

OFFICIAL

Council Meeting

Minutes

13 December 2023 at 6:30pm

Council Chamber, Town Hall, Sturt Street,
Ballarat



ORDER OF BUSINESS:

1. Opening Declaration.....	4
2. Apologies For Absence.....	4
3. Disclosure Of Interest	4
4. Matters Arising From The Minutes.....	5
5. Confirmation Of Minutes.....	5
6. Public Question Time	5
7. Petitions.....	9
7.1. Objection to Proposed Powercor Electrical Substation at 203 York Street.....	9
8. Chief Executive Officer Report.....	10
8.1. Chief Executive Officer Report.....	10
9. Officer Reports.....	11
9.1. Ballarat Planning Scheme Amendment C240ball: Five heritage places and one residential heritage precinct.....	11
9.2. PLP/2022/927 - 315 Greenhalghs Road, Delacombe - Development of a Childcare facility.....	13
9.3. Growth Areas Quarterly Report	15
9.4. Tender 2022/23-103 M.R.Power Park	16
9.5. Disability Advisory Committee Membership.....	17
9.6. Community Inclusion Framework Implementation Report	18
9.7. Health and Wellbeing Annual Report.....	19
9.8. 26 January Events and Activities	20
9.9. Ballarat Visitor Arrival Master Plan	21
9.10. Financial Report and Performance Statement for the year ended 30 June 2023 .	22

9.11. S11A Instrument of Appointment and Authorisation 23

9.12. S6 Instrument of Delegation - Members of Staff..... 24

9.13. Outstanding Question Time Items 25

10. Notice Of Motion 26

11. Reports From Committees/Councillors 26

12. Urgent Business 27

13. Section 66 (In Camera) 27

14. Close 28

DRAFT

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 Samantha McIntosh
Cr Belinda Coates
Cr Mark Harris
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 Martin Darcy - Director Economy and Experience
Mr Cameron Montgomery - Executive Manager Governance and Risk
Ms Lyndsay Leingang - Administration Officer Statutory Compliance
Mr Stephen Wright - Administration Assistant Compliance

2.2 Apologies

Cr Amy Johnson, Cr Ben Taylor

RESOLUTION:

That the apologies be accepted.

Moved: Cr Tracey Hargreaves
Seconded: Cr Mark Harris

CARRIED
(R192/23)

3. DISCLOSURE OF INTEREST

Nil

4. MATTERS ARISING FROM THE MINUTES

Nil

5. CONFIRMATION OF MINUTES

RESOLUTION:

That the Minutes of the Council Meetings on 13 November 2023 and 22 November 2023 as circulated be confirmed.

**Moved: Cr Mark Harris
Seconded: Cr Peter Eddy**

**CARRIED
(R193/23)**

6. PUBLIC QUESTION TIME

QT125/23 - Ash Pegram

Question

I am disappointed in our Mayor's response to recent criminal events, specifically on the 13 November in which a disabled young girl visiting Ballarat was assaulted with a metal chain to her face and the 3rd of December, in which Nazis were given a police escort rather than moved on. To quote our Mayor: 'We're a city that accepts diversity in a whole range of different ways' but the lacklustre response to violent assaults on minorities speaks otherwise.

Can the Council and specifically the Mayor give us residents hope that crime is being taken seriously by the Council and police and what is a tangible plan being put in place to tackle this?

Answer

Cr Des Hudson, Mayor, responded that we are a city that expects people to be able to move around our city freely and without becoming the subject to violent attacks. He is aware that the offender for the assault on the young 12-year-old Sri Lankan girl has been processed by Victoria Police. In relation to the actions that related to the public demonstration, the police response did fall in accordance with their protocols for their enforcement of public demonstrations, which is to keep the peace. They have monitored video surveillance and he doesn't believe there is any follow up action that has arisen from that. Certainly, we do encourage everyone to be able to live in a very free and just community, and to do so safely.

QT126/23 – Annette McMaster

Question 1

We have appealed to Powercor through Council and our local member, Michaela Settle MP, to advocate on our behalf for Powercor to acknowledge 203 York Street is no longer an appropriate site for a major zone substation, to no avail. Powercor don't care about us, the residents, the impact on our mental and physical health, or EMFs and property devaluations. They treat not only residents with contempt, but you our Council. They are creating an ugly monster within three blocks of our Heritage CBD for the cheapest dollar. They don't care about the lasting image of Ballarat on tourists local, interstate, or overseas. All Powercor, one of the biggest businesses operating in Australia care about are dollars and profits. Makes you

wonder why the SEC was ever sold off. They pass the buck and tell us they have to take the lowest cost option because of the Australian economic regulator. Question: is it at all possible for Council to write to the Australian economic regulator asking for an increase in money to Powercor in order for them to acquire a site in a more appropriate area? Or, Councillors, what will it take to apply to the Minister to rezone the land 203 York Street to a more appropriate zone other than a utility zone.

Answer

Natalie Robertson, Director Development and Growth, responded that in relation to the economic regulator question, she'd like to take it on notice and inform herself of the process of that but also to come back to you as well on what our ability is in terms of approaching the economic regulator.

In terms of rezoning the land, the City of Ballarat is responsible for the administration of the planning scheme for amendments, and this includes land rezoning, which ultimately becomes a part of our planning scheme. The land zoning in this case probably wouldn't change the status of the land for all the issues that are raised by the Community, including flooding and all those things. We have to take the strategic merit and decide whether there is ability or enough content to be able to apply to change a zone. And in doing that, before an amendment to rezone land can be prepared, it must be authorised by the Minister for planning to identify whether a proposed amendment is consistent with state policy and interest to ensure that it makes an appropriate use of the land. In this instance, the land has been zoned for public use for the intent of utility installation and it's been designated for an electrical substation or a utility installation since the 1970s. The process of applying for amendment: she hazards a guess that there would be a strong argument if we applied to the Minister that the site has been well established for its intent for a long time and that, therefore, it would be unlikely that we would be successful in a quick application for an amendment for a rezone.

Question 2

Just last October, the volume and rush of water was so strong it washed away a large part of the heritage brick drain near the intersection of Callow and Montrose Street. Flash floods even lift the sewer lids in Callow St and if storm water is stopped from getting into our sewer system then it stands to reason flooding will be even worse. And counting all the new residences in that block between York, King, and Callow Street, and the Pennyweight Gully, since 1972 there's now 40 new residences and a lot of concrete so we get a lot of water run-off. But there's 40 residences just in that block that weren't there when it was granted to the SEC. So, I think this is, probably, really, very much a residential area.

Electricity and water don't mix. The SES, the city of Ballarat, and the Corangamite water catchment area all acknowledge this as a flood zone. So is there any way Council can work with Corangamite Catchment Authority to acquire this site as it's rather valuable as a retention area to stop the flooding of about 400 homes?

Answer

Natalie Robertson, Director Development and Growth, responded that the use is not prohibited and it's similar to dwellings that exist in this location that are also affected by potential flood inundation. Provided the development has regard to that, and the development can satisfy that it will mitigate flooding or in fact improve the potential for flooding, there's very little we could do in that respect or use it as an argument for this site. In terms of acquisition of the site: the site is not for sale. That's one important component and as an officer, Director Robertson is not in a position to commit to that in terms of the land acquisition, with you understanding the process. So, if Council directs her, she is happy to brief you on a process of this.

QT127/23 – Angela McMaster**Question 1**

Regarding rezoning of 203 York Street, Ballarat East: we have a response from Lily D'Ambrosio MP who has stated that the Strategic Planning department within local Council, (Ballarat City Council) is responsible for rezoning. Are you aware of this? The current Zone 1 of the land at 203 York Street is not compatible with the immediate area being residential. Why is the land not zoned as residential or as a reserve to assist with flooding in the area?

Answer

Natalie Robertson, Director Development and Growth, responded that she will speak a little bit freely on the context of the land. Appealing on the grounds of flooding, fire, or anything that a dwelling would have to also demonstrate, we could absolutely rule that out as being a ground. So, when you talk about the flooding, because we know that Powercor have done the work to rule that out. They've even done flora and fauna assessments and all those types of things, so they probably aren't a powerful ground to go to the minister.

Director Robertson stated that the City of Ballarat is responsible for the administration of the Planning Scheme amendment process, which includes land rezoning which ultimately becomes part of the Planning Scheme. In this case, the land zoning does not change in status for potential flooding and any development would be required to demonstrate how it would mitigate flooding, which is the current circumstances. She believes Powercor have demonstrated how it would mitigate the flooding, which would not then be a good grounds to apply to the Minister for a rezone. So, this aside, the Strategic Planning team cannot simply rezone. Before an amendment to rezone land can be prepared, it must be authorised by the Minister for Planning. Ms D'Ambrosio is correct: we are the authority, but not ultimately masters of our own destiny because the Minister for Planning must ultimately approve it. The Minister for Planning must identify whether the proposed amendment is consistent with state policy and interests and ensure that it makes appropriate use of the site. In this instant the land has been zoned for public use for some time and has been designated for that use for some time. And regardless of residential developing around it, which is not prohibited and doesn't have set back requirements, this makes a very strong argument that the intended use of the site, if we were to apply to the Minister, is well established. So, a rezone based on flooding she foreshadows would be unlikely to be accepted.

Question 2

I know the Council is meeting with Powercor. Do you have Councillors sitting in on those meetings as a point of authority as well as the Strategic Planning department?

Answer

Natalie Robertson, Director Development and Growth, responded that she thinks it was a direction of Council as part of that debate and discussion which formed the resolution that found the land was not suited to the substation. The response to that was that Director Robertson would engage with Powercor so that we would stay informed of the process. So, she is happy if Councillors want to join her, certainly speak to Powercor when required; and we've had formal meetings as well. And if Councillors want to join her, that's absolutely fine.

RESOLUTION:**That Council extends public question time by 30 minutes****Moved: Cr Tracey Hargreaves
Seconded: Cr Mark Harris****CARRIED
(R194/23)****QT128/23 – Robert Goon****Question 1**

Why have Ballarat Councillors/Officers terminated all formal proper reference to the correct recognition of the Australian Federal Government Declared, 'Australia Day 26 January' to the now reference being just '26 January event'?

Answer

Matthew Wilson, Director Community Wellbeing, responded that as Mr Goon references in his question, it is the Australian Federal Government that declares the 26th of January as Australia Day and Council continues to recognise this in our communications and publications. However, if there are inconsistencies in our communications, we will seek to rectify these going forward.

Question 2

As Australia Day 26 January is a legally, formally recognized Australian public holiday by our Federal Government what rights do Ballarat Councillors/Officers have to freely alter this Federal determination against the Democratic choices of all of Ballarat's Citizens and will the Ballarat Councillors/Officers consider changing their current, personal formal stance and formally recognize the correct determination of Australia Day 26 January for all of Ballarat's Citizens?

Answer

Matthew Wilson, Director Community Wellbeing, responded that further to his response to the first question, Council does recognise that the 26th of January is Australia Day as declared by the Australian Federal government.

7. PETITIONS

7.1. OBJECTION TO PROPOSED POWERCOR ELECTRICAL SUBSTATION AT 203 YORK STREET

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

Public Representation was made by Annette McMaster and Jennifer Paterson.

PURPOSE

1. To receive two written petitions containing 193 signatories objecting to the proposed Powercor Electrical Substation at 203 York Street.

RESOLUTION:

5. That Council:
 - 5.1. Note the petitions be received; and
 - 5.2. That the petitions be referred to the Chief Executive Officer for consideration and response.

Moved: Cr Samantha McIntosh
Seconded: Cr Belinda Coates

CARRIED
(R195/23)

8. CHIEF EXECUTIVE OFFICER REPORT

8.1. 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:

33. That Council:

33.1 Receive and note the CEO's Operational Report.

Moved: Cr Belinda Coates
Seconded: Cr Mark Harris

CARRIED
(R196/23)

9. OFFICER REPORTS

9.1. BALLARAT PLANNING SCHEME AMENDMENT C240BALL: FIVE HERITAGE PLACES AND ONE RESIDENTIAL HERITAGE PRECINCT

Division: Development and Growth
Director: Natalie Robertson
Author/Position: Kellie Jantzen - Coordinator Strategic Planning

Public Representation was made by Jim Selkirk, Stuart Kelly, and Mike Kaufmann.

PURPOSE

1. To acknowledge that Council officers have undertaken further mediation with one submitter who objected to Amendment C240ball and that there are outstanding matters.
2. To consider splitting Amendment C240ball to the Ballarat Planning into two parts being Part 1 and Part 2:
 - a. Part 1 – Apply the Heritage Overlay to Mossmont House and Garden at 1207 Winter Street, Buninyong, St Marks Anglican Parsonage at 201 Melbourne Road, Brown Hill, 'Victory House' at 742 Geelong Road, Canadian, Holmes Street Residential Precinct including 7,9,11,13,15,17,19 Holmes Street, Ballarat Central and delete the expired interim heritage control known as HO224 that relates to the former Eureka Lead Sluicing Shed at 113 Lofven Street, Nerrina.
 - b. Part 2 – Apply the Heritage Overlay to 'Bournedale' Selkirk House and Garden at 618 Howitt Street, Ballarat North and the Miner's Right/John Pearce House at 89 Magpie Street, Golden Point.
3. To consider adopting Ballarat Planning Scheme C240ball (Part 1) as exhibited and submit the Amendment to the Minister for Planning for approval.
4. To consider requesting the Minister for Planning appoint an Independent Planning Panel to consider Planning Scheme Amendment C240ball (Part 2) and the submissions to the amendment.

RESOLUTION:

That Council resolves to:

1. **Split Ballarat Planning Scheme Amendment C240ball into three parts being:**
 - **Part 1 – Apply the Heritage Overlay to Mossmont House and Garden at 1207 Winter Street, Buninyong, St Marks Anglican Parsonage at 201 Melbourne Road, Brown Hill, ‘Victory House’ at 742 Geelong Road, Canadian, Holmes Street Residential Precinct including 7,9,11,13,15,17,19 Holmes Street, Ballarat Central and delete the expired interim heritage control known as HO224 that relates to the former Eureka Lead Sluicing Shed at 113 Lofven Street, Nerrina.**
 - **Part 2 – applies to the John Pearce Miners Cottage at 89 Magpie Street, Golden Point**
 - **Part 3 – applies to the Selkirk Bourndale House and Garden at 618 Howitt Street, Ballarat North**
2. **Adopt Ballarat Planning Scheme C240ball Part 1 as exhibited in accordance with Section 29 of the Planning and Environment Act 1987.**
3. **Abandon Amendment C240ball (Part 2).**
4. **Adopt Amendment C240ball (Part 3) and revise the Heritage Overlay to the ‘Bourndale’ Selkirk House, known as 618 Howitt Street, Ballarat North, to reduce extent of the Heritage Overlay to apply only to proposed Lot 1 and the landowner prepares to Council's satisfaction the updated relevant Statement of Significance and Heritage Citation.**
5. **Submit Amendment C240ball (Part 3) to the Minister for Planning for approval.**
6. **Remove the expired Interim Heritage Overlay to the Eureka sluicing shed in Nerrina associated with Amendment C240ball (Part 1).**
7. **Authorise the Director Development and Growth to undertake administrative changes to Amendment C240ball Part 1, Part 2 and Part 3 associated planning controls that do not change the intent of the control**
8. **That City of Ballarat engages with Sovereign Hill to prepare an interpretation plan for the site to acknowledge the importance of the former Mine manager’s residence to history of the locality.**

**Moved: Cr Daniel Moloney
Seconded: Cr Des Hudson**

**CARRIED
(R197/23)**

9.2. PLP/2022/927 - 315 GREENHALGHS ROAD, DELACOMBE - DEVELOPMENT OF A CHILDCARE FACILITY

Division: Development and Growth
Director: Natalie Robertson
Author/Position: Claire Pepin - Coordinator Statutory Planning

Public Representation was made by Stana Lewis, Noel and Sandra Hocking, Joan Tallent, Ron Tallent, Brian Mahoney, Phillip Robertson, Kelvin Anderson, and David Klingberg.

PURPOSE

1. The purpose of this report is to provide the Planning Delegated Committee with details of Planning Permit Application PLP/2022/927 for the use and development of a childcare centre and a reduction of car parking at 315 Greenhalgh's Road, Delacombe.

RESOLUTION:

That Council, having considered all the matters required under Section 60 of the Planning and Environment Act 1987, it is recommended that the Responsible Authority issue a Refusal to Grant a Planning Permit in accordance with the Ballarat Planning Scheme in respect of the land known and described as 315 Greenhalghs Road Delacombe, for the Use and Development of a Childcare Centre and a waiver of car parking requirements:

1. The proposal fails to meet the provisions of the Local Planning Policy Framework under clauses:
 - a. Clause 22.01 – Non Residential Uses in Residential Area – in that the proposal fails to:
 - i. Avoid direct access to the local road network
 - ii. the compounding of 'off-site' effects will be detrimental to the surrounds.
2. The proposal fails to meet the provisions of the Clause 52.06 – Car Parking in that:
 - a. The reduced number of car parking spaces provided on site and access to these spaces via a dead-end residential street (Benson Close) will impact adversely upon the function of this street. This includes by way of the over-reliance of the street for car parking and access to the site.

Moved: Cr Tracey Hargreaves
Seconded: Cr Peter Eddy

CARRIED
(R198/23)

RESOLUTION:

That Council adjourn for a comfort break at 9:12 pm.

Moved: Cr Samantha McIntosh
Seconded: Cr Tracey Hargreaves

CARRIED
(R199/23)

RESOLUTION:

Council resumes at 9:20 pm.

Moved: Cr Samantha McIntosh
Seconded: Cr Peter Eddy

CARRIED
(R200/23)

DRAFT

9.3. GROWTH AREAS QUARTERLY REPORT

Division: Development and Growth
Director: Natalie Robertson
Author/Position: Chris Duckett - Manager Sustainable Growth

PURPOSE

1. To provide an update on the progress of rezoning the proposed growth areas to Urban Growth Zone (UGZ) and the project plan including timeframes for the Growth Areas Framework Plan.

RESOLUTION:

23. That Council:
 - 23.1 Note the contents of this update report.

Moved: Cr Peter Eddy
Seconded: Cr Samantha McIntosh

CARRIED
(R201/23)

9.4. TENDER 2022/23-103 M.R.POWER PARK

Division: Development and Growth
Director: Natalie Robertson
Author/Position: Robin Hand - Contracts Administrator

PURPOSE

1. To award Contract Number 2022/23-103 for the provision of M.R. Power Park Drainage Basin Construction with Winslow Constructors Pty Ltd for the total tendered price of \$5,088,616.31 (ex GST).
2. To enable the City of Ballarat to deliver drainage basin DI_DR28 nominated in, and partially funded by the Ballarat West Developer Contributions Plan (DCP) in Ballarat West Precinct Structure Plan (PSP).

RESOLUTION:

9. **That Council:**
 - 9.1 **Resolve to enter into Contract Number 2022/23-103 for the provision of M.R. Power Park Drainage Basin Construction with Winslow Constructors Pty Ltd for the total tendered price of \$5,088,616.31 (ex GST).**
 - 9.2 **Authorises the Chief Executive Officer to:**
 - a. **finalise the terms of Contract Number 2022/23-103 with Winslow Constructors Pty, provided that those contract terms are consistent with this Resolution; and**
 - b. **execute Contract Number 2022/23-103 on behalf of Council.**

Moved: Cr Peter Eddy
Seconded: Cr Mark Harris

CARRIED
(R202/23)

9.5. DISABILITY ADVISORY COMMITTEE MEMBERSHIP

Division: Community Wellbeing
Director: Matthew Wilson
Author/Position: Bernadette Duffy - Community Inclusion Officer

PURPOSE

1. To present to Council for formal appointment two (2) new nominated members of the Disability Advisory Committee.

RESOLUTION:

10. That Council:
 - 10.1 Appoint Claudia Forsberg and Mark Thompson as community representatives on the Disability Advisory Committee effective immediately.

Moved: Cr Belinda Coates
Seconded: Cr Tracey Hargreaves

CARRIED
(R203/23)

9.6. COMMUNITY INCLUSION FRAMEWORK IMPLEMENTATION REPORT

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

PURPOSE

1. To report to Council on the implementation of the Inclusion Framework just over twelve months after its initial adoption in October 2022.

RESOLUTION:

15. That Council:

- 15.1 Acknowledge the integrated work completed and currently underway as part of Council's implementation of the Inclusion Framework 2022-2026.

Moved: Cr Belinda Coates
Seconded: Cr Daniel Moloney

CARRIED
(R204/23)

9.7. HEALTH AND WELLBEING ANNUAL REPORT

Division: Community Wellbeing
Director: Matthew Wilson
Author/Position: Caroline Amirtharajah - Health and Wellbeing Planner

PURPOSE

1. To update Councillors on the progress made against actions in the second year of implementation of the Health and Wellbeing Plan 2021-2031.

RESOLUTION:

13. That Council:
 - 13.1. Note the work undertaken, in partnership with community organisations, to progress towards the goals of the Health and Wellbeing Plan 2021-2031.

Moved: Cr Belinda Coates
Seconded: Cr Samantha McIntosh

CARRIED
(R205/23)

9.8. 26 JANUARY EVENTS AND ACTIVITIES

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

PURPOSE

1. To provide a report in response to resolution R190/23 which states,

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.

RESOLUTION:

13. That Council:
 - 13.1 Note the importance of a well-planned and considered community engagement process to ensure community safety and cultural sensitivities are factored in throughout the process.
 - 13.2 Implement a community engagement process commencing in March 2024 to investigate future activities and events to be held on 26 January with a report back to Council in July 2024.

Moved: Cr Peter Eddy
Seconded: Cr Samantha McIntosh

CARRIED
(R206/23)

9.9. BALLARAT VISITOR ARRIVAL MASTER PLAN

Division: Economy and Experience
Director: Martin Darcy
Author/Position: Sarah Pilgrim - Executive Manager Visitor Economy

PURPOSE

1. To inform Council of the process in the development of the Ballarat Visitor Arrival Master Plan.
2. To seek adoption of the Ballarat Visitor Arrival Master Plan.

RESOLUTION:

41. **That Council:**
 - 41.1 **Endorse the Ballarat Visitor Arrival Master Plan.**

Moved: Cr Samantha McIntosh
Seconded: Cr Peter Eddy

CARRIED
(R207/23)

DRAFT

**9.10. FINANCIAL REPORT AND PERFORMANCE STATEMENT FOR THE YEAR ENDED
30 JUNE 2023**

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

PURPOSE

1. The purpose of this report is to present the final Financial Report and Performance Statement for the year ended 30 June 2023 to Council, following final Audit clearance.

RESOLUTION:

6. That Council note the final audit cleared Financial Report and Performance Statement for 2022-23 and that these documents will be attached to the previously presented Annual Report for 2022-23.

Moved: Cr Samantha McIntosh
Seconded: Cr Mark Harris

**CARRIED
(R208/23)**

9.11. S11A INSTRUMENT OF APPOINTMENT AND AUTHORISATION

Division: Corporate Services
Director: John Hausler
Author/Position: Sarah Anstis – Statutory Compliance Officer

PURPOSE

1. The purpose of the report is to endorse the S11A Instrument of Appointment and Authorisations under the *Planning and Environment Act 1987* for Chris Stathis.
2. The purpose of the report is to revoke the S11A Instrument of Appointment and Authorisations under the *Planning and Environment Act 1987* for Abeny Mayol.

RESOLUTION:

6. **That Council:**
 - 6.1 **Exercise the powers conferred by s224 of the *Local Government Act 1989* (the Act) and the other legislation referred to in the attached instrument of appointment and authorisations (the instruments), and that;**
 - a. **Chris Stathis be appointed and authorised as set out in the instruments.**
 - b. **The instruments come into force from 8 January 2024 and remain in force until Council determines to vary or revoke them.**
 - 6.2 **Revoke the S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) for Abeny Mayol effective 13 December 2023.**

Moved: Cr Samantha McIntosh
Seconded: Cr Peter Eddy

CARRIED
(R209/23)

9.12. S6 INSTRUMENT OF DELEGATION - MEMBERS OF STAFF

Division: Corporate Services
Director: John Hausler
Author/Position: Sarah Anstis - Statutory Compliance Officer

PURPOSE

1. To review and update the S6 Instrument of Delegation, Members of Staff for Council's consideration.

RESOLUTION:

6. That Council exercise the powers conferred by the legislation referred to in the attached instrument of delegation at Attachment 2, and that:
 - 6.1. There be delegated to members of Council staff, holding, acting in or performing the duties of the officers or positions referred to in the attached Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that instrument.
 - 6.2. The Instrument comes into force immediately upon resolution.
 - 6.3. On the coming into force of the instrument, all previous S6 delegations to members of Council staff are revoked.
 - 6.4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

Moved: Cr Mark Harris
Seconded: Cr Samantha McIntosh

CARRIED
(R210/23)

9.13. 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
(R211/23)

DRAFT

10. NOTICE OF MOTION

Nil

11. REPORTS FROM COMMITTEES/COUNCILLORS

GB111/23 - Cr Samantha McIntosh

Cr Samantha McIntosh had received a question from a resident regarding White Flat Oval, which she wanted to raise. She wanted to clarify whether camping is illegal within the City of Ballarat, referring to clauses 18 and 66.10 in the *Community Local Laws 2017*.

Natalie Robertson, Director Development and Growth, responded that although it is not illegal, a local laws permit is required to camp. Anyone camping can be issued an infringement notice although this can be a long process. It is not normally pursued for rough sleepers and homeless people, since we prefer to engage local agencies to help them find another form of accommodation.

Cr McIntosh commented that the situation at White Flat Oval was well handled and was glad for the responses of the agencies to help the rough sleepers, rather than having them camp at White Flat Oval (or elsewhere) and causing problems. She stated the importance of working with the likes of Uniting Care and Victoria Police and that our big goal is to continue working with the Community and our Council office to do our best to prevent anything like this from happening again.

Cr McIntosh noted that the Local Laws around camping are a cause of confusion in the community, which results in questions about how Council is operating. She stated that the good work over the last few weeks has put us in a good position to move forward. She said that we need to stay focused, following the path that we have been to try and prevent the challenges that there are with the local community, the dangers that there are, and their need to be safe in their own local areas. Cr McIntosh also stated how important it is for our community to be fit and healthy, and to have the opportunity to play sport, which supports physical, intellectual, emotional and social needs. This particular social challenge that keeps coming to us is one that is unlikely to go away and we will need to continue to look at closely. Cr McIntosh thanked the residents for keeping us up to date with the condition at White Flat Oval, which helps us deal with the situation in a better manner so that we can support everyone's health, physical, and emotional requirements.

GB112/23 - Cr Des Hudson

Cr Des Hudson, Mayor, had just received a question from a resident regarding the long grass and other issues that pose a fire risk and concerns for neighbours. He enquired about the length of time that is allowed before action can be taken by Council if the resident fails to obey an issued clean-up order.

Natalie Robertson, Director Development and Growth, responded that it could be either an unsightly property notice or a fire prevention notice, in which case it would lie with Director Community Wellbeing.

Matthew Wilson, Director Community Wellbeing, said that he would take the question on notice.

Cr Hudson, Mayor, added that he would provide Director Wilson with the property's address tomorrow.

12. URGENT BUSINESS

Nil

13. 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 9:53 pm whilst the Council is dealing with the following matters;

Moved: Cr Mark Harris

Seconded: Cr Samantha McIntosh

**CARRIED
(R212/23)**

7.1. OBJECTION TO PROPOSED POWERCOR ELECTRICAL SUBSTATION AT 203 YORK STREET

Division: Corporate Services

Director: John Hausler

Author/Position: Cameron Montgomery - Executive Manager Governance and Risk

Pursuant to sub rule 3.13.2 of the Governance Rules the information contained within this document is designated as confidential information for the purposes of the Local Government Act 2020 (the Act). That is "confidential information" in accordance with section 3 of the Act:

(f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

9.4. TENDER 2022/23-103 M.R.POWER PARK

Division: Development and Growth

Director: Natalie Robertson

Author/Position: Robin Hand - Contracts Administration Officer

Pursuant to sub rule 3.13.2 of the Governance Rules the information contained within this document is designated as confidential information for the purposes of the Local Government Act 2020 (the Act). That is "confidential information" in accordance with section 3 of the Act:

(g) private commercial information, being information provided by a business, commercial or financial undertaking that—

(i) relates to trade secrets; or

(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

