Growth Zone.**
- 2. That the details of proposed boundaries of the Urban Growth Zone will be brought to Council as a separate report before placing the Amendment on Exhibition.**
- 3. Partner with landowners and developers to deliver technical work, Precinct Structure Plans and Contributions Plans for the Western and Northern Growth Areas.**

Moved: Cr Grant Tillett

CARRIED

Seconded: Cr Daniel Moloney

(R238/20)

EXECUTIVE SUMMARY

Council has previously resolved to progress with planning for two new greenfield growth fronts, in the west of the city and to the north around Mount Rowan. Given development and construction are vital to our local economy; demand for new housing is expected to only increase in Ballarat as a result of COVID-19 over the medium – long term; and updated data indicates continued strong take-up of lots in existing growth areas in Ballarat West, the planning pathway for these new growth areas has been re-assessed. This report recommends an accelerated planning approach which includes rezoning of land to the Urban Growth Zone as part of a single Amendment and to pursue a partnership model with developers and landowners which shares the costs of the planning process.

Whilst the overall growth plan for Ballarat strongly supports infill housing and a long-term shift towards 50% of new dwellings within established areas, there is the ongoing demand and need for greenfield type development as part of that development mix, including as an economic stimulus measure.

The proposed accelerated planning process does not in any way reduce the quality, transparency or opportunity for community input in a planning process that will still take some time to complete through the preparation of Precinct Structure Plans and associated controls

7. REPORTS FROM COMMITTEES/COUNCILLORS

GB62/20 - Cr Belinda Coates

Cr Coates acknowledged the Regional Sustainability Alliance Ballarat who have provided advice into Council Plans, Carbon Neutrality Strategy, Bridge Mall Urban Renewal and the One Planet Living. Cr Coates noted their recent request for City of Ballarat to look at ways of working with the whole community for 0 Carbon target for the whole City.

Cr Coates noted the Grampians Central West Waste and Resource Recovery Group who have a new Executive Officer and welcome her onboard. Cr Coates raised with Councillors that there is consultation at the moment for Council's to have input in regard to the proposal to move towards a new waste authority and the deadline is early October.

Cr Coates noted the Central Victorian Greenhouse Alliance and as chair, she acknowledged the great work and how it benefited the City of Ballarat.

GB63/20 - Cr Samantha McIntosh

Cr McIntosh thanked Officers for the significant amount of work over a number of years on the listing of the Central Victorian Goldfields on the World Heritage Listing steps going forward. It was an honour to speak with Dennis Napthine as a patron of the project and it is now taking significant steps forward.

GB64/20 - Cr Amy Johnson

Cr Johnson acknowledged the Civic Support team, specifically, Jaqui, Tess and Clare. Cr Johnson wished her fellow Councillors good luck in the election and thanked the Council staff and especially the Executive Leadership Team

GB65/20 - Cr Daniel Moloney

Cr Moloney thanked Council staff and noted that we are lucky to have incredible professional Officers.

Cr Moloney thanked the volunteer-based groups and committees through their expertise in our community and generosity with their time.

GB66/20 - Cr Des Hudson

Cr Hudson noted that he had been contacted from Ballarat Triathlon Club and Ballarat Eureka Swimming Club following the announcements that pools can be accessed and when the Eureka Pool will open.

Darren Sadler, Acting Director Infrastructure and Environment responded that the outdoor pools normally open 1 November and unfortunately it does take time to get them ready for opening including chemical maintenance and plant equipment maintenance. He advised that we are not altering the opening time so far and the public will be informed if we can.

Cr Hudson thanked Councillors and the staff from the Chief Executive Officer to those "at the coal-face" and wished all candidates good luck in the election.

GB67/20 - Cr Grant Tillett

Cr Tillett thanked everyone who he has had the privilege to work with over the last period. Cr Tillett considered a second turbine at the landfill to be a big plus as well as the all-waste interchange and the extension at the Depot. Cr Tillett commented that he felt that he had failed in not getting any further rural roads done. Cr Tillett was pleased to see the start of the airport upgrade.

GB68/20 - Cr Ben Taylor

Cr Taylor, Mayor thanked Councillors in representing the City and thanked the Officers for all their work. Cr Taylor mentioned that it had been challenging with Covid and the Ombudsman's report but that the City was starting to see the positive with re-openings.

RESOLUTION

That Council adjourn for a comfort break at 9:21pm.

Moved: Cr Amy Johnson

Seconded: Cr Samantha McIntosh

**CARRIED
(R239/20)**

RESOLUTION

That Council resume at 9:27pm.

Moved: Cr Mark Harris

Seconded: Cr Samantha McIntosh

**CARRIED
(R240/20)**

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:

- 1. Receive and note the CEO's Operational Report.**
- 2. Receive and note the Chief Executive Officer will implement the required improvements as identified within the independent review.**
- 3. Note the CEO will refer the report by Pitcher Partners to the Local Government Inspectorate**

Moved: Cr Mark Harris
Seconded: Cr Grant Tillett

CARRIED
(R241/20)

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:

- **22 July 2020 Infrastructure and Environment Portfolio Meeting**
- **12 August 2020 Infrastructure and Environment Portfolio Meeting**
- **19 August 2020 Mayor, Councillor and CEO Meeting**
- **26 August 2020 Strategic Briefing**
- **26 August 2020 Mayor, Councillor and CEO Meeting**
- **28 August 2020 Prosperity Portfolio Meeting**
- **2 September 2020 Mayor, Councillor and CEO Meeting**
- **3 September 2020 Ballarat Airport Advisory Committee Meeting**
- **9 September 2020 Strategic Briefing**

Moved: Cr Daniel Moloney

Seconded: Cr Mark Harris

CARRIED

(R242/20)

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

10.2. BALLARAT WEST GROWTH AREA UPDATE

Division: Development and Growth
Director: Natalie Robertson
Author/Position: Donna Johnston – Coordinator Growth Areas Facilitation

RESOLUTION:

Council resolves to:

Note the status report for the Ballarat West Growth Area for the 2019/2020 financial year and progress of the Regional DCP Toolkit Project.

Moved: Cr Grant Tillett

CARRIED

Seconded: Cr Mark Harris

(R243/20)

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 position, and progress of the Regional DCP Toolkit project.

This report includes the Ballarat West Precinct Structure Plan June 2020 status report including 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 for Ballarat West and Alfredton West PSPs, and the financial status of the Ballarat West DCP, including DCP Capital projects delivered and levies collected. The Ballarat PSP permits plan provides a graphic representation of the residential lots released and take up per sub-precinct to date. The Master Plans for Lucas and Lucas Grange Estates have also been attached providing lot release progress in the Alfredton West PSP.

10.4. ANNUAL REPORT

Division: Community Wellbeing
Director: Pete Appleton
Author/Position Marcus Power – Communications Officer

RESOLUTION:

Council resolves to:

That this matter be adjourned until further notice.

Moved: Cr Amy Johnson
Seconded: Cr Grant Tillett

CARRIED
(R244/20)

EXECUTIVE SUMMARY

The purpose of this report is to have Council consider the City of Ballarat Annual Report 2019/20 (Annual Report) in accordance with its obligations under section 134 (1) of the *Local Government Act 1989*.

The Annual Report is the final step in the statutory annual reporting process.

10.5. ADOPTION OF ANNUAL ACCOUNTS FOR 2019/2020

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

RESOLUTION:

Council resolves to:

- 1. Approve the 2019/20 Annual Financial Statements and Performance Statement in principle.**
- 2. Nominate Cr Taylor and Cr Tillett to certify the 2019/20 Annual Financial Statements and Performance Statement on behalf of Council, once amendments or changes requested by the Victorian Auditor General have been made.**

Moved: Cr Grant Tillett

CARRIED

Seconded: Cr Daniel Moloney

(R245/20)

EXECUTIVE SUMMARY

In accordance with the *Local Government Act 1989* (section 132) 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 and Risk Committee considered the Annual Financial Accounts at its meeting held on 9 September 2020 and moved a recommendation that Council approve the Annual Financial Statements and Performance Statement in principle.

10.6. ASSET MANAGEMENT POLICY

Division: Infrastructure and Environment
Director: Darren Sadler
Author/Position Mathew Morton – Coordinator Asset Management

RESOLUTION:

Council resolves to:

Adopt the revised Asset Management Policy.

Moved: Cr Daniel Moloney

Seconded: Cr Jim Rinaldi

CARRIED

(R246/20)

EXECUTIVE SUMMARY

The purpose of this report is for Council to adopt the revised Asset Management Policy.

10.7. TENDER 2020/21-7 CONSTRUCTION OF THREE (3) SOCCER PITCHES AT WENDOUREE WEST RECREATION RESERVE

Division: Development and Growth
Director: Natalie Robertson
Author/Position: Trent Bursill - Project Manager

RESOLUTION:

Council resolves to:

Enter into contract number 2020/21-7 for the Construction of three (3) soccer pitches at Wendouree West Recreation Reserve with Pitchcraft Pty Ltd for the total tendered price of \$1,583,706.21 (ex GST) / \$1,742,076.83 (Inc GST).

Moved: Cr Daniel Moloney
Seconded: Cr Des Hudson

CARRIED
(R247/20)

EXECUTIVE SUMMARY

This report recommends that Council approves the award of Contract 2020/21-7 - Construction of three (3) soccer pitches at Wendouree West Recreation Reserve to Pitchcraft Pty Ltd.

10.8. COUNCILLOR ROLE STATEMENTS

Division: Executive Unit
Director: Janet Dore
Author/Position: Cameron Montgomery – Executive Manager Governance and Risk

RESOLUTION:**Council resolves to:**

- 1. Adopt the Role Statements for Mayor, Deputy Mayor and Councillors with a commencement date of 24 October 2020.**
- 2. Revoke the Role Statements for Mayor, Deputy Mayor and Councillors endorsed by Council on 24 July 2013 (R285/13) with an effective date of 24 October 2020.**

Moved: Cr Des Hudson**CARRIED****Seconded: Cr Belinda Coates****(R248/20)****EXECUTIVE SUMMARY**

The report requests for Council to adopt the updated Role Statements for Mayor, Deputy Mayor and Councillors to reflect the changes in the *Local Government Act 2020* (the Act); and to the previous Role Statements.

10.9. S6 INSTRUMENT OF DELEGATION

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

RESOLUTION:

Exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, Ballarat City Council resolves that:

- 1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.**
- 2. The instrument comes into force immediately the common seal of Council is affixed to the instrument.**
- 3. On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.**
- 4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**

Moved: Cr Daniel Moloney
Seconded: Cr Des Hudson

CARRIED
(R249/20)

EXECUTIVE SUMMARY

The purpose of this report is to present the revised changes to the S6 Instrument of Delegation – Members of Staff for Council’s considerations. Changes to the Instrument of delegation since the last approved iteration include:

It is proposed that the Instrument of Delegation be granted to the positions of members of Council staff rather than to the individual staff members. This means that the delegation will still apply to the incumbent of the position should there be a change in personnel or any staff acting in the role. It is imperative that Council staff have the correct delegation for dealing with matters under the various Acts and Regulations.

Changes to the Instrument of delegation since the last approved iteration include:

- changes to legislative provisions within the *Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020* and *Residential Tenancies Act 1997*.

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 outlines the proposed changes and new legislative provisions marked up that have been allocated to an appropriate Officer.

10.10. OUTSTANDING QUESTION TIME ITEMS

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

RESOLUTION:

Council resolves to:

Endorse the Outstanding Question Time report.

Moved: Cr Des Hudson

CARRIED

Seconded: Cr Samantha McIntosh

(R250/20)

EXECUTIVE SUMMARY

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

11. NOTICE OF MOTION

Nil

12. URGENT BUSINESS**RESOLUTION:**

That Council resolves to accept the following reports as Urgent Business at this ordinary meeting of Council in accordance with section 3.6.4 of the City of Ballarat Governance Rules 2020.

- Recruitment Services Chief Executive Officer;
- Sale of Land; and
- Land Acquisition (confidential report)

Moved: Cr Mark Harris
Seconded: Cr Jim Rinaldi

CARRIED
(R251/20)

12.1. RECRUITMENT SERVICES CHIEF EXECUTIVE OFFICER

Division: Executive Unit
Director: Janet Dore
Author/Position: Andrew Prestage – Executive Manager People and Culture

RESOLUTION

Council resolves to:

1. Note that they have considered and reviewed the proposals received; and
2. Engage McArthur Recruitment as the recruitment service provider to assist the Council in appointing a new Chief Executive Officer.

Moved: Cr Ben Taylor
Seconded: Cr Des Hudson

CARRIED
(R252/20)

EXECUTIVE SUMMARY

On 14 May 2020 the Victorian Ombudsman released a report regarding alleged improper conduct by two executive officers at Ballarat City Council.

Subsequent to considering that report the Council, on 18 May 2020 terminated the contract of the Chief Executive Officer. Council also resolved to commence a process to appoint an Interim Chief Executive Officer.

An interim Chief Executive Officer, Janet Dore was appointed and commenced on 12 June 2020, for a maximum term of 10 months.

On 27 August 2020, ten executive search and recruitment providers were contacted by the Executive Manager People and Culture on behalf of the Mayor, to provide an expression of interest and quote. The ten agencies included three local agencies, agencies with a presence in the Australian Local Government Job Directory and other search agencies that specialise in the recruitment of executives.

Nine proposals have been received by the Council. One locally based agency declined to submit a proposal.

In accordance with Council's Procurement Policy, at least three written quotes, including at least one local supplier, were obtained and quotes have been registered by Council Officers.

Some material supplied by providers, including commercial in confidence information such as fees and charges, has been deemed confidential information in accordance with section 3 of the *Local Government Act 2020* and cannot be disclosed by Council.

12.2. SALE OF LAND

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

RESOLUTION

Council resolves to:

1. having:

- a. complied with ss 189 and 223 of the *Local Government Act 1989*; and
- b. received no submissions in response to the public notice of Council's intention to sell the land described as 1 Kurrajong Road, Wendouree published on 9 July 2020,

sell the land described as 1 Kurrajong Road, Wendouree:

- a. to the 1st listed potential purchaser in the attached list; and
 - b. for the purchase price of \$800,000 plus GST; and
- 2. authorise the Chief Executive Officer to execute such documents as are necessary to give effect to this Resolution and the sale authorised by it.**

Moved: Cr Grant Tillett

CARRIED

Seconded: Cr Jim Rinaldi

(R253/20)

EXECUTIVE SUMMARY

On 13 December 2017 (R464/17) Council resolved to commence and satisfy the statutory process in accordance with sections 189 and 223 of the Local Government Act 1989, to dispose of land and building assets deemed as potentially surplus.

The land located at 1 Kurrajong Road Wendouree was deemed as surplus to Councils requirements and the statutory processes for sale were undertaken. Public submissions were invited after a notice of intention to sell was published for a 28 day period from 2 July 2020. No public submissions were received.

The land was offered for sale with Expressions of Interest invited through the managing agent Colliers International until Friday 11 September 2020. A total of 16 offers were received from 14 parties with varying conditions attached. These offers and conditions are contained within Attachment 1.

It is recommended that Council accept the highest offer which is unconditional on a 90 day settlement basis, and authorise the Chief Executive Officer to execute the necessary documents to facilitate the sale.

RESOLUTION

Council endorses an extension to the finishing time of the ordinary meeting of Council beyond 11:00pm in accordance with section 3.6.1 of the City of Ballarat Governance Rules.

Moved: Cr Grant Tillett
Seconded: Cr Mark Harris

CARRIED
(R254/20)

13. SECTION 66 (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 10.55pm whilst the Council is dealing with the following matters;

Moved: Cr Amy Johnson
Seconded: Cr Des Hudson

CARRIED
(R255/20)

13.1. LAND ACQUISITION

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

(confidential information)

RESOLUTION:

That Council move out of closed Council at 11:11pm and adopt the resolutions made therein.

Moved: Cr Des Hudson
Seconded: Cr Mark Harris

CARRIED
(R257/20)

