

# **Council Meeting**

## **Minutes**

**27 January 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 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 16 December 2020 and 6 January 2021 as circulated be confirmed.

**Moved: Cr Belinda Coates**  
**Seconded: Cr Des Hudson**

**CARRIED**  
**(R03/21)**

### RESOLUTION:

Condolence motion for Mr Gary Fitzgerald who passed away on 24 December 2020.

**Moved: Cr Daniel Moloney**  
**Seconded: Cr Des Hudson**

**CARRIED**  
**(R04/21)**

### RESOLUTION:

Condolence motion for Ms Kath Morton.

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

**CARRIED**  
**(R05/21)**

## **6. PUBLIC QUESTION TIME**

### **QT01/21 - Philippe Fernandez**

#### **Question**

Will the Council push to bring the historic tramway back to form a complete loop of Lake Wendouree? This would fulfill both a public transport need and provide an historic tourist attraction.

#### **Answer**

Bridget Wetherall, Director Infrastructure and Environment responded that the City is working closely with the Ballarat Tramway Museum to renew the existing tram tracks around Lake Wendouree. The Tramway Museum has plans to extend the track in the future, but the priority for now remains the replacement of the ageing tracks. A 300m section of the tracks was replaced in 2019 at a cost of over \$800,000. A joint funding agreement is constantly being explored to gain further funds to support future track upgrades as well as looking at funding for expanding the existing tram tracks.

### **QT02/21 - Philippe Fernandez**

#### **Question**

Could these efforts be coupled with the implementation of a dedicated bike path off road and decoupled from the existing walking track?

#### **Answer**

Bridget Wetherall, Director Infrastructure and Environment responded that at the moment there has been no consideration given to creating a separate and dedicated bike path around Lake Wendouree. The existing path which is the Steve Moneghetti Track is designed as a shared path that can cater for both cyclist and pedestrians, future upgrade of this track may see it sealed in asphalt. There are other subsidiary walking tracks that run along the lake foreshore in many locations of the lake particularly along its western side, and Wendouree Parade has a dedicated on road cycle lane located on the lake side that runs for the whole circumference of the Lake. So there are is lots of linkages to the lake in terms of cycle ways. However, the enquiry will be directed to the cycling and pedestrians working group of Council for further consideration.

### **QT03/21 - Peter Finn**

#### **Question**

In light of Council's inability to assist residents of Chevron Court, Lake Wendouree, with the unsightly location of a Tiny House in their street does Council consider the absence of legislation to govern structures such as Tiny Houses located in residential areas highlight a need to legislate to be able provide guidance in the future?

## Answer

Natalie Robertson, Director Development and Growth responded that this matter has been the subject of several local laws enquiries. In this circumstance, the tiny house referred to is located on wheels in the driveway of a property in Chevron Court. There is no breach of the current community local law, building or planning legislation as it can be located in the driveway much the same way as a caravan or a trailer.

There is adequate legislation that provides guidance in these matters where it relates to Council's jurisdiction and in this situation, it is a matter of neighbourhood dispute and a process of mediation through the Dispute Settlement Centre of Victoria may assist to resolve the matter.

## QT04/21 - Werner Ollering

### Question

In April 2020 I asked a question relating to odour from the Ballarat sale yards (CVLX). In his response, Mr Demeo advised that further enforcement was not required at that time. The EPA has now received 1056 odour complaints from more than 130 residents (EPA Figures) in the 2 years and 3 months the facility has been in operation. Historically, complaints peak January to April. Is it now time for Council to respond to those "Odour Nuisance" complaints?

At a recent Neighbourhood Reference Group (NRG) Meeting, CVLX advised it has submitted revised its Environmental Improvement Plan (EIP) and Odour Management Plan (OMP) to Council for approval. In 2019 Council engaged GHD Environment specialists to carry out an Independent Odour assessment of CVLX's operations. The GHD report concluded that there is an offsite odour impact, and it identified a wide range of odour management measures to resolve odour issue. Has Council had the revised plans reviewed by an independent odour specialist, possibly GHD?

### Answer

Natalie Robertson, Director Development and Growth responded that Council plays the role as the planning authority ensuring documents outlined in the Development Plan within our planning scheme are consistent with any works approval required under the *Environment Protection Act 1970*.

As a result of the ongoing complaints regarding odour, in early 2020, a report by GHD was commissioned by Council and was provided only to EPA as the determining authority.

As a result of notices by EPA, late last year CVLX submitted revised documentation to EPA which incorporates changes to their Environmental Improvement Plan (EIP) and Odour Management Plan (OMP), along with updated associated sub-plans. These revised documents addressed:

- Actions resulting from the EPA Pollution Abatement Notices issued since the initial endorsement of documentation from EPA;
- Updates to, and/or replacement of, sub-plans since operations commenced e.g. Noise Management Plan and Effluent System Commissioning Reports;
- Internal review of operations and the EIP practicality or efficiency;
- Changes to internal structure and personnel;
- Operational and infrastructural changes;

- Updates based on legislative changes;
- A condition that meets the Wet Weather Storage Management Plan; and
- Some other recommendations from EPA.

Having said all this, prior to Council's formal responding to the EPA on these amendments, I have undertaken, if it gives the Neighbourhood Community Group assurance, in this forum I would seek Councils support to engage GHD based on their original report, review this documentation and provide a response that we would then provide to CVLX, the Neighbourhood Community Group and EPA.

**RESOLUTION:**

**That Council engage GHD regarding their original report and the response by provided to CVLX, the Neighbourhood Community Group and EPA.**

**Moved: Cr Samantha McIntosh  
Seconded: Cr Peter Eddy**

**CARRIED  
(R06/21)**

**RESOLUTION:**

**That the questions be received.**

**Moved: Cr Amy Johnson  
Seconded: Cr Samantha McIntosh**

**CARRIED  
(R07/21)**



## **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:**

1. **Receive and note the CEO's Operational Report.**
2. **Receive and note the Action Plan to be implemented by the incoming CEO.**

**Moved: Cr Daniel Moloney**  
**Seconded: Cr Samantha McIntosh**

**CARRIED**  
**(R08/21)**

## 8. OFFICER REPORTS

### 8.1. TENDER 2020/21 - 112 BALLARAT REGIONAL LANDFILL LIQUID WASTE (LEACHATE) REMOVAL

**Division:** Infrastructure and Environment  
**Director:** Bridget Wetherall  
**Author/Position:** Nicholas Benyon – Environmental Service Compliance Officer

#### PURPOSE

1. To enter into Contract Number 2020/21 - 112 for the provision of Ballarat Regional Landfill Liquid Waste (Leachate) Removal with RTD Environmental for the estimated annual spend of \$350,000.00 (ex GST). The contract term is for three years with the provision of two one-year extensions at Council's sole discretion.

#### RESOLUTION:

That Council:

1. Enter into Contract Number 2020/21 - 112 for the provision of Ballarat Regional Landfill Liquid Waste (Leachate) Removal with RTD Environmental for the estimated annual spend of \$350,000.00 (ex GST). The contract Term is for three (3) years with the provision of two (2) one-year extensions (1+1) 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 Ben Taylor  
Seconded: Cr Belinda Coates

**CARRIED**  
**(R09/21)**

## **8.2. ROAD DEVIATION AND DISCONTINUANCE - PART NERRINA ROAD, NERRINA**

**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 and discontinuance for part Nerrina Road, Nerrina in order to correct the boundary realignment following the road construction in 2016/2017. The land comprises proposed Lot 1 (63.5 sqm) Part Roadway, Nerrina Road, Nerrina and proposed Lot 2 (63.5sqm) Part 15 Arapiles Street, Nerrina (Plan of Road Exchange attached).
2. Following the road deviation and discontinuance, Council is to then exchange by private treaty at no consideration the land parcels. Valuations have been commissioned on both parcels of land with the returned value being \$6300 each.

### **RESOLUTION:**

**That Council:**

1. **Undertake the formal Gazettal process in respect to the road deviation and discontinuance of this portion of Nerrina Road, Nerrina.**
2. **Satisfies the statutory processes in relation to the road exchange.**
3. **Authorise the exchange of land to be administered by private treaty at 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 with the abutting property owner.**

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

**CARRIED**  
**(R10/21)**

### 8.3. COUNCIL COMMUNITY SATISFACTION SURVEY

**Division:** Corporate Services  
**Director:** Sean Portelli  
**Author/Position:** Matthew Swards – Manager Business and Service Improvement

#### PURPOSE

1. This report outlines the results from the 2020 Community Satisfaction Survey conducted in May 2020.

#### RESOLUTION:

**That Council:**

1. Receive and note the 2020 Community Satisfaction Survey Results.
2. Note the development of the 2021 Community Satisfaction Survey to be undertaken in March 2021.

**Moved: Cr Belinda Coates**  
**Seconded: Cr Des Hudson**

**CARRIED**  
**(R11/21)**

**8.4. TENDER NO. 2020/21-263 NEW BUILD NETBALL CHANGEROOMS - ALFREDTON & MARTY BUSCH**

**Division:** Development and Growth  
**Director:** Natalie Robertson  
**Author/Position:** Mark Powell - Manager Capital Planning and Project Delivery

**PURPOSE**

1. To award Contract 2020/21 - 263 for the provision of New Netball Changeroom - Alfredton and Marty Busch and Reserves.
2. The scope of this contract involves the two (2) new female friendly netball change rooms and supporting spaces, these facilities will be new builds.

**RESOLUTION:**

**That Council:**

1. Enter into Contract Number 2020/21 - 263 for the provision of New Build Netball Changerooms - Alfredton and Marty Busch Reserves with CiQ Construction Management Pty Ltd for the total tendered price of \$1,294,139.00 (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 Des Hudson**

**CARRIED**  
**(R12/21)**

**8.5. TENDER NO. 2020/21- 265 NEW BUILD SOCCER CHANGEROOMS PLEASANT ST & ROYAL PARK**

**Division:** Development and Growth  
**Director:** Natalie Robertson  
**Author/Position:** Mark Powell - Manager Capital Planning and Project Delivery

**PURPOSE**

1. To award Contract 2020/21 - 265 for the provision of New Build Soccer Changerooms - Pleasant Street and Royal Park Reserves for the total tendered price of \$1,430,906.00 (ex GST).
2. The scope of this contract involves the two (2) new female friendly soccer change rooms and supporting spaces, these facilities will be new builds.

**OFFICER RECOMMENDATION**

**That Council:**

1. **Enter into Contract Number 2020/21 - 265 for the provision of New Build Soccer Changerooms - Pleasant Street and Royal Park Reserves with CiQ Construction Management Pty Ltd for the total tendered price of \$1,430,906.00 (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**  
**(R13/21)**

## **8.6. TENDER NO. 2020/21-237 HAVELOCK STREET RECONSTRUCTION**

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

### **PURPOSE**

1. To award Contract 2020/21-237 for the provision of Havelock Street Reconstruction from Landsborough Street to Norman Street with Enoch Civil Pty Ltd for the total tendered price of \$933,903.70 (ex GST).
2. The scope of this contract involves the reconstruction of Havelock Street from Landsborough Street to Norman Street with a narrowed carriageway and asphalt resurfacing and includes the construction of a roundabout at the intersection of Havelock Street and Landsborough Street which has been identified as a Blackspot Intersection.

### **RESOLUTION:**

**That Council:**

1. **Enter into contract number 2020/21-237 for the provision of Havelock Street Reconstruction from Landsborough Street to Norman Street with Enoch Civil Pty Ltd for the total tendered price of \$933,903.70 (ex GST).**
2. **Delegate to the Chief Executive Officer the authority to execute the associated contract on behalf of Council.**

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

**CARRIED**  
**(R14/21)**

## 8.7. FIREWORK EVENT OPTIONS

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

### PURPOSE

1. To gain Council approval for the scheduling of the annual fireworks event for 2022 and onward.
2. To inform Council of the circumstances pertaining to scheduling the fireworks in 2021 subject to COVID-19 restrictions and a suitable scheduled public event.

### RESOLUTION:

1. **The item be deferred to a future Council Meeting to allow for more consultation.**

**Moved: Cr Tracey Hargreaves**  
**Seconded: Cr Amy Johnson**

**CARRIED**  
**(R15/21)**



## 8.8. 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 meetings of this Committee held on 16 September and 9 December, 2020, three 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 16 September and 9 December 2020.**

**Moved: Cr Ben Taylor**  
**Seconded: Cr Mark Harris**

**CARRIED**  
**(R16/21)**

**8.9. S11A INSTRUMENT OF APPOINTMENT AND AUTHORISATION (PLANNING AND ENVIRONMENT ACT 1987)**

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

Moved item 8.9 and 8.10 as a block.

**PURPOSE**

1. The report is to seek Council's endorsement of the S11A. Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* to Jesse Sherman.

**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 instrument of appointment and authorisation (the instrument), and that**
  - a. **Jesse Sherman be appointed and authorised as set out in the instrument.**
  - 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.**

**Moved: Cr Samantha McIntosh**  
**Seconded: Cr Ben Taylor**

**CARRIED**  
**(R17/21)**

## 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:**

1. Endorse the Outstanding Question Time report.

**Moved: Cr Samantha McIntosh**

**Seconded: Cr Ben Taylor**

**CARRIED**

**(R17/21)**

## **9. NOTICE OF MOTION**

Nil

## **10. REPORTS FROM COMMITTEES/COUNCILLORS**

### **GB01/21 - Cr Belinda Coates**

Cr Coates acknowledged the community support, virtual attendance and small in person attendance of the Survival Day Dawn Ceremony on 26 January. As Co-Chair of the Koorie Engagement Action Group, Cr Coates acknowledged their terrific work which has built community momentum, and she also acknowledged the partner organisations and groups involved as well as our Intercultural Services team and staff. It has been very well covered in the media and very well received which is a terrific way forward for reconciliation and in gaining city wide cultural awareness.

Cr Coates acknowledged the Australia Award Receipts and specifically the ones with local connections; Michelle Payne, Lorraine Powell and Marie and Bill Rinaldi and shout out to Detective Sergeant Kevin Karsin who received an Australia Police Medal for his work in investigations around child sexual abuse.

### **GB02/21 - Cr Samantha McIntosh**

Cr McIntosh acknowledged the significant number of community representatives that are making contact with the Councillors in regard to the heritage railway gates and the concern there is of both the gates and the access to the street. Cr McIntosh requested for a report to a Briefing regarding an update on the heritage gates and the street access.

Cr McIntosh requested for a report to a Briefing regarding the community information about the south side to the station.

### **GB03/21 - Cr Mark Harris**

Cr Harris updated Council on COVID as it goes forward, unfortunately it is still out there and we still have a community which has been stressed economically over a large period of time and this needs to be considered in our Council Plan as we go forward. Cr Harris is part of an external committee which involves itself with the COVID response, primarily about immunisation and preparations for it over the next little bit of time. Cr Harris stated that it will still be a challenge economically over the next year, but that we must remain vigilant.

### **GB04/21 - Cr Ben Taylor**

Cr Taylor noted the Tamil festival which was held in Ballarat on the 23 of January 2021 which was to thank the farmers and nature. This was the first festival in Ballarat and was a successful event at Garibaldi Public Hall and was well received.

### **GB05/21 - Cr Peter Eddy**

Cr Eddy passed on to Council the thanks of the Ballarat Regional Athletics Centre. Cr Eddy attended the Country Victorian Track and Field Championships last Saturday and

acknowledged that it was a great day and they were very thankful for the event grant provided by Council to help the event come back to Ballarat. They were very thankful for the support they received from all levels of Council.

**GB06/21 - Cr Amy Johnson**

Cr Johnson requested an update on staffing for the pools this summer as she understands there were some issues finding lifeguards to staff the pools.

Natalie Robertson, Director Development and Growth responded that this has been an issue across the State where a number of licenses have not been renewed. She advised that we are having difficulty getting applicants and qualified lifeguards and we have been recruiting before the pools opened. We only managed to get 7 lifeguards on board, and we are continuing to try and get more qualified lifeguards.

## 11. URGENT BUSINESS

Nil

## 12. SECTION 66 (IN CAMERA)

### 8.1 TENDER 2020/21 - 112 BALLARAT REGIONAL LANDFILL LIQUID WASTE (LEACHATE) REMOVAL

**Division:** Infrastructure and Environment  
**Director:** Bridget Wetherall  
**Author/Position:** Nicholas Benyon – Environmental Service Compliance Officer

(confidential information)

### 8.4. TENDER NO. 2020/21-263 NEW BUILD NETBALL CHANGEROOMS - ALFREDTON & MARTY BUSCH

**Division:** Development and Growth  
**Director:** Natalie Robertson  
**Author/Position:** Mark Powell - Manager Capital Planning and Project Delivery

(Confidential information)

### 8.5. TENDER NO. 2020/21- 265 NEW BUILD SOCCER CHANGEROOMS PLEASANT ST & ROYAL PARK

**Division:** Development and Growth  
**Director:** Natalie Robertson  
**Author/Position:** Mark Powell - Manager Capital Planning and Project Delivery

(Confidential information)

### 8.6 TENDER NO. 2020/21-237 HAVELOCK STREET RECONSTRUCTION

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

(Confidential information)

### 8.9. CONTRACTS APPROVAL DELEGATED COMMITTEE

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

(Confidential information)

