

OFFICIAL

Council Meeting

Minutes

28 April 2021 at 6:30pm

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



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1. OPENING DECLARATION

Councillors: *"We, the Councillors of the City of Ballarat, declare that we will carry out our duties in the best interests of the community, and through collective leadership will maintain the highest standards of good governance."*

Mayor: *"I respectfully acknowledge the Wadawurrung and Dja Dja Wurrung People, the traditional custodians of the land, and I would like to welcome members of the public in the gallery."*

2. APOLOGIES FOR ABSENCE

2.1 Present

Mayor Cr Daniel Moloney
Cr Ben Taylor
Cr Samantha McIntosh
Cr Belinda Coates
Cr Mark Harris
Cr Des Hudson
Cr 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
Ms Sarah Anstis - Statutory Compliance Officer
Ms Sophie Constable - Administration Officer Statutory Compliance

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 24 March 2021 and 29 July 2020 Planning Special Committee Minutes as circulated be confirmed.

Moved: Cr Belinda Coates

CARRIED

Seconded: Cr Mark Harris

(R67/21)

RESOLUTION:

That Council:

Move a condolence motion for Ronald (Tony) McDonald.

Moved: Cr Daniel Moloney

CARRIED

Seconded: Cr Mark Harris

(R68/21)

Cr Moloney noted that Ronald (Tony) McDonald sadly passed away on 5 April 2021. Tony was a Councillor for the Shire of Ballarat for 14 years from 1980 - 1994. Tony will be sorely missed by the community he served so tirelessly, and we pass on the condolences of this Council to his family, which includes 17 grandchildren.

RESOLUTION:

That Council:

Move a condolence motion for Prince Phillip.

Moved: Cr Daniel Moloney

CARRIED

Seconded: Cr Samantha McIntosh

(R69/21)

Cr Moloney noted that Prince Phillip sadly passed away on 9 April 2021 at the age of 99. Prince Phillip visited our city on two occasions, once for an official visit with the Queen in 1954 and once again in 2000 as part of the Royal Tour when he visited Sovereign Hill. Prince Phillip was a staunch supporter of many charitable organisations here in Australia and we as Council pass on the condolences of this Council to his family.

6. PUBLIC QUESTION TIME

QT13/21 - Esther Cutts

Question

Hi, my name is Esther Cutts, I go to Newington Primary School and I am 9 years old. I am here to talk about the Power Park Wetland, it is my closest park and i go there a lot. My friends, family and i have recently spent the day cleaning up the park and there are before and after photos for Council to see. We cleaned up the wetland as well as we could but rubbish is just going to keep flowing into the wetland which makes it look unclean and not like a wetland. I would like Council to put some money towards a rubbish guard so that the rubbish stops flowing into the wetland. It would also be great for Council to plant some native plants and vegetation in the wetland to make it a good home for any animals/wildlife who may like to live there.

Answer

Director of Infrastructure and Environment, Bridget Wetherall responded that a written response has also been forwarded to Esther in regards to this question. Councils park team has been out to the site to inspect and they will continue to monitor and manage the site for rubbish. The Wetland is planned for an upgrade in the future where Council will seek to install a litter trap and replant some native vegetation to help attract more plants and wildlife so hopefully the public can enjoy it for many years to come. In regards to a timeframe for this to occur, Bridget Wetherall responded that it would be taken on notice to confirm if this plan is in their forward agenda or the next financial year/budget, but hopefully as soon as possible.

QT14/21 - Miriam Robinson

Question

1. XR Ballarat thanks the Mayor, Councillor Coates and Bridgett Wetherall for meeting with us in March to discuss setting up a Citizens Assembly on Climate as part of community consultation on the Council Plan. Has the council discussed, or made any progress on setting up a Citizens Assembly on Climate in Ballarat?
2. Given that the Council has declared a Climate Emergency can we expect a swift implementation of a Citizens Assembly on Climate? What are the next steps required to set up a Citizens Assembly in Ballarat?

Answer

1. Director of Infrastructure and Environment, Bridget Wetherall responded as discussed in our meeting a while ago and through the development of council plan process we have been doing significant community engagement and are currently in the process of undertaking a deliberative engagement forum where we have 45 community members selected to participate in telling us what the priorities should be. Through that forum Climate has certainly come up as a key priority so as part of the Council plan we will certainly be addressing the actions we need to take in the next 4 years to achieve zero carbon emissions.

2. Director of Infrastructure and Environment, Bridget Wetherall responded that at the moment as part of the Council plan consultation process, Council will consider the opportunity within that plan to establish a Citizens Assembly of Climate in Ballarat.

QT15/21 - Bob Hartmann**Question**

Over the past 2.5 years Friends of Canadian Corridor have been reporting to Council on the status of our local Koala population. In March 2020 we requested that Council host their plans of a 'Koala Committee of Implementation' which was adopted in 2008 in which Cr Coates and Cr Hudson expressed their willingness to chair the meeting which has not yet been facilitated. In August 2020 Director Natalie Robertson stated that the Koala plan of management was to be reviewed as part of a living corridors project and that the Friends of Canadian Corridor would be involved in this process. In March 2021 we received notification that the City of Ballarat that the living corridors strategy would be delayed until further notice. We are concerned that there are a number of operational problems to do with the local Koala population that are sadly being neglected. Through this inaction, we are concerned if City of Ballarat is even worried about the Koala population. Is there an update on the Koala Committee of Implementation be established to meet as soon as possible and will the Living Corridors project be reactivated?

Answer

Director of Development and Growth, Natalie Robertson responded to confirm that the Living Corridors strategy is delayed, and components of that delay come back to resourcing. However, we also recognise with the adoption of a new council plan is a responsibility of Council to review its strategy and particularly in relation to local planning and policies. In the meantime, we have engaged with a Consultant to review the overlay itself and the policy to give us some understanding of the Koala movement through the area. I am happy to initiate the Koala Committee which may also help us inform the amendment process.

QT16/21 - Robert Newnham**Question**

1. Since, the Planning Scheme Amendment C194 stated below amongst other land use implementation strategies, that Council Officers are to "Develop a Local Area Plan for Miners Rest" – is four (4) years not enough time to complete this and have the MRTP incorporated legally into the Planning Scheme like other work like the Resolution of Council to fast-track the Growth Areas to the North and West of Ballarat to be re-zoned from Farming Zone to Urban Growth Zone without delay?
2. What is the purpose of a Local Area Plan or the Miners Rest Township Plan if it provides no physical implementation mechanisms through the Planning Scheme for the goals it aspires to?

Answer

1. Director of Development and Growth, Natalie Robertson responded that the Planning Scheme Amendment C194 was adopted in 2016 and the Miners Rest Township Plan in late 2019. With respect to any of the planning significant elements of the Township

plan, it is the intention in accordance with the December 2019 practice note of DELWP to include character and zoning proposals contained in the MRTTP with a city wide housing strategy which is currently underway.

2. Director of Development and Growth, Natalie Robertson responded that once the Miners Rest Township plan was adopted by Council - the content is there for the Council and Community to use. Council have moved forward with several of the initiatives including acquiring the land for recreational open space and works related to the creek and flood events. There is no need to wait on an incorporation of this plan into the local planning policy as it is already referenced in there and many of the actions in the MRTTP are not linked to any need for it to be specific in the planning scheme.

QT17/21 - Rodney Mifsud

Question

1. Do discussions constitute appropriate action by Officers to carry out the Resolutions of Council or rather, should they and/or have they done so as per the legal requirements of the Local Government Act and Planning and Environment Act in writing via a Statutory Process that is able to be documented in Minutes of Council Meetings?
2. Can we be provided with the Victoria Planning Report following the Hearing of Submissions made when the superseded Outline Development Plan stated that it had provided for growth for the next twenty years in Miners Rest?

Answer

1. Director of Development and Growth, Natalie Robertson responded that both discussion and guidance from the Local Government Act and the Planning and Environment Act inform the actions of officers as they carry out the resolutions of Council.
2. Director of Development and Growth, Natalie Robertson responded in relation to the The Victorian Planning Report and the component that relates to Miners Rest - we can make that available and ask that an application is made via the proper process.

QT18/21 - Terri Baldwin

Question

1. How have other Local Area Plans such as those contained in Clause 21.10 of the Planning Scheme been incorporated legally into the Planning Scheme in relation to the Health Precinct, Canadian Valley, Dowling Forest, Buninyong Township and Woodmans Hill throughout 1993, 2005, 2006, 2011 and 2015?
2. Why does the correspondence from the CEO and Director Robertson dated 20 April 2021 state that the following work quoted below cannot occur until the Housing Strategy is complete when all of the above in Question 1 was able to occur?

Answer

1. Director of Development and Growth, Natalie Robertson responded that the matters described have been incorporated into the Planning Scheme through the usual amendment process over time, although some of those matters raised are before 2019 and as far back as 1993 so the applicable planning mechanism at the time would have been applied.
2. The correspondence relates to practice note released by DELWP in December 2019 shortly after Council's adoption of the MLRP that primarily seeks housing strategy and associated plans which informs a whole community approach.

QT19/21 - Elissa Hayes**Question**

1. Has the Resolution of Council on the 11th December 2019, to seek authorisation from the Minister for Planning been formally prepared, applied for and/or rejected?
2. Where is the written evidence that the Resolution to introduce the MRTP, LPP, FP, Rezone the GRZ areas of Miners Rest North to NRZ and insert a Schedule to the NRZ varying Clause 54 and 55, have been formally sought and/or rejected in writing?

RESOLUTION:

That Council extends public question time in accordance with section 3.7.1 of the City of Ballarat Governance Rules.

Moved: Cr Mark Harris

CARRIED

Seconded: Cr Samantha McIntosh

(R70/21)

Answer

Director of Development and Growth, Natalie Robertson responded that no, the resolution has not gone to its full extent - we were at the primary stage in December after adopting the MRTP and approached DELWP with the amendment application advising to seek authorisation from the Minister for formal preparation. DELWP then provided a practice note advising to go as a municipality wide approach.

RESOLUTION:

That the questions be received.

Moved: Cr Tracey Hargreaves

CARRIED

Seconded: Cr Samantha McIntosh

(R71/21)

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 Des Hudson
Seconded: Cr Peter Eddy

CARRIED
(R72/21)

8. OFFICER REPORTS

8.1. LGBTIQA+ ADVISORY COMMITTEE

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

Public Representations were read by Jay Morrison, Sean Mulcahy, Sage Akouri, Sharni Carroll, Alexander Bravo, Daniel Tesoriero, Ange Elson.

PURPOSE

1. To provide Council with information regarding the potential establishment of a Lesbian, Gay, Bisexual, Transgender, Intersex, Queer/ questioning and Asexual (LGBTIQA+) Advisory Committee and action plan in response to resolution R36/21.

MOTION:

That Council:

1. **Endorse the establishment and resourcing of an LGBTIQA+ Stakeholder Reference Group and the development of an action plan in consultation with the Committee, and**
2. **Refer associated costs to the 2021/22 budget process.**

Moved: Cr Ben Taylor
Seconded: Cr Des Hudson

LOST

RESOLUTION:

That Council:

1. **Endorse the establishment and resourcing of an LGBTIQA+ Advisory Committee and the development of an action plan in consultation with the Committee, and**
2. **Refer associated costs to the 2021/22 budget process.**

Moved: Cr Belinda Coates
Seconded: Cr Daniel Moloney

CARRIED
(R73/21)

8.2. ROBIN HOOD HOTEL ADDITIONAL GAMING MACHINES

Division: Community Wellbeing
Director: Matthew Wilson
Author/Position: Breanna Doody – Coordinator Health and Social Planning

PURPOSE

1. To inform Council of the application made by the Robin Hood Hotel for additional eight (8) Electronic Gaming Machines (EGMs).
2. To seek Council endorsement to advise the Victorian Commission for Gambling and Liquor Regulation (VCGLR) by 29 April 2021 that City of Ballarat will be providing a response to the application using the required VCGLR 'Social and economic impact' submission form by 23 May 2021.

RESOLUTION:

That Council:

1. **Advises the VCGLR by 29 April 2021 that they intend to respond to the application made to the VCGLR by the Robin Hood Hotel for additional gaming machines using the required economic and social impact submission form by 23 May 2021.**

Moved: Cr Des Hudson
Seconded: Cr Belinda Coates

CARRIED
(R74/21)

8.3. ACTIVE BALLARAT ACTION PLAN

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

PURPOSE

1. The purpose of this report is to present the Active Ballarat Strategy and Action Plan to Council for adoption. This strategy replaces the previous 2014 Recreation Strategy. The Strategy aligns with key internal strategies and documents such as the Council Plan Ballarat 2040, Prosperity Strategy and external strategies such as Active Victoria. It sets a key vision for recreation in Ballarat and contains 5 key strategic pillars to inform its direction.

RESOLUTION:

That Council:

1. **Endorse and Adopt Active Ballarat Strategy and Action Plan as presented.**
2. **Approve undertaking Active Ballarat Strategy and the continued delivery of the Action Plan.**

Moved: Cr Samantha McIntosh
Seconded: Cr Peter Eddy

CARRIED
(R75/21)

8.4. BALLARAT LIBRARY REFURBISHMENT PROJECT

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 inform Council about the current state of the Ballarat Central Library Upgrade project, inclusive of works being brought into the scope of the project.
2. In addition, this report seeks Council consideration of an additional budget amount of \$4,596,000 toward the project to be spread over the 2021/2022 and 2022/2023 financial years, which combined with the existing \$1.9M commitment from Council and \$500,000 from State Government, would bring the total budget commitment for the project to \$6,996,000.

RESOLUTION:

That Council:

1. Endorse option 4 to deliver the full Ballarat Library project noting the total project budget at \$6,996,000, and
2. Refer the additional \$4,596,000 required to the 2021/2022 and the 2022/2023 budget process.

Moved: Cr Belinda Coates

Seconded: Cr Mark Harris

CARRIED

(R76/21)

8.5. PUBLIC HOLIDAY

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

Cameron Montgomery read out a public representation from Commerce Ballarat

PURPOSE

1. The purpose of this report is for Council to determine the dates for the public holiday for the Municipal district in lieu of Melbourne Cup Day, or as Melbourne Cup Day, for the years 2021 – 2024.

RESOLUTION:

That Council:

1. **Determine the dates for the public holiday for the municipal district as Melbourne Cup Day, for the years 2021 – 2024.**

Moved: Cr Peter Eddy

Seconded: Cr Samantha McIntosh

CARRIED

(R77/21)

8.6. ROAD MANAGEMENT PLAN 2021 (V7)

Division: Infrastructure and Environment
Director: Bridget Wetherall
Author/Position: Darren Whitford - Coordinator Risk and Compliance

PURPOSE

1. The purpose of this report is to adopt the revised City of Ballarat Road Management Plan 2021 (V7) and to adopt 15 May 2021 as the transition date from the Road Management Plan 2019 (V6) to allow sufficient time for system updates and transition to reflect any modified inspection and rectification requirements proposed.

RESOLUTION:

That Council:

1. **Adopt the Road Management Plan 2021 (V7).**
2. **Adopt 15 May 2021 as the transition date from the Road Management Plan 2019 (V6) to the Road Management Plan 2021 (V7).**

Moved: Cr Ben Taylor
Seconded: Cr Mark Harris

CARRIED
(R78/21)

8.7. BALLARAT FRIENDS OF AINARO COMMUNITY COMMITTEE TRUST FUND

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

PURPOSE

1. The purpose of this document is to request that Council support the transfer of up to \$5,000 from the Ballarat Friends of Ainaro Community Committee (BFACC) trust fund to Ballarat Ainaro Community Development Organisation Incorporated (BACDO). The money will be used to support recovery efforts in relation to Cyclone Seroja in the Ainaro Municipality in East Timor.

RESOLUTION:

That Council:

Endorses the transfer of up to \$5,000 from the Ballarat Friends of Ainaro Community Committee (BFACC) trust fund to Ballarat Ainaro Community Development Organisation Incorporated (BACDO).

Moved: Cr Peter Eddy

CARRIED

Seconded: Cr Belinda Coates

(R79/21)

RESOLUTION:

That Council:

Move forward to agenda Item 9. Notice of Motion relating to the Ainaro Municipality in East Timor matter.

Moved: Cr Daniel Moloney

CARRIED

Seconded: Cr Belinda Coates

(R80/21)

9. NOTICE OF MOTION

9.1. EMERGENCY RELIEF FUNDS AINARO, TIMOR-LESTE

RESOLUTION:

That Council:

Provide to the Ainaro community via partnership of the Ballarat Friends of Ainaro Advisory Committee / Ballarat Ainaro Community Development Organisation Incorporated, the sum of \$5,000 to assist with emergency relief support following cyclone Seroja.

Moved: Cr Peter Eddy

Seconded: Cr Belinda Coates

CARRIED

(R81/21)

8.8. BALLARAT CITY COUNCIL - ELECTION REPORT - 2020 LOCAL GOVERNMENT ELECTIONS

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

PURPOSE

1. The purpose of this report is to present to Council the 2020 Local Government Election Report for Ballarat City Council as required under Section 83 of the *Local Government (Electoral) Regulations 2020*.

RESOLUTION:

That Council:

1. **Resolve to accept the 2020 Local Government Election Report for Ballarat City Council.**

Moved: Cr Mark Harris
Seconded: Cr Belinda Coates

CARRIED
(R82/21)

8.9. OUTSTANDING QUESTION TIME ITEMS

Division: Executive Unit
Director: Evan King
Author/Position: Sophie Constable - 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 Mark Harris
Seconded: Cr Peter Eddy

CARRIED
(R83/21)

10. REPORTS FROM COMMITTEES/COUNCILLORS

GB14/21 - Cr Tracey Hargreaves

Cr Hargreaves stated that in light of announcement by the State to reduce the speed limit from 80km/h to 60km/h and install a pedestrian refuge in Wiltshire Lane - What can council do to ensure funding for a school crossing supervisor at the location and to provide and improve safety for families and students crossing that road to school?

Chief Executive Officer, Evan King responded that Wiltshire Lane is a Regional Roads or VicRoads road so if Council wishes to lobby either Regional Roads or VicRoads for changes; generally an officer would prepare research and data in order to write a report to justify the need for a pedestrian crossing or school crossing supervisor. CEO Evan King suggested it may be best to bring this discussion back to a Councillor briefing in order to discuss the justification for lobbying Vic Roads or Regional Roads.

GB15/21 - Cr Peter Eddy

Cr Eddy presented a joint letter for referral to the appropriate department. The joint letter is from residents in the Lucas Lane area with 73 signatures in relation to sealing a road/s in that area.

CEO Evan King stated that the joint letter does not meet the Council requirements/Governance Rules to be a petition. However, to provide some insight, Council are starting to do design work and investigation into that particular side road following financial year, but a written response will be provided back to the joint letter.

GB16/21 - Cr Belinda Coates

Cr Coates had a request to pass on from the Intercultural Advisory Committee and the Koorie Engagement Action Group Advisory Committee in order to pass on thanks to the staff at Her Majesty's Theatre for the professionalism and care in hosting Archie Roach for his recent performance. The compassion and sensitivity shown by the team was greatly appreciated.

It was also raised at the last Intercultural Advisory Committee meeting to pass on their condolences to the local Indian Community for their family and friends in their homeland impacted by the severity of the pandemic in India.

Cr Belinda Coates would also like to pass on thanks to the Friends of Ainaro Committee for rallying together to provide such significant support to the Ainaro, Timor-Leste community and also thank Cr Eddy on his significant contribution and stellar job in helping raise funds for the Ainaro community.

GB17/21 - Cr Daniel Moloney

Cr Moloney acknowledge ANZAC Day being commemorated in person this year with most of the Ballarat services able to go ahead. Cr Moloney extended a big thank you to all of the RSL clubs that helped bring the services together, the City of Ballarat events team and to the Ballarat community who rallied together to show support to veterans. There was some of the largest crowds in the state at Ballarat's ANZAC Day services this year.

