

OFFICIAL

Council Meeting

Minutes

23 November 2022 at 6:30pm

Council Chamber, Town Hall, Sturt Street,
Ballarat



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1. OPENING DECLARATION

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

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

2. APOLOGIES FOR ABSENCE

2.1 Present

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

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

2.2 Apologies

Cr Samantha McIntosh - leave of absence

3. DISCLOSURE OF INTEREST

Nil

4. MATTERS ARISING FROM THE MINUTES

Nil

5. CONFIRMATION OF MINUTES

RESOLUTION:

That the Minutes of the Council Meeting on 26 October 2022 and 7 November 2022 as circulated be confirmed.

Moved: Cr Tracey Hargreaves

CARRIED

Seconded: Cr Mark Harris

(R181/22)

RESOLUTION:

That Council move a condolence motion for Judy Browne.

Moved: Cr Ben Taylor

CARRIED

Seconded: Cr Des Hudson

(R182/22)

6. PUBLIC QUESTION TIME

QT81/22 - Linda Zibell

Question

In tonight's agenda the Biodiversity Vision and Commitment states (p.33) that the City of Ballarat commits to "requiring new private developments ... to plan biodiversity into their proposals" and to lift "standards ... of ... private development towards ... ecology." Yet the Council Plan's 2021-2025 goal 3 - to 'Foster sustainable growth' contains no words that reflect these commitments (pp.160-170). Will Councillors commit to redressing this omission?

Answer

Natalie Robertson, Director Development and Growth responded that the Biodiversity Vision and Commitment and any subsequent Municipal wide Biodiversity Strategy will inform our strategic environmental program of work around protecting and enhancing biodiversity.

Lifting standards of ecology within private development aligns with the Council Plan objective 1.5 (Improve stewardship of our natural resources and protection and enhancement of our biodiversity). Any adopted Biodiversity Strategy will not only align with the Council Plan, but any biodiversity strategic planning work will be identified within the Strategy. For example, an implementation action of the Biodiversity Strategy might include a review and update of our Environmental Significance or Vegetation Protection planning controls.

QT82/22 - Dr Dora Pearce**Question**

When will a Community Meeting be held to enable concerned residents to publicly discuss the proposal by Ballarat Gold Mine to construct a tailings dam in Whitehorse Gully, Mount Clear, and will representatives of the Proponent, Earth Resources Regulation and Environment Protection Authority (EPA) be present at this meeting?

Answer

Natalie Robertson, Director Development and Growth responded that a community meeting will be held to facilitate discussion in this matter. The proponent, Councillors and all stakeholders will be invited to attend. At this stage a date has not been set as officers continue to gather information to ensure they are in a position to move forward with the application.

QT83/22 - Dr Dora Pearce**Question**

What is the projected time frame for the City of Ballarat to accept objections to this proposed tailings dam, and will it include at least a two week period beyond the Community Meeting to enable residents to absorb and respond to the updated information?

Answer

Natalie Robertson, Director Development and Growth responded that objections may be submitted at any time prior to the public meeting and right up to until the officer has completed an assessment of the application so there is plenty of time. After a community meeting notes of the meeting are circulated to all parties. The applicant is given an opportunity to respond to any questions raised if they choose to and this response is also provided to all parties who may then wish to uphold their objection, withdraw their objection, alter the objection or further add to the objection. Whilst I cannot be specific on the timeframe to decide the matter after the public meeting, I will ensure that there is at least a fortnight to allow all parties time to reflect on or address matters that are new that arise. Officers have commenced discussions with the applicant with regard to the format and date of a community consultation meeting and the details will be relayed to all stakeholders in due course.

QT84/22 – Angela McCarthy**Question**

Is Council aware that the two private in-home aged care companies in the Ballarat region have closed their books to new clients? Given the catastrophic failing of private providers when other Councils have exited aged care, can Council guarantee that the most vulnerable members of our community will be cared for if you exit in-home aged care?

Answer

Matthew Wilson, Director Community Wellbeing responded that the two providers sub-contracted to Council for the delivery of in-home aged care, as presented in the report before Council tonight, have not closed their books to clients referred by Council. Council is currently referring five new clients to one provider and three new clients to the other provider each week

under the terms of the service agreement with Council. The provider receiving 3 new clients each week is increasing to 5 new clients each week from December 2022 following the on-boarding of new staff into that organisation.

QT85/22 – Angela McCarthy

Question

Victorian local government provides the gold standards of in-home aged care. The cost of providing the service is raised as a reason for Council to exit. But many other Council services, such as aquatic and leisure, cost significantly more to Council. Given the new Federal government's commitment to work with Victorian councils and the extension of Federal funding to June 2024, why is Ballarat Council rushing to prematurely exit the Commonwealth Home Support Program?

Answer

Matthew Wilson, Director Community Wellbeing responded that under the nation-wide Federal Government reforms providers will be required to meet governance, operational, and commercial standards in order to be registered as a supplier for the Commonwealth funded services. The reform agenda is in process and similar to many Councils across Victoria and in our region, City of Ballarat is considering its response at the right time for the reasons that are outlined in the report before Council tonight.

QT86/22 – Kat Hardy

Question

There has been discussion around working with the Commonwealth and the intention to work with the Commonwealth over 7 months if this is passed. What is the intention of Council if this is passed and becomes clear as I think ASU from all of our experience, telling Councils the same information we have told you tonight and having elderly people left without showers for eight weeks when a Council decides to exit anyway. If it becomes clear in the 7-month period that the staff are not there to deliver the services for the Ballarat community which we can tell you, they are not. What will Council do at that crunch point of 1 July next year. Will Council proceed with exiting?

Answer

Matthew Wilson, Director Community Wellbeing responded that the transition process will be very well managed as far as working in alignment with local providers. I note content in the report that is in front of Council tonight, we sub-contract about half of our existing in-home support client services to providers. That enables us to have some confidence that there is existing capacity within the Ballarat municipality service sector. The advice from the Commonwealth is that there is capacity within other service providers in the Grampians region, Department of Health Region that would be interested. I note for Council in the report for content, we currently divide the municipality into 5 separate areas for the provision of those services to clients and 2 of those 5 areas are already sub-contracted to significant providers in the sector. We believe we are well positioned to transition clients following a potential decision tonight, so we do not share the same concerns that the ASU is speaking of tonight.

QT87/22 – Kat Hardy**Question**

As a Union we have heard the same thing from other Councils, who then experience the same issue. If Council officers have engaged with Boroondara or Mornington Peninsula or Casey Council who had elderly residents without services or in the case of Casey, after exiting, had to recall staff in order to fill the gap that the private sector couldn't. Has there been any engagement about what went wrong in those Councils to ensure it's not replicated in Ballarat?

Answer

Matthew Wilson, Director Community Wellbeing responded that we watched closely at the changes and the impacts. We bring this report to Council in a fully informed manner and the potential transition plan and process if Council endorses the recommendation tonight is fully cognisant of those challenges encountered by other Councils and are prepared for that eventuation process.

QT88/22 - Joan Brick**Question**

My question is in regard the surface tailing stand that's proposed. With the tailing stand, it's important that we take it in relation to climate change in regard to its future management. Will this be under consideration in the application considering we have had excessive rain? We have had periods of heat and drought depending on the year. Will this be taken into consideration and the effects of that on the surface tailing stands.

Answer

Natalie Robertson, Director Development and Growth advised that the application is going through planning process and if the technical requirements are of the planner to take into consideration climate change they certainly would. However, I will take on notice because I don't have the context of how that would sit in the assessment of a planning permit process.

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 Amy Johnson

Seconded: Cr Belinda Coates

CARRIED

(R183/22)

Cr Johnson requested for reporting trends on Snap, Send and Solve to be provided to a future Councillor Briefing.

8. OFFICER REPORTS

8.1. AGEING WELL SERVICE REVIEW

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

Brett Edgington (Secretary Ballarat Regional Trades and Labour Council) provided a public representation.

PURPOSE

1. The purpose of this report is to make recommendation to Council about its role in delivering services to older people living in Ballarat and determine a response to the impact of policy and funding changes made by the Federal Government through the national Aged Care Reform process.
2. To achieve the above, this report will outline current Council services delivered and associated costs, the Aged Care Reform impacts, current service sector or market conditions in Ballarat, customer engagement feedback, a proposed new service model for Ageing Well, and make a recommendation for Council's consideration.

RESOLUTION:

66. That Council:

- 66.1 Receive and note consideration of the feedback from the consultation period on the proposed changes to the Ageing Well service.
- 66.2 Cease providing the Commonwealth Home Support Program no later than 30 June 2023 and not transition to be a Support at Home provider of Commonwealth services,
- 66.3 Cease providing the Regional Assessment Service no later than 30 June 2024, and
- 66.4 Endorse the initiation of a new Council funded Ageing Well service model to commence operation from 1 July 2023 as outlined within the report.

Moved: Cr Mark Harris
Seconded: Cr Ben Taylor

CARRIED
(R184/22)

RESOLUTION:

Request for a comfort break at 8:17pm.

Moved: Cr Amy Johnson

Seconded: Cr Tracey Hargreaves

CARRIED

(R185/22)

RESOLUTION:

Council resumes from a comfort break at 8:35pm.

Moved: Cr Daniel Moloney

Seconded: Cr Ben Taylor

CARRIED

(R186/22)

8.2. BIODIVERSITY VISION AND COMMITMENT

Division: Infrastructure and Environment
Director: Bridget Wetherall
Author/Position: Heath Steward – Senior Sustainable Policy and ESD Officer

Jeff Rootes (Friends of Canadian Corridor) provided a public representation.

PURPOSE

To endorse the Biodiversity Vision and Commitment.

RESOLUTION

That Council endorse the Biodiversity Vision and Commitment.

Moved: Cr Belinda Coates
Seconded: Cr Mark Harris

CARRIED
(R187/22)

8.3. CREATIVE CITY STRATEGY ANNUAL REPORT CARD

Division: Community Wellbeing
Director: Matthew Wilson
Author/Position: Tara Poole - Coordinator Creative Cities

PURPOSE

1. To provide Council with the annual Creative City Strategy Report Card for 2021/22, outlining the progress made toward completing tasks allocated for this period.
2. As illustrated by the Report Card, implementation of the Strategy has provided invaluable insights into the health and status of Ballarat's creative sector, as well as delivering significant outcomes for our creative practitioners and their audiences.

RESOLUTION

That Council:

Receive the 2021/22 Creative City Strategy Report Card, which outlines the progress made toward completing tasks allocated for this period.

Moved: Cr Daniel Moloney
Seconded: Cr Belinda Coates

CARRIED
(R188/22)

8.4. 2022-23-169 MAJOR PATCH AND ASPHALT OVERLAY CONTRACT

Division: Infrastructure and Environment
Director: Bridget Wetherall
Author/Position: Luke Ives - Executive Manager Operations

PURPOSE

1. To award Contract Number 2022/23-169 for the provision of Major Patching and Asphalt Overlay with Boral Resources (Vic) Pty Ltd for the total tendered price of \$2,154,431.30 (ex GST).
2. The contract Term is for 6 months with a 12-month maintenance period.

RESOLUTION:**8. That Council:**

8.1 Resolves to enter into Contract Number 2022/23-169 for the provision of Major Patching and Asphalt Overlay with Boral Resources (Vic) Pty Ltd for the total tendered price of \$2,154,431.30 (ex GST).

8.2 Authorises the Chief Executive Office to:

- a. finalise the terms of Contract Number 2022/2023-169 with the Contractor,
Provided that those contract terms are consistent with this resolution; and
- b. execute Contract Number 2022/2023-169 on behalf of Council.

Moved: Cr Ben Taylor
Seconded: Cr Mark Harris

CARRIED
(R189/22)

8.5. QUARTERLY PERFORMANCE REPORT FOR THE PERIOD ENDING 30 SEPTEMBER 2022

Division: Corporate Services
Director: John Hausler
Author/Position: Jason Clissold – Executive Manager Business Services
Peter Donohue – Acting Manager Business Improvement

PURPOSE

1. The Quarterly Financial Management Report (attachment 1) and Council Plan Quarterly Report (attachment 2) provide an update on Council's performance in relation to budget and the implementation of the Council Plan 2022/23 actions for the 3 months to 30 September 2022.

RESOLUTION:

21. That Council:

21.1 Receive the Quarterly Financial Management Report – Period Ending 30 September 2022 and note the financial matters contained within the report.

21.2 Receive the Council Plan Quarterly Report – 30 September 2022.

Moved: Cr Amy Johnson

Seconded: Cr Ben Taylor

CARRIED

(R190/22)

8.6. 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 copies of minutes of Council's Contracts Approval Delegated Committee in accordance with the adopted Terms of Reference. This report provides a copy of the minutes of the meetings held on 17 August 2022, 28 September 2022 and 12 October 2022 and provides a summary of information in relation to these minutes.

RESOLUTION:

4. That Council:

4.1 Note, as per the *Local Government Act 2020* Section 66 that the material contained in the Contracts Approval Delegated Committee agenda has been designated confidential.

4.2 Receive the Contracts Approval Delegated Committee minutes of the meetings held on 17 August, 28 September and 12 October 2022.

Moved: Cr Mark Harris

Seconded: Cr Ben Taylor

CARRIED

(R191/22)

8.7. 2023 COUNCIL MEETING SCHEDULE

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

PURPOSE

1. This report recommends a schedule of Council Meeting dates be adopted for the 2023 calendar year.

RESOLUTION:

11. That Council:

11.1 Hold meetings of Council on the following dates in 2023:

Date	Time	Meeting Type
8 February 2023	6:30pm	Planning Delegated Committee
22 February 2023	6:30pm	Council Meeting
8 March 2023	6:30pm	Planning Delegated Committee
22 March 2023	6:30pm	Council Meeting
12 April 2023	6:30pm	Planning Delegated Committee
26 April 2023	6:30pm	Council Meeting
10 May 2023	6:30pm	Planning Delegated Committee
24 May 2023	6:30pm	Council Meeting
14 June 2023	6:30pm	Planning Delegated Committee
28 June 2023	6:30pm	Council Meeting
12 July 2023	6:30pm	Planning Delegated Committee
26 July 2023	6:30pm	Council Meeting
9 August 2023	6:30pm	Planning Delegated Committee
23 August 2023	6:30pm	Council Meeting
13 September 2023	6:30pm	Planning Delegated Committee
27 September 2023	6:30pm	Council Meeting
11 October 2023	6:30pm	Planning Delegated Committee
25 October 2023	6:30pm	Council Meeting
6 November 2023	6:30pm	Unscheduled Council Meeting (Mayoral Election)
8 November 2023	6:30pm	Planning Delegated Committee

22 November 2023	6:30pm	Council Meeting
6 December 2023	6:30pm	Planning Delegated Committee
13 December 2023	6:30pm	Council Meeting

11.2 Make public the schedule of Council meetings on the City of Ballarat website.

Moved: Cr Mark Harris
Seconded: Cr Daniel Moloney

CARRIED
(R192/22)

8.8. OUTSTANDING QUESTION TIME ITEMS

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

PURPOSE

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

RESOLUTION:

That Council:

Endorse the Outstanding Question Time report.

Moved: Cr Daniel Moloney
Seconded: Cr Mark Harris

CARRIED
(R193/22)

9. NOTICE OF MOTION

10. REPORTS FROM COMMITTEES/COUNCILLORS

GB45/22 - Cr Daniel Moloney

Cr Moloney acknowledged the Ballarat Cabaret festival over the weekend passed and noted it's great to see a small group of passionate people behind it and hoped it flourishes in the coming years.

GB46/22 - Cr Peter Eddy

Cr Eddy noted that he had the pleasure of attending the 12 and under National Cricket Championship opening at Wendouree on Saturday evening and wanted to congratulate the recreation staff and our ground staff for a relatively short notice in helping recover the event with the floods. Cr Eddy also noted that acknowledgements they received at the function by Cricket Australia and School Sport Victoria Australia. Cr Eddy also acknowledged the Cricket Association for their collaboration in the community.

GB47/22 - Cr Belinda Coates

Cr Coates noted the Rare Arts and Forgotten Trades Centre was launched by Sovereign Hill and congratulated Sovereign Hill and their teams involved.

Cr Coates gave a shout out to the local group Loud Fest who have been involved in instigating National Survivors Day for November 15.

Cr Coates thanked Mr Mayor and Cr Moloney on speaking and MCing Transgender Awareness Day and it's a proud time for the city to see these events so broadly supported by the community City of Ballarat and thanks to all involved and all who attended.

GB48/22 - Cr Ben Taylor

Cr Taylor noted that he sat with Jeroen Weimar from the Commonwealth Games organising committee and helped in relation to the insights with what they are going through and great they are have locked in all the events and are working on schedules and participates. Cr Taylor noted that it was highlighted the challenges we have for a city and the experience people have and the complexities of the rooms and the venues.

Cr Taylor acknowledged the addition to the gardens after having another bust unveiled. Cr Taylor acknowledged Linda Klarfeld who is the artist and sculptor.

Cr Taylor acknowledged the team of Council getting the RSL locations right on Remembrance Day on the 11th and all the community group and RSLs day inputting on the events

GB49/22 - Cr Amy Johnson

Cr Johnson congratulated the Turf Club and Belinda Glass for another successful Ballarat Cup on Saturday.

Cr Johnson acknowledged the Ballarat Indian Association's Diwali celebration at Federation University, and she is always struck by the talent within the community and did a wonderful job engaging local leaders to come along to the event.

Cr Johnson acknowledged Vivienne Murphy and the team for the brilliant job coordinating the Malcolm Turnbull event.

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 9:03pm whilst the Council is dealing with the following matters;

Moved: Cr Mark Harris

CARRIED

Seconded: Cr Ben Taylor

(R194/22)

12.1 AGREEMENT REVIEW

Division: Executive Unit

Director: Evan King

Author/Position: Evan King – Chief Executive Officer

(Confidential information)

RESOLUTION:

That Council move out of closed Council at 9:21am and adopt the resolutions made therein.

Moved: Cr Amy Johnson

CARRIED

Seconded: Cr Mark Harris

(R196/22)

