

OFFICIAL

Council Meeting

Minutes

22 September 2021 at 6:30pm

Virtual Meeting



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

Mr Evan King- Chief Executive Officer
Ms Bridget Wetherall - Director Infrastructure and Environment
Mr Matthew Wilson - Director Community Wellbeing
Mr John Hausler - Director Corporate Services
Ms Natalie Robertson - Director Development and Growth
Mr Cameron Montgomery - Executive Manager Governance and Risk

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 25 August 2021 as circulated be confirmed.

Moved: Cr Mark Harris

CARRIED

Seconded: Cr Belinda Coates

(R183/21)

6. PUBLIC QUESTION TIME

QT46/21 - Philippe Fernandez

Question

With no access between Wendouree Station and Gregory St West; a commuter from Ballarat's southwest has their trip to the station increased by approximately 500 meters. Being faced with this 500m "detour" morning and night; unnecessarily drains the enthusiasm and ability of a commuter to walk or cycle to the station. Given the Wendouree Masterplan was adopted by council in October 2019, when can residents expect Gregory St West access to the station to be provided?

Answer

Natalie Robertson, Director Development and Growth responded that City of Ballarat is strongly supportive of direct platform access on the southern side of Wendouree Station and strongly advocated to the State Government for this to be included in the scope of works when the Wendouree Station was upgraded to add the second platform in recent years. However, this was ultimately not funded as part of those works.

City of Ballarat prepared the Wendouree Station Precinct Master Plan to help guide future investments into the area and to be proactive for improved access to the station, however unfortunately the land required to access the southern platform is owned by VicTrack, and the design of the station upgrade is the responsibility of Department of Transport, in conjunction with V-Line. City of Ballarat has an advocacy role to play on behalf of the community but does not control the site.

We continue to advocate on a number of transport opportunities for Ballarat, including Disability Discrimination Act Compliance at Ballarat Station and an overhaul of the bus network, and as part of those discussions will be pleased to continue to advocate strongly for direct access to Wendouree Station from the southern side.

QT47/21 - Bruce Crawford

Question

I am aware that tonight you will be discussing the future of the Fireworks celebration in Ballarat. I am concerned that you are not considering what most of the community feel about this event being moved from Australia Day, or at least postponing your decision pending community consultation. It is apparent that only a small cross section of Ballarat residents have had an

opportunity to have any input. It seems that you are more concerned with debating subjects that seem inappropriate for a local Council, and of little interest to most. We have topics in need of urgent attention, based around Roads, Rates and Rubbish (and the effect of a pandemic) that are a big concern to many.

I am aware that I can ask two questions, I only have one.

Will our Councillors base your decision on a community preference regarding future fireworks events?

Answer

Matthew Wilson, Director Community Wellbeing responded that Council opened a survey on Council's MySay website from 12 July to 29 July 2021 seeking community feedback on a range of questions relating to the matter before Council tonight. The report presents an assessment of the community feedback in that survey and includes options and a recommendation for Council to consider in resolving the matter.

QT48/21 - Edith Fry

Question

Noting that the City of Ballarat declared a Climate Emergency in December 2018, and with respect to the The Sixth Assessment Report of the United Nations Intergovernmental Panel on Climate Change working group 1 report (the IPCC report) which gives the most up-to-date knowledge on climate change, its causes, potential impacts and response options:

To inform Councillors, officers and citizens of what this region is likely to face in the near future, and to create a guiding instrument for use when making significant decisions, will the City of Ballarat be preparing a response to the IPCC report?

Answer

Bridget Wetherall, Director Infrastructure and Environment responded that Council has adopted the Carbon Neutrality and 100% Renewables Action Plan 2019–2025. This plan also forms Council's Emissions Reduction Pledge under the Climate Change Act 2017. This relates mainly to our Corporate emissions, i.e. emissions directly from our business.

Council is about to commence the development of a Net Zero Community Emissions Target.

QT49/21 - Rebekah Isaacs

Question

Integra have had their planning application about Lucas Water Tank, once owned by a Bishop, commented on by Director Natalie Robertson. Director Robertson however has not commented on the status of another religiously-significant building and their planning application - Bishops Palace, which the FOI showed it is under review for permits. When will Director Robertson give an update on whether the Water Tank will be demolished, and the planning application status of Bishops Palace?

Answer

Natalie Robertson, Director Development and Growth responded in regards to the Lucas Water Tank it is noted that this land forms part of the Alfredton West Precinct Structure Plan and was referred to and accepted by DEWLP. There are no heritage overlays in place to protect the brick water tank but there is no breach of a planning permit and there is no investigation underway by a planning enforcement act. The Proponent themselves is working with Council proactively on a suitable outcome for the water tank. Director Natalie Robertson confirmed that there is an active investigation underway in relation to Bishops Palace and any actions that may be required as a result of this investigation will ensue.

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:

That Council:

Receive and note the CEO's Operational Report.

Moved: Cr Samantha McIntosh

Seconded: Cr Belinda Coates

CARRIED

(R184/21)

8. OFFICER REPORTS

8.2. CBD REDEVELOPMENT SITES - INVESTMENT PATHWAY

Division: Development and Growth
Director: Natalie Robertson
Author/Position: James Guy - Executive Manager Economic Growth

A public representation was read out by Cameron Montgomery, Executive Manager Governance and Risk on behalf of Bridge Mall Business Association.

PURPOSE

1. To outline the scope and focus of Stage 2 implementation of the Bakery Hill and Bridge Mall Urban Renewal Plan, particularly the role City of Ballarat can play to accelerate private sector investment in the Ballarat CBD.
2. To seek endorsement to pursue a commercial pathway for the development of two key strategic sites within the Bakery Hill Precinct (the Precinct); 5 Peel Street South and 28-32 Peel Street North as catalyst sites for positive change.

RESOLUTION:

That Council:

1. Note the measures being pursued as part of Stage 2 implementation of the *Bakery Hill and Bridge Mall Urban Renewal Plan (2019)*, focused on enabling, supporting and acting as a catalyst to stimulate private investment in the Ballarat CBD.
2. Through a commercial process seek to leverage strategic land parcels for greater community benefit, specifically implementation of the vision and aspirations of the Bakery Hill and Bridge Mall Urban Renewal Plan and other community and investment priorities.
3. Instruct Council Officers to develop and pursue a commercial process which explores development opportunities and potential development partners for Council owned properties at 5 Peel Street South and 28-32 Peel Street North in the heart of the Ballarat CBD.
4. Note a separate report will be brought back to Council following an initial market testing phase which will clarify the specific opportunities available and consider at that time how best to proceed.
5. Continue to work with Bridge Mall stakeholders and work through options that become available during the process.

Moved: Cr Ben Taylor

Seconded: Cr Peter Eddy

CARRIED

(R185/21)

8.1. CREATIVE CITY STRATEGY REPORT CARD

Division: Community Wellbeing
Director: Matthew Wilson
Author/Position: Tara Poole – Coordinator Creative City

PURPOSE

1. The purpose of the Creative City Strategy is to direct and support efforts to position Ballarat as a significant centre for creativity. It achieves this by stepping out how best to assist in the incubation, establishment and sustainability of Ballarat's creative individuals and the various creative sectors, ensuring we help unleash our collective full potential.
2. A detailed Report Card tracking the actions and outcomes of the Strategy for 2020 has now been finalised for Council to note. Based on the language and structure of the Strategy, the report card reflects the progress made by officers on the implementation of the Strategy.

RESOLUTION:

That Council:

1. **Note the 2020 Report Card detailing the progress on the implementation of the Creative City Strategy.**
2. **Acknowledge the progress and achievements of Council toward embedding creative thought and action at the heart of our city operations.**

Moved: Cr Samantha McIntosh

Seconded: Cr Belinda Coates

CARRIED

(R186/21)

8.3. TENDER NO 2021/22-030 BALLARAT REGIONAL LANDFILL OPERATIONAL SERVICE

Division: Infrastructure and Environment
Director: Bridget Wetherall
Author/Position: Nic Benyon – Acting Landfill Manager

PURPOSE

1. To award Contract 2021/22-030 – Operational Management of Ballarat Regional Landfill.
2. This Contract is for the provision of all necessary expertise, labour, plant, transport, vehicles, equipment, supervision, management, and materials necessary to satisfactorily undertake the Landfill Operations detailed in this Specification to achieve the prescribed objectives and deliver against the performance measures.

RESOLUTION:

That Council:

1. **Resolves to enter into Contract 2021/22-030 for the Operational Management of Ballarat Regional Landfill with Cleanaway Pty Ltd for the tendered price of:**
 - a) **\$1,387,519 (ex GST) for the initial 8-month period (Nov 2021 to June 2022), and**
 - b) **a Tonnage rate of \$29.73 per tonne (ex GST) for the remaining three years (1 July 2022 to 30 June 2025), annually adjusted for CPI, totalling \$7,135,200.**
2. **Note the provision of two one-year extension options, at Council's sole discretion.**
3. **Delegate to the Chief Executive Officer the authority to execute the associated contract on behalf of Council.**

Moved: Cr Amy Johnson
Seconded: Cr Belinda Coates

CARRIED
(R187/21)

8.4. FIREWORKS EVENT OPTIONS

Division: Community Wellbeing
Director: Matthew Wilson
Author/Position: Jeff Johnson – Executive Manager Events and the Arts

A public representation was heard by Heather Lewis who was dialed into the virtual meeting.

PURPOSE

1. Provide a recommendation for the format and scheduling of the annual fireworks display, incorporating the results from the community survey conducted through Council's My Say public consultation platform.

RESOLUTION:

That Council:

1. **Continue providing the fireworks in its current format, to be scheduled during the annual Summer Sundays program of events.**

Moved: Cr Tracey Hargreaves

Seconded: Cr Amy Johnson

CARRIED

(R188/21)

8.5. GRANTS ANNUAL REPORT

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

PURPOSE

1. To provide a report to Council on the outcomes of the City of Ballarat's three (3) grant programs in 2020/2021.

RESOLUTION:

That Council:

1. Note the Report outlining the delivery and outcomes of Council's grant programs in 2020/2021.

Moved: Cr Des Hudson
Seconded: Cr Mark Harris

CARRIED
(R189/21)

8.6. IN PRINCIPLE FINANCIAL REPORT AND PERFORMANCE STATEMENTS FOR YEAR ENDED 30 JUNE 2021

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

PURPOSE

1. To present the Annual Financial Report and Annual Performance Statement for the year ended 30 June 2021 (the Statements) to Council, for 'in principle' approval.
2. For Council to then authorise certification and submission of the Statements to the Victorian Auditor General's Office (VAGO).

RESOLUTION:

That Council:

1. **Approve the 2020/21 Annual Financial Report and Performance Statement in principle.**
2. **Authorise the Chief Executive Officer to implement any non-material changes to the statements as recommended by the Auditor-General.**
3. **Authorise the Mayor, Cr Moloney and Deputy Mayor, Cr Johnson to certify the 2020/21 Annual Financial Report and Performance Statement on behalf of Council, once any amendments or changes requested by the Victorian Auditor General have been made.**

Moved: Cr Mark Harris
Seconded: Cr Ben Taylor

CARRIED
(R190/21)

8.7. RECOMMENDED BUDGET CARRYOVERS 2020/21

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

PURPOSE

1. This report sets out those items that are required to be carried forward to the 2021/22 Budget from the previous financial year due to grants being received in advance, additional unbudgeted grants received and unfinished projects as at 30 June 2021.
2. In addition, it identifies the \$1.309 million required for Council's 2021/22 Business and Community Support Program that will be funded from under expenditure in 2020/21.
3. This report incorporates two lists of carried forward requests – Capital Works net carryovers (Attachment A) and Operating net carryovers (Attachment B). It should be noted that these lists provide the recommended net adjustment for each project i.e. some projects require the budgeted revenue and expenditure to be adjusted to reflect the timing issues associated with the receipt, payment and accounting requirements of funds.

RESOLUTION:

That Council

1. **Approve the addition of \$2.045 million as a Capital adjustment to the 2021/22 Budget to fund carryover (existing capital projects and activities commenced in the 2020/21 financial year), and \$18.525 million in new revenue funded capital projects in line with the attached listing of projects.**
2. **Approve the addition of \$1.806 million as an Operating Carryover to the 2021/22 Budget to fund existing programs and activities commenced in the 2020/21 financial year, in line with the attached listing of projects.**
3. **Approve the proposed accounting adjustments relating to carryovers and the early receipt of 2021/22 Federal Assistance Grants and inclusion of the Council approved Business and Community Support Package in the 2021/22 Operating budget.**

Moved: Cr Des Hudson
Seconded: Cr Ben Taylor

CARRIED
(R191/21)

8.8. ANNUAL COMMUNITY ENGAGEMENT REPORT

Division: Community Wellbeing
Director: Matthew Wilson
Author/Position: Kate McCluskey - Co-ordinator Community Participation

PURPOSE

1. To provide a report to Council on community engagement activities undertaken in 2020/2021

RESOLUTION:

That Council:

1. **Note the City of Ballarat Annual Engagement Report 2020/21 in accordance with Section 3.4 of Council's Community Engagement Policy.**
2. **Acknowledge the community engagement activity and achievements of Council toward increasing public participation in decision-making during this reporting period.**

Moved: Cr Belinda Coates

CARRIED

Seconded: Cr Samantha McIntosh

(R192/21)

8.9. COMMUNITY SATISFACTION SURVEY

Division: Corporate Services
Director: John Hausler
Author/Position: Darren Whitford – Acting Manager Business Improvement

PURPOSE

1. The purpose of this report is to present the 2021 Community Satisfaction Survey to Council.

RESOLUTION:

That Council:

1. **Note the Community Satisfaction Survey 2021; and**
2. **Place the Survey report on Council’s website for public viewing.**

Moved: Cr Ben Taylor
Seconded: Cr Samantha McIntosh

CARRIED
(R193/21)

8.10. TREATY ON THE PROHIBITION OF NUCLEAR WEAPONS

Division: Community Wellbeing
Director: Matthew Wilson
Author/Position: Matthew Wilson – Director Community Wellbeing

A public representation was read out by a Cameron Montgomery, Executive Manager Governance and Risk on behalf of Terry Byrne.

PURPOSE

1. To respond to Resolution R177/21 adopted at the 25 August 2021 Meeting of Council which states the following,

That Council:

Request a report to 22 September 2021 Council Meeting noting the Australian Local Government Association's support of the Treaty on the Prohibition of Nuclear Weapons and write a letter of advocacy regarding that.

2. To provide a proposed letter of advocacy for Council consideration and endorsement.

MOTION:

That Council:

1. **Receive the report noting the Australian Local Government Association's (ALGA) unanimous resolution at the 2021 National Assembly which calls on the Federal Government to sign and ratify the UN Treaty for the Prohibition of Nuclear Weapons;**
2. **Endorse the advocacy letter addressed to the ALGA attached;**
3. **Note that Council is a member of Mayors for Peace network;**
4. **Resolve to support the Treaty on the Prohibition of Nuclear Weapons, the first comprehensive ban on nuclear weapons;**
5. **Write to the International Campaign to Abolish Nuclear Weapons to advise Council's support for the Treaty on the Prohibition of Nuclear Weapons;**
6. **Write to the Prime Minister and the Foreign Minister urging them to sign and ratify the Treaty for the Prevention of Nuclear Weapons.**

Moved: Cr Belinda Coates

LOST

Seconded: Cr Mark Harris

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

For the Motion were Councillors: Cr Coates
Cr Moloney
Cr Harris
Cr Eddy

Against the Motion was: Cr Johnson
Cr Taylor
Cr Hargreaves
Cr McIntosh
Cr Hudson

8.11. DRAFT GOVERNANCE RULES

Division: Executive Unit
Director: Evan King
Author/Position: Cameron Montgomery – Executive Manager Governance and Risk

A public representation was read out by Cameron Montgomery, Executive Manager Governance and Risk on behalf of John Barnes.

PURPOSE

1. The purpose of the report is to present Council with an opportunity to amend the City of Ballarat Governance Rules and seek Council endorsement to release the revised Governance Rules on public exhibition and seek submissions for a period of 21 calendar days from 23 September 2021 to 14 October 2021.

MOTION:

That Council abandon the proposed changes to the Governance Rules.

Moved: Cr Samantha McIntosh

LOST

Seconded: Cr Mark Harris

RESOLUTION:

That Council:

1. Give public notice in accordance with section 55 of the *Local Government Act 2020* (the Act) of Council's intention to adopt, at a Council meeting to be held at 6.30pm on Wednesday 27 October 2021, the proposed Governance Rules in accordance with section 60 of the Act.
2. Give public notice seeking submissions on the Governance Rules. Written public submissions will be accepted for 21 days ending 9:00am Thursday 14 October 2021.
3. Give public notice that any person who wishes to be heard in support of a submission received by Council should indicate in the written submission that they wish to be heard. Any person requesting that they be heard in support of a submission is entitled to appear before a meeting of the Council either personally or by a person acting on their behalf at an Unscheduled Council meeting scheduled for Wednesday, 20 October 2021 at 6.30pm.

Moved: Cr Ben Taylor

CARRIED

Seconded: Cr Peter Eddy

(R194/21)

8.12. CONTRACTS APPROVAL DELEGATED COMMITTEE MINUTES - 28 JULY AND 11 AUGUST 2021

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

PURPOSE

1. The purpose of this report is to provide Council with copies of minutes of Council's Contracts Approval Delegated Committee in accordance with the adopted Terms of Reference. At the meetings of these Committees held on 28 July, 2021 and 11 August 2021 four contracts were approved by the Committee. This report provides a copy of the minutes of these meetings as well as detailing summary information in relation to these Contracts.

RESOLUTION:

That Council:

1. Note, as per the *Local Government Act 2020* Section 66 that this matter is designated confidential.
2. Receive the Contracts Approval Delegated Committee minutes of the meeting held on 28th July and 11th August, 2021.

Moved: Cr Ben Taylor

Seconded: Cr Tracey Hargreaves

CARRIED

(R195/21)

8.13. S11A INSTRUMENT AND APPOINTMENT AND AUTHORISATION

Division: Executive Unit
Director: Evan King
Author/Position: Sarah Anstis - Statutory Compliance Officer

PURPOSE

1. The report is to endorse the S11A Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* for Suzanne Verdoorn.
2. The report is to also revoke the S11A Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* for Virginia McLeod.

RESOLUTION:

That Council:

1. Exercise the powers conferred by s224 of the *Local Government Act 1989* (the Act) and the other legislation referred to in the attached instrument of appointment and authorisation (the instrument), and that;
 - a. Suzanne Verdoorn be appointed and authorised as set out in the instrument.
 - b. The instrument comes into force immediately the common seal of Council is affixed to the instrument and remains in force until Council determines to vary or revoke it.
 - c. The instrument be sealed.
2. Revoke the S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) for Virginia McLeod (R181/20).

Moved: Cr Ben Taylor
Seconded: Cr Mark Harris

CARRIED
(R196/21)

8.14. S11B INSTRUMENT OF APPOINTMENT AND AUTHORISATION (ENVIRONMENT PROTECTION ACT 2017)

Division: Executive Unit
Director: Evan King
Author/Position: Sarah Anstis – Statutory Compliance Officer

PURPOSE

1. The purpose of the report is to adopt the S11B Instrument of Appointment and Authorisation under the *Environment Protection Act 2017*.

RESOLUTION:

That Council:

1. Exercise the powers conferred by s242(2) of the *Environment Protection Act 2017* and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, Ballarat City Council resolved that:
 - a) Suzanne Verdoorn and Simon Ogilvie be appointed and authorised as set out in the instruments.
 - b) The instrument comes into force immediately the common seal of Council is affixed to the instrument and remains in force until Council determines to vary or revoke it.
 - c) The instrument be sealed.

Moved: Cr Ben Taylor
Seconded: Cr Mark Harris

CARRIED
(R197/21)

8.15. OUTSTANDING QUESTION TIME ITEMS

Division: Executive Unit
Director: Evan King
Author/Position: Sarah Anstis – Statutory Compliance 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:

That Council:

Endorse the Outstanding Question Time report.

Moved: Cr Des Hudson
Seconded: Cr Amy Johnson

CARRIED
(R198/21)

9. NOTICE OF MOTION

Nil

10. REPORTS FROM COMMITTEES/COUNCILLORS**GB33/21 - Cr Ben Taylor**

Cr Ben Taylor requested a briefing to Council on the proposed changes to Woowookarung Regional Park by DEWLP. He reported receiving multiple community queries in relation to mountain bike tracks closing and the need for further consultation with the community during this process at the park.

GB34/21 - Cr Des Hudson

Cr Des Hudson reported he has received community concerns regarding windblown 'waffle pods' located in waterways and public open space areas across the Western Growth Zone including Ballymanus, Bonshaw, Winter Valley and Yorkdale Estates.

Evan King, Chief Executive Officer responded to this report saying it is an opportunity for the compliance team to investigate and enforce Community Local Law No 17 to ensure all sites are maintained appropriately.

GB35/21 - Cr Mark Harris

Cr Mark Harris asked for consideration of an event post pandemic to celebrate the enormous effort by all local organisations and our Ballarat community during the pandemic. Cr Mark Harris suggested a Street Party with food trucks and bands etc to celebrate our community and financially stimulate our local economy.

Cr Mark Harris also requested a briefing on the Decriminalisation of Sex Work in Victoria and the implications on Local Government (Planning & Regulation).

GB36/21 - Cr Samantha McIntosh

Cr Samantha McIntosh requested a briefing on the State Government Planning Reform in order to understand the current process, proposed changes and if Council want to make a submission.

