

OFFICIAL

Council Meeting

Minutes

26 February 2025 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 Ben Taylor
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
Mr Stephen Wright - Governance Support Officer
Mr Vaughn Notting - Executive Manager Infrastructure
Mr David Turley - Team Leader City Design

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 11 December 2024 as circulated be confirmed.

**Moved: Cr Des Hudson
Seconded: Cr Tess Morgan**

**CARRIED
(R1/25)**

6. PUBLIC QUESTION TIME

QT1/25 – Kalyan Velagala

Question

Inclusion of a children's playground when developing a residential estate - What is minimum standard and who monitors them? E.g.: "The Meadows on Eureka" estate has only 1 swing. Does it satisfy the requirement of a children's park?

Answer

Natalie Robertson, Director Development and Growth, responded that the provision of play and other equipment in parks and reserves is guided by the Ballarat Open Space Strategy. This includes how to classify each park or reserve and what that means in terms of provision of infrastructure, play equipment, etc. Ballarat currently has more than 250 parks and reserves across the municipality with varying levels of provision in each, depending on where they are, when they were developed and their role and function within a neighbourhood. The specific park referenced in Ballarat East, in Meadows on Eureka, would be classified as a 'local' park, which means it's intended to cater for frequent, short duration visits by residents from the immediate surrounding area, with the park providing a number of informal recreation opportunities catering for a range of age groups (for example, kick about space, quiet relaxation, and a small playground). The emphasis in this local type of park is to have a public space to go to, but not a strong focus on formal equipment or play within it. The design of the reserves in a new estate is undertaken by the developer, and they submit the plans to Council as part of the planning process, with Council reviewing the designs to ensure it meets the specific requirements. The current Open Space Strategy is being reviewed at the moment, and a revised draft with updated classifications and expectations on design is expected to be released to the public for comment later this year. Local parks and reserves are incredibly important for the health and wellbeing of our community so the revised Open Space Strategy is a really important opportunity to ensure developers are providing quality spaces in their developments.

QT2/25 – Sarah Kernighan**Question**

I am the current President of Ballarat Senior Citizens club in Redan. We have over 200 members of our club and I'm here as their representative. My question is to Council, we currently have a serious problem with the Latrobe Street traffic with the expansion of the Western Corridor to Lucas and Alfredton. The traffic along La Trobe Street is horrendously dangerous. We have so many issues trying to get across the road from where our club is over to the Blakes Shopping precinct, where a lot of our members are forced to park because we've only got space for 23 car parking spaces in our club. And so I submitted a letter to Council today just addressing these problems and just wondering what Council suggestions are to alleviate these problems? We have also our turning lane into our club is exactly opposite a turning lane into Blakes so there is the propensity for a lot of accidents to happen, and we've had several heart rending near misses and we're just concerned that it's a tragedy waiting to happen. We don't want it to be a tragedy before something's done. So, my question to Council is, what are the suggestions that you can suggest that can help alleviate this problem to avoid a tragedy from occurring?

Answer

Bridget Wetherall, Director Infrastructure and Environment, responded that Latrobe Street is actually managed by the Department of Transport and Planning, so is a State Government managed asset and road. The City of Ballarat did receive the letter today, however, so is happy to look at any opportunities that the Council can undertake to improve safety for the group. That would have to obviously be strongly in consultation with DTP or, at the very least, Council can advocate for changes to that area on the group's behalf. Our officers will analyse it and get back to the group with a written response.

QT3/25 – Gerald Jenzen**Question**

My question relates to the decision of Heritage Victoria to not require the reinstatement of operating sector gates in Lydiard Street and I speak on behalf of SOS Ballarat Save Our Station and I believe many other Ballarat residents. Once I understand that the only avenue for an appeal of this decision to the Heritage Council is by a body that has a real and substantial interest in the heritage place. It is my understanding that Council meets this requirement, and I therefore ask whether Council intends to appeal this decision, given that it has standing in the matter?

Answer

Natalie Robertson, Director Development and Growth, responded that decisions by Heritage Victoria can be appealed by a person or group who are seen to have a real or substantial interest in the heritage place and City of Ballarat officers are actually investigating this process to provide guidance to Council. An appeal must be made within 60 days of the issue of the permit, which would indicate that Council has until April to appeal. A briefing will be provided to Council in early March to provide time to bring this matter to Council if it's required.

QT4/25 – Stuart Postlethwaite**Question**

In relation to the POWP Master Plan, are Councillors aware that the Master Plan does not comply with EPA regulations?

Answer

Matthew Wilson, Director Community Wellbeing, responded that advice from the EPA during the master planning process did confirm that sport-related noise coming from a sporting reserve is exempt under the EPA regulations. However, it's also important to note that through the master planning process, a number of treatments were proposed for these types of concerns, and these treatments are considered reasonable by the EPA. That's the advice that officers received during the master planning process.

Question

Can Council provide a definition of "Public Open Space" and explain how the POWP master plan fits within the City of Ballarat's own Public Open Space policy?

Answer

Matthew Wilson, Director Community Wellbeing, responded that the working definition of public open space is "public space that involves both passive and active recreational opportunities". The Master Plan adopted by Council provides for both passive and active recreational opportunities for community and, as a result, it would be considered that the Master Plan fits within that working definition of public open space.

QT5/25 – Joyce Robinson**Question**

Gillies Street is the primary thoroughfare in Ballarat, with one entry/exit to Prince of Wales Park positioned at a roundabout. At present, at peak times, traffic becomes hugely congested. The Ballarat Hockey Clubs are actively seeking to host regional and international hockey competitions at Prince of Wales Park. What consideration has been given to traffic flow management during these events?

Answer

Matthew Wilson, Director Community Wellbeing, responded that major events require traffic management plans as a condition of the event permit, and any issues relating to traffic flow caused by such events will be considered under those traffic management plans on an event-by-event basis.

Question

At the Ballarat City Council meeting on August 28th 2024, a request was made for the installation of a Public Toilet in Prince of Wales Park. The officer response was "we will install an additional public toilet in the new shared baseball pavilion. This will also support Parkrun", which is a weekly event with numerous participants. Could you please inform us where the current public toilet is in Prince of Wales Park and whether it is open for residents using Prince of Wales Park?

Answer

Matthew Wilson, Director Community Wellbeing, responded that there is currently no provision of public toilets in the Prince of Wales Park. However, reserve users can approach the Ballarat Lifestyle and Aquatic Centre for use of the amenities at the Centre if the need does arise.

QT6/25 - Michael Knowles**Question**

Reference Ballarat Gold Mine Permit Application PLP/2022/644, Appendix A - Permit Conditions, Clause 17(a) Use of Whitehorse Road Access During Construction of TSF4. The permit allows use of Whitehorse Road between the hours of 7 in the morning and 6 in the evening, Monday to Friday. This road, being the principal link between Mount Clear and

Sebastopol, experiences heavy traffic, especially when the BGM gets going, during morning and afternoon peak periods. So, what plans are proposed by the Ballarat City Council, as the responsible authority, to ensure adequate traffic control and compliance with the permit conditions?

Answer

Natalie Robertson, Director Development and Growth, responded that any works are required to accord with the matters set out in Condition 9 (Construction Management Plan, or CMP) of Planning Permit PLP 2022/644. Specifically, condition 9(d) relates to measures to be implemented to manage traffic movements and to minimise disruption to local residents. This CMP has not to date been submitted and works have not yet commenced in association with the permit, so it must be received before works commence.

Question

Reference Ballarat Gold Mine Permit Application, Appendix A - Permit Conditions, Clause 17(b) During Ballarat Gold Mine Operations the permit allows use of Whitehorse Road between the hours of 7 and 6, Monday to Friday. At either end of Whitehorse Road (Geelong Road and Albert Street) are school crossings manned during arrival/departure school times. What plans are proposed by the responsible authority to ensure adequate traffic control, including pedestrian safety, and compliance with the Permit Condition?

Answer

Natalie Robertson, Director Development and Growth, responded that the answer is very similar. The Construction Management Plan must address traffic-related and management of traffic movements before it can be approved and before it can be enacted. So, no works can commence until these pre-commencement conditions are met and that includes the traffic management, not just to the site but to the broader area as well.

Cr Tess Morgan left the meeting at 7:00 pm.

QT7/25 – Dora Pearce**Question**

Permit conditions for PLP/2022/644 Item 13 states that, prior to commencement of construction of TSF4 at Ballarat Gold Mine, a Risk Analysis Workshop must consider “potential failure scenarios in relation to mitigation measures” and identify “further mitigation strategies” required to underpin a Mitigation Measures Implementation and Risk Analysis Plan (MMIRAP) and an amended Human Health Risk Assessment (HHRA) to be approved by the Responsible Authority. Has this prescribed Risk Analysis Workshop been successfully conducted?

Answer

Natalie Robertson, Director Development and Growth, responded that no, the permit applicant is currently working through design detail matters and has not yet progressed to this condition requirement. This requirement must be satisfactorily discharged to the satisfaction of the responsible authority prior to the commencement of development in accordance with the terms of the conditions.

Question

Permit conditions for PLP/2022/644 Item 13 also states that “...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”. Does the City of Ballarat Council also review ambient air dust monitoring data for the currently operational tailings storage facility (TSF3)?

Answer

Natalie Robertson, Director Development and Growth, responded that air quality data is currently reviewed by Earth Resources Regulator (or ERR).

QT8/25 – Joan Brick**Question**

In keeping with permit conditions for PLP/2022/644 item 19-22 related to the Vegetation Plan, will the Council ensure before approval that the plan provides sufficient time for the treed buffer zone to sufficiently grow before the construction of TS4 as to protect the local community along Whitehorse Rd and Tinworth Avenue, namely the Mt Clear and Sebastopol communities, from the noise, dust and unsightly view associated with gold mining operation within an urban area?

Answer

Natalie Robertson, Director Development and Growth, responded that Condition 21 of Planning Permit PLP/2022/644 requires planting to occur as part of stage 1 of TSF4. Plantings are not required before the construction of Stage 1 and this is due to practicalities. Please note the existing vegetation around the perimeter of the site will not be removed. The plantings required by the permit are in addition to perimeter plantings, and it is noted that Conditions 13 and 14 refer to mitigation measures necessary during the construction phase. These conditions should be read in association with Conditions 9 and 11, which also seek to provide the mitigation measures during the construction process to safeguard local amenity. Director Robertson notes that she is referring to a lot of conditions as part of the permit and, if Ms Brick requires a copy of the permit, then she will be pleased to provide them.

Cr Tess Morgan returned to the meeting at 7:05 pm.

Question

Is there a Council policy regarding residents putting unwanted free items on the nature strip and if not, should there be that includes the length of time those items can remain there and the responsibility of the residents not the Council to dispose of these rather than using our Council rates?

Answer

Natalie Robertson, Director Development and Growth, responded that the City of Ballarat does not currently have a policy regarding residents putting unwanted free items on their nature strip. The City of Ballarat Community Local Law prohibits the placement of waste on a road or on Council land, other than in an approved waste bin or receptacle, without a valid permit. Any reported incidents of this may result in enforcement under the Local Law. Enforcement may include a direction to remove the items or dispose of them appropriately or may include a penalty such as an infringement. She notes that the Community Local Law will commence a review this year.

QT9/25 – Anne Beggs-Sunter**Question**

I am representing the Buninyong and District Historical Society. I'd like to ask, in relation to the old swimming baths in the Buninyong gardens, why has the approved work of strengthening the concrete walls not been carried out?

Answer

Bridget Wetherall, Director Infrastructure and Environment responded that the City has been working diligently with Heritage Victoria to enable the restoration of the old pool enclosure. This work has involved the services of a specialised design consultant and contractor with

heritage approvals and is complex in nature. The City will soon be seeking quotes from appropriately qualified contractors, with works expected to be completed this year.

Question

Can staff guarantee that any works on Cornish Street in Buninyong near the walls of the swimming pool will not interfere with the stability of the walls?

Answer

Bridget Wetherall, Director Infrastructure and Environment responded that yes, this is certainly one of the mandated design elements of the Gong wall rehabilitation to ensure that that the baths themselves are not damaged and kept upright.

QT10/25 – Liz Lumsdon**Question**

My question is actually quite related to Anne's. The Buninyong community is unanimous in its desire for action to open up the old baths for public enjoyment again, unlike the widespread dissension about the current plan to eradicate all trees from the Gong embankment. It's a much-loved place and very popular for weddings. My question is, will Council agree to prioritise the restoration of the walls around the old baths so this area can be reopened after being fenced off completely for, I believe, six long years?

Answer

Bridget Wetherall, Director Infrastructure and Environment responded that much the same as just mentioned, the baths project is well underway and Council will soon be in a position to seek quotes for the restoration work after working through the heritage permit conditions with Heritage Victoria, so looks forward to getting on with it.

Question

My second question relates to the current Master Plan for the Buninyong Botanical Gardens. Why, I'd like to know, did Council present us with only one non-negotiable option for the Buninyong Gong (i.e. GHD's plan) rather than calling for a range of design options and inviting community appraisal and input to help select the best option?

Answer

Bridget Wetherall, Director Infrastructure and Environment responded that the design for the Gong Dam has had to meet mandatory requirements for flood protection, provide a conforming design, and mitigate against the risk of piping and bank instability. In all, 13 design options were considered, including the two options as presented in the Our Heritage Our Future Report from the Friends of the Botanical Gardens. From these 13 designs, six were conforming with the required standards. The earthen dam wall option, as presented by GHD, is the most favoured. The dam wall design is a non-negotiable element of the project due to its primary purpose of mitigating risks.

QT11/25 – Sue Ann Permezel**Question**

Council's plan for the Gong exposes the (currently concealed) roadway and traffic to the Lower Garden, conflicting starkly with its historical, aesthetic and botanical values. This will most surely disrupt the utility and tranquility of the gardens and discourage popular community activities like weddings, picnics, and events. What measures have the Council's community consultation and planning procedures used to understand and address the botanical, heritage, and social values of the Gardens?

Answer

Natalie Robertson, Director Development and Growth, responded that the Buninyong Botanic Gardens Masterplan was developed through the conventional planning processes that included:

- Consideration of the client brief amended and revised as required to inform clear understanding;
- Review of established and new documentation and other information relevant to the site;
- Understanding of the site through information, conversations and analysis;
- Understanding of the need to remediate the Gong Dam wall to make sure that these works will impact/change the gardens;
- Consideration of the landscape, botanical, heritage, natural, community attachment, and other values that pertain to the place;
- Consideration of community feedback through engagement;
- Development of site opportunities and constraints that informed the plan.

As an outcome of the adherence to this process the Landscape Masterplan (as adopted) acknowledges that the community "love the gardens" and the community "preferred minimal changes to them". Importantly the Masterplan identified that the removal of the willows which currently divide the upper and lower gardens as an "opportunity" to unite the two spaces as one by increasing views from east to west. Additionally, pedestrian safety is enhanced by removing the visual obstruction and constriction caused by the plantings and the existing road formation and providing safe off-road access via new pathways and the proposed boardwalk along the Gong.

RESOLUTION:

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

Moved: Cr Samantha McIntosh
Seconded: Cr Ben Taylor

CARRIED
(R2/25)

Question

Presentations by Council representatives have fuelled fears within some quarters of the community regarding potential loss and trauma associated with the Gong wall. Media quotes attributed to Council and a video depicting community terror would seem without reasonable foundation. The validity of these comments is questionable, as concerns have been raised that the Council's communication approach may have contributed to community unease and division. Relative to the potential risk of the Gong wall failing as described by GHD Group, how does Council justify its projections of community fears and chaos?

Answer

Bridget Wetherall, Director Infrastructure and Environment responded that the risks relating to the Gong Dam, as identified in the various technical reports, are real and the City has an obligation to take them seriously. As the dam wall cannot be properly inspected in its current form, the risks associated with the dam wall and likelihood of failure are slowly worsening. Specifically, the probability of the Gong Dam wall failure has been calculated at 1:2016 according to the 2019 GHD risk assessment report. As time goes by however, the probability of failure increases.

QT12/25 – Leanne Pitman**Question**

The artificial lowering of the Gong water level has significantly compromised its value as an environmental and recreational asset as evidenced by the current drying out of the eastern end and perimeter. This is resulting in a decrease in the water quality which is impacting the number of aquatic birds regularly using this habitat, and an increase in the proliferation of weeds and other noxious plants into an already neglected area, creating a growing maintenance problem and cost. Is Council willing to support further degradation of this much used community asset, should the already approved Master Plan be delayed or altered?

Answer

Bridget Wetherall, Director Infrastructure and Environment responded that the City does not support degradation of the Gong Dam. In its current form, the reduced water level in the Gong is needed to reduce the risk of Gong Dam wall failure. One of the design elements of the proposed Gong Dam wall upgrade project is to enable the Gong to be returned to its former water level and capacity.

QT13/25 – Merle Hathaway**Question**

Central Buninyong, we know, and of course this means the whole area of the Buninyong Botanic Gardens, has porous chocolate soil and we know that dams don't hold water unless they're lined with clay anyway. If the embankment is raised and all the trees removed permanently, because we have been told it's only knee-high shrubs that will replace the trees, how do we know that it will fill and will stay full?

Answer

Bridget Wetherall, Director Infrastructure and Environment responded that the water level in the Gong Dam fluctuates with the seasons and may dry up in periods of prolonged drought. This is natural for a water body of this size. She noted that the type of material to create the new and upgraded Dam will not necessarily be the chocolate volcanic soil. It will be highly compacted soil that is able to withstand the pressures of the water in the dam. So, there's lots of other things that will reduce that risk.

Question

Council's planned removal of 100 mature trees, and replacement with only little shrubs, is a potential heritage as well as environmental disaster. Has Council consulted its own Heritage and Biodiversity teams?

Answer

Natalie Robertson, Director Development and Growth, responded that the existing conditions survey shows approximately 18 willows on the western bank (the Gong side), noting the willows are a medium sized tree with multi-stemmed habit and an inclination to sucker. Approximately 40 large shrubs / small trees are planted on the eastern bank (on the Botanical Garden side), noting these are mixed species, including Irish Strawberry. She will give the names of these in writing. On the basis that the plants cannot be retained in order to remediate the wall, there will be approximately 58 plants removed inclusive of medium and small trees and large shrubs. Additionally, the Landscape Masterplan provides for opportunity to plant a diverse range of tree species to offset this loss. The tree removal has been acknowledged to have some impact on heritage and initial amenity of the garden. However, it is considered that future planting opportunities will ameliorate. With the information provided, and weighing up all matters, officers do not consider the proposed removal to be an environmental disaster as the willows are generally considered a pest species to adjacent waterways. Again, a diverse planting scheme post construction, will

enhance the biodiversity values of the site. Council officers are employed to utilise their knowledge and expertise and to give advice to Council on what they consider the most appropriate way forward, and this has been applied when assessing biodiversity and heritage and to arrive at the current recommendation to Council.

QT14/25 – Roland Nam**Question**

I'm a long-term resident of Buninyong. I wear a few hats in Buninyong like Landcare, I help in the Information Centre etc, and interested in history and belong to that society as well, and I've got a very deep feeling for the history of Buninyong at the moment because I teach it for u3a. So that's where I'm coming from. In reference to the Gong, the heritage of it and the Botanical Gardens. How does the removal of the current tree/bush along the Cornish Street pond bank, and I'll say "pond" not "dam" for a reason and I think you all should know is the inflows are poor and the pond wall was upgraded 100 years ago cheaply (I won't say any more than that). But how is the Council going to provide plantation for the environment and for the wildlife, which is the fish, the birds, etc, along the Gong banks at the moment with the new plan?

Answer

Natalie Robertson, Director Development and Growth, responded that the removal of the plants on the embankment is required for the remediation of the Gong. The removal will change the nature and environment of this space, including views into and out of the Botanic Gardens as well as visual connection between the Gong and the Gardens. The Landscape Masterplan proposes environmental improvements to the Gong and its surrounds and will offset any loss of existing habitat provided by the willows. She notes that page 21 of the Masterplan is fairly comprehensive in respect to that. If anybody wants a copy, she can provide it where it addresses those elements of heritage and biodiversity.

Question

Cornish Street, the road section there that goes across the Gardens - that's where I'm looking at the moment and it's a very pleasant look from many aspects and there's been photos of it for a hundred years looking so important as a country road. This is important for Buninyong because it's the old village, ye olde village, ancient village. How do you plan to keep that look, because it is important for Buninyong?

Answer

Natalie Robertson, Director Development and Growth, responded that Cornish Street is characterised by walls of planting both sides with limited views east and west. This will change because of the plant removal and Gong Wall upgrades. It will present as an open view to the Gong and the Gardens with a boardwalk on the upstream side and dense planting on the lower bank on the west side. It is acknowledged that there will be a change to the look of the Cornish Street outlook.

QT15/25 – Michael Poulton**Question**

I'm a resident of Buninyong. My question relates to the Notice of Motion agenda item 9.1. My question is, what evidence does Councillor Lapkin have that suggests the previous Council decision to approve the Buninyong Masterplan should now be revised?

Answer

Cr Ted Lapkin responded that he will present the details when he speaks on his motion for that agenda item.

QT16/25 – Ross Pilkington**Question**

I live on the Gong and my question's already been answered, which is the one about the options that were examined in the engineering reports and such, the 13 options which were answered before. My second question is: recently we saw a whole heap of people digging up the Gong wall with drills and geological implements and could we have a briefing on the outcome of that wall work?

Answer

Bridget Wetherall, Director Infrastructure and Environment responded that a geotechnical investigation of the Gong Dam was completed in late 2024, as Mr Pilkington mentioned. The dam wall consists of saturated clays of various colour and consistency, silt, quartz, gravel cobbles and pebbles, sand and some brick fragments, and low strength basalt rock he geotechnical investigation as carried out by consultant A.S. James is available for review.

QT17/25 – Andrew Sutherland**Question**

I'm a resident of Buninyong. My questions have already been answered, so I have another question. There's been a lot of concern in Buninyong about the desolation of the Gardens and the removal of the Gong or whatever it is. How many trees are going to be taken down? 58, I understand. So, what's going to be put in their place? And will the removal extend anywhere beyond the embankment?

Answer

Bridget Wetherall, Director Infrastructure and Environment responded that the trees will only be removed from the embankment and that is because to upgrade the embankment and to ensure its structural integrity there cannot be trees and tree roots in in the earthen dam wall. All trees growing on that dam need to be removed. The embankment on the Gardens side will be topsoil to allow for low level planting such as grasses and shrubs.

Question

Were the proposed works to go ahead, how long will it take to complete?

Answer

Bridget Wetherall, Director Infrastructure and Environment responded that it is anticipated that the works with would be undertaken in the summer of 26/27 financial year. Officers have to work through the design stage, but she imagines it would be a number of months onsite.

QT18/25 – Peter Lumsdon**Question**

I'm a long-time resident of Buninyong, downstream from where I believe the trouble is. We've been here for 50 years in the same residence. And I'm speaking first about preserving heritage considerations and tourism and I'm relying heavily on an ANCOLD article for which the GHD Consultancy use to follow the idea of piping as being the main cause of potential dam failure. Now if there's a cheaper management for the spillway crest that also preserves heritage consideration and the tourism that can come off it, I'm wondering why there was an arbitrary choice for best practice calling on ANCOLD in which there's an article which says it's an urban myth (this business of piping). If the arbitrary choice is applauded by the Councillors to go ahead, then why has this plan by GHD been exclusively demanded and others not considered?

Answer

Bridget Wetherall, Director Infrastructure and Environment responded that she is not sure that she would agree that the urban myth of piping is correct. There is certainly strong evidence from qualified dams engineers to suggest otherwise, and that because of tree roots, and especially when trees are dying or dead, that the risk of piping is much greater. Nevertheless, the City of Ballarat's requirements are to build infrastructure that meet all, and as many standards that are available, and that helps firstly get consultants and others to actually design and construct the assets, but that the assets can also then be certified and then have insurance and other things that enable management of that asset. Officers could not have gone down any other path than follow the ANCOLD standards in this case.

Cr Morrison left the meeting at 7:45 pm

Cr Morrison returned to the meeting at 7:47 pm

Question

Again, it's to do with ANCOLD. I have quoted the article, the source from which I asked the other question. I can quote from the GHD consultancy and from the Stantec peer review for this question, and I think in response I would like to hear source material from whoever takes the question. As there are 0.3 deaths predicted from Gong embankment failure now (and that's in the GHD report in the book here, it's on page 9 and it's 5.3) and Buninyong increased population is unlikely to change this statistic of 0.3 deaths (that's in Stantec page 4, clause 3.1) will the Councillors alternatively consider sheet pipe cut off (as was mentioned, but dismissed in GHD (page 5, clause 4 or item 4) as part of a method to ensure reasonable safety and preserve heritage considerations and the tourism that may spin off from that?

Answer

Bridget Wetherall, Director Infrastructure and Environment responded that 13 options in total have been looked at and Mr Lumsdon certainly mentioned that a sheet pile option was one of them. It was dismissed on the basis of it not providing an enhanced volume or capacity of the dam because one of the factors trying to be mitigated is overtopping. By providing a sheet piling option, it doesn't actually increase the volume, so it would only mitigate some of the risks that have been identified in the GHD report and not all of them. The earthen dam wall option, which is favoured, is the best because:

- It mitigates all risks;
- Is compliant and in accordance with ANCOLD guidelines;
- It will provide confidence to enact all elements of the Botanical Gardens as identified in the Master Plan;
- It allows for a green wall planting on the garden (downstream) embankment;
- It provides an internal filter to mitigate against piping failure and provide a filtered water supply for the lower garden ponds; and
- It will allow the Gong Dam to be filled to its former capacity, as mentioned, to enable a healthier water system.

RESOLUTION:

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

**Moved: Cr Ted Lapkin
Seconded: Cr Samantha McIntosh**

**CARRIED
(R3/25)**

QT19/25 – Vivienne Webb**Question**

Flood risk is one reason given for a new dam wall. Will Council please advise why this is the case since there is no flood overlay on properties in the area?

Answer

Bridget Wetherall, Director Infrastructure and Environment responded that flood modelling for the Union Jack Creek and its subsidiaries have not been completed before and is now currently in process. This is the reason there is currently no flood overlay shown for Buninyong. The last major flood of 2011 saw overtopping of the Gong Dam. It is hoped that the modelling will help inform the areas that need to be considered more firmly going forward, and flood risk.

QT20/25 – Tracey Browne**Question**

In the motion from Cr Lapkin, there is reference to the road across the dam in Cornish Street as a single-lane road. This is incorrect. For the whole time that we have lived in Buninyong (30 years) it has been a narrow two-way road. Does Cr Lapkin wish to amend the motion to accurately reflect the fact that the road carries two-way traffic?

Answer

Cr Lapkin responded that he sees this change as editorial and would defer to the Governance Officer for his judgement on how to proceed.

Cameron Montgomery, Executive Manager Governance and Risk, responded that in accordance with the Governance Rules, if there is a need or the desire for the Councillor to change the notice of motion just slightly with the wording, it can be done in accordance with rule 3.4.2(n) '...may with the leave of Council amend the motion prior to it being seconded'.

Question

Is it possible for the Council to commit to planting 100 trees in other areas of the gardens to provide a compromise for those who are opposing removal of the trees that line Cornish Street on the dam wall?

Answer

Natalie Robertson, Director Development and Growth, responded that yes, the Buninyong Botanic Gardens Landscape Masterplan does provide for an opportunity to plant a diverse range of tree species to offset this loss.

QT21/25 – Elizabeth Hayward**Question**

I live in the immediate vicinity of the Gong. My question relates to the Gong and the scenario where the repair of the Gong wall does not go ahead. Given that Council is on notice of foreseeable risks associated with the dam wall, will Council indemnify any property or individual who may suffer direct or indirect losses as a result of the dam wall failing?

Answer

John Hausler, Director Corporate Services, responded that the City of Ballarat takes steps to mitigate the risks arising from its assets. This includes monitoring the asset, developing asset management plans, and conducting preventative works. Council's liability for any matter is considered on a case-by-case basis.

QT22/25 – Bernadette Cheesman**Question**

If Ballarat City Council (BCC) does proceed with their plans regarding major changes, including tree removal, etc, from the Gong, will they please explain how this decision complies with their responsibilities, in all aspects, under the *Local Government Act 2020* and any other relevant legislation and bylaws?

Answer

John Hausler, Director Corporate Services, responded that the City of Ballarat will abide by all relevant legislation in this matter.

Question

Should many BCC assets, including the Buninyong Botanical Gardens, etc., have their own Community Asset Committees, in addition to the Friends of groups?

Answer

John Hausler, Director Corporate Services, responded that Council may determine to establish Community Asset Committees where it considers these Committees are necessary to manage a facility. Usually, though not in all cases, they are established for community buildings, such as halls, where access to (including locking and unlocking the building) and hiring of the facility needs to be managed. In many cases, community assets are well cared for by existing volunteers and a Community Asset Committee is not necessary.

QT23/25 – Sharon Upham**Question**

I've got two questions. One relates to the Ballarat Station situation.

Would you be interested in the fact that the diesel fumes are going to be a health risk for staff and passengers? Would you be interested in lobbying the state government to be given a little bit more time and a little bit of more say from the community and from the Council, because basically they've taken this out of your hands?

Answer

Evan King, Chief Executive Officer, responded that, in terms of the question around fumes from trains going into the overpass, it's not something that has been raised at this stage. Council did pass a motion to put a submission into the planning process and made some fairly strong feedback on the original plan. The City of Ballarat wasn't provided any opportunity to provide any further feedback on the second design. If that is a concern of the community, then officers would be happy to raise that with the appropriate authority.

Question

Given that at the moment the state government is saying it's going to override all the Council's planning decisions about where new residentially particularly are going to be built and the height limits and all that sort of thing. Given that we're probably the foremost heritage city in Victoria, it seems to me that they're taking away the democratic right of this layer of government and that the Victorian Government is not being democratic. What powers have we got as a community and as a Council to try and fight back against that, and are you interested in trying to do that?

Answer

Natalie Robertson, Director Development and Growth, responded that through Plan for Victoria and the housing targets which have recently been released there has been particular reference that relate to reduced building heights, but they're relevant only to pilots at this point in time and they're nominated by the state government. The pilots are all in

metro Melbourne. Ballarat is not a centre identified for this pilot, and the discussion relating to reduced heights or high capacity doesn't currently affect Ballarat. It relates to activity centres, so they are sort of retained around the train stations and things like that. Be reassured that it does not relate at this point in time to Ballarat, it's all metropolitan based.

QT24/25 – Annette McMaster

Question

I live in Ballarat East. I've lived there for nearly 40 years. I can remember when the big gas cylinders, we moved from the centre of town and with all this talk of beautification and the environment, I could only dream of that because now only 800 metres from the CBD we're going to get this ugly major zone substation right in the middle of our houses on York Street, direct route between Sovereign Hill and the Wildlife Park, and there seems to be absolutely nothing we can do about it. So, I hope you've read my submission earlier because that explains more how we really feel about this. Corangamite water catchment tell me that you, the Ballarat Council, are the responsible authority when it comes to what happens in Ballarat. So with regard to flooding, Callow Street, bordering on the north side of the substation site, is 2+ metres lower than York Street and I don't believe that after Powercor bring in fill and infrastructure eliminates the pervious ground that their swale will be sufficient to stop us from flooding. We ask for a solid fence to contain any contaminants. They consider a 9-millimetre-thick fence with gaps under it to allow water to flow in and out a solid fence. We request an oil separator before their water is discharged into the heritage drain. With gaps under the fence, how will this work? We witness many swales throughout Ballarat: Cuthberts Road has two, Gregory Street has a large one, to name a few. You have us on the flood map and after selling off the corner of King and Callow Streets, which was a Council reserve, and allowing fill up to roughly 2 metres at such critical point, what are you going to do to stop us from flooding? Why are we treated so differently in the suburb of Ballarat East? And can we have another meeting, please, to sort the flooding and our expectations? We were supposed to hear from Council as to what was happening with that project and I've just received one of these saying that preliminary works are going ahead.

Answer

Natalie Robertson, Director Development and Growth, responded that in respect to the preliminary works, she believes residents did receive a notice. Preliminary works are exactly that, they are just testing and survey. There may be some work that happens that is very minor in context. If they were to embark on major works, the community would all have noticed but that is not the intention. They are doing the pre-work to inform themselves at this point in time, and that includes pre-work to understand the mitigation measures that they do have to meet under CMA requirements and also design requirements. Regarding flooding and the solid fence, that would be the worst-case scenario - a completely solid fence in an area that is subject to flooding. They will have to provide a design that mitigates flooding, but they will also have to deliver a design. Bearing in mind, to clarify for Councillors who aren't aware, City of Ballarat is not the determining authority and has no authority in this. But they have regulations that they must address and standards that must be approved to receive practical completion when the time comes, that they must be able to cater to whatever flows over the property, and they cannot do anything that would increase or cause further detriment to the surrounding neighbourhood. They have to undertake a power of work to show how they would mitigate flooding or to contain within their own site.

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 Ted Lapkin

CARRIED
(R4/25)

Question

Can we have another meeting to discuss it?

Answer

Natalie Robertson, Director Development and Growth, responded that she would request Powercor to attend a meeting with residents and the City of Ballarat, and then get back to Ms McMaster.

QT25/25 – Sean Mulcahy**Question**

Does Council have data on the number of statues of women compared to men and others?

Answer

Martin Darcy, Director Economy and Experience, responded that Ballarat has 20 statues of women, 38 statues of men, and 68 statues of other (being events, memorials or other representations).

QT26/25 – Sean Mulcahy**Question**

What action is Council taking in response to the neo-Nazi fliers distributed in the city's CBD and to condemn this hate?

Answer

Matthew Wilson, Director Community Wellbeing, responded that City of Ballarat is on record through a recent article in the local media acknowledging that this divisive act would cause alarm and concern for community, but also noting, however, that it was not representative of the wider community within Ballarat, which is well known for being welcoming, compassionate and inclusive as a community. Be and one that works together to make this a safe community where everyone can prosper.

Evan King, Chief Executive Officer, added that officers were proactive wherever they saw them. It was also mentioned in the article in the media that if anyone was aware of one somewhere they could 'Snap Send Solve' it and send it to City of Ballarat and it would be removed as quickly as possible.

QT27/25 – Christina Mauseth**Question**

I want to know what's happening with the unmade roads in Buninyong. There's quite a few and they're becoming quite busy. Also, with some of the parking areas that need to be completed properly.

Answer

Bridget Wetherall, Director Infrastructure and Environment, responded that she is happy to have a more specific outline of any roads. In general, City of Ballarat has a Sealing of Gravel Roads Policy in which certain criteria need to be met before embarking on a path of reconstructing the road. Director Wetherall would have to look specifically about which roads that Ms Mauseth is interested in and see if they firstly meet criteria (there's a minimum number of cars that need to be passing through an area to then consider the viability of reconstructing a road), and if it is meeting criteria where it sits on our priority list. Bridget is very happy to receive further information from Ms Mauseth or come and have a chat at a later time.

Question

There was an item in the news about electricity prices and state government is going to reduce the solar input prices and was to be addressed through Council. But that was just over the news. I just want to know if anyone knows anything about it?

Answer

Cr Tracey Hargreaves, Mayor, responded that the question would have to be taken on notice.

QT28/25 – Frank Williams**Question**

I have two questions related to Pryor Park, which for all Councillors is in Ballarat East, top end of Eureka St, the 500 block. First of all, a little context, because most of the Councillors are new. Some 30 odd years ago, Pryor Park was deforested of the pine plantation and the city reaped the reward of this. For the last 22 years, John Kerr and Maggie Dannett and the Friends of Pryor Park group have tried to identify and name native flowers, grasses and regrowth. The maintenance of the park is a monumental task because nothing's been done. So, the park's being neglected and overlooked, and it's like an overgrown jungle. So, my two questions, Madam Mayor. First of all, will the City of Ballarat develop a long-term management plan for the redevelopment of Pryor Park?

Answer

Bridget Wetherall, Director Infrastructure and Environment, responded that there's two aspects – the longer-term master planning, which might consider consultation with the community about what the park should be used for and how to use it, but there's also the shorter-term maintenance and operations. She's happy to work with the Development and Growth team and look at some options, but it would need to be budgeted and then considered by Council, whether the funds are there to facilitate that, particularly that longer-term planning.

Question

The second question is really for the long term. Will the Council liaise with residents and ratepayers and former friends of Pryor Park or Ballarat East community committee to maintain the native flora and fauna within the park?

Answer

Natalie Robertson, Director Development and Growth, responded yes. She has just discovered that there is a master plan from about 2011 that gives some guidance to this park, so officers will have a look and reach out and see what work can be done in terms of a refresh.

QT29/25 – Dawn Oliffe**Question**

I live in Sebastopol. I address you, Madam Mayor, and Councillors, and I would also address the gallery behind me because this is the first time I've been in this Chamber and that clock is the most distracting thing I've ever seen, and I'd like to start a fund to raise the funds to fix that, or have something else put in its place, because that is really obstructing your sense of following what's going on. You keep looking at it and going "what? No". It's not working. It's not a good sign for the Council. That's not working.

Answer

Cr Samantha McIntosh responded that those clocks are heritage, they are a very important part of the history of the Town Hall and it's imperative that they are not lost. However, there has been a system in place in the past, there's been different hall keepers come through overtime, and they did have a very rigid process to wind them, so they might need to actually have that addressed. There's a number of them through the Town Hall.

RESOLUTION:

That Council adjourn at 8:32 pm for a short comfort break.

**Moved: Cr Ben Taylor
Seconded: Cr Des Hudson**

**CARRIED
(R5/25)**

RESOLUTION:

That Council resumes at 8:46 pm.

**Moved: Cr Ben Taylor
Seconded: Cr Jim Rinaldi**

**CARRIED
(R6/25)**

RESOLUTION:

That item '9.2 Notice of Motion – Cr Morrison' be brought forward and considered, immediately followed by item '9.1 Notice of Motion – Cr Lapkin', after item '8.2 Creative City Report Card'.

**Moved: Cr Des Hudson
Seconded: Cr Ben Taylor**

**CARRIED
(R7/25)**

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:

24. That Council:

24.1 Receive and note the CEO's Operational Report.

Moved: Cr Samantha McIntosh
Seconded: Cr Des Hudson

CARRIED
(R8/25)

8. OFFICER REPORTS

8.1. KERBSIDE HOUSEHOLD WASTE AND FOOD ORGANICS AND GARDEN ORGANICS (FOGO) SERVICE OPTIONS

Division: Infrastructure and Environment
Director: Bridget Wetherall
Author/Position: Siobhan Dent – Coordinator Circular Economy

Public representation was made by Dr Elisa Zentveld and Stuart Kelly.

PURPOSE

1. The purpose of this report is to:

- Provide further information with regard to the frequency of collection of kerbside food organics and garden organics (FOGO) and household waste in response to a resolution made at the 27 November 2024 Council meeting. The resolution stated:

'That Council:

4.1 Defer change to weekly household waste collection and the introduction of weekly food organics and garden organics (FOGO) collection;

4.2 Call for a report to Council that: a) presents alternative options to aforementioned decision on household waste collection frequency; and b) includes the financial implications of each option presented with consideration of options to minimise the costs associated with waste and FOGO disposal to landfills where feasible.'

- Seek endorsement of the commencement of fortnightly waste, weekly FOGO from November 2025.

MOTION:**That Council:**

- 49.1 Note that this report presents alternative options on household waste frequency in response to Notice of Motion made at 27 November 2024 Council Meeting.**
- 49.2 Endorses the commencement of fortnightly waste, weekly Food Organics, Garden Organics (FOGO) services from November 2025.**
- 49.3 Endorses the following support measures to assist with transition to fortnightly waste, weekly Food Organics, Garden Organics (FOGO) service:**
- a. Residents with a medical exemption able to upsize their waste bin from 140L to 240L at no cost.**
 - b. All residents able to upsize their waste bin from 140L to 240L at a 50% discounted cost (to full cost), for a minimum period of 12 months.**
 - c. Residents with old style waste bins (no red lid and <140L), will have their bin replaced with a 140L bin at no cost through an expansion to the current bin replacement program.**
 - d. All residents able to upsize their recycling bin from 240L to 360L, at a cost to be determined.**

Moved: Cr Tess Morgan**LOST****Seconded: Cr Des Hudson**

Upon being put to the meeting, the Motion was declared lost. Cr Des Hudson called for a Division.

For the Motion were: Cr Ben Taylor, Cr Des Hudson, Cr Jay Morrison and Cr Tess Morgan

Against the Motion was: Cr Damon Saunders, Cr Jim Rinaldi, Cr Samantha McIntosh, Cr Ted Lapkin and Cr Tracey Hargreaves

Abstained from the Motion were: Nil

RESOLUTION:

That Council:

49.1 Notes this report.

49.2 Retains weekly kerbside collection of household rubbish while implementing fortnightly FOGO (food organic and garden organic) kerbside waste collection from November 2025.

Moved: Cr Ted Lapkin

Seconded: Cr Damon Saunders

CARRIED

(R9/25)

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

For the Motion were: Cr Damon Saunders, Cr Jim Rinaldi, Cr Samantha McIntosh, Cr Ted Lapkin and Cr Tracey Hargreaves

Against the Motion was: Cr Ben Taylor, Cr Des Hudson, Cr Jay Morrison and Cr Tess Morgan

Abstained from the Motion were: Nil

RESOLUTION:

That Council adjourn at 10:17 pm for a short comfort break.

Moved: Cr Ted Lapkin

Seconded: Cr Samantha McIntosh

CARRIED

(R10/25)

RESOLUTION:

That Council resumes at 10:33 pm.

Moved: Cr Ben Taylor

Seconded: Cr Des Hudson

CARRIED

(R11/25)

8.2. CREATIVE CITY REPORT CARD

Division: Economy and Experience
Director: Martin Darcy
Author/Position: Tara Poole – Coordinator Creative City

Public representation was made by Steph Wallace, Paula Maki, and Kay Hustwaite.

PURPOSE

1. Every year, the City of Ballarat measures the impact and outcomes of the application of the Creative City Strategy and Creative Precinct Masterplan (2019-2030) with the production of a Report Card.
2. The purpose of this report is to provide an overview of the impact and outcomes from two endorsed documents for the 2023/24 financial year.

RESOLUTION:

15. That Council:

- 15.1 Receive and note the 2023/24 Creative City Report Card, which reports on implementation of the Creative City Strategy and Masterplan.

Moved: Cr Samantha McIntosh
Seconded: Cr Des Hudson

CARRIED
(R12/25)

9. NOTICES OF MOTION

9.2. NOTICE OF MOTION - CR MORRISON

PURPOSE

1. A Notice of Motion was lodged by Cr Jay Morrison on 19 February 2025.
2. In accordance with rule 3.8.2 of the Governance Rules, the Notice of Motion was received and assessed by the Chief Executive Officer then approved to proceed to the 26 February 2025 Council Meeting Agenda.
3. Formal notice was provided to Councillors on 21 February 2025 which was then recorded in the Notice of Motion Register by the Governance team.

RESOLUTION:

5. That Council:

- 5.1 **Requests that consideration be given during the development of the 2025/26 budget to initiatives that support those Ballarat residents significantly impacted by rising costs with a focus on initiatives that can be delivered within the existing budget funding that do not lead to cuts in services.**
- 5.2 **Requests that these considerations be outlined in the 2025/26 budget document presented to Council.**

Moved: Cr Jay Morrison
Seconded: Cr Damon Saunders

CARRIED
(R13/25)

9.1. NOTICE OF MOTION - CR LAPKIN

A petition containing 634 signatories was received in relation to this agenda item. The petition reads as follows:

"We, the undersigned, hereby petition the Council to abandon its plan to permanently remove all trees on both sides of the Cornish Street embankment and radically alter the Heritage Listed Buninyong Botanic Gardens and Lake (The Gong) VHR H1826, and to require that the Council seek other alternatives to address any possible risk of flooding, in order to preserve the heritage, aesthetic and social significance of this area."

RESOLUTION:

That the petition be received and referred to the CEO for consideration and response.

Moved: Cr Damon Saunders

CARRIED

Seconded: Cr Samantha McIntosh

(R14/25)

Public representation was made by Virginia and Stuart Rowe, Robert Morris, Garry Trotter, Helen Trotter, Ross Pilkington, Judith Bailey, Mark Jones, Liz Lumsdon, Peter Lumsdon, Merle Hathaway, Elizabeth Hayward, Roland Nam, Michael Poulton, Cameron Funston, Jesse Sanders, and Roger Permezel.

RESOLUTION:

Council endorses an extension to the finishing time of the scheduled 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 Des Hudson

(R15/25)

PURPOSE

1. A Notice of Motion was lodged by Cr Ted Lapkin on 7 February 2025.
2. In accordance with rule 3.8.2 of the Governance Rules, the Notice of Motion was received and assessed by the Chief Executive Officer, then approved to proceed to the 26 February 2025 Council meeting agenda.
3. Formal notice was provided to Councillors on 19 February 2025 which was then recorded in the Notice of Motion Register by the Governance team.

MOTION:**4. That Council:**

- 4.1** Revise the *Buninyong Botanic Gardens Landscape Masterplan* to remove reference to Gong Dam Rehabilitation project;
- 4.2** Ceases implementation of any works proposed in the Buninyong Botanic Gardens Landscape Masterplan which relate to the Gong Dam wall; and
- 4.3.** Requests that officers provide a report to a future Council meeting presenting costed options for engaging a suitably qualified engineer to undertake a feasibility assessment of:
 - a. reinforcing the structural integrity of the Gong Dam Wall while preserving its existing vegetation; and
 - b. retaining Cornish Street as a narrow two-way road.

Moved: Cr Ted Lapkin**LOST****Seconded: Cr Samantha McIntosh****RESOLUTION:****That Council adjourn at 12:30 am for a short comfort break.****Moved: Cr Ben Taylor****CARRIED****Seconded: Cr Des Hudson****(R16/25)****RESOLUTION:****That Council resumes at 12:36 am.****Moved: Cr Ben Taylor****CARRIED****Seconded: Cr Damon Saunders****(R17/25)**

8. OFFICER REPORTS *(continued)*

8.3. EVENTS STRATEGY ANNUAL REPORT CARD

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

PURPOSE

1. This report provides an evaluation of the implementation of the City of Ballarat Event Strategy 2018-2028 for the 2023/2024 period. This evaluation is measured against progress toward completing tasks allocated within the designated timeframe. Comments have been provided to compare the 2023/2024 results with the previous financial year.

RESOLUTION:

25. That Council:

- 25.1 Receive and note the City of Ballarat Events Strategy 2018-2028 annual report card for 2023/24.**

Moved: Cr Des Hudson
Seconded: Cr Samantha McIntosh

CARRIED
(R18/25)

8.4. LGBTIQA+ INCLUSION PLAN IMPLEMENTATION REPORT

Division: Community Wellbeing
Director: Matthew Wilson
Author/Position: Sez Lothian –Community Inclusion Officer LGBTIQA+

PURPOSE

1. The purpose of the report is to update Council on the progress made against actions in the second year of the implementation of the LGBTIQA+ Inclusion Plan 2022-2026.

RESOLUTION:

13. That Council:

- 13.1 Receive and note the report on the work undertaken in year two of the LGBTIQA+ Inclusion Plan 2022-2026.**

Moved: Cr Jay Morrison
Seconded: Cr Samantha McIntosh

CARRIED
(R19/25)

8.5. QUARTERLY PERFORMANCE REPORT FOR PERIOD ENDING 31 DECEMBER 2024

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

PURPOSE

1. The purpose of this report is to present the quarterly performance report for the quarter ending 31 December 2024.

RESOLUTION:

45. That Council:

- 45.1 Receive the Quarterly Financial Management Report – Period Ending 31 December and note the financial matters contained within the report.**
- 45.2 Endorse the 2024/25 Quarter 2 Budget Review adjustments.**
- 45.3 Resolve to utilise \$3.6 million of the unallocated savings to remove the need to borrow for the Bridge Mall redevelopment, leaving an unallocated saving balance of \$0.039 million.**
- 45.4 Note that \$15.625 million of the 2024/25 budgeted borrowings will be deferred to be considered as part of the 2025/26 budget development process in line with the updated expected project timelines.**
- 45.5 Receive the Council Plan 2021-2025 – Annual Action Plan 2024/25 Quarter 2 Progress Report.**
- 45.6 Receive the City of Ballarat metrics – December 2024.**

Moved: Cr Ben Taylor
Seconded: Cr Des Hudson

CARRIED
(R20/25)

8.6. FEDERAL AND STATE ELECTIONS POLICY

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

PURPOSE

1. The purpose of the report is for Council to consider proposed updates to the Federal and State Elections Policy.

RESOLUTION:

7. That Council:
 - 7.1 Adopt the attached revised Federal and State Elections Policy, which supersedes the Federal and State Elections Policy adopted by Council on 15 December 2021 (R277/21).

Moved: Cr Jay Morrison
Seconded: Cr Ben Taylor

CARRIED
(R21/25)

8.7. COUNCILLOR POLICIES REVIEW

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

PURPOSE

1. The purpose of this report is for Council to adopt the Internal Resolution Procedure.

RESOLUTION:

12. That Council:

12.1 Adopt the Internal Resolution Procedure.

12.2 Rescind the Councillor Code of Conduct adopted by Council on 24 February 2021 (R32/21).

Moved: Cr Des Hudson
Seconded: Cr Tess Morgan

CARRIED
(R22/25)

8.8. APPOINTMENT OF DEVELOPMENT INDUSTRY MEMBERS TO THE BALLARAT WEST PRECINCT STRUCTURE PLAN AND DEVELOPMENT CONTRIBUTIONS PLAN STAKEHOLDER REFERENCE GROUP

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

PURPOSE

1. The purpose of this report is to provide recommendations to Council on the appointment of development industry members to the Ballarat West Precinct Structure Plan and Development Contributions Plan Stakeholder Reference Group (the Reference Group).

RESOLUTION:

13. That Council resolves to:

13.1 Appoint the following persons to the Ballarat West Precinct Structure Plan and Development Contributions Plan Stakeholder Reference Group:

- a) Jackson Zaal, Beveridge Williams
- b) Leah Clark, Inception Planning
- c) Liam Gibcus, Integra
- d) Kerry Wilkinson, Spiire

Moved: Cr Ben Taylor
Seconded: Cr Des Hudson

CARRIED
(R23/25)

8.9. COMMUNITY ASSET COMMITTEE MEMBERSHIP

Division: Community Wellbeing
Director: Matthew Wilson
Author/Position: Natalie Grero – Community Development Officer Community Participation

PURPOSE

1. This report is presented to Council for endorsement of revised membership of the Buninyong Town Hall Community Asset Committee and the Cardigan Village Community Centre Community Asset Committee, noting that the membership has changed since it was last endorsed. This report also acknowledges the recent resignation of a Committee member of the Buninyong Town Hall Community Asset Committee.

RESOLUTION:

14. That Council:

14.1 Acknowledge the outgoing Buninyong Town Hall Community Asset Committee member Simon Dennis and thank him for his contribution.

14.2 Endorse the revised membership of the Buninyong Town Hall Community Asset Committee with the election of Susan Pilbeam and Ron Gilchrist.

- Miranda Donald
- Sonya Sutcliffe
- Mark Jones
- Sharon Develyn
- Adam Turnball
- Ann Gooding
- Leonie Everdeen
- Susan Pilbeam
- Ron Gilchrist

14.3 Endorse the revised membership of the Cardigan Village Community Centre Community Asset Committee with the election of Wendy Gottlieb, Rebecca Black and Neil Black.

- Francis Litwin
- Mary Tipping
- Heather Wood
- Wendy Gottlieb
- Rebecca Black
- Neil Black

Moved: Cr Ben Taylor
Seconded: Cr Des Hudson

CARRIED
(R24/25)

8.10. AUDIT AND RISK COMMITTEE SELF ASSESSMENT SURVEY RESULTS

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

PURPOSE

1. The purpose of this report is to present Council with the Audit and Risk Committee's self-assessment survey results for 2023/2024.

RESOLUTION:

8. That Council:
 - 8.1 Receive and note the Audit and Risk Committee self-assessment survey results for 2023/24.

Moved: Cr Des Hudson
Seconded: Cr Ted Lapkin

CARRIED
(R25/25)

8.11. S11A AND 11B INSTRUMENT OF APPOINTMENT AND AUTHORISATION

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

PURPOSE

1. The purpose of this report is to request that Council endorse the change of name for S11A Instrument of Appointment and Authorisation for Fiona Koutsivos to Fiona Tsirlin. Additionally, the report seeks Council endorsement of the S11B Instrument of Appointment and Authorisation for Gurinder Kaur Grewal.

RESOLUTION:

That Council:

7. **In the exercise of the powers conferred by section 147(4) of the *Planning and Environment Act 1987*, resolves that:**
 - a. **The S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) for Fiona Koutsivos be varied to alter the member of City of Ballarat (Council) staff's name from Fiona Koutsivos to Fiona Tsirlin.**
 - b. **The variation to the instrument comes into force immediately upon being signed by Council's Chief Executive Officer and remains in force until Council determines to vary or revoke it.**
8. **In the exercise of the powers conferred by section 242(2) of the *Environment Protection Act 2017* and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, resolves that:**
 - a. **The member of Council staff referred to in the instrument titled s11B attached be appointed and authorised as set out in the instrument.**
 - b. **The instrument comes into force immediately upon being signed by Council's Chief Executive Officer and remains in force until Council determines to vary or revoke it.**

Moved: Cr Des Hudson
Seconded: Cr Ted Lapkin

CARRIED
(R26/25)

8.12. 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 minutes of Council's Contracts Approval Delegated Committee in accordance with the adopted Terms of Reference. This report provides minutes of the meetings held on 4 September and 11 December 2024 and provides a summary of information in relation to these minutes.

RESOLUTION:

5. That Council:
 - 5.1 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.
 - 5.2 Receive the Contracts Approval Delegated Committee minutes of the meetings held on 4 September and 11 December 2024.

Moved: Cr Ben Taylor
Seconded: Cr Tess Morgan

CARRIED
(R27/25)

8.13. 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:

5. That Council:
 - 5.1 Endorse the Outstanding Question Time report.

Moved: Cr Jay Morrison
Seconded: Cr Samantha McIntosh

CARRIED
(R28/25)

10. REPORTS FROM COMMITTEES/COUNCILLORS

10.1. REPORTS FROM ADVISORY COMMITTEES

Division: Corporate Services
Director: John Hausler
Author/Position: Sophie Brown – Governance Project Officer

PURPOSE

1. The purpose of this report is to provide an update to Councillors on the activities of Council's advisory committees throughout 2024 and their ongoing focuses into 2025.

RESOLUTION:

33. That Council:

33.1 Note the summary of activities from advisory committees.

Moved: Cr Ben Taylor
Seconded: Cr Des Hudson

CARRIED
(R29/25)

10.2. REPORTS FROM COUNCILLORS

GB1/25 Cr Des Hudson

Cr Hudson raised an email he received from the director and CEO of Ballarat Taxis regarding the need for designated taxi ranks at Lucas and Delacombe Town Centres. Cr Hudson agreed with the need and requested that the Mayor send letters to Lucas Town Centre and Delacombe Town Centre requesting that they consider the installation of designated taxi ranks.

GB2/25 Cr Ben Taylor

Cr Ben Taylor asked if there had been a formal request from the community for a statue of Michelle Payne, the first female jockey to win the Melbourne Cup. He enquired about the process to erect a statue, if there was such a request. Evan King, Chief Executive Officer (CEO), confirmed that there had not been such a request and explained that there is a formal policy.

Cr Samantha McIntosh mentioned that there is a recent state government grant for statues of women. She asked to have a discussion on opportunities for statues of local women.

Cr Jay Morrison stated that, of the 20 female statues in the City of Ballarat, only one is of a real person. He added his support for investigating the opportunity to recognise prominent local women.

GB3/25 Cr Samantha McIntosh

Cr McIntosh mentioned the discussion at the recent Lake Wendouree and Gardens Stakeholder Reference Group meeting. They had raised concerns about the Prime Ministers Avenue and how it is managed and how security is managed, e.g. surveillance cameras.

GB4/25 Cr Samantha McIntosh

Cr McIntosh raised the topic of the Llanberis Athletics Reserve and its potential use as housing infill after the new athletics facilities in North Ballarat are completed.

GB5/25 Cr Samantha McIntosh

Cr McIntosh requested that a meeting be arranged between Councillors and Bridge Street traders to discuss their concerns now that the Bridge Mall is being re-opened.

GB6/25 Cr Samantha McIntosh

Cr McIntosh requested that we increase lobbying to the state government about local regional roads.

11. URGENT BUSINESS

Nil

12. 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 1:05 am whilst the Council is dealing with the following matters:

Moved: Cr Ben Taylor
Seconded: Cr Des Hudson

CARRIED
(R30/25)

8.12 CONTRACTS APPROVAL DELEGATED COMMITTEE MINUTES

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.

12.1 WORKS PROPOSAL

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

(Confidential report)

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:

