

OFFICIAL

Council Meeting

Minutes

22 February 2023 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

Cr Des Hudson (Mayor)
Cr Daniel Moloney
Cr Ben Taylor
Cr Samantha McIntosh
Cr Belinda Coates
Cr Mark Harris
Cr Amy Johnson
Cr Tracey Hargreaves

Mr Evan King- Chief Executive Officer
Ms Bridget Wetherall - Director Infrastructure and Environment
Mr Matthew Wilson - Director Community Wellbeing
Mr John Hausler - Director Corporate Services
Ms Natalie Robertson - Director Development and Growth
Mr Cameron Montgomery - Executive Manager Governance and Risk
Ms Sarah Anstis - Statutory Compliance Officer
Ms Lyndsay Leingang - Administration Officer Statutory Compliance

2.2 Apologies

Cr Peter Eddy

RESOLUTION:

That the apology be accepted.

Moved: Cr Samantha McIntosh
Seconded: Cr Daniel Moloney

CARRIED
(R1/23)

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 14 December 2022 as circulated be confirmed.

Moved: Cr Mark Harris

Seconded: Cr Amy Johnson

CARRIED

(R2/23)

6. PUBLIC QUESTION TIME

QT1/23 - Andrea Heinrichs

Question

Does the water that fills popular Ballarat swimming and fishing hole Lake Esmond spring from the same groundwater table as that underlying Ballarat Goldmine's proposed 4th tailings dam at Mt Clear?

Answer

Natalie Robertson, Director Development and Growth responded that the Tailings Storage Facility is designed in consultation with a range of experts including structural engineers. The dam is designed to have an engineered clay liner which prevents seepage into groundwater and the surrounding environment.

Question

If so, by what method could the likelihood of potential seepage of toxic effluent from the proposed tailings dam into the groundwater table at Mt Clear and its effect on the quality of water at Lake Esmond be gauged prior to planning approval being granted?

Answer

Natalie Robertson, Director Development and Growth replied that in relation to this question, it is similar to the answer above which she repeated. The storage facility is designed with a range of experts, including structural engineers, and the dam is designed to have a structural clay lining which will prevent seepage into the groundwater and the surrounding environment.

QT2/23 - Miriam Robinson

Question

What is the overall economic benefit to the City of Ballarat of the foreign-owned Ballarat Gold Mine when the cost of damage to homes, maintenance of infrastructure such as roads and the damage to the environment is taken into account?

Answer

Natalie Robertson, Director Development and Growth responded that the Statutory Planning department's ambit of discretion does not include the economic benefits of the proposed tailings dam. Statutory Planning are able to consider the impacts of the proposed earthworks on the visual amenity of the surrounding area and the operational measures put in place to safeguard the local environment. The land use is existing and not considered as part of this application.

Question

We don't know whether the gold mine is a net cost or benefit to the City of Ballarat?

Answer

Natalie Robertson, Director Development and Growth responded that it's not within the discretion of the statutory planning process to ask for that, therefore they have not considered it for further endeavors to put an economic analysis on it.

QT3/23 - Joe Boin**Question**

My concern is about the proposed tailings dam for the Ballarat Gold Mine. It seems it will store a toxic mix of arsenic, sulphur and heavy metals which must be managed for many, many years. Have adequate independent studies been done to confirm that there will not be toxic material leaching into the ground or air, with people living nearby?

Answer

Natalie Robertson, Director Development and Growth responded that a Health Impact Assessment has been requested as part of the additional information sought by the statutory planning team as part of the application. They anticipate they will have this shortly. This assessment must set out any potential health risks associated with the development and related mitigation measures. Upon submission, this report will be referred to a suitably qualified independent consultant for review and advice. This advice will assist officers in forming a view with regards to the potential health risks associated when assessing the proposed tailings dam facility.

Question

Whose responsibility is it to make sure such a study is done? Is it The City of Ballarat or the operators of the mine?

Answer

Director Robertson, Director Development and Growth responded that it is the applicant's responsibility for submitting a Health Risk Assessment. It is Council's responsibility to ensure that it is peer reviewed by a suitably qualified person who can then inform us to any inadequacies or potential measures that can be imposed.

QT4/23 - Patrick Cook**Question**

I am also concerned about the Gold Mine tailings dam. Can the Council make clear who will pay for any damage, compensation, and environmental clean-up in the event of a tailings dam failure?

Answer

Director Robertson, Director Development and Growth responded that the simple answer is the Ballarat Gold Mine. Director Robertson also stated that anybody who is making a submission tonight, if you have not done so formally through the planning process, submitted an objection or submission to the planning application, were encouraged to do so, so that can become a party to the matter. There will be a community information session and consultation

session in March and people who have submitted and become a party will be formally invited to that session.

QT5/23 - Sue Broadway

Question

A recent planning application for housing development in Brown Hill was temporarily withdrawn following an objection regarding the oversight of consideration for established native trees. With the council Action plan moving toward 40% tree canopy coverage by 2040, it's imperative we protect the established tree canopy that we have. Trees are essential for filtering pollutants, capturing carbon, cooling the environment and providing the air that we breathe. A sustainable balance between development and environment needs to be established.

Can you advise me what policies do the council have that offer protection for native habitat and established tree canopy at the beginning of the planning process?

Answer

Director Robertson, Director Development and Growth responded that planning officers are cognisant of the Council's stated position on the 40% canopy coverage, and this is front-of-mind when first meeting with applicants to discuss proposals to remove vegetation. Officers work with the Council's Arborists to ensure trees are retained where possible and all alternatives first considered prior to accepting the removal of vegetation. Where vegetation is removed it is a practice to require replacement replanting to ensure no net loss of trees.

It should be noted that in many cases, a permit is not required to remove trees. This is dependent upon the suite of planning controls that apply to a site and/or the size of the tree. In summing up where you have said that the beginning of the process, often an application will come in and in many instances be incomplete. The officer will ask an applicant, who may have a lot of work to do, withdraw and go and do the tree assessment, or they will put it on further information. That's the process and it's not an unusual one, but the officers certainly have regard to tree and vegetation removal from beginning to end of a process.

Question

How does the council plan to maintain current tree canopy in established suburbs, with the increase in infill developments often removing established trees in the process?

Answer

Director Robertson, Director Development and Growth responded that replacement replanting is required to ensure no net loss of trees. Canopy will establish over time and research confirms trees planted as adolescents generally perform better than trees planted at maturity.

We manage our tree assets with a proactive and reactive approach in accordance with Council's Tree Management Plan. In alignment with the Urban Forest Action Plan, this year's urban forest planting schedule is on track with approx. 1,500 trees planted this financial year. Areas that have been recognised with a low canopy cover are a current priority including Wendouree, Alfredton, Delacombe, Ballarat East, Insignia and Soldiers Hill.

QT6/23 - James Treloar**Question**

Climate change is causing some severe weather events and a new tailings dam in Mount Clear, so close to a residential area and schools etc. increases vulnerability to it failing.

Can the Council confirm what risk assessments and disaster mitigation planning has been developed to contain and prevent toxic contamination to nearby residents, should fire or flooding occur?

Answer

Director Robertson, Director Development and Growth responded that assessments of the Tailings Storage Facility are required to be undertaken at both a State and Local Government level and are required to be designed in accordance with Guidelines on Tailings Dam ANCOLD 2012 and ERR Guidelines for Design and Management of Tailings Storage Facility 2017. As part of this, consideration of storm storage capacity, wind events, rainfall events and other natural events form part of the design.

QT7/23 - Annie Rolph**Question**

I live in Mount Clear and received one of the 1500 notices regarding the proposed Tailings Dam. I, like most residents, place trust in the Council and assume it acts in the best interests of the community. However, the leaflet contained no information about the dangers, and appears to be a box ticking exercise. Can the Council commit to a mediation where open sharing of thoughts is allowed and responses from the authorities are given?

Answer

Director Robertson, Director Development and Growth responded that the notification provided residents with information of where they can find detailed information about the application. This information is still available and will remain available on the E-services page for residents to review and should they have concerns, an objection or submission to the proposal can still be lodged. If you are unable to access this, you can contact us, and we will make the documentation available for inspection. Also, we anticipate that a community information session coming weeks and encourage people to attend.

QT8/23 - Jessica Robertson**Question**

Wildlife Victoria data shows a 350 percent increase in cat attacks on wildlife in Ballarat over the last four years. Cats are a massive contributor to biodiversity loss and Australia is among the world's worst on biodiversity conservation. The council is currently developing a biodiversity strategy. At a local level, what is the plan to address the impact of cats to wildlife?

Answer

Natalie Robertson, Director Development and Growth responded that the City of Ballarat has a Domestic Animal Management Plan (DAM Plan) that is reviewed on an annual basis. We are committed to ensuring that our domestic cats (and dogs) are registered and microchipped

and that owners understand the requirements of responsible pet ownership which includes keeping cats (and dogs) suitably contained. There is a dusk to dawn curfew within the City of Ballarat and we will continue to review this in consultation with our community and key stakeholders such as wildlife rescue groups and state government. We would welcome ongoing partnerships with wildlife rescue groups to assist in identifying where these attacks are occurring and potential measures that could be implemented to prevent attacks by cats and other predators.

Following on from the adoption of the City of Ballarat's Biodiversity Vision and Commitment in November 2022, we are developing a Biodiversity Strategy, as mentioned in 2023, to guide the management and protection of the municipality's unique landscape and species. The strategy will be developed in consultation with the community and there will be an opportunity over the coming months to include suggested actions on how to address the impact of cats on our wildlife.

QT9/23 - Julie Heron

Question

My question is somewhat similar to an earlier question. You have already partly answered it, but does the Ballarat City Council require the Ballarat Gold Mine to put safeguards in place to protect the Yarrowee Creek in the event of a failure of their proposed tailings dam, (and indeed existing dams) due to an extreme weather event?

Answer

Director Robertson, Director Development and Growth responded that she has partially answered it in the context of the mechanisms available to us as part of the planning process.

The City of Ballarat is still going through the assessment phase of the application and should a planning permit be issued, conditions around a range of issues will be imposed. Tailings dams are required to be designed in accordance with Guidelines as previously mentioned, ANCOLD 2012 and ERR Guidelines for Design and Management of Tailings Storage Facility 2017. The proposal has already received Statutory Endorsement as well from ERR, Earth Resource Regulation, where environmental impacts have been considered before they came to Council.

Question

If no safeguards are put in place, what responsibility will the council bear should such an event occur? We only have to look at New Zealand the other week. These are emergency situations.

Answer

Director Robertson, Director Development and Growth responded that should there be a future failing associated with any approved facility, Ballarat Gold Mine would be responsible for any required clean-up and mitigation works. These works would be overseen by the Environment Protection Authority (EPA) to ensure compliance with relevant legislative guidelines. They would be strictly outlined in any permit conditions as well to give us the power for access and enforcement.

RESOLUTION:

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

Moved: Cr Mark Harris

CARRIED

Seconded: Cr Tracey Hargreaves

(R3/23)

QT10/23 - Michael Knowles**Question**

Would the Ballarat City Council please clarify the current status of the Planning Application submitted by the Ballarat Gold Mine for the establishment of a fourth tailings dam (TSF4)?

Answer

Director Robertson, Director Development and Growth responded that as previously mentioned throughout this evening, the application has been through a public notification period and redacted copies of those objections and submissions are being reviewed by the applicant. They have been provided to the applicant so they can understand all of the questions or objections that have been submitted over the past few months. A community Information Session will also be scheduled in due course, we anticipate sometime in March, as part of the assessment process. In effect, this is an application that has not yet been determined. It is in the process of information gathering and community consultation.

QT11/23 - Joan Brick**Question**

Is the Council certain that the Statutory Endorsement of the Planning Permit issued 3 years ago but the Earth Resources to the previous owners of the mine for another tailings dam and is now being submitted for approval by Council by the present owners, is it still able to comply with health and safety issues of the local community, and any impact on the local urban environment and protecting the Yarrowee Creek and Treatment Plant? When I spoke to the Earth Resources, the plan that they endorsed was one that they had submitted three years ago. What supposedly is now being used by the present owners as part of their application.

Answer

Director Robertson, Director Development and Growth responded that it is important to note that a planning permit runs with the land, not the individual. It's the same if you had a planning permit for your house, it wouldn't be your planning permit it would belong to the land and anyone who subsequently purchases it in the future. The planning permit is applicable to them. So that's the explanation in terms of a new owner. This was submitted three years ago and approved by ERR who are the guiding authority and the determining authority. If, as part of this process, we have reassured ourselves that any legislation, and Acts, any requirements are still current and are part of the work plan. To be honest, if it had varied, or anything had changed, the applicant would be required to go back and vary the plan. That is why we are satisfied that the documentation they have submitted remains current.

Question

Is the Council aware and willing to put the health and safety of the local residents and local environment surrounding the proposed tailings dam into the hands of a company that has had serious recent concerns regarding breaching workplace safety laws, exceeding regulatory limits in tailings dams' storage facility and serious financial concerns? I would like to point out that in a previous meeting I asked because at that stage they said that the storage dam was completely filled and that's why they needed the other one. The response given to me was that the storage capacity still had two years. That was incorrect because it doesn't have two years.

Answer

Director Robertson, Director Development and Growth responded that in response to the supply for the existing tailings dam, the advice we receive from the landowner, or the applicant, is that there is two years supply. That continues to diminish with each month that we haven't assessed this application, but we must take the advice as truth and a commitment so that they have advised that they have two years. That is available on the application to see, that they have two years supply. With regard to the existing situation, this is currently an application being assessed for a new tailings storage facility. No decision has been made yet.

Potential environmental implications will form part of the assessment and including responses received from external referral authorities and again I would encourage you to attend the community information session because experts will be on hand at that time.

QT12/23 - Dr. Dora Pearce**Question**

Given Councils responsibility for the "...health and wellbeing of people in their municipality" (Health.vic 2023), rapid population growth in Ballarat, increased residential housing density abutting Ballarat Gold Mine, occasional exceedances of depositional dust criteria around the mine site, the LACK of fine particulate dust monitoring, hence the risk of inhaling arsenic (a carcinogen) via contaminated dust offsite, why hasn't Council prioritised the health of the potentially exposed community and requested an Environmental Health Risk Assessment (enHealth 2022)?

References:

enHealth guidance 2022 <

<https://www.health.gov.au/sites/default/files/documents/2022/07/enhealth-guidance-guidelines-for-assessing-human-health-risks-from-environmental-hazards.pdf> >

Health.vic 2023 < <https://www.health.vic.gov.au/population-health-systems/municipal-public-health-and-wellbeing-planning> >

Answer

Director Robertson, Director Development and Growth responded that we have. That document will become a public document once received as well. All parties will have access to that.

Question

Is the Ballarat Gold Mine responsible for completing the Health Impact Assessment?

Answer

Natalie Robertson, Director Development and Growth responded that they are responsible for their impact assessment, but Council has committed to have it peer reviewed. We will choose an expert who will review it and come back to us with any findings of inadequacy or recommendations, or to confirm that it may be suitable. This will be a public document.

QT13/23 - Jennifer Robson**Question**

Considering all known health risks and hazards associated with mine tailings dams, are financial gains and profits the only reason Ballarat Council are considering allowing the Ballarat Gold Mines proposed tailings dam to proceed in this residential area?

Answer

Director Robertson, Director Development and Growth responded that as the statutory authority, City of Ballarat must accept all planning applications and then consider them through a process under the planning provisions that are available to us. We can't not back an application at any stage.

QT14/23 - Phillip McLennan**Question**

Phillip presented a photo of a pothole and stated he hit it on his bike last week. What is Council going to do, are they going to fix the roads?

Answer

Bridget Wetherall, Director Infrastructure and Environment responded that they have responded to numerous queries lately and starting in November last year, most particularly on Phillip's recent inquiries, he has had two other inquiries just this month. They have responded to one and are responding to another. They do reflect the status of the consistent questions around what we are doing around improving the roads in Sebastopol which they have answered numerous times. There is a number of roads that are in our Major Patch Program that Boral has been engaged to undertake. They have started this program but may not have quite reached Sebastopol yet, but they are working through a significant program of works. We also have a Tender that is being reviewed right now for additional Major Patch Program works, they also include some roads in Sebastopol.

QT15/23 - Kim Davies**Question**

It is stated in the planning scheme (16.01-1S and 2S) that an objective of the Planning Scheme is to facilitate well located, integrated and diverse housing that meets community needs. My rooming house meets this objective and is purely of a residential nature, what I am wondering is why am I been charged commercial rates making it unviable and therefore not available to the community?

Answer

John Hausler, Director Corporate Services responded that Council rates are applied utilising the Australian Valuation Property Classification Code (AVPCC) and the valuation as determined by the Valuer-General Victoria, in conjunction with Council's declared differential rate in the dollar. The property in question was categorised by the Valuer-General Victoria as being 'Investment Residential' with a specific Australian Valuation Property Classification Code of '130 -Boarding House'. Under Council's adopted Differential Rating Definitions, as detailed in the Revenue and Rating plan, as adopted by Council 2021-2025, a Boarding House is classified as Commercial for rating purposes.

Question

The building is classed as a 1B building, which is residential, and it has below 12 occupants and does not provide any other services such as the serving of food or providing linen. It is therefore a rooming house, not a boarding house as stated on my rates notice.

Answer

John Hausler, Director Corporate Services responded that in August 2022 an objection was lodged with the Valuer-General Victoria challenging the property's classification as a 'Boarding House'. On 3 January 2023, the objection was subsequently disallowed, with the valuer noting:- *'Application of the AVPCC 130: Boarding House is in line with the permitted and current use 1B for a rooming house.'* The Notice of Disallowance correspondence that came back from the Valuer-General details the appeal process available through VCAT, as the relevant authority. We follow councils adopted Rating and Revenue Plan. That's the mechanism we've used to put in place a classification of 'Boarding House' for this property. If Council was to choose to change that Revenue and Rating Plan and look at the implications of such a change across the whole of the city, that would be the mechanism that would control such a potential variation on behalf of Council.

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:

8. That Council:

8.1 Receive and note the CEO's Operational Report.

Moved: Cr Samantha McIntosh

Seconded: Cr Belinda Coates

CARRIED

(R4/23)

8. OFFICER REPORTS

8.1. GOOD FOOD FOR ALL: FOOD STRATEGY 2019-2022

Division: Community Wellbeing
Director: Matthew Wilson
Author/Position: Caroline Amirtharajah – Health and Wellbeing Planner
Pete Appleton – Executive Manager, Engaged Communities

PURPOSE

1. The purpose of this report is to present Council with a report of work completed to address the aims and actions of the Good Food for All: Food Strategy 2019-2022.
2. Inform Council of the planned actions to progress work in the area of food systems.

RESOLUTION:

17. That Council:

17.1 Note the report of work completed to address the aims and actions of the Good Food for All: Food Strategy 2019-2022.

Moved: Cr Belinda Coates

Seconded: Cr Samantha McIntosh

CARRIED

(R5/23)

8.2. HEALTH AND WELLBEING PLAN IMPLEMENTATION REPORT

Division: Community Wellbeing
Director: Matthew Wilson
Author/Position: Caroline Amirtharajah – Health and Wellbeing Planner
Pete Appleton – Exec. Manager, Engaged Communities

PURPOSE

1. To update Councillors on the progress made against actions in the first year of implementation of the Health and Wellbeing Plan 2021-2031.
2. To inform Councillors that future reviews of the Health and Wellbeing Plan 2021-2031 will be reported at strategy level.

RESOLUTION:

14. That Council:

14.1 Receive the report on the work undertaken to progress towards the goals of the Health and Wellbeing Plan 2021-2031; and

14.2 Note that future reports on the implementation of the Health and Wellbeing Plan will be at strategy level, as required under the Act.

Moved: Cr Belinda Coates

Seconded: Cr Mark Harris

CARRIED

(R6/23)

8.3. LAKE WENDOUREE UNDERGROUND PUBLIC TOILET

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

PURPOSE

1. To seek Council endorsement for the demolition of the Lake Wendouree underground toilet.

MOTION:

11. That Council:

- 11.1 Defer a decision regarding the demolition of the underground public toilets at Lake Wendouree until presentation of the Public Toilet Strategy which will provide recommendations as to the future of the current structure, and alternatives in the area.**

Moved: Cr Daniel Moloney
Seconded: Cr Mark Harris

LOST

ALTERNATE MOTION:

- 11.1 That Council Officers present to Councillors within the next month, the options for the construction of a new toilet block at the location, or within close vicinity, of the Lake Wendouree underground toilet block. This presentation should include approximate costings associated with the demolition of the existing toilets, as well as approximate costings related to the construction of a new toilet block. The report should also include how we can appropriately consult with the community on this issue.**

Moved: Cr Amy Johnson
Seconded: Cr Mark Harris

LOST

Upon being put to the meeting, the Motion was declared lost. Cr Daniel Moloney called for a Division.

For the Motion were Councillors: Cr Amy Johnson, Cr Daniel Moloney, Cr Samantha McIntosh, Cr Mark Harris

Against the Motion was: Cr Ben Taylor, Cr Tracey Hargreaves, Cr Belinda Coates, and Cr Des Hudson.

RESOLUTION:**11.1. That Council:**

11.1 Based on Asset Condition and Defect Report; Gender Impact Assessment Compliance Audit; and Risk Assessment, endorse the commencement of the process to demolish the Lake Wendouree Underground Public Toilet.

11.2 Consider the requirement for the provision of public toilet facilities as informed by the (future) Public Toilet Strategy.

Moved: Cr Ben Taylor

CARRIED

Seconded: Cr Belinda Coates

(R7/23)

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

For the Motion were Councillors: Cr Ben Taylor, Cr Tracey Hargreaves, Cr Belinda Coates, and Cr Des Hudson.

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

8.4. RESERVE FUNDING REQUEST FOR DRAINAGE INFRASTRUCTURE IN THE BALLARAT WEST PRECINCT STRUCTURE PLAN (BWSP) AREA

Divisions: Development and Growth / Infrastructure and Environment
Directors: Natalie Robertson / Bridget Wetherall
Author/Position: Chris Duckett, Manager Sustainable Development / Vaughn Notting, Executive Manager Infrastructure

PURPOSE

1. To seek approval for the allocation of \$1.940 million from Council's Developer Contributions reserve funds to construct drainage infrastructure in the Ballarat West Precinct Structure Plan (BWSP) area.

RESOLUTION:

27. That Council:

27.1 Approve the use of \$1.940 million from the Developer Contributions Reserve to construct drainage basin RB11 and associated pipework to a standard as outlined in the revised drainage strategy and as documented in detailed drainage plans.

27.2 Note that Council Officers will undertake a full market tender process to procure the construction of the basin.

Moved: Cr Ben Taylor
Seconded: Cr Mark Harris

CARRIED
(R8/23)

8.5. TENDER 2022-23-201 ALFREDTON COMMUNITY HUB

Division: Community Wellbeing
Director: Matthew Wilson
Author/Position: Robbie Burns - Project Manager (Major Projects)

PURPOSE

1. To award Contract Number 2022/23-201 for the provision of Alfredton Community Hub Construction with CIQ Construction Management Pty Ltd for the total tendered price of \$6,457,305.00 (ex GST).

RESOLUTION:**7. That Council:**

7.1 Resolves to enter into Contract Number 2022/23-201 for the provision of Alfredton Community Hub Construction with CIQ Construction Management Pty Ltd for the total tendered price of \$6,457,305.00 (ex GST).

7.2 Authorises the Chief Executive Office to:

- a. finalise the terms of Contract Number 2022/23-201 with the Contractor, provided that those contract terms are consistent with this resolution; and,
- b. execute Contract Number 2022/23-201 on behalf of Council.

Moved: Cr Daniel Moloney
Seconded: Cr Ben Taylor

CARRIED
(R9/23)

8.6. BALLARAT AND CLARENDON COLLEGE LAND ACQUISITION

Division: Infrastructure and Environment
Director: Bridget Wetherall
Author/Position: Nick Venville – Property Officer

Public Representation was made by Mike Kaufmann.

PURPOSE

1. The purpose of this report is to outline the land acquisition proposal by Ballarat Clarendon College and recommend the process to commence its sale begin.

RESOLUTION:

8. That Council:

- 8.1 Commence the process to dispose of the land in accordance with Section 114 of the *Local Government Act 2020*.

Moved: Cr Ben Taylor

CARRIED

Seconded: Cr Daniel Moloney

(R10/23)

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

For the Motion were Councillors: Cr Ben Taylor, Cr Tracey Hargreaves, and Cr Des Hudson, Cr Amy Johnson, Cr Daniel Moloney, Cr Samantha McIntosh, Cr Mark Harris

Against the Motion was: Cr Belinda Coates

8.7. VISITOR ECONOMY PARTNERSHIP

Division: Development and Growth
Director: Natalie Robertson
Author: Sarah Pilgrim, Executive Manager Visitor Economy

PURPOSE

1. The purpose of this report is for Council to consider and endorse the formation of a new Visitor Economy Partnership for Ballarat and the surrounding regions of Pyrenees, Moorabool, Golden Plains (south of Ballarat) and Hepburn (Creswick and Clunes).

RESOLUTION:

20. That Council:

- 20.1 Endorse the formation of a new Visitor Economy Partnership for the region, as outlined above.
- 20.2 Note that financial and resource requirements of the Visitor Economy Partnership will be incorporated into the 2023/24 Budget.
- 20.3 Note the attached Statement of Purpose and Rules.

Moved: Cr Daniel Moloney
Seconded: Cr Samantha McIntosh

CARRIED
(R11/23)

8.8. INTERNATIONAL TRAVEL

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

PURPOSE

1. The purpose of this report is to seek consideration of potential international travel in 2023 to:
 - Timor Leste – Ainaro to mark the celebration of the 20th Anniversary of Council's Friendship City Agreement with Timor Leste – Ainaro.
 - Inagawa – Japan to mark the celebration of the 35th Anniversary of Council's Sister City Agreement with Inagawa – Japan.
2. Please note that the makeup of each listed representation in the next section is entirely based on previous trips.

RESOLUTION:

11. That Council:

- 11.1 Approve up to a maximum of the Mayor, Ainaro Committee Councillor Representative, and a Council Officer to travel to Timor Leste – Ainaro to attend the 20th Anniversary of Council's Friendship Agreement with Timor Leste – Ainaro. A Council Travel Report to be provided following the international travel.
- 11.2 Approve up to a maximum of the Mayor, a Councillor, Chief Executive Officer (or delegate) and two Council Officers to travel to Japan – Inagawa to attend the 35th Anniversary of Council's Sister-City Agreement with Japan. A Council Travel Report to be provided following the international travel.

Moved: Cr Des Hudson
Seconded: Cr Mark Harris

CARRIED
(R12/23)

8.9. CITY PARTNERSHIPS DELEGATED COMMITTEE

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

PURPOSE

1. This report requests Council:
 - Establish the City Partnerships Delegated Committee;
 - Adopt the City Partnerships Delegated Committee Terms of Reference;
 - Endorse the C4 Instrument of Delegation for the City Partnerships Delegated Committee;
 - Endorse the members of the City Partnerships Delegated Committee and determine a Chairperson; and
 - Revoke the current Grants Policy endorsed by Council on 23 June 2021 (R121/21).

RESOLUTION:

13. In exercise of powers conferred by Section 63 of the *Local Government Act 2020* (the Act) Council resolves that:
 - 13.1 From the date of this resolution, the City Partnerships Delegated Committee be established.
 - 13.2 Endorse the City Partnerships Delegated Committee Terms of Reference that include appointing all nine Councillors of the Ballarat City Council as members; and
 - 13.3 The Chair of the Committee be the Mayor.
14. In the exercise of the powers conferred by Section 63 of the *Local Government Act 2020*, Ballarat City Council resolves to:
 - 14.1 Adopt the C4 Instrument of Delegation to members of the City Partnerships Delegated Committee, the powers, duties and functions set out in the attached delegation (the instrument).
 - 14.2 The Instrument:
 - a. Comes into force immediately upon resolution; and
 - b. Remains in force until Council determines to vary or revoke it.
 - 14.3 The powers, duties and functions conferred on the members of the Delegated Committee by the Instrument must be exercised in accordance with any guidelines or policies Council may from time to time adopt.
15. Revoke the Grants Policy adopted by Council on 23 June 2021 (R121/21).

Moved: Cr Daniel Moloney
Seconded: Cr Mark Harris

CARRIED
(R13/23)

8.10. ANNUAL GRANTS REPORT

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

PURPOSE

1. To provide a report to Council on the outcomes of the City of Ballarat's three (3) grant programs in 2021/2022.

RESOLUTION:

26. That Council:

26.1 Receive and note the Report outlining the delivery and outcomes of Council's grant programs in 2021/2022.

Moved: Cr Tracey Hargreaves
Seconded: Cr Daniel Moloney

CARRIED
(R14/23)

8.11. QUARTERLY PERFORMANCE REPORT PERIOD ENDING 31 DECEMBER 2022

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

PURPOSE

1. To present the quarterly performance reports for the quarter ending 31 December 2022 and to seek endorsement of the 2022/23 Mid-Year Budget Review (MYBR).

RESOLUTION:

- 44. That Council:**
- 44.1 Receive the Quarterly Financial Management Report – Period Ending 31 December 2022 and note the financial matters contained within the report.**
 - 44.2 Endorse the 2022-23 Mid-Year Budget Review adjustments.**
 - 44.3 Resolve not to undertake the budgeted borrowings of \$12.75 million and refer borrowing levels to the 2023/24 budget process.**
 - 44.4 Receive the Quarterly Performance Management Report – Period Ending 31 December 2022.**
 - 44.5 Receive the Quarterly Council Plan 2021-2025 - Annual Action Plan 2022/23 update to 31 December 2022.**

Moved: Cr Ben Taylor
Seconded: Cr Belinda Coates

CARRIED
(R15/23)

8.12. 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. This report provides a copy of the minutes of the meetings held on 26 October 2022, 23 November 2022, 7 December 2022 and 21 December 2022, and provides a summary of information in relation to these minutes.

RESOLUTION:

4. That Council:

- 4.1 Note, Section 66 of the *Local Government Act 2020* that the material contained in the Contracts Approval Delegated Committee agenda has been designated confidential.
- 4.2 Receive the Contracts Approval Delegated Committee minutes of the meetings held on 26 October 2022, 23 November 2022, 7 December 2022 and 21 December 2022.

Moved: Cr Ben Taylor
Seconded: Cr Mark Harris

CARRIED
(R16/23)

8.13. AUDIT AND RISK COMMITTEE ASSESSMENT OF COMMITTEE AND COMMITTEE MEMBER PERFORMANCE

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

PURPOSE

1. To present Council with the Audit and Risk Committee's Self-Assessment Survey Results for 2021/2022.

RESOLUTION:

6. That Council:
 - 6.1 Receive and note the Audit and Risk Committee Self-Assessment Survey results.

Moved: Cr Mark Harris
Seconded: Cr Tracey Hargreaves

CARRIED
(R17/23)

8.14. 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 3, 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 Samantha McIntosh
Seconded: Cr Daniel Moloney

CARRIED
(R18/23)

8.15. S11A INSTRUMENT OF APPOINTMENT AND AUTHORISATION (PLANNING AND ENVIRONMENT ACT 1987)

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

PURPOSE

1. The report is to endorse the S11A Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* for Kellie Jantzen.
2. The report is to also revoke the S11A Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* for Jennifer Chan Wing Sum.

RESOLUTION:**6. That Council:**

6.1 Exercise the powers conferred by Section 224 of the *Local Government Act 1989* (the Act) and the other legislation referred to in the attached instrument of appointment and authorisation (the instrument), and that;

- a. Kellie Jantzen 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 S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) for Jennifer Chan Wing Sum (R103/22).

Moved: Cr Daniel Moloney
Seconded: Cr Belinda Coates

CARRIED
(R19/23)

8.16. 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 Belinda Coates****Seconded: Cr Mark Harris****CARRIED****(R20/23)**

9. NOTICE OF MOTION

Nil

10. REPORTS FROM COMMITTEES/COUNCILLORS

GB1/23 - Cr Ben Taylor

Cr Taylor received a letter from Shakespeare Avenue, Mount Helen

Cr Taylor tabled as a joint letter from the residents of this area, including photographs of the rubbish bins in this area. Cr Taylor noted that as we are dealing with the Circular Economy and Waste Strategy, this is a prime example of where we have a lot of rubbish bins that aren't being attended to from a resident point of view. They may be picked up, but the bins are still left on the street. The responsibility gets put back on the residents to deal with it. These photos show 10-12 bins staying on the street 24/7. This is not good from a quality point of view. They are on a road that gets used quite frequently. It's been messy and is not a good look for the city or other residents of the area.

Cr Taylor tabled the letter for a response from the CEO.

Moved: Cr Ben Taylor

Seconded: Cr Tracey Hargreaves

CARRIED

(R21/23)

GB2/23 - Cr Ben Taylor

Cr Taylor requested an update as he is getting multiple calls and emails in relation to the condition of the Buninyong Garden Baths. This has been an ongoing matter where over three years ago a fence was put up because of the condition of the wall with the concerns of the structural integrity of that wall. Where is this at? What is the progress and maybe estimated time frames for any works on that?

GB3/23 Cr Ben Taylor

Cr Taylor noted an accident in the north entrance of Buninyong where a beautiful blue stone sign was smashed by a truck. This has now been out of action for so long. He drives past this every day and cringes, it looks terrible. Last time there were some concerns around insurance, and they were working through that process. He requested an update in relation to where that is at.

GB4/23 - Cr Samantha McIntosh

Cr McIntosh endorsed the questions around Buninyong Gardens. It has been discussed, sadly, publicly on social media and other formats over a long period of time. This is about heritage and looking after what we have got, we should be proud of how we do that. This is something she has brought forward many times. Our use of temporary fencing is not ok, it's ugly and dangerous and is meant to be there to be safe but it's not. How can we put temporary fencing up for a short period of time and get rid of it fast? It costs us a fortune. Its half fallen over and disgraceful for weddings and so on. She doesn't understand it, to determine which mortar we will use. We have been talking about this for a long time and it needs to be

addressed. With the temporary fencing issue, we need to look at a better way of managing this temporary ugliness across the city. We need to understand the significant costs for holding these areas in an ugly way for such a long time.

GB5/23 - Cr Belinda Coates

Cr Belinda Coates noted that with her chair hats on for Intercultural Services and co-chair for Koorie Engagement Action Group, over January and February, the January 26 Survival Day Dawn Ceremony event was the largest to date. Thank you to the Intercultural Service Team and KEAG Members, allies and members of the community who turned up for a very moving ceremony. It was a very special event. She looks forward to reviewing the event and receiving feedback to build on the momentum of a future event.

GB6/23 - Cr Belinda Coates

Cr Belinda Coates noted the Apology Anniversary event on 13 February last week and thanked the Intercultural Services Team for their work in organising, KEAG Members, speakers, and the Art Gallery of Ballarat for hosting.

GB7/23 - Cr Amy Johnson

Cr Amy Johnson talked about the Disability Advisory Committee (DAC) and thanked the committee members who serve on the committee for their generosity of their time and their knowledge. She wanted to let our senior staff know how successful it has been to have staff come in and present on different strategies and events happening in Council. The Events Team comes and talks to the committee before major events, such as the Begonia Festival. We had two of the Events Team Members come in and talk to the DAC about Begonia. A lot of things we had suggested in previous years has been implemented. There were some additional suggestions, such as a service dog relief station, an accessibility map has been provided for all City of Ballarat Events detailing parking and toilets with disability access where there are changing places. One of the other suggestions was providing reserved seats for people at the parade that may not be able to stand for long periods of time, or with visual impairments. We also discussed ramps in the gardens, which has been talked about previously. People in wheelchairs, prams, and mobility scooters can get up on garden beds without much of an issue, but they are only there for the three days of the event. It would be great to see them as a permanent fixture. We also had a briefing about the housing strategy. Our feedback provided was taken into account. It was successful and she appreciates how responsive the staff have been.

GB8/23 - Cr Belinda Coates

Cr Coates mentioned the Central Victorian Greenhouse Alliance three advocacy items that are of interest to Councillors. One is on funding and the impact of damage to roads and infrastructure after extreme events. She is happy to share once the draft is finalised. Then advocacy on the Commonwealth Games on climate positive games. The third one was a submission on the safe guide mechanism.

GB9/23 - Cr Samantha McIntosh

Cr McIntosh mentioned as chair of the Airport Advisory Committee wanted to let everyone know, for those who haven't had a drive out there, to have a look at the North / South runway. This is a project that our Council has had on the agenda for over a decade. It has been one that we have had our foot on the pedal the whole time. We, as a Council, should be proud of that work. Thank you to Mr. Mayor and CEO and staff who worked on this project to see it come to fruition in this current stage. We look forward to the big visions that will be more visible once we have that fully connected.

GB10/23 - Cr Tracey Hargreaves

Cr Hargreaves briefly acknowledged the Summer Sundays event. She spoke at one of them, other Councillors had spoken at others and noted it was a beautiful event. The event showcases the gardens, very family friendly, lots of local talent, local food. It ticked all the boxes for a great community event.

GB11/23 - Cr Tracey Hargreaves

Cr Hargreaves noted another event she attended in January, a smaller one. A YMCA Action sports Skate Park League, it was brilliant. There were kids and adults, sometimes 20 - 30 skating at one time and they didn't hit each other. The skating in general is good, it gets kids that are too old for playgrounds, a different sporting activity. The City of Ballarat team was there and did an amazing job. There was also face painting and badge making to keep little kids engaged. Well done to the team for summer events.

