

OFFICIAL

Council Meeting

Minutes

27 November 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.....	4
5. Confirmation Of Minutes	5
6. Public Question Time	5
9. Notice Of Motion	8
9.1. Notice of Motion	8
7. Chief Executive Officer Report.....	9
7.1. Chief Executive Officer Report.....	9
8. Officer Reports.....	10
8.1. Municipal Early Years Plan Implementation Report.....	10
8.2. Disability Access and Inclusion Plan Implementation Report	11
8.3. Annual Community Engagement Report 2023/24	12
8.4. Quarterly Performance Report for period ending 30 September 2024	13
8.5. 2025 Council Meeting Schedule	14
8.6. 2025 Councillor Representation for Committees and External Bodies	15
8.7. Audit and Risk Committee Biannual Report.....	16
8.8. S11A and S11B Instrument of Appointment and Authorisation	17
8.9. Outstanding Question Time Items	18
10. Reports From Committees/Councillors.....	19
11. Urgent Business	21

12. Section 66 (In Camera).....21

13. Close.....21

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 Tracey Hargreaves (Mayor)
Cr Ben Taylor
Cr Damon Saunders
Cr Des Hudson
Cr Jay Morrison
Cr Jim Rinaldi
Cr Samantha McIntosh
Cr Ted Lapkin
Cr Tess Morgan

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
Ms Kelli Moran - Acting Director Economy and Experience
Mr Cameron Montgomery - Executive Manager Governance and Risk
Ms Rosie Wright - Coordinator Risk, Governance and Compliance
Ms Sarah Anstis - Senior Governance Officer
Mr Stephen Wright - Governance Support Officer

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 Unscheduled Council Meetings on 23 October 2024 and 18 November 2024 as circulated be confirmed.

**Moved: Cr Des Hudson
Seconded: Cr Ted Lapkin**

**CARRIED
(R183/24)**

6. PUBLIC QUESTION TIME

QT65/24 – Annette Strain

Question

I caught the Airport bus from Tullamarine across to Ballarat where I could catch the train to Maryborough. I spent some time in the Cafe and then walked across to platform 2. The heritage station itself is beautiful. The state of the station is terrible. It's filthy everywhere you look and go. I thought it would be a showcase for the city and Ratepayers. Perhaps it could be discussed at council meetings with the aim for improvements. A beautiful station requiring a big up grade.

Annette - concerned traveller.

Answer

Natalie Robertson, Director Development and Growth, responded that queries regarding the condition of station facilities should be referred to V/Line as station operator. The City of Ballarat itself continues to advocate in this respect for the cleanliness and the condition of the station facilities and is more than happy to pass on these comments to V/Line on behalf of Ms Strain.

QT66/24 – Aaron Lenehan

Question

Dear Ballarat Council,

I hope this message finds you well. I'm writing to inquire about the status of the Brown Hill Splash Park, which was scheduled to open for the summer of 2024/25. Could you please provide an update on the progress of the project? Specifically, I would like to know:

1. Is the project still on track to open as planned?
2. Have there been any delays or changes to the timeline that the community should be aware of?

Thank you for your time and for keeping the community informed. I look forward to hearing from you.

Answer

Matthew Wilson, Director Community Wellbeing, responded that unfortunately, the project is behind schedule. It was originally expected to be completed by the middle of January 2025, but two issues have arisen that have caused delay. The first is that the foundation slab, which effectively forms the base of the Splash Park, has had additional design work to add screw pile to the foundation and that's to ensure that the foundation doesn't suffer movement on site.

So that redesign or added design process has added some time to that stage of the project. The second issue that's arisen is that the power supply to the site needs to be upgraded by Powercor and the advice is that those works are currently scheduled for late March 2025. Pleasingly, though, the builder is on site, the soil stockpile that is on site is scheduled to be removed next week. All of the elements that will be installed in the Splash Park have already arrived and are in storage, ready to be installed at the Splash Park once able to do so. The delay is disappointing and officers do apologise to Council and community for that.

QT67/24 – Stuart Kelly

Question

My question tonight relates to the current survey, which is on the MySay pages, "What is your vision for Ballarat's future?". This survey sets up a series of seemingly opposing issues and gets people to choose the extent to which they prefer one to the other. It's some decades since I studied a subject at uni which covered the construction and interpretation of questionnaires, but I remember that a fundamental principle in structuring questionnaires is that one shouldn't conflate two issues in the single question. And if question need to be more complex, people should be given an opportunity to elaborate on their responses. Of particular concern to me as an item which sets preserving Ballarat's historical character against encouraging growth and vibrancy within the CBD. There was an earlier statement in the survey which also portrayed this false dichotomy of heritage and development being in competition and requiring balance. People were not given an opportunity to add that perhaps progress and preservation of heritage could go side by side and in fact, that heritage led tourism will result in growth and vibrancy. My question is to the councillors themselves. Have you seen the survey and the particular questions? Do you feel your future decisions could be based on the results of such flawed questions?

Answer

Matthew Wilson, Director Community Wellbeing, responded that there's certainly no intention from officers, in the presentation of the outcome of the survey, to affirm the concerns that Mr Kelly raises. Where the survey that is on Council's MySay website has sliding scales in response to different questions, the intention is where a resident might value both ends of what's presented as a sliding scale, a selection of three would indicate that both are valued. And so that's how the discussion around those types of matters as specifically referenced by Mr Kelly would be treated, but absolutely take on board and hear the comments and concerns raised by a couple of Councillors in response to your question, Mr. Kelly, and will take that back in discussion with Council's engagement officers and those who are overseeing the campaign.

Question

My second question follows on from the first. Previously the results of such questionnaires have been used to justify decisions on quite expensive and controversial projects. The demolition of Brown Hill pool and the Lake Lighting project come immediately to mind. Given this, will Council review methods of seeking public input via surveys or other means to ensure that they achieve an accurate and useful representation of community views?

Answer

Matthew Wilson, Director Community Wellbeing, responded that the Community Engagement Policy is scheduled for review in 2025, and that review will take place at the direction and input of Council.

RESOLUTION:

That item '9.1 Notice of Motion' be brought forward.

Moved: Cr Des Hudson
Seconded: Cr Jay Morrison

CARRIED
(R184/24)

9. NOTICE OF MOTION

9.1. NOTICE OF MOTION

Public representation was made by Carter Darke, Sally Missing, Amy Nussbaumer, Alice Humble, Ellen Burns, Michael McKenna, Ruth Varenica, Robert Kozlovski, Dr Elisa Zentveld, Mary Debrett, Sue Jakob (representing Ballarat Repair Café), and Phillip Yordonopulo.

PURPOSE

1. A Notice of Motion was lodged by Cr Ted Lapkin on 20 November 2024.
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 27 November 2024 Council Meeting Agenda.
3. Formal notice was provided to Councillors on 21 November 2024 which was then recorded in the Notice of Motion Register by the Governance team.

RESOLUTION:

4. **That Council:**
 - 4.1 **Defer change to weekly household waste collection and the introduction of weekly food organics and garden organics (FOGO) collection;**
 - 4.2 **Call for a report to Council that:**
 - a) **presents alternative options to aforementioned decision on household waste collection frequency; and**
 - b) **includes the financial implications of each option presented with consideration of options to minimise the costs associated with waste and FOGO disposal to landfills where feasible.**

Moved: Cr Ted Lapkin

Seconded: Cr Samantha McIntosh

CARRIED

(R185/24)

Upon being put to the meeting, the Motion was declared carried. Cr Des Hudson called for a Division.

For the Motion were: Cr Ben Taylor, Cr Damon Saunders, Cr Jay Morrison, Cr Jim Rinaldi, Cr Samantha McIntosh, Cr Ted Lapkin, Cr Tess Morgan and Cr Tracey Hargreaves

Against the Motion was: Cr Des Hudson

Abstained from the Motion were: Nil

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:

10. That Council:

10.1 Receive and note the CEO's Operational Report.

Moved: Cr Samantha McIntosh
Seconded: Cr Ben Taylor

CARRIED
(R186/24)

8. OFFICER REPORTS

8.1. MUNICIPAL EARLY YEARS PLAN IMPLEMENTATION REPORT

Division: Community Wellbeing
Director: Matthew Wilson
Author/Position: Vanessa Vagg – Coordinator Early Years Partnerships

PURPOSE

1. The purpose of this report is:
 - a. To present the year two report for the Municipal Early Years Plan 2022-2026.
 - b. To note key achievements in year two of the Municipal Early Years Plan (MEYP or the Plan) and some key actions in year three.

RESOLUTION:

10. That Council:

- 10.1 Receive and note the report on the work undertaken in year two to progress the objectives of the City of Ballarat Municipal Early Years Plan 2022-2026.**

Moved: Cr Des Hudson
Seconded: Cr Ben Taylor

CARRIED
(R187/24)

8.2. DISABILITY ACCESS AND INCLUSION PLAN IMPLEMENTATION REPORT

Division: Community Wellbeing
Director: Matthew Wilson
Author/Position: Bernadette Duffy – Community Inclusion Officer
Suzannah Burton – Coordinator Social Inclusion

PURPOSE

1. The purpose of the report is to update Council on the progress made against actions in the second year of the implementation of the Disability Access and Inclusion Plan 2022 – 2026. The report covers implementation between July 2023 and June 2024.

RESOLUTION:**29. That Council:**

- 29.1 Receive and note the report on the work undertaken in year two to progress the actions in the City of Ballarat Disability Access and Inclusion Plan 2022-2026.**

Moved: Cr Samantha McIntosh
Seconded: Cr Ted Lapkin

CARRIED
(R188/24)

8.3. ANNUAL COMMUNITY ENGAGEMENT REPORT 2023/24

Division: Community Wellbeing
Director: Matthew Wilson
Author/Position: Nicky Davidge – Coordinator Community Development

PURPOSE

1. The purpose of this report is to present the Annual Community Engagement Report for financial year 2023/24.

RESOLUTION:

18. That Council:

18.1 Note the Annual Community Engagement Report 2023/24.

Moved: Cr Ben Taylor
Seconded: Cr Samantha McIntosh

CARRIED
(R189/24)

8.4. QUARTERLY PERFORMANCE REPORT FOR PERIOD ENDING 30 SEPTEMBER 2024

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

PURPOSE

1. The purpose of this report is to present the quarterly performance report for the quarter ending 30 September 2024.

RESOLUTION:**34. That Council:**

- 34.1 Receive the Quarterly Financial Management Report – Period Ending 30 September 2024 and note the financial matters contained within the report.**
- 34.2 Endorse the 2024/25 Quarter 1 Budget Review adjustments, including the reallocation of funds from Macarthur Street and Finches Road projects.**
- 34.3 Receive the Council Plan 2021-2025 – Annual Action Plan 2024/25 Quarter 1 Progress Report.**
- 34.4 Receive the City of Ballarat Metrics – September 2024 report.**

Moved: Cr Ben Taylor

Seconded: Cr Samantha McIntosh

CARRIED

(R190/24)

8.5. 2025 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 2025 calendar year.

RESOLUTION:

10. That Council:

10.1 Hold meetings of Council in the Council Chambers, Ballarat Town Hall on the following dates in 2025:

Date	Time	Meeting Type
12 February 2025	6:30pm	Planning Delegated Committee
26 February 2025	6:30pm	Council Meeting
12 March 2025	6:30pm	Planning Delegated Committee
26 March 2025	6:30pm	Council Meeting
9 April 2025	6:30pm	Planning Delegated Committee
30 April 2025	6:30pm	Council Meeting
14 May 2025	6:30pm	Planning Delegated Committee
28 May 2025	6:30pm	Council Meeting
11 June 2025	6:30pm	Planning Delegated Committee
25 June 2025	6:30pm	Council Meeting
9 July 2025	6:30pm	Planning Delegated Committee
23 July 2025	6:30pm	Council Meeting
13 August 2025	6:30pm	Planning Delegated Committee
27 August 2025	6:30pm	Council Meeting
10 September 2025	6:30pm	Planning Delegated Committee
24 September 2025	6:30pm	Council Meeting
8 October 2025	6:30pm	Planning Delegated Committee
22 October 2025	6:30pm	Council Meeting
10 November 2025	6:30pm	Unscheduled Council Meeting
12 November 2025	6:30pm	Planning Delegated Committee
26 November 2025	6:30pm	Council Meeting
3 December 2025	6:30pm	Planning Delegated Committee
10 December 2025	6:30pm	Council Meeting

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

Moved: Cr Des Hudson
Seconded: Cr Samantha McIntosh

CARRIED
(R191/24)

8.6. 2025 COUNCILLOR REPRESENTATION FOR COMMITTEES AND EXTERNAL BODIES

Division: Corporate Services
Director: John Hausler
Author/Position: Sophie Brown – Governance Project Officer

PURPOSE

1. The purpose of this report is for Council to appoint Councillor representatives to committees and external bodies for 2024-2025.

RESOLUTION:

5. That Council:
 - 5.1 Endorse the 2024-2025 appointments of Councillor representation on committees, boards, organisations and groups as detailed in Attachment 2 with amendment to Contracts Delegated Committee, remove Cr Rinaldi and replace with Cr Lapkin and to Disability Advisory Committee, remove Cr Morgan and replace with Cr Saunders and these appointments be effective as of 28 November 2024.
 - 5.2 Ensure that all the committees, boards, organisations and groups are notified of Council's revised representatives.

Moved: Cr Tracey Hargreaves
Seconded: Cr Ted Lapkin

CARRIED
(R192/24)

8.7. AUDIT AND RISK COMMITTEE BIENNIAL REPORT

Division: Corporate Services
Director: John Hausler
Author/Position: Sarah Anstis – Senior Governance Officer

PURPOSE

1. The purpose of this report is to present Council with the Audit and Risk Committee's Biannual report for the period 1 January 2024 to 30 June 2024.

RESOLUTION:

4. That Council:
 - 4.1 Receive and note the Audit and Risk Committee Biannual report for the period 1 January 2024 - 30 June 2024.

Moved: Cr Des Hudson
Seconded: Cr Ben Taylor

CARRIED
(R193/24)

8.8. S11A AND S11B INSTRUMENT OF APPOINTMENT AND AUTHORISATION

Division: Corporate Services
Director: John Hausler
Author/Position: Sarah Anstis – Senior Governance Officer

PURPOSE

1. The purpose of this report is to request that Council:
 - a. Endorse the S11A Instruments of Appointment and Authorisation for:
 - i. Kate MacDougall;
 - ii. Dylan Holmes; and
 - iii. Mairin Briody.
 - b. Endorse the S11A and S11B Instrument of Appointment and Authorisation Kenneth Enright; and
 - c. Revoke the S11B Instrument of Appointment and Authorisation for Stacy Mah.

RESOLUTION:

10.1 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 members of Council staff referred to in the instruments titled S11A attached be appointed and authorised as set out in the instruments.
- b. The instruments come into force immediately upon being signed by Council's Chief Executive Officer and remain in force until Council determines to vary or revoke them.

10.2 In the exercise of the powers conferred by s242(2) of the *Environment Protection Act 2017* and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, Council resolves that:

- a. The member of Council staff referred to in the instrument titled S11B 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.

10.3 That Council revoke the S11B Instrument of Appointment and Authorisation (*Environment Protection Act 2017*) for Stacy Mah effective 27 November 2024.

Moved: Cr Des Hudson
Seconded: Cr Ben Taylor

CARRIED
(R194/24)

8.9. OUTSTANDING QUESTION TIME ITEMS

Division: Corporate Services
Director: John Hausler
Author/Position: Stephen Wright – Governance Support Officer

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 Note the Outstanding Question Time report.

Moved: Cr Des Hudson
Seconded: Cr Ted Lapkin

CARRIED
(R195/24)

10. REPORTS FROM COMMITTEES/COUNCILLORS

GB44/24 Cr Ben Taylor

RESOLUTION:

Cr Ben Taylor requests that a leave of absence be granted for 3 December 2024 to 1 January 2025.

Moved: Cr Samantha McIntosh

Seconded: Cr Tess Morgan

CARRIED

(R196/24)

GB45/24 Cr Ben Taylor

Cr Taylor enquired about the progress of the wall repairs at the Buninyong Baths.

Bridget Wetherall, Director Infrastructure and Environment, responded that the City of Ballarat has received a permit from Heritage Victoria for the works at the Gong Baths. A number of conditions attached to that permit have taken a significant amount of time to address. The next step is to provide a list of heritage specialists, to be approved by Heritage Victoria, before seeking quotes. A heritage engineer is providing guidance, but it is challenging to get the skills required for the works and to get approval from Heritage Victoria.

GB46/24 Cr Ben Taylor

Cr Taylor asked for a briefing report on the establishment of a Snap-Send-Solve community group and/or the incorporation of existing Snap-Send-Solve community groups.

GB47/24 Cr Samantha McIntosh

Cr Samantha McIntosh requested a briefing report on the impact of the new mining and prospecting laws on the Victorian Goldfields World Heritage Bid.

GB48/24 Cr Samantha McIntosh

Cr McIntosh said it was wonderful to see Her Majesty's Theatre full at the reopening. She noted the detail of the work of the theatre's restoration and how great it is that it is open again.

GB49/24 Cr Samantha McIntosh

Cr McIntosh mentioned the policing forum that is on tonight and wished that Councillors could have attended. She has requested minutes from the forum. She would like Victoria Police to update Councillors about the forum at a briefing, including the commitments made, the challenges, the gaps, and the general discussion. Cr McIntosh raised the ongoing issues of homelessness and White Flat Oval as examples of discussion.

GB50/24 Cr Samantha McIntosh

Cr McIntosh acknowledged that Australia Day is approaching. She thinks that Ballarat has a good balance with the Survival Day Dawn Ceremony and the Australia Day celebrations. Cr McIntosh would like to see officers continue to work positively with the communities. She encouraged everyone to be a part of both the Dawn Ceremony and the Australia Day celebrations around the lake and city.

GB51/24 Cr Samantha McIntosh

Cr McIntosh would like to see waste and recycling education programs for children. She also looks forward to conversations about the Materials Recovery Facility (MRF) and more solutions for the circular economy. She stated that this should be an important undertaking for the new Council.

GB52/24 Cr Samantha McIntosh

Cr McIntosh raised concerns about the Railway Station and the fact that the City of Ballarat has little say in how it is managed. She noted concerns around the general presentation, preservation of the signal boxes, access to the CBD, and the Victorian Planning Authority's Ballarat Station Southside Precinct Master Plan.

GB53/24 Cr Jay Morrison

Cr Jay Morrison thanked City of Ballarat officers for the support provided to new Councillors. He recognised the Civic Support and ICT teams, in particular.

GB54/24 Cr Jay Morrison

Cr Morrison remarked on the Ballarat Walk Against Gender-based Violence scheduled for Friday 29 November. He planned to attend the Walk and encouraged everyone to come along to support such an important issue for the city.

