

OFFICIAL

Council Meeting

Minutes

28 June 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
Mr Martin Darcy – Director Economy Experience and Commonwealth Games
Ms Natalie Robertson - Director Development and Growth
Mr Cameron Montgomery - Executive Manager Governance and Risk
Ms Lyndsay Leingang - Administration Officer Statutory Compliance
Ms Susanna Finnigan - Administration Assistant
Mr Fabian Horton - Coordinator Risk and Compliance
Ms Sarah Anstis - Statutory Compliance Officer

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 24 May 2023 and 7 June 2023 as circulated be confirmed.

Moved: Cr Mark Harris

CARRIED

Seconded: Cr Tracey Hargreaves

(R75/23)

6. PUBLIC QUESTION TIME

QT60/23 - Joan Brick

Question

The recent works that are occurring in the area proposed for TS4 surface tailing dam have been labelled as rehabilitation due to precarious old mine shafts and tunnels underneath that area. If this is the case, how can this then be determined as a stable site to build the preproposed surface dam to hold 10-15 years of tailings and support the proposed large dam wall?

Answer

Natalie Robertson, Director Development and Growth responded that the rehabilitation of mining sites is regulated via the Work Plan process administered via Earth Resource Regulation (ERR). In this case the Council's ambit of discretion or planning considerations is limited to the earthworks to accommodate the TSF, vehicle access and fencing as well as the potential for amenity impacts which might result from these works. Technical building-related matters sit outside the scope of the planning process. Concerns regarding the rehabilitation of the existing mining shafts should be discussed directly with ERR.

QT61/23 - Margaret Rich

Question

Can Council assure ratepayers that the Bond set by ERR will account for:

1. Required resources required for Rehabilitation of the Ballarat Mine site eg water.
2. The care required to operate in an area of high sensitivity - Mt Clear community one side and the Yarrowee Creek down the slope from the mine site.

Will the Bond be reviewed at set intervals to account for CPI and cost increases?

Answer

Natalie Robertson, Director Development and Growth responded that the rehabilitation bonds are set and managed by Earth Resources Regulation via the Work Plan process. This is separate to Council's processes and queries regarding the bond process and rehabilitation works should be discussed directly with Earth Resources Regulation, this is outside the scope of Council's discretion in the planning assessment. Any bond is the responsibility of the mine and is not funded by ratepayers.

QT62/23 - Linda Zibell**Question**

The Tailings Dam Community Safety Action Group (TDCSAG) has advice from the Department of Planning that Council can request an Environmental Effects Statement (EES) for the Ballarat Gold Mine's TSF4 application. There is also a relevant EES referral condition that warrants a request. We ask for confirmation - if Ballarat City councillors defer tonight's decision can they request an EES of the minister to ensure the Mount Clear community's health is prioritised?

Answer

Natalie Robertson, Director Development and Growth responded that advice previously received from ERR states the proposed TSF does not breach the threshold for requiring an Environmental Effects Statement. That said, if Council were of a mind to defer consideration of this matter which has been considered this evening and resolves to request an EES, it is likely if the ERR advice remain consistent and that is no ESS is required, Officer's position and recommendation to Council is likely to remain the same regardless.

QT63/23 - Andrea Heinrichs**Question**

Is the Council aware of the significant ramifications for Council of your decision, seemingly already voted upon 'Yes' vote by Councillors to approve the application by Ballarat Gold Mine for the Variation to their Work-plan, Appendix B, that they have submitted, along with the HHIS you requested and have requested amendment to, following advice from Dr Dora Pearce, the expert called in to assess the health impacts on the community following the Cadia Tailings Dam Disaster in NSW.

Answer

Natalie Robertson, Director Development and Growth responded that the current application is not to vary the Work Plan. The Work Plan Variation (WPV) has already been statutorily endorsed by Earth Resources Regulation. The WPV is submitted in support of the permit application process. If a permit is issued the WPV would return to Earth Resources Regulation for formal approval. Council has been briefed on the issues associated with the permit application, including what may be considered under its ambit of discretion triggered by planning provisions.

QT64/23 - Jennifer Robson**Question**

I implore all Councillors to seriously consider the following question, is it not our moral and ethical duty to prioritise residents' safety and well-being by requesting an EES? Bypassing an EES risks overlooking critical information and hazards. Public safety cannot be compromised, and health impacts must not be taken lightly. Short-term gains should never overshadow long-term consequences. A thorough and independent Environmental Impact Statement is vital before proceeding with TSF4.

Answer

Natalie Robertson, Director Development and Growth responded that Council is not the relevant body to seek an EES as previously mentioned and have discussed this matter with ERR who have advised that the proposed Tailings Facility does not breach the thresholds to require an Environmental Effects Statement.

Given this matter is to be considered this evening and without preempting an outcome, the officer report seeks to address the human health impacts of the proposed TSF. The recommendation includes a condition requiring the submission of a revised Human Health Risk Assessment (HHRA) comprising updated methodology and quantitative data. The updated HHRA would be required prior to the commencement of any works on site and would be independently peer reviewed. Should this peer review require particular amendments and additional mitigation measures prior to the commencement of the development to further safeguard the human health, this would be required, and again prior to the commencement of works and above the requirements of our planning consideration tonight.

Question

This tailings dam project, TSF4 has a limited lifespan of around 10 years, it has very short-term benefits for a few people and whichever offshore company steps in.

I urge the council to prioritise the fundamental rights of our community: the right to live in a safe and healthy environment. Let us not sacrifice our future well-being for short-term gains. Can Council afford to ignore the potential consequences and forego the protection an EES can provide?

Answer

Natalie Robertson, Director Development and Growth responded that as stated, advice from ERR (the mining regulator) is that no Environment Effects Statement is required. An Human Health Risk Assessment has been submitted in support of the application and this has been informally discussed with EPA. Outstanding matters associated with the HHRA are sought to be resolved via recommended permit conditions requiring an updated HHRA prior to the commencement of any building and works.

QT65/23 - Kent Warrick**Question**

Why is Council so reluctant to enforce its own policies that it promotes on your own website?

In your guide to living with koalas: In some areas within the Koala Overlay the keeping of dogs and cats is not allowed. If you live in an area where dogs are not allowed this restriction will be registered on the title of your land. This restriction is enforced by Council.

Answer

Natalie Robertson, Director Development and Growth responded that this is a matter that is currently before Council consideration this evening. The context of this matter is before the Victorian Civil and Administrative Appeals Tribunal to consider the legal status of the existing S173 for Sanctuary Estate. This is a complex and challenging situation and City of Ballarat officers continue to work with all stakeholders to find an appropriate and enforceable solution to this matter.

QT66/23 - Jeff Rootes**Question**

The City of Ballarat has an existing Koala Plan of Management and a forthcoming “Biodiversity Strategy” underway, stuff to be proud of.

Which part of the current Koala Plan of Management and the forthcoming Biodiversity Strategy is the amendment to wind back dog or koala protection by allowing more dogs in line with the koala plan of management and the biodiversity strategy that is underway.

Answer

Natalie Robertson, Director Development and Growth responded that the biodiversity vision and commitment was developed in 2022, however the Biodiversity Strategy which would identify actions to strengthen biodiversity is currently being developed. Development of the Strategy will provide an opportunity for a more consistent approach to protecting biodiversity across the municipality. In this case, the proposed amendment brings the S173 Agreement into better alignment with the objectives of the Environmental Significance Overlay Schedule 5 in the planning scheme which relates to koala protection or koala habitat and is a more comprehensive way of addressing this and the provisions of the koala plan of management.

Question

The Friends of Canadian Corridor, which I'm secretary, was approached by a company “Nature Advisory” earlier this year as were other local groups seeking information about Koalas. We provided a significant amount of information to them including sightings and other issues around the Sanctuary.

The two-page report does not contain any of the information provided by us except for a dot point 3 relating to a Queensland dog question. If this two-page report published in the agenda is the full report then will the Council pause the Item 9.2 as agended and facilitate a round table discussion where local and expert knowledge that exists and hasn't been brought forward, can be brought into the decision making?

Answer

Natalie Robertson, Director Development and Growth responded that ‘Nature Advisory’ have formed an independent view following consultation and research undertaken for this matter. The report forms an attachment to the Council meeting agenda. But ultimately, Council officers have formed a view based on a number of provisions but revert back to the Planning and Environment Act in the planning provisions relevant and in this case the ES05.

QT67/23 - Bob Hartmann**Question**

It is unfortunate that some residents within that area, covered by section 173 have failed in their responsibilities as per their land titles that's also a problem that council officers have erred in registering dogs within that defined area that on the title says no dogs. My question is this.

If this amendment passes this evening, will this set precedent for the council for the potential removal of other environmental caveats both now and into the future?

Answer

Natalie Robertson, Director Development and Growth responded that the proposed amendment, as stated, brings the Section 173 Agreement into better alignment with the objectives of the Environment Significance Overlay - Schedule 5 which is intended for Koala Habitat (ESO5) which applies to the Sanctuary Estate and surrounding area and is consistent with the more comprehensive Koala Plan of Management which informs the ESO5. With

regard to does is set a precedent or jeopardise other. For us it would be restrictions because caveats are generally imposed by the developer. But for us, in terms of restrictions, whatever they may be, each case considered on its own merit. So, this does not set a precedent for any others.

Question

If this amendment passed this evening, will this estate be renamed? As it will no longer be a in fact, be a wildlife Sanctuary as per the original intent of the development?

Answer

Natalie Robertson, Director Development and Growth responded that the short answer is no, but we feel given the environmental significance overlay that the provisions remain so that this area remains. Not just in the sanctuary but the surrounding and adjoining. There are wildlife protections in play that can be guided by the ES05.

QT69/23 - Judith Bailey – Representing Friends of Lake Wendouree Natural Environment.**Question**

Will the Council consider turning off the new lights at Lake Wendouree during the time from 1st October to 31st March to allow wildlife to have as close as possible to natural light to protect their reproduction cycles? The length of daylight (sunrise to sunset) during these months varies from 12hr 26m on the 1st of October 2023, peaking in December from 19th-26th at 14hrs 45m, to 11hrs 42m on the 31st of March 2024. Dawn and dusk are the times when wildlife activity peaks as the diurnal species bed down for the coming night and the nocturnal species become active. For the above 6-month period, the minimum time is 12hrs 34 minutes of light which includes 0.5hrs either side of dawn and dusk until a level of darkness. I'm referring to the biosis report, they recommended that the lights shouldn't be turned on until complete darkness. But of course, complete darkness does not actually occur in regional cities.

Answer

Bridget Wetherall, Director Infrastructure and Environment, responded that the Lake Wendouree and Victoria Park Link Lighting project will provide lighting to the Steve Moneghetti Track and Morrison Street to provide a safer and more accessible environment for users, particularly after-hours and during winter months.

In the evenings, it is proposed that the lighting will come on via a sensor and turn off at 10pm. The time at which the lights come on the evenings will vary throughout the year and day-light savings periods given the differing level of natural light in the evening period.

In the mornings, the lighting will come on at 5.30am and turn off via a sensor, with this again varying throughout the year and day-light savings periods given the differing level of natural light in the morning.

Question

Could the Council consider during the months of April to September, the Lake foreshore lights could be restricted to two hours of use, beginning 0.5hrs after sunset and cutting off 0.5hrs before sunrise? As per the biosis report. There is the precedent of Bendigo Council turning on the Ewing Oval lights during the darker months only for local citizens to run or walk to 8pm. Unlike the Lake Precinct, Ewing Oval does not have the sensitive and biodiverse wildlife environment that the Lake has; nor does Lake Albert in Wagga Wagga, originally a swamp now with a 5.5km walking track with no lighting.

Answer

Bridget Wetherall, Director Infrastructure and Environment responded that these operating times that have been proposed are in line with the recommendations from the independent Biodiversity Impact Study. They have also been tabled and approved through a number of statutory processes including a Planning Permit, and two Heritage Victoria Permits which have all included the previously mentioned operating times.

In regards to the Bendigo reserves, the trial lights are actually so successful at the first location, that they have expanded it across 3 reserves to accommodate all the active people that want to be out after dark.

QT70/23 - Gail Hirst,**Question**

Why is it that the siting of the light poles, for the Lake Lighting project, from Colpin Avenue to St. Aidan's Drive do not accord with the siting on the Master Plan, especially as there are no impediments to so doing?

Answer

Bridget Wetherall, Director Infrastructure and Environment responded that the Lake Wendouree Master Plan does not in fact include specific light pole location. The five light locations between Colpin Avenue and St. Aidens drive have been located in line with the Tree and Construction Management Plan and to the conditions of the relevant Heritage Victoria permit and drawings.

QT71/23 Heidi Johnson**Question**

What will Council do to prevent increasingly common attacks on wildlife and acts of aggravated animal cruelty, perpetrated in the vicinity of Lake Wendouree? Wildlife rescuers and concerned residents have witnessed Swans beheaded, Possums kicked and stomped on, Waterbirds stabbed – and rescuers have been threatened. Residents are living in fear because psychopaths start with animals and move up to vulnerable humans. Police are doing their best to find the perpetrators, but more protection is needed.

Answer

Natalie Robertson, Director Development and Growth responded that the Animal Management Team investigates all reported acts of cruelty towards wildlife and then reports to the appropriate body, being Department of Energy, Environment and Climate Action (or DECCA). Residents are encouraged to report acts of wildlife cruelty to DECCA, Police and the RSPCA immediately as well.

The Animal Management team currently investigates alleged breaches under the Domestic Animals Act 1994, where dogs are alleged to have attacked or killed native wildlife, whilst not contained to their own property or are not under effective control and this year the team have investigated three incidents.

Question

While RSPCA and DECCA might be the appropriate authorities, they are doing nothing, absolutely nothing. They may have investigated 3 incidents, but the wildlife rescuers (of which I am one) in our area have found multiple accounts of aggravated cruelty. More than one swan beheaded, more than one water bird that was clearly, obviously stabbed. We are not talking about dog attacks, we are not talking about accidents, we are not talking about fishing

incidents, we are talking deliberate acts of cruelty, perpetrated by humans and the vets will back them up, they were reported. Everything was reported at the time, I was in the process of getting evidence to bring tonight but I cannot fit it in 75 words.

Answer

Cr Des Hudson, Mayor responded that, he reiterates the comments by the Director, where there is that level of aggravated cruelty, it is really important that it is reported to police. Sometimes if there is some promotion of that community outrage, somebody knows something. People who do that don't normally just sit there bragging to someone, but someone knows. If that information can come forward, the only way to deter is to potentially get a conviction and absolutely deter, send a message across community.

QT72/23 Tony Schaefer**Question**

I am concerned about the lethargic response by council to the need to recycle plastic. What is the current status of the proposed MRF, (materials recovery facility)?

It should be front and centre of priority as our plastic use doubles every year, and the environmental damage to be inherited by our children will be colossal. As far as I'm aware there has been proposals, international trips, junkets, and much talk, but no real results. How can we delay on such a vital matter as the future health of the biosphere? I would presume that most ratepayers support all efforts to be done in this area and would even be prepared to pay a levy to see it come to fruition sooner than later. Ballarat is well placed to be a hub for smaller regions like Golden Plains, Hepburn etc. This issue needs priority and there are vast amounts of research, etc about it. What has Council been doing about this?? Plastic is the most damaging material to the environment, and we have not even developed effective recycling systems. It really is disgraceful, and this generation is culpable of mass environmental destruction on a grand scale, that will be inherited by the next generation. The council has an obligation to make its priority the effective management of the non-biodegradable waste produced by its ratepayers. We (and future) generations rely on you to do this. We can't, you are elected to.

Answer

Bridget Wetherall, Director Infrastructure and Environment responded that the City of Ballarat continues to pursue its ambition to be a leader in the circular economy, with plans for an improved, value-added approach to recycling. We are pursuing a regional waste management solution that is both financially and environmentally sustainable.

It is well recognised that western Victoria has a Materials Recycling Facility (MRF) processing capacity shortfall, and the City of Ballarat has an active project that is focused on facilitating the establishment of regional waste and recycling processing businesses, such as a Materials Recycling Facility.

The City of Ballarat is investigating the feasibility of establishing a Circular Economy Precinct at the Ballarat West Employment Zone (BWEZ). In the Precinct, waste management activities and businesses (potentially including a Materials Recycling Facility) would be collocated with reuse, recycling and manufacturing businesses.

The next step is determining the feasibility of the Circular Economy Precinct is to test, in open market processes, including the current level of interest from waste and recycling businesses to:

- provide local circular economy focused processing solutions for our region's materials and

- locate in BWEZ.

In April this year, the City of Ballarat called for Expressions of Interest (EOI) from businesses seeking to provide circular economy solutions for waste and recycling material streams from the region. After receiving an encouraging response to the EOI, we have commenced the development of the next Request for Proposal (RFP) stage of the procurement process. The Request For Proposal phase will seek detailed submissions from businesses and is expected to open before the end of the year.

Development Victoria is also currently conducting a separate Expression of Interest process for approximately 14 hectares of land in Stage 3B of BWEZ. Development Victoria is encouraging businesses experienced in Circular Economy practices to bid for fully serviced, high-quality industrial and commercial land.

RESOLUTION:

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

Moved: Cr Mark Harris

Seconded: Cr Amy Johnson

CARRIED

(R76/23)

QT73/23 Rowena Pettigrew

Question

Sunday 25th June 2023 I and my son were one of the people that found the body of a possum near North Gardens & Wendouree Parade and Nursery Drive. Which had been violently kicked in the head, so its jaw broke into fragments around it on the grass and its eyes exploded out of its head. Again, I think this question has already been asked but I wanted to bear witness here at the council as to what I saw and how disturbing it was, and to reiterate it wasn't a car accident. This was a real violence perpetrated against a small, defenceless animal. And I just wanted to know what the council is doing about it. Again, I can see you guys have already addressed some of that. But I also just wanted to say I've reported it to crime stoppers, I did go to RSPCA website, and they don't take reports of wildlife crime, just to give some feedback on that one.

Answer

Natalie Robertson, Director Development and Growth responded she has outlined potentially the process, so the Animal Management Team does investigate all reported acts of cruelty towards wildlife. These findings are reported to DECCA as the appropriate authority to investigate. We continue to encourage residents to report these acts of wildlife cruelty to not just Council but to DECCA, police, and RSPCA because they are our channels that do create that jigsaw as the Mayor had said.

What I would reiterate is that we will reach out to DECCA and pass on concerns and seek to understand and be provided an update from them as how they investigate these matters and how the findings can be reported back, not just to Council, but the community as well.

QT74/23 Phil Reynolds**Question**

Have you Council weighed up the real environmental and ecological costs of going renewable rather than just the CO2 which plant life relies on to grow and prosper the planet and life on it?

Answer

Bridget Wetherall, Director Infrastructure and Environment said that the health of our natural environment is vital in supporting our community's health and wellbeing, with climate change described by the World Health Organisation as the greatest threat to global health in the 21st century.

The impacts of climate change are being felt in the City of Ballarat and around the globe, with more frequent bushfires and more extreme weather events for example.

According to the United Nation's Intergovernmental Panel on Climate Change (IPCC), the world's leading international body on climate change – we have to take immediate action to reduce the risks of the worst impacts of climate change. This includes getting to net zero emissions quickly and shifting from fossil fuels to renewables.

Question

Is the Agenda of " Net Zero " a money making con?

Answer

Bridget Wetherall, Director Infrastructure and Environment responded that Net Zero is about achieving a balance between the amount of greenhouse gases emitted into the atmosphere and the amount removed or offset. It requires reducing emissions as much as possible and then compensating for any remaining emissions through processes like carbon offsetting. It does not allow for the continual emitting of greenhouse gas emissions without consequences.

The City of Ballarat's endorsed Net Zero targets for both Council and Community are based on the latest climate science from the IPCC that tells us we need to reach net zero emissions as quickly as possible in order to limit warming to 1.5 degrees Celsius and well below 2.0 degrees Celsius.

There are many co-benefits associated with Net Zero including improved air quality, biodiversity, health benefits, energy security, resilience, and reduced costs.

QT75/23 Ashley Williams**Question**

I would like to invite the relevant directors or councillors in general to give me their opinion on the negative aspect of increased surveillance, not just as CCTV, but in other forms as well.

We've spoken here before. We've been monitoring Wi-Fi connectivity and all those sorts of things. And I'm sure we can all see from time to time there may be positive uses for these technologies but I'm just wondering if anyone can elaborate on the negative aspects?

Answer

Matthew Wilson, Director Community Wellbeing responded that he's not sure he can elaborate on the negative connotations in relation to the question but as you correctly reference, we have spoken before in the chamber about the use of our attendance counters going into public spaces. The purpose that we use those monitoring activities for is essentially related to

understand utilisation, public space and community assets so we can estimate the value or the utilisation of our investments in those assets. You did reference CCTV in your introduction to your question and there is a CCTV network in use within the CBD area of Ballarat, that is exclusively monitored by Victoria police for the purpose of contributing to their work and ensuring public safety.

QT77/23 Merle Hathaway

Question

I'm just wondering why in pursuing a masterplan for the Buninyong Botanic Gardens that would destroy many of its or much of its social heritage and environmental features. Why is the Council ignoring the Victorian Heritage Register and the wishes of many of the local groups that have a lot of expertise between us? Such as the Friends of Buninyong Gardens, Ballarat Heritage Watch, Buninyong Historical Society Community Association.

Answer

Natalie Robertson, Director Development and Growth responded that not knowing what the question was going to be tonight, I would ask that I could take it on the notice and provide a detailed response, but she also bears in mind that Council is considering this item this evening. A number of meetings and consultation and issues related to heritage and the matters raised by Miss Hathaway have been addressed, but if she could take it on notice, she will provide a comprehensive written response to Miss Hathaway.

7. PETITIONS

7.1. GOVHUB PARKING

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

PURPOSE

1. To receive a written petition containing 53 signatories requesting Council to address the dire parking problems near the GovHub.

RESOLUTION:

4. That Council:
 - 4.1 Note the petition be received; and
 - 4.2 That the petition be referred to the Chief Executive Officer for consideration and response.

Moved: Cr Samantha McIntosh
Seconded: Cr Ben Taylor

CARRIED
(R77/23)

8. CHIEF EXECUTIVE OFFICER REPORT

8.1. 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:

9. That Council:

9.1 Receive and note the CEO's Operational Report.

Moved: Cr Mark Harris

Seconded: Cr Peter Eddy

CARRIED

(R78/23)

9. OFFICER REPORTS

9.1. PLP/2022/644 BALLARAT GOLD MINE TAILINGS DAM

Division: Development and Growth
Director: Natalie Robertson
Author/Position: Natalie Robertson - Director, Development and Growth

Public representations were made by, Judith Bailey, Joan Brick, Nick Davenport, Ross Kenna, Lyn Denison, Chris Orchard, Linda Zibell, Dora Pearce, Dale Rogers, Christine Hartley, Michael Poulton, Tynan Spenceley, Rick Walker, Annie Treloar, Andrea Heinrichs and Jennifer Geddes.

PURPOSE

1. The purpose of this report is to advise Council of Planning Permit Application No. PLP/2022/644.
2. This application seeks approval to construct a new Tailings Storage Facility (TSF) at Ballarat Gold Mine, 10 Woolshed Gully Drive, Mount Clear. This new facility, together with the creation of a new vehicle access point off Whitehorse Road, would be used in association with the existing earth and energy resources industry on site.

RESOLUTION:

131. That Council:

- 131.1 **Having considered all the matters required under Section 60 of the *Planning and Environment Act 1987*, resolves to issue a Notice of Decision to Grant a Planning Permit in accordance with the Ballarat Planning Scheme in respect of the land known and described as 10 Woolshed Gully Road, Mount Clear, for *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.***

Proposed Conditions

1 **Amended Plans Required**

Before the building and works commence, amended plans must be submitted to and approved in writing by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and emailed to planninginfo@ballarat.vic.gov.au with the planning reference number. The plans must be generally in accordance with the development plans prepared by Aecom dated 03 August 2020 but modified to show:

- a. Fencing details for the area of fence within the Environmental Significance Overlay – Schedule 5 in compliance with Clause 22.04 of the Ballarat Planning Scheme;
- b. The opportunity for additional shrubs and trees to be planted around the perimeter of the facility in accordance with Clause 52.09-6 of the Ballarat Planning Scheme and as per the requirements of Condition 14 of this permit;

- c. Locations of parking opportunities for vehicles (including trucks) being utilised in the construction and operational phases of Tailing Storage Facility 4 (TSF4) in accordance with Clause 52.09-6 of the Ballarat Planning Scheme; and
- d. Each of the stages of construction in accordance with Condition 4 of this permit.

The plans must be to the satisfaction of the Responsible Authority.

2 No Changes

The buildings and works hereby approved as shown on the endorsed plans and/or described in endorsed documents shall not be altered or modified without the prior written consent of the Responsible Authority, unless the alteration(s) and/or modification(s) comply with an exemption contained in the Ballarat Planning Scheme and do not result in non-compliance with any mandatory requirements.

3 TSF4 Structural Integrity

Prior to the commencement of works in association with the construction of TSF4, a copy of the detailed design plans, including a statement from an independent reviewer confirming the acceptability of these designs, must be submitted to the Responsible Authority. The statement must confirm that the detailed design is in accordance with relevant design guidelines (including ANCOLD) and that the proposed clay liner, along with under drainage systems will minimise any seepage to groundwater to an acceptable level.

4 Construction Stages

Prior to the commencement of the building and works hereby approved an overall staging plan showing each stage of construction must be submitted to and approved in writing by the Responsible Authority.

Prior to the commencement of each stage of construction, an individual stage plan must be submitted to and approved in writing by the Responsible Authority. The plan must detail:

- The location of the proposed works;
- Final construction details, including embankment heights, cut off trenches, spillway(s) etc.;
- Associated infrastructure, such as drains, pumps etc.;
- Pond volume/capacity; and
- Any required sediment ponds.

5 Operating Hours of TSF4

Once construction is complete, TSF4 may operate up to 24 hours a day provided:

- Noise limits within the two mining licenses, MIN4847 and MIN5396 are not exceeded; and
- Noise limits do not exceed those set out in EPA Publication 1826.4: Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues

6 Dust Management Plan

Prior to the commencement of the building works hereby approved, a Construction Dust Management Plan (CDMP) must be prepared by a suitably qualified consultant and submitted to and approved in writing by the Responsible Authority.

The CDMP must consider the Air Quality Assessment prepared by Aecom (March 2020) and be developed to ensure mitigation strategies are in place and that dust impacts on surrounding receptors are controlled to an acceptable level during the construction period.

The CDMP will be required to be independently peer reviewed by a suitably qualified consultant selected by the Responsible Authority. All costs associated with the peer review will be met by the permit holder.

7 Construction Management Plan

Prior to the commencement of the building works hereby approved, a Construction Management Plan (CMP) must be submitted to and approved in writing by the Responsible Authority. The Plan must detail:

- a. Hours of construction to accord with Local Laws;
- b. Methods to contain dirt and mud within the site and the method and frequency of clean up procedures;
- c. Management of parking of construction machinery and workers vehicles to prevent adverse impacts to nearby properties and public roadways;
- d. Management of heavy vehicles, site deliveries and traffic management in the vicinity of the site to ensure routes to and from the land minimise disruption to nearby residential properties;
- e. Measures to minimise noise and other amenity impacts from mechanical equipment, including idling trucks and construction activities, especially outside of daytime hours where this is permitted;
- f. The provision of adequate environmental awareness training for all on-site contractors and sub-contractors; and
- g. A liaison officer for contact by the public and the Responsible Authority in the event of relevant queries or problems experienced.

All works on the land must be undertaken in accordance with the endorsed CMP to the satisfaction of the Responsible Authority.

Where the construction phase is to be carried out in stages, staged CMPs may be submitted and must be approved prior to the commencement of each relevant stage.

Each management plan must set out the matters noted in (a) to (g) above as relevant to that stage as well as any other mitigation measures considered necessary to manage the potential effects generated by the buildings and works associated with that stage as considered relevant by the Responsible Authority.

8 Mitigation Measures

The mitigation measures that have been adopted in the air dispersion modelling and described in Section 8.2 of the *Ballarat Gold TSF4 Health Risk Assessment Technical Report* prepared by Tonkin + Taylor June 2023 must be implemented on-site at all times.

9 Amenity

The buildings and works must be managed so that the amenity of the area is not detrimentally affected, through the:

- a. transport of materials, goods or commodities to or from the land;
- b. appearance of any building, works or materials;
- c. emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
- d. presence of vermin or otherwise;

In the event of any nuisance being caused to the neighbourhood by activities related to the use and development the Responsible Authority may direct, in writing, such actions or works, as deemed appropriate, to eliminate or mitigate such nuisance be undertaken.

10 The Head of Transport Ref: PPR 41151/22

1. Prior to the occupation of the development hereby approved, the upgraded access to Whitehorse Road and associated roadworks must be constructed generally in accordance with the submitted Concept Plan (Revision B, dated July 2022 included in Traffic Impact Assessment Report dated 26 September 2022 prepared by Driscoll Engineering Services), to the satisfaction of and at no cost to the Head, Transport for Victoria.

2. Prior to the commencement of roadworks on Whitehorse Road, Functional Layout Plan(s), detailed design plan(s) and associated technical plans and Road Safety Audit must be submitted to and approved by the Head, Transport for Victoria.

11 Use of Access

The access off Whitehorse Road hereby approved must only be utilised during the following times:

During construction:

- 7.00am to 6.00pm Monday to Friday

During operation:

- 24 hours a day Monday to Sunday except for heavy vehicles (in excess of 10 tonnes) which will be restricted to 7.00am to 6.00pm Monday to Friday.

unless with the prior written approval of the Responsible Authority

12 Native Vegetation Removal

No vegetation removal is to occur until the Work Plan (currently known as Work Plan Variation PLN-001406) is approved under the *Mineral Resources (Sustainable Development) Act 1990* and authorised by a work authority under the Act.

13 Maintenance of Vegetation

Prior to the commencement of the building works hereby approved, a Vegetation Maintenance Plan (VMP) must be submitted to and approved in writing by the Responsible Authority. The VMP must be prepared for the area of the site to the south of TSF3 known as the 'works area' and include:

- Details of all vegetation to be retained;
- Details of additional planting as per Conditions 1 and 14 of this permit;

- Measures that will be put in place to protect vegetation and associated tree protection zones during both the construction and operational phases;
- A maintenance regime for all vegetation, including watering, inspections, management of pest species and replacement of planted dead vegetation; and
- Measures that will be taken to protect and preserve the visual barrier to the east and south of TSF4, including the timing of any required replacement plantings.

14 Revegetation plan

Notwithstanding the requirements of Condition 13 and unless with the written consent of the Responsible Authority, prior to the commencement of Stage 1 of the development hereby approved, a revegetation plan making use of all other practically available land around the perimeter of the Tailings Storage Facility must be submitted to and be approved in writing by the Responsible Authority. The objective of this plan is to provide as extensive as reasonably possible screening of the facility when viewed from outside the site.

The plan must include details of all species to be provided, including maximum heights at maturity and maintenance measures.

The planted vegetation subject to the approved revegetation plan must be maintained to the satisfaction of the Responsible Authority.

15 Amended HHRA

Prior to the commencement of the Tailings Storage Facility hereby approved, the applicant must submit to and have approved in writing by the Responsible Authority an amended Human Health Risk Assessment (HHRA). This HHRA must be generally in accordance with the HHRA submitted in support of the application prepared by Tonkin & Taylor entitled Ballarat Gold TSF4, Health Risk Assessment Technical Report (June 2023) but amended to include an updated methodology and quantitative data regarding the potential health risks associated with PM10, PM2.5 and metals to surrounding sensitive receptors.

Should upon receipt of this amended HHRA the Responsible Authority be of the view that an independent peer review is required all costs associated with this review will be met by the applicant.

Once endorsed, the amended HHRA will then form part of the permit. All agreed mitigation measures set out in the endorsed amended HHRA must be implemented to the satisfaction of the Responsible Authority prior to the first use of TSF4 and maintained in perpetuity to ensure ongoing compliance with the objectives and standards of the amended HHRA.

Where ongoing monitoring of mitigation measures is required in accordance with the endorsed amended HHRA, the applicant must submit to the Responsible Authority all monitoring data upon request. Should this monitoring data again require an independent peer review, the costs associated with this will be met by the applicant. Any required rectification works/actions to ensure mitigation measures remain effective must be implemented without delay to the satisfaction of the Responsible Authority and a statement confirming such rectification works/actions have been carried out submitted to the Responsible Authority. All costs associated with any required rectification works/actions must be met by the applicant.

16 Permit Expiry

This permit will expire if one of the following circumstances applies:

- a. The building and works hereby approved are not started within five years of the date of this permit;
- b. The building and works hereby approved are not completed within ten years of the date of this permit.

The responsible authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards (for a request to extend the time to commence the building and works) or twelve months after the permit expires (for a request to extend the time to complete the building and works).

Notes:

The Head of Transport Note

No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the *Road Management Act 2004*. Please contact the Head, Transport for Victoria, Department of Transport about working within the road reserve prior to commencing any works.

Heritage Note

Under the terms of the *Heritage Act 2017* there is blanket protection for all historical archaeological sites in Victoria, including sites that are not included in the Victorian Heritage Register or Heritage Inventory. Section 123 of the Act stipulates that it is an offence to knowingly or negligently disturb any historical archaeological site unless Consent has been obtained from the Executive Director, Heritage Victoria. Penalties apply.

If historical archaeological remains, including artefacts, are uncovered at any time during works, it is necessary for all activities to cease and for the City of Ballarat and Heritage Victoria to be notified immediately. In this case, a program of archaeological investigations and recording may be required in consultation with Heritage Victoria.

Cultural Heritage

Should the discovery of Aboriginal cultural heritage be discovered during the course of the building and works, the discovery must be reported to First Peoples – State Relations. First Peoples – State Relations can be contacted on 1800 762 003.

Moved: Cr Mark Harris
Seconded: Cr Des Hudson

CARRIED
(R79/23)

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

For the Motion were Councillors: Cr Mark Harris, Cr Peter Eddy, Cr Des Hudson, Cr Amy Johnson and Cr Daniel Moloney, Cr Ben Taylor

Against the Motion was: Cr Tracey Hargreaves , Cr Samantha McIntosh and Cr Belinda Coates

RESOLUTION:

That Council adjourns for a comfort break.

Moved: Cr Mark Harris

Seconded: Cr Amy Johnson

CARRIED

(R80/23)

RESOLUTION:

That Council resumes from a comfort break.

Moved: Cr Mark Harris

Seconded: Cr Amy Johnson

CARRIED

(R81/23)

9.2. PLP/2022/3/S173 - CATS AND DOGS IN THE SANCTUARY, MT HELEN

Division: Development and Growth
Director: Natalie Robertson
Author/Position: Kahlia Reid - Coordinator Statutory Planning

Public Submissions were made by, Kate Hawkes, Jessica Robertson, Carly Murdoch, Vicki Birches, Amanda Goodwin, Cheryl Wallis, Kent Warrick, Jeff Rootes and Bob Hartmann.

PURPOSE

1. The purpose of this report is to consider an application in PLP/2022/3/S173 which seeks to amend a section 173 Agreement recorded in instrument no. AE481780B (**Section 173 Agreement**) by removing clause 2 (vi) or in the alternative amending clause 2 (vi) to read cats or dogs kept on a lot must be secured within the lot.
2. The application has been made on behalf of 48 property owners within the area known as Sanctuary Estate, Mount Helen.
3. The lots which the application applies to are known as:

6, 8, 10, 12, 13, 14, 16, 19, 20, 22, 28, 36 ZOE DRIVE, MOUNT HELEN VIC 3350
 3, 5, 9, 11, 13, 14, 18 SOBEY STREET, MOUNT HELEN VIC 3350
 1, 2, 3, 6, 7 FLETCHER COURT, MOUNT HELEN VIC 3350
 17, 19, 21, 27, 28, 29, 30, 31 MOUNT HELEN AVENUE, MOUNT HELEN VIC 3350
 1 LOGAN COURT, MOUNT HELEN VIC 3350
 18, 20, 24, 26, 38, 40 CHATHAM AVENUE, MOUNT HELEN VIC 3350
 3, 11, 17, 19, 21, 23, 25, 27 BRODIE COURT, MOUNT HELEN VIC 3350
 10 SEWELL COURT, MOUNT HELEN VIC 3350

RESOLUTION:

26. That Council:

26.1 Support and approve the Amendment of the Section 173 Agreement recorded in instrument AE481780B Clause 2(vi) to read:

‘Cats and dogs must be secured and kept within the boundary of the private lots. Cats are not permitted to roam free beyond the boundary of private lots. Dogs are permitted beyond the private boundary of the lot but must be on lead in any area affected by Schedule 5 of the Environmental Significant Overlay and within the Estate at all times.’

Moved: Cr Mark Harris
Seconded: Cr Ben Taylor

CARRIED
(R82/23)

9.3. BUNINYONG BOTANIC GARDENS MASTER PLAN

Division: Development and Growth
Director: Natalie Robertson
Author/Position: Adam Parrott - Senior Landscape Architect

Public Submissions were made by, Mark Jones, Roger Permezal, Ross Pilkington, Michael Poulton, Stuart Kelly and Merle Hathaway.

PURPOSE

1. The purpose of this report is to have Council consider adoption of a Landscape Masterplan for the Buninyong Botanic Gardens.
2. The report outlines consultation which has occurred on the masterplan, findings of a peer review, and proposes progressing the detailed design of the reservoir wall for the Gong to address identified risks to community.

RESOLUTION:

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

Moved: Cr Ben Taylor

CARRIED

Seconded: Cr Samantha McIntosh

(R83/23)

RESOLUTION:

22. That Council:

22.1 Adopt the attached Buninyong Botanic Gardens Landscape Masterplan (May 2023);

22.2 Note that Officers will prepare an implementation plan including detailed costings that will be presented to Councillors at a future Briefing prior to being referred to future budget cycles for funding.

22.3 Proceed with detailed planning, design and reconstruction of the Gong Wall in consideration of the recommendations of the Stantec peer review and the Landscape Masterplan outcomes for this part of the Gardens.

Moved: Cr Ben Taylor

CARRIED

Seconded: Cr Tracey Hargreaves

(R84/23)

9.4. BRIDGE MALL - SPECIAL RATE

Division: Development and Growth
Director: Natalie Robertson
Author/Position: Kizanne Davies - Business Engagement Officer

PURPOSE

1. To recommend Council declare a new Bridge Mall Special Rate for a five-year period from 1 July 2023 to 30 June 2028.

RESOLUTION:

8. That Council:

8.1 Resolves it has considered all submissions made to Council at its **Unscheduled meeting held on 7 June 2023 in accordance with Sections 163A and 223 of the *Local Government Act 1989***.

8.2 Pursuant to Section 163 of the *Local Government Act 1989*, declares the Bridge Mall Special Rate for a period of five years from 1 July 2023 to 30 June 2028 to all on street level properties located between Grenville Street and Peel Street that face the Bridge Mall, Coliseum Walk and the ground floor tenancies in Norwich Plaza, as follows:-

- Odd Numbers from 17 to 81 Bridge Mall (inclusive);
- Even Numbers from 2 to 90 Bridge Mall (inclusive);
- 1 to 17 Norwich Plaza (inclusive);
- 1 to 6 Coliseum Walk (inclusive).

8.3 Endorses the total cost of performing the function and the maximum amount of the Bridge Mall Special Rate to be levied, to be \$160,000 in the first year and 3% increase year on year for the following 4 years, as follows:

- i. Year 1 - \$160,000;
- ii. Year 2 - \$164,800;
- iii. Year 3 - \$169,744;
- iv. Year 4 - \$174,836; and
- v. Year 5 - \$180,081.

equating to a maximum of \$849,461 for the full 5 years, or such other amount as is lawfully levied having regard to necessary adjustments to valuations from time to time.

8.4 The Bridge Mall Special Rate will be assessed and levied on rateable properties within the Precinct as a rate in the dollar of the Capital Improved Value (CIV) (2023-24 {resolution}.00280436), subject to the annual valuations of CIV.

8.5. That the declaration of the Bridge Mall Special rate will expire if the special rate is not levied to each person liable to pay it, within 12 months of the declaration.

Moved: Cr Des Hudson
Seconded: Cr Mark Harris

CARRIED
(R85/23)

9.5. ADOPTION OF 2023/24 BUDGET

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

PURPOSE

1. The purpose of this report is to present Council with the proposed 2023/24 Budget for consideration and adoption.

RESOLUTION:

16. That Council, having considered all submissions received;

16.1 Pursuant to Section 94 of the *Local Government Act 2020*, adopt the 2023/24 Annual Budget, as presented to the 26 April 2023 Council meeting, subject to the following amendments;

a. Rates in the dollar to be declared, as follows:

Type of rate	Rate in the \$ Proposed
Residential	0.00283907
Commercial	0.00726802
Industrial	0.00732480
Farm	0.00204413
Rural Residential	0.00272551
Recreation 1	0.00000000
Recreation 2	0.00726802

b. Expand the terminology of the 'cloth nappy rebate' to 'reusable nappy, period and sanitary products rebate'.

c. Update the roads projects as follows:

- i. with the words – (design and survey) after each project from the detailed project breakdowns listed on page 84 to better reflect the works that will be completed in 2023/24.

Major New Capital Road Project

- Tress Street/Elm Road – Golden Point (design and survey)
- Caffey Street and Cornish Street Buninyong (design and survey); and
- Boundary Road between old Melbourne Road and Finley Street (design and survey).

- ii. Remove item from the list as it will be completed in future years.

Major New Capital Road Project

- Whitefield Street – Bakery Hill (remove from list).

- d. Remove the following projects from the list of Footpath works on page 84 – concrete new as whilst they are projects on our plan they will be delivered in future years and not 2023/24.

- i. Footpath Works – concrete new: remove Ulswater Road, Dyson Drive, Campbells Cr, Banyule Drive, Stawell Street, and Eyre Street.

- e. Separately list out City Oval Synthetic Green project in the 2023/24 Capital Works Program. This is currently within the Recreation project Sports Infrastructure Minor Improvements.

- 16.2 Adopt the schedule of Fees and Charges contained within the 2023/24 Annual Budget with the following amendment;

- a. The Fees and Charges relating to Rowan View will be removed as there will be no fees for children attending Rowan View / Safe Haven - they will be fully subsidised by additional State Government Child Care Subsidies.

- 16.3 Acknowledges the contribution of submitters to the budget consultation process, thank them for their contribution and note that officers will provide a formal response to each identified submitter reflecting the information contained in Attachment 2.

- 16.4 Note feedback received which is not able to be addressed for the 2023/24 Budget, that aligns to the Council Plan and the adopted strategies of Council, will be referred to relevant officers for consideration in developing the 2024/25 draft budget.

Moved: Cr Des Hudson

CARRIED

Seconded: Cr Samantha McIntosh

(R86/23)

9.6. DECLARATION OF RATES AND CHARGES - 2023/24

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

PURPOSE

- To formally declare rates and charges for the 2023/24 financial year, following adoption of the City of Ballarat - 2023/24 Annual Budget and the declaration of a Bridge Mall Special Rate.

RESOLUTION:

That Council declare the following rates and charges for the financial period commencing on 1 July 2023 and ending on 30 June 2024 -

A. AMOUNT INTENDED TO BE RAISED

That the amount of \$151,848,225 be declared as the amount which Council intends to raise by general rates, service charges and special rates which is calculated as follows –

General Rates	\$125,238,219
Service Charges	\$ 26,450,006
Special Rates	\$160,000
	\$151,848,225

B. GENERAL RATES

- A general rate be declared for the period commencing on 1 July 2023 and ending on 30 June 2024.
- It be further declared that the general rate be raised by the application of differential rates, as detailed in Part H of this resolution.
- It is confirmed that the general rate for all rateable land within the municipal district be determined by multiplying the Capital Improved Value of each rateable land by the relevant differential rate as specified in paragraph 4 of this Part.
- That differential rates be declared as specified below:

TYPE OF RATE	RATE IN THE \$ ON CIV
Residential	0.00283907
Commercial	0.00726802
Industrial	0.00732480
Farm	0.00204413
Rural Residential	0.00272551
Recreation 1*	0.00000000
Recreation 2	0.00726802

* Council has determined to levy a nil rate in the dollar for properties eligible to be rated under the provisions of the *Cultural and Recreational Lands Act* (1963), i.e. classified as Recreation 1.

C. MUNICIPAL CHARGE

1. That no municipal charge be declared.

D. SERVICE CHARGES

1. That a Service Charge of \$457.00 per service be levied for the 12 month period from 1 July 2023 to 30 June 2024 on residential and other permitted properties for the collection, removal and disposal of refuse and recyclables where the service is provided.
2. That a Service Charge of \$72.00 per service be levied for the 12 month period from 1 July 2023 to 30 June 2024 for collection, removal and disposal of green waste on all residential properties with a detached house (including houses and granny flats and bungalows) on land sized between 250m² and 4,000m², where the service is provided.
3. Properties eligible for a green waste service may apply for additional service(s) subject to approval by Council's Waste Services Unit. Any additional service(s) will be charged an additional green waste Service Charge.
4. Properties that do not meet the criteria for a green waste service may apply to opt into the service provided that the property is located on an existing collection route. Applications to opt in to such service will be subject to approval by Council's Waste Services Unit.

E. SPECIAL RATES

1. That a special rate of \$0.00280436 on the Capital Improved Value of the properties described in paragraph 2 of this part (E), be declared for the period commencing on 1 July 2023 and ending on 30 June 2024.
2. For the purpose of the Bridge Mall Special Rate, declared by Council on 28 June 2023 for a 5 year period commencing 1 July 2023 and ending on 30 June 2028, applicable to the properties described below:
 - a. On all street level properties located between Grenville Street and Peel Street that face the Bridge Mall, Coliseum Walk and the ground floor tenancies in Norwich Plaza, as follows:
 - i. Odd Numbers from 17 to 81 Bridge Mall (inclusive);
 - ii. Even Numbers from 2 to 90 Bridge Mall (inclusive);
 - iii. 1 to 17 Norwich Plaza (inclusive);
 - iv. 1 to 6 Coliseum Walk (inclusive).
3. In accordance with the 28 June 2023 declaration, the Special Rate for the year ending 30 June 2024 will raise \$160,000 in 2023/24, for the purpose of defraying a proportion of the annual expenditure for the Promotion, Security Services and the employment of a part-time Manager for the Bridge Mall Business Association.
4. That the declaration regarding the Bridge Mall Special rate will expire if the special rate is not levied to each person liable to pay it, within 12 months of this declaration.

F. WAIVER

1. In accordance with the provisions of section 171 of the *Local Government Act 1989*, Council will waive \$100.00 of the Rates levied for the 2023/2024 year on properties were the ratepayer:
 - b. Is an eligible recipient within the meaning of the *State Concessions Act 2004* and has qualified for a waiver under section 171(4) of the *Local Government Act 1989*, and,
 - c. Who lives alone in their own home and is solely responsible for the payment of rates and charges on that property.

The objective of this waiver is to provide assistance to Pensioners who are the sole ratepayer and are recipients of the pension.

G. INTEREST ON UNPAID RATES AND CHARGES

1. That interest at the rate prescribed by Section 172(2)(a) of the *Local Government Act 1989* be payable in respect of any of the aforesaid rates and charges which are not paid by the dates fixed pursuant to Section 167 of the *Local Government Act 1989*.

H. SCHEDULE OF RATING DIFFERENTIALS

Residential Land **Definition**

Residential land is any land, which is used for private residential purposes, including but not limited to houses, dwellings, flats, units and private boatsheds, together with vacant unoccupied land, not covered by another differential, but excluding motels, caravan parks, supported accommodation, accommodation houses, boarding houses and the like.

Objectives

The objective of this differential rate is to ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of City of Ballarat, including (but not limited to) the:

- Construction and maintenance of infrastructure assets
- Development and provision of health and community services
- Provision of general support services

Characteristics

The characteristics of planning scheme zoning are applicable to the determination of vacant land which will be subject to the rate applicable to residential land.

The vacant land affected by this rate is that which is zoned residential under the City of Ballarat Planning Scheme.

The classification of land which is improved will be determined by the occupation of that land and have reference to the planning scheme zoning.

Types and classes

The types and classes of rateable land within this rate are those having the relevant characteristics described above.

Use of rate

The money raised by this rate will be applied to the items of expenditure described in the Budget by the City.

The level of the rate for land in this category is considered to provide for an appropriate contribution to Council's budgeted expenditure, having regard to the characteristics of the land.

Level of rate

100 per cent of the residential rate.

Use of land

Is any use permitted under the City of Ballarat Planning Scheme.

Geographic location

This rate is applicable to land within the municipal district.

Planning scheme zoning

The zoning applicable to each rateable land within this category as determined by consulting maps referred to in the relevant Planning Scheme.

Types of buildings

The types of buildings on the land within this rate are all buildings already constructed on the land or which will be constructed prior to the expiry of the 2023/24 year.

Commercial Land

Definition

Commercial land is any land which is:

- Used or adapted to be used for business and/or administrative purposes, including but not limited to properties used for:
 - The sale or hire of goods by retail or trade sales, e.g. shops, auction rooms, hardware stores
 - The manufacture of goods where the goods are sold on the property
 - The provision of entertainment, e.g. theatres, cinemas, amusement parlours, nightclubs
 - Media/broadcasting/communication establishments, e.g. television stations,
 - newspaper offices, radio stations, telecommunication towers and associated facilities
 - The provision of accommodation other than private residential, e.g. motels, caravan parks, camping grounds, camps, supported accommodation, accommodation houses, hostels, boarding houses
 - Short term tourist accommodation specifically identified and coded with an Australian Valuation Property Classification Code (AVPCC) of 232 (serviced apartments/holiday units) or 233 (bed and breakfast)
 - The provision of hospitality, e.g. hotels, bottle shops, restaurants, cafes, takeaway food establishments, tearooms
 - Tourist and leisure industry, e.g. flora and fauna parks, gymnasiums, indoor sports stadiums, gaming establishments (other than those classified under Recreational 2)
 - Art galleries, museums
 - Showrooms, e.g. display of goods
 - Brothels
 - Commercial storage (mini storage units, wholesale distributors)
 - Religious purposes
 - Public offices
 - Halls for commercial hire

- Mixed businesses/milk bars (those operating in residential type zones under the Ballarat Planning Scheme and non conforming residential/milk bar properties within industrial zones under the Ballarat Planning Scheme, with attached residences, occupied as the principal place of residence of the person(s) operating the mixed business/milk bar component of the rateable property, will have the residential portion rated as Residential)
- Used for the provision of health services, including but not limited to properties used for hospitals, nursing homes, rehabilitation, medical practices and dental practices.
- Used primarily as offices or for administration purposes including but not limited to properties used for legal practices, real estate agents, veterinary surgeons, accounting firms, insurance agencies or any other organisation, group, business, association or representative body.
- Vacant unoccupied land and zoned or intended to be used for commercial purposes.

Objectives

The objective of this differential rate is to ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of City of Ballarat, including (but not limited to) the:

- Construction and maintenance of infrastructure assets
- Development and provision of health and community services
- Provision of general support services

Characteristics

The characteristics of planning scheme zoning are applicable to the determination of vacant land which will be subject to the rate applicable to residential land.

The vacant land affected by this rate is that which is zoned residential under the City of Ballarat Planning Scheme.

The classification of land which is improved will be determined by the occupation of that land and have reference to the planning scheme zoning.

Types and classes

The types and classes of rateable land within this rate are those having the relevant characteristics described above.

Use of rate

The money raised by this rate will be applied to the items of expenditure described in the Budget by the City.

The level of the rate for land in this category is considered to provide for an appropriate contribution to Council's budgeted expenditure, having regard to the characteristics of the land.

Level of rate

256 per cent of the residential rate.

Use of land

Is any use permitted under the City of Ballarat Planning Scheme.

Geographic location

This rate is applicable to land within the municipal district.

Planning scheme zoning

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the relevant Planning Scheme.

Types of buildings

The types of buildings on the land within this rate are all buildings already constructed on the land or which will be constructed prior to the expiry of the 2023/24 year.

Industrial Land**Definition**

Industrial land is which is:

- Used primarily for manufacturing processes, including, but not limited to the following:
 - The manufacture of goods, equipment, plant, machinery, food or beverage which are generally not sold or consumed on site
 - Warehouse/bulk storage of goods
 - The storage of plant and machinery
 - The production of raw materials in the extractive and timber industries
 - The treatment and storage of industrial waste materials
- Vacant unoccupied land and zoned or intended to be used for industrial purposes"

Objectives

The objective of this differential rate is to ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of City of Ballarat, including (but not limited to) the:

- Construction and maintenance of infrastructure assets
- Development and provision of health and community services
- Provision of general support services

Characteristics

The characteristics of planning scheme zoning are applicable to the determination of vacant land which will be subject to the rate applicable to residential land.

The vacant land affected by this rate is that which is zoned residential under the City of Ballarat Planning Scheme.

The classification of land which is improved will be determined by the occupation of that land and have reference to the planning scheme zoning.

Types and classes

The types and classes of rateable land within this rate are those having the relevant characteristics described above.

Use of rate

The money raised by this rate will be applied to the items of expenditure described in the Budget by the City.

The level of the rate for land in this category is considered to provide for an appropriate contribution to Council's budgeted expenditure, having regard to the characteristics of the land.

Level of rate

258 per cent of the residential rate.

Use of land

Is any use permitted under the City of Ballarat Planning Scheme.

Geographic location

This rate is applicable to land within the municipal district.

Planning scheme zoning

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the relevant Planning Scheme.

Types of buildings

The types of buildings on the land within this rate are all buildings already constructed on the land or which will be constructed prior to the expiry of the 2023/24 year.

Farm Land**Definition**

Farm land is any land, which:

- Is not less than 2 hectares in area
- Is used for carrying on a business of primary production as determined by the Australian Taxation Office
 - Is used primarily for grazing (including agistment), dairying, pig farming, poultry farming, fish farming, tree farming, bee keeping, viticulture, horticulture, fruit growing or the growing of crops of any kind or for any combination of those activities
 - Is used by a business:
 - That has a significant and substantial commercial purpose or character
 - That seeks to make a profit on a continuous or repetitive basis from its activities on the land
 - That is making profit from its activities on the land, or that has a reasonable prospect of making a profit from its activities on the land if it continues to operate in the way that it is operating

In consideration the City will take into account:

- Whatever activity is being conducted on a property, it must be a business of primary production as opposed to a hobby or recreational activity.

Objectives

The objective of this differential rate is to ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of City of Ballarat, including (but not limited to) the:

- Construction and maintenance of infrastructure assets
- Development and provision of health and community services
- Provision of general support services

Characteristics

The characteristics of planning scheme zoning are applicable to the determination of vacant land which will be subject to the rate applicable to residential land.

The vacant land affected by this rate is that which is zoned residential under the City of Ballarat Planning Scheme.

The classification of land which is improved will be determined by the occupation of that land and have reference to the planning scheme zoning.

Types and classes

The types and classes of rateable land within this rate are those having the relevant characteristics described above.

Use of rate

The money raised by this rate will be applied to the items of expenditure described in the Budget by the City.

The level of the rate for land in this category is considered to provide for an appropriate contribution to Council's budgeted expenditure, having regard to the characteristics of the land.

Level of rate

72 per cent of the residential rate.

Use of land

Is any use permitted under the City of Ballarat Planning Scheme.

Geographic location

This rate is applicable to land within the municipal district.

Planning scheme zoning

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the relevant Planning Scheme.

Types of buildings

The types of buildings on the land within this rate are all buildings already constructed on the land or which will be constructed prior to the expiry of the 2023/24 year.

Rural Residential Land

Definition

Rural residential land is any land, which:

- Is not less than 2 hectares in area
- Is resided on
- Is located within the Farm or Rural Conservation planning zone that does not satisfy the criteria for farmland

And excludes:

- Vacant land greater than 2 hectares

Objectives

The objective of this differential rate is to ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of City of Ballarat, including (but not limited to) the:

- Construction and maintenance of infrastructure assets
- Development and provision of health and community services
- Provision of general support services

Characteristics

The characteristics of planning scheme zoning are applicable to the determination of vacant land which will be subject to the rate applicable to residential land.

The vacant land affected by this rate is that which is zoned residential under the City of Ballarat Planning Scheme.

The classification of land which is improved will be determined by the occupation of that land and have reference to the planning scheme zoning.

Types and classes

The types and classes of rateable land within this rate are those having the relevant characteristics described above.

Use of rate

The money raised by this rate will be applied to the items of expenditure described in the Budget by the City.

The level of the rate for land in this category is considered to provide for an appropriate contribution to Council's budgeted expenditure, having regard to the characteristics of the land.

Level of rate

96 per cent of the residential rate.

Use of land

Is any use permitted under the City of Ballarat Planning Scheme.

Geographic location

This rate is applicable to land within the municipal district.

Planning scheme zoning

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the relevant Planning Scheme.

Types of buildings

The types of buildings on the land within this rate are all buildings already constructed on the land or which will be constructed prior to the expiry of the 2023/24 year.

Recreational Land 1**Definition**

Recreational land 1 is land as defined under the *Cultural and Recreational Lands Act 1963*.

Objectives

The objective of the rate is to recognise the large contribution that these community organisations and the volunteers make to the Municipality in the provision of sporting, cultural and recreational activities.

Characteristics

Is cultural and recreational land and:

- Occupied by a body which exists for cultural or recreational purposes and applies its profits in promoting the furthering of this purpose
- Owned by the body, by the Crown or by Council
- Not agricultural showgrounds

Types and classes

The types and classes of rateable land within this rate are those having the relevant characteristics described above.

Use of rate

The money raised by this rate will be applied to the items of expenditure described in the Budget by the City.

The level of the rate for land in this category is considered to provide for an appropriate contribution to Council's budgeted expenditure, having regard to the characteristics of the land.

Level of rate

Zero per cent of the residential rate.

Use of land

Is any use permitted under the City of Ballarat Planning Scheme.

Geographic location

This rate is applicable to land within the municipal district.

Planning scheme zoning

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the relevant Planning Scheme.

Types of buildings

The types of buildings on the land within this rate are all buildings already constructed on the land or which will be constructed prior to the expiry of the 2023/24 year.

Recreational Land 2**Definition**

Recreational 2 land is recreation 1 land where the land or part thereof is used for gaming.

Objectives

The objective of the rate is to recognise the large contribution that these community organisations and the volunteers make to the Municipality in the provision of sporting, cultural and recreational activities.

Characteristics

Is cultural and recreational land and:

- Occupied by a body which exists for cultural or recreational purposes and applies its profits in promoting the furthering of this purpose
- Owned by the body, by the Crown or by Council
- Not agricultural showgrounds

Types and classes

The types and classes of rateable land within this rate are those having the relevant characteristics described above.

Use of rate

The money raised by this rate will be applied to the items of expenditure described in the Budget by the City.

The level of the rate for land in this category is considered to provide for an appropriate contribution to Council's budgeted expenditure, having regard to the characteristics of the land.

Level of rate

256 per cent of the residential rate.

Use of land

Is any use permitted under the City of Ballarat Planning Scheme.

Geographic location

This rate is applicable to land within the municipal district.

Planning scheme zoning

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the relevant Planning Scheme.

Types of buildings

The types of buildings on the land within this rate are all buildings already constructed on the land or which will be constructed prior to the expiry of the 2023/24 year.

Moved: Cr Mark Harris

Seconded: Cr Peter Eddy

CARRIED

(R87/23)

9.7. MUNICIPAL EARLY YEARS PLAN IMPLEMENTATION REPORT

Division: Community Wellbeing
Director: Matthew Wilson
Author/Position: Amy Treyvaud - Coordinator Early Years Partnerships

PURPOSE

1. To update Council on the progress made against actions in the first year of the implementation of the Municipal Early Years Plan 2022-2026.

RESOLUTION:

13. That Council:

- 13.1 Receive and note the report on the work undertaken in year one to progress the objectives of the City of Ballarat Municipal Early Years Plan 2022-2026.

Moved: Cr Samantha McIntosh
Seconded: Cr Amy Johnson

CARRIED
(R88/23)

9.8. WITHDRAWAL OF REQUEST TO MINISTER FOR PLANNING TO APPLY INTERIM HERITAGE OVERLAY – HOLMES STREET PRECINCT, 7-19 HOLMES STREET BALLARAT CENTRAL'

Division: Development and Growth
Director: Natalie Robertson
Author/Position: Kellie Jantzen – Principal Strategic Planner

PURPOSE

1. To have Council consider withdrawal of request to Minister for Planning to apply an Interim Heritage Overlay as resolved (PDC2/23) at the Planning Delegated Committee of 8 February 2023, to:
 - a. 'Request the Minister for Planning exercise power of Ministerial intervention pursuant to Section 20(4) of the *Planning and Environment Act 1987* (the Act) to apply an interim Heritage Overlay and associated provisions to the Precinct identified as 7-19 Holmes Street, Ballarat Central (Holmes Street Residential Precinct) until 9 February 2024'.

RESOLUTION:

8. That Council:

- 8.1 Note the resolution (PDC2/23) of the Planning Delegated Committee of 8 February 2023, to 'Request the Minister for Planning exercise power of Ministerial intervention pursuant to Section 20(4) of the *Planning and Environment Act 1987* to apply an Interim Heritage Overlay and associated provisions to the precinct as identified as 7-19 Holmes Street, Ballarat Central, until 9 February 2024';
- 8.2 Note that permanent heritage controls for the Holmes Street Residential Precinct are being progressed through Planning Scheme Amendment C240ball provisions to the precinct as identified as 7-19 Holmes Street, Ballarat Central; and
- 8.3 Write to the Minister for Planning to withdraw the request for Interim Heritage Overlay and associated provisions to the precinct as identified as 7-19 Holmes Street, Ballarat Central.

Moved: Cr Ben Taylor
Seconded: Cr Mark Harris

CARRIED
(R89/23)

9.9. ANNUAL COMMUNITY SATISFACTION SURVEY

Division: Corporate Services
Director: John Hausler
Author/Position: Michael Riseley - Acting Executive Manager Business Services

PURPOSE

1. This report provides Councillors with the 2023 Community Satisfaction Survey results.

RESOLUTION:

13. That Council:

13.1 Receive and note the 2023 Community Satisfaction Survey results; and

13.2 Place the 2023 Survey Report on Council's website for public viewing.

Moved: Cr Des Hudson
Seconded: Cr Ben Taylor

CARRIED
(R90/23)

9.10. NOVEMBER 2023 COUNCIL MEETING DATE

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

PURPOSE

1. This report asks Council to consider rescheduling the 6 November 2023 Unscheduled Council Meeting to 13 November 2023.

RESOLUTION:

6. That Council:

- 6.1 Reschedule the 6 November 2023 Unscheduled Council Meeting to 13 November 2023 for the Mayoral election to commence at 6:30pm in the Council Chamber, Town Hall, Sturt Street Ballarat.**

Moved: Cr Tracey Hargreaves

Seconded: Cr Mark Harris

CARRIED

(R91/23)

9.11. COMMUNITY ASSET COMMITTEE REVISED MEMBERSHIPS

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

PURPOSE

1. The elected membership of two Community Asset Committees has altered since being endorsed at the 26 October 2022 Council meeting. This report seeks Council endorsement of the revised membership for both Committees.

RESOLUTION:

5. That Council:

5.1 Acknowledge the resignation of Alison Briody from the Burrumbeet Soldiers Memorial Hall Community Asset Committee and thank Alison for her contribution to the Committee.

5.2 Endorse the revised membership of the Burrumbeet Soldiers Memorial Hall Community Asset Committee:

- Paul Beechey
- Bernard Hyland
- Brendan Cahill
- Ian Smith
- Gwen Smith
- Angela Smith
- Ian Marshall
- Shirley Marshall
- Lauren Briody
- Jasmine Walton

5.3 Acknowledge the resignation of Simone Judge from the Miners Rest Mechanics Institute Community Hall Asset Committee and thank Simone for her contribution to the Committee.

5.4 Endorse the revised membership of the Miners Rest Mechanics Institute Community Hall Asset Committee:

- Peter Loader
- Karen Grose
- Dianne Jennings
- Lynette Rock
- Bill Loader
- Margaret Adams
- Jack Miller

Moved: Cr Amy Johnson
Seconded: Cr Belinda Coates

CARRIED
(R92/23)

9.12. CONTRACTS APPROVAL DELEGATED COMMITTEE MINUTES

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

PURPOSE

1. The purpose of this report is to provide Council with copies of minutes of Council's Contracts Approval Delegated Committee in accordance with the adopted Terms of Reference. This report provides a copy of the minutes of the meeting held on 29 March 2023 and provides a summary of information in relation to these minutes.

RESOLUTION:**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 meeting held on 29 March, 2023.

Moved: Cr Ben Taylor
Seconded: Cr Mark Harris

CARRIED
(R93/23)

9.13. S11A AND S11B INSTRUMENT OF APPOINTMENT AND AUTHORISATION

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

PURPOSE

1. The purpose of the report is to:
 - Revoke the S11B Instrument of Appointment and Authorisation under the *Environment Protection Act 2017* for Gert Bothma and Simon Ogilvie.
 - Revoke the S11A Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* for Rhianna Cook, Gert Bothma, Chenenka Liyanapathirana and Paul Judge.
 - Endorse the S11A Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* for Fiona Koutsivos.

RESOLUTION:

9. That Council:
 - 9.1 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 authorisations (the instrument), and that;
 - a. Fiona Koutsivos be appointed and authorised as set out in the instrument.
 - b. The instrument come into force immediately upon resolution and remains in force until Council determines to vary or revoke them.
 - 9.2 Revoke the S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) for Gert Bothma (R77/22) effective immediately.
 - 9.3 Revoke the S11B Instrument of Appointment and Authorisation (*Environment Protection Act 2017*) for Gert Bothma (R77/22) effective immediately.
 - 9.4 Revoke the S11B Instrument of Appointment and Authorisation (*Environment Protection Act 2017*) for Simon Ogilvie (R197/21) effective immediately.
 - 9.5 Revoke the S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 2017*) for Rhianna Cook (R129/21) effective immediately.
 - 9.6 Revoke the S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 2017*) for Chenenka Liyanapathirana (R145/22) effective immediately.
 - 9.7 Revoke the S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 2017*) for Paul Judge (R181/20), effective of 5 July 2023.

Moved: Cr Mark Harris
Seconded: Cr Tracey Hargreaves

CARRIED
(R94/23)

9.14. OUTSTANDING QUESTION TIME ITEMS

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

PURPOSE

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

RESOLUTION:

4. That Council:
 - 4.1 Endorse the Outstanding Question Time Report.

Moved: Cr Mark Harris
Seconded: Cr Peter Eddy

CARRIED
(R95/23)

10. NOTICE OF MOTION

Nil

11. REPORTS FROM COMMITTEES/COUNCILLORS

GB38/23 - Cr Samantha McIntosh

Cr McIntosh mentioned that she opened an envelope which was in her letterbox just before she left home, and she just thought she would mention this one to give to the Governance team to record. It has a petition on it and there are 100 signatures on it. Cr McIntosh was not sure when the piece of works regarding the playground in Havelock Street comes to the chamber, but that is what it is in regard to, taking down the fence around the playground. It is a bucket load of people from the community with great concern about the fence coming down saying that the playground was built for children to be safe.

GB39/23 – Cr Samantha McIntosh

Cr McIntosh was driving on Finches Road and the potholes were enormous. We just have to keep on it and certainly this time of year as it is very dangerous driving all over the road, trying to avoid the potholes.

GB40/23 – Cr Samantha McIntosh

Cr McIntosh had another question come to her in regards to toilets. An elderly woman (80 years or so), went to the bathrooms in Buninyong and there was a bloke in there and she didn't want to go, she felt very unsafe and couldn't make it home in time and had an embarrassing situation. Cr McIntosh suggested that we need to be careful when looking at the toilet strategy. Have we got something for everyone? Are we going to make it very difficult for other parts of our community? Cr McIntosh thought it was quite alarming to read that letter and she wanted to put that on the table here today.

GB41/23 – Cr Samantha McIntosh

Cr McIntosh mentioned that the heritage concerns that just keep coming up and broader parts of our municipality and she thinks are really important for us to be considering.

The gaps reviews we have heard time and time is going to take us a long time and in the meantime, it is a lot of work for the officers, a lot of time and a lot of debate that goes on. When we look at beautiful heritage properties around the municipality that might not be protected in any way, shape, or form, some of them we might just lose before we even know that there is an issue. Cr McIntosh was just wondering if we could maybe have something come to assembly sometime soon that looks at a way forward and Cr Harris and Cr McIntosh were talking about it briefly earlier on. Is it a year? Do we say anything from prior to 1920 needs to be considered? Rather than wait for a gaps review in 5 years' time and know that we have lost a heap of really important stuff. Cr McIntosh thinks that there is possibly a way that we can do this a little bit better. Can we look at what other municipalities are doing? Other countries are doing? And look at what do we do now? Not while we wait and lose things in terms of the gaps review.

GB42/23 - Cr Samantha McIntosh

Cr McIntosh mentioned the focus on plastics by reducing plastic bags. We have our design guidelines and we don't always follow them. There are little gaps in our design guidelines, obviously not covering for instance water in the lake, we are putting plastic stuff in there. That doesn't really reflect the neighbourhood character.

Cr McIntosh thinks we need to have a good think about our approaches. If we are talking reducing plastic for instance, we should be doing that across our municipality. Cr McIntosh mentioned there is some nice ways forward to be thinking about design, review and making sure that its broadly reflected in all the projects that we are working on. We have used for instance the park benches in the main street, a combination of timber/plastic so that we have been recycling. It looks like timber but it's a composite. There are ways that we can. Cr McIntosh said she knows it is easy to pick up a manual that says, "here's a floaty pontoon that meets all the guidelines" fine, she gets that, easy but there are also other easy ways if we have a good think about it, very reflective of the environment care of sustainability. Recycling and of neighbourhood design and character, which Cr McIntosh thinks we are missing and we just need to try and do all these things together.

Cr McIntosh would love a report to come to assembly, regarding our design guidelines and how we can be sustainable and reflective of the neighbourhood character.

GB43/23 - Cr Belinda Coates

Cr Coates mentioned that as noted in the agenda she has a joint letter that was emailed to Councillors, which is regarding Canadian and roads elsewhere calling for speedhumps. She also had a hardcopy one she had been handed as well regarding Grampians Health Services and parking.

GB44/23 - Cr Belinda Coates

Cr Coates followed up on a call for a briefing. The request was for officers to provide Councillors with a briefing on associated costs, possible delivery timeframes, and resource implications of the 23/24 budget, climate action, brief submission, activities not already incorporated in the budget. This is so that the Councillors can be given further consideration to the issue. Cr Coates would appreciate if the briefing could be provided by the end of September this year.

GB45/23 - Cr Belinda Coates

Cr Coates, in her capacity as Chair of the Intercultural Advisory Committee, congratulated the community groups and organisations involved in refugee week. She noted that there were many successful activities around the city.

GB46/23 - Cr Belinda Coates

Cr Coates flagged an item which she will be bring up in a briefing and that was the issue of food insecurity for people in the city and accessing food relief. She noted that it is an important potential State Government lobbying issue that the Council could consider forming a motion for MAV. Cr Coates believes that Cr Johnson is the representative at MAV and that Council could easily put forward a lobbying advocacy motion. Cr Coates will raise the issue at a future briefing meeting.

GB47/23 - Cr Amy Johnson

Cr Johnson followed up on the issue she raised before in relation to CellOPark. She questioned if there is a better app that the city could use? Cr Johnson believes that one of the key issues people have with the app is that there is no way to select a time period, you just let it run and then remember to turn it off. From what she understands, if you upgrade to premium, you will get a reminder when your vehicle moves. She mentioned that she gets those reminders and sometimes still leaves it on.

The other issue is that people say that they do turn it off and it just continues to run anyway. The difficulty with that is that when people contact Council about that, there is no way to prove that it has occurred unless they have got screenshots.

She noted that this seemed to be an ongoing issue and that she saw a social media post with over 100 replies from people experiencing the issue. Initially when Cr Johnson was reading peoples' experiences it seems that those people thought they stopped the timer, but hadn't. Cr Johnson also stated that if you go into the city at the start of the day and park from 9am and leave by 10:30am but the app goes for the whole day about the cost can amount to about \$20 a day. She noted that while this isn't an issue for many people, for some people, now with the cost of living, it certainly is. Cr Johnson wondered if there are better options available. Cr Johnson saw a lot of people referencing other apps that are used in Melbourne and other municipalities and wondered what Council's contract is with CellOPark noting that it doesn't seem to be popular with the community.

GB48/23 - Cr Amy Johnson

Cr Johnson also raised the Lake Wendouree swans issue. Cr Johnson stated that she aware that two swans were hit by a car again recently. She noted that there have been lots of complaints within the community about how difficult visibility was in that area and that there were calls for 40% consistent speed all the way around and other solutions that Council may like to look into.

Cr Johnson mentioned that it is a tricky one because it is a very popular spot and that people use the lake as a shortcut to other areas of the city. She noted that there have also been people who suggest it be a oneway only or local traffic only (people who are using the lake) and she wondered if there were options that Council could explore.

GB49/23 - Cr Amy Johnson

Cr Johnson mentioned she is very conscious that our new director Martin Darcy will need additional funding in his area of the organisation into the future as we get close to the Commonwealth Games. She suggested that Council should continue to put pressure on the State Government to provide funding for the additional resourcing that will be required in that area of the organisation and indeed every part of our organisation as we get closer to the Commonwealth Games in 2026. She further noted that it is sad to see the billions of dollars continue to be poured into the games when we still don't have a food hub up and running here in Ballarat. She noted that it would have been nice to see that delivered in the 4 years leading up to the last state election that was up and running to deal with the food and security issues that many are facing.

GB50/23 Cr Amy Johnson

Cr Johnson mentioned that it was 12.10am and she found it disappointing that arguably our most significant item along with our Council Plan which is our budget which was debated after 11:30pm to an empty gallery. The reality is, if we are going to have a packed agenda lets take some action ahead of the moment and perhaps remove some of items which aren't urgent. Cr Johnson suggested shifting non-essential items in the future, so the council meeting doesn't go so late.

12. URGENT BUSINESS

Nil

13. SECTION 66 (IN CAMERA)

RESOLUTION:

That Council resolve, pursuant to Section 66 of the *Local Government Act 2020*, that the meeting be closed to members of the public at 12:17am whilst the Council is dealing with the following matters;

Moved: Cr Ben Taylor

CARRIED

Seconded: Cr Amy Johnson

(R96/23)

9.3 BUNINYONG BOTANIC GARDENS MASTER PLAN

Division: Development and Growth

Director: Natalie Robertson

Author/Position: Adam Parrot – Senior Landscape Architect

(confidential information)

9.12 CONTRACTS APPROVAL DELEGATED COMMITTEE

Division: Corporate Services

Director: John Hausler

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

(confidential information)

13.1 CENTRAL HIGHLANDS REGIONAL PROCUREMENT NETWORK CONTRACT NUMBER CH003 BITUMINOUS RESEALING PROGRAM

Division: Infrastructure and Environment

Director: Bridget Wetherall

Author/Position: Luke Ives Executive Manager Operations

(confidential information)

RESOLUTION:

That Council move out of closed Council at 12:19am and adopt the resolutions made therein.

Moved: Cr Amy Johnson

CARRIED

Seconded: Cr Samantha McIntosh

(R98/23)

