

OFFICIAL

Council Meeting

Minutes

26 April 2023 at 6:30pm

Council Chamber, Town Hall, Sturt Street,
Ballarat



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1. OPENING DECLARATION

Councillors: *"We, the Councillors of the City of Ballarat, declare that we will carry out our duties in the best interests of the community, and through collective leadership will maintain the highest standards of good governance."*

Mayor: *"I respectfully acknowledge the Wadawurrung and Dja Dja Wurrung People, the traditional custodians of the land, and I would like to welcome members of the public in the gallery."*

2. APOLOGIES FOR ABSENCE

2.1 Present

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

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

2.2 Apologies

Nil

3. DISCLOSURE OF INTEREST

Nil

4. MATTERS ARISING FROM THE MINUTES

Nil

5. CONFIRMATION OF MINUTES

RESOLUTION:

That the Minutes of the Council Meeting on 22 March 2023 as circulated be confirmed.

Moved: Cr Amy Johnson

CARRIED

Seconded: Cr Tracey Hargreaves

(R38/23)

6. PUBLIC QUESTION TIME

QT27/23 - Ashley Williams

Question

This question is in relation to the Smart Cities Program, can Council elaborate on whether or not they are involved and participating. Can Councillors outline their overall opinion on the matter?

Answer

Natalie Robertson, Director Development and Growth responded that “Smart cities” is a term generally related to using data and technology to be more efficient in delivering services and facilities to the community. City of Ballarat has improved its data collection over many years and is now able to be far more proactive in investing in new facilities in the areas most needed by the community. “The 10 Minute City” is a concept in the Ballarat Strategy – the 30 year plan for growth in Ballarat which was adopted in 2015. The concept reflects community aspirations to maintain existing or improved levels of local access to destinations and services as the city grows over time – that is, the feedback from community was they wanted safer connections to local shops, more services like libraries and community clubs in their local neighbourhoods. Having adopted the ‘10 Minute City’ principle in 2015, this helps with the planning and prioritisation of where to invest in these projects like safer crossings of busy roads, better bike paths, new seating, and community facilities, for example.

QT28/23 - Louise Jones

Question

Have you analysed any data on demographics and Brown Hill Community Members who would be more likely to use an upgraded or heated pool, with community hub facilities, rather than just looking at past data based on current sub-standard facilities?

Answer

Matthew Wilson, Director Community Wellbeing responded that demographics were indeed considered during the formation of the Master Plan before Council tonight. Alongside other factors including the future of the reserve, current utilisation, current costs, and other element matters, in specific response to the pool itself, the future of the pool was a key feature in the consultations undertaken. Therefore, the current state of the pool, the future state of the pool,

and potential alternate uses of the pool site were part of the broad-based consultation that occurred.

Question

Replacing a swimming pool with a concrete play space that caters only to young children, does not seem a fair compromise. How can we be guaranteed an equally valuable community hub and facility if we lose our current outdoor pool?

Answer

Matthew Wilson, Director Community Wellbeing responded that the report before Council acknowledges that the water spray elements of the splash park mainly cater for children within the age range of 0-12 years but do significantly improve public spaces and provide an ideal setting for family recreation. Most splash parks are more than just spray elements, they are combined with other play and social elements that attract older children and adults, in this case, a 3v3 basketball, rebound walls, picnic facilities and the grassed areas. This is being recommended at the Brown Hill Recreation Reserve, as well as retaining existing assets such as shade structures, BBQ and trees. Other elements to complement proposed assets such as the basketball zone that cater to older children and young adults can be further explored during the community consultation in the design phase for the space.

QT29/23 - Sue Broadway**Question**

With hundreds of new homes being built in the Brown Hill Community, does the City of Ballarat consider that increasing the sporting engagement facilities in the area is a wiser decision than reducing the facilities. A splash park instead of a pool reduces options for older children to participate.

Answer

Matthew Wilson, Director Community Wellbeing responded that as part of the Master Plan the following projects are proposed to increase sporting participation within the community within the reserve:

- Oval redevelopment including drainage and irrigation to increase the oval usage capacity during both summer and winter months;
- Oval lighting to increase usage capacity during winter months;
- Terraced embankment to enhance spectator viewing of local sporting activities;
- Redeveloped and extended (sport) pavilion that will be universally designed, female friendly and designed to the relevant sport facility standards. This development would benefit the Brown Hill Cricket Club, Eureka Athletics Club and Brown Hill Auskick program as well as community groups such as the Ballarat Pipe Band and Ballarat Regional Multicultural Council who would all utilise the facilities and be able to increase their offerings to the community;
- Redevelopment of cricket nets;
- Exercise stations; and
- 3v3 basketball court mentioned already.

It is assessed that the Master Plan provides an enhancement of the sporting facilities across the reserve, with the upgrades proposed that will provide great benefits to the local sporting community.

Question

Was there a proper costing done on the refurbishment of the pool and associated infrastructure? And why was it not included in the upgrade, given the positive returns that a pool could have on the community?

Answer

Matthew Wilson, Director Community Wellbeing responded that an independent report was completed in 2020 which provided the detailed insight into the current condition of the assets at the Brown Hill Outdoor Pool. This report outlined that to refurbish the pool, it is estimated it would cost at least \$1.3M with the works that have been undertaken to date were as part of a regular maintenance schedule. It is assessed that the \$1.3M was in the 2020 cost frameworks, understanding that there have been escalations within the cost of works currently, and could be well more than the \$1.3M estimated.

QT30/23 - John Barnes**Question**

In Item 8.2, Draft 2023-2024 Budget, in section 12i, it reads “Additional resources in Statutory and Strategic Planning teams to ensure Council can meet increasing demand and response time.” How much is this, how is it split between statutory, strategic and growth planning, and what additional resources might enable the presentation of amendments to the Minister for possible inclusion in the Ballarat Planning Scheme in 2024, 2025 and 2026, collectively representing a comprehensive and overdue review of the entire Scheme?

Answer

John Hausler, Director Corporate Services responded that the total cost of these additional resources for 2023/24 is projected to be \$721,000 comprising 3 new staff in Statutory Planning, 1 new staff member in strategic planning and 2 new staff in growth planning. These resources contribute to the strategic planning work that will deliver the Heritage Gaps Review, Dowling Forest Equine Precinct, Housing Strategy, Employment Lands Strategy, Flood Amendment, Built Form Guidelines and CBD Urban Design Framework Structure Plan together with implementation of the Urban Growth Zones and supporting Growth Area Framework and Precinct Structure Plans. The Housing Strategy and supporting strategies being the catalyst for comprehensive change to the Ballarat Planning Scheme. The increased resources in Statutory Planning will assist in the assessment of planning applications that continue to increase in both number and complexity.

Question

Does Council consider it desirable that future developments at and around the Ballarat Station precinct are part of a coherent vision for the area, and if so, how can this be achieved, what other agencies need to be engaged, and who takes the lead?

Answer

Natalie Robertson, Director Development and Growth responded that yes, it is highly desirable there is a cohesive vision for the future of the Ballarat Station and surrounds. City of Ballarat was successful in gaining the support of the Victorian Planning Authority (VPA) to lead a multi-Agency State Government lead Ballarat Station (southside) Master Plan just to achieve this outcome, and we continue to advocate for the results of that.

Question

Just to clarify, I understand the Victorian Planning Authority was to fast track that proposal and nothing has been heard by the VPA for nearly two years, this is a funny way to fast track something to go silent on it. Is it being fast tracked and is it for the whole station precinct or just the southside?

Answer

Natalie Robertson, Director Development and Growth advised that she will give a basic response and then follow up with writing. Essentially, there is a draft of the Master Plan, and it is for the south side and is generally something that was acceptable as a great outcome for the south side. We understand there is delays because of the complexity of all of the

stakeholders involved. There is also the complexity now of an announcement from the Commonwealth Games and we would see expenditure there and how that fits in to the Master Plan. We await advice from the VPA for the outcome of that.

QT31/23 - Dr Dora Pearce

Question

If preliminary consultation with external agencies regarding Ballarat Gold Mine's application to construct TSF4 scarcely 150 metres from residential housing raised no "... issues regarding threshold distances to sensitive land uses.", as stated in Council Meeting Minutes 22 March 2023, was EPA Victoria consulted? EPA Victoria documentation specifies a minimum separation distance of 250 metres for mining in urban areas, increasing to 500 metres if dust contains respirable crystalline silica, as occurs in gold mining^{1,2,3,4}.

References:

1. EPA Victoria 2022 Publication 1949 Separation distance guideline <<https://engage.vic.gov.au/separation-distances-and-landfill-buffers>>.
2. EPA Victoria 2022 Publication 1961: Guideline for assessing and minimising air pollution <<https://www.epa.vic.gov.au/about-epa/publications/1961>>.
3. Chubb L, Cauda E. Characterizing particle size distributions of crystalline silica in gold mine dust. *Aerosol Air Qual Res.* (2017) 17:24–33. doi: 10.4209/aaqr.2016.05.0179.
4. Rumchev K, Hoang DV, Lee A. Case Report: Exposure to Respirable Crystalline Silica and Respiratory Health Among Australian Mine Workers. *Frontiers in Public Health* <<https://www.frontiersin.org/articles/10.3389/fpubh.2022.798472>>.

Answer

Natalie Robertson, Director Development and Growth responded that EPA were consulted as part of the Work Plan Variation process which is undertaken by Earth Resource Regulation. This is the work that is required to be done at the part of the application already approved so that documentation that is submitted is clear that EPA and other associated regulatory authorities have been consulted and the work plan approved prior to lodging. It means we then have enough information to proceed with the application.

Question

According to the ballarat planning scheme, 52.09-7 Notice of an application⁵, restrictions apply to "... construct a building for accommodation, childcare centre, education centre or hospital" within 500 metres of "...land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990." Would the converse not be reasonable given the close proximity of Mount Clear Aged Care, the proposed Mt Clear Early Education Centre and residential housing, to the proposed tailings dam?

Reference:

5. Department Transport and Planning: Ballarat Planning scheme 24/01/2020: EXTRACTIVE INDUSTRY AND EXTRACTIVE INDUSTRY INTEREST AREAS <<https://planning-schemes.app.planning.vic.gov.au/B%C2%A4allarat/ordinance/52.09>>.

Answer

Natalie Robertson, Director Development and Growth responded that Clause 52.09-7 relates to notice requirements of an application. The types of applications discussed in these provisions include both sensitive uses in close proximity to extractive industries and extractive areas and application for extractive industries and provides a guideline to notice. Notice of the current application has been provided by way of 1500 individual notices to residents and surrounds, signs on site and notice in the newspaper. Notwithstanding, if anyone didn't receive the notice, may still make a submission to the application.

RESOLUTION:

That Public Question Time be extended for a period of 30 minutes.

Moved: Cr Daniel Moloney

Seconded: Cr Mark Harris

CARRIED

(R39/23)

QT32/23 - Joe Boin**Question**

In relation to the City's Net Zero Emissions Plan (Oct 2022), I refer to Outcome 2.1: Improve the Energy Efficiency of Existing Homes. Many homes in Ballarat are inefficient and residents don't know what to do about it. Other Councils have made available Sustainable House Kits through their libraries. These kits enable residents to find energy inefficiencies in their homes and advise on measures they can take to remedy them. Is Ballarat Council prepared to make such kits available to our citizens?

Answer

Bridget Wetherall, Director Infrastructure and Environment responded that the suggestion for Sustainable House Kits to be potentially made available through libraries. Our Sustainable Environment Team will review the information and consider costs and benefits and make a decision on whether that will be implemented or not.

Question

An alternative to self-assessment using the Sustainable House Kits is the engagement of a qualified Energy Scorecard Assessor. The cost of their services is considerable, but their advice leads to substantial benefits. Would the Ballarat Council be prepared to subsidise pensioners to access the services of an Energy Scorecard Assessor?

Answer

Bridget Wetherall, Director Infrastructure and Environment responded that the 23-24 Draft Council budget includes funding for a Climate Action Program. One of the projects under this program is to pilot a Sustainability Incentive Scheme. The scheme would provide financial incentives to help households and businesses to adopt sustainable technologies and would cover energy audits and ratings.

QT33/23 - Mary Debrett**Question**

There are 50 Actions detailed in the Ballarat Zero Emissions Plan endorsed by Council late last year. These actions are spread across five key outcomes. Of these 50 actions, the City of Ballarat commits to: 'Deliver' 22, 'Support' 16, and 'Advocate' for 12. While some of this work may be in other Budget allocations these commitments clearly require a communications plan. How much is allocated in the budget for communicating Council's work on the Ballarat Zero Emissions Plan and engaging the wider community and businesses participating in that plan?

Answer

Director Bridget Wetherall responded that each project / program as part of the Ballarat Net Zero Emissions Plan will have a communications plan associated with it. Council's existing communications avenues will be utilised as appropriate in collaboration with Council's

communications team. A proportion of the proposed 23/24 Climate Action program's \$210,000 budget, will also be allocated to promotion as appropriate.

QT34/23 - Gregory Stewart

Question

Re: "error" in original Ballarat Regional Landfill operation Contract. Has the successful tenderer, or any of their subsidiaries or any of the unsuccessful tenderers been paid a financial settlement in relation to this Contract?. If so, how much and to whom. How much has the Council paid or committed in legal and audit costs etc to resolve this "error"?

Answer

Bridget Wetherall, Director Infrastructure and Environment responded that in relation to the question regarding if a settlement has been paid to any tenderer or their subsidiary, the response is No. In relation to the question regarding legal costs relating to this matter, Council has spent \$1230.75 seeking advice on the contract in relation to the identified error.

Question

Are there any legal issues currently underway, outstanding and / or proposed in relation to the handling, assessment and report in relation to the original tender?

Answer

Bridget Wetherall, Director Infrastructure and Environment responded no.

QT35/23 - Judith Bailey

Question

Application Number: PLP/2022/644

Proposed Use or Development: Buildings and works for the development of a new tailings storage facility, associated with the land use of earth and energy resources industry and creation of access, 10 Woolshed Gully Drive, MOUNT CLEAR VIC 3350. Given the clear research showing that efflorescent salts can become airborne in extreme weather events whether it be drier than normal eg . 2009 when Ballarat recorded its highest temperature, and still highest temperature of 44.1 degrees Celsius, and again in 2010, with a lenticular front coming through the Whitehorse Range and was heard from Mt Pleasant like the sound of a freight train on its' way to Mt Clear. Currently the ENSO is neutral however, there are some signs that El Nino may form later this year. Will the next El Nino be even hotter and if this is the case, has Council considered the implications of increasing the area of tailing dams with a fourth, thereby increasing the risk of airborne particles being dispersed well beyond the nearby residential, community and business activities?

Answer

Natalie Robertson, Director Development and Growth responded that we expect the pending Health Impact Assessment (HIA) to address these types of queries. On receipt of the HIA. This was to form part of the application documents. We have committed in the past and are still committed to making that available to the public and will also be addressed as part of the community consultation sessions that we hope to conduct soon, as soon as we hear back from the applicant and the administrators of the mine.

Question

Has Council considered the latest research coming out of Canada and elsewhere regarding the removal of Arsenic and other heavy metals from soil and instead of storing dry materials and waiting until the end of life of the mine, preferably make as a condition of any works going forward to create a fourth Tailings Dam, that the first and second dams be treated to remove toxic metals from the soil through partnerships with Universities and research scientists who

can help to reduce the risk to biodiversity in the area and the risk to all life forms. With the introduction of solar power, creating the higher temperatures required that increase the percentage of Arsenic able to be removed from the water, see <https://www.azomining.com/Article.aspx?ArticleID=1639> it seems sensible to bring in the very latest technology to facilitate ongoing clean up after the removal of the gold, instead of at the end of life. The Community is very aware of protecting our environment and Governments at all levels, must think outside the box to mine minerals and at the same time, introduce new ways to treat it as part of an ongoing process rather than wait until the mine falls silent.

Answer

Natalie Robertson, Director Development and Growth responded that the challenge Council has is probably the same answer as the previous. We do await the pending HIA. The questions that you ask in Council answering these highly technical considerations, the answers to them come out of recommendations from an HIA, but they also come out of a more appropriate authorities which are the Earth Regulation Resources, EPA, and the determining authorities that already have approved a work plan. We hope and anticipate that the HHIA will give us good guidance and community good guidance as we continue to assess the application.

QT36/23 - Joan Brick**Question**

How can an Industrial concern such as the Ballarat Goldmine be zoned as Farming/Agricultural surrounded by urban residential zones and not having to adhere to the buffer zones and other restrictions required of other Industrial concerns near residential zones in Ballarat? I went to the planning office to see if the Gold Mine actually is in zone that's marked as farming / agricultural and was concerned, as an industry, how it can be zoned and operating in a zone marked for Farming / Agricultural.

Answer

Natalie Robertson, Director Development and Growth responded that the Farming Zone is one of many Zones within the Ballarat Planning Scheme which controls land use and development. The Farming Zone itself allows for an extensive mix of land uses that are not limited to purely agriculture. It is also possible for uses and development to have previously been established, such as the mine, which rely on existing approvals or existing use rights, regardless of the planning scheme zone at the time. Planning provisions may change overtime with new applications required to be considered based on those controls at the time.

QT37/23 - Mark Jones**Question**

How many responses did you receive for your community consultation and surveys vs the number of residents in Brown Hill and surrounding areas (eg satellite communities outside of Ballarat City boundaries such as Bungaree & Wallace, and nearby suburbs such as Black Hill, Soldier's Hill, Ballarat North), and did you include other community groups such as the church, school, kinder, day care etc?

Answer

Matthew Wilson, Director Community Wellbeing responded that the City of Ballarat surveys received 96 responses to the short survey and 43 responses to the longer form survey. This was promoted widely via City of Ballarat social media channels, a media release, Council's website, through the reserve user groups networks and the Brown Hill Community Newsletter which is distributed to over 2000 local households. The local kindergarten, childcare and church groups were also included, and the Brown Hill Community Newsletter is also distributed directly to local schools and other venues such as the neighbourhood centre in the area. The

Brown Hill Progress Association (BHPA) survey received 330 responses, of which 258 were from the Brown Hill community.

Question

Can we see the exact numbers of the responses for each option - eg retain existing pool, demolish & replace with new pool, demolish & replace with "other".

Answer

Matthew Wilson, Director Community Wellbeing responded that the following provides a summary of findings from the Brown Hill Progress Association (BHPA) community survey:

- 330 people answered the survey.
- 258 respondents were from Brown Hill, 72 were from outside Brown Hill but were users of the pool.
- 51% were aged 30-44 years, 29% were aged over 45 years and 13% under 18 years.
- 42% of respondents lived in family with children households.

With specific respect to the pool:

- 10% of respondents indicated that they use the pool on a weekly basis in summer, 46% use it occasionally and 39% never use the pool.
- 46% use the pool for casual activities. Only 7% for learn to swim classes.
- 81% of respondents indicated that they would support the closure of the pool if it was to be replaced by another pool.
- 72% indicated that they would expect the community to be compensated in some way if the pool was closed.
- 56% indicated that they did not want the pool to be retained. 30% were unsure and 14% wanted the pool to remain.

The following provides a summary of findings from the City of Ballarat surveys with relation to the outdoor pool and splash park proposal:

- 60% of respondents were not associated with any club/group at the reserve.
- 2% use the reserve on a daily basis, 45% weekly and 18% monthly. 62% use the reserve for up to an hour when they visit.
- Approximately 38% were comfortable with the pool being replaced by a splash park, approximately 35% were opposed and the remainder, 27% wanted the pool and splash park, or the splash park combined with facilities for teenage children. It is noted that the City of Ballarat community consultation was for the reserve in its entirety and captured community input more broadly on the priorities for the reserve.

QT38/23 - Nafisa Gray

Question

Regarding the Brown Hill Pool - what face to face consultation was actually done? The pool is an all ages venue for participation, splash parks really only cater to kids under 8, and doesn't teach social water skills at all. There is barely anything in Brown Hill for older kids, you put in a court at Russell square but it is by goals - what's the point?? When the pool is open, it is used, but lately you have made it harder and harder for us to access it, harder to organise events there.

Answer

Matthew Wilson, Director Community Wellbeing responded that a community drop-in session was conducted at the Brown Hill Recreation Reserve on 28 June 2022. This was promoted via City of Ballarat social media channels, a media release, Council's website, through the reserve user groups networks and the Brown Hill Community Newsletter which is distributed to over 2000 local households. The community drop-in session was attended by approximately

45 residents, and the online community MySay surveys received 139 responses. This consultation built on the previous survey work completed by the Brown Hill Progress Association (BHPA) which received 330 responses, these findings also helped directly inform the reserve master plan proposed this evening. Multiple consultation sessions were also conducted with the reserve user groups including the Brown Hill Progress Association (BHPA).

Question

Regarding the Brown Hill pool, is there an option for the Brown Hill community to take back the running of the pool? Have you considered upgrading the pool, extending the opening hours to match the climate rather than just set months?

Answer

Matthew Wilson, Director Community Wellbeing responded that a Council resolution was passed on 12 August 2020 when the Brown Hill Progress Association (BHPA) handed back the operation of the Brown Hill Pool back to Council. The opening hours at the Brown Hill, Black Hill and Buninyong outdoor pools already reflects climate as they are only open on days forecast to be 23 degrees or above, and extended hours run during the school holidays.

RESOLUTION:

That Public Question Time be extended for a period of 30 minutes.

Moved: Cr Samantha McIntosh

CARRIED

Seconded: Cr Daniel Moloney

(R40/23)

QT39/23 - Aaron Kline**Question**

Just wondering how it is deemed justifiable to charge for a full visit with only enough time for a quick dip (due to early closure)? Surely there should be an exception to the rule. Was and am happy to pay for the privilege but there should be a concession given due to time constraints. Thinking as a visitor as opposed to a local surely this would discourage further attendance.

Answer

Matthew Wilson, Director Community Wellbeing responded that the outdoor pools opening hours, fees and charges and conditions of entry are displayed prominently at the sites and on the website. The management of this is consistent across all outdoor pool sites to ensure efficiency in operation and any changes to normal opening hours are advertised in advance.

QT40/23 - Shane Broadway**Question**

Have Council considered closing the Brown Hill Pool will result in less access for community members with disabilities and mental health conditions who are unable to use crowded and noisy facilities. Equitable and reasonable aquatic facilities should be available to everybody.

Answer

Matthew Wilson, Director Community Wellbeing responded that as the report notes, there are two other outdoor pools within 2.4km of the existing Brown Hill Outdoor Pool site, those being the Eureka Pool and Black Hill Pool. Access or proximity for residents is considered to be

accessible. Programming across aquatic facilities take into account universal access and individual needs of patrons. We have programs operating at our other pool sites as well that take into account disability access, sensory needs and different pool access at different times.

Question

Please explain the process that accounts for 60,000 people using the two splash parks over December and January. This equates to 500 per site per day. Temperatures in December were as low as 13, 14 and 15 degrees for up to a week, and several cold days in January as well.

Answer

Matthew Wilson, Director Community Wellbeing responded that the City of Ballarat use a sensor called an nCounter which is a LoRaWAN form of technology. It is a people counting solution that produces insightful data for crowd sizes and, in particular, pedestrian counts. It is based on the counting of Wi-Fi enabled devices in a specified zone, nCounter reports the number of Wi-Fi connected devices that entered a specified zone. Council utilises this technology to count attendance at unstaffed locations, at other public (open) spaces such as dog parks, Bridge Mall, and Lake Wendouree. It is also commonly used by other Council's as a means of capturing this type of data in public spaces. Currently, this technology is the best available to us to determine attendance counts at unstaffed locations.

QT41/23 - Phil Reynolds**Question**

Are Council rates calculated out to the Capital improved value and would it not be fairer to have a standard rate over every property?

Answer

John Hausler, Director Corporate Services responded that section 157 of the *Local Government Act 1989* requires Council to use one of three different systems of valuation, that being either the site value, net annual value or capital improved value. Council in its adopted revenue and rating plan 2021-2025 has determined it will use a capital improved value, consistent with requirements under the *Local Government Act 2020*.

Question

My rates went from a capital improved value of \$302,000 to \$602,000 in 2 years, who calculated that and why didn't anyone come to my property to assess the value?

Answer

John Hausler, Director Corporate Services responded that it's the Valuer General that's part of the State Government that's the entity in charge and responsible for calculating property values. When a rates notice is received, there is an opportunity to make an objection to that. The process for that is explained on the rates notice. Contact Council to find out more if uncertain. It is encouraged to look at this process and take it into account and your rights when to objecting that value when the rates notice is received this year.

QT42/23 - Peter Ford**Question**

My current question is to anyone on the board throughout research, we defined that even on rates notices you have an ABN, 37601599422. There are subsidiary companies of 26. how can a company have 26 subsidiary companies functioning out of the same ABN. Where is the geographical jurisdiction based on a 1901 interpretation of section 2B?

Answer

Cr Des Hudson, Mayor, responded that he will take this question on notice and a written response will be provided to Peter Ford.

Question

Why are you claiming there are contracts and since 527 A.D., under Justinian I who defined contract law there needs to be 5 elements for a contract, where is the obligation for all peoples in the Ballarat area obligated to pay or adhere to anything that you might have to offer?

Answer

Cr Des Hudson, Mayor, responded that he will take this question on notice and a written response will be provided to Peter Ford.

QT43/23 - Katherine**Question**

This question follows up from the surveillance technology that was mentioned before. Has the technology been used and has it been consulted with within the community? Are there signs stating they are in use? What is it being used for? Do we have statistics on the feedback or anything like that undertaken?

Answer

Matthew Wilson, Director Community Wellbeing responded that firstly, was there consultation before we employed the counters, to his knowledge the understanding is no. It is a typically used technology within public spaces where we are wanting to understand the level on engagement or use within those space. Is there signage? Director Wilson replied that he will have to take that on notice and go and check.

It is just an attendance counter, there is no qualitative data captured. It is just an individual unit to count persons present within that precinct.

Question

Who has access to that data? How is it being stored? What other uses can this technology be used for? What are the other locations where this technology is?

Answer

Matthew Wilson, Director Community Wellbeing responded that he would take the question on notice and a written response will be provided to Katherine.

QT44/23 – Lee-ling Soon**Question**

To the Mayor and Councillors, what is the Council doing about the issue with runaway trolleys that are stacked up and are becoming a public health, bus driver, and pedestrian and elderly issue?

Answer

Natalie Robertson, Director Development and Growth responded that as part of Local Laws, we have a process where you can report that there is a trolley, and we will have them collected and there are fines when we can identify who the trolley owners are. We are also in the process of reviewing our community local law to see that when we do introduce our new Local Law that we can impose stricter provisions such as the coin-controlled trollies.

Question

The trolley issue is not new since my arrival in Ballarat 18 months ago, I'm sure this has been an ongoing issue. I have been ringing up the Council the past 18 months who are always telling me the rules and guidelines that don't work for the general public. That's why I am here, one of Council's staff members had advised me to bring this issue to the Council Meeting. Is there a practical way Council can manage this issue?

Answer

Cr Des Hudson, Mayor responded that Council, around 12 years ago, introduced a local law that mandated all of our supermarkets and others that use trollies had to put the locking mechanism onto their trollies. This was the \$1 or \$2 mechanism that people put in and was an incentive for people to take their trollies back. That was an incentive to try and reduce the number of trollies back that had been removed from the precinct and left in waterways or just abandoned in places. That was a very proactive initiative that Council took and has been in place for around 12 or 13 years when it was implemented.

QT45/23 – Terri Pryse - Smith**Question**

Terri stated that she believed it was Cr Moloney who made the comment that when you get a lot of questions on similar topics, it may be best to cut to the chase and have a confab as a community. We are very concerned about the 10- or 15-minute cities. We see on social media and through the news, this is something that perhaps doesn't get the public consultation the public really wants. We can solve a lot of these problems if we do have a get together and talk about it to ask questions like, is it a 10 - minute city or 15 or 20 minute – city? Terri stated she lives out of town and asked what is going to happen? Why are these limited cities being implemented? Is this something we can look at to form some sort of a consultative group. We want to learn about this and ask questions to go forward.

Answer

Natalie Robertson, Director Development and Growth responded that to clarify, there are two components here. There are smart cities, and Council's perspective on what we call 10 – minute or 15 - minute cities. It is more about planning for a neighborhood or a growth zone, or suburb for example. What it means is, in your immediate area, you have accessibility to public transport to schools, to community infrastructure. That is a 10 or 15 minute city concept that we work towards. The smart city was born out of from some consultation Council did back in 2015 that came from a car parking action plan analysis that told us that we could collect data through smart city initiatives. City of Ballarat doesn't do a lot of it, but we have number plate recognition for example and things that gather data on vehicles. It's only to inform where car parking may be more intense, for example. They are two different things. Smart cities is a totally different concept to a 10 or 15 - minute city concept. Director Robertson noted she would be happy to put in writing the comparison and the work that was done back in 2015 that allowed us to have an opportunity to gather data on car parking statistics and things like that.

Question

Will we have your assurance that we will have no restricted zones like the UK cities of Oxford and Bath where certain streets are blocked with bollards and large wooden planters so that people cannot access beyond those areas, and if you do want to do that you have to apply for permits that are restricted and there are limits on the number of permits you can get.

Answer

Natalie Robertson, Director Development and Growth responded that as far as she understands, Council is doing an analysis of our car parking. At the moment, there are restrictions on how you can park, and in some areas, you need a residential car parking permit.

Council is not looking towards closure of streets. This is gaining data and information to inform a better way of car parking based on community feedback that told us Council needs to review the current car parking situation.

RESOLUTION:

Request for a comfort break at 8:07pm.

Moved: Cr Mark Harris

Seconded: Cr Amy Johnson

CARRIED

(R41/23)

RESOLUTION:

Council resumes from a comfort break at 8:15pm.

Moved: Cr Mark Harris

Seconded: Cr Amy Johnson

CARRIED

(R42/23)

7. CHIEF EXECUTIVE OFFICER REPORT

7.1. CHIEF EXECUTIVE OFFICER REPORT

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

PURPOSE

1. The CEO's Operational Report highlights issues and outcomes affecting the organisation's performance as it delivers services and implements the Council's strategies and policy decisions.

RESOLUTION:

8. That Council:

8.1 Receive and note the CEO's Operational Report.

Moved: Cr Mark Harris
Seconded: Cr Samantha McIntosh

CARRIED
(R43/23)

8. OFFICER REPORTS

8.1. TENDER 2022/23-463 BAKERY HILL REDEVELOPMENT - LANDSCAPING AND CIVIL MAIN WORKS

Division: Development and Growth
Director: Natalie Robertson
Author/Position: Phillip Barnett - Acting Manager – Major Projects

PURPOSE

1. To seek approval for an additional budget allocation of \$3,600,000 in the 2024/25 financial year via the inclusion of a new borrowing in the 2023/24 draft budget.
2. To award Contract 2022/23-463 for the provision of Bakery Hill Redevelopment Civil Works and Landscaping to 2Construct Pty Ltd for the total tendered price of \$12,629,486 (ex GST).

RESOLUTION:

16. That Council:

16.1 Endorse the inclusion of an additional \$3.6 million borrowing in the draft 2023/24 Budget in the 2024/25 year, to cover the identified budget shortfall for the Bakery Hill Redevelopment Project.

16.2 Resolves to enter into Contract Number 2022/23-463 for the provision of Bakery Hill Redevelopment Civil Works and Landscaping with 2Construct Pty Ltd for the total tendered price of \$12,629,486 (ex GST).

16.3 Authorise the Chief Executive Officer to:

- a. finalise the terms of Contract Number 2022/23-463 with 2Construct Pty Ltd, provided that those contract terms are consistent with this Resolution; and
- b. execute Contract Number 2022/23-463 on behalf of Council.

Moved: Cr Samantha McIntosh
Seconded: Cr Ben Taylor

CARRIED
(R44/23)

8.2. DRAFT 2023/24 BUDGET

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

Public Representation was made by John Barnes and Stuart Kelly.

PURPOSE:

1. To present Council with the City of Ballarat's draft Budget for the 2023/24 financial year.
2. For Council to endorse the draft budget for public exhibition and feedback.

RESOLUTION:

- 29. That Council endorses the 2023/24 Draft budget for public feedback and gives public notice:**
- 29.1 of Council's intention to adopt, at a Council meeting to be held at 6.30 pm on Wednesday 28 June 2023, the proposed 2023/24 Budget prepared in accordance with section 94 of the Act;**
- 29.2 that the City of Ballarat 2023/24 Draft Budget will be made available at Council's customer service centre, Town Hall and via Council's MySay website, and Council will invite feedback from Friday 28 April 2023 until 5pm Friday 19 May 2023; and**
- 29.3 that any person who wishes to be heard in support of their feedback received by Council should indicate that they wish to be heard. Any person requesting to be heard in support of their feedback is entitled to appear before a meeting of the Council, either personally or by a person acting on their behalf. This unscheduled meeting will take place on Wednesday 7 June 2023 at 6.30pm.**

Moved: Cr Des Hudson

Seconded: Cr Samantha McIntosh

CARRIED

(R45/23)

8.3. BROWN HILL RECREATION RESERVE MASTER PLAN

Division: Community Wellbeing
Director: Matthew Wilson
Author/Position: Mitch Jenkins - Acting Coordinator Sport and Recreation
 Strategic Planning

Public Representation was made by Leonie McGuigan, Sue Broadway, and Brendan Stevens.

PURPOSE

1. The purpose of this report is to present Council with the proposed Brown Hill Recreation Reserve Master Plan for Council adoption and the Brown Hill Recreation Reserve Master Plan Implementation Plan for noting.
2. In addition, for Council to endorse the decommissioning, demolition and replacement of the Brown Hill Outdoor Pool with a Splash Park.

RESOLUTION:

21. That Council:

- 21.1 Adopt the Brown Hill Recreation Reserve Master Plan and note Brown Hill Recreation Reserve Master Plan Implementation Plan.
- 21.2 Endorse officers to progress with negotiating the funding agreement with State Government to deliver on the priority projects identified in the Brown Hill Reserve Master Plan Implementation Plan.
- 21.3 Resolve to de-commission and demolish the Brown Hill Outdoor Pool and establish the project to design and construct a splash park and associated amenities on the site for the Brown Hill and surrounding communities.
- 21.4 Acknowledges the contribution of the community and stakeholders in the development of this Master Plan, and specifically acknowledges the previous work of the Brown Hill Progress Association in the operation of the outdoor pool.

Moved: Cr Peter Eddy
Seconded: Cr Belinda Coates

CARRIED
(R46/23)

RESOLUTION:

Request for a comfort break at 10:27pm.

Moved: Cr Mark Harris
Seconded: Cr Tracey Hargreaves

CARRIED
(R47/23)

RESOLUTION:

Council resumes from a comfort break at 10:34pm.

Moved: Cr Ben Taylor

Seconded: Cr Amy Johnson

CARRIED

(R48/23)

8.4. MARTY BUSCH RESERVE MASTER PLAN

Division: Community Wellbeing
Director: Matthew Wilson
Author/Position: Mitch Jenkins, Acting Coordinator Sport and Recreation
Strategic Planning

Public Representation was made by Tim Canny.

PURPOSE

1. The purpose of this report is to present Council with the proposed Marty Busch Reserve Master Plan for Council adoption.

RESOLUTION:

16. That Council:

16.1 Adopt the Marty Busch Reserve Master Plan and note the Marty Bush Reserve Master Plan Implementation Plan.

16.2 Endorse officers to progress with negotiating the funding agreement with State Government to deliver on the priority projects identified in the Marty Bush Reserve Master Plan Implementation Plan.

Moved: Cr Ben Taylor
Seconded: Cr Des Hudson

CARRIED
(R49/23)

8.5. BALLARAT GROWTH AREAS QUARTERLY REPORT #3

Division: Development and Growth
Director: Natalie Robertson
Author/Position: Terry Natt – Manager Strategic Planning

Public representation was made by Mike Kaufmann.

PURPOSE

1. To provide an update on the progress of rezoning the proposed growth areas to Urban Growth Zone (UGZ) and the project plan including timeframes for the Growth Areas Framework Plan.

RESOLUTION:

17. That Council:
 - 17.1 Note the contents of this update report.
 - 17.2 Continue to advocate to local members.

Moved: Cr Ben Taylor
Seconded: Cr Peter Eddy

CARRIED
(R50/23)

8.6. REVIEW OF PROCUREMENT POLICY

Division: Corporate Services
Director: John Hausler
Author/Position: John Hausler - Director Corporate Services

Public Representation was made by Brett Edgington.

RESOLUTION:

Council endorses an extension to the finishing time of the Council Meeting beyond 11:00pm in accordance with section 3.6.1 of the City of Ballarat Governance Rules.

Moved: Cr Amy Johnson
Seconded: Cr Ben Taylor

CARRIED
(R51/23)

PURPOSE

1. To provide Council with the findings of the Procurement Policy review.
2. To seek endorsement from Council to integrate the recommendations of the review into a new version of the Procurement Policy, to be brought back to Council.

RESOLUTION:

16. That Council:

16.1 Acknowledge the completion of the review of Procurement Policy at Attachment 2.

16.2 Adopt the Procurement Policy at Attachment 3 with an effective implementation date of 1 July 2023 and rescind the Procurement Policy adopted by Council on 27 October 2021 (R22/21).

16.3 Note that officers will develop operational guidance for staff involved in the procurement process to support the recommendations of Council ready for their implementation on 1 July 2023.

16.4 That a review be undertaken within six months.

Moved: Cr Mark Harris
Seconded: Cr Daniel Moloney

CARRIED
(R52/23)

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

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

PURPOSE

1. The report is to endorse the S11A Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* for Mathieu Cron.

RESOLUTION:

4. That Council:
 - 4.1 Exercise the powers conferred by s224 of the *Local Government Act 1989* (the Act) and the other legislation referred to in the attached instrument of appointment and authorisation (the instrument), and that;
 - a. Mathieu Cron be appointed and authorised as set out in the instrument.
 - b. The instrument comes into force immediately upon resolution and remains in force until Council determines to vary or revoke it.

Moved: Cr Mark Harris
Seconded: Cr Peter Eddy

CARRIED
(R53/23)

8.8. S6 INSTRUMENT OF DELEGATION - MEMBERS OF STAFF

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

PURPOSE

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

RESOLUTION:

That Council:

6. Exercise the powers conferred by the legislation referred to in the attached instrument of delegation at Attachment 2, and that:
 - 6.1. There be delegated to members of Council staff, holding, acting in or performing the duties of the officers or positions referred to in the attached Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that instrument.
 - 6.2. The Instrument comes into force immediately upon resolution.
 - 6.3. On the coming into force of the instrument, all previous S6 delegations to members of Council staff are revoked.
 - 6.4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

Moved: Cr Mark Harris

Seconded: Cr Belinda Coates

CARRIED

(R54/23)

8.9. OUTSTANDING QUESTION TIME ITEMS

Division: Corporate Services
Director: John Hausler
Author/Position: Lyndsay Leingang - Administration Officer Statutory Compliance

PURPOSE

1. This report provides Council with an update of responses to questions taken on notice and outstanding unanswered questions from public question time.

RESOLUTION:

4. That Council:

4.1 Endorse the Outstanding Question Time Report.

Moved: Cr Mark Harris

Seconded: Cr Daniel Moloney

CARRIED

(R55/23)

9. NOTICE OF MOTION

Nil

10. REPORTS FROM COMMITTEES/COUNCILLORS

GB20/23 - Cr Amy Johnson

Cr Amy Johnson noted accessibility at the Dawn Service and various other services on ANZAC Day. She is keen for staff to consider that as many people as possible, regardless of accessibility requirements are able to attend our events. People are concerned about access to disabled parking and walking long distances, and lack of seating for people who struggle to stand for a long period of time or who have other accessibility requirements.

GB21/23 - Cr Ben Taylor

Cr Ben Taylor gave his congratulations to the officers involved after receiving a petition from residents of Westcliffe Crescent. Once the letter was received, instead of waiting for the Council meeting at the end of the month, they sent it out straight away and had a great outcome much quicker.

GB22/23 - Cr Ben Taylor

Cr Ben Taylor mentioned that the container deposit scheme has been announced for later this year. It would be great for Councillors to have a briefing on that strategy and working towards that in October. What suggestions can we put back to the Government?

GB23/23 - Cr Ben Taylor

Cr Ben Taylor mentioned how somber it is during ANZAC Day to work through that and the men and women in the services have dealt with and been through. He commended the work council has does in supporting the RSLs across the community.

GB24/23 - Cr Belinda Coates

Cr Belinda Coates noted she received a joint letter / petition to present from residents in Gladstone St Mt Pleasant. She will forward to governance for noting.

RESOLUTION:

That the joint letter is received.

Moved: Cr Belinda Coates

Seconded: Cr Mark Harris

CARRIED

(R56/23)

