

OFFICIAL

Council Meeting

Minutes

23 August 2023 at 6:30pm

Council Chamber, Town Hall, Sturt Street,
Ballarat



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1. OPENING DECLARATION

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

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

2. APOLOGIES FOR ABSENCE

2.1 Present

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

Mr Evan King- Chief Executive Officer
Ms Bridget Wetherall - Director Infrastructure and Environment
Mr Matthew Wilson - Director Community Wellbeing
Mr John Hausler - Director Corporate Services
Ms Natalie Robertson - Director Development and Growth
Mr Martin Darcy – Director Economy and Experience
Mr Cameron Montgomery - Executive Manager Governance and Risk
Mr Fabian Horton - Coordinator Risk and Compliance
Ms Sarah Anstis - Statutory Compliance Officer
Ms Stephen Wright - Administration Assistant - Compliance

2.2 Apologies

Nil

3. DISCLOSURE OF INTEREST

Nil

4. MATTERS ARISING FROM THE MINUTES

Nil

5. CONFIRMATION OF MINUTES

RESOLUTION:

That the Minutes of the Council Meeting on 26 July 2023 as circulated be confirmed.

Moved: Cr Mark Harris

CARRIED

Seconded: Cr Amy Johnson

(R125/23)

6. PUBLIC QUESTION TIME

QT87/23 - Bruce Crawford

Question

I am aware that Council Watch sent you an email about Governance and Public Questions. I agree with their stance on these matters. I ask that you:

- Ensure Councillors and Staff do not use briefings for de facto decision-making and discussion forums.
- Ensure en-bloc motions are no longer accepted.
- Keep Council meetings open, in person, and enable the community to always ask unscripted questions or make presentations on matters to councillors and officers.

Answer

Cr Des Hudson, Mayor, responded that we, as the City of Ballarat, advise that Council has established and implemented our Governance Rules in accordance with section 60 of the *Local Government Act 2020*, which guide Council meetings about public participation and decision-making processes. I'm really pleased to say that this Council especially does not use our forums for any predecision making. We actually use it for its intended purpose of listening to advice from Council officers or other people that present and to ask questions to better inform ourselves. We certainly don't move motions that are en-bloc in terms of multiple resolutions at one time and part of our question forum that we have, whilst we do encourage people to submit their questions prior to be able to get an informed officer response at the time, we do acknowledge that some people might actually come to Council, first time they have ever engaged, and we are open to still allowing those questions to take place. We are probably one of the few Councils that still does actually allow for unscripted, unwritten, submitted questions and we are happy for that to continue.

QT88/23 - Glen Jones

Question 1

A new Acciona wind farm with 58 turbines almost 300m tall, the height of the Eiffel Tower, will be built atop Mount Bolton and Mount Beckworth across Waubra and Clunes in the Ballarat electorate. Ballarat residents like myself will likely have our homes unceremoniously acquired by Acciona because we are 'in the way'. What is Council doing to ensure people like myself are not forced from their homes when renewable infrastructure like this is built across Ballarat?

Answer

Natalie Robertson, Director Development and Growth, responded that the Department Transport and Planning (DTP) on behalf of the Minister for Planning is the Responsible Authority for this type of proposal. City of Ballarat will receive formal referral of the application by DTP in due course. It is Officers understanding that Acciona has not yet lodged any

application with DTP. This will follow their current community consultation process. Residents are encouraged to discuss matters of concern with Acciona via the consultation process. And again, upon receipt of a formal referral from DTP outlining the final form of the proposed wind farm, Officers will assess the application and it is likely then present recommendations to our Council to then form a final position. This position will then be forwarded back to DTP to assist that authority to determine the application. Residents are free to make their own representations to DTP outside of the Council process also.

QT89/23 - Glen Jones

Question 2

As we have seen with the Western Renewables Link, community consultation with local communities was and is farcical. This is happening again with Acciona who do not 'consult', they simply 'inform'. Council has been silent throughout the entire Western Renewables Link consultation process. What will Council be doing to inform the EES process to ensure foreign-owned multinational corporations like Acciona don't simply get a rubber stamp for this new wind farm without proper community benefit and consideration?

Answer

Natalie Robertson, Director Development and Growth, responded that she notes that Council has not been silent on the Western Renewables Link and at the 26 May 2021 Council Meeting Councillors determined that they:

1. Fully support renewable energy and the need for its transmission into the electricity network;
2. Advocate for the (at the time) Western Victoria Transmission Network Project Environmental Effects Statement process to properly consider underground methods of power transmission and use underground options, where possible;
3. Advocate for the transmission line route to use existing road, rail and electricity easements wherever possible.

And as for Council's role in Acciona proposal (as it will become for us), once Council has received a formal referral, we will be better placed to review the associated documentation and develop a position.

QT90/23 - James Iles

Question 1

I act on behalf of the Menhennet family who own land designated in the Western Growth Area. I sent a written submission to council in December 2020 supporting Council's decision to include their land within the proposed Western Growth Area. A report to Council on the 23 February 2022 supported the Western Growth Area to proceed to be rezoned to Urban Growth Zone with two other growth areas to prepare an amendment, which would rezone three growth areas to Urban Growth Zone. Why has Council not pursued the rezoning of the proposed Western and North-Western Growth Areas as resolved by Council's February Meeting 23rd February 2022?

Answer

Natalie Robertson, Director Development and Growth, responded that Council resolved to apply to the Minister to rezone three growth areas (and they are the Northern, West and North Western) to UGZ in its resolution 23 February 2022. And the then Minister for Planning Honourable Lizzie Blandthorn wrote back to Council on the 31st August 2022 informing Council of her decision, which was:

- Appointment of the VPA as the Planning Authority to prepare a PSP and DCP (or Precinct Structure Plan and Developer Contribution plan) and associated planning scheme amendments for the Northern Growth Area;
- She authorised DELWP (who they were at the time) to prepare, adopt and approve an amendment to rezone the core area of the Northern Growth Area; and
- Approved the VPA to undertake a high-level strategic review of Ballarat's proposed greenfield and urban renewal areas to inform the staging and sequencing of residential growth and appropriate residential land supply known as the IGAF or Infrastructure Growth Alignment Framework.

Recent updates from the VPA provided to Council, key stakeholders, including landowners and government agencies informed us that the VPA are working towards presenting a complete draft of the IGAF to the Minister for Planning by September of this year.

Council's own Growth Areas Framework will be prepared to establish the most appropriate sequencing to Precinct Structure Plan preparation for the West and North-Western Growth Areas. In addition to establish the sequencing of the PSPs, the Framework Plan will be the mechanism for the rezoning of the land to the Urban Growth Zone in the future.

QT91/23 - James Iles

Question 2

Tonight I think we're talking about the housing strategy, which has been in the making for many years and has taken all of the two years to get to where we are at the moment. Within this timeframe we have seen the Northern Growth Area rezoned to Urban Growth Zone and it's my understanding that the structure planning process is about to commence but again there has been nothing done for the Western and North-Western Growth Areas. In reading the draft strategy document there has been a change in Council's thinking on how future residential development is to occur for Ballarat. My second question to Council is: Why has there been a significant policy change by Council in the Housing Strategy that now intends to meet residential growth demand through the use of infill development at the expense of the West and North-West Growth Areas?

Answer

Natalie Robertson, Director Development and Growth, referred to the draft Housing Strategy and particularly, but not only, pages 12, 19 and 26, the strategy recognises the Council's adopted policy of 50/50 split is not being met with the split being growth areas at 65% and infill at 35% today so the draft looks at a means to implement better planning controls to facilitate infill to return to Council's commitment of 50/50. The draft Housing Strategy is reflective of existing Council policy in seeking to accommodate future housing growth and the policy context should be reviewed on page 8 and also at the Appendix on the draft.

QT92/23 - Penelope Barrington

Question 1

When are the 12 broken, and some very dangerous, bump strips for the visually impaired, located in Yolanda Street, down to Edmund Drive in Bonshaw/Sebastopol (I don't know which suburb it is), that have been damaged for at least 3 years. When are they going to be fixed?

Answer

Bridget Wetherall, Director Infrastructure and Environment, responded that she will take it on notice and have to investigate what the condition is and come back to you with a resolution.

QT93/23 - Penelope Barrington**Question 2**

Outside of the Treasury Corporation Victoria, has council borrowed monies from other corporations, banking interests or United Nations groups, signing documents that place Ballarat ratepayers and their properties, as guarantors for any unpayable loans by increasing rates to treacherous levels, thereby causing the confiscation of ratepayers' properties by the lenders; all without the consent of the ratepayers, and if so, is council aware that it is a breach of the law?

Answer

John Hausler, Director Corporate Services, responded that it was a long, complex question that he would have to take on notice. Council does have borrowings with a number of different financial institutions and more than happy to provide that information to you through a written response.

7. CHIEF EXECUTIVE OFFICER REPORT

7.1. CHIEF EXECUTIVE OFFICER REPORT

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

PURPOSE

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

RESOLUTION:

10. That Council:

10.1 Receive and note the CEO's Operational Report.

Moved: Cr Belinda Coates

Seconded: Cr Mark Harris

CARRIED

(R126/23)

8. OFFICER REPORTS

8.1. CUSTOMER CHARTER DEVELOPMENT AND CONSULTATION

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

PURPOSE

1. To update Councillors on community feedback regarding the Customer Charter.
2. To seek the adoption of the Customer Charter for community engagement.

RESOLUTION:

21. That Council:

- 21.1 Endorse the draft Customer Charter as per Attachment 2 for public consultation for the period Friday 25 August to Friday 22 September.**

Moved: Cr Belinda Coates
Seconded: Cr Amy Johnson

CARRIED
(R127/23)

8.2. DRAFT HOUSING STRATEGY AND DRAFT NEIGHBOURHOOD CHARACTER STUDY – ENDORSEMENT FOR CONSULTATION

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

Jamie Locket, Evan Dower (JG King Homes), Darron Crick, Darren Fraser, Jackson Zaal (Beveridge Williams), Anthony De Jong, Michael Poulton (Committee for Ballarat), Ross Proud, Marshall Sullivan, Darren Evans (Preston Rowe Paterson), Nick Grylewicz, and Mike Kaufmann made public representations.

RESOLUTION:

That Council adjourn at 8:22pm for a comfort break.

Moved: Cr Mark Harris **CARRIED**
Seconded: Cr Daniel Moloney **(R128/23)**

RESOLUTION:

That Council resumes at 8:33pm.

Moved: Cr Samantha McIntosh **CARRIED**
Seconded: Cr Ben Taylor **(R129/23)**

PURPOSE

1. To seek endorsement of the draft Ballarat Housing Strategy, draft Neighbourhood Character Study, and accompanying documentation for the purpose of community consultation.

RESOLUTION:**44. That Council:**

44.1 Note the draft Ballarat Housing Strategy and draft Neighbourhood Character Study, their appendices, and accompanying reports.

44.2 Endorse the draft Ballarat Housing Strategy and draft Neighbourhood Character Study, their appendices, and accompanying reports for community consultation.

44.3 Note that these reports will be returned for further consideration by Council upon completion of community consultation and consideration of submissions.

Moved: Cr Ben Taylor

CARRIED

Seconded: Cr Samantha McIntosh

(R130/23)

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

For the Motion were Councillors: Cr Peter Eddy, Cr Des Hudson, Cr Daniel Moloney, Cr Ben Taylor and Cr Belinda Coates

Against the Motion was: Cr Mark Harris, Cr Tracey Hargreaves, Cr Amy Johnson and Cr Samantha McIntosh

8.3. GROWTH AREAS QUARTERLY REPORT

Division: Development and Growth
Director: Natalie Robertson
Author/Position: Chris Duckett – Manager Sustainable Growth

PURPOSE

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

RESOLUTION:

14. That Council:
 - 14.1 Note the contents of this update report.
 - 14.2 Have a report back to Council in relation to the Cambrian Hill development in Golden Plains Shire.

Moved: Cr Ben Taylor
Seconded: Cr Mark Harris

CARRIED
(R131/23)

8.4. INTERNATIONAL TRAVEL 8TH ASIA PACIFIC URBAN FORUM 23-25 OCTOBER, KOREA

Division: Economy and Experience
Director: Martin Darcy
Author/Position: Jeff Johnson – Executive Manager Arts and Events

PURPOSE

1. The purpose of this report is to seek consideration of City of Ballarat's representation at the **8th Asia Pacific Urban Forum (APUF8) - 23-25 October 2023**, Suwon Convention Centre, Suwon, Republic of Korea at the invitation of the City of Jajpur, India.
2. Officers will recommend that Tara Poole, Coordinator Creative City, attend the convention after being invited by Jajpur to attend an expert panel discussion at APUF8 on Urban and Territorial Planning and Policies.

RESOLUTION:

11. That Council:

- 11.1 Approve Tara Poole, Coordinator Creative City, to travel to attend the 8th Asia Pacific Urban Forum (APUF8) on 23 October 2023 – 25 October 2023, in Suwon, Republic of Korea at the invitation of the City of Jajpur, India.**

Moved: Cr Tracey Hargreaves

Seconded: Cr Belinda Coates

CARRIED

(R132/23)

8.5. BALLARAT FRIENDS OF AINARO COMMUNITY COMMITTEE CONTRIBUTION FOR PLAYGROUND

Division: Community Wellbeing

Director: Matthew Wilson

Author/Position: Pete Appleton – Executive Manager Engaged Communities

PURPOSE

1. This report responds to a request from the Ballarat Friends of Ainaro Community Committee that Council consider providing a donation of \$7,500 to match funds raised to meet the stage 1 cost of \$15,000 to deliver playground works in Ainaro, East Timor.

RESOLUTION:

8. That Council:

- 8.1 Endorses the Ballarat Friends of Ainaro Community Committee's request and commits \$7,500 towards the playground project in Ainaro, East Timor.**

Moved: Cr Belinda Coates

Seconded: Cr Des Hudson

CARRIED

(R133/23)

8.6. KOORIE ENGAGEMENT ACTION ADVISORY COMMITTEE GROUP TERMS OF REFERENCE AND COMMITTEE MEMBERSHIP

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

PURPOSE

1. The purpose of this report is to seek Council adoption of the proposed updated Koorie Engagement Action Group Advisory Committee Terms of Reference, and to seek Council endorsement of two new Committee members.

RESOLUTION:

11. That Council:
 - 11.1 Endorse the updated Koorie Engagement Action Group Advisory Committee Terms of Reference.
 - 11.2 Revoke the Terms of Reference for the Koorie Engagement Action Group Advisory Committee endorsed by Council on 25 May 2022 by resolution R74/22.
 - 11.3 Endorse the Koorie Engagement Action Group Advisory Committee membership including new members in Shu Brown and Luke Bosworth effective of 24 August 2023.

Moved: Cr Belinda Coates
Seconded: Cr Daniel Moloney

CARRIED
(R134/23)

8.7. GOVERNANCE POLICY REVIEW

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

PURPOSE

1. The purpose of the report is for Council to adopt the following updated policies:
 - Lease and Licensing Policy
 - Lake Wendouree Boat Shed Policy

RESOLUTION:

4. That Council:

- 4.1 Endorse the Leasing and Licensing Policy and the Lake Wendouree Boat Shed Policy to proceed to community consultation.**

Moved: Cr Ben Taylor
Seconded: Cr Daniel Moloney

CARRIED
(R135/23)

8.8. OUTSTANDING QUESTION TIME ITEMS

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

PURPOSE

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

RESOLUTION:

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

Moved: Cr Mark Harris
Seconded: Cr Belinda Coates

CARRIED
(R136/23)

9. NOTICE OF MOTION

Nil

10. REPORTS FROM COMMITTEES/COUNCILLORS

GB58/23 Cr Belinda Coates

Cr Coates gave an update from the Koorie Engagement Action Group Advisory Committee. She noted that the Reconciliation Action Plan working group has been meeting regularly to develop an updated Reconciliation Action Plan. She commended Lenka Vanderboom, the new Aboriginal Community Liaison Officer, for doing a great job over the first few months in the role.

GB59/23 Cr Belinda Coates

Cr Coates presented an update from the Intercultural Advisory Committee. She thanked community members and the City of Ballarat's Intercultural Services staff for work on the Pakistan and India Independence Day flag raisings and morning teas, which were terrific. She noted the excitement of the committee surrounding the intercultural garden plans, following the completion of the community consultation and approval of the budget. Cr Coates highlighted the positive response to the new language switcher tool that is being proposed for Council's website so that people can access it in approximately 10-14 different languages (and this number will be increased). She noted that this is available for the community impact grants as well.

GB60/23 Cr Belinda Coates

Cr Coates reported that the LGBTIQ+ Advisory Committee is coming to the end of the two-year tenure. The committee provided feedback on the Council's current community engagement and gave advice on the new expression of interest process that is underway. They have been a very engaged committee and she thanked them for their amazing voluntary work.

GB61/23 Cr Des Hudson, Mayor

Cr Hudson, Mayor, reported on the 35th Anniversary visit to Inagawa, Japan that involved the CEO Evan King, Cr Harris, Cr Johnson, and himself. He remarked that it was a special experience, and they had a great reception from the Council and from the community. He particularly noted the postcard exchange between schools of Ballarat and Inagawa displayed in the shopping centre, and the cultural exchanges of music, dance, and food. Mayor, Cr Hudson mentioned the achievements of previous delegations included a delegation of 75-78 students from Clarendon College as a music ensemble. He also noted that the 2005 winner of the English speaking contest was the MC on the night of the community celebration.

They signed a new declaration of friendship for the next five years and he looks forward to Ballarat hosting the Japanese delegation in 5 years' time. Mayor, Cr Hudson stressed the need to continue to value the relationship, and to activate the English language speaking competition and other ideas that come from the formal meeting that they had with the council officers and staff of Inagawa. He felt humbled to lead the delegation that represented such a symbolic nature and years of achievement and hopes it continues for at least another 35 years.

GB62/23 Cr Amy Johnson

Cr Johnson gave an update from the recent Disability Advisory Committee meeting. Ballarat Aquatic and Lifestyle Centre staff made a presentation that involved new hoist options for pool users. Cr Johnson commented that the Committee's value was emphasised by the feedback and lived experiences that they provided back to the Centre's staff concerning the hoist design that would be the most useful to the greatest number of people. Cr Johnson remarked on the Committee's continued support for the sensory friendly sessions at the Ballarat Aquatic and Lifestyle Centre.

She pointed out that the sessions are during school hours and it would be good to hold some sessions at other times, such as the weekend, that are accessible for school-aged children. Cr Johnson highlighted the Committee's support for the concept of "Make it accessible and then make it world class" and she also fully supports it. She explained that the concept means that, although both are important, the Council should first ensure that services, facilities, information, and interactions are accessible to all, and then it can aim to make these world class.

GB63/23 Cr Amy Johnson

Cr Johnson also commented on the Delegation to Inagawa and the importance of the relationship. She drew attention to the "Ballarat corner" in their library with its display cabinets of Australiana and items related to Ballarat, the koala mosaics that were worked on and swapped between students of Inagawa and Ballarat, the displays at the town hall that included pictures of iconic Ballarat locations, the postcard exchange display, and the memorial tree at the front of town hall. Cr Johnson also appreciated the positive community reception. She noted that the representatives of the two cities discussed how to strengthen the sister city bond for the mutual benefit, and that some exciting ideas arose.

11. URGENT BUSINESS

Nil

12. SECTION 66 (IN CAMERA)

Nil

13. CLOSE**The Mayor declared the meeting closed at 9:45pm.**

Confirmed this day of 2023.

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Mayor