

# **Council Meeting**

## **Minutes**

**16 December 2020 at 7:00pm**

## **Virtual Meeting**



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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 Daniel Moloney  
Cr Ben Taylor  
Cr Samantha McIntosh  
Cr Belinda Coates  
Cr Mark Harris  
Cr Des Hudson  
Cr Amy Johnson  
Cr Peter Eddy  
Cr Tracey Hargreaves

Ms Janet Dore - Chief Executive Officer  
Ms Bridget Wetherall - Director Infrastructure and Environment  
Mr Matthew Wilson - Director Community Wellbeing  
Mr Sean Portelli - Director Corporate 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. MATTERS ARISING FROM THE MINUTES

Nil

## 5. CONFIRMATION OF MINUTES

### RESOLUTION:

**That the Minutes of the Council Meeting on 2 December 2020 as circulated be confirmed.**

**Moved: Cr Des Hudson**

**CARRIED**

**Seconded: Cr Belinda Coates**

**(R288/20)**

## 6. PUBLIC QUESTION TIME

### QT95/20 - Mary Debrett

#### Question

Page 61 of Council's 2020 Annual Report says the Sustainability Officer-Carbon Neutrality 'will implement the key initiatives of the Carbon Neutrality and 100 Percent Renewables Action Plan.'

What is the time frame for implementation of Action 5.4a of the Action Plan: *Empowered Communities*, regarding the setting of 'aspirational targets for whole of the city and monitoring progress', and how will that monitoring be managed?

#### Answer

Janet Dore, Chief Executive Officer responded that finishing off the last Council Plan is the priority for the Council this year and then they will start to consult on the next Council Plan through February and March. The CEO advised that all of the items will be checked, monitored and tracked as we go through the process.

Cr Coates advised that she made a request at the last Council Meeting for a briefing to Council on this specific issue and potentially if needed, a report so that Council could address potential timeframes.

### QT96/20 - Gerald Jenzen

#### Question

Given that there will be no passenger trains from the Ballarat Railway Station from 28<sup>th</sup> December 2020 until 30<sup>th</sup> January 2021. Will Council advocate to have the Lydiard Street railway crossing opened to vehicular traffic during this period?

#### Answer

Natalie Robertson, Director Growth and Development responded that Council has strongly advocated to V/Line for the reconstruction of the historic Lydiard Railway Gates and we will reopen Lydiard Street when it is safe to do so. We continue to await confirmation from the State Government as to when it is safe to reopen Lydiard Street to traffic and will continue to advocate for that to occur as soon as possible. She believes it will be unlikely that the crossing

could be opened to vehicle traffic during the period late December to end of January 2021, considering there may be potential use of the line by freight trains and others linking to the Geelong Line during that period.

**QT97/20 - John Barnes**

**Question**

Sections of the 1989 Local Government Act relating to Complaints were repealed on April 6, 2020, and Section 107, (Complaints Policy) of the 2020 Act takes effect on 1 July 2021. Ballarat City Council does not appear to have a complaints policy (nothing on Ballarat City Council website). In the interim, what advice is given to individuals and community groups who feel they are being dealt with in a manner inconsistent with the principles espoused by the 2020 Act?

**Answer**

Cameron Montgomery, Executive Manager Governance and Risk advised that in relation to the first part of the question, Council's current Complaint Management Procedure is on the Council website in the Contact Us section. He advised that he will take the feedback on and will move it to the Policy and Procedure section on the website. In relation to the principals, the current Complaint Management Procedure complies with all the principals espoused in the 2020 Act in relation to the manner in which complaints are dealt with and a revised policy will be presented to Council in the new year.

**QT98/20 - John Barnes**

**Question**

As the relationship between the elected council and their one employee is pivotal to the performance and accountability of the organisation, is it council's intention to publish the Key Performance Indicators for the position before their formal adoption, so that Councillors may consider and possibly benefit from input from members of the public on the matter, and will that formal adoption occur in an open part of a future council meeting?

**Answer**

Cr Moloney, Mayor advised that it would be good to be open and transparent but conscious we have commercial and confidential realities in hiring a new Chief Executive Officer. Mr Mayor took the question on notice and will provide a response to Mr Barnes.

**RESOLUTION:**

**That the questions be received.**

**Moved: Cr Belinda Coates**  
**Seconded: Cr Samantha McIntosh**

**CARRIED**  
**(R289/20)**

## **7. CHIEF EXECUTIVE OFFICER REPORT**

### **7.1. CHIEF EXECUTIVE OFFICER REPORT**

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

#### **PURPOSE**

1. 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.

#### **RESOLUTION:**

**That Council:**

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

**Moved: Cr Amy Johnson**  
**Seconded: Cr Peter Eddy**

**CARRIED**  
**(R290/20)**

## 8. OFFICER REPORTS

### 8.1. CITY OF BALLARAT ANNUAL REPORT 2019/20

**Division:** Community Wellbeing  
**Director:** Matthew Wilson  
**Author/Position:** Louise Lang – Manager Communications & Marketing  
Cameron Montgomery – Executive Manager Governance and Risk

Sean Portelli, Director Corporate Services read John Barnes' written submission.

#### PURPOSE

1. The purpose of this report is for Council to consider and note the City of Ballarat Annual Report 2019/20 (Annual Report) in accordance with its obligations under Section 134 of the *Local Government Act 1989* (The Act).
2. The Annual Report is the final step in the statutory annual reporting process.

#### RESOLUTION

**Suspend standing orders at 7:31pm due to technical difficulties.**

**Moved: Cr Amy Johnson**  
**Seconded: Cr Mark Harris**

**CARRIED**  
**(R291/20)**

#### RESOLUTION

**Resume standing orders and 7:32pm.**

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

**CARRIED**  
**(R292/20)**

**RESOLUTION:**

**That Council:**

- 1. Note the City of Ballarat Annual Report 2019/20 in accordance with Section 134 of the *Local Government Act 1989*.**
- 2. Acknowledge the achievements of Council during this reporting period and its achievements against the 2017-21 Council Plan.**

**Moved: Cr Ben Taylor**

**CARRIED**

**Seconded: Cr Mark Harris**

**(R293/20)**



## 8.2. QUARTERLY COUNCIL PLAN

**Division:** Corporate Services  
**Director:** Sean Portelli  
**Author/Position:** Fiona Henderson – Council Plan Officer

### PURPOSE

1. To present Council's quarterly performance progress update against the Council Plan 2017-2021.
2. To give Councillors and the community confidence Council is on track to meet its published commitments.
3. Regular reporting to Councillors and the community is a key principle of transparency and good governance.

### RESOLUTION:

**That Council:**

**Note the Council Plan 2017-2021 progress report for the first quarter of the 2020-2021 financial year.**

**Moved: Cr Mark Harris**  
**Seconded: Cr Peter Eddy**

**CARRIED**  
**(R294/20)**

### **8.3. ADOPTION OF REVISED CITY OF BALLARAT PROCUREMENT POLICY**

**Division:** Corporate Services  
**Director:** Sean Portelli  
**Author/Position:** Trevor Harris - Procurement Coordinator

#### **PURPOSE**

1. To review City of Ballarat updated Procurement Policy.

#### **RESOLUTION:**

**That Council:**

**Adopt the revised Procurement Policy (Version 10.0) subject to the amendment to clause 3.5.3.**

**Moved: Cr Ben Taylor**  
**Seconded: Cr Belinda Coates**

**CARRIED**  
**(R295/20)**

#### 8.4. MUNICIPAL EMERGENCY MANAGEMENT COMMITTEE (MEMPC)

**Division:** Community Wellbeing  
**Director:** Matthew Wilson  
**Author/Position:** Bill Cook – Municipal Emergency Manager

#### PURPOSE

1. To implement new arrangements in relation to Ballarat's Municipal Emergency Management Planning Committee following amendments to the *Emergency Management Act 2013*. As part of this process a resolution from Council is required to de-establish the current Municipal Emergency Management Planning Committee (MEMPC) and to authorise the CEO to facilitate the establishment of a new MEMPC in line with the mandatory changes under the *Emergency Management Act 2013* and the *Emergency Management Legislation Amendment Act 2018*.

#### RESOLUTION:

That Council:

1. Authorises the de-establishment of the existing Municipal Emergency Management Planning Committee (MEMPC) established under s21(3)-(5) of the *Emergency Management Act 1986*, in recognition that on 1 December 2020 these provisions are repealed by s82(2) of the *Emergency Management Legislation Amendment Act 2018* and replaced by the provisions of s68 of the *Emergency Management Legislation Amendment Act 2018*.
2. Authorises the CEO to facilitate the establishment of the MEMPC in accordance with the provisions of s68 of the *Emergency Management Legislation Amendment Act 2018* (which inserts a new 'Part 6-Municipal Emergency Management Planning Committees' into the *Emergency Management Act 2013* on 1 December 2020).
3. Notes that under the *Emergency Management Legislation Amendment Act 2018* (which inserts s59 and 59F into the *Emergency Management Act 2013* on 1 December 2020), Council's role is to establish the new MEMPC. Once established, the committee exists separately and is no longer a committee of Council.

Moved: Cr Mark Harris

Seconded: Cr Samantha McIntosh

CARRIED

(R296/20)

## 8.5. INTEGRATED STRATEGIC PLANNING FRAMEWORK

**Division:** Corporate Services  
**Director:** Sean Portelli  
**Author/Position:** Matthew Swards – Manager Business and Service Improvement/Fiona Henderson – Council Plan Officer

### PURPOSE

1. The *Local Government Act 2020* requires all Victorian Councils to take an integrated strategic planning and reporting approach
2. Councils must undertake their Council Plan and other strategic plans in accordance with the following strategic planning principles:
  - An integrated planning, monitoring and performance reporting approach is to be adopted
  - Strategic planning must address the Community Vision
  - Strategic planning must consider the resources needed for effective implementation
  - Strategic planning must identify and address effective implementation risks
  - Strategic planning must provide for ongoing progress monitoring and regular reviews to identify and address changing circumstances

### RESOLUTION:

**That Council:**

1. **Note the development of the Integrated Strategic Planning Framework and its continual evolution.**
2. **Endorse the Integrated Strategic Planning Framework.**

**Moved: Cr Belinda Coates**  
**Seconded: Cr Samantha McIntosh**

**CARRIED**  
**(R297/20)**

## 8.6. TENDER 2020/21 – 144 CELL I CONSTRUCTION

**Division:** Infrastructure and Environment  
**Director:** Bridget Wetherall  
**Author/Position:** Louise Turner – Executive Manager Environment

### PURPOSE

1. To award Contract 2020/21-144 – the construction of Ballarat Regional Landfill (BRL) Cell I (through separable portions for stage one and stage two) - to Goldsmith Civil Engineering Pty Ltd for the total tendered price of \$4,461,296.18 (ex GST).
2. The scope of this contract is to excavate unsuitable material from the construction zone, construct the landfill cell in two stages and to construct surrounding roadworks and drainage to accommodate access to the landfill cell.
3. To provide for a budget contingency allowance for Cell I construction. Contingency budget is required in order to account for any difference in current survey and geotechnical data versus actual excavated material and groundwater conditions encountered on site.

### RESOLUTION:

**That Council:**

1. **Resolves to enter into Contract Number 2020/21 - 144 for the provision of Ballarat Regional Cell I Construction (Stage 1 and Stage 2 – under separable portions) - with Goldsmith Civil Engineering Pty Ltd for the total tendered price of \$4,461, 296.18 (ex GST).**
2. **Resolves to approve a 30% contingency budget for the project to ensure continuity of construction and prevent future additional costs.**
3. **Delegate to the Chief Executive Officer authority to execute the associated contract on behalf of Council.**

**Moved: Cr Ben Taylor**

**Seconded: Cr Peter Eddy**

**CARRIED**

**(R298/20)**

## 8.7. LAKE BURRUMBEET

**Division:** Infrastructure and Environment  
**Director:** Bridget Wetherall  
**Author/Position:** Steve Van Orsouw – Executive Manager Operations

Cameron Montgomery read Glena O'Neill's written submission.

John O'Neill was called into the meeting and made a public representation.

### PURPOSE

1. Inform Council of proposed rule changes to the rules (Schedule 43) that apply to waterway users of Lake Burrumbeet. The rule changes will bring lake usage in-line with the *Maritime Safety Act 2010*, improve safety on the Lake and mean and fairer and more enjoyable usage for all.
2. Council to consider the associated risks for recreational users of Lake Burrumbeet and provide direction on mitigating the risk to lake users and Council under its responsibilities as the waterway manager.
3. Consider and provide direction on whether the City of Ballarat should remain the water manager of lake Burrumbeet in the future.

### MOTION

**That Council:**

1. **Await further community consultation in March 2021 to address community safety risks; and**
2. **Investigate future alternatives and associated funding options for City of Ballarat's ongoing management of Lake Burrumbeet (Recommended)**

**Moved: Cr Amy Johnson**  
**Seconded: Cr Peter Eddy**

**NO VOTE TAKEN**

**RESOLUTION**

1. **Await further community consultation in March 2021 to address community safety risks; and**
2. **Investigate future alternatives and associated funding options for City of Ballarat's ongoing management of Lake Burrumbeet (Recommended).**
3. **City of Ballarat immediately implement signage and buoys options to alert users.**

**Moved: Cr Daniel Moloney**

**Seconded: Cr Tracey Hargreaves**

**CARRIED**

**(R299/20)**

## 8.8. QUARTERLY FINANCIAL REPORT

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

### PURPOSE

1. This report sets out the 1st Quarter financial results for the 2020/2021 financial year of the Ballarat City Council. The report highlights financial matters for the quarter.

### RESOLUTION:

**That Council:**

**Receive the 1<sup>st</sup> Quarter Financial Report for the 2020/21 financial year and note the financial issues contained within the report.**

**Moved: Cr Ben Taylor**  
**Seconded: Cr Peter Eddy**

**CARRIED**  
**(R300/20)**



## 8.9. COUNCIL MEETING SCHEDULE

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

### PURPOSE

1. This report recommends a schedule of Council Meeting dates be adopted for the 2021 calendar year.

### RESOLUTION:

That Council:

1. Hold meetings of Council on the following dates:

Date	Time	Meeting Type
13 January 2021	6:30pm	Planning Delegated Committee
27 January 2021	6:30pm	Council Meeting
10 February 2021	6:30pm	Planning Delegated Committee
24 February 2021	6:30pm	Council Meeting
10 March 2021	6:30pm	Planning Delegated Committee
24 March 2021	6:30pm	Council Meeting
14 April 2021	6:30pm	Planning Delegated Committee
28 April 2021	6:30pm	Council Meeting
12 May 2021	6:30pm	Planning Delegated Committee
26 May 2021	6:30pm	Council Meeting
9 June 2021	6:30pm	Planning Delegated Committee
23 June 2021	6:30pm	Council Meeting
14 July 2021	6:30pm	Planning Delegated Committee
28 July 2021	6:30pm	Council Meeting
11 August 2021	6:30pm	Planning Delegated Committee
25 August 2021	6:30pm	Council Meeting
8 September 2021	6:30pm	Planning Delegated Committee
22 September 2021	6:30pm	Council Meeting
13 October 2021	6:30pm	Planning Delegated Committee
27 October 2021	6:30pm	Council Meeting
10 November 2021	6:30pm	Planning Delegated Committee
24 November 2021	6:30pm	Council Meeting
8 December 2021	6:30pm	Planning Delegated Committee
22 December 2021	6:30pm	Council Meeting

2. Publicise the schedule of Council meetings on the City of Ballarat website.

Moved: Cr Mark Harris  
 Seconded: Cr Tracey Hargreaves

**CARRIED**  
**(R301/20)**

## 8.10. OUTSTANDING QUESTION TIME ITEMS

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

### PURPOSE

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

### RESOLUTION:

**That Council:**

**Endorse the Outstanding Question Time report.**

**Moved: Cr Mark Harris**  
**Seconded: Cr Belinda Coates**

**CARRIED**  
**(R302/20)**

## 9. NOTICE OF MOTION

Nil

## 10. REPORTS FROM COMMITTEES/COUNCILLORS

### **GB75/20 – Cr Amy Johnson**

Cr Johnson noted she has received lots of positive feedback from community members on the Christmas decorations in Sturt Street and the gingerbread house.

### **GB76/20 – Cr Des Hudson**

Cr Hudson noted the pending closure of the Sebastopol Post Office and the issue it is causing to the community. Cr Hudson understands they are moving to Delacombe Town Centre, but Australia Post should tender or advertise for a franchise to continue the operation of a Post Office in Sebastopol.

### **RESOLUTION:**

**That Council lobby or request of Australia Post to look at opportunities for the retention of the Sebastopol Postal Service to the community in any way shape or form they can.**

**Moved: Cr Des Hudson**

**CARRIED**

**Seconded: Cr Tracey Hargreaves**

**(R303/20)**

### **RESOLUTION:**

**To accept Councillor reports.**

**Moved: Cr Samantha McIntosh**

**CARRIED**

**Seconded: Cr Belinda Coates**

**(R304/20)**

## 11. URGENT BUSINESS

Nil

## 12. 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 09:32 pm whilst the Council is dealing with the following matters;

**Moved: Cr Mark Harris**

**CARRIED**

**Seconded: Cr Amy Johnson**

**(R305/20)**

### 8.6 TENDER 2020/21 – 144 CELL I CONSTRUCTION

**Division:** Infrastructure and Environment

**Director:** Bridget Wetherall

**Author/Position:** Louise Turner – Executive Manager Environment

(confidential information)

### 13.1 AUSTRALIA DAY AWARDS

**Division:** Executive Unit

**Director:** Janet Dore

**Author/Position:** Clare O'Connor – Coordinator Civic Support

(confidential information)

### RESOLUTION:

That Council move out of closed Council at 9:44pm and adopt the resolutions made therein.

**Moved: Cr Amy Johnson**

**CARRIED**

**Seconded: Cr Mark Harris**

**(R309/20)**

**13. CLOSE**

The CEO reported on items discussed in closed Council.

**The Mayor declared the meeting closed at 9:45pm.**

**Confirmed this    day of    2020.**

.....

**Mayor**