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***CONTRACTS APPROVAL
DELEGATED COMMITTEE***

MINUTES

28 September 2022

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**MINUTES OF THE MEETING OF THE SPECIAL CONTRACTS APPROVAL DELEGATED
COMMITTEE OF THE BALLARAT CITY COUNCIL, HELD BY A VIRTUAL MEETING
ON WEDNESDAY 28 SEPTEMBER 2022 AT 1:02PM**

**Evan King
(Chief Executive Officer)**

MINUTES

ORDER OF BUSINESS:

PRESENT

Cr Ben Taylor (Chair)
Cr Mark Harris

IN ATTENDANCE

Mr Evan King (Chief Executive Officer) at 1:06pm
Mr John Hausler (Director Corporate Services)
Ms Bridget Wetherall (Director Infrastructure and Environment)
Mr Michael O'Connell (Facility Management Project Officer)
Mr Rod Leith (Manager, Revenue and Procurement)
Ms April Ure (Revenue Co-ordinator)
Ms Lorraine Sendall (Minutes)

APOLOGIES

Cr Tracey Hargreaves

RESOLUTION:

That the apology of Cr Hargreaves be received.

Moved Cr Ben Taylor
Seconded Cr Mark Harris

CARRIED

ACKNOWLEDGEMENT TO COUNTRY

Acknowledgement to Country was read by the Chair.

DECLARATIONS OF INTEREST

No conflicts of interest were recorded.

CONFIRMATION OF MINUTES

RESOLUTION:

That the minutes of the Contracts Committee meeting held on 17 August, 2022 as circulated, be confirmed.

Moved Cr Mark Harris
Seconded Cr Ben Taylor

CARRIED

SECTION 66 MATTERS

RESOLUTION:

That the Committee resolves, pursuant to Section 66 of the Local Government Act 2020, that the meeting be closed to members of the public, whilst the Committee is dealing with the following matters, that may include matters that are Commercial in Confidence that may prejudice Council: -

Moved Cr Ben Taylor
Seconded Cr Mark Harris

CARRIED

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Contracts Special Committee Minutes

28 September, 2022

TABLE OF CONTENTS

	PAGE(S)
6.1 UPDATE ON TENDER STATUS (RO JOHN HAUSLER / ROD LEITH)	4
6.2 TENDER 2021/22-844 BADMINTON ROOF RENEWAL (RO BRIDGET WETHERALL / MICHAEL O'CONNELL)	5

Contracts Special Committee Minutes

28 September, 2022

6.1 UPDATE ON TENDER STATUS
(RO – John Hausler / Rod Leith)**SUMMARY**

1. This report outlines the status of tenders – planning, advertising, evaluating or reports being prepared for final approval.
2. This report is provided to increase transparency regarding the status and progress of tenders.

KEY MATTERS

3. The report gives a snapshot of the tender status at a set date.
4. The report lists the estimated budget at the time of the Request of Tender. This value will not necessarily be the final amount submitted for approval.
5. The level of approval indicated in the report is based on the budget estimate and may change dependent on the final prices submitted.

RESOLUTION

6. **That the Contracts Approval Delegated Committee receive and note the tender status report.**

Moved Cr Ben Taylor
Seconded Cr Mark Harris

CARRIED

6.2 TENDER 2021/22-844 BADMINTON ROOF RENEWAL
(RO – Bridget Wetherall / Michael McConnell)**SUMMARY**

1. This report seeks to award a contract for the provision of a renewal and improvements to the existing Badminton Stadium roof, roof plumbing and ventilation services as part of the facilities capital renewal program.

BACKGROUND

2. The renewal works to the roof cladding and roof plumbing to the building have been identified through condition assessment that note these elements to be at end of useful life.
3. The renewal of the roof and improvements to the roof plumbing to the stadium is a continuation of previous capital improvements at the facility including upgrades to the amenities, upgrades of electrical services, improved DDA access and improvements to the drainage system.

KEY MATTERS

4. The renewal of the roof cladding to the stadium will protect the asset to allow the continuation of use of the facility by a variety of sporting groups.
5. The works assist in meeting Council's carbon neutrality through the improved roof insulation specification.
6. The recommended tenderer provided clear responses to the weighted key selection criteria. In particular, the work methodology proposed provided a high degree of confidence that risks will be mitigated.
7. The tendered price is in line with the planned budget for these works.
8. As part of the project management procedure for Council, a Risk Register document has been created and updated to reflect the level and consequence of risk to Council in carrying out the project.
9. User groups have been advised of the proposed works and have been consulted throughout the project design stages. The user groups will continue to be provided with regular updates regarding the projects progress.
10. Two (2) tender responses were received and evaluated in full.

RESOLUTION

11. **That the Contracts Approval Delegated Committee:-**
 - 11.1 **Enter into Contract 2021/22-844 for the provision of Badminton Stadium Roof Renewal with Masterson Builders Pty Ltd for the total tendered price of \$497,000.00 (excluding GST).**
 - 11.2 **Authorises the Chief Executive Officer to:**
 - a. **finalise the terms of Contract 2021/22-844 with Masterson Builders Pty Ltd, provided that those contract terms are consistent with paragraph 11.1 of this resolution; and**
 - b. **execute Contract 2021/22-844 on behalf of Council.**

Moved Cr Mark Harris
Seconded Cr Ben Taylor

CARRIED

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Contracts Special Committee Minutes

28 September, 2022

SECTION 66 MATTERS

RESOLUTION:

That the Committee resolves to come out of Section 66 and adopt the resolutions made therein.

Moved Cr Ben Taylor
Seconded Cr Mark Harris

CARRIED

General Business

There being no further business, the Chairperson declared the meeting closed at 1.06pm

Confirmed this 12th day of October, 2022

Cr Ben Taylor
Cr Ben Taylor
Chairperson



***CONTRACTS APPROVAL
DELEGATED COMMITTEE***

MINUTES

12 October 2022

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**MINUTES OF THE MEETING OF THE SPECIAL CONTRACTS APPROVAL DELEGATED
COMMITTEE OF THE BALLARAT CITY COUNCIL, HELD BY A VIRTUAL MEETING
ON WEDNESDAY 12 OCTOBER 2022 AT 1:00PM**

**Evan King
(Chief Executive Officer)**

MINUTES

ORDER OF BUSINESS:

PRESENT

Cr Ben Taylor (Chair)
Cr Mark Harris

IN ATTENDANCE

Mr Evan King (Chief Executive Officer)
Mr John Hausler (Director Corporate Services)
Mr Matthew Wilson (Director Community Wellbeing)
Ms Bridget Wetherall (Director Infrastructure and Environment)
Mr Tim Goddard (Project Manager)
Mr Rod Leith (Manager, Revenue and Procurement)
Mr Robin Hand (Contract Administrator)
Ms Lorraine Sendall (Minutes)

APOLOGIES

Cr Tracey Hargreaves

RESOLUTION:

That the apology of Cr Hargreaves be received.

Moved Cr Ben Taylor
Seconded Cr Mark Harris

CARRIED

ACKNOWLEDGEMENT TO COUNTRY

Acknowledgement to Country was read by the Chair.

DECLARATIONS OF INTEREST

No conflicts of interest were recorded.

CONFIRMATION OF MINUTES

RESOLUTION:

That the minutes of the Contracts Committee meeting held on 28 September, 2022 as circulated, be confirmed.

Moved Cr Ben Taylor
Seconded Cr Mark Harris

CARRIED

SECTION 66 MATTERS

RESOLUTION:

That the Committee resolves, pursuant to Section 66 of the Local Government Act 2020, that the meeting be closed to members of the public, whilst the Committee is dealing with the following matters, that may include matters that are Commercial in Confidence that may prejudice Council: -

Moved Cr Mark Harris
Seconded Cr Ben Taylor

CARRIED

DocuSign Envelope ID: 36B95EDB-F337-4D45-A4C3-AC6E085B57A7

Contracts Special Committee Minutes

12 October, 2022

TABLE OF CONTENTS

	PAGE(S)
6.1 TENDER 2021/22 – 888 LEARMONTH / ALFREDTON NETBALL TENDER (RO MATTHEW WILSON / TIM GODDARD)	4
6.2 TENDER 2022/23-096 PLEASANT STREET SOCCER PITCH RENEWAL (RO MATTHEW WILSON / TIM GODDARD)	5
6.3 TENDER 2021/22-877 GRENVILLE STREET BIKE PATH CONSTRUCTION (RO BRIDGET WETHERALL / ROBIN HAND)	6
6.4 FINALISATION OF SMALL GAS CONTRACT (RO JOHN HAUSLER / LORRAINE SENDALL)	7

6.1 TENDER 2021/22 – 888 LEARMONTH / ALFREDTON NETBALL TENDER
(RO – Matthew Wilson / Tim Goddard)

SUMMARY

1. This report seeks to award a contract for the construction of new netball courts and lighting at both Learmonth and Alfredton Reserves.

BACKGROUND

2. This project will see the construction of two new netball courts at both Learmonth and Alfredton Reserves. The designs are in accordance with Netball Australia and the lighting for both projects are in line with the Australian Standards for sports lighting.
3. Both projects have received SRV (Sport and Recreation Victoria) Grants (\$250,000 Learmonth, \$700,000 Alfredton) and SRV have signed off on both designs.
4. Both tenant clubs are aware of the projects and the respective timing through conversations and meetings with Council's Recreation team.

KEY MATTERS

5. Two (2) tender responses were received and evaluated in full.

RESOLUTION

6. **That the Contracts Approval Delegated Committee:-**
 - 6.1 **Enter into Contract 2021/22-888 with Turf One Pty Ltd for the total tendered price of \$1,417,299-00 (excluding GST) for the construction of new netball courts and lighting at both Learmonth and Alfredton Reserves.**
 - 6.2 **Authorises the Chief Executive Officer to:**
 - a. **finalise the terms of Contract 2021/22-888 with Turf One Pty Ltd, provided that those contract terms are consistent with this resolution; and**
 - b. **execute Contract 2021/22-888 on behalf of Council.**

Moved Cr Mark Harris
Seconded Cr Ben Taylor

CARRIED

6.2 TENDER 2022/23 – 096 PLEASANT STREET SOCCER PITCH RENEWAL
(RO – Matthew Wilson / Tim Goddard)

SUMMARY

1. This report seeks to award a contract for the delivery of the Pleasant Street Soccer Pitch Renewal.

BACKGROUND

2. This project will see the renewal of the entire playing surface at the Pleasant Street Reserve which will delivery two full sized soccer pitches and a small warm up area.
3. The project has received SRV (Sport and Recreation Victoria) Grant of \$500,000 and SRV have signed off on the design.
4. Tenant clubs are aware of the projects and the respective timing through conversations and meetings with Council's Recreation team.

KEY MATTERS

5. One (1) tender response was received and evaluated in full.

RESOLUTION

6. **That the Contracts Approval Delegated Committee:-**
 - 6.1 **Enter into Contract 2022/23-096 with Pitchcraft Pty Ltd for the total tendered price of \$1,089,341-11 (excluding GST) for the construction of soccer pitch renewal at the Pleasant Street Reserve.**
 - 6.2 **Authorises the Chief Executive Officer to:**
 - a. **finalise the terms of Contract 2022/23-096 with Pitchcraft Pty Ltd, provided that those contract terms are consistent with this resolution; and**
 - b. **execute Contract 2022/23-096 on behalf of Council.**

Moved Cr Ben Taylor
Seconded Cr Mark Harris

CARRIED

6.3 TENDER 2021/22-877 GRENVILLE STREET BIKE PATH CONSTRUCTION
(RO – Bridget Wetherall / Robin Hand)

SUMMARY

1. This report seeks to award a contract for the delivery of Grenville Street Bike Path.

BACKGROUND

2. This project will see the construction of a 2.5metre wide bike path in Grenville Street South from Little Bridge Street to Anderson Street East.
3. The project involves several components of work which were identified during the design stage including the following:-
 - Asphalt footpath and bluestone banding;
 - Construction of kerb and channel;
 - Construction of two wombat crossings with tactiles;
 - Installation of pedestrian ramps with tactiles;
 - Plantings of trees and associated works including removal.

KEY MATTERS

4. Three (3) tender responses were received and two were evaluated in full with one tender response considered non-conforming.

RESOLUTION

5. **That the Contracts Approval Delegated Committee:-**
 - 5.1 **Enter into Contract 2021/22-877 for the provision of Grenville Street Bike Path construction with Butler Excavations Pty Ltd for the total tendered price of \$515,388-29 (excluding GST).**
 - 5.2 **Authorises the Chief Executive Officer to:**
 - a. **finalise the terms of Contract 2021/22-877 with Butler Excavations Pty Ltd, provided that those contract terms are consistent with this resolution; and**
 - b. **execute Contract 2021/22-877 on behalf of Council.**

Moved Cr Ben Taylor
Seconded Cr Mark Harris

CARRIED

Contracts Special Committee Minutes

12 October, 2022

6.4 FINALISATION OF SMALL GAS CONTRACT EC8310-2022SG
(RO – John Hausler / Lorraine Sendall)**SUMMARY**

1. This report is an update to advise of the outcome of the committed volume Small Gas Contract to Council sites with MAV Contract EC8310-2022SG.

BACKGROUND

2. The Contracts Delegated Committee, at its meeting held on 6 July 2022 resolved to authorise the Chief Executive Officer to appoint the Municipal Association of Victoria (MAV) as its agent for the purpose of joining a committed tender for small market natural gas on its behalf and that the MAV Tender evaluation panel review and accept/reject the tender recommendation on behalf of the participating Councils.
3. The tender was conducted following the failure of Weston Energy in May 2022 and the activation of the retailer of last resort (ROLR) arrangement which has seen gas consumption for Council's small market meters charged at the ROLR's default rates.

KEY MATTERS

4. Following the evaluation of the tender by members of local government, MAV and Trans-Tasman Energy Group, a review of all finds and the examination of pricing comparison tables, the evaluation panel reached the conclusion that the most suitable offer was provided by Energy Australia for a period of thirty-six (36) months.
5. As per the Contract Delegated Committee resolution of 6 July 2022, the CEO executed the contract on behalf of Council on 3 October 2022.

For information only

SECTION 66 MATTERS**RESOLUTION:**

That the Committee resolves to come out of Section 66 and adopt the resolutions made therein.

Moved Cr Ben Taylor
Seconded Cr Mark Harris

CARRIED**General Business**

Nil

There being no further business, the Chairperson declared the meeting closed at 1.08pm

Confirmed this 26th day of October, 2022

Cr Ben Taylor

**Cr Ben Taylor
Chairperson**

8.7. 2023 COUNCIL MEETING SCHEDULE

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

PURPOSE

1. This report recommends a schedule of Council Meeting dates be adopted for the 2023 calendar year.

BACKGROUND

2. In accordance with section 3.3.1 of Council's Governance Rules, Council must fix the date, time and place of all Council Meetings for the following calendar year by at least the last Council meeting of the calendar year. The schedule will then be available on Council's website.
3. The dates are based on Council Meetings being held once a month on the fourth Wednesday of each month and Planning Delegated Committee Meetings being held once a month on the second Wednesday of the month.
4. It is recommended that No meetings be held in the month of January 2023 as the due dates for Council reports would fall during the Christmas shutdown period.
5. The draft dates allow for 11 Council Meetings and 11 Planning Delegated Committee Meetings for the calendar year.
6. In accordance with section 3.3.2 of Council's Governance Rules, Council may have an unscheduled meeting of the Council as required.

KEY MATTERS

7. The proposed Council Meeting Schedule for the 2023 calendar year has been prepared to enable Council to effectively carry out its decision-making functions for the year. The schedule includes the times and dates for Council meetings and Council meetings designated for consideration of Planning and related matters.
8. Meetings are generally held on a Wednesday evening in the Council Chambers at the Town Hall. Council meetings will continue to be accessible via Council's live broadcasting on Council's website.
9. Council by resolution, may change the date, time or place of, or cancel, any Council meeting which has been fixed, or schedule an additional Unscheduled meeting and must provide notice of the change to the public.
10. In 2021 officers benchmarked the City of Ballarat against similar Councils, all of which meet monthly with additional meeting set aside for Planning and related matters. The similar regional cities are Greater Bendigo City, Greater Geelong City, Greater Shepparton City, Horsham Rural City, Latrobe City, Mildura Rural City, Warrnambool

City Council and Wodonga City. The meeting schedule that resulted in 2022 has proven to effectively support the operations of Council.

OFFICER RECOMMENDATION

11. That Council:

11.1 Hold meetings of Council on the following dates in 2023:

Date	Time	Meeting Type
8 February 2023	6:30pm	Planning Delegated Committee
22 February 2023	6:30pm	Council Meeting
8 March 2023	6:30pm	Planning Delegated Committee
22 March 2023	6:30pm	Council Meeting
12 April 2023	6:30pm	Planning Delegated Committee
26 April 2023	6:30pm	Council Meeting
10 May 2023	6:30pm	Planning Delegated Committee
24 May 2023	6:30pm	Council Meeting
14 June 2023	6:30pm	Planning Delegated Committee
28 June 2023	6:30pm	Council Meeting
12 July 2023	6:30pm	Planning Delegated Committee
26 July 2023	6:30pm	Council Meeting
9 August 2023	6:30pm	Planning Delegated Committee
23 August 2023	6:30pm	Council Meeting
13 September 2023	6:30pm	Planning Delegated Committee
27 September 2023	6:30pm	Council Meeting
11 October 2023	6:30pm	Planning Delegated Committee
25 October 2023	6:30pm	Council Meeting
6 November 2023	6:30pm	Unscheduled Council Meeting (Mayoral Election)
8 November 2023	6:30pm	Planning Delegated Committee
22 November 2023	6:30pm	Council Meeting
6 December 2023	6:30pm	Planning Delegated Committee
13 December 2023	6:30pm	Council Meeting

11.2 Make public the schedule of Council meetings on the City of Ballarat website.

ATTACHMENTS

1. Governance Review [8.7.1 - 2 pages]

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ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES

1. Council Meetings provide the forum for elected Councillors to determine matters relevant to Council's Vision, Plan, strategies, and policies.

COMMUNITY IMPACT

2. The advertising of meeting dates encourages attendance at meetings, public participate in the democratic process and involvement in the administration of Council activities.
3. Council meetings are broadcasted on Council's website to increase transparency and will be uploaded onto the website following the Council meeting.

CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

4. There are no climate emergency and environmental sustainability implications identified for the subject of this report.

ECONOMIC SUSTAINABILITY IMPLICATIONS

5. There are no economic sustainability implications identified for the subject of this report.

FINANCIAL IMPLICATIONS

6. There are no financial implications identified for the subject of this report.

LEGAL AND RISK CONSIDERATIONS

7. Section 3.33(a) of Council's Governance Rules stipulates that notice of Council meetings and agendas must be provided with at least 2 days notice.
8. A period of less than 2 days must be justified for an unscheduled Council meeting if exceptional circumstances exist.

HUMAN RIGHTS CONSIDERATIONS

9. It is considered that the report does not impact on any human rights identified in the *Charter of Human Rights and Responsibilities Act 2006*.

COMMUNITY CONSULTATION AND ENGAGEMENT

10. Council will provide the public with balanced and objective information to assist in understanding the problem, alternatives, opportunities and/or solutions via the Council agenda, advertisements and on the City of Ballarat website.

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GENDER EQUALITY ACT 2020

11. There are no gender equality implications identified for the subject of this report.

CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT

12. Council officers affirm that no general or material conflicts need to be declared in relation to the matter of this report.

PROCUREMENT COLLABORATION

(For Contracts Only)

OFFICIAL

8.8. OUTSTANDING QUESTION TIME ITEMS

Division: Corporate Services
Director: John Hausler
Author/Position: Lyndsay Leingang - 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.

BACKGROUND

2. The City of Ballarat Governance Rules, section 3.7.1 calls for a standard agenda item at each Council Meeting that reflects unanswered questions from question time

KEY MATTERS

3. Nil

OFFICER RECOMMENDATION

4. That Council:

- 4.1 Endorse the Outstanding Question Time report.

ATTACHMENTS

1. Outstanding Question Time Items [8.8.1 - 1 page]
2. QT72.22 - Kathryn Kosloff [8.8.2 - 2 pages]
3. QT76.22 - Dr Dora Pearce [8.8.3 - 1 page]
4. QT77.22 - Noel Beaney [8.8.4 - 1 page]
5. QT78.22 - Matthew Roberts [8.8.5 - 1 page]

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Outstanding Question Time Items					
Meeting	Status	Requested	Question	Officer Responsible	Response
26/10/2022 QT72/22	Closed	Kathryn Kosloff	Cardigan Village has ongoing storm water and sewerage issues. When storm water drains are at capacity, water backs up on and inside properties including grinder pump pits causing sewerage waste to overflow into the flood waters as well as toilets and sinks causing internal odour and damage. Question 1: When will Council improve infrastructure that is causing damage and unsanitary conditions? Residents are distressed and anxious that their properties have or will be damaged and/or become uninhabitable. They are frustrated that this avoidable problem is ongoing. They are concerned for the health and wellbeing of their families and neighbours. Question 2: What immediate action will be taken to maintain public health standards?	Bridget Wetherall, Director Infrastructure and Environment	Bridget Wetherall, Director Infrastructure and Environment provided a written response to Kathryn Kosloff.
26/10/2022 QT76/22	Closed	Dr Dora Pearce	Why has the City of Ballarat NOT requested an Environment Effect Statement from Balmaine Gold Pty Ltd on their proposed tailings storage facility (PLP/2022/644) given its close proximity to residential housing, two Primary Schools and Aged Care, the increased susceptibility of children to potentially toxic elements, the nonexistence of an environmental health risk assessment and PM10 and PM2.5 baseline data to support air quality modelling; global trends away from wet tailings dams to dry stacking?	Natalie Robertson, Director Development and Growth	Natalie Robertson, Director Development and Growth provided a written response to Dr Dora Pearce.
26/10/2022 QT77/22	Closed	Noel Beane	In consideration of community health and safety, as well as local environmental concerns for the present as well as for future residents in Mt Clear, is it appropriate in this day and age to build a new Surface tailings facility in the middle of local urban development? In light of the fact that the current Mine Tailings Storage Facility at 10 Woolshed Gully is filled to capacity, what plans will be required by the Council of the owner, Balmat Pty. Ltd., to ensure the safety of their local community and environment, and rehabilitation of the area?	Natalie Robertson, Director Development and Growth	Natalie Robertson, Director Development and Growth provided a written response to Noel Beane.
26/10/2022 QT78/22	Closed	Matthew Roberts	Will street based sex workers be required to obtain a permit following the planning scheme changes following the decriminalisation of sex work? On 12 November 2004, ABC News reported on Council's approach to advertising by a licensed brothel called Pickwood Lodge in an article titled, 'Brothel's billboard offends council'. With the decriminalisation of sex work set to commence next year, will Council change its approach towards regulating outdoor advertising of sexual services since 2004?	Natalie Robertson, Director Development and Growth	Natalie Robertson, Director Development and Growth provided a written response to Matthew Roberts.

OFFICIAL

PO Box 655
Ballarat Vic 3353
AUSTRALIA

Telephone: 03 5320 5500
Facsimile: 03 5333 4061



Date: 31 October 2022

Our Ref: BW:bk

Your Ref: QT72/22

Enquiries: (61) 03 5320 5500

Email: info@ballarat.vic.gov.au

Kathryn Kosloff

Email: [REDACTED]

Dear Kathryn

RE: PUBLIC QUESTION ASKED AT COUNCIL MEETING

I refer to your question asked at the Council Meeting held on Wednesday 26 October 2022 as follows:

"Cardigan Village has ongoing storm water and sewerage issues. When storm water drains are at capacity, water backs up on and inside properties including grinder pump pits causing sewerage waste to overflow into the flood waters as well as toilets and sinks causing internal odour and damage.

Question 1: When will Council improve infrastructure that is causing damage and unsanitary conditions? Residents are distressed and anxious that their properties have or will be damaged and/or become uninhabitable. They are frustrated that this avoidable problem is ongoing. They are concerned for the health and wellbeing of their families and neighbours.

Stormwater backing up inside property boundaries and entering pressure sewer pump pits could result in overflows within the property, if the inflow exceeds pump capacity. Where this overflow occurs would be specific to each property. Central Highlands Water is actively working to identify and reduce stormwater, drainage water and groundwater inflow and infiltration into the sewer network, through activities such as smoke testing to find cross-connections. CHW advise that they are not aware of locations where drainage limitations result in pressure sewer pits being engulfed, and they would be keen to receive any information available on this issue.

From a stormwater perspective, Council staff have undertaken immediate maintenance on some of the table drains and is working to identify other broader solutions to alleviate drainage issues in Cardigan Village.

Question 2: What immediate action will be taken to maintain public health standards?"

Central Highlands Water has a response procedure for sewer spills that includes numerous measures to manage environmental and health risks.

To avoid these overflows any cross-connection between drainage and sewer (per plumbing code) and any flooding of sewer pump pits or entry points such as gully traps, needs to be assessed on a site by site basis.

2.

Please feel free to contact me directly on [REDACTED] if you wish to discuss this matter further.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Bridget W'.

Bridget Wetherall
Director Infrastructure and Environment

CC: Mayor and Councillors
Governance
Kazi Bashar, Coordinator Drainage Engineer

OFFICIAL

PO Box 655
Ballarat Vic 3353
AUSTRALIA

Telephone: 03 5320 5500
Facsimile: 03 5333 4061



Date: 2 November 2022

Our Ref: NR:kr

Your Ref: QT76/22

Enquiries: (61) 03 5320 5500

Direct Email: info@ballarat.vic.gov.au

Dr Dora Pearce

Email: [REDACTED]

Dear Dr Pearce,

RE: OUTSTANDING QUESTION TIME ITEM – QT76/22

I refer to your question asked at the 26 October 2022 Council Meeting.

Why has the City of Ballarat NOT requested an Environment Effect Statement from Balmaine Gold Pty Ltd on their proposed tailings storage facility [PLP/2022/644] given its close proximity to residential housing, two Primary Schools and Aged Care; the increased susceptibility of children to potentially toxic elements; the nonexistence of an environmental health risk assessment and PM10 and PM2.5 baseline data to support air quality modelling; global trends away from wet tailings dams to dry stacking?

Prior to the planning application being lodged, a Work Plan Variation application was required to receive statutory endorsement by Earth Resources Regulations (ERR). Statutory endorsement occurred on 10 August 2020. As part of this process the application was externally referred to agencies including Central Highlands Water, Department of Environment, Land, Water and Planning, EPA and Southern Rural Water who provided consent to the Work Plan Variation subject to conditions.

Through information provided by DJRP, I understand that through the on-site activities themselves that the ore which will be extracted from the mine is non-acid forming and as such there is little to no ability for metals to be liberated and to form arsenic. A pathway into the environment is also required for impacts to occur and this could only happen if the dam failed, the tailings dried out turned to dust and blew into the surrounding area, or the liner of the dam failed. Again, even if one of these circumstances occurred, on the basis the ore is non-acid forming, as such there is little to no arsenic would be liberated into the surrounding environment.

To summarise, the ERR, the statutory body, have determined that no criteria exist for an Environmental Effects Statement. Notwithstanding the ore is non-acid forming so in itself is little to no danger to the local environment. However, Council Officers, as part of their consideration of this application, can determine whether or not to request a peer review.

Yours sincerely

A handwritten signature in blue ink, appearing to read "N. Robertson".

Natalie Robertson
Director Development and Growth

OFFICIAL

OFFICIAL

PO Box 655
Ballarat Vic 3353
AUSTRALIA

Telephone: 03 5320 5500
Facsimile: 03 5333 4061



Date: 2 November 2022

Our Ref: NR:kr

Your Ref: QT77/22

Enquiries: (61) 03 5320 5500

Direct Email: info@ballarat.vic.gov.au

Noel Beaney

Email: [REDACTED]

Dear Noel,

RE: OUTSTANDING QUESTION TIME ITEM – QT77/22

I refer to your questions asked at the 26 October 2022 Council Meeting.

- 1. In consideration of community health and safety, as well as local environmental concerns for the present as well as for future residents in Mt Clear, is it appropriate in this day and age to build a new Surface tailings facility in the middle of local urban development?*
- 2. In light of the fact that the current Mine Tailings Storage Facility at 10 Woolshed Gully is filled to capacity, what plans will be required by the Council of the owner, Balmain Pty. Ltd., to ensure the safety of their local community and environment, and rehabilitation of the area?*

There is a statutory planning process that is occurring, and these are relevant questions that we are seeking the members of the public to make as a submission to the planning process as this will ensure that individuals are formally recognised as submitters to the application and your questions are included as part of the planning consideration.

Yours sincerely

A handwritten signature in blue ink, appearing to read "N. Robertson".

Natalie Robertson
Director Development and Growth

OFFICIAL

OFFICIAL

PO Box 655
Ballarat Vic 3353
AUSTRALIA

Telephone: 03 5320 5500
Facsimile: 03 5333 4061



Date: 2 November 2022

Our Ref: NR:kr

Your Ref: QT78/22

Enquiries: (61) 03 5320 5500

Direct Email: info@ballarat.vic.gov.au

Matthew Roberts

Email: [REDACTED]

Dear Matthew,

RE: OUTSTANDING QUESTION TIME ITEM – QT78/22

I refer to your questions asked at the 26 October 2022 Council Meeting.

1. *Will street-based sex workers be required to obtain a permit following the planning scheme changes following the decriminalisation of sex work?*

Planning permits apply to land uses and not street based sex workers whose location would not be site specific. Street-based sex workers operate in the public realm, as opposed to private land and as such a planning permit is not required. Local Governments should not be creating Local Laws in contravention of the objectives of the decriminalisation of sex work. Therefore, we have no local law that applies either.

2. *On 12 November 2004, ABC News reported on Council's approach to advertising by a licensed brothel called Pickwood Lodge in an article titled, '[Brothel's billboard offends council](#)'. With the decriminalisation of sex work set to commence next year, will Council change its approach towards regulating outdoor advertising of sexual services since 2004?*

It is Advertising Standards who control the content of advertising signs. The planning scheme seeks only to control the size, location and degree of illumination of a sign. To this end, any third-party concerns regarding the content of a sign should be referred to Advertising Standards.

Yours sincerely

A handwritten signature in blue ink, appearing to read "N. Robertson".

Natalie Robertson
Director Development and Growth

OFFICIAL

9. NOTICE OF MOTION

10. REPORTS FROM COMMITTEES/COUNCILLORS

11. URGENT BUSINESS

12. SECTION 66 (IN CAMERA)

8.1 AGEING WELL SERVICE REVIEW - CONSULTATION FEEDBACK

Division: Community Wellbeing
Director: Matthew Wilson
Author/Position: Matthew Wilson – Director Community Wellbeing

(Confidential information)

8.4 2022-23-169 MAJOR PATCH AND ASPHALT OVERLAY CONTRACT

Division: Infrastructure and Environment
Director: Bridget Wetherall
Author/Position: Luke Ives – Executive Manager Operations

(Confidential information)

8.6 CONTRACTS APPROVAL DELEGATED COMMITTEE

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

(Confidential information)

12.1 AGREEMENT REVIEW

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

(Confidential information)

13. CLOSE