

OFFICIAL

Council Meeting

Minutes

23 June 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 Stephen Bigarelli- Acting Director Corporate Services
Ms Natalie Robertson - Director Development and Growth
Mr Cameron Montgomery - Executive Manager Governance and Risk

2.2 Apologies

Cr Amy Johnson

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 26 May 2021 and 9 June 2021 as circulated be confirmed.

Moved: Cr Des Hudson

CARRIED

Seconded: Cr Tracey Hargreaves

(R108/20)

RESOLUTION:

That Council:

Move a condolence motion for David Haymes.

Moved: Cr Samantha McIntosh

CARRIED

Seconded: Cr Daniel Moloney

(R109/20)

6. PUBLIC QUESTION TIME

QT35/21 - John Barnes

Question

In relation to the misleadingly titled Item 8.1 Ballarat Airport Options, which does not canvass any more than one option.

When this matter came before council on December 11, 2019, the author of the report was Natalie Robertson, and in the report, she said the following,

“The project will be the subject of a detailed risk analysis and risk management plan if the funding application is successful.”

Neither of these things form part of the report or the governance review on tonight's agenda.

1) Has there been a risk analysis and management plan done over the past 18 months, and if not, why is the matter being put to council for consideration tonight, or if so, why is it being kept hidden from public gaze?

Answer

Director of Development and Growth, Natalie Robertson responded that the report of 11 December 2019 resolved to accept the report for the runway extension, authorise an application for the funding and make a budget forecast to allocate matching funding should the application be successful.

The Risk Management section of that report stated: if the grant is accepted by Council the project will be subject to a full risk analysis and risk management plan. This remains the case if Council chooses to go forward with recommendation this evening. The Project Management

process will include: a Project charter and Governance Structure, managed by a Project Control Group who will be tasked with reporting to Council and the Regional Airport Program and will include the requirement to provide a:

A Risk Management Plan, Communications Plan, Engagement of Stakeholders plan, Design and Consultants brief through to tender and construction.

QT35/21 - John Barnes

Question

Can you confirm that an access road will need to be built prior to the works on the runway commencing, that the costs of the road are in the range of \$2m to \$14m (reported in *The Courier*), on top of the \$5m matching funding supplied by BCC, for a total exposure of \$7m to \$19m, and that heavier planes will still not be able to use the runway despite this investment?

Answer

Director of Development and Growth, Natalie Robertson responded that the access road will need to be finalised as part of the runway lengthening. Positive discussions continue with Development Victoria who are in the process of finalising their stage 2 which will require consideration of Airport Road and addressing Liberator Dr which is identified both within the BWEZ masterplan and the Airport Master plan as being integral to the lengthening of the runway.

There are several variations of how Liberator Dr can be delivered which ranges from a basic asphalt gravel shoulder road similar to the existing Airport Rd at approximately \$2M through to the ultimate design which is outlined in the BWEZ masterplan which caters to B Double Trucks at approximately \$14M.

I note that the recommendation is that Council will pursue this funding through Development Victoria and other sources.

And in response to the second question:

In order to determine the sequence of the various components of the Runway Upgrade Project and confirm the first and subsequent stages, four criteria (in order of importance) were developed: There are :

- is there Local community, local stakeholder and federal government tangible progress that the Ballarat Airport Runway Upgrade Project can progress,

the funding available to us, meaning Stage 1 could only work to a target cost of \$10M, Staging is undertaken in a manner which would ultimately achieve the masterplan objectives as efficiently as possible and

The staging minimises overall costs, temporary works and airport operational disruptions.

Using these criteria, the following stages were confirmed:

- Stage 1: Runway 18/36 Extension (including the proposed Southern Airport Access Road understanding the context of Liberator Drive).
- Stage 2: Runway 18/36 Strengthening.
- Stage 3a: Parallel Taxiway North with stage 3b – Parallel Taxiway South.

QT36/21 - Miriam Robinson**Question**

Ballarat Council's 'Carbon Neutrality and 100% Renewables Action Plan 2091-25' has been in place since 2019 and contains a list of actions the council plans to implement (pages 10-14). Can Council update us on where they are up to with this action plan?

Can Council also update us on progress with formulating a plan for Ballarat to go net zero by 2030 Community-wide? For example, when will the plan be made public?

Answer

Director of Infrastructure and Environment, Bridget Wetherall responded that the action plan contains almost 60 actions to reduce our corporate greenhouse gas emissions while also providing community support to achieve carbon emission reductions. There are a number of actions underway that have also been achieved including our participation in a power purchase agreement, ongoing investment in LED streetlights, waste reduction initiatives, our urban forest strategy, and our net zero community emissions target. Other actions that will be progressing with includes investments in footpaths to get people into lower carbon transport options, facility upgrades (energy efficiency and carbon emission reductions), analysis of sustainability opportunities for our capital works program. We will also be identifying fleet improvements and options for green and electric vehicles. Specifically, in relation to the Net Zero Community Emissions Plan we have been working over the past few months on drafting a project plan and recently met with Regional Sustainability Alliance Ballarat to provide them with an overview of the draft project plan. Our next steps with the plan include doing emission profiling, target setting and through this we will be progressing with ongoing engagement with Regional Sustainability Alliance Ballarat with additional broader community engagement later this year and into 2022.

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:

Receive and note the CEO's Operational Report.

Moved: Cr Belinda Coates

Seconded: Cr Samantha McIntosh

CARRIED

(R110/21)

8. OFFICER REPORTS

8.1. BALLARAT AIRPORT OPTIONS

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

Public Representations were heard by the following participants who were dialed into the Virtual Council Meeting: Michael Poulton, Daryl Chibnall, Peter Mackay, John Barnes, Sandy Gray and Wayne Drew.

PURPOSE

1. To confirm next steps for the proposed upgrade of the runway at Ballarat Airport.
2. To request Council, investigate reform of the governance and management arrangements of the airport to enable greater commercial opportunities.

RESOLUTION:

That Council:

1. **Accepts the \$5m grant from the Regional Airports Program towards Stage 1 of the Ballarat Airport Runway Upgrade Project, matched by \$5m Council contribution, and proceeds with detailed design, tender and construction of the upgrade.**
2. **Note that runway extension is contingent on funding support from State Government and/or Federal Government in recognising the Ballarat West Employment Zone Master Plan and delivering an extended Liberator Drive to provide access to the airport.**
3. **Endorse a more commercially focused governance and management structure for the Ballarat Airport – including consideration of a board of directors guided by a commercially focused charter; or other mechanisms to bring experienced commercial aviation and broader business expertise into the management structure to grow the aviation and allied service industries within the Airport.**
4. **Direct officers to prepare a detailed governance proposal for the commercially focused management of the airport for consideration by Council in due course.**

Moved: Cr Samantha McIntosh
Seconded: Cr Peter Eddy

CARRIED
(R111/21)

8.2. ADOPTION OF 2021/22 ANNUAL BUDGET

Division: Corporate Services
Director: Stephen Bigarelli
Author/Position: Stephen Bigarelli – Acting Director Corporate Services

PURPOSE

1. The purpose of this report is to present Council with the proposed 2021-2022 Budget for consideration.
2. This report addresses the legislative requirements for Council to consider to formally adopt the proposed 2021-2022 Budget 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 9 June 2021**.
2. Pursuant to **Section 94 of the *Local Government Act 2020***, to accept the proposed **2021-2022 Budget**.
3. Discloses that as at **30 June 2021** the total amount borrowed by Council is **\$40.220 million**.
4. Projects that **\$4.481 million** will be redeemed during the financial year;
5. Projects that as at **30 June 2022** Council borrowings will total **\$35.739 million**.
6. Projects that the cost of servicing the borrowings during the financial year will be **\$1.563 million**.
7. Proposes that rates in the dollar for each type of rate to be levied for the 12 month period from **1 July 2021 to 30 June 2022** are:

TYPE OF RATE	RATE IN THE \$ ON CIV
Residential	0.00356664
Commercial	0.00952293
Industrial	0.00977259
Rural Residential	0.00320998
Farm	0.00256798
Recreational – 1*	0
Recreational - 2	0.00952293
Bridge Mall Special Rate	0.00304800

* Council has determined to levy a nil rate in the dollar for properties eligible to be rated under the provisions of the Cultural and Recreational Lands Act (1963), i.e. classified as Recreational 1.

8. Proposes that no municipal charge be declared;
9. Proposes that a Service Charge of \$416.00 per service be levied for the 12 month period from 1 July 2021 to 30 June 2022 on residential and other permitted properties for the collection, removal and disposal of refuse and recyclables where the service is provided.
10. Proposes that a Service Charge of \$72.00 per service be levied for the 12 month period from 1 July 2021 to 30 June 2022 for collection, removal and disposal of green waste on all residential properties with a detached house (including houses and granny flats and bungalows) on land sized between 250m² and 4,000m², where the service is provided.
Properties eligible for a green waste service may apply for additional service(s) subject to approval by Council's Waste Services Unit. Any additional service(s) will be charged an additional green waste Service Charge.
11. Properties that do not meet the criteria for a green waste service may apply to opt into the service provided that the property is located on an existing collection route. Applications to opt into such service will be subject to approval by Council's Waste Services Unit.
12. In accordance with the provisions of section 171 of the *Local Government Act 1989*, Council will waive \$95.00 of the Rates levied for the 2021/22 on properties were the ratepayer:
 - a) Is an eligible recipient within the meaning of the *State Concessions Act 2004* and has qualified for a waiver under section 171(4) of the *Local Government Act 1989*, and,
 - b) Who lives alone in their own home and is solely responsible for the payment of rates and charges on that property.

The objective of this waiver is to provide assistance to Pensioners who are the sole ratepayer and are recipients of the pension.

Moved: Cr Daniel Moloney

CARRIED

Seconded: Cr Samantha McIntosh

(R112/21)

8.3. REVENUE AND RATING PLAN 2021-2025

Division: Corporate Services
Director: Stephen Bigarelli
Author/Position: Rod Leith – Manager Revenue and Procurement Services

PURPOSE

1. The purpose of this report is to present Council with the proposed Revenue and Rating Plan 2021-2025 for consideration.
2. This report addresses the legislative requirements for Council to consider to formally adopt the proposed Revenue and Rating Plan 2021-2025 for the City of Ballarat.

RESOLUTION:

That Council:

1. **Adopt the Revenue and Rating Plan 2021-2025 as proposed.**

Moved: Cr Ben Taylor
Seconded: Cr Daniel Moloney

CARRIED
(R113/21)

8.4. DRAFT COMMUNITY VISION

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

PURPOSE

1. The purpose of this report is to present the draft Community Vision 2021-2031 (Vision) and seek Council endorsement to release the Vision for public exhibition and receipt of submissions for a period of 26 days.

RESOLUTION:

That Council:

1. Give public notice in accordance with section 55 of the *Local Government Act 2020* (the Act) of Council's intention to adopt, at a Council meeting to be held at 6.30pm on Wednesday 25 August 2021, the proposed Community Vision 2021-2031 in accordance with section 88 of the Act.
2. Give public notice seeking submissions on the Community Vision. Written public submissions will be accepted for 26 days ending 9:00am Monday 19 July 2021.
3. Give public notice that any person who wishes to be heard in support of a submission received by Council should indicate in the written submission that they wish to be heard. Any person requesting that they be heard in support of a submission is entitled to appear before a meeting of the Council either personally or by a person acting on their behalf at a Council meeting scheduled for Wednesday 21 July at 6.30pm.

Moved: Cr Belinda Coates

Seconded: Cr Samantha McIntosh

CARRIED

(R114/21)

8.5. DRAFT COUNCIL PLAN

Division: Executive Unit
Director: Evan King
Author/Position: Matthew Swords – Integrated Strategic Planning Manager

PURPOSE

1. The purpose of this report is to present Council with the City of Ballarat's Draft Council Plan 2021-2025.
2. This report includes a recommendation that Council, in accordance with sections 55 and 90 of the *Local Government Act 2020* (the Act) endorses the release of the Draft Council Plan 2021-2025 and invites community to provide submissions.

RESOLUTION:

That Council:

1. Give public notice in accordance with section 55 of the *Local Government Act 2020* (the Act) of Council's intention to adopt, at a Council meeting to be held at 6.30pm on Wednesday 25 August 2021, the proposed Council Plan 2021-2025 in accordance with section 90 of the Act.
2. Give public notice seeking submissions on the proposals contained in the Council Plan 2021-2025. Written public submissions will be accepted for 26 days ending 9:00am Monday 19 July 2021.
3. Give public notice that any person who wishes to be heard in support of a submission received by Council should indicate in the written submission that they wish to be heard. Any person requesting that they be heard in support of a submission is entitled to appear before a meeting of the Council either personally or by a person acting on their behalf at a Council meeting scheduled for Wednesday 21 July at 6.30pm.

Moved: Cr Belinda Coates
Seconded: Cr Samantha McIntosh

CARRIED
(R115/21)

8.6. DRAFT MUNICIPAL PUBLIC HEALTH & WELLBEING PLAN

Division: Community Wellbeing
Director: Matthew Wilson
Author/Position: Caroline Amirtharajah – Health and Wellbeing Planner

PURPOSE

1. The purpose of this report is to present the draft Municipal Public Health and Wellbeing Plan 2021-2031 (the Plan) and seek Council endorsement to release the draft plan for public exhibition and receipt of submissions for a period of four weeks.

RESOLUTION:

That Council:

1. Give public notice in accordance with section 26 of the *Public Health and Wellbeing Act 2008* (the Act) of Council's intention to adopt, at a Council meeting to be held at 6.30pm on Wednesday 25 August 2021, the proposed Health and Wellbeing Plan 2021-2031.
2. Give public notice seeking submissions on the proposals contained in the Health and Wellbeing Plan 2021-2031. Written public submissions will be accepted for 26 days ending 9:00am Monday 19 July 2021.
3. Give public notice that any person who wishes to be heard in support of a submission received by Council should indicate in the written submission that they wish to be heard. Any person requesting that they be heard in support of a submission is entitled to appear before a meeting of the Council either personally or by a person acting on their behalf at a Council meeting scheduled for Wednesday 21 July at 6.30pm.

Moved: Cr Belinda Coates
Seconded: Cr Samantha McIntosh

CARRIED
(R116/21)

8.7. EVENTS STRATEGY

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

PURPOSE

1. The purpose of this report is to present the revised Ballarat Events Strategy 2018 – 2028 for adoption.

RESOLUTION:

That Council:

1. **Adopt the revised Ballarat Events Strategy 2018 – 2028.**

Moved: Cr Peter Eddy
Seconded: Cr Samantha McIntosh

CARRIED
(R117/21)

8.8. VISITOR ECONOMY STRATEGY

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

PURPOSE

1. The purpose of this report is to present the Visitor Economy Strategy 2021-2024 for adoption.

RESOLUTION:

That Council:

1. Amend the Visitor Economy Strategy to include the following statements as notes to the data on page 11, “VFR travellers also stay in commercial accommodation. The size of Ballarat’s domestic VFR travel segment is 52.8%.”
2. Adopt the Visitor Economy Strategy 2021 – 2024 inclusive of the amendment.

Moved: Cr Mark Harris

Seconded: Cr Samantha McIntosh

CARRIED

(R118/21)

8.9. BALLARAT MECHANICS' INSTITUTE STRATEGIC PARTNERSHIP REQUEST

Division: Community Wellbeing
Director: Matthew Wilson
Author/Position: Jenny Fink - Executive Manager Learning and Community Hubs

PURPOSE

1. The purpose of this report is to consider the request from the Ballarat Mechanics' Institute to enter into a strategic partnership agreement with the City of Ballarat.

RESOLUTION:

That Council

1. **Accept the request from the Ballarat Mechanics Institute and enter into a strategic partnership to the value of \$135,000 over three years, paid in the following instalments:**

2021/2022	\$45,000
2022/2023	\$45,000
2023/2024	\$45,000

Moved: Cr Samantha McIntosh

Seconded: Cr Mark Harris

CARRIED

(R119/21)

8.10. STRATEGIC PARTNERSHIP - SOVEREIGN HILL

Division: Community Wellbeing
Director: Matthew Wilson
Author/Position: Pete Appleton - Executive Manager Engaged Communities

PURPOSE

1. The purpose of this report is to consider the request from Sovereign Hill to enter into a strategic partnership agreement with the City of Ballarat.

RESOLUTION:

That Council

1. **Accept the request from Sovereign Hill and enter into a strategic partnership to the value of \$160,000 over two years, paid in the following in instalments.**

2021/2022	\$80,000
2022/2023	\$80,000

Moved: Cr Ben Taylor

Seconded: Cr Peter Eddy

CARRIED

(R120/21)

8.11. GRANTS POLICY 2021

Division: Community Wellbeing
Director: Matthew Wilson
Author/Position: Pete Appleton - Executive Manager Engaged Communities

PURPOSE

1. To update the Grants Policy.
2. To strengthen both the Strategic Partnerships Program and the Tourism Events Grants Program.

RESOLUTION:

That Council:

1. **Adopt the Grants Policy noting changes to both the Strategic Partnerships Program and the Tourism Event Grants Program.**

Moved: Cr Des Hudson
Seconded: Cr Ben Taylor

CARRIED
(R121/21)

8.12. WELCOMING CITIES NETWORK

Division: Community Wellbeing
Director: Matthew Wilson
Author/Position: Jenny Fink – Executive Manager Learning and Community Hubs

PURPOSE

1. This report outlines an application from the Intercultural Advisory Committee to Council requesting that the City of Ballarat joins the Welcoming Cities Network.

RESOLUTION:

That Council:

1. Enter into a premium membership with The Welcoming Cities Network and commence work towards the first accreditation level.

Moved: Cr Belinda Coates
Seconded: Cr Daniel Moloney

CARRIED
(R122/21)

8.13. BALLARAT: OUR FUTURE COMMUNITY ENGAGEMENT REPORT

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

PURPOSE

1. To present to Council for their acknowledgement the Ballarat: Our Future Community Engagement Report (Engagement Report).

RESOLUTION:

That Council:

1. Note the Ballarat: Our Future Community Engagement Report.

Moved: Cr Belinda Coates

Seconded: Cr Samantha McIntosh

CARRIED

(R123/21)

8.14. TENDER NO PA2306-0843 PROCUREMENT AUSTRALIA CONTRACT

Division: Community Wellbeing
Director: Matthew Wilson
Author/Position: Jenny Fink - Executive Manager Learning and Community Hubs

PURPOSE

1. To enter into a contract 2306/0843 with Procurement Australia for the supply and delivery of library collections, furniture and equipment.

RESOLUTION:

That Council:

1. Approve entering into Contract 2306/0843 with Procurement Australia for the supply and delivery of library collections, furniture and equipment scheduled to commence on 1 July 2021 and end on 30 June 2023 with two x one year options to extend.

Moved: Cr Ben Taylor

Seconded: Cr Peter Eddy

CARRIED

(R124/21)

8.15. ADOPTION OF MAYOR AND COUNCILLOR ALLOWANCES

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

PURPOSE

1. The purpose of the report is to adopt the Mayor and Councillor Allowances in accordance with section 223 of the *Local Government Act 1989* (the 1989 Act).

RESOLUTION:

That Council:

Endorse the setting of Mayor and Councillor allowances at the top level 3 which is:

- **Mayoral allowance at \$100,434 per annum; and**
- **Councillor allowance at \$31,444 per annum;**
- **Plus, an additional 9.5% of the above allowances is payable as an equivalent of the Commonwealth Superannuation Guarantee.**

Moved: Cr Des Hudson
Seconded: Cr Peter Eddy

CARRIED
(R125/21)

8.16. ADVISORY COMMITTEES

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

PURPOSE

1. The purpose of this report is to review Council's Advisory Committees by 30 June 2021 in accordance with section 8.1.1(g) of Council's Governance Rules.

RESOLUTION:

That Council:

1. From the date of this resolution, establish the following Stakeholder Reference Groups:
 - Ballarat Airport Stakeholder Reference Group
 - Lake Wendouree and Gardens Stakeholder Reference Group
 - Lake Learmonth Stakeholder Reference Group
2. From the date of this resolution, establish the following Internal Working Groups:
 - Community Safety Internal Working Group
 - Integrated Transport Internal Working Group
3. Endorse the Terms of Reference for the listed Stakeholder Reference Groups and Advisory Committees:
 - Ballarat Airport Stakeholder Reference Group
 - Lake Wendouree and Gardens Stakeholder Reference Group
 - Lake Learmonth Stakeholder Reference Group
 - Ballarat Major Events Precinct Stakeholder Reference Group
 - Tourism Events Stakeholder Reference Group
 - Ballarat Heritage Advisory Committee
 - Ballarat Regional Soccer Facility Advisory Committee
 - Disability Advisory Committee
 - Intercultural Advisory Committee
 - Koorie Engagement Action Group Advisory Committee
 - LGBTIQA+ Advisory Committee
4. Endorse the following Councillor Representatives for the following Advisory Committees/Stakeholder Reference Groups/Working Groups:
 - Cr Moloney (Mayor) (Chair) and Cr Coates will represent LGBTIQA+ Advisory Committee
 - Cr Taylor, Cr Coates and Cr McIntosh will represent the Integrated Transport Internal Working Group

5. Disband the following Advisory Committees of Council:

- Ballarat Airport Advisory Committee established on 8 July 2009 (R218/09)
- Lake Wendouree and Gardens Advisory Committee established on 11 February 2009 (R024/09)
- Eureka Centre Advisory Committee established on 11 December 2019 (R325/19)
- Ballarat Municipal Observatory Advisory Committee established in November 1996
- Lake Learmonth Advisory Committee
- Child Friendly Ballarat Advisory Committee
- Community Safety Advisory Committee

6. Disband the following Working Group:

- Active Transport Working Group

7. Revoke the Terms of Reference (TOR) of the Advisory Committees endorsed by Council listed below:

- Ballarat Airport Advisory Committee TOR endorsed on 8 July 2009 (R218/09)
- Lake Wendouree and Gardens Advisory Committee TOR endorsed on 11 February 2009 (R027/09)
- Ballarat Municipal Advisory Committee TOR endorsed on 21 November 2018 (R341/18)
- Lake Learmonth Advisory Committee TOR
- Child Friendly Ballarat Advisory Committee TOR endorsed on 27 March 2013 (R107/13)
- Community Safety Advisory Committee TOR endorsed on 11 December 2019 (R329/19)
- Ballarat Heritage Advisory Committee TOR endorsed on 31 January 2018 (R15/18)
- Ballarat Regional Soccer Facility Advisory Committee TOR endorsed on 12 June 2019 (R141/19)
- Disability Advisory Committee TOR endorsed on 12 June 2019 (R141/19)
- Intercultural Advisory Committee TOR endorsed on 24 October 2018 (R308/18)
- Koorie Engagement Action Group Advisory Committee TOR endorsed on 12 June 2019 (R141/19)
- Active Transport Working Group TOR endorsed on 22 October 2014 (R370/14)

Moved: Cr Samantha McIntosh

CARRIED

Seconded: Cr Daniel Moloney

(R126/21)

8.17. CONTRACTS APPROVAL DELEGATED COMMITTEE MINUTES - 5 MAY AND 19 MAY 2021

Division: Corporate Services
Director: Stephen Bigarelli
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 5 May, 2021 and 19 May, 2021 six 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 5th May and 19th May, 2021.

Moved: Cr Ben Taylor
Seconded: Cr Mark Harris

CARRIED
(R127/21)

8.18. 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 for Council's consideration.

RESOLUTION:

That Council:

1. Exercise the powers conferred by the legislation referred to in the attached instrument of delegation at Attachment 2, and that:
2. 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.
3. The Instrument comes into force immediately after the Common Seal of Council is affixed to the instrument.
4. On the coming into force of the instrument, all previous S6 delegations to members of Council staff are revoked.
5. 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 Peter Eddy

CARRIED
(R128/21)

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

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 Authorisation under the *Planning and Environment Act 1987* for Connor Perrott and Rhianna Cook.
2. The report is also to revoke the S11A Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* for John Ciavarella

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. **Connor Perrott and Rhianna Cook 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.**
2. **Revoke the S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) for John Ciavarella (R181/20).**

Moved: Cr Des Hudson
Seconded: Cr Mark Harris

CARRIED
(R129/21)

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 Des Hudson
Seconded: Cr Ben Taylor

CARRIED
(R130/21)

9. NOTICE OF MOTION

Nil

10. REPORTS FROM COMMITTEES/COUNCILLORS

GB21/21 - Cr Ben Taylor

Cr Taylor expressed his concern in relation to the recent announcement of Broo Brewery at BWEZ backing out of the development. Cr Taylor expressed his disappointment in the process that BWEZ has to go through now, where a transaction has been made on the most significant site at BWEZ, someone has bought it at a very low price and has been able to land bank it against the principles of BWEZ then sell it and make a large profit to walk away with.

Cr Taylor requested that Council be able to write to DV and the State Government in relation to this matter since it is such a significant site to suggest they should be entertaining the idea as part of the contract to take it back to DV so it has the best opportunity to be placed back out to the market to find a significant business/tenant for this site.

Chief Executive Officer, Evan King responded that Director Natalie Robertson and himself met with DV last week and one of the items on the agenda for that meeting was the media that we had seen around the potential sale of that piece of land. DV had informed us that they were seeking clarification from Broo Brewery on the information that they had seen from the stock exchange and the article in The Courier. Under instruction from Council, if a resolution was passed that instructed Council Officers to a write letter to DV/State Government seeking clarification around the process for the sale of land, particularly in the circumstances where the conditions of the original sale may or may not have been met. If Council are seeking understanding and advocacy around a preference that profits not be made from on selling of that land and that it be returned to DV for best outcome for industrial estate going forward.

RESOLUTION:

That Council:

Instruct Council Officers to write a letter to DV/State Government to enquire about recent land sale processes at BWEZ.

Moved: Cr Ben Taylor

CARRIED

Seconded: Cr Des Hudson

(R131/21)

Cr Ben Taylor also extended his thanks for the great opportunity to attend the Buninyong/Mount Helen Lions Club recently. All Service Clubs, RSL's and Rotary Clubs really do a fantastic job for the Community. The Buninyong/Mount Helen Lions Club itself donated 37 thousand dollars to the local community in the last year through innovative ways such as creating an op shop, book shop and hosting BBQ's. He extended a big thank you to Council Officers – as it has been nearly 8 years since the opportunity arose to install blinds on stage at Buninyong De Soza Park. Council Officers have recently worked with the Lions Club to come up with a solution to this which will really benefit the community as a whole.

The Buninyong/Mount Helen Lions club also mentioned the De Soza Park Master Plan and are wanting to contribute exercise equipment in that area. They are seeking clarification of the opportunity to do that and discussing what the cost associated would be.

