

OFFICIAL

Council Meeting

Minutes

27 July 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
Ms Sarah Anstis - Statutory Compliance Officer
Ms Lyndsay Leingang - Administration Officer Statutory Compliance

2.2 Apologies

Nil

3. DISCLOSURE OF INTEREST

Cr Tracey Hargreaves declared a conflict of interest on item 8.7 Audit & Risk Committee Membership and Remuneration Review.

Cr Des Hudson declared a perceived conflict of interest on item 8.3 Draft Youth Strategy.

Cr Ben Taylor declared a conflict of interest on item 8.3 Draft Youth Strategy.

4. MATTERS ARISING FROM THE MINUTES

Nil

5. CONFIRMATION OF MINUTES

RESOLUTION:

That the Minutes of the Council Meeting on 22 June 2022 as circulated be confirmed.

Moved: Cr Mark Harris

CARRIED

Seconded: Cr Des Hudson

(R92/22)

RESOLUTION:

That Council move a condolence motion for Tess Pearce.

Moved: Cr Belinda Coates

CARRIED

Seconded: Cr Samantha McIntosh

(R93/22)

6. PUBLIC QUESTION TIME

QT43/22 - Amie Murphy

Question

The trial lights were only cleaned of their spider webs two weeks ago, which have already come back. My question is, how will this cleaning be carried out without mechanically impacting the tree protection zones as Heritage Victoria's Permit. And how often will it have to happen? What was the cost and has this cost by how many number of cleans per year been factored into the annual maintenance application?

Answer

Bridget Wetherall, Director Infrastructure and Environment responded that certainly the operating and maintenance costs of lights have been considered. They were cleaned recently, and we are still working out, not knowing how active spiders are, how regularly we need to clean the lights. We had previously looked to clean them annually but consider they may need more regular cleaning. I also understand that insects are seasonal, so I don't foresee this being a monthly clean, it will be based on experience. We will be needing equipment to help us with the cleaning. As you will likely be aware, we already have a number of vehicles that do utilise the inside area of the track in between the lake and the track with vehicles that are used to maintain the area. We have a number of events as well, so we have heavy vehicles that do utilise and have to access those areas already. We don't see that there will be a large change in having to use a cherry picker type vehicle to access the lights to clean them. Saying that, we are very aware of the need to avoid tree protection zones and we will create specific processes, and as we do already when we have events on, specific access points so we don't have vehicles driving over and compacting the ground.

QT44/22 - Amie Murphy**Question**

Why are the extra costs being claimed and not coming out of the contingency budget of \$330,000 which should leave only an extra \$70,000 required. So, what has happened to the contingency budget in the project?

Answer

Bridget Wetherall, Director Infrastructure and Environment responded that every construction project has a contingency. Especially for construction projects which are digging into the ground, where they are, even in light of geotechnical reports, and other investigative work that is required to inform the design, is the need to have a contingency amount available, which is generally about 10-15% of the whole contract price. Knowing that, we have the construction period of the light's forthcoming, we need to keep the \$300,000 for the construction period. The \$370,000 that we are suggesting for approval this evening does take into account the contractor cost increase of about \$308,000, plus we have experienced additional cost in project management and Heritage costs that weren't foreseen because there has been extra requirement put on the need to do the interim protection order. We had to do a second Heritage assessment. We have had extra time spent by our project manager that wasn't foreseen. There are costs that we have incurred and there are future costs that we will incur that we know. We really have to wait until we start construction to understand what those costs may be, but the 10 - 15% is very standard.

QT45/22 - Felipe Fernandez**Question**

Can you please speak to the status of implementation for the 2019 Wendouree Station master plan. The plan's development of the south side of the station with a forecourt, bus interchange and south side station access were a very positive step in making the area pedestrian friendly. Wendouree Station is an important access point for people coming to visit the Ballarat's gardens precinct and this plan should be implemented so that the stations access and surround area matches the importance of this function. Ballarat only has two train stations let's not forget about one of them.

Answer

Natalie Robertson, Director of Development and Growth responded that Wendouree Station is an incredibly important part of the City and City of Ballarat were pleased to lead the preparation of this master plan in 2019.

When implemented, the vision, plans and actions in the master plan will all make a significant contribution to the local Wendouree and Lake Gardens communities, as well as Ballarat and the region more broadly.

The land at the station, transport infrastructure, services and other elements related to the Station precinct are all owned and managed by the Victorian Government, whilst Council has the role to advocate for the implementation of this vision for the site.

We remain actively engaged in advocating to the State Government for further investment into this precinct.

QT46/22 - Barbara Clark and Michael**Question**

I recently read the article on the cost blow-outs of the Lake Lighting Project and am concerned by this project blow-out being absorbed into our Council budget as carry-over. In addition to this unplanned Capital Expense (CAPEX) request, I would like to submit a question to council to clarify what the ongoing Operational Expense (OPEX). As we have recently seen, the two "sample" poles were recently cleaned due to insect activity. Providing this new ongoing service across all 255 poles, as well as ongoing maintenance will have extra costs that will impact on the existing OPEX budgets. I would like to have these additional OPEX costs articulated for full transparency.

Answer

Bridget Wetherall, Director Infrastructure and Environment responded that the lighting infrastructure will be included on the City of Ballarat's Asset register to ensure inspections and regular maintenance is programmed for completion. City of Ballarat's Operations Unit will be responsible for the ongoing maintenance including cleaning and incidental repairs such as vandalism. All maintenance and repairs will be completed in accordance with the manufacturer's guidelines and warranties. Preliminary estimates have been undertaken for the ongoing maintenance of the light infrastructure and these will be considered through the 23/24 budget process. This will include regular cleaning and other maintenance activities associated with the lights.

QT47/22 - Stuart Kelly**Question**

My questions relate to the recent cleaning of dead insects and spider webs from the 2 trial lights at Lake Wendouree.

1. Can I get a description of the technique used in cleaning these lights particularly any measures taken to ensure that vehicles used did not cause soil compaction in root zones to the detriment of nearby trees?
2. Based upon the costs involved in this recent cleaning of 2 lights what is the estimated ongoing annual cost of such necessarily regular cleaning of all 225 of the proposed lights?

Answer

Vehicles regularly access the lake foreshore for maintenance activities to be undertaken. Vehicles gain access regularly for the many events that happen around the lake with conditions placed on event permit holders. There are designated crossing points during these events to protect infrastructure including the establishment of tree exclusion zones.

Maintenance of the lights will be undertaken from the path with vehicles utilising designated driveways which are positioned around the lake. All works will be undertaken from the path which are outside or the root zone however controls will be put in place in the areas required.

The lighting infrastructure will be included on the City of Ballarat's Asset register to ensure inspections and regular maintenance is programmed for completion. City of Ballarat's Operations Unit will be responsible for the ongoing maintenance including cleaning and

incidental repairs such as vandalism. All maintenance and repairs will be completed in accordance with the manufacturer's guidelines and warranties. Preliminary estimates have been undertaken for the ongoing maintenance of the light infrastructure and these will be considered through the 23/24 budget process. This will include regular cleaning and other maintenance activities associated with the lights.

QT48/22 - Daniel Murphy

Question

1. The requested \$370,000 for the project that is being charged to ratepayers – is this the final increase, or will there be further costs incurred by ratepayers before completion?
2. Standard procurement procedures normally dictate that an increase of a project's cost over 10% prior to commencement automatically requires a re-tender. As the increase of \$370,000 is well over that margin, at what point will the tender be re-advertised?

Answer

Bridget Wetherall, Director Infrastructure and Environment responded that:

1. The additionally requested \$370,000 is what is currently understood to be the increased cost of completing this project.
2. Council's procurement policy does not have any requirements regarding re-advertising when the budget is exceeded by greater than 10%. Council's procurement policy requires the following: "In circumstances where the cost of the variance(s) exceeds the allocated project budget, approval must be sought from the initial approver prior to works proceeding." The provision of this report to Council is in line with that requirement.

QT49/22 - Scott Gallop

Question

1. How does the installation of 225 lights fit in with the Council's Environmentally Sustainable Development policy?
2. With the P class soil and many larger holes required and possible soil issues does the increase in the contractor's price include any amounts for the additional excavation and the supply of extra concrete for these foundations?

Answer

Bridget Wetherall, Director Infrastructure and Environment responded that the new Environmentally Sustainable Design Policy focuses on enhancing current and future communities by making homes and workplaces more sustainable and liveable. The ESD policy does not apply to open space such as Lake Wendouree. The lights are in compliance with the City of Ballarat's Energy Efficient Public Lighting Policy 2009 which states that public lighting installations must utilise energy efficient LED lighting and consider the relevant sections of AS/NZS 1158. The selected fitting complies to this standard and the energy efficient LED lighting directive. The City of Ballarat purchases 100% renewable energy for all operations including lighting through a Power Purchase Agreement.

The variable soil conditions including classification P area not unexpected given the large distances and spread of sites. These soil conditions are found through the entire municipality and is a standard practice for any City of Ballarat Infrastructure project. A Geotechnical report is commissioned to inform the technical specification and foundation details for the project. When it comes to the site-by-site footing depths for the poles, this is determined by the contractor based on the conditions on site and the pole manufacturer's footing details and is then tabled with the City of Ballarat site superintendent for review in line the project specification and all statutory authority requirements. The removal of any contaminated soil found on site will be assessed on a case-by-case basis as a latent condition hence the need for contingency and is a standard practice by the City of Ballarat. Any such claims would be submitted by the contractors to Council's project superintendent for review. The allocation of a construction contingency for the project, which occurs on Councils' major infrastructure projects is used to manage such latent conditions and therefore removal as necessary.

QT50/22 - Jason Gross**Question**

Why was the contract not signed with the successful tenderer after it was approved that the CEO will have it signed and has this failure to sign for the last six months exposed the ratepayers to cost increases?

I would like to ask the Councillors to remove their Councillor hats for one moment and put themselves as a ratepayer and ask yourselves is it the time that Council should concede that it might possibly be wrong with the choice of lighting particularly now with the cost blowouts and prior to any holes being dug?

Answer

Bridget Wetherall, Director Infrastructure and Environment responded that a decision was made not to sign the contract after Council had awarded the contract because the interim protection order had been placed on a portion of the lake. The interim protection order required a heritage permit to be applied for and required and considered by Heritage Victoria. It was deemed prudent financial management and prudent project management not to sign up to a contract when we did not know whether that contract could progress given that we were waiting for Heritage Victoria to make a determination on the permit. A letter was sent to the tenderer informing them of Council's decision and informing them of the need to wait to sign the contract pending the outcome of the heritage permit and we believe that is prudent management of the contract.

QT51/22 - Heather Lewis**Question**

Has ongoing costing of maintenance been assessed with other options such as lighting at ground level?.

For example: Cleaning/Repairs/Replacement.

Impact on Wildlife.

For example: Such as possums live in trees and come out to feed after dusk. Feeding times will alter for those affected, particularly in Winter.

How much investigation has been done on the impact on Wildlife using different options of lighting?

Answer

Bridget Wetherall, Director Infrastructure and Environment responded that we have already covered tonight the cost of maintenance and cleaning. We haven't assessed these with other options such as lighting at ground level and this is because our Heritage Permit approved the construction of pole-mounted lights. They were in alignment with our Australian Standards. We haven't done an assessment on the comparison of maintenance costs.

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.

In regards to the impact on wildlife: As part of the design process, Council engaged Biosis to undertake an independent biodiversity impact assessment. This has been an important consideration throughout the process, and the lights have been chosen for their ability to limit/avoid spill in order to limit emitting light where it is not required. Choosing lights that are programmable with the ability to be readily changed throughout the year was also a key factor. The light spill and its effect on wildlife has been considered during the design process. Bollard level lighting and in-ground have sideways and upwards light spill that doesn't meet the relevant Australian Standards and also create glare issues for both users and also wildlife.

MOTION

That Council extend public question time for a period of 30 minutes.

Moved: Cr Samantha McIntosh

Lapsed

Seconded:

7. CHIEF EXECUTIVE OFFICER REPORT

7.1. CHIEF EXECUTIVE OFFICER REPORT

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

PURPOSE

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

RESOLUTION:

That Council:

Receive and note the CEO's Operational Report.

Moved: Cr Belinda Coates

Seconded: Cr Peter Eddy

CARRIED

(R94/22)

8. OFFICER REPORTS

8.1. LAKE WENDOUREE AND VICTORIA PARK LINK LIGHTING

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

Public representations were made by:

Chantell Keven, Dawne Smith, Faye Clark, Deb Wakefield, Suzanne McNeice, Denise Boyko, Mary Lang, Ian Clarke, Christine Titheridge, Fiona Ludbrook, David Heywood, Bruce Crawford, Stuart Kelly, Suzanne Parker, Jenni Horner, Cheryl McLoughlin, Marion Robins, Leanne & Mark Scott, Peter Kerverac, Penelope Greenslade, Robyn Cashin, Alex Angus, & Gail Hurst.

PURPOSE

1. To seek Approval for an increase to the price for Contract 2021/22-364 – Lake Wendouree and Victoria Park Link Lighting from the originally tendered price of \$2,202,000.00 (ex GST) to the revised price of \$2,510,700.00 (ex GST).
2. Authorise the Chief Executive Officer to execute Contract 2021/22-364 – Lake Wendouree and Victoria Park Link Lighting at the revised price.
3. Advise that the identified budget shortfall for this project will be referred to the next Budget review process, which will occur when the 2021/22 year-end carryover is considered and approves the works proceeding.

RESOLUTION:

28. That Council:

28.1 Notes the Officer Report.

28.2 Approves the increase to the price for Contract 2021/22-364 – Lake Wendouree and Victoria Park Link Lighting from the originally tendered price of \$2,202,000.00 (ex GST) to the revised price of \$2,510,700.00 (ex GST).

28.3 Authorises the Chief Executive Officer to execute Contract 2021/22-364 – Lake Wendouree and Victoria Park Link Lighting at the revised price.

28.4 Notes that the identified budget shortfall for this project will be referred to the next Budget review process, which will occur when the 2021/22 year-end carryover is considered and approves the works proceeding.

Moved: Cr Peter Eddy

Seconded: Cr Des Hudson

CARRIED

(R95/22)

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

For the Motion were Councillors: Cr Peter Eddy, Cr Tracey Hargreaves, Cr Des Hudson, Cr Daniel Moloney, Cr Ben Taylor and Cr Belinda Coates

Against the Motion was: Cr Mark Harris, Cr Amy Johnson and Cr Samantha McIntosh

8.2. BALLARAT NET ZERO EMISSIONS PLAN – PUBLIC EXHIBITION

Division: Infrastructure and Environment
Director: Bridget Wetherall
Author/Position: Ching Tiong Tan – Carbon Neutrality Sustainable Officer

Public Representation was made by:

Mary Debrett On behalf of Ballarat Renewable Energy and Zero Emissions Incorporated (BREAZE Inc.)

PURPOSE

1. To seek Council endorsement to release the Draft Ballarat Net Zero Emissions Plan (Draft Plan) for public exhibition for a period of four weeks in August 2022.

RESOLUTION:

That Council endorse the Draft Ballarat Net Zero Emissions Plan for public exhibition for a period of four weeks commencing 1 August 2022 and concluding 29 August 2022 at 9:00am.

Moved: Cr Belinda Coates
Seconded: Cr Mark Harris

CARRIED
(R96/22)

8.3. DRAFT YOUTH STRATEGY

Division: Community Wellbeing
Director: Matthew Wilson
Author/Position: Sharelle Knight, Executive Manager Family, Youth and Children's Services

Cr Des Hudson and Cr Ben Taylor left the Chamber at 8:20 prior to discussion occurring

PURPOSE

1. To present Councillors with the draft Youth Strategy 2022 – 2026 and seek approval to release the draft strategy for public exhibition until 29 August 2022.

RESOLUTION:

That Council:

Endorse the draft Youth Strategy 2022 – 2026 for public exhibition until 29 August 2022.

Moved: Cr Belinda Coates

CARRIED

Seconded: Cr Peter Eddy

(R97/22)

Cr Des Hudson and Cr Ben Taylor returned to the Council Chamber at 8:40pm after discussion had occurred.

8.4. FINAL COMMUNITY INFRASTRUCTURE PLAN

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

PURPOSE

1. The purpose of this report is to present Council with the proposed Community Infrastructure Plan 2022 – 2037 for Council adoption.
2. To note the changes made to the draft Community Infrastructure Plan 2022 – 2037 following consideration of submissions, to reflect any infrastructure changes required because of increased service levels of kindergarten / pre prep and to ensure economic and financial considerations of current construction industry are considered in budget development.

RESOLUTION:

That Council:

Adopt the Community Infrastructure Plan 2022 – 2037.

Moved: Cr Belinda Coates
Seconded: Cr Mark Harris

CARRIED
(R98/22)

8.5. WENDOUREE WEST COMMUNITY HUB

Division: Community Wellbeing
Director: Matthew Wilson
Author/Position: Trent Bursill, Project Manager

PURPOSE

1. The purpose of this report is to inform Council about contract variations, predominantly relating to emergency soil remediation works that have been required during the site excavation for the Contract No. 2021/22-360 Wendouree West Recreation Reserve – Community Hub, Sports Pavilion, Changerooms and Men’s Shed. The contract was awarded to Plan Group Pty Ltd (Plan Group) for \$4,763,830 at the December 15, 2021 Council Meeting (R275/21).
2. The net impact of the emergency soil remediation is projected to be a \$2.0M variation to the Plan Group Contract, taking the contract value from \$4,763,830 to \$6,763,830. The \$2.0m contract variation is offset partially by existing contingency resulting in a project budget shortfall of \$1.5M.
3. The existing budget for the project is \$8,685,000. and has been funded through \$7M from State Government, \$1.3M from the Federal government Local Roads and Community Infrastructure fund, and \$385,000 from Council budget. This will mean that the \$8,685,000 project budget will need to increase to \$10,185,000 to cover this contract variation.
4. In addition to the contract awarded to Plan Group, other elements of the project include soccer pitch upgrades, lighting upgrades, pump track and skate element construction, and street soccer construction.
5. In accordance with the Procurement Policy, it is a requirement to report back to Council if variations to a contract exceed 20% of the original contract award. As the cumulative variations being claimed relating to the soil remediation works have now been identified as exceeding 20%, this report has therefore been prepared.
6. It is also necessary under the Procurement Policy to advise when it is expected that the cost of the variances will exceed budget. That is now identified to occur in this instance. The \$1.5M net impact of the variation on the total project budget will be referred to next budget review process, which will occur when 2021/22 year-end carryover is considered.

RESOLUTION:

23. That Council:

23.1 Reviews and notes the above project variation report, and

23.2 Note that the project budget is expected to be exceeded and that the financial impact of the budget variation will be referred to the next budget review process, which will occur when 2021/22 year-end carryover is considered.

Moved: Cr Mark Harris
Seconded: Cr Peter Eddy

CARRIED
(R99/22)

8.6. DRAFT GOVERNANCE RULES

Division: Corporate Services
Director: John Hausler
Author/Position: Cameron Montgomery – Executive Manager Governance and Risk

PURPOSE

1. The purpose of the report is to present Council with an opportunity to consider amendments to the City of Ballarat Governance Rules now that the *Regulatory Legislation Amendment (Reform) Act 2022* has passed; and seek Council endorsement to release the a proposed new section of the Governance Rules for public exhibition and seek submissions for a 14 day period from 28 July 2022 to 9.00am, 12 August 2022.

RESOLUTION:

15 That Council:

15.1 Endorse the draft proposed new section of the rules as shown at Attachment 2 for public consultation from 28 July 2022 to 9:00am, 12 August 2022.

15.2 Note that a further report will be presented to the 24 August 2022 Council Meeting to consider feedback received during the community consultation and to formally endorse the Governance Rules.

Moved: Cr Des Hudson
Seconded: Cr Ben Taylor

CARRIED
(R100/22)

8.7. AUDIT AND RISK COMMITTEE MEMBERSHIP AND REMUNERATION REVIEW

Division: Corporate Services
Director: John Hausler
Author/Position: Cameron Montgomery – Executive Manager Governance and Risk

PURPOSE

1. The purpose of the report is to extend the Audit and Risk Committee independent memberships and review the Audit and Risk Committee independent remuneration.

RESOLUTION:**16. That Council:**

16.1 Extend John Watson's Independent Membership on the Audit and Risk Committee for a period of 3 years commencing 30 September 2022 and concluding 31 December 2025.

16.2 Extend Jason Hargreaves' Independent Membership on the Audit and Risk Committee for a period of 3 years commencing 1 January 2023 and concluding 31 December 2025.

16.3 Extend Linda McNeill's Independent Membership on the Audit and Risk Committee for a period of 3 years commencing 9 February 2023 and concluding 31 December 2026.

16.4 Extend Jeff Rigby's Independent Membership on the Audit and Risk Committee for a period of 4 years commencing 1 December 2023 and concluding 31 December 2026.

16.5 Apply increases of 3% on 18 December 2022 and 3% on 18 December 2023 to the remuneration of the Chair and the independent members.

Moved: Cr Des Hudson
Seconded: Cr Mark Harris

CARRIED
(R101/22)

8.8. 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 meeting of this Committee held on 25 May 2022 one contract, one variation to a contract and a decision to join a Municipal Association Victoria (MAV) tender were approved by the Committee. This report provides a copy of the minutes of this meeting as well as detailing summary information in relation to these Contracts.

RESOLUTION:**5. That Council:**

- 5.1 Note, as per the *Local Government Act 2020* Section 66 that the material contained in the Contracts Approval Delegated Committee agenda has been designated confidential.
- 5.2 Receive the Contracts Approval Delegated Committee minutes of the meeting held on 25 May 2022.

Moved: Cr Des Hudson
Seconded: Cr Ben Taylor

CARRIED
(R102/22)

8.9. S11A AND S11B INSTRUMENT OF APPOINTMENT AND AUTHORISATIONS

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

PURPOSE

1. This report is to seek Council's endorsement of the S11A. Instrument of Appointment and Authorisations under the *Planning and Environment Act 1987* to Peter Dreimanis and Jennifer Chan Wing Sum. The report is to also endorse the S11B Instrument of Appointment and Authorisation under the *Environment Protection Act 2017* for Roy Russell and Jordan Furlong.

RESOLUTION:

5. That Council:

- 5.1 Exercise the powers conferred by s147(4) of the *Planning and Environment Act 1987* and the other legislation referred to in the attached instruments of appointment and authorisation (the instruments), and
 - a. Peter Dreimanis and Jennifer Chan Wing Sum be appointed and authorised as set out in the instruments.
 - b. The instruments come into force immediately upon resolution and remains in force until Council determines to vary or revoke it.
- 5.2 Exercise the powers conferred by s242(2) of the *Environment Protection Act 2017* and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, and resolves that:
 - a. Roy Russell and Jordan Furlong be appointed and authorised as set out in the instruments.
 - b. The instruments come into force immediately upon resolution and remains in force until Council determines to vary or revoke it.

Moved: Cr Mark Harris
Seconded: Cr Des Hudson

CARRIED
(R103/22)

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:

6. Exercise the powers conferred by the legislation referred to in the attached instrument of delegation at Attachment 2, and that:
 - 6.1. 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.
 - 6.2. The Instrument comes into force immediately upon resolution.
 - 6.3. On the coming into force of the instrument, all previous S6 delegations to members of Council staff are revoked.
 - 6.4. 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
(R104/22)

8.11. AMENDMENT 2022/2023 BUDGET RESOLUTION

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

PURPOSE

1. To recognise and update an administrative error in the 22 June 2022 resolution (R84/22) to adopt the 2022/23 Annual Budget.

RESOLUTION:

7. That Council replace the term ‘Rural Residential’ with ‘Farm’ and ‘Farm’ with ‘Rural Residential’ in the “Type of rate” table within resolution number R84/22 contained in item 8.1 - Adoption of 2022/23 Budget, as resolved at the 22 June 2022 Council Meeting such that it reads as detailed in the table below:

Type of rate	Rate in the \$ Proposed
Residential	0.00299571
Commercial	0.00784876
Industrial	0.00796859
Farm	0.00215691
Rural Residential	0.00278601
Recreation 1*	0.00000000
Recreation 2	0.00784876

Moved: Cr Des Hudson
Seconded: Cr Peter Eddy

CARRIED
(R105/22)

8.12. OUTSTANDING QUESTION TIME ITEMS

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

PURPOSE

1. This report provides Council with an update of responses to questions taken on notice and outstanding unanswered questions from public question time.

RESOLUTION:

That Council:

Endorse the Outstanding Question Time report.

Moved: Cr Mark Harris
Seconded: Cr Des Hudson

CARRIED
(R106/22)

9. NOTICE OF MOTION

Nil

10. REPORTS FROM COMMITTEES/COUNCILLORS

GB18/22 - Cr Des Hudson

Cr Hudson raised the topic of the former Sebastopol Post Office. With the change of Government, clearly the federal member for Ballarat, the Honourable Catherine King, was very supportive of trying to lobby and see whether or not a Post Office could be re-established in Sebastopol.

RESOLUTION:

That Council write a formal letter to the federal Member for Ballarat to ask her to lobby the two Ministers: the Minister of Finance, the honourable Katie Gallagher, and the Minister of Communications, the honourable Michelle Rowland who are the two stakeholders for Australia Post.

Moved: Cr Des Hudson

CARRIED

Seconded: Cr Ben Taylor

(R107/22)

GB19/22 – Cr Ben Taylor

Cr Taylor stated on 30 June there was a well-attended meeting in Buninyong around issues related to truck incidents. In 2007 there was a document produced called the Ballarat Road Transport Strategy that included projects and actions that should be done around the City. The data is saying we that will reach a population of 115,000 by 2031. We have already reached 115,000. This document is getting out of date.

RESOLUTION:

That a report come back to Council seeking Councillors indulgence on that strategy and especially around the recommendations and the validity of those recommendations and whether there should be opportunities to use this document or to refresh this document?

Moved: Cr Ben Taylor

CARRIED

Seconded: Cr Mark Harris

(R108/22)

GB20/22 – Cr Belinda Coates

Cr Coates noted NAIDOC week in early July and thanked all community groups and organisations who put on events across the city throughout the week. It was a really terrific event.

GB21/22 - Cr Daniel Moloney, Mayor

Mr. Mayor lodged a joint letter from Wendouree Senior Citizens Club. They ask to be allowed to have a sign or their name in their carport. They used to have signage and are now not allowed.

Matthew Wilson, Director Community Wellbeing advised that Officers and himself have been in touch with representatives from Wendouree Citizens and have given them reassurance that we will work to get signage in place which is now in progress.

GB22/22 - Cr Samantha McIntosh

Cr McIntosh noted the Lake Wendouree Light Project. She stated there were over 2000 people with combined surveys. Cr McIntosh also recognised all those who took the time to sign.

11. URGENT BUSINESS

Nil

12. SECTION 66 (IN CAMERA)

Nil

13. CLOSE

The Mayor declared the meeting closed at 8:56PM.

Confirmed this

day of

2022.

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Mayor