

OFFICIAL

Council Meeting

Minutes

27 October 2021 at 6:30pm

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 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 John Hausler - 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 Belinda Coates
Seconded: Cr Peter Eddy

CARRIED
(R200/21)

3. DISCLOSURE OF INTEREST

Cr Hargreaves and Cr Taylor declared a conflict of interest in item 8.13. LGBTQI Advisory Committee.

4. MATTERS ARISING FROM THE MINUTES

Nil

5. CONFIRMATION OF MINUTES

RESOLUTION:

That the Minutes of the Council Meeting on 22 September 2021 as circulated be confirmed.

Moved: Cr Des Hudson

Seconded: Cr Belinda Coates

CARRIED

(R201/21)

RESOLUTION:

That standing orders be suspended to consider condolence motions.

Moved: Cr Daniel Moloney

Seconded: Cr Des Hudson

CARRIED

(R202/21)

Cr Daniel Moloney raised a condolence motion and acknowledge with sadness the recent passing of Alf Hancock, former Councillor (1976 – 1991) and Mayor of the City of Ballarat (90-91 term).

He served our City for many years and strongly believed in the role Council plays in supporting our community.

He is sadly missed by his family and those who knew him from his time in Local Government.

We send his wife Judy and all his family our most sincere condolences.

Cr Ben Taylor raised a condolence motion and acknowledge the recent passing of Vic Bradley who passed away aged 97 on 8 October 2021.

Vic was a great community member who was well known through the Buninyong, Mt Clear communities and throughout the Ballarat area.

Vic was a WWII veteran who enlisted at 18 years old and served in Torres Strait and Papua New Guinea. He was a member of RSL for 75 years and was the longest serving president at Buninyong RSL for over 20 years. He was also a RSL Welfare Officers for over 50 years which

came the Order of Australia medal in 2011, the Australia Day Awards 2007, RSL Meritorious Medal for Service 1995, Buninyong Town Hall Committee Life member over 20 years Avenue of Honour Committee 26 years, Mt Clear Cricket club member and award given in his honour Vic Bradley Medal, Mt Clear Tennis, Buninyong Bowls and Buninyong Golf Club Mt Clear College providing scholarships and engaging with students on the ANZAC spirit and accompanied the school to Gallipoli and France in 2007.

RESOLUTION:

That standing orders be resumed.

Moved: Cr Daniel Moloney

CARRIED

Seconded: Cr Des Hudson

(R203/21)

RESOLUTION:

That Council accept the condolence motions for Alf Hancock and Vic Bradley.

Moved: Cr Daniel Moloney

CARRIED

Seconded: Cr Ben Taylor

(R204/21)

6. PUBLIC QUESTION TIME

QT50/21 - Joe Boin

Question

1. Ballarat is a member of the Cities Power Partnership (CPP). The City's Carbon Neutrality Plan indicates that Ballarat is future focused to become a leader in sustainability, but the public have little awareness of significant actions other than the Green Power Purchase Agreement. The recent IPCC report shows that the need for action is urgent. Other CPP member Councils are simplifying and encouraging solar uptake by schools, businesses and households. Is Ballarat doing this?
2. There is a clear need at all levels of government for urgent climate action, and the Cities Power Partnership says that councils are at the heart of responding to climate impacts. The Climate Council finds that Australia needs to triple its emissions cuts within the next decade. Therefore, will Ballarat Council openly communicate with and work with the community and businesses to support broader efforts to cut emissions beyond Council operations and infrastructure?

Answer

Mr Mayor responded that we have had similar questions in the last few meetings, and we have made efforts since then to improve our website communication to include the environmental and sustainable initiatives. Council has a commitment to move our organisation toward carbon neutral by 2025 and an aspirational community wide plan towards 2030. There will also be community consultation in regards to achieving these community targets which will I believe will begin either late this year or early next year.

Bridget Wetherall, Director Infrastructure and Environment responded that the City of Ballarat is a member of the Cities Power Partnership (CPP) since 2018. The City of Ballarat has completed several sustainability projects to date. These include but are not limited to Ecological Sustainable Design (ESD) assessments across 13 community facilities, the installation of around 150 kW solar systems on council buildings installation of a second generator at landfill and an additional 3 hybrid passenger vehicles in council fleet.

In March 2021, the Council agreed to work in collaboration with Regional Sustainability Alliance Ballarat to develop a community-wide zero net emissions plan.

We are working on improving the content of our climate and sustainability initiatives on our website to hopefully provide the community with more up to date information.

QT51/21 - John Barnes

Question

The Draft 10-Year Financial Plan which you will be adopting later in tonight's agenda has some minor changes to the consultation draft, particularly around Borrowing Strategy. Officers have noted on tables on pages 6 and 35 that in the absence of targets for borrowings, they have adopted the figures from the Local Government Victoria's Financial Plan - Better Practice Guide. This highlights to me that council needs to develop a Borrowing Policy, which is broader than a Borrowing Strategy. Not only would a Policy confirm the targets for borrowings (total borrowing /debt servicing costs/comparisons with like LGAs/etc.), it would also spell out for

the public, Councillors and staff all things relating to debt and borrowing when is it appropriate to borrow (minimum of a benefit to cost ratio of >1 on business cases), compulsory business case on whole of life costings (capital and recurrent) prior to project commitment, the appropriate use of borrowings (new versus renewal/recurrent), and so on. Future changes in light of the adoption of such a Policy could be made in subsequent iterations of the 10-Year Financial Plan, as is expected when your Asset Plan and Workforce Plan are completed.

Will Councillors call for officers to table a draft Borrowing Policy for community consultation and adoption to coincide with the 2022 budget cycle?

Answer

Mr Mayor responded by noting that in previous conversations with Mr Barnes and John Hausler, Director of Corporate Services during the consultation phase, questions were asked regarding opportunities to reconsider Council's borrowing position and this is likely to be a topic that will be debated in the Budget process in the future. The Chief Executive Officers response back then was that at any point in the budget development cycle there will be opportunity to reassess Council's borrowing position and this will definitely be a theme in the upcoming 2022-2023 budget process. Many broad conversations between Councillors and Council Officers have been started in relation to the development of a Borrowing Policy. Mr Mayor noted that it is his understanding that a Borrowing Policy will be developed by Officers and brought to Councillors for consideration as part of the 2022-2023 budget cycle.

John Hausler, Director of Corporate Services also responded that Officers see great value in community engagement and consultation on the development of a Borrowing Policy and as part of the process we would intend to bring the policy to Council for endorsement of community engagement/consultation prior to Council formally adopting the Policy at a later date.

QT52/21 - Christine Uren**Question**

1. As a result of the disappointing and indeed life-threatening emissions targets outlined by the Federal government, I ask that my council take leadership in requiring a national lift to 75% emissions reduction by 2030. This will enable us to achieve and perhaps exceed net zero by 2050 and also help to save Ballarat (and the world) from future collapse. The IPCC Report is not wrong.
2. Will the Council provide any leadership in regard to the Climate Emergency? There seems to be a gap in leadership on the ground. Many residents are not aware of the current and future dangers and of the great opportunities for our communities in responding to these challenges. How can we mobilise people in their own defence and create a wave of optimism? I would like to see some major initiatives in communication with residents. Perhaps beginning with a series of forums.

Answer

Bridget Wetherall responded that at the moment we are appointing a consultant to help us gather the data and to determine where we are at as a community and then once we have the information we will be going to the community and asking if they believe the data is correct. We will then be looking for ideas on how we can reduce omissions as a community. It is a process that has started but we aren't yet at the community consultation stage just yet,

however as soon as we are ready with relevant data, the community will have the opportunity to participate and work together to meet Ballarat's omission targets.

6.1. PETITION: STOP PLANNED NEW CAFE/CATERING OPERATIONS FOR COUNCIL VENUES

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

PURPOSE

1. To receive a written petition containing 41 signatories requesting Council to “*stop planned new café/catering operations for Council venues*”.

RESOLUTION:

That Council:

1. Note the petition be received; and
2. That the petition be referred to the Chief Executive Officer for consideration and response.

Moved: Cr Daniel Moloney
Seconded: Cr Peter Eddy

CARRIED
(R205/21)

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 Belinda Coates

Seconded: Cr Samantha McIntosh

CARRIED

(R206/21)

8. OFFICER REPORTS

8.1. ANNUAL REPORT

Division: Community Wellbeing
Director: Matthew Wilson
Author/Position: Matthew Wilson, Director Community Wellbeing

PURPOSE

1. The purpose of this report is for Council to consider and note the City of Ballarat Annual Report 2020/21 (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:

That Council:

1. **Note the City of Ballarat Annual Report 2020/21 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 Daniel Moloney
Seconded: Cr Peter Eddy

CARRIED
(R207/21)

8.2. PLP/2021/158 LAKE LIGHTING

Division: Development and Growth
Director: Natalie Robertson
Author/Position Conor Perrott - Manager, Statutory Planning

Public representations were made by Judith Bailey, Stuart Kelly, Kelly Nelson, Merle Hathaway, Gail Hirst, Sue Broadway, Mary Debrett and Anthony Krohn.

PURPOSE

1. The purpose of this report is to determine a position on Planning Permit Application PLP/2021/158.

RESOLUTION:

That standing orders be suspended.

Moved: Cr Daniel Moloney
Seconded: Cr Ben Taylor

CARRIED
(R208/21)

RESOLUTION:

That standing orders be resumed.

Moved: Cr Daniel Moloney
Seconded: Cr Tracey Hargreaves

CARRIED
(R209/21)

RESOLUTION:

That standing orders be suspended.

Moved: Cr Daniel Moloney
Seconded: Cr Des Hudson

CARRIED
(R210/21)

RESOLUTION:

That standing orders be resumed.

Moved: Cr Daniel Moloney
Seconded: Cr Des Hudson

CARRIED
(R211/21)

RESOLUTION:

Having considered all the matters required under Section 60 of the *Planning and Environment Act 1987*, it is recommended that the Responsible Authority grant a Planning Permit in accordance with the Ballarat Planning Scheme in respect of the land known and described as Lake Wendouree foreshore, for the demolition of existing lighting infrastructure and the installation of new lighting and associated electrical infrastructure, subject to conditions.

Moved: Cr Ben Taylor

CARRIED

Seconded: Cr Des Hudson

(R212/21)

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

For the Motion were Councillors: Cr Hudson, Cr Taylor, Cr Hargreaves, Cr Moloney, Cr Eddy

Against the Motion was: Cr Harris, Cr McIntosh, Cr Coates

8.3. RAV/CREATIVE CITY GRANT

Division: Community Wellbeing
Director: Matthew Wilson
Author/Position: Tara Poole – Coordinator Creative City

PURPOSE

1. The **Creative Inspiration Grant** is a grants program for the arts, culture, and creative sector to help kickstart or continue to implement a new idea. The grant consists of a maximum grant allocation of \$1,000 to artists, creatives, makers, and artisans who are living, working, or studying in the City of Ballarat.
2. Administered by Regional Arts Victoria (RAV) on behalf of the City of Ballarat, with four grant rounds throughout the year. A maximum investment of \$35,000 per year has been allocated from the 2021/22 Arts & Culture business unit budget.
3. The intent of the program is to support new, innovative, problem-solving and tactical thinking and to 'nurture the spark of creativity', the central tenet of the Creative City Strategy 2019.

RESOLUTION:

That Council:

1. **Support the implementation of the Creative Inspiration Grant, funded by the City of Ballarat and administered by Regional Arts Victoria in accordance with the Creative Inspiration Grant Guidelines.**

Moved: Cr Belinda Coates

Seconded: Cr Peter Eddy

CARRIED

(R213/21)

8.4. STRATEGIC PARTNERSHIP PROGRAM APPLICATIONS

Division: Community Wellbeing
Director: Matthew Wilson
Author/Position: Kate McCluskey – Coordinator Community Participation

PURPOSE

1. To present to Council recommendations for funding of proposals received for the Strategic Partnership program during the August 2021 application window.
2. To seek Council direction on which proposals (if any) should be funded.

RESOLUTION:

That Council:

1. **Endorse funding Midlands District Amateur Swimming Association Inc. a total sum of \$21,583 over two years (2021/2022 and 2022/2023).**
2. **Endorse funding Ballarat East Neighbourhood House Inc. a total sum of \$333,784 over four years (2021/2022, 2022/2023, 2023/2024 and 2024/2025).**
3. **Endorse funding Runway Ballarat Ltd a total sum of \$127,608 over two years (2021/2022 and 2022/2023).**

Moved: Cr Des Hudson
Seconded: Cr Ben Taylor

CARRIED
(R214/21)

8.5. BUSINESS AND COMMUNITY SUPPORT PACKAGE

Division: Development and Growth
Director: Natalie Robertson
Author/Position: Kelli Moran – Team Leader Economic Growth

PURPOSE

1. To recommend a reallocation of the remaining funds in the City of Ballarat's \$1 million *Community and Business Support Package* Grants Program, to a series of initiatives to support our community and businesses over the coming months.

RESOLUTION:

That Council:

1. **Allocate funds from the City of Ballarat's \$1 million *Community and Business Support Package* Grants Program, following the current round closure time, in the following manner - as a contribution towards a broader package of 2021/22 COVID Recovery support for Ballarat:**
 - a. **\$100,000 for continued *Community and Business Support* grants (as per the current scheme, until allocation is exhausted).**
 - b. **\$135,000 for another round of footpath dining infrastructure (wind protection screens and umbrella sockets, estimated to assist more than 20 businesses).**
 - c. **\$75,000 for a Summer tourism marketing campaign into local, regional and metropolitan markets.**
 - d. **\$300,000 towards activated 'pop up' outdoor performance space which could cater for a range of patrons and activities over the Summer period, supporting community groups, local and national performances, entertainers and other functions.**
 - e. **\$140,000 plus towards a program of local music, performance, entertainment, and creative activity in a variety of outdoor public spaces across Ballarat over the warmer months.**

Moved: Cr Daniel Moloney
Seconded: Cr Belinda Coates

CARRIED
(R215/21)

8.6. TENDER 2021/22-43 STURT STREET BIKE PATH

Division: Infrastructure and Environment
Director: Bridget Wetherall
Author/Position: Robin Hand – Contracts Administration Officer

Stuart Kelly provided a public representation on the item.

PURPOSE

1. To award Contract Number 2021/22-043 for the provision of Sturt Street bike path and upgrade from Dawson Street to Grenville Street with Fulton Hogan Industries Pty Ltd for the total tendered price of \$3,698,755.91 (ex GST).
2. This project will see the construction of a shared bike path in Sturt Street from Dawson Street to Grenville Street. It will also see a significant upgrade of Sturt Street including intersection modifications, new asphalt overlay and line marking, street trees and landscaping.

RESOLUTION:

That Council:

1. **Enter into Contract Number 2021/22-043 for the provision of Sturt Street bike path and upgrade from Dawson Street to Grenville Street with Fulton Hogan Industries Pty Ltd for the total tendered price of \$3,698,755.91 (ex GST).**
2. **Delegate to the Chief Executive Officer the authority to execute the associated contract on behalf of Council.**

Moved: Cr Mark Harris
Seconded: Cr Belinda Coates

CARRIED
(R216/21)

8.7. TENDER 2021/22-18 VICTORIA PARK PAVILION CONSTRUCTION

Division: Development and Growth
Director: Natalie Robertson
Author/Position: Philip Barnett – Project Manager

PURPOSE

1. To award Contract 2021/22-018 – Victoria Park Pavilion Construction.
2. The scope of the contract includes the construction of a new community sports pavilion inclusive of changerooms and amenities, social rooms, kitchen and kiosk, internal and public toilets. The contract also includes the delivery of associated carparking and landscaping works.

RESOLUTION:**That Council:**

1. Resolves to enter into Contract Number "2021/22-018" for the provision of "Victoria Park Pavilion Construction" with A.W. Nicholson Pty Ltd for the total tendered price of \$2,658,435 (ex GST).
2. Delegate to the Chief Executive Officer the authority to execute the associated contract on behalf of Council.

Moved: Cr Des Hudson
Seconded: Cr Ben Taylor

CARRIED
(R217/21)

8.8. TENDER 2021/22-163 CUTHBERTS ROAD RECONSTRUCTION (BURRUMBEET-SMARTS HILL)

Division: Infrastructure and Environment
Director: Bridget Wetherall
Author/Position: Robin Hand – Contracts Administration Officer

PURPOSE

1. To award Contract Number 2021/22-163 for the provision of Cuthberts Road Reconstruction (Burrumbeet-Hillcrest Road to Smarts Hill Road) with Fulton Hogan Industries Pty Ltd for the total tendered price of \$956,976.82 (ex GST).
2. This project will see approximately 1.8 km of existing road pavement in Cuthberts Road, between Burrumbeet-Hillcrest Road to Smarts Hill Road stabilised and reconstructed with a sealed surface and new open drains formed to channel water.
3. There are three intersecting roads within the extent of works that will be constructed with an asphalt wearing course.

RESOLUTION:

That Council:

1. **Enter into Contract Number 2021/22-163 for the provision of Cuthberts Road Reconstruction (Burrumbeet-Hillcrest Road to Smarts Hill Road) with Fulton Hogan Industries Pty Ltd for the total tendered price of \$956,976.82 (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
(R218/21)

8.9. CITY OF BALLARAT FINANCIAL PLAN 2021-2031

Division: Corporate Services
Director: John Hausler
Author/Position: Jason Clissold – Executive Manager Financial Services

PURPOSE

1. The purpose of this report is to present Council with the City of Ballarat Financial Plan 2021-2031 for consideration and adoption.
2. This report addresses the legislative requirements for Council to consider and formally adopt the Financial Plan 2021-2031 for the City of Ballarat.

RESOLUTION:**That Council:**

1. **Resolves it has considered all submissions and presentations made to Council at its Unscheduled meeting held on 15 September 2021.**
2. **Note that the development of the draft Financial Plan 2021-2031 has complied with Council's Community Engagement Policy in respect to hearing verbal presentations in support of written submissions as requested by respondents.**
3. **Adopt the Financial Plan 2021-2031 as attached.**

Moved: Cr Des Hudson
Seconded: Cr Ben Taylor

CARRIED
(R219/21)

8.10. GAMING POLICY REVIEW

Division: Community Wellbeing
Director: Matthew Wilson
Author/Position: Belinda Hynes – Coordinator Health and Social Planning
Pete Appleton – Executive Manager Engaged Communities

PURPOSE

1. The purpose of this report is to present the draft Gambling Harm Minimisation Policy and seek Council endorsement to release the draft policy for public exhibition for a period of four weeks.

RESOLUTION:

That Council:

1. Endorse the draft Gambling Harm Minimisation Policy for public exhibition.

Moved: Cr Belinda Coates

Seconded: Cr Mark Harris

CARRIED

(R220/21)

8.11. ADOPTION OF PROCUREMENT POLICY

Division: Corporate Services
Director: John Hausler
Author/Position: Trevor Harris, Procurement Coordinator

PURPOSE

1. To comply with the provisions of the *Local Government Act 2020* (the Act) pertaining to procurement which came into operation on 1 July 2021, by having Council adopt a new Procurement Policy.
2. Under the Act, Council has a six-month transition period to adopt a new Procurement Policy in accordance with the new framework, no later than 31 December 2021.
3. Until such time as a new policy is adopted under Section 108 of the Act, the pre-existing Procurement Policy as well as the restrictions on the power of Council to enter into a contract (refer to s186 and s186A of the *Local Government Act 1989*) continue to apply.
4. To ensure the Contracts Committee Terms of Reference is updated to align with changes proposed in the new Procurement Policy.

RESOLUTION:

That Council:

1. **Adopt the updated attached Procurement Policy (Version 11) to take affect from 1 December 2021.**
2. **Adopt the updated Terms of Reference for Contracts Committee to take effect from 1 December 2021.**
3. **Note that any existing procurement which has not been completed prior to 1 December 2021 will be evaluated, assessed and approved based on version 10 of the Procurement policy.**

Moved: Cr Ben Taylor
Seconded: Cr Belinda Coates

CARRIED
(R221/21)

8.12. COMMITTEE OF MANAGEMENT - 4 HAVELOCK STREET

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

PURPOSE

1. Request Council endorse City of Ballarat becoming Committee of Management for the currently disused and not publicly accessible crown land on the corner of Havelock Street and Nolan Street near the Ballarat Railway Station and Eastern Oval.
2. The land has been identified by Regional Development Victoria as a site for public car parking, to be funded by the State Government's Regional Car Parks Fund.
3. The report seeks Committee of Management arrangements to enable Council to construct the car park on behalf of Regional Development Victoria, given the site is currently privately leased by DELWP to a 3rd party.

RESOLUTION:

That Council:

1. **Request the Department of Environment, Land, Water and Planning (DELWP) appoint City of Ballarat as Committee of Management for part of the land parcel at 4 Havelock Street, Ballarat East (Town of Ballarat East – Section 51A – Crown Allotment 4) as depicted in Attachment 1.**
2. **Note the requested Committee of Management arrangement specifically excludes the building on the site.**

Moved: Cr Peter Eddy

Seconded: Cr Samantha McIntosh

CARRIED

(R222/21)

8.13. LGBTIQA+ ADVISORY COMMITTEE MEMBERSHIP

Division: Community Wellbeing
Director: Matthew Wilson
Author/Position: Bernadette Duffy – Community Inclusion Officer

Cr Hargreaves and Cr Taylor declared a conflict of interest and left the meeting at 10:13pm prior to discussion occurring.

PURPOSE

1. To present to Council for formal appointment nine (9) members for the inaugural LGBTIQA+ Advisory Committee.

RESOLUTION:

That Council:

1. **Appoint Michelle Bowler, KL Joy, Gabriel Waldron, and Belinda Woodruff as individual community representatives, and Sage Akouri (Speak), Alexander Bravo (Ballarat Community Health), Asha Buckmaster (Central Highlands Primary Care Partnership), Deb Lord (LaNCE TV Inc.) and Jay Morrison (Ballarat Frolic Festival Committee) as organisational/ group representatives on the LGBTIQA+ Advisory Committee effective immediately.**

Moved: Cr Belinda Coates

CARRIED

Seconded: Cr Samantha McIntosh

(R223/21)

Cr Taylor and Cr Hargreaves returned to the meeting at 10:19pm after a decision was made.

8.14. COMMUNITY ASSET COMMITTEE PERFORMANCE AND ACTIVITIES

Division: Executive Unit
Director: Evan King
Author/Position: Sophie Constable – Administration Officer Statutory Compliance

PURPOSE

1. The purpose of this report is for Council to consider and note the annual activities and performance of Community Asset Committees, submitted in accordance with s47 (6) of the *Local Government 2020* (the Act).
2. This report highlights the support Council has provided to Community Asset Committee's in the financial year ending 30 June 2021 to ensure these assets continue to be managed safely during the COVID-19 pandemic.
3. The elected membership of some Community Asset Committees has altered since being endorsed on 12 August 2020 Council Meeting (R203/20). This report also acknowledges recent resignations of committee members and seek council support to ratify the revised membership of the relevant Committees.

RESOLUTION:**That Council:**

1. **Receive and acknowledge the contributions of the Community Asset Committees made through the activities and performance as outlined in the report.**
2. **Receive and note the Community Asset Committee's Annual Report has been made in accordance with section 47 (6) of the Local Government Act 2020.**
3. **Acknowledge the resignation of the following Committee members and commend them on their contributions to the particular Community Asset Committee they represented:**
 - **Brendan Stephens (Brown Hill Community Hall)**
 - **Vic Bradley (Buninyong Hall)**
 - **Evan Ould (Scotsburn Community Hall)**
 - **Rowan Jones (Scotsburn Community Hall)**
 - **David MacKay (Sebastopol RSL Hall)**
4. **Endorse the revised membership of the following Community Asset Committees:**
 - **Brown Hill Community Hall: Scott Antonio, Steve Holmes, Dianne Eden, Merrilyn Harlock, Reg Eden, Hazen Cleary**
 - **Buninyong Hall: Simon Dennis, Sharele Pilmore, Miranda Donald, Sonya Sutcliffe, Mark Jones, Sharon Develyn, Adam Turnbull, Christine Rossitor, Ann Gooding, Leonie Everdeen, John Clark**

- **Burrumbeet Soldiers Memorial Hall: Paul Beechley, Ian Marshall, Alan McCartney, Bernard Hyland, Shirley Marshall, Gwen Smith, Ian Smith, Desley Beechey, Brendan Cahill, Alison Briody, Lauren Briody, Angela Smith**
- **Cardigan Village Community Centre: Francis Litwin, Blake Curran, Bev Penberthy, Sarah Britt, Janna Mayal, Mary Tipping**
- **Scotsburn Community Hall: Graham Shearer, Phillip Allen, Gabrielle Murphy, Roland Nam, Cecilia Burnham, Bill Whiteside, Darryl Palmer, Nigel Prior, John Allen, Casey Duke, Nora Duke**
- **Sebastopol RSL Hall: Cr Des Hudson, Margaret Cottell, Marlie Feeney, Mark Azzopardi**

Moved: Cr Peter Eddy

Seconded: Cr Mark Harris

CARRIED

(R224/21)

8.15. CONTRACTS APPROVAL DELEGATED COMMITTEE MINUTES

Division: Corporate Services
Director: John Hausler
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 meetings of these Committees held on 25 August, 8 September and 22 September, 2021 seven contracts were approved by the Committee. This report provides a copy of the minutes of these meetings 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 25th August, 8th September and 22nd September, 2021.

Moved: Cr Mark Harris
Seconded: Cr Ben Taylor

CARRIED
(R225/21)

8.16. AUDIT AND RISK COMMITTEE BI-ANNUAL REPORT

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

PURPOSE

1. To present the Audit and Risk Committee's Biannual Report for the period January to June 2021.
2. Regular reporting to Councillors and the community is a key principle of transparency and good governance.

RESOLUTION:

That Council:

1. **Notes the Audit and Risk Committee Biannual report for the period 1 January to 30 June 2021.**

Moved: Cr Samantha McIntosh
Seconded: Cr Daniel Moloney

CARRIED
(R226/21)

8.17. S6 INSTRUMENT OF DELEGATION - MEMBERS OF STAFF

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

PURPOSE

1. The purpose of the report is to review and update the S6 Instrument of Delegation, Members of Staff.

RESOLUTION:

- 6 Exercise the powers conferred by the legislation referred to in the attached instrument of delegation at Attachment 2, and that:**
 - 6.1 They 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.**
 - 6.2 The Instrument comes into force immediately after the Common Seal of Council is affixed to the instrument.**
 - 6.3 On the coming into force of the instrument, all previous S6 delegations to members of Council staff are revoked.**
 - 6.4 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 Ben Taylor
Seconded: Cr Des Hudson

CARRIED
(R227/21)

8.18. S11A INSTRUMENT AND APPOINTMENT AND AUTHORISATION

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

PURPOSE

1. The report is to endorse the S11A Instrument of Appointment and Authorisations under the *Planning and Environment Act 1987* for Vicky Lu, Michelle Martin and Owen Menne.
2. The report is to also revoke the S11A Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* for Rex Zhang.

RESOLUTION:

That Council:

1. **Exercise the powers conferred by s224 of the *Local Government Act 1989* (the Act) and the other legislation referred to in the attached instruments of appointment and authorisation (the instruments), and that;**
 - a. **Vicky Lu, Michelle Martin and Owen Menne be appointed and authorised as set out in the instruments.**
 - b. **The instruments come into force immediately the common seal of Council is affixed to the instrument and remains in force until Council determines to vary or revoke it.**
 - c. **The instruments be sealed.**
2. **Revoke the S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) for Rex Zhang (R172/21).**

Moved: Cr Des Hudson
Seconded: Cr Peter Eddy

CARRIED
(R228/21)

8.19. S11B INSTRUMENT OF APPOINTMENT AND AUTHORISATION (ENVIRONMENT PROTECTION ACT 2017)

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

PURPOSE

1. The purpose of the report is to endorse the S11B Instrument of Appointment and Authorisation under the *Environment Protection Act 2017* for Owen Menne and revoke Nedim Beslagic.

RESOLUTION:

1. Exercise the powers conferred by s242(2) of the Environment Protection Act 2017 and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, Ballarat City Council resolved that:
 - a. The members of Council staff referred to in the instruments attached be appointed and authorised as set out in the instruments.
 - b. The instrument comes into force immediately the common seal of Council is affixed to the instrument and remains in force until Council determines to vary or revoke it.
 - c. The instrument be sealed.
2. Revoke the S11B Instrument of Appointment and Authorisation (Environment Protection Act 2017) for Nedim Beslagic (R151/21).

Moved: Cr Daniel Moloney
Seconded: Cr Des Hudson

CARRIED
(R229/21)

8.20. 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 Belinda Coates
Seconded: Cr Mark Harris

CARRIED
(R230/21)

9. NOTICE OF MOTION

Nil

10. REPORTS FROM COMMITTEES/COUNCILLORS

GB37/21 - Cr Belinda Coates

Cr Coates provided an update on the Koorie Engagement Action Group, reporting that they are undertaking the process of stakeholder engagement and consultation for the new Reconciliation Action Plan. The consultant has been appointed and the working group has started working towards that.

Cr Coates presented a joint letter which was received as an online petition signed by 209 people. The petition was in relation to safe pedestrian crossings and community access to Ballarat Library. Cr Coates requested that Officers bring back a briefing in relation to this issue and that the Chief Executive Officer responds to the head petitioner.

GB38/21 - Cr Tracey Hargreaves

Cr Hargreaves requested for a Briefing to Councillors regarding the COVID-19 restrictions Chief Health Officer directions and the liability for employers especially in relation to mandated vaccinations so that local employers can fulfill their obligations as a business. It would be useful if this briefing included issues such as privacy, storage of medical information, arising issues of potential discrimination, bullying, exclusion, WorkSafe practices in general and fair work practices for dismissal of staff.

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 10:31pm whilst the Council is dealing with the following matters;

Moved: Cr Samantha McIntosh

Seconded: Cr Des Hudson

CARRIED

(R231/21)

12.1 WESTERN BULLDOGS PARTNERSHIP AGREEMENT

Division: Development and Growth

Director: Natalie Robertson

Author/Position: Mark Patterson – Executive Manager Recreation Services

(Confidential information)

RESOLUTION:

That Council move out of closed Council at 10:39pm and adopt the resolutions made therein.

Moved: Cr Samantha McIntosh

Seconded: Cr Mark Harris

CARRIED

(R233/21)

13. CLOSE

The Mayor reported on items discussed in closed Council.

The Mayor declared the meeting closed at 10:40pm.

Confirmed this

day of

2021.

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Mayor