

Council Meeting

Minutes

26 October 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 Belinda Coates
Cr Mark Harris
Cr Des Hudson
Cr Amy Johnson
Cr Peter Eddy

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

Cr Tracey Hargreaves
Cr Samantha McIntosh

3. DISCLOSURE OF INTEREST

6.1 GENERAL INTERESTS

Cr Hudson declared a general conflict of interest in relation to the adoption of the City of Ballarat Youth Strategy. His professional role is as a member of Victoria Police. The Youth Strategy will be talking about the Live for Life Project. Cr Hudson is now the Chair of this Community Reference Group.

6.2 MATERIAL INTERESTS

Nil

4. MATTERS ARISING FROM THE MINUTES

Cr Ben Taylor mentioned that there were a few questions raised in relation to item 8.8, The Urban Forestry Project in the wording amount, \$2,166,000. Is this for 3-year agreement or 5-year agreement? The evaluation describes it as being 5 years, but the recommendation has those questions as 3 + 1 + 1 years.

John Hausler, Director Corporate Services responded that the contract term ordered by contract was for a term of three years with the option to extend to an additional two years, solely at the discretion of Council. The amount reflected within the resolution reflects the total expenditure that could apply over the life of the full five-year schedule of rates in contract, if Council chooses to exercise this right to provide options under the contract. The exact utilisation, and therefore of annual expenditure under the contract each year, would be dependent on the following: the schedule of rates agreed under the contract, and the number of trees that are required for a given year. This number is expected to vary each year depending on the planting requirements in that year. The number of trees that can be purchased via the schedule of rates each year will also be constrained by the approved Annual Budget allocation each year. Ultimately the trees supplied under the contract will assist and deliver on Council's goal to increase the canopy cover of the city to 40% by 2040.

5. CONFIRMATION OF MINUTES

RESOLUTION:

That the Minutes of the Council Meeting on 28 September 2022 and 12 October 2022 as circulated be confirmed.

Moved: Cr Belinda Coates

Seconded: Cr Ben Taylor

CARRIED

(R149/22)

RESOLUTION:

That standing orders be suspended to present a few awards.

Moved: Cr Daniel Moloney

Seconded: Cr Belinda Coates

CARRIED

(R150/22)

Cr Daniel Moloney, Mayor presented Cr Des Hudson with an award after 20 years with the Council. He then presented Cr Belinda Coates and Cr Amy Johnson with an award for 10 years with the Council. He noted that Councillor Amy Johnson had already received her award and that Cr Ben Taylor and Cr Mark Harris will also be receiving awards for 10 non-consecutive years on Council.

RESOLUTION:

That standing orders be resumed.

Moved: Cr Daniel Moloney

Seconded: Cr Des Hudson

CARRIED

(R151/22)

6. PUBLIC QUESTION TIME

QT72/22 - Kathryn Kosloff

Question

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. 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.

Answer

Bridget Wetherall, Director Infrastructure and Environment responded that 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 (CHW) advised they are 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 also 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 in the area and is working to identify other broader solutions to alleviate drainage issues in Cardigan Village.

Question

What immediate action will be taken to maintain public health standards?

Answer

Bridget Wetherall, Director Infrastructure and Environment responded that Central Highlands Water advised they have a response procedure for sewer spills that includes numerous measures to manage environmental and health risks which is implemented as required. To avoid these overflows any cross-connection between drainage and sewer (as per the 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. Council and CHW will work with residents to identify those issues.

QT73/22 - Rob Buchanan

Question

I am a concerned resident of Mount Clear. I have joined a group of 80 other residents in the area that are concerned about a proposed subdivision at 43 Haymes Road. Every resident is very concerned about it, so we have formed a group, quite a few of which are here tonight representing the 80-odd people. We have an information session tomorrow which will hopefully clarify a few issues. As a consequence of that we thought we'd like to raise the issues with Council to try and let you know that there is a problem with a lot of people.

My question is a result of looking at some statistics provided in the planning application. When I looked at the planning application, I've decided this question is quite relative to the problems we have out there.

As the Haymes Road application proposes to entirely remove vegetation from about 90% of the subdivision site, which only leaves about 10-11% there, can it adequately satisfy the state guideline set by DELWP to avoid and minimise the removal, destruction and lopping of vegetation.

Answer

Natalie Robertson, Director Development and Growth responded that this question relates to a planning application that is currently under consideration and scheduled for public consultation tomorrow (Thursday 27 October 2022). As such, she can't clarify or give a definitive answer to your questions as no decisions have been made. The questions are relevant to the forum Thursday night to be discussed as group. Councillors are invited to attend the mediation. All parties will have the opportunity to raise planning issues and seek clarity on the planning process on the night. Once the planning officer is in a position to finalise the matter, a copy of the officer's report and the grounds of the decision, whether that be refusal or a notice of decision to grant a planning permit, is available to any party together with the right of appeal.

QT74/22 - Hayley Inglis

Question

In response to what Director Robinson has just said, the meeting that is happening tomorrow (Thursday, 27 October 2022) has been interchangeably called an information session, a mediation, and a community consultation session. This isn't very clear to us as a group and to anyone involved.

Answer

Natalie Robertson, Director Development and Growth clarified that generally the policy is mediation, but given the number of people attending, it's better to call it a community consultation or an information session, because there will be no mediated outcome Thursday that will give any direction as to where the application is going. Thursday is a good opportunity to have that consultation, an information session and, as part of that process, there may be components where we may ask the applicant to leave the area and consider, or there may be parts of it that have been made clear for community members that have made a submission. She apologised for any confusion, but as the numbers have grown, this is the process they will follow. This will be made clear tomorrow (Thursday 27 October 2022) night as well.

Question

Will the City of Ballarat hold to its own statutory requirements, such as Schedule 21.09-3 of the Planning Scheme, the overlays for Vegetation Protection and Environmental Significance, and Ballarat's Koala Plan of Management when deciding on the subdivision application for 43 Haymes Road Mount Clear and will the city be specific and transparent in communicating with the community about their decision-making process?

Answer

Natalie Robertson, Director Development and Growth responded that the answer is similar to her response to Mr. Buchanan. Tomorrow, (Thursday 27 October 2022), is the opportunity to

have a discussion around the complexity of competing planning issues. As part of discussion on an application that is not yet decided, Thursday is the time to raise these questions and have a discussion about them.

QT75/22 - Marisha Jarecki**Question**

Have City of Ballarat planners and councillors visited the site, and will they meet with residents on site at 43 Haymes Road Mt Clear to discuss PLP/2021/938-an entirely inappropriate subdivision application that disregards crucial overlays and the Koala Plan Management. This is not site specific as required by Ballarat Planning Scheme 21.09.3 and fails to protect critically endangered 14 Yarra Gums, approximately 250 Austral Grass Trees and other biodiversity values on the land?

Answer

Cr Daniel Moloney, Mayor responded that typically ward-based Councillors, in this case South Ward, will visit the site. All Councillors are invited to tomorrow (Thursday 27 October 2022) night's session. From there, those decisions are made about the next steps, whether it involves some site walks or other things, but usually the kickoff is the information session where you get the bulk of information as they work their ways through the issues and they figure out the next steps after that.

QT76/22 - Dr. Dora Pearce**Question**

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?

Answer

Natalie Robertson, Director Development and Growth responded that 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, she understands 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 we will request a peer review.

QT77/22 - Noel Beaney

Question

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?

Answer

Natalie Robertson, Director Development and Growth replied that this is a similar answer to the Mount Clear application. It is a planning application that is in the process of occurring. These are very relevant questions, and she would encourage Mr Beaney to make a formal submission so that as part of the planning process so we can consider his questions and they form part of the planning consideration.

Question

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?

Answer

Natalie Robertson, Director Development and Growth responded that this answer is the same as his answer to question one.

QT78/22 - Matthew Roberts

Question

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

Answer

Natalie Robertson, Director Development and Growth responded that 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.

Question

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?

Answer

Natalie Robertson, Director Development and Growth responded that 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.

QT79/22 - Claire Huntington**Question**

Congratulations on the Inclusion Framework and Plans. As a participant of the Committee for Ballarat Future Shapers community leadership program 2022, we represent over 20 businesses and community organisations in our region. What key actions could we be taking back to our workplaces to increase inclusion in our community?

Answer

Matthew Wilson, Director Community Wellbeing responded that everyone has a role to play in increasing inclusion within our community. The Ballarat Future Shapers community leadership program is well placed to drive increasingly inclusive practices within the local area. Some of the practical actions that people may consider taking back to their workplaces include:

- Provision of further training programs, for example the cultural safety, universal design, LGBTIQA+ inclusion, Intercultural Competence/Cultural Sensitivity training for people within the workplace.
- Strengthening recruitment policies to consider a diverse and global workforce and what that means for people's experiences in the workplace.
- Activities that promote intercultural exchange and visible signage of welcome, not just for people that are part of your organisation but for those that seek to access or receive a service as a customer.
- Completing audits – for example language used, representation of photos, gender balance, accessibility of information, and the engagement tools organisations use to reach out to customers for feedback.
- Changing workplace practices – For example asking what people need, providing flexibility, where possible, as the standard approach. Always requesting accessibility information, not assuming, providing a personalised Acknowledgement of Country for meetings, and including pronouns on email signature.

RESOLUTION:

That Council extend Public Question Time for a period of 30 minutes.

Moved: Cr Belinda Coates
Seconded: Cr Amy Johnson

CARRIED
(R152/22)

QT80/22 - Jolene**Question**

Jolene is a member of the Future Shapers Group and would like to thank the Councillors for listening and noted that she is in no way trying to be confrontational. The question is rising from the Regional Rising summit that happened in Canberra that pertains to Ballarat itself. She is aware there is a deficiency at the moment because of the population increase that has been significantly more than what was planned for as a community. In regard to the infrastructure and housing concerns that may have occurred, is there any investigation or any sort of plans put in place at the moment to find alternate solutions to this deficiency that may be able to be headed as a priority issue?

Answer

Cr Daniel Moloney, Mayor responded that himself and Evan King, CEO were both at the forum as well as many representatives from Ballarat. As Chair of Regional Capitals Australia, the Mayor is keen to see a policy that can better articulate the need to what Ballarat's projection could be.

Evan King, Chief Executive Officer responded that this is a great question on a lot of people's minds at the moment. Our population growth has certainly put pressure on our housing availability in Ballarat on a whole range of fronts, our diversity of stock is a real issue. Our rental market, last time he checked was at about 1.5%, which is basically full rental. Housing affordability, housing diversity, and rental availability is a real challenge. Council is doing a range of things at the moment to address it and there is no one single solution. As the Mayor stated as we sit around the table as the regional capital of Australia, every Council is talking about the same challenge at the moment. They are in the process of doing a Housing Strategy for Ballarat to better understand existing stock and areas where we can grow. It will be a multi – pronged approach trying to address that shortage. Council has recently approved three new growth areas in the city and that will help to alleviate housing shortages going forward. There is certainly a lot of significant infill opportunities going forward. With the Commonwealth Games and the building of 1,800 beds at the saleyard site, which a portion of that will become social and affordable housing all helps to increase that housing stock in the city.

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:

6. That Council:

6.1 Receive and note the CEO's Operational Report.

Moved: Cr Belinda Coates
Seconded: Cr Des Hudson

CARRIED
(R153/22)

8. OFFICER REPORTS

8.1. ANNUAL REPORT

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

PURPOSE

1. The purpose of this report is for Council to consider and note the City of Ballarat Annual Report 2021/22 (Annual Report) in accordance with its obligations under Section 98 of the *Local Government Act 2020* (The Act).
2. The Annual Report is the final step in the statutory annual reporting process.

RESOLUTION:

8. That Council:

- 8.1 Note the City of Ballarat Annual Report 2021/22 in accordance with Section 98 of the *Local Government Act 2020*.
- 8.2 Acknowledge the achievements of Council during this reporting period and its achievements against the first year of the 2021-25 Council Plan.

Moved: Cr Daniel Moloney
Seconded: Cr Belinda Coates

CARRIED
(R154/22)

8.2. INCLUSION FRAMEWORK - FINAL

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

PURPOSE

1. To update Councillors on community feedback regarding the Inclusion Framework 2022 - 2026.
2. To seek the adoption of the Inclusion Framework 2022 - 2026.

RESOLUTION:

16. That Council:

16.1 Endorse and adopt the Inclusion Framework 2022 - 2026.

Moved: Cr Belinda Coates
Seconded: Cr Peter Eddy

CARRIED
(R155/22)

8.3. LGBTIQA+ INCLUSION PLAN - FINAL

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

Public Representation was made by Deb Ramsey, Deb Lord, Ange Elson, and Dr Sean Mulcahy.

PURPOSE

1. To update Councillors regarding the development of the LGBTIQA+ Inclusion Plan 2022 - 2026 and changes made as a result of the consultation process and feedback received.
2. To seek adoption of the LGBTIQA+ Inclusion Plan 2022 - 2026.

RESOLUTION:

21. That Council:

21.1 Endorse and adopt the LGBTIQA+ Inclusion Plan 2022 - 2026.

Moved: Cr Daniel Moloney
Seconded: Cr Belinda Coates

CARRIED
(R156/22)

8.4. INTERCULTURAL STRATEGIC PLAN - FINAL

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

PURPOSE

1. To update the Councilors regarding the development of the Intercultural Strategic Plan 2022-26 (ISP) and the changes made as a result of the consultation process and feedback received.
2. To seek endorsement and adoption of the Intercultural Strategic Plan (ISP).

RESOLUTION:

20. That Council:

20.1 Endorse and adopt the Intercultural Strategic Plan 2022-26.

Moved: Cr Belinda Coates
Seconded: Cr Daniel Moloney

CARRIED
(R157/22)

8.5. DISABILITY ACCESS & INCLUSION PLAN - FINAL

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

PURPOSE

1. To update Councillors regarding the development of the 2022 – 2026 Disability Access and Inclusion Plan (DAIP) and changes made as a result of the consultation process and feedback received.
2. To seek endorsement and adoption of the 2022 – 2026 Disability Access and Inclusion Plan.

RESOLUTION:

20. That Council:

20.1 Endorse and adopt the Disability Access and Inclusion Plan 2022-2026, and

20.2 Endorse that the Disability Access and Plan 2022-2026 is provided to the Australian Human Rights Commission, pursuant to section 64 of the *Disability Discrimination Act 1992*.

Moved: Cr Amy Johnson
Seconded: Cr Belinda Coates

CARRIED
(R158/22)

8.6. YOUTH STRATEGY - FINAL

Division: Community Wellbeing
Director: Matthew Wilson
Author/Position: Craig Donaldson, Coordinator Youth Services

Cr Des Hudson left the meeting at 8:20pm prior to discussion occurring.

PURPOSE

1. This report is to present Council with the proposed Youth Strategy 2022 – 2026 for Council adoption.
2. To note the changes made to the draft Youth Strategy 2022 – 2026 following consideration of submissions.

RESOLUTION:

11. That Council:

11.1 Endorse and adopt the Youth Strategy 2022 -2026.

Moved: Cr Peter Eddy
Seconded: Cr Belinda Coates

CARRIED
(R159/22)

Cr Des Hudson returned to the meeting at 8:24pm.

8.7. AGEING WELL IN BALLARAT STRATEGY - FINAL

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

PURPOSE

1. The purpose of this report is to present the final Ageing Well in Ballarat Strategy 2022-2026 and 2022-2024 Action Plan to Council for adoption.
2. Note changes made to the Ageing Well in Ballarat Strategy 2022-2026 and the 2022-2024 Action Plan following the period of public exhibition.

RESOLUTION:

13. That Council:

13.1 Endorse and adopt the Ageing Well in Ballarat Strategy 2022-2026 and the 2022-2024 Action Plan.

Moved: Cr Mark Harris
Seconded: Cr Belinda Coates

CARRIED
(R160/22)

8.8. BALLARAT NET ZERO EMISSIONS PLAN - ENDORSEMENT

Division: Infrastructure and Environment
Director: Bridget Wetherall
Author/Position: Fiona Stevenson – Coordinator Sustainable Environment

Public Representation was made by Mary Debrett.

PURPOSE

1. To seek Council's adoption of the Ballarat Net Zero Emissions Plan (the Plan).

RESOLUTION:

17. That Council

17.1 Adopts the Ballarat Net Zero Emissions Plan.

Moved: Cr Belinda Coates
Seconded: Cr Mark Harris

CARRIED
(R161/22)

8.9. BALLARAT LIBRARY TENDER

Division: Community Wellbeing
Director: Matthew Wilson
Author/Position: Rebecca Love – Project Manager

PURPOSE

1. Resolves to enter into Contract Number 2021/22-762 for the provision of Building Services for the Redevelopment of the Ballarat Central Library with H Troon Pty Ltd for the adjusted tender sum of \$5,689,031.00 (ex GST).
2. Recommend that the identified budget shortfall for this project be funded by the inflationary provision budget established at the September 2022 Council Meeting.

RESOLUTION:

17. That Council:

17.1 Approve the identified shortfall for this project - \$489,031.00 (excluding GST), to allow Tender Options to be included in the project, being funded from the inflationary provision budget established at the September 2022 Council Meeting.

17.2 Resolve to enter into Contract Number 2021/22-762 for the provision of Building Services for the Redevelopment of the Ballarat Central Library with H Troon Pty Ltd for the tender sum of \$5,689,031.00 (ex GST).

17.3 Authorises the Chief Executive Officer to:

- a) finalise the terms of Contract Number 2021/22-762 with H Troon Pty Ltd, provided that those contract terms are consistent with this Resolution; and
- b) execute Contract Number 2021/22-762 on behalf of Council.

Moved: Cr Ben Taylor
Seconded: Cr Belinda Coates

CARRIED
(R162/22)

8.10. PLAQUES AND MEMORIAL POLICY

Division: Infrastructure and Environment
Director: Bridget Wetherall
Author/Position: Michael Hynes – Acting Executive Manager Property Services and Facilities Management

PURPOSE

1. The purpose of the report is to recommend to Council to adopt the Plaques and Memorial Policy.

RESOLUTION:

11. That Council:

11.1 Adopt the Plaques and Memorial Policy.

Moved: Cr Ben Taylor
Seconded: Cr Des Hudson

CARRIED
(R163/22)

8.11. COMMUNITY ASSET COMMITTEE PERFORMANCE AND ACTIVITIES

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

PURPOSE

1. The purpose of this report is for Council to consider and note the annual activities and performance of Community Asset Committees, submitted in accordance with s47 (6) of the *Local Government 2020* (the Act).
2. The elected membership of some Community Asset Committees has altered since being endorsed at the 27 October 2021 Council Meeting (R224/21). This report also acknowledges recent resignations of committee members and seeks Council support to ratify the revised membership of the relevant Committees.

RESOLUTION:

19. That Council:

19.1 Receive and acknowledge the contributions of the Community Asset Committees made through the activities and performance as outlined in the report.

19.2 Receive and note the Community Asset Committee's Annual Report has been made in accordance with section 47 (6) of the *Local Government Act 2020*.

19.3 Acknowledge the resignation of the following Committee members and commend them on their contributions to the particular Community Asset Committee they represented:

- Sharelle Pilmore (Buninyong Hall)
- Christine Rossitor (Buninyong Hall)
- John Clark (Buninyong Hall)
- Nora Duke (Scotsburn Hall)
- Casey Duke (Scotsburn Hall)
- Desley Beechy (Burrumbeet Hall)
- Janna Mayall (Cardigan Village)
- Sarah Britt (Cardigan Village)

19.4 Endorse the revised membership of the following Community Asset Committees:

- Brown Hill Community Hall (Scott Antonio, Dianne Eden, Reginald Eden, Steve Holmes, Merrilyn Harlock, Kevin Norman, Karen Norman, Hazen Cleary)
- Buninyong Hall (Simon Dennis, Miranda Donald, Sonya Sutcliffe, Mark Jones, Sharon Develyn, Adam Turnbull, Leonie Everdeen, Annie Gooding)

- **Burrumbeet Hall (Paul Beechy, Desley Beechey, Alan McCartney, Bernard Hyland, Brendan Cahill, Ian Smith, Gwen Smith, Angela Smith, Ian Marshall, Shirley Marshall, Alison Briody, Lauren Briody, Jasmine Walton)**
- **Scotsburn Hall (Celia Burnham, Darryl Palmer, Phillip Allen, Nigel Prior, Roland Nam, John Allen, Gabrielle Murphy, Bill Whiteside, Graham Shearer)**
- **Cardigan Village (Francis Litwin, Blake Curran, Bev Penberthy, Mary Tipping).**

Moved: Cr Ben Taylor

Seconded: Cr Peter Eddy

CARRIED

(R164/22)

8.12. S6 INSTRUMENT OF DELEGATION - MEMBERS OF STAFF

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

PURPOSE

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

RESOLUTION:

6. That Council 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 Ben Taylor

CARRIED
(R165/22)

8.13. S11B INSTRUMENT OF APPOINTMENT AND AUTHORISATION

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

PURPOSE

1. The report is to seek Council's endorsement of the S11B Instrument of Appointment and Authorisation under the *Environment Protection Act 2017* for Tyler Channell.
2. This report is to also revoke the S11B Instrument of Appointment and Authorisation under the *Environment Protection Act 2017* to Michelle Stewart.

RESOLUTION:

6. That Council:
 - 6.1. 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. Tyler Channell be appointed and authorised as set out in the instrument.
 - b. The instrument comes into force immediately upon resolution and remains in force until Council determines to vary or revoke it.
 - 6.2. Revoke the S11B Instrument of Appointment and Authorisation (*Environment Protection Act 2017*) for Michelle Stewart (R36/22).

Moved: Cr Ben Taylor
Seconded: Cr Peter Eddy

CARRIED
(R166/22)

8.14. 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.

RESOLUTION:**4. That Council:****4.1 Endorse the Outstanding Question Time report.**

Moved: Cr Mark Harris
Seconded: Cr Peter Eddy

CARRIED
(R167/22)

9. NOTICE OF MOTION

10. REPORTS FROM COMMITTEES/COUNCILLORS

GB38/22 - Cr Amy Johnson

Cr Amy Johnson noted that there was Children's Week activity event held at Alfred Deakin Place and that it was fantastic and well attended despite the weather. She passed on her gratitude to the fantastic staff who put it all together, it was a great event.

GB39/22 - Cr Daniel Moloney, Mayor

Cr Daniel Moloney, Mayor would like to formally log his appreciation of Council staff and particularly acknowledge the Intercultural team. During the meeting tonight we acknowledged the achievement of winner of the Local Government Award which is part of the Victorian Multi-Cultural Awards for Excellence. Across more than a decade of incredible work that is part of both the Intercultural Strategic Plan, our Intercultural Practice in Action Project, through the Intercultural Ambassador Program, Intercultural Climate Pathways Program and Harmony Fest celebrations. The nomination was strongly endorsed by the Intercultural Advisory Committee and the Ballarat African Association. We formally log our congratulations and appreciation to our ambassadors and our whole intercultural team.

GB40/22 - Cr Daniel Moloney, Mayor

Cr Daniel Moloney, Mayor, would like to acknowledge and thank staff at Ballarat Aquatic and Lifestyle Centre for their work to create the first trial of an LGBTIQ+ Inclusion swim and gym night a couple of weeks ago. It was much appreciated by local communities.

GB41/22 - Cr Daniel Moloney, Mayor

Cr Daniel Moloney, Mayor would like to thank all staff associated with AFLW Pride Round a couple of weeks ago. It was an incredible moment

GB42/22 - Cr Belinda Coates

Cr Belinda Coates would like to acknowledge the vigil organised by the Ballarat Afghan Association in response to the bombing of women and girls in Afghanistan where over 50, predominately girls, were killed by that attack. It was a short notice vigil, and our Intercultural Ambassadors were involved in putting that together with Rural Australians for Refugees and Ballarat Regional Multicultural Councils. It was important to acknowledge that and good to see the community coming together in difficult circumstances. We don't remain untouched by global events.

GB43/22 Cr Belinda Coates

Cr Belinda Coates would like to acknowledge the Peace Pole Planting in Sebastopol. Ballarat's second peace pole was planted. Thanks to Cr Daniel Moloney, Mayor for unveiling that and it was great to have all levels of Government represented. It was a beautiful collaborative community project, so congratulations to Let's Talk Peace Ballarat, Compassionate Ballarat, and Rotary Staff who donated the Peace Pole.

GB44/22 Cr Belinda Coates

Cr Belinda Coates would like to acknowledge the AFLW Women's Pride Match in Ballarat. There was a great turnout and congratulations to everyone involved and the community members that came out, it was great to see the event really well intended.

11. URGENT BUSINESS

Nil

12. SECTION 66 (IN CAMERA)

RESOLUTION:

That Council resolve, pursuant to Section 66 of the *Local Government Act 2020*, that the meeting be closed to members of the public at 9:02pm whilst the Council is dealing with the following matters;

Moved: Cr Mark Harris

CARRIED

Seconded: Cr Ben Taylor

(R168/22)

8.9. BALLARAT LIBRARY TENDER

Division: Community Wellbeing
Director: Matthew Wilson
Author/Position: Rebecca Love – Project Manager

(Confidential information)

8.11. COMMUNITY ASSET COMMITTEE PERFORMANCE AND ACTIVITIES

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

(Confidential information)

12.1. SERVICE REVIEW

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

(Confidential Information)

RESOLUTION:

That Council move out of closed Council at 9:14pm and adopt the resolutions made therein.

Moved: Cr Mark Harris

Seconded: Cr Peter Eddy

CARRIED

(R170/22)

13. CLOSE

The Mayor declared the meeting closed at 9:14pm.

Confirmed this

day of

2022.

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Mayor