

OFFICIAL

# Council Meeting

## Minutes

27 April 2022 at 6:30pm

Council Chamber, Town Hall, Sturt Street,  
Ballarat



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## 1. OPENING DECLARATION

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

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

## 2. APOLOGIES FOR ABSENCE

### 2.1 Present

Mayor Cr Daniel Moloney  
Cr Ben Taylor  
Cr Samantha McIntosh  
Cr Belinda Coates  
Cr Mark Harris  
Cr Des Hudson  
Cr Amy Johnson  
Cr Tracey Hargreaves

Mr Evan King- Chief Executive Officer  
Ms Bridget Wetherall - Director Infrastructure and Environment  
Mr Matthew Wilson - Director Community Wellbeing  
Mr Jason Clissold - Executive Manager Financial 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 Peter Eddy

## 3. DISCLOSURE OF INTEREST

### 3.1 GENERAL INTERESTS

Nil

### 3.2 MATERIAL INTERESTS

Cr Hudson disclosed a material conflict of interest in relation to agenda item 8.4 Strategic Partnership Program 2021/2022 - Round 2 Applications due to his involvement with the Ballarat and District Suicide Prevention Network.

**4. MATTERS ARISING FROM THE MINUTES**

Nil

**5. CONFIRMATION OF MINUTES****RESOLUTION:**

**That the Minutes of the Council Meeting on 23 March 2022 as circulated be confirmed.**

**Moved: Cr Amy Johnson****CARRIED****Seconded: Cr Belinda Coates****(R44/22)****6. PUBLIC QUESTION TIME****QT29/22 - Sean Mulcahy (Read out by Council Officer)****Question**

Whatever happened to the Harmony sculpture?

**Answer**

Matthew Wilson, Director Community Wellbeing responded that the Harmony installation was originally displayed by the City of Ballarat at the roundabout at the intersection of Mair and Ripon Streets in March 2016 to coincide with the 2016 Harmony Festival. The installation was constructed as a temporary activation and was removed in July 2016. As is the case with some temporary Council assets developed for community events, the installation was used again in 2017 for the Harmony Festival and was located in Alfred Deakin Place for another 4 weeks duration. The installation was then decommissioned.

**Question**

Could Council please provide an update on:

- (a) the implementation of the Ballarat Events Strategy and, in particular, the commitment to write multi-year strategies for all signature events; and
- (b) the draft Ballarat Housing Strategy that is due to be released for community engagement this year?

**Answer**

Matthew Wilson, Director Community Wellbeing responded:

- a) This short term action of the 2018 – 2028 Ballarat Events Strategy is on track to be completed by 31 December 2022. However, it should be noted that as we emerge into the post COVID environment, the structures and outcomes of events, including multi-year plans, may continue to be further adapted to meet the short term economic recovery needs of the city and our community. For instance, this may mean the lengthening or shortening of some events, the relocation or expansion of event footprints into the CBD and so on.

b) Officers are finalising a number of background and technical documents which inform the Housing Strategy. We look forward to engaging with the community and other stakeholders on this priority project later in the year, which will define the vision for housing growth and change across the Ballarat municipality for the next 15 years.

**QT30/22 - Susan Crighton (Read out by Council Officer)**

**Question**

Which department is responsible for keeping the kerb drains free from dirt, leaves and rubbish?

**Answer**

Mayor, Cr Daniel Moloney responded that the Waste and Environment team are responsible for keeping the kerb drains free from dirt, leaves and rubbish.

**Question**

Who do we have to BEG to have all delivery trucks PROHIBITED from using Waverley Lane as access to the Midvale Shopping complex?

**Answer**

Bridget Wetherall, Director Infrastructure and Environment responded that Waverley Rd already has traffic calming in the form of 2 speed humps and with the last traffic count indicating that speeds are generally much less than the 50 km/hr limit on the road. Council will however undertake another traffic count which will help to identify the number of trucks and speed of all vehicles.

Council will register this item as a planning enforcement complaint, and the matter will be investigated by the Planning team to ensure no breach of the Planning Permit has occurred. The planning permit requires that all commercial vehicles associated with loading and unloading goods to and from the supermarket must use Geelong Rd.

Council will again contact IGA manager again to discuss truck movement to the IGA.

**QT31/22 - Beverly Lovett (Read out by Council Officer)**

**Question**

Sebastopol Senior Citizens Club has recently been visited by Labour/Liberal Federal 2022 Candidates, Councillors and Officers. Both Candidates have committed \$4.5M with Council required to provide a further \$4.0M.

We have for 15 years requested its replacement, so hearing these commitments is reassuring.

The building :

- is outdated
- will be a Community Hub
- an asset to the Sebastopol Community

We ask in Council's 2022/23 Budget, will the other \$4.0M be committed, and completed within 2 financial years?

**Answer**

Evan King, Chief Executive Officer responded that Councillors are considering the Draft Budget 2022-23 tonight which provides for 2 million dollars in the next financial year and 2 million dollars in the preceding financial year to contribute to the proposed 4.5 million dollars in federal funding for this project. This is a great example of our detailed advocacy program reaping some rewards.

**QT32/22 - Lachlan MacDonald (Read out by Council Officer)****Question**

In the printed minutes of Council meeting 23rd Feb, 2022 in reply to my question, the following appears.

The notice of decision to grant a permit was provided to all parties on 22 October 2020. No parties appealed to VCAT and upon issuing the planning permit in November 2020 the officer amended the permit under the provisions of Clause 72, that is, a clerical error was corrected.

This was NOT part of the answer given. Is it Council policy to falsify minutes, so they are no longer a true and accurate record of the meeting? I am convinced Councillors would not have been aware of this (nor could they be reasonably be expected to be aware) when they passed the minutes. HOWEVER, now that they are aware, can silent acceptance of this be taken as approval of falsified minutes being accepted, both in this case and as an ongoing policy?

**Answer**

Cameron Montgomery, Executive Manager Governance and Risk responded that a written response to the question was prepared in advance to the meeting. When it was read out at the meeting, a section of the response was omitted. Whereas the full response was provided in the minutes.

An additional notation will be added to the minutes to reflect that the relevant paragraph was not read out at the meeting.

There was a second question that was provided. Unfortunately, it was not a question, but a statement. The information has been provided to the relevant director for consideration.

**QT33/22 - Miriam Robinson (Read out by Council Officer)****Question**

Is Ballarat Council aware of the plan to cut down a blue gum plantation in Gordon, which is currently home to a sizeable population of koalas? There are presently no plans to relocate these koalas, instead they will most likely end up being hit by cars on the freeway. Has Ballarat Council been in touch with Moorabool Shire and offered any assistance to relocate these koalas?

**Answer**

Bridget Wetherall, Director Infrastructure and Environment responded that Council have not been working with Moorabool Shire to relocate the Koala population but referenced that she does have a bit more information to provide for the next question.

**Question**

I have already been in touch with the Minister for Environment, Lily D'Ambrosio the local state member Michaela Settle, Central Highlands Water, which owns the land and Midway, which is the company that will be harvesting the trees. I am awaiting call backs to clarify the situation. The plan is to build a sewerage plant on the land. This issue is very urgent as harvesting is planned to commence next week, threatening the lives of koalas, which are now on the endangered list. Will someone be in contact with Moorabool?

**Answer**

Bridget Wetherall, Director Infrastructure and Environment responded that:

Central Highlands Water advises Council that the removal of blue gum plantation is required to accommodate increasing sewage flows to the Gordon wastewater treatment plant, providing for increased land area for irrigation.

CHW has been engaging with a variety of interested members of the local community on this matter for over 9 months and has taken into consideration the views expressed.

The site is owned by CHW and leased by a reputable Australian plantation company.

CHW has not engaged with City of Ballarat on this project as it is not within the Council boundary and not a direct Council matter.

**QT34/22 – Sharon Upham****Question**

In relation to the item 8.1.3 – given the dire present shortage of carpark spaces in the CBD, would it make sense to wait until the 1000 free government funded car spaces are built and in operation before even considering selling off the two carparks in Peel Street, in particular the one at 5 Peel Street which is centrally located and has ample parking?

**Answer**

Natalie Robertson, Director Development and Growth responded that she is unable to foreshadow as this evening there is a matter before Council to consider this matter. However, I can say that statistics tell us that there is no shortage of carparking and in terms of timing of these two projects, if the matter is resolved/supported tonight, it would run almost concurrently. The timing would be very similar in the delivery.

Mayor, Cr Daniel Moloney also added that the difficulty the Director has in this regard can't directly answer your question until the debate is held as part of the item tonight.

**Question**

Given that possibly the safest car park in the CBD for disabled parking is in the carpark at 5 Peel Street, wouldn't it make sense to consider pausing the rush to sell off that land until more car parks built free by Government? I ask this because it is the safest carpark for disabled parking. Does it make sense?

**Answer**

Natalie Robertson, Director Development and Growth responded that as she cannot foreshadow the outcome for tonight - we have heard from you and Councillors will have the opportunity to have that discussion, as mentioned I think we have done the work to inform that these projects will run almost concurrently in their timing so there would be opportunity to provide safe disabled parking in the proposed 1000 carparks.

**QT35/22 - Barbara Sharp**

I am here to request assistance with a tree that is located on the nature strip of my property in Redan, which was planted approximately 45 years ago. I love this tree and have been taking care of the tree until now. However, I have some concerns about the size of the tree, whilst I appreciate that it is structurally sound it is causing problems with my ability to enjoy my own personal property. As the tree currently stands, it is impacting on my personal garden, flowers no longer bloom, and I have spent over \$100 on plants for them to die due to the lack of light. It is providing so much shade over my property that I have had to use lights in my house at 1pm in the afternoon just so I can see. I would not normally complain, but as my garden gives me so much joy, I would like to ask Council to trim the tree and reduce the impact on her property? I'm not asking for the tree to be removed.

**Answer**

Mayor, Cr Daniel Moloney responded that the responsible Director can set up a meeting with Ms. Sharp to discuss this issue.

Evan King, Chief Executive Officer also responded that the request will be taken on board and make sure an Officer contacts Ms. Sharp as soon as possible to discuss what the options of solution may be for this tree moving forward.

**Question Time was closed at 7:00pm.**

Cr Coates requested that Council Officers follow up the first question in relation to the Harmony Sculpture. This sculpture was actually a LGBTIQ+ rainbow installation. Cr Coates is wondering if the intention of the question could be taken as a submission on the Inclusion consultation that is happening at the moment.

## 7. CHIEF EXECUTIVE OFFICER REPORT

### 7.1. CHIEF EXECUTIVE OFFICER REPORT

**Division:** Executive Unit  
**Director:** Evan King  
**Author/Position:** Evan King – Chief Executive Officer

#### PURPOSE

1. The CEO's Operational Report highlights issues and outcomes affecting the organisation's performance as it delivers services and implements the Council's strategies and policy decisions.

#### RESOLUTION:

**That Council:**

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

**Moved: Cr Samantha McIntosh**

**Seconded: Cr Amy Johnson**

**CARRIED**

**(R45/21)**

## 8. OFFICER REPORTS

### 8.1. PEEL STREET REDEVELOPMENT SITES - EXPRESSION OF INTEREST

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

A public representation was heard from Sharon Upham.

#### PURPOSE

1. To outline the scope and focus of Stage 2 implementation of the Bakery Hill and Bridge Mall Urban Renewal Plan, particularly the role City of Ballarat can play to accelerate private sector investment in the Ballarat CBD.
2. To seek endorsement of the proposed procurement implementation plan for the development of two key strategic sites within the Bakery Hill Precinct (the Precinct); 5 Peel Street South and 28-32 Peel Street North (the sites) as catalyst sites for positive change.
3. To seek endorsement to progress with the distribution and advertisement of two Expression of Interest (EOI) documents as per attached.
4. Seek to have Council endorse the proposed assessment criteria as outlined in the attached EOI's.
5. To request Council progress with the sale of the sites as per section 114 of the *Local Government Act 2020*, including a period of community engagement.

#### MOTION:

That Council:

1. **Endorse the proposed procurement process for the development of two key strategic sites within the Bakery Hill Precinct; 5 Peel Street South and 28-32 Peel Street North.**
2. **Endorse the distribution and advertisement of two Expression of Interest documents (Attachments 2 and 3), one for each site – noting there may be minor updates and corrections prior to publication.**
3. **Endorse the proposed assessment criteria as outlined in the two Expression of Interest documents (Attachments 2 and 3).**
4. **Instruct officers to undertake the statutory process related to notification of the intention to sell the land at 5 Peel Street South and 28-32 Peel Street North as per the requirements of the *Local Government Act 2020* - Section 114 and commence the required community consultation period.**

Moved: Cr Belinda Coates

LOST

Seconded: Cr Daniel Moloney

**RESOLUTION:****That Council:**

1. Endorse the proposed procurement process for the development of a key strategic site within the Bakery Hill Precinct; 5 Peel Street South.
2. Endorse the distribution and advertisement of the Expression of Interest document (Attachment 3), noting there may be minor updates and corrections prior to publication.
3. Endorse the proposed assessment criteria as outlined in the Expression of Interest document (Attachment 3).
4. Instruct officers to undertake the statutory process related to notification of the intention to sell the land at 5 Peel Street South as per the requirements of the *Local Government Act 2020* - Section 114 and commence the required community consultation period.

**Moved: Cr Ben Taylor****Seconded: Cr Mark Harris****CARRIED****(R46/22)**

**8.2. DRAFT 2022/23 BUDGET**

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

Evan King, Chief Executive Officer suggested that a briefing report should come back to Councillors before the budget is adopted to discuss potential rebate options for low-income earners and asset rich ratepayers etc., who may be adversely impacted/struggle financially due to the upcoming rating redistribution.

**PURPOSE**

1. To present Council with the City of Ballarat's draft Budget for the 2022/23 financial year; and
2. For Council to endorse the draft budget for public comment.

**RESOLUTION:**

**That Council endorses the 2022/23 Draft budget for public comment and gives public notice:**

1. **Of Council's intention to adopt, at a Council meeting to be held at 6.30 pm on Wednesday 22 June 2022, the proposed 2022/23 Budget prepared in accordance with section 94 of the Act;**
2. **That the City of Ballarat 2022/23 Draft Budget will be made available at Council's customer service centre, Town Hall and via Council's MySay website, and Council will invite public comment via written submissions from 28 April 2022 until 5pm Friday 20 May 2022; and**
3. **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 to 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. This meeting is scheduled for Wednesday 25 May at 6.30pm.**

**Moved: Cr Daniel Moloney**  
**Seconded: Cr Belinda Coates**

**CARRIED**  
**(R47/22)**

**8.3. COMMERCE BALLARAT FUNDING AGREEMENT 2022-2026**

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

Cr Hudson left Council Chamber at 7:53pm due to a material conflict of interest he disclosed for agenda item 8.4 'Strategic Partnership Program 2021/2022 - Round 2 Applications.'

**PURPOSE**

1. To seek approval of a new funding and service agreement with Commerce Ballarat for the period 1 July 2022 to 30 June 2026 (four years)
2. To highlight and acknowledge the important role Commerce Ballarat plays in supporting the Ballarat business community.

**RESOLUTION:**

**That Council:**

1. Approves a funding and service agreement with Commerce Ballarat for the period 1 July 2022 to 30 June 2024 (two years), to the total value of \$227,150 excluding GST (\$113,575 per annum, ex GST).
2. Initiate a review of the programs.
3. Acknowledge the important role Commerce Ballarat plays as the major member-based organisation in Ballarat providing leadership, advocacy, networking and development opportunities for Ballarat businesses - and in particular the exceptional support provided to the business community during the pandemic.
4. Notes the Funding and Service Agreement indicates a commitment from the City of Ballarat to continue to work in partnership with Commerce Ballarat to provide a range of services to the Ballarat business community, including: events, business development opportunities, promotion and marketing, networking and the Business Awards. It also includes a statement of a continued partnership to mutually support the delivery of both Council Plan objectives and the Commerce Ballarat Strategic Plan objectives.

**Moved: Cr Mark Harris**

**Seconded: Cr Samantha McIntosh**

**CARRIED**

**(R48/22)**

**8.4. STRATEGIC PARTNERSHIP PROGRAM 2021/2022 - ROUND 2 APPLICATIONS**

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

A public representation was heard by Michael Poulton on behalf of Committee for Ballarat.

**PURPOSE**

1. To present to Council recommendations for funding of proposals received for the Strategic Partnership Grant program during February 2022 application window.
2. To seek Council direction and decision on which proposals (if any) should be funded.

**MOTION:**

**That Council:**

1. **Endorse and enter a strategic partnership with Committee for Ballarat for one year at a total of \$25,000.**
2. **Endorse and enter a strategic partnership with WestVic Academy of Sport for one year at a total of \$20,000.**
3. **Decline to enter a strategic partnership with the Ballarat Foundation.**
4. **Decline to enter a strategic partnership with Western Victoria Primary Health Network.**
5. **Decline to enter a strategic partnership with the Ballarat Astronomical Society.**
6. **Require a review of the Strategic Partnerships Policy and program with recommendations for improvements to the program to be presented at a future meeting of Council,**
7. **Receive a report from officers on the matter no later than the scheduled Ordinary Meeting of Council in August 2022.**

The Motion was put and lost.

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

**LOST**

**RESOLUTION:****That Council:**

1. **Defer consideration of the applications for strategic partnerships until after a review of the Strategic Partnerships Policy with recommendations for improvements to the program presented at a future meeting of Council, and**
2. **Receive a report from officers on the matter no later than the scheduled Meeting of Council in August 2022.**

**Moved: Cr Amy Johnson****CARRIED****Seconded: Cr Tracey Hargreaves****(R49/22)**

Cr Hudson returned to Council Chamber at 8:10pm.

**8.5. FOSSIL FUEL DIVESTMENT / MEANING OF COMPARABLE INVESTMENTS**

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

**PURPOSE**

1. For Council to clarify the term 'comparable rate of return' in relation to Council's resolved position on Fossil Fuel Divestment.

**RESOLUTION:**

**That Council:**

1. Confirm that the meaning of comparable in the 8 June 2016 resolution (R156/16 – Part 3)) is “when the rate of return being offered is within 10%, up to a maximum of 10 basis points (0.10%), of other available and compliant investments”.

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

**CARRIED**  
**(R50/22)**

**8.6. CONTRACT 2019/20-102 VARIATION - BAKERY HILL - FUTURE STAGES**

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

**PURPOSE**

1. The purpose of this report is to seek Council's endorsement to vary Contract 2019/20-102 with Hassell Ltd to request they complete "contract documentation" (preparation of tender ready plans) for additional areas covered by the endorsed Precinct Plans for Bakery Hill, rather than just the areas to be delivered in Stage 1. Preparing tender ready plans enables these future stages to be considered "shovel ready" when applying for grants or seeking other budget contributions in the future.
2. In accordance with the Procurement Policy in place at the time of the original contract award, it is a requirement to report back to Council if variations to a contract exceed 10% of the original contract award. Given this report relates to works that would exceed this threshold, an interim update is provided to Councillors on variations for the contract to date.

**RESOLUTION:****That Council:**

1. **Endorse the proposed variation to Contract 2019/20-102 to undertake additional contract documentation for Little Bridge Street in addition to the documentation already underway for the current Bridge Mall and Grenville Street at a cost of \$173,800 (ex GST).**
2. **Reviews and notes the interim variation report summary for Contract 2019/20-102 for its information.**

**Moved: Cr Ben Taylor**  
**Seconded: Cr Des Hudson**

**CARRIED**  
**(R/51/22)**

## 8.7. ART GALLERY OF BALLARAT CONSTITUTION

**Division:** Community Wellbeing  
**Director:** Matthew Wilson  
**Author/Position:** Louise Tegart – Director Art Gallery of Ballarat

### PURPOSE

1. To update the Art Gallery of Ballarat Constitution to ensure it is in line with current regulations as well as updated procedures.

### RESOLUTION:

**That Council:**

1. Approve the updated Art Gallery of Ballarat Constitution, and
2. Authorise the CEO on behalf of Council to sign such documents required to implement these changes.

**Moved: Cr Mark Harris**

**Seconded: Cr Samantha McIntosh**

**CARRIED**

**(R52/22)**

**8.8. ART GALLERY OF BALLARAT NEW BOARD APPOINTMENTS**

**Division:** Community Wellbeing  
**Director:** Matthew Wilson  
**Author/Position:** Louise Tegart – Director Art Gallery of Ballarat

**PURPOSE**

1. To present the preferred candidates to be appointed to the Art Gallery of Ballarat Board.

**RESOLUTION:**

**That Council:**

1. Endorse David Herman to be appointed to the Art Gallery of Ballarat Board for a term of 1 year, and
2. Endorse Lynne McLennan to be appointed to the Art Gallery of Ballarat Board for a term of 2 years, and
3. Endorse Sally Basser to be appointed to the Art Gallery of Ballarat Board for a term of 3 years, and
4. Endorse David Constantine to be appointed to the Art Gallery of Ballarat Board for a term of 1 year, and
5. Endorse Stephen Bigarelli to be appointed to the Art Gallery of Ballarat Board for a term of 2 years, and
6. Endorse the appointment of Emma Blee to the Art Gallery of Ballarat for a term of 3 years as the nominated representative of the Gallery Association, and
7. Authorise the CEO on behalf of Council to sign such documents required to implement these changes.

**Moved: Cr Mark Harris**

**Seconded: Cr Belinda Coates**

**CARRIED**

**(R53/22)**

## 8.9. GAMBLING HARM MINIMISATION POLICY

**Division:** Community Wellbeing  
**Director:** Matthew Wilson  
**Author/Position:** Hayley McArthur – Social Planning Officer  
Belinda Hynes – Coordinator Health and Social Planning

### PURPOSE

1. The purpose of this report is to present Council with the proposed Gambling Harm Minimisation Policy for adoption.
2. Summarises the outcomes of community engagement and the Councillor workshop on the Draft Gambling Harm Minimisation Policy, presenting a revised draft for adoption.

### RESOLUTION:

**That Council:**

1. **Adopt the Gambling Harm Minimisation Policy.**

**Moved: Cr Amy Johnson**  
**Seconded: Cr Des Hudson**

**CARRIED**  
**(R54/22)**

**8.10. 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 1 and 15 December 2021, 25 January, 16 February and 2 March 2022 eight 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 the material contained in the Contracts Approval Delegated Committee agendas have been designated confidential.
2. Receive the Contracts Approval Delegated Committee minutes of the meeting held on 1 and 15 December 2021, 25 January, 16 February and 2 March 2022.

**Moved: Cr Ben Taylor**

**Seconded: Cr Tracey Hargreaves**

**CARRIED**

**(R55/22)**

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

**Division:** Corporate Services  
**Director:** John Hausler  
**Author/Position:** Sarah Anstis - Statutory Compliance Officer

**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 Jorine Bothma and Kahlia Reid and to revoke the S11A Authorisation for Rachel Blackwell.

**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 authorisations (the instruments), and that**
  - a. **Jorine Bothma and Kahlia Reid 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 Rachel Blackwell (R181/20).**

**Moved: Cr Des Hudson**  
**Seconded: Cr Samantha McIntosh**

**CARRIED**  
**(R56/22)**

**8.12. S6 INSTRUMENT OF DELEGATION - MEMBERS OF STAFF**

**Division:** Corporate Services  
**Director:** John Hausler  
**Author/Position:** Sarah Anstis – Statutory Compliance Officer

**PURPOSE**

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

**RESOLUTION:**

**That Council:**

1. **Exercise the powers conferred by the legislation referred to in the attached instrument of delegation at Attachment 3, and that:**
  - 1.1 **There be delegated to members of Council staff, holding, acting in or performing the duties of the officers or positions referred to in the attached Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that instrument.**
  - 1.2 **The Instrument comes into force immediately after the Common Seal of Council is affixed to the instrument.**
  - 1.3 **On the coming into force of the instrument, all previous S6 delegations to members of Council staff are revoked.**
  - 1.4 **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 it may from time to time adopt.**

**Moved: Cr Mark Harris**  
**Seconded: Cr Belinda Coates**

**CARRIED**  
**(R57/22)**

**8.13. S18 INSTRUMENT OF SUB-DELEGATION UNDER THE ENVIRONMENT PROTECTION ACT 2017**

**Division:** Corporate Services  
**Director:** John Hausler  
**Author/Position:** Sarah Anstis – Statutory Compliance Officer

**PURPOSE**

1. The purpose of the report is to review and adopt the S18 Instrument of Sub-Delegation under the *Environment Protection Act 2017* (the Act).

**RESOLUTION:**

In the exercise of the power conferred by 437(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 Resolves that:

1. There be delegated to the members of the Council staff holding, acting in or performing the duties of the officers or positions referred to in the attached Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that Instrument, subject to the conditions and limitations specified in that Instrument.
2. The Instrument comes into force immediately the common seal of Council is affixed to the instrument.
3. 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 it may from time to time adopt.

**Moved:** Cr Des Hudson  
**Seconded:** Cr Mark Harris

**CARRIED**  
**(R58/22)**

**8.14. OUTSTANDING QUESTION TIME ITEMS**

**Division:** Corporate Services  
**Director:** John Hausler  
**Author/Position** Sophie Constable – Administration Officer Statutory Compliance

**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 Amy Johnson**

**CARRIED**  
**(R59/22)**

## 9. NOTICE OF MOTION

## 10. REPORTS FROM COMMITTEES/COUNCILLORS

### GB6/22 - Cr Taylor

Cr Taylor mentioned condolences for Dr William, Bill, Pryor who passed away in early April. Bill was a local Scotsburn resident and was the president when The University of Ballarat was established. The University of Ballarat (previously known as The Ballarat College of Advanced Education) was known as one of the oldest institutions in Australia, to then become one of the youngest Universities in Australia. Bill was well known for his work and received an Order of Australia Medal in 2001. In the community of Buninyong, he was part of the Buninyong community association providing input with a friendly smile.

Cr Taylor also extended a thank you to Council Officers for works being done in the city by other agencies/other works that aren't Council responsible such as for Eastwood Street where works were done there but the road was in a fairly poor condition, so I thank Council Officers for following up and seeing that that work has now been fixed. The other one was Lydiard Street South, where work was completed on the footpath, but the condition of reinstatement was very poor, so I thank officers for following up on those actions. The question is, how do we ensure that the quality of work can be maintained if external providers that are doing those works? How can we ensure that we do not have to go back after the fact, so the works can be done to the appropriate standard of works to start with?

Bridget Wetherall, Director Infrastructure and Environment responded that we do have a process in place for external contractors, where any works have to have a permit (in this case, a road opening permit) where an Asset Surveillance Officer then goes out to the site and suggest when it is okay to go ahead with the works. Then the Officers go back to visit the site once works are completed by the contractor to make sure that the quality of the work is what it was formerly or at an even better standard. We also have a 12-month defect warranty period, where works have to be fixed if it doesn't meet our requirements. Discussions are underway with Officers to see how we can further negate these sorts of poor workmanship.

### GB7/22 - Cr Coates

Cr Coates as chair of the Intercultural Advisory Committee commended all community groups and cultural organisations involved in all of the events put on during the Harmony Week in late March. There was a huge breadth of really terrific events and I think they had over 6000 people across that week attending events including the City of Ballarat Extravaganza at Civic Hall where the new Intercultural Ambassadors were introduced.

Cr Coates also mentioned the success of the Transgender Awareness Day events with the flag raising forum at the library and the closing event of an exhibition at the Art of Gallery Ballarat.

### GB8/22 - Cr Moloney

Cr Moloney echoed Cr Coates comments in relation to Transgender Day of Awareness which was really well attended with about 100 people there, it seems like it is almost doubling every year which is great and hopefully this continues. The event opened up impressive opportunity for young people to attend as it was held just after school time so many students attended.

Cr Moloney also extended a thank you to everyone who was a part of the ANZAC Day services on Monday. They were all very moving services as Cr McIntosh and myself attended around 5 services that day including Arch of Victory/Avenue of Honour, Ballarat RSL, Cardigan CFA, Ex-Prisoners of War Memorial. I couldn't attend the Miners Rest service; however, I would like to thank Mr David Harris who stepped in to attend this service at short notice. Thank you to Cr Johnson and Cr Eddy for their speeches at the events. I couldn't get to the Buninyong and Sebastopol services; I know that our South Ward Councillors were there representing our Council.

**RESOLUTION:****Request for a comfort break at 8:54pm****Moved: Cr Amy Johnson  
Seconded: Cr Mark Harris****CARRIED  
(R60/22)****RESOLUTION:****Council resumes from comfort break at 9:02pm****Moved: Cr Ben Taylor  
Seconded: Cr Mark Harris****CARRIED  
(R61/22)****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 9:02pm whilst the Council is dealing with the following matters;

**Moved: Cr Des Hudson  
Seconded: Cr Tracey Hargreaves****CARRIED  
(R62/22)**

