

OFFICIAL

Council Meeting

Minutes

11 December 2024 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 Tracey Hargreaves (Mayor)
Cr Damon Saunders
Cr Des Hudson
Cr Jay Morrison
Cr Jim Rinaldi
Cr Samantha McIntosh
Cr Ted Lapkin
Cr Tess Morgan

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
Ms Rosie Wright - Coordinator Risk, Governance and Compliance
Ms Sarah Anstis - Senior Governance Officer
Ms Ava Simpson - Corporate Services Trainee

2.2 Apologies

Cr Ben Taylor is on leave, as approved by Council at the 27 November 2024 Council meeting (R196/24).

3. DISCLOSURE OF INTEREST

3.1 GENERAL INTERESTS

Cr Tracey Hargreaves, Mayor declared a general conflict of interest for item 9.7 Audit and Risk Committee Remuneration Review.

3.2 MATERIAL INTERESTS

Nil

4. MATTERS ARISING FROM THE MINUTES

Nil

5. CONFIRMATION OF MINUTES

RESOLUTION:

That the Minutes of the Council Meeting on 27 November 2024 as circulated be confirmed.

Moved: Cr Des Hudson

Seconded: Cr Jim Rinaldi

CARRIED

(R197/24)

6. PUBLIC QUESTION TIME

QT68/24 – Dean Hurlston

Question

What is the approximate cost per public Council meeting for Council and staff meals, refreshments and beverages, if applicable?

Answer

Evan King, Chief Executive Officer, responded that for the 2023/24 financial year, Council spent \$17,365 on meals. There are 4 meetings a month: two briefings, one Planning Delegated Committee meeting, and one Council meeting. \$17,365 divided by 41 meetings means the average cost per meeting is \$423. Generally, there are 20 meals provided for Councillors and staff, which works out at about \$21.18 per meal.

QT69/24 – Merle Hathaway

Question

Buninyong Botanic Gardens – they're state heritage listed and Council plans to remove 100 trees permanently from the middle section of the gardens, despite their own recommendation from the context report (Council commissioned this). Reconstruction of a new dam wall will have detrimental impacts on the cultural heritage significance of the Buninyong Botanic Gardens. So my question is, has Council seriously considered any other options since the first consultation of 2019 when we were shocked to be presented with this current plan?

Answer

Bridget Wetherall, Director Infrastructure and Environment, responded that it has been a long journey with the Gong Dam wall and the reports date back to 2012. In 2017, of most note, there was a State Government investigation into small dams across the state, of which the Gong Dam was part of the investigation. The purpose of that investigation was to determine the risk posed potentially by small dams. The risk was identified with the Gong Dam in a number of ways – the potential for overtopping, the potential for slope instability (there are steep slopes on upstream and downstream batters), potential for overtopping due to small capacity outlet works that regularly get blocked, and potential for 'piping' (basically, a small trickle of water becoming a larger flow of water through a poorly compacted layer between the foundation and the embankment). They were some of the risks that were identified. Because of that, the City of Ballarat undertook some concept design works with GHD which addressed, as were required, the small dams safety requirements to mitigate the risk to downstream residents and to manage those risks. From that, officers have consulted numerous times with various stakeholders, including the Friends Group, the downstream school, and the downstream residents who may be impacted by any overtopping. There was a peer review of the design as well and it has supported the design that is in place.

Question

Given the poor record of genuine discussion and consultation, will Council look at its consultation processes? Over 2,000 people have now signed petitions, so obviously there is not community consensus on this.

Answer

Bridget Wetherall, Director Infrastructure and Environment, responded that, as stated, officers have undertaken significant consultation over the past five years and, while there is a petition, it doesn't remove the risk that Council has a duty of care to manage and mitigate. There is a concept design that has been peer reviewed. To go down any other process, and she will be directed by Council if that is the preference, it will take significant cost and significant time and resources to come up with potentially a different option. And all the while, the risk remains.

RESOLUTION:

That Council extends public question time in accordance with section 3.7.1 of the City of Ballarat Governance Rules.

Moved: Cr Jim Rinaldi
Seconded: Cr Des Hudson

CARRIED
(R198/24)

QT70/24 – Frank Williams**Question**

My questions relate to Pioneer Park. Many of the Councillors may not know the location of Pioneer Park, but it's in Giot Drive off Gillies St in Yuille. Three background points before my two questions: Pioneer Park was established as a bicentennial park with grants and funding from the former Shire of Wendouree, very significant development by the former Shire of Wendouree, now part of the City of Ballarat. A feature of this park is the tree plantings and concrete plinths with bronze plaques recognising every Councillor from the former Shire but only four Mayors from the City of Ballarat. So, my question is, will this Council recognise all former Mayors of the City of Ballarat in Pioneer Park?

Answer

Evan King, Chief Executive Officer, responded that it's an incredibly popular park that he drives past on a regular basis and see lots of people using that park. He would like to take that question on notice and have a look at ensuring that past Mayors of the City of Ballarat are recognised. It is incredibly important that their service to the community is recognised, and he'd be more than happy to take that on board and have a look at it.

Question

There are two rectangular garden plantings in this park. The rest of the park is beautifully maintained, but these gardens have a few flowering species but are overgrown with weeds. So, my second question relates to parks and gardens. Will parks and gardens staff inspect the garden beds and the plantings and plant more appropriate species like flowering shrubs rather than flowers?

Answer

Evan King, Chief Executive Officer, responded that officers are more than happy for the parks and gardens team to go down to Pioneer Park and have a look at the conditions of those beds and if there are more appropriate plantings then officers would be more than happy to consider them to ensure that that park is kept to a high standard, as the community would expect.

QT71/24 – Lenore Stoddart**Question**

We've recently been advised, and in this meeting, that they're going to look at having to close some portion of the Airport Road in order to use the runway that's been funded for. But Liberator Drive, I understand, is not yet finished. So, my question is when was a consultation with the people that live out in that area undertaken? Because I live out in that area and we were not consulted about the time frames concerned.

Answer

Bridget Wetherall, Director Infrastructure and Environment, responded that at the June 24 Council meeting, a resolution to commence the appropriate statutory process to discontinue the identified portion of Airport Road was passed. As a result of that, then the process was undertaken. The statutory process only requires community consultation to be undertaken through a public advert and that was placed in the Ballarat Times and on the City of Ballarat website on Friday the 16 of August. No submissions either supporting or against the proposal were received. That is the process that's required to be undertaken.

Natalie Robertson, Director Development and Growth, added that if Council accepted the officer's recommendation tonight, there is a further consultation process that will occur. The official state body will do the further consultation. She would like to reassure residents that this is the process that is giving notice because Airport Road won't close or truncate (it's currently open) until Liberator Drive is ready to be used. Council is going through this process in anticipation that when it opens up the runway, you won't be able to cross Airport Road and that the intention of Liberator Drive for the last 12-14 years is to be the alternative, so that you will be able to go down Airport Road if you're coming from the west and you have to turn into Liberator Drive because the airport runway will have extended and the BWEZ development that was adopted in 2012 takes up that land as part of that industrial development. To reassure people, Airport Road won't close until Liberator Drive is complete, and the works are underway for that. This is just the process to get to the steps to formally be allowed to officially truncate or close Airport Road.

Question

So, we have the Council's undertaking that we won't be redirected via any other means of accessing the rest of Ballarat? Because Airport Road is closed and Liberator Drive is not finished yet.

Answer

Natalie Robertson, Director Development and Growth, responded that that is the intent and officers have been working closely with RDV [Regional Development Victoria] to get that Liberator Drive completed, because Airport Road cannot be closed until Liberator Drive is accessible for people who would otherwise use Airport Road.

7. PETITIONS

7.1. CHISHOLM STREET RESERVE

Division: Corporate Services
Director: John Hausler
Author/Position: Rosie Wright – Coordinator Risk, Governance and Compliance

PURPOSE

1. To receive a written petition containing 82 signatories regarding access to Chisholm Street Reserve during the planned works in 2025.

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 Ted Lapkin **CARRIED**
 Seconded: Cr Samantha McIntosh **(R199/24)**

RESOLUTION:

Cr Ted Lapkin tabled a joint letter regarding the removal of 100 trees from Buninyong Botanic Gardens.

Moved: Cr Ted Lapkin **CARRIED**
 Seconded: Cr Damon Saunders **(R200/24)**

RESOLUTION:

That item '9.4 Yarrowee River Reserve Road Discontinuance' be brought forward.

Moved: Cr Des Hudson **CARRIED**
 Seconded: Cr Ted Lapkin **(R201/24)**

9. OFFICER REPORTS

9.4. YARROWEE RIVER RESERVE ROAD DISCONTINUANCE

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

Public representation was made by Brett Holloway representing the Vintage and Classic Car Club Ballarat.

PURPOSE

1. The purpose of this report is to provide Council with an update from the community consultation that was undertaken following Council resolution R95/24 (26 June 2024) and continue the statutory process to discontinue the government road depicted below in yellow outline (portion of Gladstone Street, Golden Point; Figure 1).



Figure 1. The government road that is proposed to be discontinued (outlined in yellow).

RESOLUTION:

14. That Council:

- 14.1 Note the community consultation has been completed with no submissions received, and proceed with the statutory process to formally discontinue the government road identified in Figure 1 of this report.

Moved: Cr Des Hudson
Seconded: Cr Jim Rinaldi

CARRIED
(R202/24)

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:

10. That Council:

10.1 Receive and note the CEO's Operational Report.

Moved: Cr Samantha McIntosh
Seconded: Cr Des Hudson

CARRIED
(R203/24)

9. OFFICER REPORTS (continued)

9.1. BALLARAT WEST GROWTH AREA PRECINCT STRUCTURE PLAN AND DEVELOPMENT CONTRIBUTIONS PLAN REVIEW STAKEHOLDER REFERENCE GROUP - TERMS OF REFERENCE

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

PURPOSE

1. The purpose of the report is to seek adoption of the Terms of Reference for the Ballarat West Precinct Structure Plan and Development Contributions Plan Stakeholder Reference Group.

RESOLUTION:

12. That Council:

- 12.1 Adopt the Terms of Reference for the Ballarat West Precinct Structure Plan and Development Contributions Plan Stakeholder Reference Group.

Moved: Cr Des Hudson
Seconded: Cr Samantha McIntosh

CARRIED
(R204/24)

9.2. GROWTH AREAS QUARTERLY UPDATE

Division: Development and Growth
Director: Natalie Robertson
Author/Position: Fiona Koutsivos – Sustainable Growth Principal Planner

PURPOSE

1. The purpose of this report is to provide an update on the progress of rezoning the proposed growth areas to Urban Growth Zone (UGZ).
2. On 23 February 2022, Council resolved (R14/22) to:
 1. Apply to the Minister for Planning in accordance with section 8A(2) and (3) of the *Planning and Environment Act 1987* to obtain authorisation to prepare Amendment C221ball to the Ballarat Planning Scheme, by:
 - i. Rezoning the growth areas to the Urban Growth Zone in accordance with Attachments E, F and G; and
 - ii. Preparing a policy amendment which introduces a new 'Housing Framework Plan' to support the next phases of planning.
 2. If authorised by the Minister for Planning under section 8A (2) and (3) of the *Planning and Environment Act 1987*, exhibit Amendment C221ball to the Ballarat Planning Scheme in accordance with the notice requirements under section 19 of the *Planning and Environment Act 1987*.
 3. Commence preparation of a Precinct Structure Plan for the northern growth area following application of the Urban Growth Zone.
 4. Notes that the Ballarat Housing Strategy should ultimately be the mechanism to determine the extent of future growth and infill development across Ballarat.
 5. Authorise the Director Development and Growth to make minor changes to the planning scheme amendment documentation as required.
 6. Notes that the 'Growth Areas Framework Plan' will be prepared to establish the most appropriate sequencing of Precinct Structure Plan preparation for the western and north-western growth areas, aligned to sustainable development principles and the likely or planned construction of infrastructure and community facilities to support well planned and sustainable communities.
 7. Report back to Council, quarterly, on the progress of the rezoning to UGZ and the project plan including timeframes for the Growth Areas Framework Plan.
3. This report relates to point 7 of the resolution which seeks an update on the rezoning of the UGZ.

RESOLUTION:

19. That Council:

19.1 Note the contents of this update report.

**Moved: Cr Des Hudson
Seconded: Cr Jim Rinaldi**

**CARRIED
(R205/24)**

9.3. AIRPORT ROAD DISCONTINUANCE AND PROPOSED RENAMING

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

PURPOSE

1. The purpose of this report is:
 - a. To provide Council with an update from the community consultation that was undertaken following R94/24 and continue the statutory process to formally discontinue a portion of Airport Road.
 - b. To provide Council with options for road naming following the formal discontinuance of a portion of Airport Road.

RESOLUTION:

14. That Council:

- 14.1 Note that no community feedback has been received and proceed with formally discontinuing the portion of Airport Road that is identified in Figure 1 of this report by publishing a notice in the Victoria Government Gazette.**
- 14.2 Authorise commencement of 30 days of community consultation with the immediate Airport precinct community on the proposal to rename the eastern side of Airport Road with the suggested name of 'Aviation Close'.**

Moved: Cr Samantha McIntosh
Seconded: Cr Jim Rinaldi

CARRIED
(R206/24)

9.5. HEALTH AND WELLBEING PLAN 2021-2031 – THIRD YEAR REVIEW

Division: Community Wellbeing
Director: Matthew Wilson
Author/Position: Caroline Amirtharajah – Health and Wellbeing Planner

PURPOSE

1. The purpose of this report is:
 - a. To update Council on the progress made against strategies in the third year of implementation of the Health and Wellbeing Plan 2021-2031.
 - b. To inform Council on the state of health priority areas in preparation for the update of the Health and Wellbeing Plan 2021-2031.
 - c. To inform Council on changes to the Health and Wellbeing Plan 2021-2031 following an internal review.

RESOLUTION:**14. That Council:**

- 14.1 Note the Health and Wellbeing Plan 2021-2031 – Third Year Review implementation report as attached.**

Moved: Cr Samantha McIntosh
Seconded: Cr Des Hudson

CARRIED
(R207/24)

9.6. ANNUAL COMMUNITY ASSET COMMITTEE REVIEW 2023/24

Division: Community Wellbeing
Director: Matthew Wilson
Author/Position: Nicky Davidge – Coordinator Community Development

PURPOSE

1. The purpose of this report is to present the Annual Community Asset Committee Report for the 2023/24 financial year.

RESOLUTION:**11. That Council:**

- 11.1 Receive and note that the Annual Community Asset Committee Report 2023/24 has been made in accordance with section 47 (6) of the *Local Government Act 2020*.**
- 11.2 Acknowledge the contributions the Community Asset Committees have made through the activities and performance as outlined in this review.**

Moved: Cr Samantha McIntosh
Seconded: Cr Tess Morgan

CARRIED
(R208/24)

9.7. AUDIT AND RISK COMMITTEE REMUNERATION REVIEW

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

Cr Tracey Hargreaves, Mayor, declared a general conflict of interest with this item. Cr Ben Taylor, Deputy Mayor, was absent so section 3.2.2 of the Governance Rules requires that a temporary Chair be appointed.

RESOLUTION:

That Cr Des Hudson be appointed as temporary Chair for item ‘9.7. Audit and Risk Committee Remuneration Review’.

Moved: Cr Ted Lapkin
Seconded: Cr Jim Rinaldi

CARRIED
(R209/24)

Cr Tracey Hargreaves left the meeting at 8:05 pm.

PURPOSE

1. The purpose of the report is to review the Audit and Risk Committee independent remuneration.

RESOLUTION:

10. That Council:

- 10.1 Apply increases of 7% on 18 December 2024 and 3.5% on 18 December 2025 to the remuneration of the Chair and the independent members of the Audit and Risk Committee.**

Moved: Cr Ted Lapkin
Seconded: Cr Damon Saunders

CARRIED
(R210/24)

Cr Tracey Hargreaves returned to the meeting at 8:06 pm and resumed duties as Chair.

9.8. 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 minutes of Council's Contracts Approval Delegated Committee in accordance with the adopted Terms of Reference. This report provides minutes of the meeting held on 28 August 2024 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 agendas has been designated confidential.**
 - 4.2 **Receive the Contracts Approval Delegated Committee minutes of the meeting held on 28 August 2024.**

Moved: Cr Des Hudson
Seconded: Cr Ted Lapkin

CARRIED
(R211/24)

9.9. S6 INSTRUMENT OF DELEGATION - MEMBERS OF STAFF

Division: Corporate Services
Director: John Hausler
Author/Position: Stephanie Hosking – Statutory Governance Officer

PURPOSE

1. The purpose of this report is to provide the S6 Instrument of Delegation - Members of Staff for Council's consideration.

RESOLUTION:

7. In the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, Ballarat City Council (Council) resolves that:
 - 7.1 There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *Instrument of Delegation to members of Council staff*, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.
 - 7.2 The instrument comes into force effective on 6 January 2025 and upon being signed by the Council's Chief Executive Officer.
 - 7.3 On the coming into force of the instrument, all previous delegations to members of Council staff (other than to the Chief Executive Officer) are revoked.
 - 7.4 The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

Moved: Cr Des Hudson
Seconded: Cr Samantha McIntosh

CARRIED
(R212/24)

9.10. OUTSTANDING QUESTION TIME ITEMS

Division: Corporate Services
Director: John Hausler
Author/Position: Stephen Wright – Governance Support Officer

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 Des Hudson
Seconded: Cr Samantha McIntosh

CARRIED
(R213/24)

10. NOTICE OF MOTION

Nil

11. REPORTS FROM COMMITTEES/COUNCILLORS

GB55/24 Cr Jay Morrison

Cr Morrison acknowledged the 170th anniversary of The Eureka Stockade and the many events that marked it, including the raising of the flag outside of the Town Hall and the event at the Mining Exchange, both of which he attended.

GB56/24 Cr Jay Morrison

Cr Morrison noted the recent announcement of a new partnership with Netball Victoria and the Victorian Government that will bring the Melbourne Vixens to Ballarat over the next three years.

GB57/24 Cr Jay Morrison

Cr Morrison acknowledged the Ballarat Aquatic and Lifestyle Centre's 30th birthday and encouraged people to attend the free open day taking place on 14 December as a part of the celebrations.

GB58/24 Cr Jay Morrison

Cr Morrison thanked the City of Ballarat's committees for their work throughout the year and their contributions to the community.

GB59/24 Cr Jay Morrison

Cr Morrison noted the time of year and the many events taking place in Ballarat as a part of the Christmas period festivities and wished everyone well. He added that the free Summer Sundays events begins in January as well.

GB60/24 Cr Samantha McIntosh

Cr McIntosh also noted the 170th anniversary of the Eureka Stockade. She would like to see the stored drawings of the Eureka Centre circulated. Cr McIntosh would also like to review the possibility of replacing the sail that used to be at the Eureka Centre.

GB61/24 Cr Samantha McIntosh

Cr McIntosh attended a recent community engagement activity regarding the Ballarat Marathon.

GB62/24 Cr Samantha McIntosh

Cr McIntosh attended the announcement of the extension of seats for Mars Stadium and mentioned the importance of accessibility. She noted the importance of the partnership with the Western Bulldogs.

GB63/24 Cr Samantha McIntosh

Cr McIntosh acknowledged the works at the airport and its importance to emergency services.

GB64/24 Cr Samantha McIntosh

Cr McIntosh asked for more opportunities to be considered for viewing the bridge in Bridge Mall, as well as similar projects in the future.

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 8:21 pm whilst the Council is dealing with the following matters:

Moved: Cr Des Hudson

CARRIED

Seconded: Cr Jim Rinaldi

(R214/24)

9.6 ANNUAL COMMUNITY ASSET COMMITTEE REVIEW 2023/24

Division: Community Wellbeing
Director: Matthew Wilson
Author/Position: Nicky Davidge – Coordinator Community Development

(Confidential attachments)

Pursuant to sub rule 3.13.2 of the Governance Rules the information contained within this document is designated as confidential information for the purposes of the *Local Government Act 2020* (the Act). That is “confidential information” that in accordance with section 3 of the Act is:

- (f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs; and
- (g) private commercial information, being information provided by a business, commercial or financial undertaking that—
 - (i) relates to trade secrets; or
 - (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

9.8 CONTRACTS APPROVAL DELEGATED COMMITTEE

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

(Confidential attachments)

Pursuant to sub rule 3.13.2 of the Governance Rules the information contained within this document is designated as confidential information for the purposes of the *Local Government Act 2020* (the Act). That is “confidential information” that in accordance with section 3 of the Act, is:

- (g) private commercial information, being information provided by a business, commercial or financial undertaking that—
- (i) relates to trade secrets; or
 - (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

13.1 BALLARAT AUSTRALIA DAY COMMUNITY AWARDS

Division: Office of the CEO
Director: Evan King
Author/Position: Sarah Brackenridge – Acting Head of Executive and Civic Services

(Confidential report)

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- (f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

13.2 LEASE EXTENSION OUTCOME

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

(Confidential report)

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- (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

