

OFFICIAL

# Council Meeting

## Minutes

24 August 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 Lyndsay Leingang - 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 27 July 2022 as circulated be confirmed.

**Moved: Cr Tracey Hargreaves**

**CARRIED**

**Seconded: Cr Mark Harris**

**(R109/22)**

### RESOLUTION:

That Council move a condolence motion for Cr Tony Driscoll.

**Moved: Cr Samantha McIntosh**

**CARRIED**

**Seconded: Mayor Cr Daniel Moloney**

**(R110/22)**

### RESOLUTION:

That Council move a condolence motion for Brad Fernando.

**Moved: Mayor Cr Daniel Moloney**

**CARRIED**

**Seconded: Cr Samantha McIntosh**

**(R111/22)**

## 6. PUBLIC QUESTION TIME

**QT52/22 - Stuart Kelly**

### Question

My question relates to the Base hospital redevelopment. This development proposes an entry roadway from Sturt Street, along with some car parking. Now while I have no complaints about the remainder of the development, the entry roadway would require the demolition of three Victorian Era shops along with the stables that are behind those shops. These buildings were built in 1857 according to the Council Records. They're within the Sturt Street Heritage Precinct. There is an alternative. They can widen Anticline Lane and make that 2 lanes and not worry about adding an additional 2 lanes. Will the Council make representations to the government and to the Victorian Health Building Authority to ask them to reconsider these plans?

### Answer

Natalie Robertson, Director Development and Growth responded that in this case the Victorian Health Building Authority do not require City of Ballarat approval for demolition of the buildings referred to however we continue to work with the VHBA and Grampians Health to help them achieve the best possible community benefit from this major project.

City of Ballarat officers meet regularly with VHBA for updates on this project, and whilst the controls with this project sit with the Minister for Health and the Minister for Planning, officers understand that the final design has been reached after extensive investigations and options consideration, and acknowledge that this is a project recognised for its State significance.

The VHBA has advised the development process would comprise the following:

- A recording package involving archival photography and an oral history;
- Marker plaques acknowledging family history;
- Signage acknowledging the history and architectural merits of the building;
- Retention and reuse of heritage fabric and integration with final design or in another location, and/ or
- Artwork and street furniture utilising retained fabric to reference the building.

### **Question**

My second question arises from this and the lack of identification of a number of buildings which are worthy of Heritage support such as these shops and also the Victory House in Geelong Road. I'm asking what the current status of the Heritage Gap Study is. I understand the previous officer who was running this has left Council.

### **Answer**

Natalie Robertson, Director Development and Growth responded that we do continue to progress the Heritage Gap Study. That study is informed by not just our Heritage Advisor but also by our Strategic and Planning work as well, so not just one officer. We continue to progress with it. We've had great community input into sites and still continue to receive community input into sites where we're currently undergoing a process of identifying those sites that should be identified and valued and given a recommendation to be incorporated and those that might have some significance but not the extent that we would recommend a Heritage overlay. Give us about 3 or 4 more months and we'll be able to come back to Council with a briefing.

### **QT53/22 - Charles Zhang**

### **Question**

Victory House, 742 Geelong Road, Canadian has a long history associated with Ballarat and Victorian Chinese communities, and the Woah Hawp Canton Deep Quartz mine. It is significant to Ballarat and Victoria, particularly to the Ballarat Chinese community. Our physical heritage in Ballarat has been wiped away. Our joss house was demolished, our gardens built over, the gravestones of our ancestors pulled up and used as gutters in the cemetery. Councillors voted against the advice of heritage and planning experts in the last planning meeting. Is there a way to find an alternative recommendation for our heritage?

### **Answer**

Mayor Cr Daniel Moloney responded that himself, Cr Samantha McIntosh and many others have been asking questions to officers over the past week in terms of potential next steps. We've requested the CEO add that to the agenda of the next Planning Delegated Committee Meeting which is the 14<sup>th</sup> of September as the last planning delegated Committee Meeting didn't arrive at a final conclusion. There wasn't a decision made at the end of it other than to not necessarily recommend or support a letter seeking an interim protection order. We're now in a situation where since then Heritage Victoria has since written a letter back to us saying that they don't believe it to be of state significance, but potentially of local significance,

requiring a local consideration of an overlay. For these reasons I have asked the CEO that this come to the next Planning Meeting on the 14<sup>th</sup> of September for a decision.

### **QT54/22 - Scott Gallop**

#### **Question**

Question one. Regarding the lake lighting project I would like to ask council why the new "for construction" drawings are not being made public.

I have been advised by the project manager that they can't show us because they aren't "final" yet Heritage Victoria have said the permits are finalised, that doesn't make sense!

Don't the ratepayers have a right to see exactly where each proposed light pole will be situated before the plans are actually made final and isn't council keen on public consultation on multi million dollar projects like this one and I thought the council was trying to be more open and transparent, not hiding information.

Will the public have a chance to study the new drawings as they will be vastly different to the draft drawings before they are to be stamped as final?

#### **Answer**

Bridget Wetherall, Director Infrastructure and Environment responded that the 'For Construction' set of drawings are currently being reviewed by Heritage Victoria as per the conditions issued in both Heritage Victoria permits for the Lake Wendouree lighting project. This review process is still underway by Heritage Victoria and therefore council is unable to provide the drawings to you given they are not final.

The final pole locations onsite are subject to final review by the project arborist (when construction commences on site). As per the conditions of the Heritage Victoria permits, Heritage Victoria will be notified of any substantial changes to proposed pole locations that occur on site due to site conditions. Any changes to pole locations will be determined on site in accordance with the Tree Management Plan, the project arborist and in consultation with the contractor.

### **RESOLUTION:**

**That Council extend Public Question Time.**

**Moved: Cr Amy Johnson**

**CARRIED**

**Seconded: Cr Samantha McIntosh**

**(R112/22)**

#### **Question**

Question two. In regard to the lake lighting is it true that there will be more than 225 proposed light poles around the lake and if yes how many will there be?

#### **Answer**

Bridget Wetherall, Director Infrastructure and Environment responded that the project includes 225 lights located around the Steve Moneghetti Track and 7 lights along Morrison Street. The lighting along Morrison Street will provide a link from the Lake Wendouree precinct to Sturt Street and nearby Victoria Park, utilising the recently signalised intersection of Sturt, Russell and Morrison streets.

**QT55/22 - Bernadette Cheesman****Question**

With the adjacent mine sites already on the Heritage Victoria inventory, the house already recommended for at least local protection by BCC staff and with Heritage Victoria classing the house as an archeological site, how can Ballarat City councillors even consider debating an intercultural plan, a later agenda item in reports, with clear consciences, when they are not aiming to preserve, or advocating for the preservation of, this entire rare precinct?

**Answer**

Natalie Robertson, Director Development and Growth responded that it's broader than just a gaps analysis. A whole-of-precinct study and understanding the context of it has to determine that a Heritage overlay cannot be all things and protect all things either and we have to understand that. It will, in some ways, limit opportunities for the area. It would be a whole of precinct study and it would be quite substantial.

**QT56/22 – Sam McCall****Question**

My question relates to item 8.11 Draft Governance Rules. Why are these draft rules that contain significant changes to the rules around Public Question Time and accessibility to seeking transparency on local government matters not released for public feedback especially given that the new draft rules governing remote or online meetings were released for public feedback which makes meetings more accessible. CEO Evan King vowed when he started as CEO that Council would be more transparent and accessible, yet with these changes, questions like mine right now would not be accepted. This will mean less transparency and participation in Council Meetings. Why were the Draft Governance rules not released?

**Answer**

Mayor Cr Daniel Moloney clarified that, members of the public are welcome to come in unannounced, that hasn't changed. That's why that wasn't consulted, because there was no change in that regard. The only change relates to a new item that came in with Covid legislation during the Covid period, where it was allowed that people could write a question. The change is to bring forward the written questions from 4:30pm to 12:30pm. It's been brought forward a few hours. Otherwise, there is no other change, any can still come along at night and ask a question unannounced.

Evan King, CEO answered that the proposed change to Governance Rules open up greater transparency and create a better governance process. If you think back to pre-covid, the public was unable to put in a written question or a written submission and not attend Council Meetings. The previous Governance Rules required that the community come into the gallery to ask a question or put in a submission. The proposal tonight is to continue that process and allow people to be able to put in questions and put in submissions and not have to attend. The proposal is a fantastic suggestion for Council to consider tonight to open up for those people that can't come to a council meeting. This is good governance and good transparency to be able to do that. If anyone wasn't to put in a written question or written submission, we're putting some timelines around that which allows officers to do some detailed research so that the answers are data and factual based and we're giving good answers to the community.



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

**CARRIED**  
**(R113/22)**

## 8. OFFICER REPORTS

### 8.1. DRAFT RECONCILIATION ACTION PLAN 2022 - 2024

**Division:** Community Wellbeing  
**Director:** Matthew Wilson  
**Author/Position:** Frances Salenga, Intercultural Services Coordinator

#### PURPOSE

1. To update Councillors regarding the development of the draft Reconciliation Action Plan 2022 – 2024 (RAP) and to seek approval to place the Strategy on public exhibition for feedback prior to presenting for adoption at a future meeting.

#### RESOLUTION:

**That Council:**

**Approve the public exhibition of the draft Reconciliation Action Plan 2022 -24 for a period of four weeks from 26 August to 23 September 2022.**

**Moved: Cr Belinda Coates**

**Seconded: Cr Tracey Hargreaves**

**CARRIED**

**(R114/22)**

**8.2. DRAFT LGBTIQA+ INCLUSION PLAN 2022 - 2026**

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

**PURPOSE**

1. To provide the draft LGBTIQA+ Inclusion Plan 2022 - 2026 (Plan) for Councillor consideration and to seek approval to place the Plan on public exhibition for community feedback.

**RESOLUTION:**

**That Council:**

**Approve the public exhibition of the draft LGBTIQA+ Inclusion Plan 2022-2026 for a period of four weeks from 26 August to 23 September 2022.**

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

**CARRIED**  
**(R115/22)**

### 8.3. DRAFT INCLUSION FRAMEWORK 2022 - 2026

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

#### PURPOSE

1. To provide the draft Inclusion Framework 2022 – 2026 (Framework) for Councillor consideration and to seek approval to place the Framework on public exhibition for community feedback.

#### RESOLUTION:

**That Council:**

**Approve the public exhibition of the draft Inclusion Framework 2022 –2026 for a period of four weeks from 26 August to 23 September 2022.**

**Moved: Cr Belinda Coates**

**Seconded: Cr Mark Harris**

**CARRIED**

**(R116/22)**

**8.4. DRAFT DISABILITY ACCESS & INCLUSION PLAN 2022 - 2026**

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

**PURPOSE**

1. To provide the draft Disability Access and Inclusion Plan 2022 – 2026 for Councillor consideration and to seek approval to place the Plan on public exhibition for community feedback.

**RESOLUTION:**

**That Council:**

**Approve the public exhibition of the draft Disability Access and Inclusion Plan 2022-2026 on public exhibition for a period of four weeks from 26 August to 23 September 2022.**

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

**CARRIED**  
**(R117/22)**

**8.5. DRAFT AGEING WELL IN BALLARAT STRATEGY**

**Division:** Community Wellbeing  
**Director:** Matthew Wilson  
**Author/Position:** Cathy Bushell – Ageing Well Officer

**PURPOSE**

1. The purpose of this report to present the draft Ageing Well in Ballarat Strategy 2022-2026 and the associated Action Plan and to seek approval for the documents to be released to the community for feedback

**RESOLUTION:**

**That Council:**

**Approve the public exhibition of the draft Ageing Well in Ballarat Strategy 2022-2026 and associated Action Plan 2022-2024 for a period of four weeks from 26 August to 23 September 2022.**

**Moved: Cr Mark Harris**

**Seconded: Cr Belinda Coates**

**CARRIED**

**(R118/22)**

**8.6. 2022-2023 COUNCIL PLAN ACTION PLAN**

**Division:** Corporate Services  
**Director:** John Hausler  
**Author/Position:** Peter Donohue – Acting Manager Business Improvement

**PURPOSE**

1. Present Council with the proposed 2022-2023 Council Plan Action Plan that will progress delivery of the Council Plan 2021-2025.

**RESOLUTION:**

**That Council:**

1. Endorse the 2022-2023 Council Plan Action Plan.
2. Note that updates on progress of delivery of the 2022-2023 Action Plan will be provided on a quarterly basis.

**Moved: Cr Belinda Coates**

**Seconded: Cr Samantha McIntosh**

**CARRIED**

**(R119/22)**

**8.7. DRAFT INTERCULTURAL PLAN 2022 - 2026****Division:** Community Wellbeing**Director:** Matthew Wilson**Author/Position:** Frances Salenga, Intercultural Services Coordinator**PURPOSE**

1. To update Councillors regarding the development of the draft Intercultural Plan 2022 – 2026 and to seek approval to place the Strategy on public exhibition for feedback prior to presenting for adoption at a future meeting.

**RESOLUTION:****That Council:****Approve the public exhibition of the draft Intercultural Plan 2022 – 2026 for a period of four weeks from 26 August to 23 September 2022.****Moved: Cr Belinda Coates****Seconded: Cr Samantha McIntosh****CARRIED****(R120/22)**



**8.8. TENDER 2021/22-721 CONSTRUCTION OF BALLARAT AIRPORT RUNWAY EXTENSION**

**Division:** Development and Growth  
**Director:** Natalie Robertson  
**Author/Position:** Alison Tonkin - Manager Major Projects

**PURPOSE**

1. To enter into Contract Number 2021/22-721 for the provision of Ballarat Airport Runway Construction with Fulton Hogan Industries Pty Ltd for the adjusted tender sum of \$5,356,465.87 (ex GST) plus a \$50,000 provisional sum (ex GST) for a total of \$5,406,465.87 (ex GST). The contract Term is for approximately 6 months with the provision of 1 year defects liability period.

**RESOLUTION:**

**That Council:**

1. **Resolves to enter into Contract Number 2021/22-721 for the provision of Ballarat Airport Runway Construction with Fulton Hogan Industries Pty Ltd for the adjusted tender sum of \$5,356,465.87 (ex GST) plus a \$50,000 provisional sum (ex GST) for a total of \$5,406,465.87 (ex GST). The contract Term is for approximately 6 months with the provision of 1 year defects liability period.**
2. **Delegate to the Chief Executive Officer the authority to execute the associated contract on behalf of Council.**

**Moved: Cr Samantha McIntosh**

**Seconded: Cr Ben Taylor**

**CARRIED**

**(R121/22)**

**8.9. TENDER 2021/22-766 TAIT STREET RECONSTRUCTION**

**Division:** Infrastructure and Environment  
**Director:** Bridget Wetherall  
**Author/Position:** Robin Hand – Contract Administration Officer

**PURPOSE**

1. To award Contract Number 2021/22-766 for the reconstruction of Tait Street (Crown Street to Walker Street) with Pipecon Pty Ltd for the total tendered price of \$2,040,902.56 (ex GST).

**RESOLUTION:**

**That Council:**

1. **Enter into Contract Number 2021/22-766 for the provision of Tait Street reconstruction (Crown Street to Walker Street) with Pipecon Pty Ltd for the total tendered price of \$2,040,902.56 (ex GST).**
2. **Delegate to the Chief Executive Officer the authority to execute the associated contract on behalf of Council.**

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

**CARRIED**  
**(R122/22)**

## 8.10. PARTNERSHIPS AND GRANTS POLICY

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

### PURPOSE

1. To respond to the Council Resolution R49/22 from 27 April 2022 to:
  - a. 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
  - b. Receive a report from officers on the matter no later than the scheduled meeting of Council in August 2022.
2. To seek endorsement for proposed changes to Council's Grants Policy that enable implementation of improvements, including renaming the policy to Partnerships and Grants Policy.
3. To confirm arrangements for the roll out of the new City Partnerships Program.
4. To confirm a response to the existing five (5) applications that were deferred until the review of the Strategic Partnership Policy had been undertaken and presented to Council.

### RESOLUTION:

**That Council:**

1. **Adopt the Partnerships and Grants Policy.**
2. **Support the new program arrangements for the City Partnerships Program.**
3. **Invite the five Strategic Partnership applicants from April 2022, to apply to the City Partnerships Program as per the new policy and program arrangements.**

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

**CARRIED**  
**(R123/22)**

## 8.11. DRAFT GOVERNANCE RULES

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

Public Representation was made by Mr. Jeff Rootes.

### PURPOSE

1. The purpose of the report is to present Council with the proposed City of Ballarat Governance Rules for consideration.

### RESOLUTION:

**That Council:**

1. Note that the development of the Draft Governance Rules has complied with Council's Community Engagement Policy in respect to written submissions made by respondents.
2. Amend and adopt the Governance Rules as shown in Attachment 2.
3. Publish the revised Governance Rules on Council's website.
4. Revoke the Governance Rules endorsed on the 26 August 2020 (R211/20)

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

**CARRIED**  
**(R124/22)**

**8.12. OUTSTANDING QUESTION TIME ITEMS**

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

**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 Belinda Coates**

**Seconded: Cr Mark Harris**

**CARRIED**

**(R125/22)**

**8.13. 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 6 July 2022 a decision to join a Municipal Association Victoria (MAV) tender was approved by the Committee. This report provides a copy of the minutes of this meeting as well as the meeting of 3 August 2022 and provides a detailed summary information in relation to these minutes.

**RESOLUTION:**

**That Council:**

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.
2. Receive the Contracts Approval Delegated Committee minutes of the meetings held on 6 July 2022 and 3 August 2022.

**Moved: Cr Ben Taylor**

**Seconded: Cr Tracey Hargreaves**

**CARRIED**

**(R126/22)**

## 9. NOTICE OF MOTION

Nil

## 10. REPORTS FROM COMMITTEES/COUNCILLORS

### **GB23/22 Cr Ben Taylor**

Cr Taylor noted that the bottom of Grant Street near Miles Street in Sebastopol there is a section that narrows and is very dangerous. Can there be a report coming back to Council on where that is on our priority of roads of works to be done.

### **GB24/22 Cr Belinda Coates**

Cr Coates noted the Pakistan Independence Day and Indian Independence Day flag raising. On behalf of the Intercultural Advisory Committee, thank you to the community members and Intercultural Services Team members that attended.

### **GB25/22 Cr Belinda Coates**

Cr Coates wanted to formally note the request for advocacy from the Greenhouse Alliances. This is in line with our position already on the Planning Scheme amendment and incorporating climate change into the planning scheme.

### **GB26/22 Cr Mark Harris**

Cr Harris noted that Farmers Daughter, a new restaurant in Melbourne CBD will be having a pop-up restaurant in Fed Square where they are doing different regional of food and wine offerings. They will be doing the Ballarat region soon.

### **GB27/22 Cr Tracey Hargreaves**

Cr Hargreaves noted that she was lucky enough to attend the Friends of India Network Gala Dinner. Cr Coates and CEO Evan King were there as well. There was a special mention to Cr Des Hudson. The event was around raising funds for the Ballarat and District Suicide Awareness Network.

### **GB28/22 Cr Amy Johnson**

Cr Johnson noted a request for information on crash now data now that we have this new bike path and the intersection changes. The reason for doing this was to reduce crashes, has this actually occurred?

### **GB29/22 Cr Amy Johnson**

Cr Johnson noted that the Bridge Mall bus interchange looks appalling. This is not our infrastructure, but can we work with the Department of Justice to make this look a bit more

