

OFFICIAL

Council Meeting

Minutes

22 November 2023 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 Samantha McIntosh
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
Ms Natalie Robertson - Director Development and Growth
Mr Martin Darcy - Director Economy and Experience
Mr Cameron Montgomery - Executive Manager Governance and Risk
Ms Sarah Anstis - Statutory Compliance Officer
Mr Stephen Wright - Administration Assistant Compliance

2.2 Apologies

Nil

3. DISCLOSURE OF INTEREST

Nil

4. MATTERS ARISING FROM THE MINUTES

Nil

5. CONFIRMATION OF MINUTES

RESOLUTION:

That the minutes of the Council Meeting held on 25 October 2023 as circulated be confirmed.

Moved: Cr Mark Harris
Seconded: Cr Amy Johnson

CARRIED
(R172/23)

6. PUBLIC QUESTION TIME

QT105/23 – David Clements

Question

The Courier report (26 October 2023) of Council vote on this decision states "When voting, the recommendation had four against and four supporting. Councillor Daniel Moloney was on leave. Mayor Hudson said he had contacted Cr Moloney over his vote intention, which was to support the recommendation, meaning the majority were in support and the recommendation passed" meaning the Councillors present (excluding the mayor) voted 4 to 3 against the motion. My question is: was the vote of Cr Moloney obtained in accordance with Council rules (e.g., formal proxy) so that it could be formally counted, or was it not?

Answer

Cr Des Hudson, Mayor, responded that at Council we don't normally do a formal proxy provision. He has exercised two casting votes during his term as Mayor, and on both occasions, he sought advice of that Councillor that was away to give him an indication of what their thinking might be. But ultimately the decision of the casting vote does come down and lies with the mayor and he accepts responsibility for the casting vote that was given.

QT106/23 – Julia Mann

Question 1

Will the Ballarat Council release a statement condemning the war crimes of the Israeli Government against Palestinians in Gaza and call for the Australian Government to demand an immediate ceasefire and release of all hostages?

Answer

Cr Des Hudson, Mayor, responded that we have three level of Government in Australia – the Federal, State and Local, all with very different responsibilities. Local Government's role is to respond to issues that affect local communities, while the Federal Government is responsible for issues that affect all Australians at a national level. International conflicts falls under the remit of the Federal Government's Department of Foreign Affairs and Trade. On this basis, the City of Ballarat will not be making a public statement about the Hamas-Israel conflict. As the City of Ballarat, we denounce all forms of violence of any form and will continue to look to enhance Ballarat's reputation as being a diverse, inclusive and a compassionate community.

Question 2

As we are a diverse, multi-cultural and multi-faith community, will the Council consider flying the Palestinian flag at half-mast in recognition of the genocide being carried out against the Palestinian people in Gaza?

Answer

Cr Des Hudson, Mayor, responded that as previously stated, international conflicts fall under the remit of the Federal Government's Department of Foreign Affairs and Trade. On this basis, the City of Ballarat will not be flying the Palestinian flag at half-mast. The City of Ballarat denounces violence of any form and will continue to look to enhance our reputation as being diverse, inclusive and a compassionate community. And there are victims, certainly, on all sides of this particular conflict and it is tragic to see it unfold and our hearts go to everyone who's living in that environment at the moment and where their families are represented as well.

QT107/23 – Stuart Kelly**Question 1**

At the September meeting of Council as the Delegated Planning Committee, a decision regarding Heritage Overlays for five properties and one heritage precinct was deferred pending mediation with submitters and land holders. What is the current status of this? When will this come back to Council for a decision?

Answer

Natalie Robertson, Director Development and Growth, responded that the decision regarding the five individual Heritage Overlay places and the one heritage precinct deferred at the September meeting of the Delegated Planning Committee will return to Council for consideration at the 13 December meeting.

Question 2

Also, at the September meeting Cr McIntosh requested that an update of the Heritage Gap Study be presented to a future council briefing. Will the details of that report be made publicly available?

Answer

Natalie Robertson, Director Development and Growth, responded that a Council briefing on the Heritage Gaps Review Program is scheduled for 6th December, as requested by Cr. McIntosh. The program to be delivered has also recently been presented to the Ballarat Heritage Advisory Committee. As the significant program of work progresses it will be made publicly available through the community and stakeholder engagement phase.

QT108/23 – Deb Kileen**Question**

When did council first become aware that there were people sleeping in tents, and on the grandstand, at White Flat oval and when did council first take action make the oval safe for oval users?

Answer

Natalie Robertson, Director Development and Growth, responded that Council Officers have been working with appropriate agencies since February 2023 in relation to the situation of rough sleeping, more generally, including reports of rough sleeping at White Flat.

During this time, Council and other agencies have been working together towards achieving a long-term solution to this matter. In more recent times, it is understood that reports of anti-social and illegal behaviours have escalated requiring a heightened level of response. This is a complex situation and requires a coordinated and combined response from all involved.

QT109/23 – Mia Wright**Question 1**

My name is Mia and I play footy at White Flat Oval for East Point female football club. This year we had 4 teams – under 12's, under 14's, under 16's and senior women's – so around 50+ women and girls train and play at that ground. We train at night so at times that can be a little scary in itself, but during this season there's been a lot of aggressiveness between a few people who have been camping at the footy ground. There's been a lot of fighting, mostly verbal but sometimes more and there can be 10 or so people involved in yelling while we're training. The police have been called to come down there multiple times but they just speak

with the people and then leave, it's not fixing the issue. I feel genuinely unsafe and scared to go to training and I know a lot of the other girls do too. One time my friend was actually followed and she had to hide in the toilets. We just want to play footy and be in a safe environment to play. What is the Council doing about this issue?

Answer

Natalie Robertson, Director Development and Growth, responded that it is a challenging situation and she reiterates that we have met with what we call stakeholder groups recently and you have representation at that group and we've outlined as best we can through, also with Victoria Police in the room and a couple of other agencies, some processes that your coaches or administrators can undertake while down at the oval while we continue to resolve the issue. My statement to you is that we are aware of the challenges at White Flat. We appreciate the frustration and the effect it is having on the community. We assure you we are trying to work closely with all groups and community representatives. And it is really important for her to reiterate that, regardless, if you do witness illegal activity or antisocial behaviour you should call triple zero every time because that is the process for us legally to enact legislation that allows us to put things in action.

Question 2

At the moment the grandstand can't be used by the general public as spectators because of these issues. When will it be accessible again?

Answer

Natalie Robertson, Director Development and Growth, responded that she appreciates the use of White Flat Grandstand is limited at the time and we will continue to work with relevant agencies to resolve this matter. Continue to report the antisocial or illegal behavior and as we work towards the future we hope that, she thinks she answers it in another question, but we are looking at opportunities for increased lighting, for CCTV, surveillance, and a few other things as well, which she'll be able to report in more detail in the coming days.

QT110/23 – Deb Kileen**Question**

Will council release correspondence it had had, either from the Mayor, CEO and officers, to authorities and agencies, regarding the situation at white flat oval?

Answer

Natalie Robertson, Director Development and Growth, responded that the City of Ballarat and partner agencies are bound by privacy legislation relating to individuals. A request for correspondence can be made under Freedom of Information with details available on the City of Ballarat website.

RESOLUTION:

That Council extend Public Question Time for a period of 30 minutes.

Moved: Cr Ben Taylor

Seconded: Cr Amy Johnson

CARRIED

(R173/23)

QT111/23 – Clare Gervasoni**Question 1**

As a neighbourhood, we really feel the danger of the potential abuse, violence, needle stick injuries, and all sorts of other antisocial activities. The users of the ground are very important to our safety - they really need to be there. I think the neighbourhood is being forgotten: this is where people walk their dogs, it's the open space for a lot of those in the centre. How are our rights to safety in the neighbourhood being considered?

Answer

Natalie Robertson, Director Development and Growth, responded that there's two very challenging points here. Rough sleeping and homelessness is not illegal, but then there is antisocial and illegal activities. So, the broader issue of homelessness is an entire community concern and we have to all work together in order to look at the challenges that presents, And she continues to reiterate: anybody who does experience, because that's the thing she is asking you, if you are yourself witnessing illegal behaviour or antisocial behaviour it is, and Cr Harris has reiterated it, it is a matter for Victoria Police. And that is where we are in a grey area: it is our facility but I have to act within our own legislation and our powers and the things that you talk about in terms of feeling unsafe, with antisocial and illegal activities, are a Victoria Police matter and so we must all work closely with them so that they have the opportunity to act when these behaviours are occurring.

Question 2

White Flat Grandstand is quite possibly one of Victoria's oldest grandstands. Vandalism associated with illegal camping and anti-social behaviour at White Flat is destroying the heritage fabric. It has not been used for purpose for over 6 months and neighbours are scared to use the precinct. Can the Grandstand be considered in the Heritage Gap Study, and interim protection granted in the short term, to enable restoration without destruction of heritage fabric?

Answer

Natalie Robertson, Director Development and Growth, responded that first of all, camping is not illegal there, which she needs to make clear, and that's where she talks about being within the provisions of what powers we have. But more importantly, White Flat Grandstand is known to our heritage team and it is included in our heritage gaps list as part of the broader potential heritage place work. This includes the Oval itself, and the Grandstands, the plantings and landscaping including evidence of earthworks and drystone walls in there. So, if there's any positive to come out of this: yes, we fully recognise the importance of the grandstand.

QT112/23 – Denise Ellis**Question**

What avenues are Council taking to remove the structures under the pavilion, in particular the tents? Not what you have looked at or what you have discussed, but what is actually happening in the pipelines? Because this has been going on for months and months. I can't walk through the oval. I've walked down around it before on the way to walking into Ballarat Central and I've been harassed, shouted at, cajoled. I've walked a dog around there. Two days ago, I walked on the Yarrowee Trail, which has just been done with some nice gravel after the sewerage upgrade, to walk into town. There's syringes as I'm walking past them. I would not walk across that oval in sandals. I'm concerned for children that are there exercising their pets. That is a no-go zone. If I needed to go to toilet, there's no way I would use those public toilets. I feel threatened and I feel unsafe.

Answer

Natalie Robertson, Director Development and Growth, responded that if you've been out to the site recently, with the escalating situation, in the past week the site has actually been cleaned up substantially. There are a number of things removed from the site. Director Robertson thinks only one tent remains and a couple of other possessions for the occupant and the grandstand itself has also been tidied up and possessions removed from that. So, in context to your question that you asked in terms of safety, she thinks she's said that a few times today in order of what is available to Council under the legal process. And essentially, we actually have no legal ability to even remove the items there unless it comes from a process through Victoria Police where occupants might commit crimes and that's why she continues to reiterate that crimes need to be reported and at the moment, as she's said, there is only one tent there and only one occupant at this time.

QT113/23 – Denise Ellis**Question**

We are now the 3rd biggest town in Victoria, so what is council doing about homelessness in this area? We have grown substantially over the past ten years. Has our accommodations for homeless people grown along with it? What do you propose to do with the people that are still left there, or in the future when one eventually goes and some just take their place. This is now becoming a permanent structure for people to stay in, not temporary. It's been in operation for more than 6 months this time.

Answer

Matthew Wilson, Director of Community Wellbeing, responded that it is important to note that funding for homelessness support services and homelessness-related dwellings is a state and federal government program. Council's role in this space is to advocate to state and federal government for increases in those resources at the local level. And that is what Council has done and does continue to do.

RESOLUTION:

That Council extend Public Question Time for a period of 30 minutes.

Moved: Cr Samantha McIntosh

Seconded: Cr Daniel Moloney

CARRIED

(R174/23)

QT114/23 – Deb Ramsey**Question**

I am quite pleased to see that the Council plans to retain male and female toilets. With a compromise of gender neutral toilets as well, everyone should be satisfied. Will the Council give assurance that the signage will use the words male and female on the appropriate toilets to avoid confusion about allowing men who identify as women or vice versa into the opposite sex toilets? It would be no compromise at all if men who identify as women were to be allowed access to female toilets.

Answer

Bridget Wetherall, Director Infrastructure and Environment, responded that signage on public toilets will be reflective of identified use, that is, male, female, disability accessible and all

gender. The Public Toilet Strategy includes a strategic action, which is number 55 in the document, to undertake work with the Council's Gender Advisory Committee in regard to future signage design. Building code requirements will also be required to be taken into consideration with regard to location and placement of signage. The signage will provide the expectation about the toilet's intended use.

QT115/23 – Kylie Firms

Question 1

For the sake of correct use of toilets, can Council please clarify their definition of the terms "woman and man" and "female and male"?

Answer

Bridget Wetherall, Director Infrastructure and Environment, responded that as per Chapter 4 of the Public Toilet Strategy, public toilets are for everyone. The Strategy seeks to consider diverse community needs especially when planning or building a new public toilet. Diverse community needs include those with a physical disability, vision impaired people, children and young people, older people, parents and carers, culturally and linguistically diverse people, LGBTQIA+ people, people experiencing homelessness, women and people menstruating, and people with bladder and bowel challenges.

Question 2

Is a trans person that "appears" to look like a man to a reasonable person currently given access to women's toilets and change spaces?

Answer

Bridget Wetherall, Director Infrastructure and Environment, responded that all people have a right to be safe, welcome, respected and considered in City of Ballarat toilet facilities. The Public Toilet Strategy guides the future provision of public toilets across the municipality to ensure they are clean, safe and well-designed for all. A Service and Typology Guide has been developed as part of the Strategy to provide the City of Ballarat with guidance on provision and configuration, meaning the number of cubicles in a new toilet, in new and upgraded toilets. The Strategy does not seek to determine who can access toilets and change spaces.

QT116/23 – Sean Mulcahy

Question

Is clause 74.3.6 of the *Community Local Law 2017* inoperative as a result of section 71(3) of the Local Government Act?

Answer

Natalie Robertson, Director Development and Growth, responded that the City of Ballarat Community Local Law precedes the introduction of the *Local Government Act 2020*. At the time the Community Local Law was developed, it was developed in accordance with the *Local Government Act 1989*. When the City of Ballarat Community Local Law is next reviewed and developed, which won't be until 2027, it will be reviewed in accordance with the current legislation and will therefore ensure consistency and meet legislative requirements.

QT117/23 – Sean Mulcahy**Question**

In light of the Bins 4 Blokes awareness and advocacy campaign, will Council consider providing sanitary disposal bins in male public toilets, which can be used by trans men who are menstruating or men who are experiencing incontinence?

Answer

Bridget Wetherall, Director Infrastructure and Environment, responded that the Public Toilet Strategy makes recommendations in regards to the provision of sanitary services, including at action number 42, which states we seek to 'Determine the provision of sanitary disposal bins in male public toilets on a case by case basis'. It will be noted the provision of bins will also support incontinence in male public toilets that will be inclusive of that sanitary service. And also at action number 41 we talk to providing 'sanitary disposal bins in female and all gender toilets'.

QT118/23 – Louise Carrigg**Question 1**

I'm pleased to note that at least one exclusively male and one exclusively female toilet, as well as catering for 'gender neutral' needs, are to be provided as part of this public facility strategy. The problem now is, I don't think anyone's brave enough to decide what a female is and what a male is. My question is, will the signage accurately reflect who each of the facilities is designed for, taking into account the male/female dynamic of say parent/child?

Answer

Bridget Wetherall, Director Infrastructure and Environment, responded that she spoke in her previous answer to the strategic direction about consulting on future signage design but also note that, as she also previously discussed, the future toilet provision will be dependent on where a new or upgraded toilet is. So, the ability to have a cubicle that's dedicated to male, that's dedicated to female, that's dedicated to disability access, and dedicated to all gender, will be provided at our destination toilets. So, those destination toilets will be the ability to accommodate everyone's needs and separate cubicles. They will cost, we estimate probably about \$400,000 without consideration of all the other site works and studies that need to be undertaken in a new site. Because they are quite costly and because those facilities are really to be located in high use areas, it's unlikely we can fund that sort of toilet at every public toilet location. That's why we have to look at other options to reduce the number of cubicles, and therefore reduce the cost, but still try and find the best solution to accommodating diverse needs. And as she mentioned previously, in the basic-type toilet it would be a DDA compliance, so all toilets have to, under the Australian Standard, offer disability access. So every toilet will have a DDA compliant toilet. Subsequent to that, an all-gender toilet might be added to the disability access toilet or cubicle. There's two cubicles, for example, at a basic toilet, so there'd be a DDA compliant cubicle and an all gender toilet. And then at a standard-type toilet where we'd be looking at that three cubicles, which again costs about \$300,000, looking at a DDA compliant, a male and female.

Question 2

How will this strategy reflect the diverse needs of people with physical disabilities? I noticed that this is an issue with the public facilities in the Bridge Mall.

Answer

Bridget Wetherall, Director Infrastructure and Environment, responded that as she previously noted, under the Australian standards, every new facility must have at least one cubicle that's disability accessible. So, every new facility will have a DDA compliant cubicle and our ability

to retrofit our existing stock will happen over time as our current assets come up for renewal or upgrade.

QT119/23 – William Ackell

Question

I was born in America and 60 years ago, at the age of 16, I was granted citizenship to Australia at a ceremony on Australia Day. I still recall Mayor Phillips handing me my certificate, shaking my hand, and saying you are now an Australian citizen. I see that there's a move to remove the Australia ceremonies from Australia Day and I would just like to make the point that it is an extremely proud time that on Australia Day you are made an Australian citizen. It just wouldn't be the same if you were made an Australian citizen on Melbourne Cup Day or Mother's Day or some other day it. It's not as significant as Australia day: congratulations, you are now an Australian citizen. And that's purely the point that I would like to make and thank you for your time.

Answer

Cr Des Hudson, Mayor, noted that it will be part of the topic which is debated as Notices of Motion later on.

QT120/23 – Kate Poynter

Question

Can we have more than one toilet allocated for women? Because we do take longer, we often have cleaning to do, and we care for others in those spaces. And if we're using the one toilet that's being used and there's not necessarily another space for other women who might feel safer in a female toilet than in a gender diverse.

Answer

Bridget Wetherall, Director Infrastructure and Environment, responded that as she previously noted, the design and typology guide, which is part of the strategy seeks to provide a balance of male, female, disability access, and all gender toilets. And so the destination of where that toilet is will really outline the structure of that toilet, how many cubicles it will have, so it's not always possible to have more than one female only toilet and it mostly comes down to cost and whether it's a high or low usage location. What I will say is: when we get to the point of understanding our network of toilets for upgrade, which we've got three on the horizon that we're looking to build, three new toilets or "replace" toilets, there will be community discussion and there will be opportunities for the Community to engage on what we are proposing for that area. And, as we roll through our network, Director Wetherall thinks we will continue to evolve and seek feedback on how we're going in that space.

QT121/23 – Annette McMaster

Question

As residents of Ballarat East watch Powercor increase and upgrade their infrastructure around Ballarat East, the prospects of the substation going up at 203 York Street are becoming very real, even though they're supposed to be looking at a couple of other sites. Everyone's increasingly worried. We're worried at how demoralising it's going to be for the area. We're worried for the tourism, the economy for Ballarat.

We would really appreciate if you could contact Michaela Settle and let her know our great concern about this and the effect it could have on Ballarat and how demoralising it's going to

be and the lasting impression, and I'm wondering whether you're prepared to do this for us and for the city?

Answer

Natalie Robertson, Director Development and Growth, responded that the land is zoned Public Use Zone, Schedule 1 (PUZ1, which means services and utilities). The use of the land for utilities and associated buildings and works is 'as of right' to the Land Manager. To this end, no permission from the City of Ballarat is required to construct a service utility on this land so long as it is carried out by that Public Land Manager, who Powercor are in this case.

At the Council Meeting of 26 July 2023, a report was considered in relation to this matter and Council resolved:

1. To note the report;
2. Do not support the proposed location for the power or electrical substation at 203 York St Ballarat East; and
3. That Council Officers write to Powercor advocating for identification of alternative locations.

Correspondence has been provided to Powercor to this effect and Officers continue to liaise with Powercor who have committed to inform community and Council once it has determined if the York Street location becomes its preferred site. I do understand they are looking at other sites as well.

RESOLUTION:

That Council extend Public Question Time for a period of 30 minutes.

Moved: Cr Samantha McIntosh
Seconded: Cr Daniel Moloney

CARRIED
(R175/23)

QT122/23 – Jennifer Paterson

Question

In light of many more of my community starting to realise the substation is planned at 203 York Street and a further, larger petition to be tabled later in the meeting, I would like to ask if there is any other way Council can advocate for our community, perhaps as a suggestion, a State MP being involved might add some weight to our suggestions for a land swap? We understand your limitations, however, we have not been able to get any answers from Powercor and I believe they don't answer you either properly, as per Natalie, and as always we appreciate your support. You've already answered my question but I think Kaye might need a bit of a closed door meeting with you with some alternates suggestions for land sites that she's probably not going to be able to present tonight so she might need a bit more time.

Answer

Cr Des Hudson, Mayor, responded that he was happy for Kaye to be able to come in and see him and they can talk and you can show me more of the proposals that you've got.

We certainly have haven't forgotten the plight of the York Street residents. And in terms of our advocacy, even though our hands are tied, we continue to raise the issue. We're probably a little bit skeptical as well when talk of BWEZ and others that, from his view, he thinks they're after something on that side of town, but they could be looking in other industrial sites on that

side of town. We'll continue to keep doing the advocacy and hopefully combined people power might get a result.

QT123/23 – Sue Broadway

Question 1

I'm here to speak about waste management, in particular recycling in the Ballarat area. As a ratepayer, I hear constantly about recycling from the City of Ballarat, yet our facilities remain outdated and nowhere near sufficient to meet current expectations around recycling. I notice in the agenda tonight the metrics that you've published in there, there's a massive percentage of our waste in Ballarat ends up in landfill. And as we know, landfill is expensive to us and to the environment, and trucking waste to Melbourne constantly, or recycle waste, is not the answer. Moving to a circular economy is vital and this needs to include residents and the ability to enable our waste to be recycled and reused effectively, including residents being able to request recycle and green bins where currently they're unable to. My question is when can residents expect action on waste management and recycling to commence in Ballarat that meets the expectations of our environmental responsibilities as a Community, what recycling plans have been developed, and how are we as a city managing the transition away from landfill?

Answer

Bridget Wetherall, Director Infrastructure and Environment, responded that our Waste and Environment team are constantly looking for opportunities to improve resource recovery outcomes from materials we manage, and officers from the team attended the Waste Expo recently held in Melbourne. The City of Ballarat has an active project to address the lack of waste and recycling infrastructure in the region and retain the value of materials in our region. Over the past 12 months, City of Ballarat has been collaborating with six surrounding Local Government Authorities, and Central Highlands Water, on a procurement project that is seeking to attract local circular economy focused processing solutions for waste and recycling materials that we manage. This first Expression of Interest phase was conducted in April this year and received a strong industry response. The second Request for Proposal phase of the project, seeking more detailed proposals for organics, recyclables, and residual waste, was recently released to the market and is currently under evaluation. To facilitate Council's vision for the establishment of a regional Circular Economy Precinct, this procurement project has been designed to run in parallel with Development Victoria's BWEZ land Expression of Interest, to allow the businesses the opportunity to secure the appropriate land and materials from the region. And you'll also note that our recent decision in regards to kerbside transition will enable better sorting of the materials as well, to then hopefully reach this circular economy precinct.

Question 2

In relation to the organics, I've read the information about the bins and things like that but I think we need to go further, like what are we doing with plastic and other materials. In relation to industrial waste: are the Council looking at when they're approving permits and things like that, is sustainability part of those permits, like businesses need to be having sustainability in their planning applications so that they're looking at what are they doing with waste and are they reusing stuff and putting it into recycling where possible? But my other question recently I went to a careers Expo in Melbourne, which was about climate jobs, and simultaneously at the same time there's a waste Expo put on and I even picked up a little brochure there. So, it's designed at councils and helping councils introduce waste recycling in areas other than just green waste and things like that. So, I wanted to know, was the Ballarat City Council present at the Waste Expo (it's run annually) and did we get any information from there to assist us with introducing waste policies?

Answer

Bridget Wetherall, Director Infrastructure and Environment, responded that we did have officers attend. We have officers attend each year from our Landfill team through to our Circular Economy team and our Executive Manager Waste and Environment, who are always seeking to find new ideas and opportunities. But it basically comes down to: if there's no market locally we can't just create one by ourselves so there's a lot of work that has to be done. We can create the materials, but we have to have someone that's willing to take it and then someone who's willing to turn that into a product that someone else wants. So, it's quite a complex process, but really appreciate the passion and interest that you have in waste because it's everyone's problem.

QT124/23 – Frank Williams**Question 1**

My first question relates to the report 8.7 and I note 4 points are highlighted there. So, the question is what were the tangible benefits of the city of Ballarat delegation visiting Inagawa in August '23?

Answer

Cr Des Hudson, Mayor, responded that some of the discussions centered around opportunities as we go forward, especially in a post COVID era, some of the things that have been lost over time, especially with our school connections at being able to reinvigorate our school-to-school relationship, exchange of students that can come from Inagawa to Ballarat, from Ballarat to Inagawa, I think Councillor Johnson raised an issue in the forum around music and choir as potentially an exchange. And it was just about reconnecting and building that friendship and Sister City to go forward after a couple of years of uncertainty. So, it was very productive in terms of the mutual respect between both cities.

Question 2

My second question relates to: where is the extensive collection of artifacts and memorabilia given to the City of Ballarat by our sister, city Inagawa-cho, over the last 35 years?

Answer

Cr Des Hudson, Mayor, responded that those of us that attended on this delegation was able to see a very proud collection of gifts that have been given to various delegations that were on display in the library in Inagawa. I think that is something for us to be able to look at and hopefully a space in our new library when that is opened, dedicated in a similar way to be able to show our sister City relationship with Inagawa as we go forward.

Matthew Wilson, Director of Community Wellbeing, responded further that there were a number of those items on display at the Ballarat Central Library prior to its closure for renovations, and so they are currently under careful storage. Just to support the response by Mr. Mayor, once the library's reopened, careful consideration will be given as to how we can respectfully re-establish an appropriate display of select items.

Director Wilson added that through the library renovation, we will look at how we can increase that display of items. We'll also look at how we might be able to spread the display of items through other branch libraries so that there's an opportunity for community across our branch libraries to experience, I suppose, the items that have been exchanged through the sister City agreement between Inagawa and Ballarat over the many years.

Cr Des Hudson, Mayor, noted that there is also a significant koala mosaic, which is currently hanging in the Phoenix building but behind the glass doors. Unless you have reason to go beyond the glass doors, you wouldn't know it existed. The sister of that mosaic is proudly on

display at the library in Inagawa and I think potentially our mosaic koala could come from in the Phoenix building and be on display at the library for more people to certainly appreciate and understand the sister city relationship.

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:

15. That Council:

15.1 Receive and note the CEO's Operational Report.

Moved: Cr Amy Johnson

Seconded: Cr Samantha McIntosh

CARRIED

(R176/23)

RESOLUTION:

That Council adjourn at 8:27 pm for a 10-minute comfort break.

Moved: Cr Belinda Coates

Seconded: Cr Ben Taylor

CARRIED

(R177/23)

RESOLUTION:

That Council resumes at 8:36 pm.

Moved: Cr Mark Harris

Seconded: Cr Peter Eddy

CARRIED

(R178/23)

8. OFFICER REPORTS

8.1. PUBLIC TOILET STRATEGY

Division: Infrastructure & Environment
Director: Bridget Wetherall
Author/Position: Michael Hynes - Executive Manager Property & Facilities

PURPOSE

1. To present the final Public Toilet Strategy 2023 and associated documents for Council endorsement.

RESOLUTION:

9. That Council:
 - 9.1 Adopt the City of Ballarat Public Toilet Strategy.

Moved: Cr Daniel Moloney
Seconded: Cr Mark Harris

CARRIED
(R179/23)

8.2. DRAFT ART GALLERY OF BALLARAT STRATEGIC PLAN

Division: Economy and Experience
Director: Martin Darcy
Author/Position: Louise Tegart - Director Art Gallery of Ballarat

PURPOSE

1. To present the Art Gallery of Ballarat Strategic Plan 2023-2028.

RESOLUTION:

11. That Council:

11.1 Adopt the Art Gallery of Ballarat Strategic Plan 2023-2028.

Moved: Cr Mark Harris
Seconded: Cr Daniel Moloney

CARRIED
(R180/23)

8.3. QUARTERLY PERFORMANCE REPORT FOR PERIOD ENDING 30 SEPTEMBER 2023

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

PURPOSE

1. To present the quarterly performance report for the quarter ending 30 September 2023.

RESOLUTION:

31. That Council:
 - 31.1 Receive the Quarterly Financial Management Report – Period Ending 30 September 2023, note the financial matters contained within the report and endorse the forecast budget variances and subsequent Net result for Q1 2023/24 of a Balanced Budget.
 - 31.2 Receive the Council Plan 2021-2025 – Annual Action Plan 2023/24 Quarter 1 Progress Report.
 - 31.3 Receive the Ballarat City Council Metrics - September 2023 report.

Moved: Cr Ben Taylor

CARRIED

Seconded: Cr Daniel Moloney

(R181/23)

8.4. WASTE COMPACTORS PROCUREMENT

Division: Infrastructure and Environment
Director: Bridget Wetherall
Author/Position: Adrian Smith - Manager Fleet Services
David James - Coordinator Waste and Street Cleaning Operations
Michael Riseley - Executive Manager Business Services

PURPOSE

1. To award Contract Number 2022/23-766, 2022/23-767, 2022/23-768, 2022/23-769, utilising MAV Tender MAVVP368081 for the supply and delivery of four (4) x Dennis Eagle trucks (fitted with Superior Pak Compaction Bodies (24m3)) with Penske Australia.

RESOLUTION:

8. That Council:
 - 8.1 Resolve to enter into Contract Numbers 2022/23-766, 2022/23-767, 2022/23-768, 2022/23-769, utilising MAV Tender MAVVP368081 for the supply and delivery of four (4) x Dennis Eagle trucks (fitted with Superior Pak Compaction Bodies (24m3)) with Penske Australia for the tendered price of \$470,994.00 (excluding GST) for each contract. The total tendered price across all four contracts is \$1,883,776.00 (excluding GST).
 - 8.2 Authorises the Chief Executive Officer to:
 - a. Finalise the terms of Contract Numbers 2022/23-766, 2022/23-767, 2022/23-768 and 2022/23-769 with the above listed companies, provided that those contract terms are consistent with this Resolution; and
 - b. Execute Contract Number 2022/23-766, 2022/23-767, 2022/23-768 and 2022/23-769 on behalf of Council.

Moved: Cr Ben Taylor
Seconded: Cr Daniel Moloney

CARRIED
(R182/23)

8.5. UNESCO 4 YEAR REPORT

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

PURPOSE

1. To endorse the City of Ballarat's UNESCO Creative City inaugural Membership Monitoring Report (MMR), measuring the outcomes of the first 4 years of Ballarat's UNESCO Creative City status.
2. The MMR is requested by the UNESCO Secretariat to be submitted by 30 November 2023.

RESOLUTION:

12. That Council:

- 12.1 Endorse the City of Ballarat's UNESCO Creative City inaugural Membership Monitoring Report listing Ballarat's activities as a creative city of Crafts and Folk Art.
- 12.2 Approve the submission of the City of Ballarat's UNESCO Creative City inaugural Membership Monitoring Report to the UNESCO Secretariat.

Moved: Cr Samantha McIntosh
Seconded: Cr Daniel Moloney

CARRIED
(R183/23)

8.6. INTERNATIONAL TRAVEL FOR FARO CONVENTION INTERNATIONAL CONFERENCE 29 JANUARY - 2 FEBRUARY 2024

Division: Economy and Experience
Director: Martin Darcy
Author/Position: Susan Fayad - World Heritage and Regional Development Lead

PURPOSE

1. The purpose of this report is to seek endorsement of City of Ballarat's representation at the **Faro Convention International Conference (FCIC'24) - 29 January - 02 February 2024**, University of Porto, Porto, Portugal at the invitation of the UNESCO Chairs, TUDelft (Netherlands) and University of Porto (Portugal).
2. Officers recommend that Susan Fayad, World Heritage and Regional Development Lead, attend the conference after being invited by the UNESCO Chairs to be a keynote speaker to present the **Victorian Goldfields World Heritage** bid's project delivery activities to an international heritage expert audience.

RESOLUTION:

10. That Council:

10.1 Approve Susan Fayad, World Heritage and Regional Development Lead, to travel to be a keynote speaker for the Faro Convention International Conference (FCIC'24) on 29 January - 02 February 2024, at the University of Porto, Porto, Portugal at the invitation of the UNESCO Chairs, TUDelft (Netherlands) and University of Porto (Portugal).

10.2 Note that a travel report will be provided following international travel.

Moved: Cr Belinda Coates

CARRIED

Seconded: Cr Samantha McIntosh

(R184/23)

8.7. POST INTERNATIONAL TRAVEL REPORT

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

PURPOSE

1. The purpose of this report is to provide Council with a summary of activities of the City of Ballarat representatives in the recent delegations to the City of Inagawa, Japan, and District of Ainaro, Timor Leste.

RESOLUTION:

9. **That Council:**
 - 9.1 **Note the report on the City of Ballarat delegations to the City of Inagawa and the Township of Ainaro.**
 - 9.2 **Receive and note the renewed Sister City Agreement between the City of Ballarat and the City of Inagawa dated 3 August 2023 as attached.**
 - 9.3 **Receive and note the renewed Friendship Agreement between the City of Ballarat and the District of Ainaro dated 22 September 2023 as attached.**

Moved: Cr Des Hudson
Seconded: Cr Amy Johnson

CARRIED
(R185/23)

8.8. LGBTIQA+ ADVISORY COMMITTEE MEMBERSHIP

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

PURPOSE

1. To seek Council's endorsement for the appointment of ten (10) community members to the LGBTIQA+ Advisory Committee 2023-2025.

RESOLUTION:**14. That Council:****14.1 Appoint the following members to the LGBTIQA+ Advisory Committee commencing 23 November 2023 and concluding 22 November 2025.**

1. Arlie Jace Barwell-Chung
2. Asha Buckmaster (The Y)
3. Liz Hardiman (Cafs)
4. Sarah Hart
5. KL Joy
6. Lesley McKarney (Ballarat Community Health)
7. Deb Lord (LaNCE TV Inc.)
8. Markus Middling (Tiny Pride)
9. Sean Mulcahy
10. Letitia Yates

Moved: Cr Daniel Moloney
Seconded: Cr Belinda Coates

CARRIED
(R186/23)

8.9. 2024 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 2024 calendar year.

RESOLUTION:

10. That Council:

10.1 Hold meetings of Council on the following dates in 2024:

| Date | Time | Meeting Type |
|-------------------|--------|---|
| 14 February 2024 | 6:30pm | Planning Delegated Committee |
| 28 February 2024 | 6:30pm | Council Meeting |
| 13 March 2024 | 6:30pm | Planning Delegated Committee |
| 27 March 2024 | 6:30pm | Council Meeting |
| 10 April 2024 | 6:30pm | Planning Delegated Committee |
| 24 April 2024 | 6:30pm | Council Meeting |
| 8 May 2024 | 6:30pm | Planning Delegated Committee |
| 22 May 2024 | 6:30pm | Council Meeting |
| 12 June 2024 | 6:30pm | Planning Delegated Committee |
| 26 June 2024 | 6:30pm | Council Meeting |
| 10 July 2024 | 6:30pm | Planning Delegated Committee |
| 24 July 2024 | 6:30pm | Council Meeting |
| 14 August 2024 | 6:30pm | Planning Delegated Committee |
| 28 August 2024 | 6:30pm | Council Meeting |
| 11 September 2024 | 6:30pm | Planning Delegated Committee |
| 18 September 2024 | 6:30pm | Council Meeting |
| *To be determined | 6:30pm | Statutory Meeting to swear in Councillors and elect Mayor |
| 27 November 2024 | 6:30pm | Council Meeting |
| 4 December 2024 | 6:30pm | Planning Delegated Committee |
| 11 December 2024 | 6:30pm | Council Meeting |

*subject to the timing of the Victorian Electoral Commission (VEC) declaration of the 2024 local government election results.

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

Moved: Cr Mark Harris
 Seconded: Cr Belinda Coates

CARRIED
(R187/23)

8.10. OUTSTANDING QUESTION TIME ITEMS

Division: Corporate Services
Director: John Hausler
Author/Position: Stephen Wright - Administration Assistant 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:

4. That Council:
 - 4.1 Endorse the Outstanding Question Time Report.

Moved: Cr Mark Harris
Seconded: Cr Peter Eddy

CARRIED
(R188/23)

9. NOTICE OF MOTION

9.1. NOTICE OF MOTION

PURPOSE

1. A Notice of Motion was lodged by Cr Belinda Coates on 16 November 2023.
2. In accordance with rule 3.8.2 of the Governance Rules, the Notice of Motion was received and assessed by the Chief Executive Officer, then approved to proceed to the 22 November 2023 Council Meeting Agenda.
3. Formal notice was provided to Councillors on 16 November 2023 which was then recorded in the Notice of Motion Register by the Governance team.

MOTION:

4. **That Council:**
 - 4.1 **Acknowledge the position statement, protocols and recommendations from Reconciliation Victoria in regard to January 26.**
 - 4.2 **Acknowledge and continue to strongly support Survival Day Dawn Ceremony on January 26 which recognises the day as a Day of Mourning.**
 - 4.3 **Continue ongoing and regular consultation with Koorie Engagement Action Group Advisory Committee (KEAG) around all activities for January 26.**
 - 4.4 **As there is no longer a Federal Government requirement to hold a Citizenship Ceremony on January 26, move January citizenship ceremonies to another date before or after January 26.**

Moved: Cr Belinda Coates

LOST

Seconded: Cr Daniel Moloney

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

For the Motion were Councillors: Cr Belinda Coates, Cr Peter Eddy, Cr Mark Harris and Cr Daniel Moloney

Against the Motion was: Cr Tracey Hargreaves, Cr Des Hudson, Cr Amy Johnson, Cr Samantha McIntosh and Cr Ben Taylor

Abstained from the Motion were: Nil

RESOLUTION:

That Council adjourn for 10 minutes at 10:39 pm to detail a foreshadowed motion.

Moved: Cr Samantha McIntosh
Seconded: Cr Daniel Moloney

CARRIED
(R189/23)

Council resumed at 10:49 pm.

RESOLUTION:

That Council:

Request a report to the 13 December 2023 Council Meeting that outlines a consultation and engagement process for investigating future activities and events to be held on 26 January.

Moved: Cr Daniel Moloney
Seconded: Cr Belinda Coates

CARRIED
(R190/23)

10. REPORTS FROM COMMITTEES/COUNCILLORS

GB99/23 – Cr Ben Taylor

Cr Taylor commented that the car park for Lake Esmond that is on Lal Lal Street has become a cause for residents' concern. He said that there have been multiple cars being driven there and burnt in the last few weeks, plus other unsavoury actions after hours. Cr Taylor requested that we liaise with the relevant authorities again to determine how we can work together to improve the situation there, such as patrols in the area.

GB100/23 – Cr Ben Taylor

Cr Taylor mentioned that there are residents concerned by the close proximity of the gravel footpath to the Midland Highway at the corner with Delaland Avenue, Tandara Estate (Buninyong). He said it is a well-used path and there is a potential danger of the fast traffic to pedestrians, and children in particular. Cr Taylor requested that we look into what can be done there and who is responsible for it (i.e., Council or Regional Roads Victoria).

RESOLUTION:

That Council endorses an extension to the finishing time of the ordinary meeting of Council beyond 11:00pm in accordance with section 3.6.1 of the City of Ballarat Governance Rules.

Moved: Cr Samantha McIntosh

CARRIED

Seconded: Cr Ben Taylor

(R191/23)

GB101/23 – Cr Samantha McIntosh

Cr McIntosh tabled a joint letter that was submitted to Council last week, which is an objection to the proposed electrical substation at 203 York Street, Ballarat East. She mentioned that they also submitted a petition today, which will be presented at the 13 December 2023 Council meeting because it was too late to be formally presented at tonight's Council meeting.

She described some of the issues raised in the joint letter: flooding and other challenges that are in that area; concerns that the residents put forward in the Chamber tonight; comparisons to the existing substations in Norman St, Douglas St, and Warrenheip, which are much more appropriately located; and a number of possible alternate sites for the new substation that they've suggested. She mentioned that it contains a significant number of signatures over several pages. Cr McIntosh requested on behalf of the submitters that the Mayor send letters to Michaela Settle and other politicians over the next couple of days. She also mentioned that Mr Mayor would be meeting with Michaela Settle in a couple of weeks. She mentioned that the community is worried because they've heard that the decision might be announced very soon. Cr McIntosh also requested that Council provide a response to the submitters of the joint letter.

GB102/23 – Cr Samantha McIntosh

Cr McIntosh raised an item that arose during Councillors' previous discussion on The Lakes and Gardens Conservation Management plan. She stated that she felt it was important to table this in the Chamber and to pass on the information that she has gathered to other Councillors

and to the Director Infrastructure and Environment. Due to perceived doubts surrounding the history of the Adam Lindsay Gordon Cottage, Cr McIntosh listed many works and references that confirm that he lived in the cottage, including university research, plaques that recorded it, media from the period, a mayor's report, minutes from the local government committee, reports from the Register of National Estate, reports from John Reed's picture book, and photographs on the property whilst he's actually at it. She also mentioned that there is evidence of lattice work from the time he lived there, and plenty of documentation about when the veranda was built while it was in the Gardens. Cr McIntosh mentioned that there is also visual evidence of the cottage when it was located at the back of Craig's hotel.

GB103/23 – Cr Peter Eddy

Cr Eddy congratulated Council officers' perseverance in completing the Lake Lighting project. He mentioned that he had since received a lot of unsolicited feedback from opponents of the project that the result was not as they had feared.

GB104/23 – Cr Peter Eddy

Cr Eddy mentioned that he attended last night's Burrumbeet Racecourse and Recreation Reserve meeting. He noted that many members are aging and there are going to be challenges in this regard for this and other committees and volunteer groups. Cr Eddy stated that we need to be proactive in how we support the groups, or integrate common interest groups, around that Burrumbeet area. He mentioned that there are three or four very active groups in the area, but they need to get together or else they'll perish.

GB105/23 – Cr Des Hudson

Cr Des Hudson, Mayor, mentioned that it was great to see a member receive a 60-years volunteer service award at the Ballarat Municipal Brass Band AGM. He also thanked Cr Eddy for attending that AGM.

GB106/23 – Cr Daniel Moloney

Cr Moloney thanked Council officers for the determination in completing the Lake Lighting project, despite the criticism at different times along the journey. He hoped that it would become a well-used project, and he mentioned that he saw three dozen of people using the lake path last Sunday night. Cr Moloney remarked that it was a decisive project and that, although there are always better ways of doing things, he felt that it was debate that was probably way too bruising from all sides. He hoped that even those who didn't like what we did in the end are able to make use of it, and that we can all move on from it.

GB107/23 – Cr Samantha McIntosh

Cr McIntosh mentioned that she was using the lake path last night and saw several others doing likewise but hoped that more people will use it if we promote it. She said that it looks beautiful at night, even though she did prefer that some sections would have less lights or use existing poles. Cr McIntosh said that Councillors have debates to try and get the best outcome and to try and be as economically respectful with our ratepayers' money, which is why she held, and still holds, the views that she did. She hopes that a lot more people get fit and healthy because of the lake lighting and expects that it will get more use, particularly during winter.

GB108/23 – Cr Belinda Coates

Cr Coates acknowledged the “Yarn on Country” that she attended with the executive team and the Mayor as part of the biodiversity consultation with the Wadawurrung and Dja Dja Wurrung traditional owners. She said that there was really great feedback from that meeting and she thanked Council officers Heath Steward and Lenka Vanderboom who helped organise the visit.

GB109/23 – Cr Belinda Coates

Cr Coates attended the National Survivor Day with the LOUD Fence supporters and survivors on the 14 November 2023 morning tea at Government House. She noted that this was really significant because it is only the second annual National Survivor Day.

GB110/23 – Cr Belinda Coates

Cr Coates completed the 10-week Nature Stewards programme that the City of Ballarat is supporting. She noted that there was incredible feedback from community members and other participants who completed it, and she highly commended the programme.

