

Council Meeting

Agenda

22 March 2023 at 6:30pm

**Council Chamber, Town Hall, Sturt Street,
Ballarat**





The City of Ballarat acknowledges the Traditional Custodians of the land we live and work on, the Wadawurrung and Dja Dja Wurrung People, and recognises their continuing connection to the land and waterways. We pay our respects to their Elders past, present and emerging and extend this to all Aboriginal and Torres Strait Islander People.

This meeting is being broadcast live on the internet and the recording of this meeting will be published on council's website www.ballarat.vic.gov.au in the days following the meeting.

Although every effort has been made to protect the privacy of the public, members of the public attending this meeting may be filmed. By remaining in the public gallery once the meeting commences, members of the public give their consent to being filmed, and for the recording of them to be made publicly available and used by council.

Information about broadcasting and publishing recordings of council meetings is available in council's Live Broadcasting and Recording of Council Meetings Procedure which is available on the council's website.

PUBLIC SUBMISSIONS

- Public representations may be made on any items listed on the agenda in a Council Meeting apart from those listed in the confidential section.
- Presentations must be submitted in writing, not more than 500 words by 2:00pm on the day of the relevant meeting:
 - i. In the form approved; or
 - ii. by email to Council's prescribed email address;.or
 - iii. in person during normal office hours at the Council Offices at 25 Armstrong Street South, Ballarat.
- If a person submitting a presentation is not present in the gallery, their presentation will be read out subject to the time limits.

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The next Meeting of the Ballarat City Council will be held on Wednesday 26 April 2023.

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

Cr Mark Harris requests a leave of absence for the periods of:

- 16 - 25 April 2023,
- 30 April 2023 – 8 May 2023,
- 17 May 2023 – 12 June 2023, and
- 10 – 24 July 2023.

Cr Amy Johnson requests a leave of absence for 26 April 2023.

3. DISCLOSURE OF INTEREST

4. MATTERS ARISING FROM THE MINUTES

5. CONFIRMATION OF MINUTES

6. PUBLIC QUESTION TIME

Note – all public representations will be heard before each item on the agenda.

QUESTION TIME

- Questions must be in English and must be 75 words or less and not include a preamble, other additional material, or multiple parts.
- Questions must be submitted via the [form](#) on Council's website, no later than 12:00pm on the day of the Council Meeting.
- **Please note:** no person may submit more than two questions at each meeting; questions may not be allowed if the time allotted for public question time has finished.
- If a person submitting a question is not present in the gallery during Public Question Time, their questions will be read out and a response provided at the meeting.

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.

BACKGROUND

2. The Council of the City of Ballarat is responsible for setting the municipality's strategic direction. The CEO of the City of Ballarat is the sole employee of the Council and is responsible for establishing the organisational structure and resource allocation to achieve the objectives set by the Council. This operational report provides greater detail about organisational activities and issues involved with service delivery.

KEY MATTERS

3. **Organisational realignment**
An organisational realignment will be implemented to improve and plan for the future of service delivery for the City of Ballarat. A new directorate titled "Economy, Experience and Commonwealth Games" will group Ballarat's economic development, visitor economy, arts, events, experiences and attractions together. This will enable the teams to more effectively work with tourism and hospitality operators on reactivation, ongoing attraction and investment to Ballarat. Consultation with impacted staff took place from 31 January with the final decision communicated on 20 February 2023. The structural realignment will deliver greater long-term benefits for our community and ensure the Commonwealth Games provides us with a lasting legacy. Recruitment is now underway for a Director of Economy, Experience and Commonwealth Games.
4. **Waste Campaign**
The City of Ballarat launched the first phase of its waste campaign to create community awareness on why kerbside and waste collections are changing across Victoria. The advertising campaign ran across print, radio and social media challenging the community to think differently about waste.

Considerable free local media coverage was generated around the issue. The City of Ballarat drew attention to the fact that disposal of waste costs rate payers \$28,000 per day with more than 24,000 tonnes of waste were sent to landfill in the 2021-2022 financial year. These costs will continue to escalate if new and innovative ways are not identified to sort our waste and keep as much as possible out of landfill.

There is a second phase of the campaign in March to launch the Kerbside Transition Options Paper and the four-week community engagement period. After the

feedback on the options has been taken into consideration, the Kerbside Transition Plan will be presented to Council for consideration later this year.

5. **Events in Ballarat**

In the last week of January, 79 new Ballarat residents received their Australian Citizenship certificates. The **Australia Day Citizenship Ceremony** is conducted on behalf of the Department of Home Affairs and is a significant milestone for new residents and their families. Receiving citizenship allows the individuals the right to vote, stand for public office and travel on an Australian passport.

The **Australia Day Community Awards** recognised and celebrated the individuals and organisations that give up their time to make Ballarat a more vibrant place to live. Ballarat Tweed Ride founder and organiser, Liana Skewes was named Ballarat Citizen of the Year for 2023. Millie Collins was named the Young Citizen of the Year and Ballarat Community Neighbourhood Centre was the winner of the Community Event of the Year.

On 26 January a **Survival Day dawn ceremony** was held at Wendouree Lake to remember the Stolen Generation and to bring the community together to learn about and respect our nation's Aboriginal and Torres Strait Island people's history. The Koorie Engagement Action Group (KEAG) is instrumental in the organisation of the Survival Day service. The ceremony, which was held for the fourth time, has grown steadily since its inception in 2020. This year more than 1,500 people attended the service.

Australia Day also saw many free activities around the city with the **Picnic in the Park** returning to Victoria Park. It involved a relaxed afternoon of great food, market stalls, kids' activities and entertainment with over 4,500 people in attendance. Food trucks were in high demand with vendors reporting a 40 per cent increase in trade from last year's event.

In February, the City of Ballarat held the media launch of the **71st Begonia Festival**. It was held in the beautiful Ballarat Botanical Gardens between 11 – 13 March with a fantastic 3-day line-up built around gardening, food, and entertainment with some notable guest speakers including celebrity landscaper, Natasha Morgan and ABC TV Gardening Australia's Jerry Coleby-Williams. The Ballarat Begonia Festival is a key highlight of the City's events program and attracts over 50,000 people to the city.

6. **New Intercultural Garden consultation**

The City of Ballarat is seeking public feedback on an Intercultural Garden, proposed to be created on the north-western corner at the intersection of Sturt and Pleasant streets, near the City Oval football ground and City Oval Bowling Club. The proposed project would seek to enhance the beauty of the existing space, while improving amenity and access to and through the greenspace. The Ballarat Intercultural Garden proposes creating a community place for all cultures to gather, surrounded by a diverse environment featuring plants from around the globe. In designing the plans for the garden, the City of Ballarat has worked closely with the Intercultural Advisory Committee and Plot Landscape Architects. The initiative to create the Intercultural Garden was part of the City of Ballarat Intercultural Plan 2002-2026, which was endorsed at the October 2022 ordinary council meeting.

7. **In the Know Launch**

At the end of January, a new website was launched for residents to find out about events, things to do and where to eat and drink in Ballarat. **Ballarat In The Know** is

the ultimate guide for residents to find out about the great things happening in their city and inspire them to invite their friends and family to visit. Almost 50 per cent of tourists who visit Ballarat are motivated by their friends and family and look to them for inspiration. Ballarat In The Know delivers on the City of Ballarat's Destination Marketing Plan 2021-2024 and aligns with goals two and five within the Council Plan 2021-2025.

OFFICER RECOMMENDATION

8. That Council:

8.1 Receive and note the CEO's Operational Report.

ATTACHMENTS

Nil

8. OFFICER REPORTS

8.1. TACKLING AGEISM IN BALLARAT

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

PURPOSE

1. The purpose of this report is to seek endorsement of a recommendation to support the EveryAGE Counts campaign which seeks to end ageism in Australia.

BACKGROUND

2. Ballarat continues to have an ageing population with 28,126 people over 60 years of age (2021 census) which is equivalent to 24.8% of the total population in Ballarat.
3. Ageism is stereotyping (how we think), prejudice (how we feel) and discrimination (how we act) towards people based on their age. It affects people of all ages but has particularly negative effects on the health and well-being of older people. It can affect people's job prospects, confidence, quality of life and control of life decisions.
4. There is growing evidence to suggest that ageism is harmful, and it has far-reaching impacts:
 - a. It is linked to poorer physical and mental health
 - b. It can exacerbate social isolation.
 - c. And at its extreme, elder abuse is one of the worst manifestations of ageism
5. According to the World Health Organisation, ageism is the most socially accepted bias in the world. Globally, one in two people are ageist against older people¹. There is more ageism in Australia than most people may realise. A recent Australian Human Rights Commission report (Sept 2021) has found most Australians (90%) agree ageism exists in Australia.
6. Combatting ageism is an important health priority across the world. In December 2020, the United Nations General Assembly declared 2021-2030 as the Decade of Healthy Ageing to galvanize international action to improve the lives of older people, their families and communities. One of the four priority areas of action for this decade includes combatting ageism.
7. Australia is leading this movement with the introduction of a social movement and advocacy campaign to end ageism. EveryAGE Counts is a national coalition of organisations and a grassroots campaign of individuals dedicated to highlighting the social, economic, and civic impacts of ageism experienced by older people and building an Australia that no longer tolerates it.
8. The EveryAGE Counts vision is a society where every person is valued, connected and respected regardless of age.

¹ Global report on ageism. Geneva: World Health Organization; 2021

9. Support for the campaign is building including across Victoria. In November 2022, the Victorian government released its Ageing Well Action Plan 2022-2026 which includes valuing senior Victorians by tackling ageism and discrimination as one of its four priorities and references the EveryAGE Counts campaign.
10. With almost 25% of residents in Ballarat aged 60 years and over (2021 census), working to combat ageism is also considered an important priority in Ballarat. In our continuing conversations with our ageing community, one of the themes heard regularly is that our older residents often feel invisible. They want to be listened to, heard, and seen. They also want to be included, respected and valued in our community as they still have much to contribute. The clear message coming through is that challenging ageism and ageist attitudes is an important priority for our older residents.
11. Changing how we all think, feel, and act around age and ageing is crucial to foster healthy ageing. As such, tackling ageism is an important priority in Council's recently endorsed Ageing Well in Ballarat Strategy 2022-2026, and will be a focus of work for the new Ageing Well service scheduled to commence operation in July 2023.
12. Council is committed to focusing on respect and inclusion, empowering our ageing community and combatting ageism by:
 - a. celebrating and acknowledging the contribution of our ageing community
 - b. ensuring we use age-positive images and highlighting the diversity of our community in Council documents and on our website
 - c. encouraging opportunities for intergenerational connection
 - d. raising awareness and responding to ageism in our community.
 - e. supporting older residents to participate in civic life
 - f. promoting the value and lifetime experience of workers and the benefits of an intergenerational workforce, and
 - g. supporting opportunities for people to access meaningful and paid employment as they age

KEY MATTERS

13. As the Ageing Well in Ballarat Strategy 2022-2026 and Action Plan 2022-2024 are now being implemented, it is timely for Council to consider a recommendation to support the EveryAGE Counts campaign to end ageism to demonstrate City of Ballarat's commitment to tackling ageism.
14. This commitment is closely aligned with the community's vision for Ballarat as articulated in the Community Vision 2021-2031 and our new Inclusion Framework 2022-2026.

15. It is recommended that Council consider the following:

- a. Support the EveryAGE Counts campaign and become a coalition member in support of the effort to end ageism and to create a society where every person is valued, connected and respected regardless of age.
- b. Create opportunities in our communities to build awareness of ageism and its impacts
- c. Promote efforts to end ageism amongst residents, and
- d. Inform relevant federal and state parliamentarians of City of Ballarat's support for the EveryAGE Counts campaign.

OFFICER RECOMMENDATION

16. That Council:

- 16.1 Become a coalition member and support the EveryAGE Counts campaign to end ageism and to create a society where every person is valued, connected and respected regardless of age;**
- 16.2 Create opportunities in our communities to build awareness of ageism and its impacts;**
- 16.3 Promote efforts to end ageism amongst residents; and**
- 16.4 Inform relevant federal and state parliamentarians of City of Ballarat's support for the EveryAGE Counts campaign.**

ATTACHMENTS

1. Governance Review [8.1.1 - 2 pages]

OFFICIAL

ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES

1. The Ageing Well in Ballarat Strategy 2022-2026 is closely aligned with City of Ballarat's Health and Wellbeing Plan 2021- 2031 including shared principles of equity, inclusion, accessibility, participation and collaboration.
2. It also reflects the City of Ballarat's commitment to a healthy, connected and inclusive community as articulated in the Council Plan 2021 – 2025.
3. The commitment to support the EveryAGE Counts campaign to end ageism is also closely aligned with the community's vision for Ballarat as articulated in the Community Vision 2021-2031 and our new Inclusion Framework 2022-2026.

COMMUNITY IMPACT

4. The Ageing Well in Ballarat Strategy 2022-2026 presents a vision for our future for Ballarat to be an age-friendly community where people feel valued, connected, included, and respected and feel confident to participate fully in life however they choose.
5. While the strategy is focused on our residents aged 55 years and over, an age-friendly city or community is health promoting and designed for diversity, inclusion, and cohesion, including across all ages and capacities.

CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

6. There are no climate emergency and environmental sustainability implications in regard to this strategy

ECONOMIC SUSTAINABILITY IMPLICATIONS

7. There are no economic sustainability implications in regard to this strategy.

FINANCIAL IMPLICATIONS

8. Delivery of activities and initiatives focused on tackling ageism in Ballarat will be delivered by through recurrent budgets

LEGAL AND RISK CONSIDERATIONS

9. There are no identified unacceptable risks contained within this strategy currently. Into the future all risks will be considered before any additional product or activity is either purchased or planned for.

HUMAN RIGHTS CONSIDERATIONS

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

OFFICIAL

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COMMUNITY CONSULTATION AND ENGAGEMENT

11. The community consultation process for the Ageing Well Strategy started in 2018 with the *Growing Older Well in Ballarat* consultation which included a survey and focus groups with community members and local service providers. Response rates were high and strong themes emerged around what is needed to age well in Ballarat.
12. Further community consultation was undertaken in 2022 to ensure the key themes were still relevant. Specific ageing well questions were included as part of the *Inclusive Ballarat* consultation in April & May 2022.
13. The *Future Direction for our Ageing Community: Community Voice* consultation process was undertaken in June – August 2022 and consistent themes emerged about what residents need to live and age well in Ballarat.
14. One of the themes that emerged was that our older residents often feel invisible. They want to be listened to, heard, and seen. They also want to be included, respected and valued in our community as they still have a lot to contribute. The clear message coming through is that challenging ageism and ageist attitudes is an important priority for our older residents.

GENDER EQUALITY ACT 2020

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

CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT

16. 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

8.2. BALLARAT LIBRARIES FINE FREE

Division: Community Wellbeing
Director: Matthew Wilson
Author/Position: Jenny Fink - Executive Manager Libraries & Lifelong Learning

PURPOSE

1. The purpose of this report is to seek Council's endorsement of the proposal for City of Ballarat Libraries to offer fine free library services from 1 July 2023.

BACKGROUND

2. Across Victoria many public libraries have made the decision to remove library fines because of the financial impact fines impose on people who often have need of library services and who can least afford to pay.
3. During the height of the recent (and current) COVID pandemic the library provided limited services through click and collect, restricted admission into libraries and no outreach services. This disruption caused a significant disadvantage to some members of our community, especially regarding information and technological access. In acknowledgement of the difficulties in returning library items the library put all fines on hold until July 2022.
4. The library has since reopened with full services to the community and is hopeful of re-attracting patrons and reaching the high usage numbers that we experienced prior to the pandemic. It is envisaged that by removing punitive measures such as fines for late return of library items will encourage a return of members and enhance the user experience when accessing the library service.
5. Our libraries are places of social connection, access to learning opportunities and free online services. During recent engagement sessions to develop our library strategy we received feedback from the community highlighting the impact of library fines, especially on families and children. Comments such as "I am too scared to go back because of the fines I have" were common.

KEY MATTERS

6. Currently library members are given one week's grace period to return their items, but after this time, fines are generated at 0.36c per day up to a maximum of \$2.00 per item. Our current fine policy restricts people using collection services if their fines total \$15 and over.
7. When a parent or child has a fine, they generally stop visiting the library altogether, which in turn stops access to fundamental literacy resources for children in their early years and for older children, reduced access to study and school project material.
8. The City of Ballarat currently has 9,698 library members who are impacted by this policy, 1,994 of this number are children. Overall, this is approximately 32% of the membership base for the City of Ballarat libraries.

9. The library service anticipates that the news of stopping and waiving existing fines will be well received by the Community.
10. Officers suggest that in the month prior to fines being stopped that we ask the community to donate nonperishable food as a gesture of goodwill for the Christmas in July appeal, using our libraries as collection points. At the same time, community members with overdue loan items can bring these back with no questions asked.
11. Library users will continue to be charged for any lost or damaged library materials as per the usual practice.

BUDGET IMPLICATION

12. The budget document formally sets the fees and charges for overdue library items.
13. The revenue collected for fines before COVID was \$25,000 - \$30,000 per annum (2017/2018 FY) from an average of 8,000 transactions. The cost of staff resources needed to collect this amount of money is approximately \$29,600 based on an estimation of \$3.70 per transaction. It takes anything from 5 to 15 minutes for staff to carry out each transaction. These resources would be better utilised to provide increased community engagement opportunities.
14. The total amount owing in overdue fines for Ballarat, Sebastopol, Wendouree, and CoB Outreach is \$122,998. It should be noted that this figure also contains historic fines that have never been wiped from the library management system including carry over fines from Central Highlands Regional Library Corporation days pre-2011. The figure for the past five years is \$36,310.
15. For the 2023/24 draft budget, it will be proposed to remove the Library Service fines from the fees and charges schedule altogether and waive all existing and historical fines on the library system.
16. This report seeks Council endorsement to implement this proposal from 1 July 2023 coinciding with the commencement of the new financial year, subject to the financial implications of the decision being enacted through the 2023/24 budget.

OFFICER RECOMMENDATION

17. That Council:

- 17.1 Endorse the removal and waiving of fines from the Library Services program to be effective from 1 July 2023, subject to the associated changes to the Library Services fines being enacted through the 2023/24 budget process.**

ATTACHMENTS

1. Governance Review [8.2.1 - 2 pages]

OFFICIAL

ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES

1. The City of Ballarat Council plan 2021-2025 goal 2 is for Ballarat to be a healthy, connected, and inclusive community that supports and improve community learning, health and wellbeing. This proposal directly supports this objective by providing equitable access to information that is not restricted by library fines and barriers to use.
2. The City of Ballarat libraries and lifelong learning strategy 2022-2027 objective of: "Engage with the Ballarat community to increase library use and service impact" relates to this proposal. To achieve this objective the library service is working on breaking down impediments experienced by the community by endeavouring to increase library visitation, participation, use and impact.

COMMUNITY IMPACT

3. It is expected that community impact will be favourable if this proposal is endorsed by Council. When a parent or child has a fine, they generally stop visiting the library altogether, which in turn stops access to fundamental literacy resources for children in their early years and for older children, reduced access to study and school project material.
4. The City of Ballarat currently has 9,698 library members who are impacted by this policy, 1,994 of this number are children. Overall, this is approximately 32% of the membership base for the City of Ballarat libraries.

CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

5. There are no climate emergency and environmental sustainability implications in this report

ECONOMIC SUSTAINABILITY IMPLICATIONS

6. There are no economic sustainability implications in this report.

FINANCIAL IMPLICATIONS

7. There will be some financial implications in regard to waiving of current library fines and future revenue that the library received from charging fines. These are outlined in the Report and subject to Council approval, will be included in the 23/24 Council budget document.

LEGAL AND RISK CONSIDERATIONS

8. There are no identified or unacceptable risks contained within this proposal. Library users will be expected to return library items when they are due back and will be charged for any lost or damaged items.

OFFICIAL

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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. During recent engagement sessions to develop our library strategy we received feedback from the community highlighting the impact of library fines, especially on families and children. Comments such as "*I am too scared to go back because of the fines I have*" were common.

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

8.3. CITY OF BALLARAT ENVIRONMENTALLY SUSTAINABLE DESIGN POLICY FOR PLANNING APPLICATIONS

Division: Development and Growth
Director: Natalie Robertson
Author/Position: Michelle Martin – Strategic Planner

PURPOSE

1. To provide the City of Ballarat with a consistent approach to assessing Environmentally Sustainable Design (ESD) for new planning applications by introducing greater clarity and guidance associated with Clause 15.01-2S of the Ballarat Planning Scheme.
2. To introduce Council level thresholds for requiring environmentally sustainable design measures in new residential and non-residential developments. These measures would be required via the Statutory Planning assessment process and would be interim only until such time as the Ballarat Planning Scheme is formally amended to introduce alternate ESD measures.

BACKGROUND

3. The objectives of Clause 15.01-2S of the City of Ballarat's Planning Scheme include:
'To achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.'
4. This objective is complemented by a number of supporting strategies which collectively promote the use of renewable energy sources and seek to ensure new development is energy efficient.
5. The City of Ballarat is collaborating with the Municipal Association of Victoria (MAV), the Council Alliance for Sustainable Built Environment (CASBE) and 31 other Victorian Councils to introduce a Planning Scheme Amendment to incorporate a new ESD Particular Provision into participating Council's planning schemes.
6. The proposed Particular Provision provides clear decision guidelines on the assessment of applications against Clause 15.01-2S and was submitted to the Department of Transport and Planning (formerly the Department of Environment Land Water and Planning) on 14 July 2022 for review and authorisation to exhibit. Later changes to the National Construction Code (NCC), machinery of government changes and a new Minister of Planning have caused delays at State level in the assessment of this new Particular Provision. The timescale for a Ministerial decision is unknown.
7. The Particular Provision (Amendment C237ball) sets out a wide-ranging policy for assessing qualifying developments against ESD principles. The Particular Provision also sets out development thresholds that will trigger assessments and how Councils should undertake these. At present, no such requirement exists in the Ballarat Planning Scheme

8. In the interim, it is essential that Council establish its own mechanism for the assessment of qualifying developments. This mechanism is proposed to take the form of an adopted Council policy and give clarity to the local development industry pending a decision on Amendment C237ball.
9. This proposed policy will engage Clause 15.01-2S requirements supporting environmentally sustainable development by asking applicants to provide ESD measures through a variety of assessment tools, including:
 - a. A **Sustainable Design Assessment** including a **Built Environment Sustainability Scorecard** (BESS). This tool is designed to evaluate energy, water efficiency, thermal comfort and overall environmental performance.
 - b. A STORM report. This tool was developed by Melbourne Water to assess Water Sensitive Urban Design measures within a property. **Model for Urban Stormwater Improvement Conceptualisation** (MUSIC) is a more advanced method of computer modelling stormwater treatments
 - c. **Green Star. This is a** voluntary internationally recognised sustainability performance rating system certified by the Green Building Council(?) of Australia.
 - d. **Green Travel Plans. These Plans are** designed to reduce reliance on motor vehicles and minimise the negative impacts of private transport on the environment, manage the car parking demands associated with larger developments and improve opportunities for those without access to a car. By reducing our reliance on private transport, Green Travel Plans in turn seek to promote alternate, sustainable forms of transport in order to maximise environmental, health and financial benefits.
10. The following thresholds and guidelines are proposed to be applied when assessing planning permit applications (Note: These thresholds are consistent with CASBE policy noted above)

Development threshold	Requirement related to Clause 15.01-2S
Residential	
2-9 dwellings	A Sustainable Design Assessment, including an assessment using BESS, STORM or other agreed method.
10 or more dwellings	A Sustainable Design Assessment, including an assessment using BESS, STORM, Green Star, MUSIC or other agreed methods and a Green Travel Plan.
A building used for accommodation other than a dwelling with a gross floor area between 100 and 1,500 square metres	A Sustainable Design Assessment, including an assessment using BESS, STORM or other agreed method.
A building used for accommodation other than dwellings with a gross floor area of 1,500 square metres or more	A Sustainable Design Assessment, including an assessment using BESS, STORM, Green Star, MUSIC or other agreed method and a Green Travel Plan.

Non-residential	
A non-residential building with gross floor area between 300 and 1,500 square metres	A Sustainable Design Assessment, including an assessment using BESS, STORM or other agreed method.
An extension to a non-residential building adding between 300 and 1,500 square metres of additional gross floor area	A Sustainable Design Assessment, including an assessment using BESS, STORM or other agreed method.
A non-residential building with a gross floor area of more than 1,500 square metres	A Sustainable Design Assessment, including an assessment using BESS, STORM, Green Star, MUSIC or other agreed methods and a Green Travel Plan.
An extension to a non-residential building adding 1,500 square metres of additional gross floor area;	A Sustainable Design Assessment, including an assessment using BESS, STORM, Green Star, MUSIC or other agreed methods and a Green Travel Plan.
Mixed-use development	Apply residential and non-residential requirements as above based on land use/gross floor areas.

11. Applying the above thresholds and assessment tools would also align with Council's existing strategic priorities and projects with respect to carbon neutrality and environmental sustainability, specifically;

- Goal 1 of the Council Plan 2021-2025: 'An environmentally sustainable future',
- The Carbon Neutrality and 100% Renewables Action Plan 2019-2025,
- The Ballarat Integrated Transport Action Plan, 2020,
- The Ballarat Circular Economy Framework,
- The Ballarat Zero Emissions Plan (emerging),
- In March 2021, Council supported an aspirational target of community-wide net zero emissions by 2030, and
- Council acknowledged the MAV's declaration of climate emergency in 2017, acknowledging that urgent action on greenhouse gas emissions is required by all levels of government.

12. The City of Ballarat is forecast to experience significant population growth and it is crucial that qualifying new developments embed commensurate ESD measures. Currently this opportunity is missed and Council risks not fulfilling its obligations as set out in Clause 15.01-2S.

13. This proposed new policy will establish improved and clear thresholds for sustainable design standards and controls in the assessment of future planning applications. It is considered necessary that Council give the local development industry and property owners certainty on the way in which Clause 15.01-2S will be applied through the

planning application process until such time as a Ministerial decision Amendment C237ball is made.

14. Importantly, the proposed policy closely aligns with the approaches currently adopted by both the City of Greater Bendigo and the City of Greater Geelong. Both these Councils have formally introduced these measures into their respective planning schemes via amendments.
15. Equally importantly, it should be noted that based on the 800 standard planning applications received in 2022, 148 applications (or 24%) would have been required to provide some form of ESD treatment in accordance with the above recommended thresholds. This represents a significant contribution to the ESD credentials of the City of Ballarat.

KEY MATTERS

16. In the absence of the proposed Particular Provision requiring the consideration of ESD in development applications an internal policy outlining ESD thresholds will enable the facilitation and assessment of Clause 15.01-2S of the Ballarat Planning Scheme.
17. The proposed Council ESD Policy for Planning Applications will require that both residential and non-residential development proposals be accompanied by a Sustainable Design Assessment using BESS, STORM or another agreed method. Larger applications will also require a Green Star, MUSIC, (or other agreed method) and a Green Travel Plan.
18. The additional workload created by this Policy is not currently resourced and as such in adopting the Policy, consideration should be given in the 2023-2024 budget process to providing resources that support the policy's application.

OFFICER RECOMMENDATION

19. That Council:

19.1 Adopt the ESD Policy for Planning Applications as per Attachment 2.

19.2 Note that information and workshops will continue to roll out across the development/construction and broader community. This includes information sessions for the local development industry, in addition to the preparation of written/visual information to further support applicants.

ATTACHMENTS

1. Governance Review
2. Environmentally Sustainable Design Policy for Planning Applications

OFFICIAL

ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES

1. This report aligns with the relevant Council strategies and policies. This report has been prepared with specific reference to the Council Plan 2021-2025, the Ballarat Planning Scheme, and Ballarat Strategy 2040.

COMMUNITY IMPACT

2. The Ballarat Planning Scheme requires decision-making that balances competing policy considerations in favour of net community benefit and sustainable development outcomes for current and future generations. The ESD Policy provides a mechanism for ensuring environmental matters can be properly considered in the permit assessment process.

CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

3. The ESD Policy for Planning Applications will enhance and improve environmental sustainability outcomes in new developments. In doing so it will assist Council in proactively addressing climate change issues and addressing the climate emergency.

ECONOMIC SUSTAINABILITY IMPLICATIONS

4. This report addresses the economic sustainability issues raised by the introduction of enhanced environmental sustainability outcomes in the built environment. Improved environmental efficiency in new developments will reduce the costs associated with heating, cooling, stormwater treatment and travel.

FINANCIAL IMPLICATIONS

5. The introduction of an ESD Policy for Planning Applications could have financial implications for Council via the requirement to have additional resources that support the policy's application, that will be incorporated into the draft 2023/24 Budget.

LEGAL AND RISK CONSIDERATIONS

6. The Ballarat Planning Scheme and the *Planning and Environment Act 1987* were considered in this report.

HUMAN RIGHTS CONSIDERATIONS

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

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COMMUNITY CONSULTATION AND ENGAGEMENT

8. The ESD Policy for Planning Applications is an internal policy to facilitate the requirements of Clause 15.01-1S, not a planning policy nor does it require a planning scheme amendment, as such, community consultation is not a requirement.

GENDER EQUALITY ACT 2020

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

CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT

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

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ESD POLICY FOR PLANNING APPLICATIONS

1.0 Purpose

To provide the City of Ballarat with a policy to attain best practice in Environmentally Sustainable Development (ESD) from design stage through to construction and operation. This policy will facilitate development that minimises environmental impacts and encourages environmentally sustainable development.

2.0 Scope

The policy applies to all residential and non-residential development planning permit applications, excluding subdivisions, in accordance with the thresholds detailed in this policy. This policy enables the facilitation of Clause 15.01-2S (Building Design) of the City of Ballarat Planning Scheme.

3.0 Policy Statement

The following thresholds and guidelines are to be applied when assessing a planning permit application:

Development threshold	Clause 15.01-2S requirement
Residential	
2-9 dwellings	A Sustainable Design Assessment, including an assessment using BESS, STORM or other agreed method.
10 or more dwellings	A Sustainable Design Assessment, including an assessment using BESS, STORM, Green Star, MUSIC or other agreed methods and a Green Travel Plan.
A building used for accommodation other than a dwelling with a gross floor area between 100 and 1,500 square metres	A Sustainable Design Assessment, including an assessment using BESS, STORM or other agreed method.
A building used for accommodation other than dwellings with a gross floor area of 1,500 square metres or more	A Sustainable Design Assessment, including an assessment using BESS, STORM, Green Star, MUSIC or other agreed method and a Green Travel Plan.
Non-residential	
A non-residential building with gross floor area between 300 and 1,500 square metres	A Sustainable Design Assessment, including an assessment using BESS, STORM or other agreed method.
An extension to a non-residential building adding between 300 and 1,500 square metres of additional gross floor area	A Sustainable Design Assessment, including an assessment using BESS, STORM or other agreed method.
A non-residential building with a gross floor area of more than 1,500 square metres	A Sustainable Design Assessment, including an assessment using BESS, STORM, Green Star, MUSIC or other agreed methods and a Green Travel Plan.
An extension to a non-residential building adding 1,500 square metres of additional gross floor area;	A Sustainable Design Assessment, including an assessment using BESS, STORM, Green Star, MUSIC or other agreed methods and a Green Travel Plan.

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Mixed-use development	Apply residential and non-residential requirements as above based on land use/gross floor areas.
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4.0 Supporting documents and references

4.1 Legislation

- *Urban Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017).*

4.2 Associated Documents

- *The Ballarat Strategy 2040*

5.0 Policy owner

Natalie Robertson, Director Development & Growth

6.0 Authorisation

Adopted by Ballarat City Council on XX.

8.4. TENDER NO 2021/22-030 BALLARAT REGIONAL LANDFILL OPERATIONAL SERVICE

Division: Infrastructure and Environment
Director: Bridget Wetherall
Author/Position: Les Stokes – Executive Manager Waste and Environment

PURPOSE

1. To correct a resolution made at the 22 September 2021 Council Meeting, for the award of Contract 2021/22-030 – Operational Management of Ballarat Regional Landfill (BRL), to ensure that it aligns with the openly tendered services.

BACKGROUND

2. Council sought tenders from suitably qualified companies to undertake Landfill Operations at the BRL, with tenders closing on 4 August 2021.
3. At the 22 September 2021 Council Meeting, Council resolved the following:

That Council:

1. *Resolves to enter into Contract 2021/22-030 for the Operational Management of Ballarat Regional Landfill with Cleanaway Pty Ltd for the tendered price of:*
 - a) *\$1,387,519 (ex GST) for the initial 8-month period (Nov 2021 to June 2022), and*
 - b) *Tonnage rate of \$29.73 per tonne (ex GST) for the remaining three years (1 July 2022 to 30 June 2025), annually adjusted for CPI, totalling \$7,135,200.*
2. *Note the provision of two one-year extension options, at Council's sole discretion.*
3. *Delegate to the Chief Executive Officer the authority to execute the associated contract on behalf of Council*
4. The tender however called for an initial contract term of 6 years with an option for an additional 4 years and a further 12 months beyond that, totalling a maximum contract term of 11 years.

KEY MATTERS

5. During the preparation of the Council Report an error was made with respect to the length of the contract term. This was detected by a governance check during the contract execution process. In order to fully execute the contract documents, a new resolution is required to correct the error.
6. Importantly the error related only to the Contract term and not the annual value of the contract.

OFFICER RECOMMENDATION

7. That Council:

- 7.1 Notes the Resolution made on 22 September 2021 (R187/21) to enter into Contract 2021/22-030 for the Operational Management of Ballarat Regional Landfill (“Contract”) with Cleanaway Pty Ltd.
- 7.2 Notes that there was an error in the Original Resolution because it referred in paragraph 2 to the Contract containing ‘two one-year extension options’ when it should have referred to the Contract containing ‘two extension options of 4 years and 12 months respectively’.
- 7.3 Approves entry into the Contract for an Initial Term of 6 Years, commencing on 1 November 2021, with two extension options of 4 years and 12 months respectively, exercisable at Council’s sole discretion.
- 7.4 Authorises to the Chief Executive Officer to execute the Contract in accordance with the Original Resolution, subject to the updated extension options approved by this Resolution.

ATTACHMENTS

1. Governance Review [8.4.1 - 2 pages]

OFFICIAL

ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES

1. The operation of Ballarat Regional Landfill aligns with Council's vision, plan, and policies.

COMMUNITY IMPACT

2. The continued operation of the Ballarat Regional Landfill will ensure the local community continue to have access to Kerbside waste collection and disposal and commercial entities can continue to operate waste collection services.

CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

3. The proximity of the Ballarat Regional Landfill to local businesses allows them to sustainably manage waste. This is rather than travelling to Melbourne to dispose of waste.

ECONOMIC SUSTAINABILITY IMPLICATIONS

4. The successful tenderer will be responsible for maintaining five (5) full time roles over the period of the contract.
5. The contract has been designed to ensure the successful contractor meets specific targets to deliver sustainable economic benefits to the community.

FINANCIAL IMPLICATIONS

6. The continued operation of the Ballarat Regional Landfill is in line with Council's current budget.
7. Continuation of the service ensures the City of Ballarat can continue to deliver the waste services provided to the community.

LEGAL AND RISK CONSIDERATIONS

8. The contract has been designed to ensure compliance with the EPA (Environmental Protection Authority) landfill management requirements.
9. Cleanaway have a long history of Landfill management. This history has involved regular interaction with the EPA, resulting in a thorough understanding of the risk involved in Landfill management.

HUMAN RIGHTS CONSIDERATIONS

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

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COMMUNITY CONSULTATION AND ENGAGEMENT

11. Community consultation will be undertaken at the next Community meeting to be held on 10 September 2021.

GENDER EQUALITY ACT 2020

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

CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT

13. 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

8.5. AUDIT AND RISK COMMITTEE BIENNIAL REPORT

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 Biannual Report for the period 1 July 2022 to 31 December 2022.

BACKGROUND

2. The Biannual report provides the details of activities and progress of the Audit and Risk Committee against the endorsed workplan for the period 1 July 2022 to 31 December 2022.
3. Regular reporting to Councillors and the community is a key principle of transparency and good governance.

KEY MATTERS

4. In accordance with Section 54(5) of the *Local Government Act 2020*, the Audit and Risk Committee is required to:
 - Prepare a Biannual Audit and Risk Report that describes the activities of the Audit and Risk Committee and includes its findings and recommendations; and
 - Provide a copy of the Biannual Audit and Risk Report to the Chief Executive Officer for tabling at the next Council meeting.

OFFICER RECOMMENDATION

5. That Council:

- 5.1 Receive and note the Audit and Risk Committee Biannual report for the period 1 July 2022 – 31 December 2022.**

ATTACHMENTS

1. Governance Review [8.5.1 - 2 pages]
2. Biannual report to Council July - December 2022 [8.5.2 - 7 pages]

OFFICIAL

ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES

1. The Audit and Risk Committee Biannual report is a statutory requirement of the *Local Government Act 2020* (the Act); and links to the Council Plan; Accountability.

COMMUNITY IMPACT

2. It is considered that the report does not have any community impact implications.

CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

ECONOMIC SUSTAINABILITY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

LEGAL AND RISK CONSIDERATIONS

6. In accordance with S54(5) of the Act, the Audit and Risk Committee is required to prepare a Biannual Audit and Risk Committee Report.
7. The report complies with the Act.

HUMAN RIGHTS CONSIDERATIONS

8. 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

9. No community consultation and engagement is required for the subject of this report.

GENDER EQUALITY ACT 2020

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

OFFICIAL

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CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT

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

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Audit and Risk Committee Biannual Report July – December 2022

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In accordance with Part 2, Division 8, clause 54 (5) of the *Local Government Act 2020*, the Audit and Risk Committee presents its biannual audit and risk report that describes the activities of the Audit and Risk Committee (Committee). This report is for the period July 2022 – December 2022.

The Committee's activities for the reporting period are summarised below.

Area of Focus	Outcome						
Compliance and Legislative Requirements							
Overarching governance principles and Local Government Act 2020	<p>The report was presented to the 7 September 2022 Committee meeting which provided a summary of the outstanding <i>Local Government Act 2020</i> implementation actions and their status. The report detailed the below information:</p>						
	<table><tr><th>Task</th><th>Status</th><th>Due Date</th></tr><tr><td>Asset Management Plan</td><td>Adopted at the 22 June 2022 Council Meeting</td><td>30 June 2022</td></tr></table>	Task	Status	Due Date	Asset Management Plan	Adopted at the 22 June 2022 Council Meeting	30 June 2022
	Task	Status	Due Date				
Asset Management Plan	Adopted at the 22 June 2022 Council Meeting	30 June 2022					
<p>It was noted that the report is no longer required due to all implementation activities being finalised.</p> <p>The Committee received and noted the report.</p>							
Consideration of the impact on Council of the outcomes of integrity body reports	<p>Regular updates provided to the Committee on the self-assessment and learnings from findings of integrity body reports.</p>						
Policy and Procedure List	<p>An update on the review of the status of Council policies and procedures was presented to the 7 September 2022 Committee meeting.</p> <p>The Committee received and noted the report.</p>						
Councillor Expenses	<p>The Committee received the Councillor Expenses for 1 July 2021 – 30 June 2022 at the 7 September 2022 Committee meeting with the categories being:</p> <ul style="list-style-type: none">• Travel Expenses• Car Mileage• Childcare• Information and Communication• Conference and Training <p>The Committee noted the report.</p>						
Instrument of Delegations	<p>An update on the status of Council's Instruments of Delegation was provided to the Committee on 7 September 2022. The report detailed the delegations' names, who it was approved by (Council or CEO) and the date they were approved.</p> <p>The Committee noted the report.</p>						

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Audit and Risk Committee Biannual Report July – December 2022

Gifts Register	<p>The Committee received a report on 7 December 2022 which outlined the gifts received between 1 April 2022 – 30 September 2022. The report detailed a table of the following information:</p> <ul style="list-style-type: none"> • Date received • Title of Gift • Recipient Name • Recipient Department • Gift Status • Gift Type • Gift Value • Gift Accepted or Declined <p>The Committee received and noted the report.</p>
Disaster Recovery Testing and Implementation	<p>The Disaster Recovery Plan report was presented to the 7 September 2022 and the Committee requested the ICT Strategy to be presented to the 7 December 2022 Audit and Risk Committee meeting.</p> <p>The Disaster Recovery Plan and the ICT Strategy update was provided to the 7 December 2022 Audit and Risk Committee meeting.</p> <p>The Committee received and noted the report.</p>
HR Metrics	<p>The HR Metrics report was presented to the 7 December 2022 meeting. The report provided an update which included the below analytical data:</p> <ul style="list-style-type: none"> • Excessive leave balances • Absenteeism • Turnover • Tenure by Business Unit • New Hires • Secondments and Higher Duties • Employee Compliance Training • Exits – Reasons for leaving • Other matters <p>The Committee requested the Pulse Survey Results and trends be provided in the next HR Metrics report.</p> <p>The Committee received and noted the report.</p>
Audit Recommendation Status Register	<p>The Audit Recommendation Status Register is a standing agenda item for every meeting. The report details the audit recommendations to be implemented and allows the Committee to monitor progress and oversight.</p> <p>Following the 1 June 2022 Audit and Risk Committee Meeting, the Purchasing Cards (Including Data Analytics) internal audit actions were incorporated into the Audit Recommendations Register. There were 20 agreed management actions.</p> <p>Following the 7 September 2022 Audit and Risk Committee Meeting, the following Internal Audit Actions were added to the register.</p> <ul style="list-style-type: none"> • Child Safe Standards (20 new actions) • Contract Management (Procurement Contracts) (13 new actions)

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Audit and Risk Committee Biannual Report July – December 2022

Following the 7 December 2022 Audit and Risk Committee Meeting, the following actions were added to the register.

- Management of Contaminated Land (14 new actions)
- 2021/2022 VAGO Management Letter actions (13 new actions)

The following table summarises audit recommendations and status at 31 December 2022.

Audit Type	Audit Title	Open at 1 July 2022	New	Open at 31 December 2022
Internal Audit	Accounting System Architecture	2		2
	Asset Management – Buildings	11		11
	Business Continuity and IT Disaster Recovery Planning	6		5
	Child Safe Standards		20	8
	Contract Management (Procurement Contracts)		13	11
	Cyber Security	9		4
	Follow-up: Asset Management (Roads)	1		1
	Follow-up: Accounting System Architecture	1		1
	Follow-up: IT Environment	4		3
	Follow-up: Tendering and Contract Management	5		5
	Management of Contaminated Land		14	14
	Procurement	8		7
	Purchasing Cards	20		12
	Total (Internal Audit)	67	47	84
Other	IBAC report	7		7
	VAGO Management Letter	13	13	26
	Total (Other)	20	13	33
	Total Number	87	60	117

OFFICIAL

Audit and Risk Committee Biannual Report July – December 2022

Oversight of the monitoring activity of high-risk areas by Council	<p>The Governance and Risk Report was presented at the 7 September and 7 December 2022 Meeting. The report included:</p> <ul style="list-style-type: none"> • OHS performance data; incident reports, compensation claims, WorkSafe interactions, health and safety training conducted; • Data relating to; insurance, fleet, public liability and property claims; • Insurance Renewals Update; • Compliance with the Road Management Plan, Tree Management Plan and Play Space Management Plan; • Data on Freedom of Information Requests, Privacy Breaches and regulatory body complaints; • Enterprise Risk Management Update; • An update on the Business Continuity Plan; and • Proactive Fraud Risk Assessments within the following sites; Visitor Economy Shop and Eureka Centre. <p>The Audit and Risk Committee received and noted the report.</p>
Procurement Exemptions	<p>A report was provided to the Committee on 7 September 2022 detailing exemptions to the Procurement Policy that have been approved by the CEO or Director Corporate Services for 2021/22 financial year.</p> <p>The Committee noted that there were no procurement exemptions.</p>
Chief Executive Officer Report	<p>A report is provided by the Chief Executive Officer each meeting which provides an update on key items in the organisation.</p> <p><u>7 September 2022 Meeting</u></p> <ul style="list-style-type: none"> • Summary of the 25 May 2022 Council Meeting, 22 June 2022 • Commonwealth Games update • Working from home arrangements and COVID-19 update • Staff Pulse Survey results • Legislative changes to Child Safe Awareness Standards <p><u>7 December 2022 Meeting</u></p> <ul style="list-style-type: none"> • Summary of the 24 August 2022 Council Meeting, 28 September 2022, 12 October 2022, 26 October 2022, 7 November 2022, and 23 November 2022 • Staff Pulse Survey results • Proposed leasing of café at Ballarat Aquatic and Lifestyle Centre • Aged Care Services transition • Commonwealth Games update <p>The Committee received and noted the reports.</p>
Council Financial and Performance Reporting	
Council Plan	<p>The Council Plan Quarterly report was presented to the 7 December 2022</p> <p>The Committee received and noted the report.</p>
Quarterly Financial Report	<p>The Financial Report Summary was presented to the 7 December 2022.</p> <p>The Committee received and noted the report.</p>
DRAFT 10-Year Financial Plan	<p>The draft set of assumptions was presented to the 7 December 2022 Audit and Risk Committee for information and feedback.</p> <p>The Committee received and noted the report.</p>

OFFICIAL

Audit and Risk Committee Biannual Report July – December 2022

Risk Management and Fraud Prevention	
Risk Update	The Enterprise Risk Action Plan (ERAP) was presented to the Committee on 7 September 2022, and it was noted that workshops were conducted in Quarter 4 FY23, and additional actions have been identified and included in the ERAP.
	The ERAP was also presented to the Committee on 7 December 2022, and it noted that 34 actions had been completed following the meeting September 2022 meeting.
Internal Audit	
Internal Audit Scopes	Management of Contaminated Land The internal audit scope was presented to the 7 September 2022 Audit and Risk Committee meeting. The internal audit commenced in the week of 1 August 2022 and the objective was to review the adequacy of policies, procedures, and practices.
	Human Resources Management (Including Workforce Planning) The internal audit scope was presented to the 7 September 2022 Audit and Risk Committee meeting. Part A of the internal audit commenced on the week of 3 October 2022 with Part B commencing March 2023. The objective was to address the adequacy of: <ul style="list-style-type: none"> • HR manual and other relevant policy and procedural documents; • recruitment, selection and appointment processes; • procedures for identifying skill gaps and ensuring that training and development needs are addressed; • performance appraisal and performance management system; • staff retention strategies; • grievance and disciplinary guidelines and procedures; and • management of personnel records & termination process.
	Occupational Health and Safety – Staff The internal audit scope was presented to the 7 December 2022 Audit and Risk Committee meeting and the internal audit commenced on the week of 13 February 2023. The objective of the internal audit was to assess occupational health and safety processes and controls as they relate to employees.
Internal Audit Reports	Child Safe Standards The internal audit report was presented to the 7 September 2022 Committee meeting. The internal audit was undertaken in the week of 7 February 2022 and the objective of the audit was to assess the processes to comply with the Child Safe Standards.
	The final report provides findings and associated risk ratings and causes, with internal auditor recommended actions and management comments. The internal audit identified a range of controls that should be implemented and/or improved to reduce the identified weaknesses and exposures with a total of 20 recommendations.

OFFICIAL

Audit and Risk Committee Biannual Report July – December 2022

	<p>Contract Management (Procurement Contracts)</p> <p>The internal audit report was presented to the 7 September 2022 Committee meeting. The internal audit was undertaken in the week of 4 April 2022 and the objective was to determine the level of compliance on four selected contracts.</p> <p>The final report provides findings and associated risk ratings and causes, with internal auditor recommended actions and management comments.</p> <p>The internal audit identified a range of controls that should be implemented and/or improved to reduce the identified weaknesses and exposures with a total of 13 recommendations.</p> <p>Management of Contaminated Land</p> <p>The internal audit report was presented to the 7 December 2022 Committee meeting. The internal audit was undertaken in the week of 1 August 2022 and the objectives were to review the adequacy of policies, procedures, and practices.</p> <p>The final report provides findings and associated risk ratings and causes, with internal auditor recommended actions and management comments.</p> <p>The internal audit identified a range of controls that should be implemented and/or improved to reduce the identified weaknesses and exposures with a total of 14 recommendations.</p> <p>The Audit and Risk Committee accepted the reports and agreed with the timeframes in each audit report.</p> <p>Agreed management actions were included in the audit recommendations register for ongoing monitoring, reporting and oversight by the Committee.</p>
	<p>Internal Audit Status Report</p> <p>The internal audit status report was presented to the 7 September 2022 and 7 December 2022 Audit and Risk Committee.</p>
	<p>Sector Issues Brief</p> <p>Internal Audit (Crowe) Issues Brief was presented to the 7 September 2022 and 7 December 2022 Audit and Risk Committee Meetings.</p> <p>The reports were received and noted by the Committee.</p>
	<p>External Audit</p>
	<p>2021/22 Draft in Principle Financial Statements and Performance Statement</p> <p>The Committee received the draft in principle Financial Statements and draft in principle Performance Statement for review and recommended to Council to approve at the 7 October 2022 Council Meeting.</p>
	<p>2021/22 VAGO Closing Report and Final Management Letter</p> <p>The final Closing Report and final Management Letter for FY2021/22, Financial Report and Performance Statement were presented to the 7 December 2022 Audit and Risk Committee meeting.</p> <p>The report was received and noted by the Committee.</p>

OFFICIAL

Audit and Risk Committee Biannual Report July – December 2022

Audit and Risk Committee			
Annual Assessment	The Audit and Risk Committee Annual Assessment of its performance against the Audit and Risk Committee Charter was completed in accordance with section 54 clause 4 of the <i>Local Government Act 2020</i> .		
	The results were presented at the 7 December 2022 Audit and Risk Committee meeting and will be presented at the 23 February 2023 Council Meeting.		
Workplan 2022 and 2023	The 2022 workplan was considered at the 7 September and 7 December 2022 Audit and Risk Committee meetings to ensure all matters were dealt with.		
	Additionally, the 2023 workplan was adopted at the 7 December 2022 Committee meeting.		
2023 Meeting Dates	The Audit and Risk Committee approved the 2023 meeting dates.		
Committee Attendance			
Committee Member	7 September 2022	7 October 2022	7 December 2022
John Watson (Chair)	✓	✓	✓
Linda McNeill	✓	✓	✓
Jason Hargreaves	✓	✓	✓
Jeff Rigby	✓	✓	✓
Cr Mark Harris	✓	Apology	Apology
Cr Amy Johnson	✓	✓	✓
Cr Daniel Moloney	✓	✓	✓
*Cr Des Hudson			
*Cr Des Hudson was appointed to the Committee on 14 December 2022			
Committee Member Terms			
Committee Member	Appointment / Extension	Term end	
John Watson (Chair)	30 September 2022	31 December 2025	
Linda McNeill	9 February 2023	31 December 2026	
Jason Hargreaves	1 January 2023	31 December 2025	
Jeff Rigby	1 December 2023	31 December 2026	
Cr Mark Harris	14 December 2022	December 2023	
Cr Amy Johnson	14 December 2022	December 2023	
Cr Des Hudson	14 December 2022	December 2023	

8.6. 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 revoke the S11A Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* for Ian Gibb, Michelle Martin and Annie Fraser.

BACKGROUND

2. The Chief Executive Officer appoints the majority of authorised officers under Section 224 of the *Local Government Act 1989*, through Council's delegation to the Chief Executive Officer. However, the appointment of authorised officers under the *Planning and Environment Act 1987* cannot be delegated by the Chief Executive Officer and must be made through a resolution of Council.

KEY MATTERS

3. At the Council Meeting held on 23 February 2022, Council resolved R22/22 to endorse the authorisation of Ian Gibb under the *Planning and Environment Act 1987*. Ian Gibb is no longer in the position of Principal Planner Sustainable Growth and the authorisation requires revocation by Council resolution.
4. At the Council Meeting held on 27 October 2021, Council resolved R228/21 to endorse the authorisation of Michelle Martin under the *Planning and Environment Act 1987*. Michelle Martin is no longer in the position of Strategic Planner and the authorisation requires revocation by Council resolution.
5. At the Council Meeting held on 22 May 2022, Council resolved R77/22 to endorse the authorisation of Annie Fraser under the *Planning and Environment Act 1987*. Annie Fraser is no longer in the position of Statutory Planner and the authorisation requires revocation by Council resolution.

OFFICER RECOMMENDATION

6. That Council:

- 6.1 Revoke the S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) for Ian Gibb (R22/22).
- 6.2 Revoke the S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) for Michelle Martin (R228/21).
- 6.2 Revoke the S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) for Annie Fraser (R77/22).

ATTACHMENTS

1. Governance Review [**8.6.1** - 2 pages]

OFFICIAL

ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES

1. The Instrument of Appointments and Authorisations are a statutory requirement of Council.

COMMUNITY IMPACT

2. Council will make the register of authorised officers available on Council's website in accordance with Council's Public Transparency Policy.

CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

ECONOMIC SUSTAINABILITY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

LEGAL AND RISK CONSIDERATIONS

6. It is essential that Council's authorisations are constantly maintained and periodically monitored so that appropriate officers have the power to carry out their duties lawfully. This is a key component in Council meetings, as legislation requires Council to approve authorised officers under the *Planning and Environment Act 1987*.

HUMAN RIGHTS CONSIDERATIONS

7. 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

8. There has been consultation with relevant managers and officers to ensure the correct officers have been authorised to complete tasks.
9. The revocation and conferring of authorisations does not require any public consultation, however, Council is required to keep a register of all authorised officers available for public inspection.

OFFICIAL

OFFICIAL

GENDER EQUALITY ACT 2020

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

CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT

11. 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

8.7. 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 18 January and 15 February 2023 and provides a summary of information in relation to these minutes.

BACKGROUND

2. To ensure good governance and transparent decision making, minutes of meetings of the Delegated Committees are presented to Council and kept in accordance with the adopted Terms of Reference and the Governance Rules. This report advises that minutes of the Contracts Approval Delegated Committee (the Committee) are attached to this report for the meetings held on 18 January and 15 February, 2023.
3. The Committee has been established to more effectively facilitate Council's Capital Works Program. To that end, the Committee meets fortnightly, as required, in order to provide Council Officers with necessary decisions of Council to enable procurement processes to be completed.

KEY MATTERS

Contract	Award to	Value	Outcome	Local Content
2022/23-185	Enoch Civil P/L	\$460,600.60 (excluding GST)	Ligar Street Road and Shoulder Rehabilitation (from Walker St to Landsborough St)	Yes
2022/23-270	Enoch Civil P/L	\$478,582.00 (excluding GST)	Havelock Street Reconstruction (Walker St to Landsborough St)	Yes
2022/23-204	S.H.A.E. Enterprises P/L	\$720,911.63 (excluding GST)	Yarrowee River Access construction	Yes
2022/23-309	Pipecon Pty Ltd	\$1,191,941.70 (excluding GST)	Provision of Leith Street Reconstruction (Skipton St to Yarrowee Pd)	Yes

OFFICER RECOMMENDATION

4. That Council:

4.1 Note, in accordance with 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 18 January and 15 February, 2023.

ATTACHMENTS

1. Confirmed Contracts - Minutes of meeting held Wednesday 18 January 2023 [8.7.1 - 6 pages]
2. Confirmed Contracts Minutes of meeting held Wednesday 15 February 2023 [8.7.2 - 6 pages]



***CONTRACTS APPROVAL
DELEGATED COMMITTEE***

MINUTES

18 January 2023

DocuSign Envelope ID: 8E3A52A3-C001-4462-97CB-DDA2CF30B808

**MINUTES OF THE MEETING OF THE SPECIAL CONTRACTS APPROVAL DELEGATED
COMMITTEE OF THE BALLARAT CITY COUNCIL, HELD BY A VIRTUAL MEETING
ON WEDNESDAY 18 JANUARY 2023 AT 1:01PM**

**Evan King
(Chief Executive Officer)**

MINUTES

ORDER OF BUSINESS:

PRESENT

Cr Ben Taylor (Chair)
Cr Mark Harris
Cr Peter Eddy

IN ATTENDANCE

Mr Evan King (Chief Executive Officer)
Mr John Hausler (Director Corporate Services)
Ms Bridget Wetherall (Director Infrastructure and Environment)
Ms Aileen Douglas (Executive Manager Business Services)
Ms Judi Bird (Procurement Co-ordinator)
Mr Rod Leith (Co-ordinator Revenue and Procurement)
Mr Matthew Clark (Contract Administrator)
Ms Lorraine Sendall (Minutes)

APOLOGIES

Nil

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 21 December, 2022 as circulated, be confirmed.

Moved Cr Peter Eddy
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 Peter Eddy

CARRIED

DocuSign Envelope ID: 8E3A52A3-C001-4462-97CB-DDA2CF30B808

Contracts Special Committee Minutes

18 January, 2023

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6.2 TENDER 2022/23 – 270 HAVELOCK STREET RECONSTRUCTION (RO BRIDGET WETHERALL / MATTHEW CLARK)	5

6.1 CONTRACT 2022/23 – 185 - LIGAR STREET SHOULDER REHABILITATION
(RO – Bridget Wetherall / Matthew Clark)**SUMMARY**

1. This report seeks to award a contract for the provision of Ligar Street road and shoulder rehabilitation from Walker Street to Landsborough Street, Ballarat North.

BACKGROUND

2. This project will see the road and shoulder rehabilitated in Ligar Street from Walker Street to Landsborough Street, Ballarat North.
3. The project involves several components of work which were identified during the design stage including the following:
 - Earthworks;
 - Formalised car parking;
 - Kerb and channel construction;
 - Road pavement construction;
 - Asphalt road surfacing;
 - Improvement of street aesthetic;
 - Line marking and ancillary works.

KEY MATTERS

4. Five (5) tender responses were received with the five being evaluated in full.

Feedback on Presentation Format

The Committee discussed the way evaluation information was presented in a new trial format and noted that whilst presentation format may vary, the key aspects for the Committee's decision making process were to ensure there was a clear evaluation of the relevant information provided by each tenderer and to ensure that the summary provided, aligned to the submission made by each tenderer.

RESOLUTION

5. **That the Contracts Approval Delegated Committee:-**
 - 5.1 **Resolve to enter into Contract 2022/23-185 for the provision of Ligar Street Road and Shoulder Rehabilitation from Walker Street to Landsborough Street, Ballarat North with Enoch Civil Pty Ltd for the total tendered price of \$460,600.60 (excluding GST).**
 - 5.2 **Authorises the Chief Executive Officer to:**
 - a. **finalise the terms of Contract 2022/23-185 with Enoch Civil Pty Ltd, provided that those contract terms are consistent with this resolution; and**
 - b. **execute Contract 2022/23-185 on behalf of Council.**

Moved Cr Mark Harris
Seconded Cr Peter Eddy

CARRIED

6.2 CONTRACT 2022/23 – 270 - HAVELOCK STREET RECONSTRUCTION
(RO – Bridget Wetherall / Matthew Clark)**SUMMARY**

1. This report seeks to award a contract for the provision of Havelock Street reconstruction from Walker Street to Landsborough Street, Ballarat North.

BACKGROUND

2. This project will see Havelock Street, from Walker Street to Landsborough Street, reconstructed.
3. The project involves several components of work which were identified during the design stage including the following:
 - Earthworks;
 - Kerb and channel construction;
 - Pipe and pit drainage construction;
 - Road pavement construction and sealing;
 - Asphalt road surfacing;
 - Driveway reinstatement;
 - Construction of a concrete bus stop;
 - Raised pavement markers;
 - Line marking and ancillary works.

KEY MATTERS

4. Four (4) tender responses were received with the three being evaluated in full.

RESOLUTION

5. **That the Contracts Approval Delegated Committee:-**
 - 5.1 **Resolve to enter into Contract 2022/23-270 for the provision of Havelock Street Reconstruction (Walker Street to Landsborough Street) with Enoch Civil Pty Ltd for the total tendered price of \$478,582.00 (excluding GST).**
 - 5.2 **Authorises the Chief Executive Officer to:**
 - a. **finalise the terms of Contract 2022/23-270 with Enoch Civil Pty Ltd, provided that those contract terms are consistent with this resolution; and**
 - b. **execute Contract 2022/23-270 on behalf of Council.**

Moved Cr Peter Eddy
Seconded Cr Mark Harris

CARRIED

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Contracts Special Committee Minutes

18 January, 2023

SECTION 66 MATTERS

RESOLUTION:

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

Moved Cr Mark Harris
Seconded Cr Peter Eddy

CARRIED

General Business

No general business was discussed

There being no further business, the Chairperson declared the meeting closed at 1.17pm

Confirmed this 15th day of February, 2023

Cr Ben Taylor

**Cr Ben Taylor
Chairperson**



***CONTRACTS APPROVAL
DELEGATED COMMITTEE***

MINUTES

15 February 2023

DocuSign Envelope ID: 24E431F8-D885-4235-9BB6-96048022CD55

**MINUTES OF THE MEETING OF THE SPECIAL CONTRACTS APPROVAL DELEGATED
COMMITTEE OF THE BALLARAT CITY COUNCIL, HELD BY A VIRTUAL MEETING
ON WEDNESDAY 15 FEBRUARY 2023 AT 1:03PM**

**Evan King
(Chief Executive Officer)**

MINUTES

ORDER OF BUSINESS:

PRESENT

Cr Ben Taylor (Chair)
Cr Mark Harris
Cr Peter Eddy

IN ATTENDANCE

Mr Evan King (Chief Executive Officer)
Mr John Hausler (Director Corporate Services)
Ms Bridget Wetherall (Director Infrastructure and Environment)
Ms Aileen Douglas (Executive Manager Business Services)
Ms Judi Bird (Procurement Co-ordinator)
Mr Rod Leith (Co-ordinator Revenue and Procurement)
Mr Robin Hand (Acting Co-ordinator Infrastructure Delivery)
Mr Phillip Barnett (Project Manager)
Ms Lorraine Sendall (Minutes)

APOLOGIES

Nil

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 18 January 2023 as circulated, be confirmed.

Moved Cr Peter Eddy
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 Ben Taylor
Seconded Cr Peter Eddy

CARRIED

DocuSign Envelope ID: 24E431F8-D885-4235-9BB6-96048022CD55

Contracts Special Committee Minutes

15 February, 2023

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6.3 UPDATE ON TENDER STATUS (RO JOHN HAUSLER / ROD LEITH)	6

6.1 CONTRACT 2022/23 – 204 - YARROWEE RIVER ACCESS
(RO – Bridget Wetherall / Phillip Barnett)

SUMMARY

1. This report seeks to award a contract for the provision of Yarrowee River Access construction. The scope of the project involves delivery of open space works at three park locations along the Yarrowee River Trail in Sebastopol. Works include carpark renewal, walking paths, shelters, plantings, wayfinding and signage and other amenity upgrades.

BACKGROUND

2. The Yarrowee River Access project will deliver open space upgrades to three park locations along the Yarrowee River Trail in Sebastopol. The works include landscape components inclusive of walking paths, plantings and signage and civil components inclusive of carpark upgrades, improved drainage and shelters and other park furniture.
3. The project aligns to the Yarrowee River Trail Master Plan that was developed by Council in 2020 following widespread community and local resident engagement.
4. A Cultural Heritage Management Plan has been approved by the Wadawurrung Traditional Owners Aboriginal Corporation.
5. Department of Energy, Environment and Climate Action (DEECA), formerly known as Department of Environment, Land, Water and Planning (DEWLP) has approved landowner consent in writing for each of the respective Crown Land allotments where the works are to occur.

KEY MATTERS

6. Three (3) conforming tender responses were received with the three being evaluated in full.
7. The project is funded by the Victorian State Government who are providing \$1,200,000 for the Yarrowee River Access project as part of the broader Spotlight on Sebastopol funding allocation for community led projects throughout the suburb of Sebastopol.

RESOLUTION

8. **That the Contracts Approval Delegated Committee:-**
 - 8.1 **Resolve to enter into Contract 2022/23-204 for the provision of Yarrowee River Access construction with S.H.A.E. Enterprises Pty Ltd for the total tendered price of \$720,911.63 (excluding GST).**
 - 8.2 **Authorises the Chief Executive Officer to:**
 - a. **finalise the terms of Contract 2022/23-204 with S.H.A.E. Enterprises Pty Ltd, provided that those contract terms are consistent with this resolution; and**
 - b. **execute Contract 2022/23-204 on behalf of Council.**

Moved Cr Mark Harris
Seconded Cr Peter Eddy

CARRIED

6.2 CONTRACT 2022/23 – 309 - LEITH STREET RECONSTRUCTION
(RO – Bridget Wetherall / Matthew Clark)**SUMMARY**

1. This report seeks to award a contract for the provision of Leith Street reconstruction (Skipton Street to Yarrowee Parade).

BACKGROUND

2. This project will see the reconstruction of Leith Street from Skipton Street to Yarrowee Parade.
3. The project involves several components of work which were identified during the design stage including the following:-
 - Earthworks;
 - Concrete kerb and channel construction;
 - Bluestone channel construction;
 - Pipe and pit drainage construction;
 - Road pavement construction and sealing;
 - Asphalt road resurfacing;
 - Footpath and driveway construction;
 - Pedestrian footbridge with heritage barrier construction;
 - Gravel shoulder reconstruction;
 - Nature strip reconstruction;
 - Raised pavement markers;
 - Line marking and ancillary works.

KEY MATTERS

4. Two (2) tender responses were received with the three being evaluated in full.

RESOLUTION

5. **That the Contracts Approval Delegated Committee:-**
 - 5.1 **Resolve to enter into Contract 2022/23-309 for the provision of Leith Street Reconstruction (Skipton Street to Yarrowee Parade) with Pipecon Pty Ltd for the total tendered price of \$1,191,941.70 (excluding GST).**
 - 5.2 **Authorises the Chief Executive Officer to:**
 - a. **finalise the terms of Contract 2022/23-309 with Pipecon Pty Ltd, provided that those contract terms are consistent with this resolution; and**
 - b. **execute Contract 2022/23-309 on behalf of Council.**

Moved Cr Peter Eddy
Seconded Cr Ben Taylor

CARRIED

Contracts Special Committee Minutes

15 February, 2023

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

1. This report is provided for the information of the Contracts Committee.

BACKGROUND

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

KEY MATTERS

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

RESOLUTION

7. **That the report be received.**

Moved Cr Ben Taylor
Seconded Cr Peter Eddy

CARRIED**SECTION 66 MATTERS****RESOLUTION:**

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

Moved Cr Mark Harris
Seconded Cr Peter Eddy

CARRIED**General Business**

No general business was discussed.

There being no further business, the Chairperson declared the meeting closed at 1.20pm

Confirmed this 1st day of March, 2023

Cr Ben Taylor

**Cr Ben Taylor
Chairperson**

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. QT1/23 Andrea Heinrichs - Outstanding Question Time Response [8.8.2 - 1 page]
3. QT6/23 James Treloar - Outstanding Question Time Response [8.8.3 - 1 page]
4. QT7/23 Annie Rolph - Outstanding Question Time Response [8.8.4 - 1 page]
5. QT13/23 Jennifer Robson - Outstanding Question Time Response [8.8.5 - 1 page]

OFFICIAL

Meeting	Status	Requested	Question	Officer Responsible	Response
22/02/2023 QT1/23	Closed	Andrea Heinrichs	Q.1. 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? Q. 2. 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?	Natalie Robertson, Director Development and Growth	Natalie Robertson, Director Development and Growth provided a written response to Andrea Heinrichs
22/02/2023 QT6/23	Closed	James Treloar	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?	Natalie Robertson, Director Development and Growth	Natalie Robertson, Director Development and Growth provided a written response to James Treloar
22/02/2023 QT7/23	Closed	Annie Rolph	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?	Natalie Robertson, Director Development and Growth	Natalie Robertson, Director Development and Growth provided a written response to Annie Rolph
22/02/2023 QT13/23	Closed	Jennifer Robson	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?	Natalie Robertson, Director Development and Growth	Natalie Robertson, Director Development and Growth provided a written response to Jennifer Robson

OFFICIAL

OFFICIAL

PO Box 655
Ballarat Vic 3353
AUSTRALIA

Telephone: 03 5320 5500
Facsimile: 03 5333 4061



Date: 1 March 2023

Our Ref: NR:kr

Your Ref: QT1/23

Enquiries: (61) 03 5320 5500

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

Andrea Heinrichs

Email: [REDACTED]

Dear Andrea,

RE: OUTSTANDING QUESTION TIME ITEM – QT1/23

I refer to your questions asked at the 22 February 2023 Council Meeting.

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?

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.

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?

As stated above, the tailing storage facility is to be designed to prevent seepage into the groundwater.

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: 1 March 2023

Our Ref: NR:kr

Your Ref: QT6/23

Enquiries: (61) 03 5320 5500

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

James Treloar

Email: [REDACTED]

Dear James,

RE: OUTSTANDING QUESTION TIME ITEM – QT6/23

I refer to your question asked at the 22 February 2023 Council Meeting.

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?

Assessments of the Tailings Storage Facility are required to be undertaken at 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.

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: 1 March 2023

Our Ref: NR:kr

Your Ref: QT7/23

Enquiries: (61) 03 5320 5500

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

Annie Rolph

Email: [REDACTED]

Dear Annie,

RE: OUTSTANDING QUESTION TIME ITEM – QT7/23

I refer to your question asked at the 22 February 2023 Council Meeting.

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?

The notification provided residents information of where they can find detailed information about the application. This information is still available on our eservices page for residents to review and should they have concerns, an objection to the proposal can still be lodged.

We anticipate that a community information session will be held in the coming weeks.

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: 1 March 2023

Our Ref: NR:kr

Your Ref: QT13/23

Enquiries: (61) 03 5320 5500

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

Jennifer Robson

Email: [REDACTED]

Dear Jennifer,

RE: OUTSTANDING QUESTION TIME ITEM – QT13/23

I refer to your question asked at the 22 February 2023 Council Meeting.

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?

As the statutory authority, City of Ballarat must accept all applications and consider all planning provisions when forming a decision.

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)

8.7 CONTRACTS APPROVAL DELEGATED COMMITTEE

Division: Corporate Services

Director: John Hausler

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

(Confidential information)

12.1 CEO ANNUAL REVIEW

Division: Corporate Services

Author/Position: Andrew Prestage – Executive Manager People and Culture

(Confidential information)

13. CLOSE