

OFFICIAL

# **Council Meeting**

## **Minutes**

**23 February 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 Peter Eddy  
Cr Tracey Hargreaves

Mr Evan King- Chief Executive Officer  
Ms Bridget Wetherall - Director Infrastructure and Environment  
Mr Matthew Wilson - Director Community Wellbeing  
Mr John Hausler - Director Corporate Services  
Ms Natalie Robertson - Director Development and Growth  
Mr Cameron Montgomery - Executive Manager Governance and Risk  
Mr Darren Whitford - Coordinator Risk and Compliance  
Ms Sophie Constable - Administration Officer Statutory Compliance

### 2.2 Apologies

Nil

## 3. DISCLOSURE OF INTEREST

Nil

#### 4. MATTERS ARISING FROM THE MINUTES

Nil

#### 5. CONFIRMATION OF MINUTES

##### RESOLUTION:

**That the Minutes of the Council Meeting on 15 December 2021 as circulated be confirmed.**

**Moved: Cr Mark Harris**

**CARRIED**

**Seconded: Cr Peter Eddy**

**(R1/22)**

#### **Condolence Motion for Josh Muir**

On behalf of the City of Ballarat Councillors and staff, I would like to express our sadness at the passing of Josh Muir, a proud Gunditjmara, Yorta Yorta and Barkindji man, born and raised in Ballarat.

Josh died suddenly earlier this month at just 30 years of age.

Gone too soon, but he will be remembered for his numerous contributions, particularly in the art world where his works had immediate impact with their vibrant colours and striking designs.

Josh produced works inspired by street art and hip-hop. Over the journey his vibrant prints and large-scale projections adorned Melbourne's iconic trams, the National Gallery of Victoria's exterior, as well as the Richmond Football Club's 2017 Indigenous Round guernsey. Closer to home, he had a long association with the Art Gallery of Ballarat, dating back to 2013 when he was one of the finalists in the Victorian Indigenous Art Awards.

In 2019, Josh was selected as the first artist to be featured on the Annexe Wall, in Police Lane outside the Gallery, with his work *'Temporary Roots'*.

The Art Gallery of Ballarat has acquired two works by Josh Muir for its collection and his 2018 piece *'Yang'* is currently on display.

Josh – your passion, art, talent, culture and kind nature are what we will always remember you for. Thank you for your contribution to Ballarat.

Our hearts go out to Josh's family – a great talent lost.

#### **Condolence Motion for Bob Whitehead**

On behalf of the City of Ballarat Councillors and staff, I would like to express our sadness at the passing of Bob Whitehead who unfortunately passed away on his 96<sup>th</sup> birthday. Bob had a passion for horticulture and was a long term contributor to community service, especially in Ballarat where he was honoured with the Order of Australian Medal in 2016.

Bob helped set up the Friends of the Ballarat Botanical Gardens and was also a member of many boards, including the Ballarat Cemetery Trust, the Ballarat Children's Home and Ballarat

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High School's chaplaincy committee. Bob was a long standing employee of the City and long term curator of the Botanical Gardens.

Our hearts go out to Bob's family.

**RESOLUTION:**

**That Council move a Condolence Motion for Josh Muir.**

**Moved: Cr Daniel Moloney**

**CARRIED**

**Seconded: Cr Belinda Coates**

**(R2/22)**

**RESOLUTION:**

**That Council move a Condolence Motion for Bob Whitehead.**

**Moved: Cr Daniel Moloney**

**CARRIED**

**Seconded: Cr Des Hudson**

**(R3/22)**

**6. PUBLIC QUESTION TIME**

**QT1/22 - Eric and Judy Baker (read out by Council Officer)**

**Question**

What impact would the Urban Growth Boundary move have on landowner's rates, and when would these changes be expected?

**Answer**

Natalie Robertson, Director of Development and Growth responded that if the Minister for Planning approves an amendment to zone the land to Urban Growth Zone, the land will be rated accordingly. We anticipate that the first component of this, likely to be the northern growth area, will occur within the next two years.

**Question**

What is the planned timing for the Urban Growth Boundary\ move and when does the Council expect the subsequent PSP to be completed?

**Answer**

Natalie Robertson, Director of Development and Growth responded that we anticipate the UGZ and PSP for the North will be applied in the next 12 months and two years respectively. The UGZ and subsequent PSP's for the Western areas within the next two years and three to four years respectively

**QT2/22 - Heath Baker (read out by Council Officer)****Question**

What mitigation and management measures are planned to manage the impact to surrounding land from higher volumes of stormwater runoff caused by the significant increase in impervious surfaces? Are works planned within the UGB via integrated water management or similar, or will it be managed off site within surrounding land areas?

**Answer**

Natalie Robertson, Director of Development and Growth responded that any development is informed by extensive drainage investigation reports including an integrated water management plan. These are developed even further during development stage where the land developer will be required to provide the appropriate infrastructure which is reviewed and overseen by our drainage engineering team.

**QT3/22 - Penelope Greenslade****Question**

Biosis, the environmental consultants contracted by the Council to supply a report on the impact of the proposed lights on the natural environment, recommended a biological survey be conducted on the Lake's natural values. This has not been done. Why not? The Council needs to explain why the recommendation of their own consultant was not complied with.

**Answer**

Bridget Wetherall, Director Infrastructure and Environment responded that the Biosis report recommended Council consider a monitoring program to examine the attraction of aquatic insects to the new lighting and existing lighting around the lake. A monitoring program would need to assess current conditions as stated and then the new lights when installed to compare. We have not commenced a monitoring program to date.

The Biosis report referenced notes the surrounding streets both immediately adjacent to the Lake and the wider city are an existing lit landscape with numerous sources of artificial light.

**Question**

The Council documents state that in ground lights were not considered an option because they do not meet Australian standards. Why is it then they are used liberally by the ACT government around Lake Burley Griffin and also by Brisbane City Council along a river walking and cycling track with success and have attracted no criticisms. It seems that Ballarat City Council may have misunderstood the standards required. This issue should therefore be revisited, reassessed and all decisions on tendering arrested until this is done.

**Answer**

Bridget Wetherall, Director Infrastructure and Environment responded that in-ground lighting has been considered and subsequently not supported because they do not meet the Australian Standards for Public Lighting of pathways, spills light upwards and into tree canopies rather than downwards and onto the path, represents a significant maintenance burden given how accessible the lights would be to damage and vandalism, and is not

supported by the Lake Wendouree Masterplan which specifically recommends overhead pole mounted lighting.

These lights may have been installed for decorative purposes and not in accordance with Australian Standards for Public Lighting.

#### **QT4/22 - Bernadatte Cheesman**

##### **Question**

Further to the Local Government Act, 2020, section 108(3)(c), has BCC:

- (a) listed the criteria used in the lake lights tender to evaluate whether a proposed contract provides value for money; and
- (b) compared the details of each tender application to these criteria and made this comparison publicly available?

##### **Answer**

Bridget Wetherall, Director Infrastructure and Environment responded that:

- a) Yes
- b) Yes, the details of each tender are compared against the criteria. However, this is not publicly as it is commercial in confidence.

The tender process for the lake lighting project has been completed in adherence to City of Ballarat's Procurement Policy and consistent with all City of Ballarat tender processes:

- In accordance with the City of Ballarat Procurement Policy the Lake Wendouree and Victoria Park Link Lighting project went to full tender and were advertised in the Ballarat Times News Group, Council's Website and eProcedure from 18 November 2021 to 15 December 2020
- The evaluation criteria questions were outlined in the public tender documents.
- The evaluation process includes value for money (VFM) in accordance with Councils procurement policy.

##### **Question**

Further to the Local Government Act, section 123(3)(e), given the recently raised and new information to hand about the many issues pertaining to the lights' installation, is/will BCC be using public funds, or resources, in a manner that is improper or unauthorized, if they do not withdraw the current tender and re-advertise it with the amendments necessary to reflect the current information and circumstances?

##### **Answer**

Bridget Wetherall, Director Infrastructure and Environment responded that no issues have been raised requiring re-tendering and re-advertising of the tender.

Issues raised about the project have been addressed throughout the delivery of the project to date. Concerns have been heard through consultation and the advertising period for permits. This has all been considered through the design, reports have been prepared by independent sources and subsequently Planning and Heritage permits approved with conditions that are to be adhered to throughout the remainder of the project.

- The Planning Permit was approved on 27 October 2021.
- The Heritage Victoria Permit was issued on 2 September 2021

- The issuing of both permits allowed the tender for construction to be advertised.
- The recommendation to Council is for the award of the construction tender.

**QT5/22 - Joe Boin****Question**

My question is about Environmentally Sustainable Design (ESD) and the article in The Courier of 15 February: "City of Ballarat joins ESD project". The Council included ESD aspirations in its Carbon Neutrality and 100% Renewables Action Plan 2019-2025. We are now half-way through that Plan's timeline. I applaud our involvement in the ESD project, but ask when we will see action to lift the environmental design standards of new and renovated buildings?

Ballarat has seen a lot of housing development in recent years, with new constructions showing little evidence that ESD principles are being considered. Since we are in a climate emergency, will the Ballarat Council take action urgently to "raise the bar", to require developers to provide good outcomes in environmental sustainability?

**Answer**

Natalie Robertson, Director of Development and Growth responded that in May 2021, Council committed funding and officer resources to bring Environmentally Sustainable Design policies into the Ballarat Planning Scheme. Created as a way to ensure future generations will live in safe, comfortable and energy-efficient homes that are resilient to our changing climate, over 30 Victorian Councils are now driving the project forward. The project team has engaged economic, planning and legal experts to provide high-level advice on ensuring this work – the first of its kind in the State – has practical outcomes. With the consultant reports nearing completion, officers expect significant progress in the coming months. This will include stakeholder and community engagement regarding the specifics of the Planning Scheme Amendment, which is the final stage of the ESD project. The decision on incorporating ESD principles in our Planning Scheme ultimately lies with the Minister for Planning.

In addition, Council remains committed to delivering sustainable patterns of development by seeking to ensure 50% of new homes are built within the existing built-up areas of the municipality, ensuring new residents are close to public transport, jobs, schools, shops and other amenities.

**QT6/22 - Lachlan MacDonald (read out by a Council Officer)****Question**

Could Council please advise how many objections were received for the proposed development at 846 Eureka St., and how many objectors were sent an email and letter on or about October 2020 advising of the amended planning application for this development. All the objectors I know did not receive the email or letter.

**Answer**

Natalie Robertson, Director of Development and Growth responded that our records show that 7 objections were received during the public notice period for the original application. An amended application was received in August 2020 that was provided to all objectors including Mr MacDonald on 27 August. The revised proposal introduced a public reserve in the south-

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east of the site that retains native vegetation and allows for the establishment of a playground. Of the original 7 objectors five objections were withdrawn on this basis.

\* 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 error was to correct the CFA conditions that had not been updated to reflect the reference to the revised plans. That is the condition which was updated to refer to Version G dated 31.8.2020 (which all objectors had seen) rather than Version F dated 30 July 2020 (the original plan).

\* This paragraph was not read out at the meeting.

Under the Planning and Environment Act a clerical error correction of a planning permit is exempt from the public notice requirement.

### Question

Did Council consider the actual flood levels for the land between Long and Fussel St particularly the floods of approx 1957, late 80's and early 90's, or only the Rain Consultants report, that they advise was NOT to be used for flood assessment, for the development at 846 Eureka St. before approving the development?

### Answer

Natalie Robertson, Director of Development and Growth responded that as Mr MacDonald has been advised on numerous occasions, the application was referred to Council's drainage engineering unit and externally to the appropriate Catchment management authority who are the experts on these matters. The CMA requested that alteration to the waterway would be supported if as much existing native vegetation as possible was retained and further planting was undertaken.

The CMA in February 2020 met with the applicant's consultants seeking additional information and subsequently the CMA then approved the application subject to conditions.

Mr MacDonald is welcome to apply for a copy of that report, although it is my understanding that Mr MacDonald may already have a copy of the CMA report.

### QT7/22 - Patrick Cook (read out)

### Question

Could Council please report on progress of proposed recycling plant for Ballarat?

### Answer

Bridget Wetherall, Director of Infrastructure and Environment responded that currently all of Council's kerbside recycling is being transported to Melbourne to be processed. Council is still pursuing its vision to develop a Circular Economy Precinct in Ballarat at the Ballarat West Employment Zone. This precinct would be anchored by a Materials Recovery Facility and a Community and Industry Resource Recovery Centre (waste transfer station). In order for this vision to come to fruition, Council needs the support of the State Government, both as the owner of land in BWEZ and as the owner of the Recycling Victoria policy.

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The Recycling Victoria policy includes the development of regional circular economy plans and the provision of funding through the Regional Recycling Fund. The regional circular economy plans will be developed by the State Government over the next 5 months, Council will be actively seeking the inclusion of a circular economy precinct in Ballarat and then subsequently seeking funding assistance through the fund for the development of recycling infrastructure in Ballarat.

**QT8/22 - Brian Anderson & Fiona Anderson****Question**

I wanted to confirm the northern boundary is Sharpes road on the northern growth zone on the map on attachment E I think it is. I cannot find a precise written description of this. The description mentions transitioning to the equine precinct. We have land on Muir rd and this is in the proposed low density housing zone. What does this mean? Will that land be subdividable?

**Answer**

Natalie Robertson, Director of Development and Growth responded that yes, the area in question between Muirs and Sharpes Road is included due it being Farming Zone and a wish to not isolate FZ.

In terms of future subdivision potential, no decision has been made regarding minimum subdivision size and this will be considered when future detailed planning is undertaken through the development of a Precinct Structure Plan for this area and council will be undertaking extensive consultation as part of this process

It is recognised however that this area should be a transitional area between regular density housing to the south and the SUZ 13 equine precinct

**QT9/22 - Pauline Gleeson****Question**

Has there been a tender submitted for an alternate form of lighting around Lake Wendouree including cross path illumination?

**Answer**

Bridget Wetherall, Director of Infrastructure and Environment responded that, no there has not been a tender submitted for an alternate form of lighting.

**RESOLUTION:**

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

**Moved: Cr Amy Johnson**  
**Seconded: Cr Belinda Coates**

**CARRIED**  
**(R4/22)**

**QT10/22 - Allen Harvie****Question**

Dear Cr Daniel Moloney (Mayor), I'm writing to you in hope that the City of Ballarat will join communities throughout the Western Victoria Region by passing a resolution calling for the Andrews Government to:

- Retract approval for gas within Port Campbell National Park & Twelve Apostles Marine Park
- Reintroduce the ban on new offshore oil and gas drilling, fracking, and other activities in waters off the Victorian Coast. New gas extraction and increased consumption will only deepen our climate crisis laying waste to any effort Ballarat is making to address the Climate Emergency. Methane leaks from extraction and transportation of natural gas further exacerbate global climate change. Whilst Natural gas emits 50 percent less carbon dioxide (CO<sub>2</sub>) than regular oil or coal-fired power plants, methane<sup>[3]</sup> warms the atmosphere 86 times as much as carbon dioxide. Please support our effort to protect our future from devastation at the hands of the fossil fuel industry. Thank you for considering this request.

**Answer**

Bridget Wetherall, Director of Infrastructure and Environment responded that in November 2018, Ballarat Council acknowledged the Climate Emergency and the need for urgent action by all levels of government to reduce carbon emissions. The City of Ballarat's Carbon Neutrality and 100% Renewables Action Plan (the Action Plan) was subsequently developed and adopted by Council in 2019. The Action Plan commits Council to investigate alternatives to gas derived from fossil fuel sources and 'get off gas'.

Key actions that are currently underway relating to gas transition include:

- Purchase of 100% renewable energy from Victorian sources, enabling electrification of facilities from renewable energy
- Work with our landfill management partners to double the capacity of the methane capture Renewable Energy Facility (REF)
- A suite of energy audits at Council facilities, inclusive of recommendations to transition away from inefficient gas appliances
- Waste reduction initiatives to reduce carbon emissions from landfill

Projects planned for 22/23 relating to gas transition include:

- The development and adoption of an ESD Framework to be applied to all new Council building projects, extensions, renewals and maintenance works - with the aim of new Council buildings being 'gas free'.
- A Ballarat Aquatic & Lifestyle Centre (BALC) energy efficiency and alternative energy options assessment.

**QT11/22 – Sharon Upham****Question**

Does Council currently employ a Heritage Officer/staff, if not why not?

**Answer**

Natalie Robertson, Director of Development responded that yes, we do employ a Heritage Advisor in the Statutory Planning section of the organisation. We also employ a Coordinator Heritage and Cultural landscapes, so we are enriched with heritage resources.

**Question**

Does Council employ an Environmental Officer, if not why not?

**Answer**

Natalie Robertson, Director of Development responded that Council does employ a Environmental Officer in the Infrastructure and Environment Division. Then in relation to planning assessment, we also have some environmental resources as well.

**QT12/22 - Julie Heron****Question**

In light of Council's 2018 acknowledgement of the global climate emergency, what *urgent, effective and enforceable* climate requirements, mitigations and initiatives is Council intending to place on any housing construction in new greenfield or infill developments in the city?

**Answer**

Natalie Robertson, Director of Development and Growth responded that as previously mentioned, in May 2021, Council committed funding and officer resources to elevate Environmentally Sustainable Design policies into the Ballarat Planning Scheme. With the consultant reports nearing completion, officers expect significant progress in the coming months. This will include stakeholder and community engagement regarding the specifics of the Planning Scheme Amendment and ultimately seeking consent for the Planning Minister to incorporate ESD principles in our Planning Scheme that will be applied to both greenfield and infill development.

**Question**

Given the environmental underpinnings of Council's 2015 strategy plan, what measures is Council putting into place to help people substantially improve the energy efficiency in existing housing, especially in recent developments?

**Answer**

Natalie Robertson, Director of Development and Growth responded that new homes and significant renovations not just in Ballarat but across Victoria need to be assessed against the minimum energy performance requirements set out in the building regulations and must meet

a minimum 6-star performance standard. These regulations, codes and standards are intended to improve dwelling sustainability, and, in this respect, Council supports good design, especially at the initial design stage so the rating can be met or increased.

Whilst most single dwellings do not require a planning permit and many of the planning applications we receive for single dwellings relate to heritage triggers, Council remains committed to delivering sustainable patterns of development by seeking to ensure that our strategies support new homes in existing built-up areas of the municipality, ensuring new residents are close to public transport, jobs, schools, shops and other amenities.

### **QT13/22 - Merle Hathaway**

#### **Question**

In Buninyong, the Council has removed 40 year old trees from the post office block. Why do plans show only two oaks replacing these trees, despite statements that there would be 8 oak trees replacing them?

#### **Answer**

Bridget Wetherall, Director of Infrastructure and Environment responded that this question would be taken on notice and that Ms Hathaway will receive a direct written response following the meeting.

#### **Question**

Why isn't Council following their own replanting policy? 12 plants were taken out of the botanic gardens and replaced with 2 oak trees. Why are you not planting more than what was removed?

#### **Answer**

Bridget Wetherall, Director of Infrastructure and Environment responded that Council have a tree management plan which has a number of criteria to assess when replanting trees which also depends on location and species in that area. This may mean we replant to diversify current species etc so in the case of storm events and climate change impacts are not so devastating.

### **QT14/22 - Michael Poulton**

#### **Question**

How does Council plan to ensure the expediated delivery of available urban land in the west and northwest urban growth zones?

#### **Answer**

Natalie Robertson, Director of Development and Growth responded that having worked closely with DELWP on this matter we are well placed to seek support from the Minister for Planning to expediate components of the amendment process. Whilst we are conscious of the importance of our new growth zones the main priority is to ensure that we have produced the framework for well planned communities that gives us certainty on the delivery of community infrastructure, facilities and public open spaces that are attractive and liveable.

**Question**

Given the Officers Recommendation in 72.3 is to prepare a Precinct Structure Plan for the Northern Urban Growth Zone only, can council provide a roadmap with defined milestones and timeline targets for the delivery of further urban land in the west and northwest growth zone areas?

**Answer**

Natalie Robertson, Director of Development and Growth responded that Council Officers do have a roadmap for the delivery of our growth areas together with infill development. I would be pleased to provide a copy of this to Mr Poulton.

**QT15/22 Paul Murphy****Question**

Can Council remove any symbols or physical structures at Eureka Park & Museum that represent the Police or Red Coats including any appearance by the Red Coats at Sovereign Hill?

**Answer**

Mayor, Cr Moloney responded that he does not believe there are any appearances lined up for the Red Coats at any Council facility. Mayor, Cr Moloney noted that a Council Officer will respond to further questions from Mr Murphy.

## 7. CHIEF EXECUTIVE OFFICER REPORT

### 7.1. CHIEF EXECUTIVE OFFICER REPORT

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

#### PURPOSE

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

#### RESOLUTION

**That Council:**

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

**Moved: Cr Belinda Coates**

**Seconded: Cr Samantha McIntosh**

**CARRIED**

**(R5/22)**

## 8. OFFICER REPORTS

### 8.1. QUARTERLY PERFORMANCE REPORT

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

#### PURPOSE

1. To present the quarterly performance reports for the quarter ending 31 December 2021 and to seek endorsement of the 2021/22 Mid-Year Budget Review (MYBR).
2. The attached reports set out Council's quarterly performance for the period ending 31 December 2021, including:
  - a. Summary of Financial Results;
  - b. Financial Statements;
  - c. 2021/22 (MYBR);
  - d. Key Performance Indicators;
  - e. Local Spend Summary;
  - f. Investments Summary;
  - g. Progress in relation to the implementation of the Council Plan 2021/22 actions; and
  - h. Performance Statement indicators to 31 December 2021.

#### RESOLUTION:

##### That Council:

1. **Receive the Quarterly Financial Management Report – Period Ending 31 December 2021 and note the financial matters contained within the report.**
2. **Endorse the 2021-22 Mid-Year Budget Review adjustments.**
3. **Receive the Quarterly Performance Management Report – Period Ending 31 December 2021.**
4. **Receive the Council Plan Quarterly Report – 31 December 2021.**

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

**CARRIED**  
**(R6/22)**

## 8.2. CARBON NEUTRALITY PLAN PROGRESS UPDATE

**Division:** Infrastructure and Environment  
**Director:** Bridget Wetherall  
**Author/Position:** Les Stokes – Executive Manager Waste and Environment

### PURPOSE

1. To provide an update on the progress of implementing the City of Ballarat's Carbon Neutrality and 100% Renewables Action Plan.

### RESOLUTION:

**That Council:**

1. **Note the progress in implementing Carbon Neutrality and 100% Renewables Action Plan.**

**Moved: Cr Belinda Coates**

**Seconded: Cr Mark Harris**

**CARRIED**

**(R7/22)**

Cr Coates requested a briefing to Councillors on the timeframe for the development a framework for better quality sustainable design outcomes for City of Ballarat buildings (also relates to Council Plan Goal 3.5 - Ensure better quality sustainable design outcomes in both City of Ballarat and private developments)

**8.3. DESTINATION MARKETING PLAN**

**Division:** Development and Growth  
**Director:** Natalie Robertson  
**Author/Position:** Lucy Ibrahim – Coordinator City Marketing

**PURPOSE**

1. The purpose of this report is to present the Destination Marketing Plan 2021–2024 (DMP) for adoption.

**RESOLUTION:**

**That Council:**

1. **Adopt the Destination Marketing Plan 2021-2024.**

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

**CARRIED**  
**(R8/22)**

**8.4. TENDER 2021/22-364 LAKE WENDOUREE AND VICTORIA PARK LINK LIGHTING**

**Division:** Infrastructure and Environment  
**Director:** Bridget Wetherall  
**Author/Position:** Phillip Barnett - Project Manager

Public Submissions were provided by Judith Bailey, Stuart Kelly, Ailsa duBois, Peter Kervarec, Merl Hathaway and Mary Debrett.

**PURPOSE**

1. To award Contract 2021/22-364 – Lake Wendouree and Victoria Park Link Lighting to DeAraugo & Lea Electrical Contractors (VIC) Pty Ltd for the total tendered price of \$2,202,000.00 (ex GST).
2. The scope of this contract involves the supply, install and commission of 225 light poles and fittings around the 6km Steve Moneghetti Track around Lake Wendouree and supply, install and commission of 7 light poles and fittings along Morrison Street. Works are inclusive of all lighting controls, underground electrical infrastructure and connections, pillar box upgrades and new pillar connections, all associated power connections, testing and commissioning.

**RESOLUTION:**

**That Council:**

1. **Enter into Contract Number 2021/22 - 364 for the provision of Lake Wendouree and Victoria Park Link Lighting with DeAraugo & Lea Electrical Contractors (VIC) Pty Ltd for the total tendered price of \$2,202,000.00 (ex GST).**
2. **Delegate to the Chief Executive Officer the authority to execute the associated contract on behalf of Council.**

**Moved: Cr Ben Taylor**

**CARRIED**

**Seconded: Cr Des Hudson**

**(R9/22)**

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

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

**Against the Motion was:** Cr Harris, Cr Johnson, Cr McIntosh

**RESOLUTION**

**Request for a comfort break at 9:29pm.**

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

**CARRIED  
(R10/22)**

**RESOLUTION**

**Council resumes from a comfort break at 9:34pm.**

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

**CARRIED  
(R11/22)**

**RESOLUTION**

**Council endorses bringing forward agenda item 8.7 Growth Areas – Boundary Definition.**

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

**CARRIED  
(R12/22)**

## 8.7. GROWTH AREAS - BOUNDARY DEFINITION

**Division:** Development and Growth  
**Director:** Natalie Robertson  
**Author/Position:** Natalie Robertson – Director Development and Growth

Public Submissions were provided by Adrian Doyle, James Ilse, Michael Poulton, Dianne Fulton, Michelle Brodrick, Michael Lasky, Amanda Corner, Roy Walton, Luke English, Terry Demeo, Kelly Dubberly, Nick Grylewicz, Darren Trigg, and Mike Kauffman.

### PURPOSE

The purpose of this report is to:

1. Provide background to Ballarat's Growth Investigation Areas.
2. Summarise the key drivers of change and information inputs which has led to the recommended growth area boundaries.
3. Make recommendations to authorise a formal Planning Scheme Amendment to the Ballarat Planning Scheme to define Ballarat's new Growth Areas by way of application of the Urban Growth Zone and undertake a policy amendment.

### RESOLUTION:

**Council endorses an extension to the finishing time of the Council Meeting beyond 11:00pm in accordance with section 3.6.1 of the City of Ballarat Governance Rules.**

**Moved: Cr Daniel Moloney**

**CARRIED**

**Seconded: Cr Samantha McIntosh**

**(R13/22)**

### RESOLUTION:

**That Council:**

1. **Apply to the Minister for Planning in accordance with Section 8A (2) and (3) of the Planning and Environment Act 1987 to obtain authorisation to prepare Amendment C221ball to the Ballarat Planning Scheme, by:**
  - a) rezoning the growth areas to the Urban Growth Zone in accordance with Attachments E, F and G; and
  - b) preparing a policy amendment which introduces a new 'Housing Framework Plan' to support the next phases of planning.
2. **If authorised by the Minister for Planning under Section 8A (2) and (3) of the Planning and Environment Act 1987, exhibit Amendment C221ball to the Ballarat Planning Scheme in accordance with the notice requirements under section 19 of the Planning and Environment Act 1987.**
3. **Commence preparation of a Precinct Structure Plan for the northern growth area following application of the Urban Growth Zone.**

4. Notes that the Ballarat Housing Strategy should ultimately be the mechanism to determine the extent of future growth and infill development across Ballarat.
5. Authorise the Director Development and Growth to make minor changes to the planning scheme amendment documentation as required.
6. Notes that the 'Growth Areas Framework Plan' will be prepared to establish the most appropriate sequencing of Precinct Structure Plan preparation for the western and north-western growth areas, aligned to sustainable development principles and the likely or planned construction of infrastructure and community facilities to support well-planned and sustainable communities.
7. Report back to Council, quarterly, on the progress of the rezoning to UGZ and the project plan including timeframes for the Growth Areas Framework Plan.

**Moved: Cr Ben Taylor**

**CARRIED**

**Seconded: Cr Peter Eddy**

**(R14/22)**

Cr McIntosh called for a report to Councillor Briefing regarding processes in place to ensure CBD in-fill development is well planned.

Cr McIntosh requested a briefing to Councillors that outlines prospective timelines and background strategies such as the Housing Strategy that correlate and align with the Growth Areas Boundary Definition project.

## RESOLUTION

**Request for a comfort break at 11:17pm.**

**Moved: Cr Des Hudson**

**CARRIED**

**Seconded: Cr Ben Taylor**

**(R15/22)**

## RESOLUTION

**Council resumes from comfort break at 11:22pm.**

**Moved: Cr Samantha McIntosh**

**CARRIED**

**Seconded: Cr Peter Eddy**

**(R16/22)**

**8.5. LIBRARY STRATEGY ADOPTION**

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

**PURPOSE**

1. The purpose of this report is to present to Council the final Libraries and Learning Strategy 2022-2027 for adoption.
2. Note changes made to the draft Libraries and Learning Strategy 2022-2027 and the draft Libraries and Learning Strategy 2022-2027 Action and Implementation Plan following consideration of submissions.

**RESOLUTION:**

**That Council:**

1. **Adopt and approve the City of Ballarat Libraries and Learning Strategy 2022-2027 and the accompanying City of Ballarat Libraries and Learning Strategy 2022-2027 Action and Implementation Plan.**

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

**CARRIED**  
**(R17/22)**

## 8.6. CLOTH NAPPY AND REUSABLE SANITARY PRODUCTS REBATE

**Division:** Corporate Services  
**Director:** John Hausler  
**Author/Position:** Lorraine Sendall, Executive Assistant - Corporate Services

### PURPOSE

1. Council indicated at a briefing held in November of 2021, that it would like a Council report prepared for the consideration of a rebate scheme for disposal cloth nappies and reusable sanitary products.
2. This report responds to the discussion at the briefing and outlines the proposed process and conditions of a trial of such a scheme, providing households within the City of Ballarat with the option of purchasing reusable nappies and sanitary products and applying for a rebate from Council.

### RESOLUTION:

#### That Council:

1. **Trial a Cloth Nappy and Reusable Sanitary Product rebate for a period of six months commencing 1 March 2022 allowing a maximum budget of \$30,000 with the following conditions:-**
  - 1.1 **The rebate includes Cloth nappies, reusable swim nappies, reusable sanitary products, reusable liners for nappies, reusable baby wipes, wet bags for reusable nappies and reusable nursing breast pads.**
  - 1.2 **That the rebate be for 50% of the purchase price per household, up to a maximum of \$100 for cloth nappy products and reusable sanitary products and up to a maximum \$50 for reusable breast pads. Each household in the City of Ballarat is eligible for one rebate per category and separate applications are required for each category (cloth nappy products, reusable sanitary products and reusable breast pads).**
  - 1.3 **The applicant must reside in the property within the City of Ballarat that is requesting the rebate and provide proof of residence in the form of rates notice / utility account / drivers licence, which is a maximum of three months old in the applicant's name.**
  - 1.4 **The applicant must provide a copy of the receipt of proof of purchase. It must clearly identify the company name, date of purchase and name and cost of each item purchased.**
  - 1.5 **Receipt of proof of purchase must be no older than 3 months and be whole, not a partial copy.**
  - 1.6 **Applications to be submitted online or at Council's Customer service centre at the Phoenix Building.**

- 1.7        **The rebate program may be paused at any time if budget allocations have been exhausted.**
  - 1.8        **Successful applicants will have the rebate transferred to their nominated account.**
  - 1.9        **The City of Ballarat holds the right to reject any application on the basis it is determined ineligible.**
2.        **Note that the \$30,000 required to fund the trial program has been incorporated into the 2021/22 Mid Year Budget Review adjustments.**
  3.        **Request a briefing on the progress of the trial after the completion of the first six months of running the program.**

**Moved: Cr Amy Johnson**

**Seconded: Cr Belinda Coates**

**CARRIED**

**(R18/22)**

**8.8. COMPLETION REPORT: TENDER 2020/21-166 ROOF AND AIR CONDITIONING PLANT REPLACEMENT PROJECT AT NBSC**

**Division:** Infrastructure and Environment  
**Director:** Bridget Wetherall  
**Author/Position:** John McKenna – Facilities Management Contract Coordinator

**PURPOSE**

1. The purpose of this document is to report to Council on contract variations that were required during the recently and successfully completed – Roof and air conditioning plant replacement project at North Ballarat Sports Club – Contract No: 2020/21-166.
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. As variations to this project marginally exceeding 10% at approximately 10.5%, this report has therefore been prepared.

**RESOLUTION:**

**That Council:**

1. **Reviews and notes the above project variation report for its information.**

**Moved: Cr Des Hudson**  
**Seconded: Cr Peter Eddy**

**CARRIED**  
**(R19/22)**

**8.9. ARCH OF VICTORY/AVENUE OF HONOUR STAKEHOLDER REFERENCE GROUP**

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

**PURPOSE**

1. The purpose of this report is to transition the Arch of Victory/Avenue of Honour (AoV/AoH) Committee from an Advisory Committee into a Stakeholder Reference Group.
2. The purpose of this report is also for Council to endorse the updated Terms of Reference for the Arch of Victory/Avenue of Honour (AoV/AoH) Stakeholder Reference Group.

**RESOLUTION:**

**That Council:**

1. **Disband the Arch of Victory/Avenue of Honour Advisory Committee that was established on 11 June 2008 (R230/08) and revoke all previous Terms of Reference for the Committee.**
2. **Establish the Arch of Victory/Avenue of Honour Stakeholder Reference Group**
3. **Endorse the Terms of Reference (attached) for Arch of Victory/Avenue of Honour Stakeholder Reference Group**

**Moved: Cr Samantha McIntosh**

**Seconded: Cr Mark Harris**

**CARRIED**

**(R20/22)**

**8.10. 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 2, 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 Des Hudson**  
**Seconded: Cr Mark Harris**

**CARRIED**  
**(R21/22)**

**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 Ian Gibb and revoke the authorisations for Heath Steward, Michelle Watt and Leah Slater.

**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. Ian Gibb 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 Heath Steward (R181/20).**
3. **Revoke the S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) for Michelle Watt (R181/20).**
4. **Revoke the S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) for Leah Slater (R181/20).**

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

**CARRIED**  
**(R22/22)**

**8.12. 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 Belinda Coates**  
**Seconded: Cr Mark Harris**

**CARRIED**  
**(R23/22)**

## 9. NOTICE OF MOTION

### 9.1 REVIEW OF BALLARAT BUS NETWORK

1. A Notice of Motion was lodged by Cr Coates on 16 February 2022.
2. In accordance with rule 3.8.2 of the Governance Rules, the Notice of Motion was received and assessed by the Chief Executive Officer then approved to proceed to the 23 February 2022 Council Meeting Agenda.
3. Formal notice was provided to Councillors on 16 February 2022 which was then recorded in the Notice of Motion Register by the Governance team.
4. Cr Coates proposed the following motion:

### RESOLUTION

#### That Council:

1. Undertake immediate advocacy (including media advocacy, written and in-person meetings with relevant MPs, Ministers and departments) to call on the Victorian Government and Department of Transport to urgently undertake a review of the Ballarat Bus Network.
2. Note that the current network, where routes begin and end outside the train station and loop around the Bridge Mall, was last refreshed in 2017. City of Ballarat Council has regularly requested an updated review of the network since then.
3. Note that Ballarat has experienced significant population growth since 2017 putting increased pressure on the local transport network.

Moved: Cr Belinda Coates  
Seconded: Cr Ben Taylor

CARRIED  
(R24/22)

