



Ordinary Council Meeting

3 July 2019

Council Chamber, Town Hall, Sturt Street, Ballarat

MINUTES

Public Copy

MINUTES OF A MEETING OF BALLARAT CITY COUNCIL HELD IN THE COUNCIL CHAMBER, TOWN HALL, STURT STREET, BALLARAT ON WEDNESDAY 3 JULY 2019 AT 7:00PM

MINUTES

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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

Mayor Samantha McIntosh
Cr Belinda Coates
Cr Mark Harris
Cr Amy Johnson
Cr Daniel Moloney
Cr Jim Rinaldi
Cr Ben Taylor
Cr Grant Tillett

Mr Terry Demeo - Director Infrastructure and Environment
Mr Neville Ivey - Director Community Development
Mr Glenn Kallio - Director Business Services
Mr James Guy - Acting Director Development and Planning
Mr Mark Patterson - Executive Manager Sport and Active Living
Mr Darren Whitford - Coordinator Risk and Compliance
Ms Ali Evans - Administration Officer Statutory Compliance
Ms Sarah Anstis - Administration Officer Statutory Compliance

2.2 Apologies

Cr Des Hudson

RESOLUTION:

That the apology be accepted.

Moved: Cr Daniel Moloney
Seconded: Cr Mark Harris

CARRIED
(R154/19)

3. DISCLOSURE OF INTEREST

Nil

4. CONFIRMATION OF MINUTES

RESOLUTION:

That the Minutes of the Council Meeting on 12 June 2019 as circulated be confirmed.

Moved: Cr Belinda Coates

Seconded: Cr Mark Harris

CARRIED

(R155/19)

5. MATTERS ARISING FROM THE MINUTES

Nil

6. PUBLIC QUESTION TIME

Nil

7. REPORTS FROM COMMITTEES/COUNCILLORS

GB38/19 - Cr Mark Harris

Cr Harris reported that the last Public Art Advisory Committee Meeting was held this week as the Committee has been wound up. Thank you to the Committee members who have served the Committee for three terms. Members put in the hard yards and achieved magnificent results. I would like to reassure the important work of public art will continue, we will just consult in a program specific manner.

Cr McIntosh, Mayor outlined the fantastic opportunity it had been to have a Public Art Advisory Committee and there will be more exciting things for Council moving forward with the Creativity Strategy.

GB39/19 - Cr Belinda Coates

Cr Coates mentioned as the Co-chair of the Koorie Engagement Action Group, NAIDOC (National Aborigines and Islanders Day Observance Committee) week is next week with terrific events scheduled. Cr Coates acknowledged St Alipius Primary School as they are setting a great benchmark and shout out to the calendar of events.

Cr Coates acknowledged the Courier' covering of the story of transgender legal changes, Alex Bailey's story and calling out the online abuse that unfolded.

Cr McIntosh, Mayor suggested to watch out for the programs scheduled for NAIDOC week as this is an important week.

GB40/19 - Cr Amy Johnson

Cr Johnson congratulated Madam Mayor on her stellar performance at Dancing with Our Stars last weekend at Civic Hall. Madam Mayor raised \$9,564 dollars which was a great effort. Over all, in excess of \$120,000 was raised which will be donated to community members who are doing it tough.

Cr Johnson noted that the Mayor, CEO and herself attended National General Assembly of Local Government in Melbourne with others around Australia. It was great to network with other Councillors and be able to listen to a range of motions and different issues.

Cr Johnson joined in lunch with British Consul General Chris Holtby OBE, alongside Cr Moloney, Cr Tillett, Cr Rinaldi and Madam Mayor. They had the opportunity to explore more opportunities with Australia and UK and the change relating to leaving the European Union. It is a fantastic opportunity to link up businesses with UK and happy to invite Chris back.

Cr Johnson joined Director Neville Ivey at the Learmonth Bowling Club. They want to seek support for a synthetic green as theirs is outdated. They have raised lots of money towards a new green and the club are willing to assist with funding the works.

Cr Johnson had the opportunity to MC the reopening of the Ballarat North Community Centre. The works included a new roof, the stage removed from main hall, works undertaken on toilets and meeting rooms. The community members are very thankful.

Cr Johnson tendered her resignation with the Visit Ballarat Board and her decision was made based on a conflict of interest with the board around the funding agreement decision made previously by Council.

GB41/19 - Cr Ben Taylor

Cr Taylor mentioned the Federation Uni Push Up Challenge and highlighted that 3,128 people lose their lives to suicide each year. This was a great opportunity to work with Federation University and as a group we can do 3800 push ups and raise awareness for mental health.

Cr Taylor mentioned the Sebastopol District Lions Club's new president and congratulated the club on donating over \$22,000 to local community groups.

GB42/19 - Cr Grant Tillett

Cr Tillett mentioned that on Monday evening he attended a meeting of the Cardigan Village Advisory Committee and discussions were held about maintenance around the developed area and there are problems beginning to surface.

Cr Tillett requested a report of a preliminary nature to portfolio around what the issues are, such as paths and drainage. He believes an investigation is required.

Cr Tillett mentioned that he had a complaint from a resident around a specific subdivision where the entire subdivision was covered by a Section 173 agreement. However, it would seem the subdivision is operating contrary to the Section 173 agreement. A report was requested to briefing in relation to the use of Section 173 agreements and how Council police them.

GB43/19 - Cr Daniel Moloney

Cr Moloney mentioned that he joined Cr Tillett for the Miners Rest management plan to address issues related to odours from the Saleyards. The managers of the Saleyards have resolved to improve communications with residents. A phone call was received from Tim Gallagher from AAM Investment Group who passed on his commitment and will review and improve communications with residents. The response from the company has been positive so far.

Cr Moloney thanked the Ballarat West Rotary Club for their \$6,500 donation to Her Majesty's Theatre. The money will go towards a memorial board of people who have made significant donations to the Theatre.

RESOLUTION:

To accept Councillor reports.

Moved: Cr Mark Harris

Seconded: Cr Amy Johnson

CARRIED

(R156/19)

8. CHIEF EXECUTIVE OFFICER REPORT

Division: Executive Unit
Director: Justine Linley
Author/Position: Justine Linley – Chief Executive Officer

RESOLUTION:

Council resolves to:

- 1. Receive and note the CEO's Operational Report.**

Moved: Cr Amy Johnson

CARRIED

Seconded: Cr Daniel Moloney

(R157/19)

EXECUTIVE SUMMARY

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.

9. ASSEMBLIES OF COUNCILLORS

9.1. ASSEMBLY OF COUNCILLORS

Division: Business Services
Director: Glenn Kallio
Author/Position: Sarah Anstis - Administration Officer Statutory Compliance

RESOLUTION:

Council resolves to approve the report on Assemblies of Councillors as listed:

- 8 May 2019 Infrastructure and Environment Portfolio Meeting no 196
- 14 May 2019 Community Development Councillor Portfolio Meeting
- 22 May 2019 Infrastructure and Environment Portfolio Meeting no 197
- 31 May 2019 Community Development Councillor Portfolio Meeting
- 1 June 2019 Eureka Centre Advisory Committee Meeting
- 5 June 2019 Strategic Briefing
- 6 June 2019 Ballarat Airport Advisory Committee Meeting
- 12 June 2019 Infrastructure and Environment Portfolio Meeting No 198
- 19 June 2019 Council Agenda Review Briefing

Moved: Cr Grant Tillett

CARRIED

Seconded: Cr Daniel Moloney

(R158/19)

EXECUTIVE SUMMARY

The purpose of this report is to provide Council with copies of Assembly of Councillor Records as required under section 80A(2) of the *Local Government Act 1989*.

10. OFFICER REPORTS

10.1. CLARENDON COMBINED AMENDMENT AND PLANNING PERMIT REPORT

Division: Infrastructure and Environment
Director: Terry Demeo
Author/Position: Louise Lunn – Senior Strategic Planner
Lisa Kendal - Manager Strategic Planning

Mr Mark Patterson left the meeting before discussion occurred due to a conflict of interest as he is a Board Member of Ballarat Clarendon College.

Mr Mark Bartley made a public representation.

RESOLUTION:

1. Consider all submissions received to combined Planning Scheme Amendment C207 and PLP/2017/444 pursuant to section 22(1) of the *Planning and Environment Act 1987*.
2. Acknowledge the Council officer responses to submissions received which request changes to combined Planning Scheme Amendment C207 and PLP/2017/444.
3. Abandon combined Planning Scheme Amendment C207 and PLP/2017/444 pursuant to section 23(1)(c) of the *Planning and Environment Act 1987*.
4. Advise the Minister for Planning in writing pursuant to section 28 that Council has decided to abandon combined Planning Scheme Amendment C207 and PLP/2017/444.
5. Authorise Council officers to provide notice of Council's decision on combined Planning Scheme Amendment C207 and PLP/2017/444.

Moved: Cr Mark Harris

CARRIED

Seconded: Cr Belinda Coates

(R159/19)

EXECUTIVE SUMMARY

Combined planning scheme amendment C207 and planning permit application PLP/2017/444 (together, the **Combined Amendment**) was lodged by a professional consultancy, SED, on behalf of Ballarat Clarendon College (**College**) under Section 96A of the *Planning and Environment Act 1987* (**the Act**). The College is the proponent for the Combined Amendment.

Amendment C207 proposes to amend the Ballarat Planning Scheme (**Scheme**) by:

- Inserting a new Schedule 17 to the Special Use Zone (**SUZ17**) - Ballarat Clarendon College Sturt Street Campus.
- Referencing the "Ballarat Clarendon College Sturt Street Campus Master Plan 2017-2030" (Master Plan) in SUZ17 of the Scheme.

- Rezoning the land at 1415-1425 Sturt Street, Newington, from Schedule 5 to the Special Use Zone (SUZ5) to SUZ17.
- Rezoning the land at 2, 4, 6, 8, 10, 12, 14, 15, 16, 17, 18, 19, 20, 21 22, 23, 24 Ajax Street and 1 Murray Street Newington from Schedule 1 to the General Residential Zone (GRZ1) to SUZ17.
- Amending Map 22 of the Scheme to reflect the above.

Planning permit application PLP/2017/444 (the **Permit Application**) applies to 1415-1425 Sturt Street, 1 Murray Street, 14 Ajax Street, 15 Ajax Street, 16 Ajax Street, 17 Ajax Street, 18 Ajax Street, 19 Ajax Street, 20 Ajax Street, 21 Ajax Street, 22 Ajax Street, 23 Ajax Street and 24 Ajax Street, Newington. The Permit Application seeks permission for the:

demolition of three dwellings, tennis courts and partial demolition to existing school building, relocation of a dwelling and modifications of two dwellings into school buildings, development of a sporting playing field, associated buildings and works including development of fences, road works, car parks and removal of a pedestrian easement.

The Master Plan relies on the partial closure of Ajax Street and Murray Street and the inclusion of this land as part of the College. The statutory processes necessary to achieve the road closure contemplated by the Master Plan do not form part of the Combined Amendment and are not before Council for consideration today.

The Explanatory Report prepared pursuant to the Act prior to exhibition provides a detailed analysis of what the Amendment seeks and the land to which it applies. See Attachment 1.

Public exhibition of the Combined Amendment has been undertaken from 14 February to 19 March 2019 in accordance with the Act. Council received a total of 37 submissions in response to exhibition of the Combined Amendment. See Attachment 2 for details of all submissions.

Seven referral authorities were notified, and some made submissions to Council. Four authorities did not object to the amendment in its current form, and three authorities had no objection subject to compliance with requested changes to the proposal and inclusion of specified conditions.

Twenty nine (29) submissions were lodged from individuals and groups within the community. Submissions received stated a range of different concerns, some of which were common across a number of submissions. The majority of submissions objected to the amendment and requested changes to the exhibited proposal, five community submissions supported the Master Plan but requested changes to the proposal as exhibited.

The common themes of concern are:

- traffic management, volume and congestion (stated in 25 submissions);
- proposed closure of pedestrian easement between Ajax Street and Sturt Street (stated in 23 submissions);
- part closure of Ajax Street and Murray Street (stated in 20 submissions);
- demolition of heritage dwellings and infrastructure (stated in 15 submissions);
- inadequate provision of on-site car parking (stated in 14 submissions);
- 'organic growth' or 'creep' of the College into an established residential areas (stated in 13 submissions);
- adverse amenity impacts on the surrounding residential area (stated in 13 submissions); and
- growth in student numbers on the Sturt Street Campus should be accommodated on other campuses that the College owns (stated in 3 submissions).

HWL Ebsworth lodged a submission on behalf of the proponent advising that the College supported the overall intent of the Combined Amendment and the informative role of the Master Plan in indicating the College's development intentions to the local community.

HWL Ebsworth advised the College did not support the following aspects of the Combined Amendment:

- certain aspects of the proposed SUZ17 in particular as relates to the creation of third party objection and review rights on the basis that third party objection and review rights are exempt in the SUZ5 (Private Education Establishment);
- draft permit condition 1(i) in the form exhibited by Council which requires the modification of the Ajax Street interface to facilitate pedestrian access for staff and students to access the College;
- draft permit condition 12 (again, as exhibited by Council) which sets a maximum number of students permitted at 1,195 at any one time; and
- explicit reference to the Master Plan in the SUZ17 based on a concern that by making explicit reference, it will be necessary for the College to seek a planning scheme amendment if the College seeks to undertake works that are contrary to the Master Plan in the future.

The Combined Amendment is complex in that:

- 29 submissions were received by Council from the community and these submissions raise an assortment of interrelated concerns that cannot be addressed by way of a permit condition (imposed on any permit to issue in respect of the Permit Application or otherwise resolved) without adverse impact on other aspects of the Combined Amendment;
- the submission made by HWL Ebsworth on behalf of the College raises concerns about the proposed SUZ17 in circumstances where the content of the Amendment C207 documents was largely prepared by consultants, SED, on behalf of the proponent
- the Master Plan relies on the discontinuance of two local roads. Schedule 10 of the Local Government Act 1989 (**LG Act**) details the process required to discontinue local roads and states a clear test that is to be applied by Council when Council makes decisions under the LG Act about road discontinuances. The Combined Amendment is to be considered separately by Council from the considerations about, and decision under, the LG Act. However, some submitters to the Combined Amendment have raised concerns about the impact of the Combined Amendment on local roads, including Ajax Street and Murray Street. These submissions need to be considered by Council in assessing the amendment proposal under the Act.

A detailed response to issues raised in submissions has been prepared. See Attachment 3. Following a review of submissions received and expert advice, officers recommend that Council refer all submissions in respect of the Combined Amendment pursuant to section 23 (1) (b) of the Act and authorise officers and advocates on behalf of Council to pursue an enhanced heritage outcome from the proposed amendment and to resist the submissions from the proponents to remove third party review rights unless the Master Plan for the site provides a significantly enhanced level of detail.

It is the officer's view that the net community benefit of the amendment has only partially demonstrated to justify the heritage loss and road closure proposed by the amendment, and to which the Master Plan and amendment proposal is reliant on. Consequently, the range of complex and interrelated issues raised in submissions to exhibition (including submission made on behalf of the proponent) cannot be reasonably resolved before Council at this point and as is the intent and purpose under the Planning and Environment Act these matters should

appropriately be referred to an independent Planning Panel for consideration. In doing so, it is further recommended that Council provide the authority for Council officers and/or others acting as the advocates for Council in these proceedings to rigorously support the position as outlined in the body of this report.

10.2. COUNCIL LAND RE-ZONING

Division: Development and Planning
Director: Angelique Lush
Author/Position: Virginia McLeod – Senior Strategic Planner
Lisa Kendal – Manager Strategic Planning

RESOLUTION:**Council resolves to:**

1. Note that Council is required to undertake a planning scheme amendment to rezone three Council owned, public land zoned properties to proceed with the sale of these properties, as per Council resolutions R245/16 and R379/18.
2. Seek authorisation from the Minister for Planning to prepare a Planning Scheme Amendment, pursuant to Section 8A of the Planning and Environment Act 1987, to rezone land at:
 - 15 Lake View Court, Ballarat North from Public Park and Recreation Zone to General Residential Zone Schedule 1
 - part of Lot 1 PS545482N at Giot Drive Wendouree, from Public Park and Recreation Zone to General Residential Zone Schedule 1
 - 12A Albert Street, Sebastopol, from Public Use Zone Schedule 6 and General Residential Zone Schedule 1 to Mixed Use Zone; and
3. Place the Amendment on exhibition pursuant to Section 19 of the Planning and Environment Act 1987.

Moved: Cr Grant Tillett

CARRIED

Seconded: Cr Jim Rinaldi

(R160/19)

EXECUTIVE SUMMARY

In 2016 Council undertook a review of vacant and underutilised Council land and identified several properties that were considered surplus. Notification of Council's intent to sell these properties was undertaken in accordance with the *Local Government 1989*. On 26 August 2016 and 12 December 2018, Council resolved to commence and satisfy statutory processes to dispose of these surplus properties.

A planning scheme amendment is now required to remove the public land zoning from three of the properties to ensure they can be sold and ultimately developed for a purpose consistent with zoning.

10.3. SPILT MILK DRY ZONE - CHANGES TO LOCAL LAWS

Division: Development and Planning
Director: Angelique Lush
Author/Position: Heidi Zukauskas – Creative Arts and Events Manager

RESOLUTION:**Council resolves to:**

1. Pursuant to clause 56.1 of the Community Local Law 2017, designate the Victoria Park environs, excluding the licensed footprint for the Spilt Milk event, as a dry zone in which the carriage and/or consumption of alcohol is prohibited for a 72-hour period spanning the conduct of the Spilt Milk event;
 - a) The 72-hour dry zone period to commence from 12am the day before the scheduled event.
 - b) The dry zone period to encompass for the 2019 event scheduled for 30 November, and to include any potential future annual Spilt Milk events held in the Victoria Park location.
2. Consistent with the application of clause 56.1, authorise Council Officers to place such notices and signs on or in the vicinity of Victoria Park as are appropriate to advise the public of the alcohol-free zone.
3. Authorise Council Officers to implement an appropriate media strategy to communicate the intent and effect of the application of these proposals to the public and emergency services.
4. Not issue any temporary liquor licences around the Victoria Park precinct for the period encompassed by the Spilt Milk events; with exemption of the Spilt Milk event liquor licence.

Moved: Cr Grant Tillett

CARRIED

Seconded: Cr Daniel Moloney

(R161/19)

EXECUTIVE SUMMARY

Kick Entertainment together with the City of Ballarat, will bring Spilt Milk, a multi-staged music, food and art festival, from Canberra to Ballarat. This will be the first time the event has been held in Ballarat and is expected to attract over 20,000 spectators. The event will take place in Victoria Park between 11:00am – 11:00pm on 30 November 2019.

To aid the safe management of the area during this time, it is proposed that Council utilise the provisions of clause 56.1 of the Community Local Law 2017 to designate the Victoria Park environs as a dry zone, except for the licenced area managed by the event. This is intended to prevent the consumption of alcohol in the area between the hours of 12am on the morning of the event until 6am the following day for the 2019 event, as well as for potentially future annual Spilt Milk events held in the Victoria Park location.

The designation of the Victoria Park environs as dry-zones is considered an important tool by both the event organisers and Victoria Police for managing antisocial behavior and is based on recommendation by Victoria Police.

It is proposed that should Spilt Milk continue to be held in Ballarat in this location at this general time of year, the Dry Zone remain in place for each event until such a point as Council ceases, or significantly changes, the Spilt Milk event format.

10.4. PLANNING SPECIAL COMMITTEE

Division: Development and Planning / Infrastructure and Environment
Director: Angelique Lush / Terry Demeo
Author/Position: Natalie Robertson – Executive Manager Development Facilitation

RESOLUTION:

Council resolves to:

- 1. Establish a Planning Special Committee under the C4 Instrument of Delegation and a Terms of Reference to facilitate:**
 - (a) The consideration of applications for town planning permits required to be considered pursuant to the adopted Instrument of Delegation and/or where an application is called in by Councillors.**
 - (b) The Planning Authority function in respect to Planning Scheme Amendments and related matters, including to consider broad Strategic Planning Policy directions, to hear submissions, to make decisions as permitted by the Planning and Environment Act 1987, in particular to seek authorisation of an amendment and to refer submissions to a panel, and to provide recommendations to the full Council sitting as the Planning Authority pursuant to the Planning and Environment Act 1987.**
- 2. Adopt the Terms of Reference for this Committee to include all nine members of the Ballarat City Council to have voting rights on the Planning Special Committee.**
- 3. Revoke the previous policy position which required all liquor licensing matters to be dealt with by Council, such that these matters are dealt with under delegated authority by Council officers.**
- 4. Have the Planning Special Committee meet on a once per month basis on the fourth Wednesday of each month for the remaining part of 2019 and for Council to consider the scheduling of future meetings as part of the adoption of the Council meeting schedule for 2020.**
- 5. Consider implementation of live streaming of the proceedings of the Planning Special Committee via a further report to Council following the first three meetings of the Planning Special Committee.**

Moved: Cr Ben Taylor
Seconded: Cr Daniel Moloney

CARRIED
(R162/19)

EXECUTIVE SUMMARY

At the Meeting held on 12 June 2019, Council resolved to defer consideration of this item until the next Ordinary meeting of Council. Some additional points for information and clarification have been included in this report.

The purpose of this report is to recommend to Council that a Planning Special Committee be established under the C4 instrument of delegation and a Terms of Reference which ultimately seeks to modernise our planning delegations and management of the processing of a significant body of planning work through the organisation by creation of the Special Committee. Further, the intent of the establishment of the Planning Special Committee is to provide enhanced engagement and consultation opportunities for Council in dealing with both planning permit applications which Council seeks to play a role in and in the broader strategic planning phase of policy development and planning scheme amendments which are subject to public exhibition.

The recommended position in respect to the Committee is that it consists of all nine Councillors with a quorum of five and that it meets on a monthly basis as a minimum, or as required, to consider both statutory planning matters and the broader strategic planning policy program that Council has committed to. The intention is that the schedule for the Committee be rationalised as part of the 2020 Council meeting schedule, after the operation of the Committee for the final portion of 2019 where meetings are recommended to be held on the Wednesday evening to either precede or follow an Agenda Review Briefing.

Live streaming of these proceedings is recommended to be further considered after the three initial meetings of the Committee where the specific merit of live broadcasting will be the subject of a report to Council. Council is only currently able to live broadcast meetings conducted in the Council Chamber.

10.5. MINERS REST TOWNSHIP PLAN UPDATE

Division: Development and Planning
Director: Angelique Lush
Author/Position: Terry Natt – Principal Planner – Strategic Projects
Lisa Kendal – Manager Strategic Planning

Mr Mike Kaufman made a public representation.

RESOLUTION:

Council resolves to:

Note the current status of the Miners Rest Township Plan and related items identified in Council resolution R80/19 from its Ordinary Council Meeting dated 3 April 2019.

Moved: Cr Grant Tillett
Seconded: Cr Mark Harris

CARRIED
(R163/19)

EXECUTIVE SUMMARY

At its meeting on 3rd April 2019, Council decided to defer consideration of the Miners Rest Township Plan until a number of interrelated issues are determined.

Council resolved (R80/19):

1. *That Council defer consideration of the Miners Rest Township Plan and defer any referral to the Minister until the following has been provided:*
 - a) *The completion of the review of the planning controls masterplan for the Dowling Forest Equine Precinct.*
 - b) *The examination of the draft proposal for the future use and rezoning of the former Boral quarry at Miners Rest.*
 - c) *The impact of any current or future options for the Ballarat Airport on surrounding land; and*
 - d) *The impact of any proposed Northern Growth Area as part of the current Growth Area Planning investigations being undertaken in conjunction with the Victoria Planning Authority (VPA).*
2. *That a progress report be provided on these matters to Council when major timeframes have been reached and by the end of June 2019.*

This report provides an update on each of these elements.

10.6. LOCAL GOVERNMENT BILL

Division: Innovation and Organisational Improvement
Director: Cameron Cahill
Author/Position: Justine Linley – Chief Executive Officer

RESOLUTION:

Council resolves to:

Make a further submission on the Exposure Draft of the 2019 Local Government Bill proposed to repeal and replace the *Local Government Act 1989*.

Moved: Cr Belinda Coates

CARRIED

Seconded: Cr Mark Harris

(R164/19)

EXECUTIVE SUMMARY

The Victorian Government, in 2015 announced the first comprehensive review of local government in a quarter of a century. The review responds to calls from the local government sector and the community for reform of the *Local Government Act 1989*, which has seen over 90 amending acts resulting in hundreds of individual changes over the past 25 years.

In 2015 Councils and the community were asked to respond and submit to the Local Government Act Review discussion paper to begin a discussion on the role of local government and what the future looks like for local government in Victoria. Then, in 2016 Councils and the community were invited to respond to a Directions Paper.

In December the State Government released the the Exposure Draft of the Local Government Bill 2018 which aims to be a modern, principle based legislative framework for the establishment and administration of a system of local government in Victoria.

Councils, peak bodies and all other interested stakeholders were encouraged to make a submission on the Exposure Draft Bill and these submissions were to inform the final drafting of the Bill. The Local Government Bill was introduced to Parliament in 2018 and while passing through the Legislative Assembly did not pass in the Legislative Council prior to the 2018 election and therefore lapsed.

On 17 June 2019, the now Minister for Local Government, the Hon. Adem Somyrek, announced his intention to reintroduce the Local Government Bill 2019 into the Victorian Parliament with some additions.

The additions are summaries in six broad areas, namely:

Voter Franchise - Simplifying enrolments to vote in council elections to more closely align council electoral rolls with State electoral rolls.

Electoral structure - Simplifying electoral structures to provide greater consistency of representative structures

Training - Introducing mandatory training for council election candidates and councillors to improve competency, skills and transparency.

Donation reform - Extending recent changes to electoral campaign donations arrangements to local government elections to ensure the integrity and transparency of the donations process.

Improved conduct - Setting clear standards of conduct to guide council behaviour and establishing a centralised internal resolution process to support councils in dealing with low-level misconduct more efficiently.

Community accountability - Introducing two new pathways that can lead to the disqualification of a councillor.

It is proposed that Council make a further submission on the Exposure Draft Bill with specific comment on electoral structure, training, conduct and community accountability.

10.7. CONTRACTS SPECIAL COMMITTEE OF COUNCIL - 13 MARCH, 3 APRIL AND 1 MAY 2019

Division: Director Business Services
Director: Glenn Kallio
Author/Position: Lorraine Sendall - Executive Assistant, Director Business Services

Cr Moloney moved item 10.7 and 10.8 in a block.

RESOLUTION:**Council resolves to:**

1. Note, as per the *Local Government Act 1989* Section 88(2) that this matter is designated confidential information under section 89(2) as Contractual Matters and has been considered in making this recommendation.
2. Endorse the Special Contracts Committee minutes of the meetings held on 13th March, 3rd April and 1st May, 2019.

Moved: Cr Daniel Moloney

Seconded: Cr Ben Taylor

CARRIED

(R165/19)

EXECUTIVE SUMMARY

The purpose of this report is to provide Council with copies of minutes of Council's section 86 Special Contracts Committee in accordance with the *Local Government Act 1989*. At the meeting of these Committees held on 13th March, 3rd April and 1st May 2019, five Contracts were endorsed by the Committee. This report provides a copy of the minutes of these meetings as well as detailing summary information in relation to this Contract.

10.8. OUTSTANDING QUESTION TIME ITEMS

Division: Business Services
Director: Glenn Kallio
Author/Position: Sarah Anstis - Administration Officer Statutory Compliance

RESOLUTION:

1. That Council endorses the Outstanding Question Time report.

Moved: Cr Daniel Moloney

CARRIED

Seconded: Cr Ben Taylor

(R165/19)

EXECUTIVE SUMMARY

This report provides Council with an update of response to questions taken on notice and outstanding unanswered questions from Council Question Time.

As of 15 May 2019 Council Meeting, there are no outstanding questions.

11. NOTICE OF MOTION

Nil

12. URGENT BUSINESS

Nil

13. SECTION 89 (IN CAMERA)

RESOLUTION:

That Council resolve, pursuant to Section 89(2) of the *Local Government Act 1989*, that the meeting be closed to members of the public at 09:33 pm whilst the Council is dealing with the following matters;

Moved: Cr Amy Johnson
Seconded: Cr Grant Tillett

CARRIED
(R166/19)

10.7 CONTRACTS SPECIAL COMMITTEE OF COUNCIL - 13 MARCH, 3 APRIL AND 1 MAY 2019

Division: Business Services
Director: Glenn Kallio
Author/Position: Lorraine Sendall - Executive Assistant, Director Business Services

(Confidential report designated under the Local Government Act 1989 section 77(2)(b))

13.1 TANNERY LANE LEGACY LANDFILL RESOLUTION

Division: Infrastructure and Environment
Director: Terry Demeo
Author/Position: Terry Demeo – Director Infrastructure and Environment

(legal advice)

13.2 TENDER 2018/19-177 BALLYMANUS CENTRAL PARK

Division: Infrastructure and Environment
Director: Terry Demeo
Author/Position: Terry Demeo – Director Infrastructure and Environment

(contractual matters)

13.3 A REGIONAL MATERIALS RECOVERY FACILITY (MRF) FOR THE BALLARAT WEST EMPLOYMENT ZONE

Division: Infrastructure and Environment

Director: Terry Demeo

Author/Position: Quenton Gay - Waste, Water and Energy Officer

(contractual matters)

