

Unscheduled Council Meeting

Agenda

7 June 2023 at 6:30pm

**Council Chamber, Town Hall, Sturt Street,
Ballarat**





The City of Ballarat acknowledges the Traditional Custodians of the land we live and work on, the Wadawurrung and Dja Dja Wurrung People, and recognises their continuing connection to the land and waterways. We pay our respects to their Elders past, present and emerging and extend this to all Aboriginal and Torres Strait Islander People.

This meeting is being broadcast live on the internet and the recording of this meeting will be published on council's website www.ballarat.vic.gov.au after the meeting.

Members of the public attending this meeting may be filmed. By remaining in the public gallery once the meeting commences, members of the public give their consent to being filmed, and for the recording of them to be made publicly available and used by council.

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The next scheduled Meeting of the Ballarat City Council will be held on Wednesday 28 June 2023.

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

3. DISCLOSURE OF INTEREST

4. OFFICER REPORTS

4.1. HEARING OF VERBAL AND WRITTEN SUBMISSIONS PERTAINING TO THE DRAFT BRIDGE MALL SPECIAL RATE

Division: Development and Growth
Director: Natalie Robertson
Author/Position: Kizanne Davies – Business Engagement Officer

PURPOSE

1. The purpose of the report is for Council to formally receive written submissions on the proposed Bridge Mall Special Rate.

BACKGROUND

2. At its meeting on 14 December 2022, Council resolved (R203/22) to give public notice of its intention to declare a Bridge Mall Special Rate (BMSR) for a five-year period commencing 1 July 2023 and ending on 30 June 2028.
3. The Special Rate is to apply to specified properties in the Bridge Mall for the purposes of advertising, promotion, centre management, business development, security and other incidental expenses associated with the encouragement of commerce.
4. The total amount of the Special Rate proposed to be levied will be \$160,000 in the first year. For each subsequent year, the maximum amount proposed to be collected will increase by 3%. The Special Rate for each property will be calculated and levied on the Capital Improved Value (CIV) of that property.
5. In accordance with sections 163 and 223 of the *Local Government Act 1989*, Council gave public notice of its intention to declare a special rate for the Bridge Mall, Ballarat Central in the Ballarat Times on Friday 31 March 2023 and invited written submissions until 28 April 2023. In addition, all property owners and business owners, in the affected areas, were sent mail correspondence providing the same information.

KEY MATTERS

6. In total, 17 written submissions, representing 20 business/property owners (as two positive submissions were on behalf of 5 owners) were received.

Objections

7. Four (4) objections were received, representing 5% of the rateable properties. Two (2) were from property owners who did not own a business operating from their property, two (2) were from property owners who also owned the business operating from the property. All four of the objectors pay the current special rate and would be liable for the future special rate, if adopted.
 - Submission 1 objected on the grounds that it did not represent value for money.
 - Submission 2 objected due to the rate being a further burden on business in the current economic conditions.

- Submission 3 objected because the building is vacant and has been since 2020.
- Submission 4 objected due to the current number of vacancies in the Mall and the decreased revenue of the business.

Submissions in favour

8. Sixteen (16) submitters (represented by 13 submissions) were in favour, representing 20% of the rateable properties.
 - Three (3) were property owners (two of whom pay the current Special Rate)
 - Three (3) were both the property and business owner (all three pay the current Special Rate)
 - Ten (10) were business owners but not property owners (six pay the current Special Rate)
9. In summary, the submissions in favour of the Special Rate stated the following reasons:
 - The Bridge Mall Business Association (BMBA) is a vital part of the day-to-day running of the area and is supported by the Special Rate. The Special Rate income provides extra personnel to assist manage theft, graffiti and general bad behaviour. It provides resources for branding of the precinct, all social media platforms and marketing via website, radio and television advertising, and electronic mail-outs.
 - Due to current economic times, the activity provided for by the Special Rate is even more important to promote the area.
 - With the upcoming major redevelopment, it is even more important to have a united voice to harness the benefits.
10. None of the submissions stated an intention to present in-person.

OFFICER RECOMMENDATION

11. That Council:

11.1 Receive the public submissions relating to the Bridge Mall Special Rate.

11.2. Consider all feedback outlined in the submissions prior to considering the adoption of the Bridge Mall Special Rate.

11.3 Note that the development of the Bridge Mall Special Rate has complied with Council's Community Engagement Policy, and as such, with sections 163 and 223 of the *Local Government Act 1989*.

ATTACHMENTS

1. Governance Review [4.1.1 - 2 pages]

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ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES

1. This report supports Goal 5 of the Council Plan 'A strong and innovative economy and city'. Specifically, within the Annual Plan, it contributes to the achievement of actions:
5.2 Support local businesses to explore, innovate and adapt emerging economic opportunities; and
5.6 Facilitate increased vibrancy in the CBD and other key business precincts.

COMMUNITY IMPACT

2. This report outlines the community benefit that will be achieved via the proposed Special Rate

CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

3. No climate emergency or environmental sustainability implications are relevant to the subject of this report

ECONOMIC SUSTAINABILITY IMPLICATIONS

4. There are no economic sustainability implications

FINANCIAL IMPLICATIONS

5. The money raised by the Bridge Mall Special Rate will be released quarterly, as historically requested the Bridge Mall Business Association, in accordance with the terms and conditions of an Agreement to be entered into, in the amounts of:

Instalment	%	2023	2024	2025	2026	2027
1	18%	\$28,800	\$29,664	\$30,553.92	\$31,470.48	\$32,414.58
2	37%	\$59,200	\$60,976	\$62,805.28	\$64,689.32	\$66,629.97
3	23%	\$36,800	\$37,904	\$39,041.12	\$40,212.28	\$41,418.63
4	22%	\$35,200	\$36,256	\$37,343.68	\$38,463.92	\$39,617.82
		\$160,000	\$164,800	\$169,744.00	\$174,836.00	\$180,081.00

LEGAL AND RISK CONSIDERATIONS

6. There are no particular legal or risk implications identified. Officers have received legal advice throughout the process of consideration of the Special Rate, to ensure Council is acting in accordance with the requirements of sections 163 and 223 of the *Local Government Act 1989*.

HUMAN RIGHTS CONSIDERATIONS

7. It is considered that the report does not impact on any human rights identified in the *Charter of Human Rights and Responsibilities Act 2006*.

COMMUNITY CONSULTATION AND ENGAGEMENT

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8. The intention to declare a Special Rate has been subject to public notice as per the requirements of the Local Government Act. The results of that public notice, namely the submissions and objections made, are the subject of this report.

GENDER EQUALITY ACT 2020

9. There are no gender equality implications identified for the subject of this report.

CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT

10. Council officers affirm that no general or material conflicts need to be declared in relation to the matter of this report.

PROCUREMENT COLLABORATION

(For Contracts Only)

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4.2. HEARING OF VERBAL AND WRITTEN SUBMISSIONS PERTAINING TO THE 2023/24 DRAFT BUDGET

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

PURPOSE

1. To receive verbal and written feedback relating to the 2023/24 Draft Budget.

BACKGROUND

2. In accordance with Section 94 and 96 of the *Local Government Act 2020*, Council resolved at its meeting held on 26 April 2023 to:
 - a. make the 2023/24 Draft Budget available at Council's customer service centre, Town Hall and via Council's MySay website;
 - b. invite public feedback from 28 April 2023 until 5pm Friday 19 May 2023; and
 - c. hear any person who requests to be heard in support of their feedback before an Unscheduled meeting of the Council on 7 June 2023.

KEY MATTERS

3. Council placed the draft 2023/24 Budget on Council's MySay Website and gave public notice that it had done so and that copies of the draft Budget were also available from Customer Service, and Town Hall.
4. Public notice was given seeking community feedback and promoting two public community budget briefings.
5. To minimise the barriers to making a submission, members of the community were able to lodge a submission on the MySay website without having to register. This meant they could leave feedback anonymously.
6. 23 submissions were received, with 4 submitters nominating with their submission that they wish to speak in support of their submission.
7. The submissions received are presented in a summary form as an attachment to this report. Full copies of all submissions have been provided to Councillors in a Confidential attachment.

OFFICER RECOMMENDATION

8. That Council:

8.1 Receive the verbal and written feedback relating to the 2023/24 Draft Budget;

8.2 Consider all feedback prior to considering the adoption of the 2023/24 Budget; and

8.3 Note that the development of the 2023/24 budget has complied with Council's Community Engagement Policy, and as such, with section 96 of the *Local Government Act 2020*.

ATTACHMENTS

1. Governance Review **[4.2.1 - 2 pages]**
2. Budget Submissions Summary **[4.2.2 - 2 pages]**

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ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES

1. The Draft Budget has been prepared based on the Strategic Objective outlined in the Council Plan and in accordance with the requirements of the *Local Government Act 2020*.

COMMUNITY IMPACT

2. The annual and four-year budget is an important component of the Integrated Strategic Planning Framework, outlining the resources required to deliver the Council Vision Strategy and Policy for the community.

CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

3. Council's commitment and investment towards Goal 1 (An Environmentally Sustainable Future) is detailed within the draft 2023/24 budget.

ECONOMIC SUSTAINABILITY IMPLICATIONS

4. Council's draft budget contains details of expenditure in the local community for the 2023/2024 financial year.

FINANCIAL IMPLICATIONS

5. The Budget report provides details of councils planned income raising and expenditure for the 2023/24 year.
6. A balanced budget has been prepared for the community, taking into consideration Council's long term financial planning and strategy.

LEGAL AND RISK CONSIDERATIONS

7. Section 94 of the *Local Government Act 2020* requires Council to prepare and adopt a budget for each financial year and the subsequent 3 financial years by 30 June each year.
8. Section 96 of the *Local Government Act 2020* also requires Council to develop the budget in accordance with the financial management principles and its community engagement policy.

HUMAN RIGHTS CONSIDERATIONS

9. It is considered that the report does not impact on any human rights identified in the *Charter of Human Rights and Responsibilities Act 2006*.

COMMUNITY CONSULTATION AND ENGAGEMENT

10. Community consultation commenced in November 2022.

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11. Council placed the draft 2023/24 Budget on Council's Website and advertised that it had done so. Copies of the draft Budget were also available from Council's customer service at both the Town Hall and The Phoenix building.
12. Submissions to the budget were invited between Friday 28 April 2023 and Friday 19 May 2023, with submitters able to nominate to speak to their submission at this meeting.

GENDER EQUALITY ACT 2020

13. There are no gender equality implications identified for the subject of this report.

CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT

14. Council officers affirm that no general or material conflicts need to be declared in relation to the matter of this report.

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Summary of Submissions pertaining to the 2023/24 Draft Budget

Submission No.	Summary of Submission
1	Resident expressed concern that ratepayer wages growth might be below the rate increase of 3.5%.
2	Resident expressed concern that rate increase would put additional strain on many rate payers, and suggested cutting expenditure to reduce rate requirements. Expressed that Bridge Mall redevelopment was a waste of money.
3	Resident believes the Bridge Mall redevelopment is a waste of money, and the traffic plan around the project does not make sense.
4	Resident questioned the budget targets set for various Service Performance Indicator metrics and believes they are not materially increasing, therefore questioning the value residents were getting in performance for rates increase. What is the plan for council to improve their performance?
5	Resident complimented the overall budget, but requested more money be dedicated to climate action, improving active transport options, and beautifying the city.
6	Resident complimented the additional funding allocated to the footpaths program, and one in their local area which will allow safer movement activities for people in this neighbourhood.
7	Resident strongly supports the replacement of the Hockey Playing Surface at Prince of Wales Park, and highlighted the need for amenity upgrades at the facility.
8	Resident supports the replacement of the Hockey Playing Surface at Prince of Wales Park, and believes further enhancement to a two pitch facility with amenities would attract events to the city.
9	Resident highlighted that more products are included than just nappies in the "cloth nappy rebate" program. Would have liked to have seen a greater focus on accessible tourism, and bike path and footpath infrastructure. Resident questioned what was being done about the publicised bus routes redesign.
10	Resident expressed concern on the condition Ballarat roads and lack of ongoing maintenance, they believe the money allocated for reseals was inadequate for the total length of roads in the region. Requested Council provide more data on asset planning and maintenance.
11	Wishes to speak to submission at Council meeting. Resident believes Council is not doing enough in the environmental sustainability space, and does not support the Bridge Mall Redevelopment and Airport Runway extension projects. Resident highlighted planned Infrastructure works on drainage and roads as being a waste of money that does not provide long term solutions.
12	Resident believes the Bridge Mall redevelopment is a waste of money, and questioned the planting of trees under powerlines. Resident believes they only utilise basic waste services and are therefore subsidising services for others.
13	Resident complimented the work on providing new and improving existing playgrounds, questioned the value of the Bridge Mall redevelopment.
14	Resident complimented that no new borrowings were planned in 23/24, and some programs that can be serviced by other sectors were ceasing. Also agreed that finishing commenced projects should be a focus, and supported ceasing programs not mandatory to Council that could be delivered privately. Suggested the running of several recreation and community facilities should be cost neutral, and questioned why more is spent on parks and gardens than roads and footpaths infrastructure. Asked that photos in Council documents represent the whole municipality, not just the CBD.
15	Resident does not support the Airport Runway extension project, does not believe it is an economically viable service.
16	Resident express concern about the facilities and Northern Oval No.2, which are believed to be non-compliant and not fit for purpose.

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Summary of Submissions pertaining to the 2023/24 Draft Budget

17	Wishes to speak to submission at Council meeting. Resident believes the amount in the budget for Climate Action Program is inadequate, especially given An Environmentally Sustainable Future is the City of Ballarat's (CoB) number one goal in the 2021-25 Council Plan.
18	Wishes to speak to submission at Council meeting. Resident believes the amount in the budget for Climate Action Program is inadequate, requests additional information resources and programs be available for the community to access at any time.
19	Wishes to speak to submission at Council meeting. BREAZE group welcomes all of Council's initiatives in addressing environmental sustainability challenges. The group believes the amount in the budget for Climate Action Program is inadequate and argues the level of funding allocated to climate action needed to be at least 5% of the overall budget expenditure.
20	Resident believes planned upgrades to hockey facility is a waste of money, with current facilities sufficient.
21	The Ballarat Residents and Ratepayers group call on the Ballarat Councillors to reject the 2023/2024 draft budget for the City of Ballarat. The group requests an updated costing assessment be undertaken for proposed capital works to ensure any cost overruns are quantified, the group also ask that the councillors slow the rate of increasing rates in our city.
22	Resident believes more money needs to be allocated to the fulfillment of the community-wide Net Zero target, and more communications and marketing to ensure that the community is aware of such targets.
23	Concern around condition and maintenance of historical monuments, memorials, and graves.

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5. CLOSE