

Council Meeting

Minutes

24 April 2024 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. Chief Executive Officer Report	10
7.1. Chief Executive Officer Report	10
8. Officer Reports.....	11
8.1. Draft Establishing Formal Positions of Council Policy	11
8.2. Proposed Road Discontinuance	13
8.3. Commerce Ballarat Funding and Service Agreement 2024-2027	14
8.4. Community Asset Committee Membership.....	15
8.5. Procurement Exemption for Enterprise Software Licensing.....	16
8.6. Review of Planning Policies	17
8.7. Lake Wendouree Boat Shed Policy	18
8.8. Contracts Approval Delegated Committee Minutes	19
8.9. S11A Instrument of Appointment and Authorisation	20
8.10. Outstanding Question Time Items	21
9. Notice Of Motion	22
10. Reports From Committees/Councillors.....	22
11. Urgent Business	24

12. Section 66 (In Camera) 24

13. Close..... 26

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 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
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 Rosie Wright - Coordinator Risk, Governance and Compliance
Ms Lyndsay Leingang - Administration Officer Statutory Compliance
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 on 27 March 2024 as circulated be confirmed.

Moved: Cr Tracey Hargreaves

Seconded: Cr Samantha McIntosh

CARRIED

(R42/24)

6. PUBLIC QUESTION TIME

QT19/24 – Louise Jones

Question 1

Are Councillors permitted to have affiliations with political parties?

Answer

John Hausler, Director Corporate Services, responded that yes, there is no legislation that prevents Councillors from having an affiliation with a political party.

Question 2

If yes, can we please look at proposing a local policy preventing Councillors from having memberships or affiliations with political parties. What's best of the City of Ballarat may not always align with political party policies and Councillors should not be coerced into voting on local council matters based on their party stance and friends in state or federal parliament.

Answer

John Hausler, Director Corporate Services, responded that Councillors at the beginning of their term either recite an Oath of Office or an Affirmation. This includes agreeing to abide by the Councillor Code of Conduct, which requires Councillors to declare a conflict of interest in relation to any matter they have a conflict on. Any political party affiliation or membership which creates a conflict for a Councillor on a matter they are making a decision on, should result in that Councillor declaring a conflict of interest and removing themselves from the decision-making process.

QT20/24 – Mark Jones

Question 1

Could we please get some comparison of the Mt Alexander Shire and Ballarat in terms of demographics and geography. For example, population numbers, cultural-gender-age diversity, proximity to regional and capital cities, council size such as annual budget size, breadth of services provided and anything else relevant to compare the two LGAs?

Answer

John Hausler, Director Corporate Services, responded that information regarding the demographics and geography of both Mount Alexander Council and the City of Ballarat are available online at the Victorian Government's Know Your Council website. Specifically, some high-level details from that site are a population of 20,317 in Mount Alexander in 2022, whereas Ballarat was 115,951 at the same time. A Council size in Mount Alexander of approximately 152 thousand hectares, approximately 120km from Melbourne versus 78 thousand hectares in the City of Ballarat, which is approximately 80km from Melbourne; and a median age in Mount Alexander of 51.4 in 2022 versus a median age of 38.5 in 2022 in the City of Ballarat. All this information has been taken directly from the state government website, which is available to everyone.

Question 2

Can we please have a list of which political parties each of the Councillors affiliate with?

Answer

John Hausler, Director Corporate Services, responded that there is no requirement for a Councillor to declare their affiliations with political parties unless they are in a leadership position, and this is made through the interest returns that Councillors complete. A summary of which is already publicly available on the City of Ballarat website, and he directs Mr Jones there to find more information.

QT21/24 – Annette McMaster**Question 1**

Some time back when I last stood before council in regard to our fight against Powercor's insistence to locate their high voltage zone substation at 203 York Street, you, the Council, were going to invite our state Premier Jacinta Allan to come in person and see the site. My question is: has she responded to your request and, if so, what eventuated?

Answer

Cr Des Hudson, Mayor, responded that he can confirm that the City of Ballarat, under the Mayor's signature, wrote to the Premier to seek a meeting on behalf of the York Street community to discuss all of the concerns which Ms McMaster has well-put to other state members and also to the ministers about locating the power station in this residential area. He has since received a response back from the Premier's Office advising that the Premier's schedule is unable to fit in that commitment to come and visit the site in Ballarat and that she has referred the issue to the Minister for Climate Action, Energy and Resources and the State Electricity Commission. So, she has redirected that request to Minister D'Ambrosio.

Question 2

Natalie Robinson has 'taken on notice' my second question at Council, enquiring as to the toxic content of soil between the land behind the Mercure, Lake Esmond, and 203 York St. Powercor told me the land behind the Mercure is too toxic because it is a mining site. However, I'm curious as to the toxicity of the other two sites: I would have thought them all similar, which would mean 203 is too toxic for them as well, otherwise it's no excuse for them not to locate behind the Mercure.

Answer

Natalie Robertson, Director Development and Growth, responded she and Ms McMaster have spoken privately on this previously. The challenge is that, first of all, there are a number of land parcels that could be put to Powercor as alternatives. It is a matter of Powercor wanting to develop on another site and it is Director Robertson's understanding in this case that they do not want to. The alternative land in question is private land and officers are therefore not in

a position to understand the potential toxicity of the land. By private land, she refers to private and Crown land, which can't be enforced by Council officers to provide their toxicity readings or to do an analysis of that land. But they would be required to do it for the York Street land.

QT22/24 – Jennifer Paterson

Question 1

Following on from Annette's questions I have requested freedom of information assistance from Powercor and received no response. I want to know if this substation even meets the standards of safety for major hazardous facilities, under state planning laws in Victoria. We have repeatedly asked for scrutiny of this facility, however now we have a signed petition to parliament of over 2000 people who would not like to live beside such a dangerous, noisy and hazardous high voltage facility. We have asked both Lily D' Ambrosio MP and Sonya Kilkenny MP by email and directly to their offices in Melbourne to visit the site they have allowed Powercor to build on. My question is would Council officially invite them as well?

Answer

Cr Des Hudson, Mayor, responded that as part of Council's advocacy, which has been supported by the entire nine Councillors in terms of trying to advocate on behalf of the York Street residents and those surrounding that are impacted, they have written to local members and those two ministers, all under his signature. He recalls that he invited them to visit the site but if it proves that he hasn't he is more than happy to make a direct invitation to them to come and inspect the site to give them the best opportunity to make an informed decision on behalf of residents. He is more than happy to continue that advocacy although it seems like there are very few doors left for Council to work through.

Question 2

I have attended all Powercor's information sessions which are populated by PR people who either cannot or will not answer questions put to them. The major projects department answer all my questions with words like Community engagement and fence design. They have admitted they are aware of incidents at their facilities, yet they persist in building in amongst our homes. This is not just our house, but our home and our lives, Powercor will just go back where they came from. Thank you all for your continuous support in a very frustrating situation where much of the information given has been untrue. Our 2000 signature petition will go to parliament soon. My question is this then. Is there anything else at all you can suggest for us to get any scrutiny of this whole situation?

Answer

Natalie Robertson, Director Development and Growth, responded that the decision to build a substation belongs to Powercor and, as Council is not the statutory authority in this case, and like concerned residents, the role that Council can take is advocacy. Council officers have advocated to Powercor, all local MPs, both the Planning Minister and the Minister for the State Electricity Commission and Energy Resources highlighting Council's previous resolutions to support an alternative location. The Mayor has also written to the Premier to bring attention to this matter.

QT23/24 – Sean Mulcahy

Question 1

Is it the case that the infringement notice penalty for abandoning a shopping trolley on a road or vacant or municipal-owned land and failing to collect it is only \$200 as per the schedule of fees and charges in Council's 2023/24 Budget and has been so for over six years since the Community Local Law (clause 37) commenced in 2017?

Answer

Natalie Robertson, Director Development and Growth, responded that the value of a penalty unit under the City of Ballarat Community Local Law is \$100, which remains in place for the period of the Local Law. The infringement for leaving a shopping trolley in a non-designated area, or a business owner not collecting them is 2 penalty units (\$200), with a maximum of 10 penalty units (\$1000).

Question 2

Would Council be amenable to bringing forward a review and update of the Community Local Law to tackle the issue of abandoned trolleys across the municipality, to put an appropriate penalty in place so that businesses take responsibility for picking them up, and to protect the amenity of those living near major shopping centres?

Answer

Natalie Robertson, Director Development and Growth, responded that at this stage, there are no plans to update the Community Local Law until closer to 2027.

QT24/24 – Deborah Findlay**Question 1**

I'm a former resident of the Ballarat Orphanage Children's Home of 12 years, and on behalf of other former residents of the work group, I'm here tonight for them as well.

I was one of the original groups of former residents who meet with Council and developers to have the former site recognize for its strong social history, we were promised this would happen. Still ten years on and all those consultations were pretty much for nothing.

Ballarat Planning Scheme for the site 2015, eight years have passed since the City of Ballarat, together with ex-residents, a working group was to deliver detailed designs for the installation of a heritage interpretation at 200 Victoria Street. However, houses have been built and businesses are making profits while over 4000 children and history are yet to be acknowledged. There has been no action from Council.

Our question is: the working group are seeking answers - could Council please provide us with any updates if designs provided have been accepted, and when will work commence on the site?

Answer

Natalie Robertson, Director Development and Growth, responded that the former Orphanage site at Victoria Street has indeed been a long journey. Council agreed with developers to complete works before forging ahead with the interpretive signage as there was concern about any damage that might be done to that. As part of the final stages the project seeks to recognise the experiences of more than 4,000 children who passed through the doors of the institution during its operation from 1866 until 1983. Council looks forward to helping deliver this distinctive storytelling project, recognising those with an ongoing connection to the site and acknowledging the many layers of its important and complex history, which Ms Findlay would have seen presented over the last few years. As part of the final stage interpretative signage is proposed and the two public reserves have been landscaped to a design that can be adapted for the introduction of the interpretive elements. These elements have been developed by consultants through consultation with the Ex-Residents Working Group. Funding allocation is pending the adoption of the 2024/25 budget (this upcoming budget) and the 2025/26 budget as well.

Question 2

The Council decisions about the development of the site made years ago have been honoured? Developer and owner have breached the Council's ruling on the retention of the integrity of the school building. My questions tonight, Mayor and Councillors, were basically based on the schedule 9 to the Development Plan of the overlay where it clearly states what was to happen to the school. But what we're seeing, right now, at that site is not what is in this. What we're seeing is two exterior walls of that whole school, and the sad part about that is all children that were raised in that orphanage and children's home attended that school. It meant more to former residents than the toddlers block because many of them didn't live in that building and the school wasn't just for education or to learn - it was a haven for children.

Answer

Natalie Robertson, Director Development and Growth, responded that the planning application that approves the local neighbourhood activity centre which includes the school building was approved in 2018 and was the subject of a protracted VCAT appeal. Prior to this it took almost seven years to establish the Development Plan for this site, which Ms Findlay would be familiar with. Whilst the former owner was the subject to repeated requests, and in the end enforcement, the school building was exposed to significant vandalism including several fires. Records indicate that the developer of the school building has retained as much as possible based on building reports and the officer of the time has weighed this up in the context of the Development Plan. The result is that there are only two walls externally facing and in order to preserve the existing walls which are part of the southern section, these have been incorporated into the internal build. She noted that in recent discussions with the developer they said that they would welcome a site visit from former residents.

RESOLUTION:

That Council extends public question time in accordance with section 3.7.1 of the City of Ballarat Governance Rules.

Moved: Cr Samantha McIntosh

Seconded: Cr Amy Johnson

CARRIED

(R43/24)

QT25/24 – Michael Phillips

Question 1

What difficulties is Evan facing in returning my calls, emails etc? What can we do to assist this process?

Answer

Evan King, Chief Executive Officer, responded that he understands that Mr Phillips has had multiple meetings and conversations with both Director Robinson and Director Wilson. Mr Phillips has also met with the mayor on multiple occasions and had multiple conversations with the Mayor as well. He doesn't believe that he can add any value to those conversations and the information that has been provided to Mr Phillips.

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:

13. That Council:

13.1 Receive and note the CEO's Operational Report.

Moved: Cr Samantha McIntosh
Seconded: Cr Belinda Coates

CARRIED
(R44/24)

8. OFFICER REPORTS

8.1. DRAFT ESTABLISHING FORMAL POSITIONS OF COUNCIL POLICY

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

Public representation was made by Richard Purdy, Pat Serra, Leigh Zeuschner, Steve McDonald, Mark Oughton-Nicholls, Wes McKnight, Stuart Kelly, Dean Hurlston (representing Council Watch), Bruce Crawford (representing Ballarat Residents and Ratepayers Assoc. Inc.), and Mary Debrett (representing BREAZE Inc.).

PURPOSE

1. The purpose of this report is to provide Council with the Establishing Formal Positions of Council Policy, transposed from the Mt Alexander Shire Council policy into the City of Ballarat Council policy template, in response to the resolution of Council (R29/24) at its 27 March 2024 Council meeting.

MOTION:

That Council:

1. **Adopt the Establishing Formal Positions of Council Policy with the following amendments:**
 - a. **Remove paragraph 3.1 c.**
 - b. **Add new paragraph at 3.1 c.:**
 - **Federal or State Government laws over which Council has no legislated authority or responsibility unless the proposed legislation will affect existing Council operations and services; and Council have undertaken community engagement in accordance Council's Community Engagement Policy.**

Moved: Cr Ben Taylor

LOST

Seconded: Cr Amy Johnson

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

For the Motion were Councillors: Cr Tracey Hargreaves, Cr Amy Johnson, Cr Samantha McIntosh and Cr Ben Taylor

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

Abstained from the Motion were: Nil

RESOLUTION:

That Council adjourn at 8:50 pm for a 5-minute comfort break.

**Moved: Cr Amy Johnson
Seconded: Cr Samantha McIntosh**

**CARRIED
(R45/24)**

RESOLUTION:

That Council resumes at 8:59 pm.

**Moved: Cr Daniel Moloney
Seconded: Cr Tracey Hargreaves**

**CARRIED
(R46/24)**

DRAFT

8.2. PROPOSED ROAD DISCONTINUANCE

Division: Development and Growth
Director: Natalie Robertson
Author/Position: Natalie Robertson – Director Development and Growth

Public representation was made by Barry Fitzgerald.

PURPOSE

1. The purpose of this report is to seek Council approval to exercise the powers conferred by clause 3 of schedule 10 of the *Local Government Act 1989* to discontinue a portion of an unused Government road, which is shown as hatched in blue on the plan below. This road adjoins Buninyong Cemetery and the land known as Allotment 8K5 and Allotment 8K6, Atkinsons Road, Magpie, Victoria, 3352.

RESOLUTION:

10. That Council:
 - 10.1 Support the discontinuance of a portion of unused Government road identified hatched in blue on the plan in this report.
 - 10.2 Authorise the Chief Executive Officer to commence the appropriate statutory process conferred by clause 3 of schedule 10 of the *Local Government Act 1989* to discontinue the portion of unused Government road.

Moved: Cr Ben Taylor
Seconded: Cr Mark Harris

CARRIED
(R47/24)

8.3. COMMERCE BALLARAT FUNDING AND SERVICE AGREEMENT 2024-2027

Division: Economy and Experience
Director: Martin Darcy
Author/Position: Kelli Moran – Executive Manager Economic Growth

PURPOSE

1. The purpose of this report is to seek approval of a new funding and service agreement with Commerce Ballarat for the period 1 July 2024 to 30 June 2027 (three years).

RESOLUTION:**11. That Council:**

- 11.1 Approves a funding and service agreement with Commerce Ballarat for the period 1 July 2024 to 30 June 2027, to the total value of \$415,725 excluding GST (\$138,575 per annum, ex GST); and
- 11.2 Authorise the Chief Executive Officer to execute the funding and service agreement in accordance with this resolution.

Moved: Cr Daniel Moloney
Seconded: Cr Peter Eddy

CARRIED
(R48/24)

8.4. COMMUNITY ASSET COMMITTEE MEMBERSHIP

Division: Community Wellbeing
Director: Matthew Wilson
Author/Position: Natalie Grero – Community Development Officer

PURPOSE

1. This report seeks Council support to ratify the revised membership of the Invermay Recreation Reserve Community Asset Committee and Warrenheip Memorial Hall Community Asset Committee.
2. The elected membership of Invermay Recreation Reserve Community Asset Committee and Warrenheip Memorial Hall Community Asset Committee has altered since previously being endorsed.

RESOLUTION:

7. That Council:

7.1 Endorse the revised membership of the Invermay Recreation Reserve Community Asset Committee with the addition of Rod McDonald:

- Geoffrey Fraser
- Ruth Nunn
- Ian Martin
- Ian Daniel
- Peter Nunn
- Lachlan Pryor
- Jabez Armstrong
- Rod McDonald

7.2 Endorse the revised membership of the Warrenheip Memorial Hall Community Asset Committee with the addition of Catherine Gill:

- Julie Blackmore
- Angela Beattie
- Emma Carter
- Malcolm McCann
- Julian Prendergast
- Catherine Gill

Moved: Cr Samantha McIntosh
Seconded: Cr Daniel Moloney

CARRIED
(R49/24)

8.5. PROCUREMENT EXEMPTION FOR ENTERPRISE SOFTWARE LICENSING

Division: Corporate Services
Director: John Hausler
Author/Position: Sonny Shah – Executive Manager Information & Communication Technology

PURPOSE

1. This report seeks endorsement of a procurement exemption for Enterprise Software Licensing associated with Council's core ICT system 'Pathway' with Infor; and
2. Seeks endorsement to enter into Contract Number 2023/24-574EX with Infor for the provision of Enterprise Software Licensing for the Pathway System for the total price of \$1,755,932.00 (ex. GST). The contract term is for three (3) years, with the option for two (2) x one (1) year extensions.

RESOLUTION:

14. That Council:

14.1 Approves an exemption to the Procurement Policy from tendering for this service.

14.2 Resolve to enter into Contract Number 2023/24-574EX with Infor for the provision of Enterprise Software Licensing for the Pathway System for the total price of \$1,755,932.00 (ex. GST). The contract term is for three (3) years with two (2) x one (1) year extension options.

14.3 Authorises the Chief Executive Officer to:

- a. Execute the procurement exemption request associated with this procurement;
- b. Finalise the terms of Contract Number 2023/24-574EX with Infor, provided that those contract terms are consistent with this Resolution; and
- c. Execute Contract Number 2023/24-574EX on behalf of Council.

Moved: Cr Mark Harris
Seconded: Cr Ben Taylor

CARRIED
(R50/24)

8.6. REVIEW OF PLANNING POLICIES

Division: Development and Growth
Director: Natalie Robertson
Author/Position: Connor Perrott – Manager, Statutory Planning

PURPOSE

1. The purpose of this report is to seek Council's endorsement to update six policies central to the operation of the Statutory Planning department.
2. Three of these policies relate to department-level processes only and as such it is proposed to convert these into internal procedures. Importantly, two of these procedures would be supported by updated customer information. The third procedure relates to an internal process and no related customer information is required. The remaining three policies have been reviewed and updated versions are presented for adoption.

RESOLUTION:

28. That Council:

28.1 Adopt the following updated policies:

1. **Policy for Council Consideration of Planning Applications (to be retitled 'Consideration of Planning Permit Applications Policy');**
2. **Advertising Planning Applications (to be retitled 'Advertising of Planning Permit Applications Policy');** and
3. **Statutory Planning Fee Waiver and Rebate Policy.**

28.2 Revoke the following policies:

1. **Mediation Policy endorsed by Council on 25 May 2011 (R221/11);**
2. **Solar Panels in Heritage Overlays Policy endorsed by Council on 8 July 2009 (R217/09); and**
3. **Ballarat Planning Scheme Applying Amendment VC53 to Council Projects Policy endorsed by Council on 27 May 2009 (R154/09).**

Moved: Cr Belinda Coates
Seconded: Cr Mark Harris

CARRIED
(R51/24)

8.7. LAKE WENDOUREE BOAT SHED POLICY

Division: Infrastructure and Environment
Director: Bridget Wetherall
Author/Position: Michael Hynes – Executive Manager Property & Facilities
Nick Venville – Property Coordinator

PURPOSE

1. The purpose of this report is to seek endorsement of the Lake Wendouree Boat Shed Policy.

RESOLUTION:

11. That Council:
 - 11.1 Adopt the Lake Wendouree Boat Shed Policy as per Attachment 2.
 - 11.2 Rescind the Lake Wendouree Boat Shed Policy endorsed by Council on 1 April 2020 (R86/20).

Moved: Cr Daniel Moloney
Seconded: Cr Peter Eddy

CARRIED
(R52/24)

8.8. CONTRACTS APPROVAL DELEGATED COMMITTEE MINUTES

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

PURPOSE

1. The purpose of this report is to provide Council with minutes of Council's Contracts Approval Delegated Committee in accordance with the adopted Terms of Reference. This report provides minutes of the meetings held on 20 December 2023 and 28 February 2024 and provides a summary of information in relation to these minutes.

RESOLUTION:

4. That Council:
 - 4.1 Note, in accordance with section 66 of the *Local Government Act 2020* that the material contained in the Contracts Approval Delegated Committee agendas has been designated confidential.
 - 4.2 Receive the Contracts Approval Delegated Committee minutes of the meetings held on 20 December 2023 and 28 February 2024.

Moved: Cr Mark Harris
Seconded: Cr Ben Taylor

CARRIED
(R53/24)

8.9. S11A INSTRUMENT OF APPOINTMENT AND AUTHORISATION

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

PURPOSE

1. The purpose of this report is to endorse the S11A Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* for Edmund Beebe.

RESOLUTION:

5. **In the exercise of the powers conferred by section 147(4) of the *Planning and Environment Act 1987*, Ballarat City Council (Council) resolves that–**
 - a. **The member of Council staff referred to in the instrument attached be appointed and authorised as set out in the instrument.**
 - b. **The instrument comes into force immediately upon being signed by Council’s Chief Executive Officer and remains in force until Council determines to vary or revoke it.**

Moved: Cr Mark Harris
Seconded: Cr Tracey Hargreaves

CARRIED
(R54/24)

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 Samantha McIntosh
Seconded: Cr Mark Harris

CARRIED
(R55/24)

DRAFT

9. NOTICE OF MOTION

Nil

10. REPORTS FROM COMMITTEES/COUNCILLORS

GB17/24 Cr Belinda Coates

Cr Belinda Coates mentioned the Enough is Enough rally that occurred two weeks ago and thanked all those involved, including community members who attended, the organiser Sissy Austin, and all of the speakers. She remarked that they spoke passionately about how deeply the issue of violence against women impacts on our community. She noted that it is obviously something that's touched our community deeply over a long period of time, but it has had the spotlight shone on it in recent times too. Cr Coates acknowledged the funding support and wanted to highlight the importance of ongoing discussion around how that funding will be used in terms of its ongoing sustainability since it is a time-limited grant.

GB18/24 Cr Belinda Coates

Cr Coates commended the LGBTIQ+ Committee and their support for Transgender Day of Visibility a few weeks ago. She thanked the committee members involved and community members who showed out in big numbers again.

GB19/24 Cr Belinda Coates

Cr Coates mentioned that she attended the recent Climate Emergency Conference in Footscray. City of Ballarat is proudly a member of that national network of over 100 Councils that work together to share information about how they are ramping up their action to address the climate crisis and how that can be done in practical terms. Cr Coates commended the broad spectrum of work that's happening and said that the conference was a great opportunity to learn from that to build on what the City of Ballarat is doing.

GB20/24 Cr Samantha McIntosh

Cr Samantha McIntosh requested a briefing report for Councillor Assembly as soon as possible in regard to the Reid's Guest House and the withdrawal of Uniting from that service. She is alarmed by the planned closure and the potential impact on local shopkeepers, businesses, and visitors as well as those people that need accommodation, especially as we move into winter. Cr McIntosh commented that Council officers have worked well with Uniting and the police in challenging cases such as White Flat Oval. She spoke with the on-site manager of Reid's Guest House today who stated that nearly 100 people that will be impacted by the closure.

Cr McIntosh noted that Council has previously worked strongly with the Heritage Council / Heritage Victoria to secure funding for internal paintings of the ceiling of the walls and for work on the outside of the building, to make the verandah safe so that the residents could safely access the spaces inside and outside. She commented that it is not Council's responsibility to provide all of this accommodation, but it's going to be impactful, and we need to investigate a collaborative way forward, such as working with the state and requesting funding. Cr McIntosh asked how those that rely on Reid's Guest House are going to live safely, warmly and fairly in the very near future? She believes that it is a pressing priority even though it is not in Council's

agenda or budget. She is concerned for the safety of all residents, businesses and visitors. Council needs to consider what it can do and how to take steps forward that are in the remit of the local Council role.

GB21/24 Cr Amy Johnson

Cr Amy Johnson raised a good news story about the Ballarat Animal Shelter. An owner was reunited with her cat Molly who went missing four years ago. She was reunited with her cat at the Ballarat Animal Shelter because it was microchipped. Cr Johnson thought it was a good opportunity to acknowledge the work that those staff do every day at the Animal Shelter and to encourage people to microchip their animals.

Cr Johnson inquired whether the global cat vaccine shortage that had affected the Animal Shelter was still ongoing or had it been resolved.

Director Robertson confirmed that it had been primarily resolved.

GB22/24 Cr Amy Johnson

Cr Johnson called for a Briefing report on the accumulation of waste in disadvantaged areas due to a lack of means for some people to take their rubbish to the Transfer Station. The accumulation of waste is impacting on livability and amenity of properties in the affected areas. Cr Johnson would like to know what we can do to support people in the community that do have a lot of rubbish around their residences and may need help in getting rid of it. She mentioned that other councils have undertaken initiatives such as partnering with local organisations/charities that provide skip bins, for example. This has reduced the overall cost to Council and Cr Johnson expressed how fantastic it would be to assist people in cleaning up so they can enjoy their homes more and assist our city to look better.

11. URGENT BUSINESS

Nil

12. SECTION 66 (IN CAMERA)

RESOLUTION:

That Council resolve, pursuant to section 66 of the *Local Government Act 2020*, that the meeting be closed to members of the public at 9:53 pm whilst the Council is dealing with the following matters:

Moved: Cr Mark Harris

Seconded: Cr Samantha McIntosh

**CARRIED
(R56/24)**

8.2 PROPOSED ROAD DISCONTINUANCE

Division: Development and Growth

Director: Natalie Robertson

Author/Position: Natalie Robertson – Director Development and Growth

Confidential attachments to report in Council Agenda.

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” that in accordance with section 3 of the Act is:

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

8.3 COMMERCE BALLARAT FUNDING AND SERVICE AGREEMENT 2024-2028

Division: Economy and Experience

Director: Martin Darcy

Author/Position: Kellie Moran – Executive Manager Economic Growth

Confidential attachments to report in Council Agenda.

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” that in accordance with section 3 of the Act is:

- (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released;

8.8 CONTRACTS APPROVAL DELEGATED COMMITTEE

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

Confidential attachments to report in Council Agenda.

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” that in accordance with section 3 of the Act is:

- (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.

12.1 CEO ANNUAL REVIEW

Division: Corporate Services
Director: John Hausler, Director Corporate Services
Author/Position: Andrew Prestage – Executive Manager People and Culture

Confidential Report in Council Agenda.

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” that in accordance with section 3 of the Act is:

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

RESOLUTION:

That Council move out of closed Council at 10:03 pm and adopt the resolutions made therein.

Moved: Cr Mark Harris
Seconded: Cr Tracey Hargreaves

CARRIED
(R58/24)

13. CLOSE

The Mayor declared the meeting closed at 10:04 pm.

Confirmed this day of 2024.

.....

Mayor

DRAFT