

Council Meeting

Minutes

24 February 2021 at 6:30pm

**Council Chamber, Town Hall, Sturt Street,
Ballarat**



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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

Mr Evan King - 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

Cr Amy Johnson

RESOLUTION:

That the apology be accepted.

Moved: Cr Des Hudson
Seconded: Cr Ben Taylor

CARRIED
(R19/21)

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 27 January 2021 as circulated be confirmed.

Moved: Cr Belinda Coates

CARRIED

Seconded: Cr Peter Eddy

(R20/21)

6. PUBLIC QUESTION TIME

QT05/21 - Dr Elisa Zentveld

Question

On January 30 2021, the Halliday report was reported in *The Courier*, flagging that culture and management must change. On the same day, BALC redundancies were reported. This strikes me as rather thoughtless timing; ironic in the face of a report signalling cultural problems. What care will Council take going forward to ensure proposed changes are handled in a more humane and thoughtful manner?

Answer

Evan King, Chief Executive Officer responded that the Ballarat Aquatic and Lifestyle Centre (BALC) were opening up to consultation on the day of release of the Halliday report in *The Courier*. At that point in time, no decisions on redundancies were made, it was the beginning a discussion with the employees of BALC around a new proposed structure in the organisation. It was not the greatest of optics for this report to be released on the same day as Halliday report. We want to ensure our organisation is based on a high level of integrity, respect for our staff and trust of our staff by the community. There will be a detailed action plan/report released in the near future titled 'The Way Forward', that addresses a lot of the concerns raised in the Halliday report.

QT06/21 - Miriam Robinson

Question

We respectfully remind Councillors of Ballarat's declaration of a climate emergency in 2019. Since that time the climate emergency has only become more urgent. We propose that Ballarat sets up a Citizens Assembly on Climate. Citizens Assemblies provide a positive and empowering way to involve citizens in developing solutions, appropriate for our region. Will the Council review the documents we have presented on Citizens Assemblies and consider implementing this in Ballarat?

Will the Council put this on their agenda for next month's meeting? Alternatively, can we arrange a time to brief council on Citizens Assemblies and how that might be implemented in Ballarat?

Answer

Bridget Wetherall, Director Infrastructure and Environment responded by acknowledging Council's motion in November 2018 declaring a climate emergency and urgent action needed to significantly reduce carbon emissions. The City of Ballarat's 'Carbon Neutrality and 100% Renewables Action Plan 2019–2025' was subsequently developed and adopted by Council in 2019. The action plan contains almost 60 actions to reduce our corporate greenhouse gas emissions while also providing community support to achieve carbon emission reductions. In particular action, 5.4a relates back to empowering communities to work together by setting aspirational targets for the whole city to reach and monitor progress. This is a key section that will be discussed more in depth in the upcoming 24 March 2021 Council meeting.

RESOLUTION:

That the questions be received.

Moved: Cr Tracey Hargreaves

Seconded: Cr Ben Taylor

CARRIED

(R21/21)

7. CHIEF EXECUTIVE OFFICER REPORT

7.1. CHIEF EXECUTIVE OFFICER REPORT

Division: Executive Unit
Director: Evan King
Author/Position Evan King – 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:

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

Moved: Cr Samantha McIntosh

Seconded: Cr Belinda Coates

CARRIED

(R22/21)

8. OFFICER REPORTS

8.1. POWERCOR AGREEMENT FOR LEASE FOR SUBSTATION (KIOSK TYPE) AT THE CIVIC HALL

Division: Infrastructure and Environment
Director: Bridget Wetherall
Author/Position: Racheal Barnett – Property Officer

PURPOSE

1. Enter into a lease arrangement with Powercor for an upgraded substation (Kiosk type) at the Civic Hall site as part of the completion of Stage 2 works.
2. The kiosk upgrade forms part of the redevelopment of the Civic Hall as a performance and event venue, building on the success of the building restoration works completed to date.

RESOLUTION:

That Council:

1. **Execute the lease by means of signing the Agreement for Lease with Powercor for a 30 year agreement between Ballarat City Council and Powercor Australia for a substation (kiosk type) at the Civic Hall site on the corner of Doveton and Mair Streets, Ballarat.**

Moved: Cr Mark Harris

Seconded: Cr Peter Eddy

CARRIED

(R23/21)

8.2. LAND ACQUISITION – 55 RECREATION ROAD

Division: Infrastructure and Environment
Director: Bridget Wetherall
Author/Position: Racheal Barnett – Property Officer

Cameron Montgomery read Bob Hartmann's public submission.

PURPOSE

1. Council to consider the proposal from The Friends of Canadian Corridor Incorporated (FoCC) to purchase Lot 1 on Title Plan 424853 known as 55 Recreation Road, Mount Clear for the purpose of creating access to a 410 metre remnant section of the Bunny Rail Trail.
2. Should Council determine that this land purchase has merit to further enhance the amenity of the Bunny Rail Trail, it will delegate to the Chief Executive Officer to further negotiate the terms and conditions of the sale transaction.

RESOLUTION:

That Council:

1. Resolves to pursue the land purchase of 55 Recreation Road, Mount Clear and delegates the Chief Executive Officer to complete negotiating of terms of sale and complete all contractual obligations of Council.
2. Notes this report but does not resolve to pursue the purchase of 55 Recreation Road, Mount Clear.

Moved: Cr Des Hudson
Seconded: Cr Belinda Coates

CARRIED
(R24/21)

8.3. ROAD DEVIATION - BREWERY TAP ROAD, GONG GONG

Division: Infrastructure and Environment
Director: Bridget Wetherall
Author/Position: Linda Skewes - Property Officer

PURPOSE

1. This report is presented to Council to consider the road deviation for part Brewery Tap Road, Gong Gong and the land exchange between the City of Ballarat and Central Highlands Water Corporation (CHW). The land comprises of proposed Lot 1 (1,730 sqm) part roadway, Brewery Tap Road and proposed Lot 2 (1,456 sqm) part Lot 3 TP846561B at 225 Daylesford Road, Gong Gong (Plan of road exchange attached).
2. This road deviation and exchange is to correct the road boundaries to reflect the roadway constructed on site.
3. Following the road deviation, Council is to then exchange under Section 191 of the *Local Government Act 1989* at no consideration the land parcels. A valuation has been commissioned on both parcels of land with the returned value for proposed Lot 1 being \$3,500 (1730sqm) and proposed Lot 2 being \$3,000 (1436sqm).

RESOLUTION:

That Council:

1. Undertake the formal Gazettal process in respect to the road deviation of this portion of Brewery Tap Road, Gong Gong.
2. Satisfy the statutory processes in relation to the road exchange.
3. Authorise the exchange of land to be administered under Section 191 of the *Local Government Act 1989* for no consideration.
4. Authorise the Chief Executive Officer under delegated authority to execute such documents as are necessary to give effect to this resolution and complete the exchange of land to Central Highlands Water Corporation.

Moved: Cr Mark Harris
Seconded: Cr Peter Eddy

CARRIED
(R25/21)

8.4. TENDER NO. 2020/2021-2 SUPPLY OF EVENT HIRE EQUIPMENT

Division: Community Wellbeing
Director: Matthew Wilson
Author/Position: Sarah Kennedy – Events Manager

PURPOSE

1. To award Contract 2020/2021 - 2 for the provision of Supply of Event Hire Equipment. Officers have followed Council's standard Tender procurement process to identify the recommended Tenderer, which has been overseen by Council's Procurement Officer.

RESOLUTION:

That Council:

1. **Enter into Contract Number 2020/21 - 2 for the provision of Supply of Event Hire Equipment with Atmosphere Event Specialists Pty Ltd for the estimated spend for the life of the contract of \$1,150,000.00 (ex GST). The contract Term is for three (3) years with the provision of two (2) x one (1) year options at Council's sole discretion.**
2. **Delegate to the Chief Executive Officer the authority to execute the associated contract on behalf of Council.**

Moved: Cr Mark Harris
Seconded: Cr Ben Taylor

CARRIED
(R26/21)

8.5. BALLARAT SPORTS AND EVENTS CENTRE STAGE TWO - CONSTRUCTION TENDER AWARD

Division: Infrastructure and Environment
Director: Bridget Wetherall
Author/Position: Rebecca Love - Project Manager

PURPOSE

1. To award Contract 2020/21 - 249 for the provision of Ballarat Sports and Events Centre - Stage Two Redevelopment to H Troon Pty Ltd for the total tendered price of \$3,984,090.00 (ex GST).
2. The scope of this contract involves the development of three 3x3 courts, learning centre and regional strength and conditioning centre.

RESOLUTION:

That Council:

1. **Enter into Contract Number 2020/21 - 249 for the provision of Ballarat Sports and Events Centre - Stage Two Redevelopment with H Troon Pty Ltd for the total tendered price of \$3,984,090.00 (ex GST).**
2. **Delegate to the Chief Executive Officer the authority to execute the associated contract on behalf of Council.**

Moved: Cr Ben Taylor
Seconded: Cr Mark Harris

CARRIED
(R27/21)

8.6. PROPOSED CULTURAL ACCORD BETWEEN THE EUREKA CENTRE AND TENAKILL HOUSE, IRELAND

Division: Community Wellbeing
Director: Matthew Wilson
Author/Position: Jeff Johnson – Executive Manager Events and Tourism

PURPOSE

1. To inform Council of the development of a Cultural Accord between Eureka Centre Ballarat and the Tenakill Lalor House Committee of the Laois County Council, Ireland.
2. To present the draft Cultural Accord to Council for its consideration and signature.

RESOLUTION:

That Council:

1. **Endorse the establishment of a Cultural Accord between the Eureka Centre and the Tenakill Lalor House Committee; and**
2. **Endorse the Mayor, City of Ballarat, and the Manager, Eureka Centre, to sign the Cultural Accord alongside representatives of Laois County Council and the Tenakill Lalor House Committee.**

Moved: Cr Mark Harris

Seconded: Cr Samantha McIntosh

CARRIED

(R28/21)

8.7. QUARTERLY FINANCIAL REPORT

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

PURPOSE

1. This report sets out the 2nd Quarter financial results for the 2020/2021 financial year for the City of Ballarat. The report highlights financial matters for the quarter.

RESOLUTION:

That Council:

1. Receive the 2nd Quarter Financial Report for the 2020/21 financial year and note
2. the financial matters contained within the report.

Moved: Cr Samantha McIntosh

Seconded: Cr Ben Taylor

CARRIED

(R29/21)

8.8. AMENDED COMMUNITY ENGAGEMENT POLICY

Division: Community Wellbeing
Director: Matthew Wilson
Author/Position: Kate McCluskey - Co-ordinator Community Participation

Cameron Montgomery read John Barnes public submission.

PURPOSE

1. To provide Council with a new Community Engagement Policy that incorporates amendments in response to community engagement.
2. To request the Policy be adopted by Council.

RESOLUTION:

That Council:

1. **Adopt the Community Engagement Policy.**

Moved: Cr Belinda Coates
Seconded: Cr Peter Eddy

CARRIED
(R30/21)

8.9. COUNCILLOR GIFT POLICY

Division: Executive Unit
Director: Evan King
Author/Position: Cameron Montgomery – Executive Manager Governance and Risk

PURPOSE

1. The purpose of the report is for Council to endorse the Councillor Gift Policy.

RESOLUTION:

That Council:

1. **Adopt the Councillor Gift Policy.**

Moved: Cr Ben Taylor
Seconded: Cr Peter Eddy

CARRIED
(R31/21)

8.10. COUNCILLOR CODE OF CONDUCT

Division: Executive Unit
Director: Evan King
Author/Position: Cameron Montgomery – Executive Manager Governance and Risk

Cameron Montgomery read Elisa Zentveld's public submission.

PURPOSE

1. The report recommends Council to endorse the revised Councillor Code of Conduct.

RESOLUTION:

That Council:

1. **Adopts the revised Councillor Code of Conduct.**
2. **Revoke the Councillor Code of Conduct adopted by Council on 25 January 2017 (R01/17).**

Moved: Cr Belinda Coates

Seconded: Cr Ben Taylor

CARRIED

(R32/21)

8.11. S6 INSTRUMENT OF DELEGATION - MEMBERS OF STAFF

Division: Executive Unit
Director: Evan King
Author/Position: Sarah Anstis - Statutory Compliance Officer

PURPOSE

1. To review and update the S6 Instrument of Delegation, Members of Staff for Council's consideration and endorsement.

RESOLUTION:

That Council exercise the powers conferred by the legislation referred to in the attached instrument of delegation at Attachment 2, and that:

1. **There be delegated to members of Council staff, holding, acting in or performing the duties of the officers 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 after the Common Seal of Council is affixed to the instrument.**
3. **On the coming into force of the instrument, all previous S6 delegations to members of Council staff 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 may from time to time adopt.**

Moved: Cr Des Hudson
Seconded: Cr Mark Harris

CARRIED
(R33/21)

8.12. CONTRACTS APPROVAL DELEGATED COMMITTEE MINUTES

Division: Corporate Services
Director: Sean Portelli
Author/Position: Lorraine Sendall – Executive Assistant Director Corporate Services

PURPOSE

1. The purpose of this report is to provide Council with copies of minutes of Council's Contracts Approval Delegated Committee in accordance with the adopted Terms of Reference. At the meeting of this Committee held on 16 December, 2020, two contracts were approved by the Committee. This report provides a copy of the minutes of this meeting as well as detailing summary information in relation to these Contracts.

RESOLUTION:

That Council:

1. **Note, as per the *Local Government Act 2020* Section 66 that this matter is designated confidential.**
2. **Receive the Contracts Approval Delegated Committee minutes of the meeting held on 16 December 2020.**

Moved: Cr Ben Taylor
Seconded: Cr Des Hudson

CARRIED
(R34/21)

8.13. OUTSTANDING QUESTION TIME ITEMS

Division: Executive Unit
Director: Evan King
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:

1. Endorse the Outstanding Question Time report.

Moved: Cr Des Hudson
Seconded: Cr Tracey Hargreaves

CARRIED
(R35/21)

9. NOTICE OF MOTION

Nil

10. REPORTS FROM COMMITTEES/COUNCILLORS

GB07/21 – Cr Belinda Coates

Cr Coates extend a big thankyou to the community members who were involved in the care for country event held on *Yaramlock*, known as Yarrowee River on 31 January 2021. This event was in order to demonstrate support for Aboriginal and Torres Strait Islander communities by assisting in clearing the waterway and surrounding environment of litter, with over 50 people in attendance to lend a hand.

RESOLUTION:

That a report goes to a future Council to consider the establishment and associated resources to support an LGBTIQA+ advisory committee and action plan and considers referring to committee items such as:

- Achieving Rainbow Tick for Council run services
- LGBTIQA+ inclusion across the municipality
- Further opportunities to fly the rainbow flag on significant LGBTIQA+ dates
- Opportunities for City of Ballarat to participate in local and regional pride events

Moved: Cr Belinda Coates

CARRIED

Seconded: Cr Daniel Moloney

(R36/21)

GB08/21 - Cr Ben Taylor

Cr Taylor commended the Road Cycling Nationals, Cycling Australia and GTR events for putting together such an engaging event for the Ballarat community. Cr Hudson added that the event was livestreamed to around 93 countries which is a significant amount of exposure for a regional city.

RESOLUTION:

That Council accept the membership alterations to the following Committees:

- Cr Harris be removed from the Audit and Risk Committee and to be replaced by Cr Moloney.
- Cr Moloney be removed from the Contracts Approval Delegated Committee and to be replaced by Cr Harris.

Moved: Cr Des Hudson

CARRIED

Seconded: Cr Peter Eddy

(R37/21)

11. URGENT BUSINESS

RESOLUTION:

That Council resolves to accept the report Community Sports Infrastructure Stimulus Program (CSISP) Ballarat Regional Tennis Centre Hot Shots Court and Lighting Project Wendouree as Urgent Business at this meeting of Council in accordance with section 3.6.4 of the City of Ballarat Governance Rules 2020.

Moved: Cr Samantha McIntosh

CARRIED

Seconded: Cr Belinda Coates

(38/21)

11.1. COMMUNITY SPORTS INFRASTRUCTURE STIMULUS PROGRAM (CSISP) BALLARAT REGIONAL TENNIS CENTRE HOT SHOTS COURT AND LIGHTING PROJECT WENDOUREE

Division: Development and Growth
Director: Natalie Robertson
Author/Position: Michael Hynes – Senior Advisor – Strategy and Recreation
Planning

PURPOSE

1. For Council endorsement of City of Ballarat contribution applications under the following funding stream through a Council Resolution.
2. City of Ballarat requested to re - apply through the following funding stream after being unsuccessful in application in Round One. The deadline for application is 2 March 2021.
3. Round 2 - 20/21 Community Sports Infrastructure Stimulus Program (CSIP) – Ballarat Regional Tennis Centre – hot shots court and lighting project – Wendouree

RESOLUTION:

1. **That Council resolve to support to City of Ballarat to apply through Round 2 - 20/21 community sports infrastructure stimulus program (CSISP) and endorse that the project will commence within 6 months of signing funding agreement.**

Moved: Cr Samantha McIntosh

CARRIED

Seconded: Cr Mark Harris

(R39/21)

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 7:58pm whilst the Council is dealing with the following matters;

Moved: Cr Mark Harris

CARRIED

Seconded: Cr Des Hudson

(R40/21)

8.4. TENDER NO. 2020/2021-2 SUPPLY OF EVENT HIRE EQUIPMENT

Division: Community Wellbeing
Director: Matthew Wilson
Author/Position: Sarah Kennedy – Events Manager

(confidential information)

8.12. CONTRACTS APPROVAL DELEGATED COMMITTEE

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

(Confidential information)

12.1. DELEGATE AUTHORITY TO CEO TO ENTER SUPPLY AGREEMENT FOR 100% RENEWABLE ELECTRICITY

Division: Infrastructure and Environment
Director: Bridget Wetherall
Author/Position: Quenton Gay – Waste, Water and Energy Officer

(Confidential information)

RESOLUTION:

That Council move out of closed Council at 8:02 PM and adopt the resolutions made therein.

Moved: Cr Ben Taylor

CARRIED

Seconded: Cr Mark Harris

(R42/21)

