

OFFICIAL

Council Meeting

Minutes

24 March 2021 at 6:30pm

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



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1. OPENING DECLARATION

Councillors: *"We, the Councillors of the City of Ballarat, declare that we will carry out our duties in the best interests of the community, and through collective leadership will maintain the highest standards of good governance."*

Mayor: *"I would first like to acknowledge the Traditional Custodians of the land on which we meet, the Wadawurrung People, and recognise their continuing connection to the land and waterways. I pay my respects to their Elders past, present and emerging and extend this to all Aboriginal and Torres Strait Islander People."*

This meeting is being broadcast on the internet and the recording of the meeting will be published on Council's website."

2. APOLOGIES FOR ABSENCE

2.1 Present

Mayor Cr Daniel Moloney
 Cr Ben Taylor
 Cr Belinda Coates
 Cr Mark Harris
 Cr Des Hudson
 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 Sean Portelli - Director Corporate Services
 Ms Natalie Robertson - Director Development and Growth
 Mr Cameron Montgomery - Executive Manager Governance and Risk
 Ms Sarah Anstis – Statutory Compliance Officer
 Ms Sophie Constable – Administration Officer Statutory Compliance

2.2 Apologies

Cr Samantha McIntosh

RESOLUTION:

That the apology be accepted.

Moved: Cr Amy Johnson
Seconded: Cr Des Hudson

CARRIED
(R43/21)

3. DISCLOSURE OF INTEREST

6.1 GENERAL

Cr Tracey Hargreaves declared a general conflict of interest on item 8.3 Bakery Hill Urban Renewal Design Update.

6.2 MATERIAL

Nil

4. MATTERS ARISING FROM THE MINUTES

Nil

5. CONFIRMATION OF MINUTES

RESOLUTION:

That the Minutes of the Council Meeting on 24 February 2021 as circulated be confirmed.

Moved: Cr Mark Harris

CARRIED

Seconded: Cr Ben Taylor

(R44/21)

Mayor, Cr Daniel Moloney requested to suspend standing orders to allow for a presentation to the preceding Mayor, Cr Ben Taylor with a replica Fob and Mayoral Book as a token of esteem and thanks as a memento of his year in office for 2020.

RESOLUTION:

The Standing Orders be suspended for a presentation to the preceding Mayor, Cr Ben Taylor.

Moved: Cr Peter Eddy

CARRIED

Seconded: Cr Des Hudson

(R45/21)

RESOLUTION:

The Standing Orders be resumed.

Moved: Cr Ben Taylor

CARRIED

Seconded: Cr Mark Harris

(R46/21)

6. PUBLIC QUESTION TIME

QT07/21 - Philippe Fernandez

Question

As part of the Bridge Mall Redevelopment has consideration been given to:

1. Providing a dedicated cycling lane through the area?
2. Creating space for a tram terminus as part of a return of a larger tram network in Ballarat? Noting this area was the location of the original Sturt St Tram Terminus.

Answer

Natalie Robertson, Director Development and Growth responded that there is no detailed design regarding a dedicated cycling lane but there has been consideration for a cycling lane within that precinct. There has been no consideration however or a tram terminus as part of a larger network.

QT08/21 - Dean Kittelty

Question

1. In relation to the publicly available governance and culture review published by Susan Halliday on 22 January 2021. Within the report and the section 'Do You Feel Safe?', evidence is found of grotesque workplace abuse of almost every variety which include but are not limited to bullying, abuse, ongoing payback, retribution, complaints not dealt with appropriately and privacy breaches. Statistics from this section show 21% of the staff interviewed answered either 'No' or 'Sometimes' when asked the question 'Do you feel safe?'. As a multi-term Councillor during the time represented in the Halliday report, Cr Moloney, what is your threshold for the number of City of Ballarat employees which you will accept as not feeling safe at work?
2. Can you confirm if the City of Ballarat has a legal and financial contingency plan for the tsunami of litigation which may be brought upon our city as a result of the allegations of workplace abuse contained in the Halliday report?

Answer

1. Cr Moloney, Mayor responded with the short answer being zero as he would expect all Councillors and Council officers to have zero tolerance for any City of Ballarat staff feeling unsafe in their workplace or general community.

Evan King, Chief Executive Officer reinforced the Mayors messages of a zero tolerance for any unsafe work practices. The organisation has a legal responsibility and I have a personal responsibility to ensure that all staff are working in a safe environment. We are working on a detailed action plan entitled 'The Way Forward' in which staff have had an opportunity to identify behaviours and experiences that were not acceptable and we now need to move forward with an action plan to make sure our staff are working in a safe environment. The first phase of that way forward is to go back to the organisation and talk to them about the type of organisation they want to be a part of. It is important for the organisation as a whole to develop an environment that is inclusive, safe and respectful for everybody.

2. Evan King, Chief Executive Officer responded to the second question declaring that all identifiable complaints raised have been investigated as part of a broad process. If there is to be any further ramifications be those financial or otherwise, they will be dealt with when they come to fruition.

QT09/21 - Jay Morrison**Question**

1. Can Council please provide an update on the development and timeline of the report requested at the last Council meeting on the establishment of an LGBTIQA+ advisory committee and action plans?
2. Noting that a report on the establishment of an LGBTIQA+ advisory committee and action plans is to go to a future Council meeting, will Council fly the transgender pride flag from Town Hall on this 31st of March, being Transgender Day of Visibility?

Answer

1. Cameron Montgomery, Executive Manager Governance and Risk responded that the 'LGBTIQA+ Advisory Committee' is a part of the 28 April 2021 Council Meeting agenda.
2. Cr Moloney responded that yes, the transgender pride flag will be flown at Town Hall on 31 March 2021 being Transgender Day of Visibility. It is very important that we ensure those who identify as Transgender are recognised and included within the community.

QT10/21 - Chantelle Zentveld**Question**

Ballarat had the third-highest death rate on greyhound tracks amongst the whole nation last year, 11 on track deaths total. The recent death of Mudslide on the 24th of February on our local track caused me as a 16-year-old girl to fear for the animal welfare and long-term reputation of our city. So, would council consider writing to Greyhound Racing Victoria to state that the unsafe tracks in Ballarat should be modified to reduce harm?

Answer

Natalie responded, Director Development and Growth responded that yes, Council officers have already reached out to the manager of the animal welfare unit with Greyhound Racing Victoria (GRV) for more information regarding the issue and what measures, if required, are proposed in an endeavour to correct it.

Council, through it's Animal Services team closely follow the legislative changes that have occurred over the last several years in relation to Greyhounds and support the regulations that have been introduced. However, whilst there is considerable improvement there is still some way to go.

If it is any reassurance to Ms Zentveld, City of Ballarat Animal Management team are working on improving the welfare component of greyhounds used for racing and accept greyhounds to be rehomed through our shelter, which is not the practice of many Councils.

QT11/21 - John Barnes**Question**

1. Has council taken a decision to ignore the first recommendation of the BHURP to establish a Bakery Hill Implementation Action Group to lead the process of renewal (Recommendation T1.1A), and if so when and why, or if not, why is there no such group and who decided it was not necessary?
2. The background Economics paper accompanying the BHURP listed its first recommendations for both the short (12-24mths) and medium (2-4yrs) term “economic interventions to stimulate urban renewal” as preparing business plans for the elements of the plan and ranking them by their return on investment. Has this been done for either the BHURP or the reopening of the Bridge Mall to traffic, and if not, why not?

Answer

1. Natalie Robertson, Director Development and Growth responded that the implementation of the Bakery Hill Urban Renewal Plan is considered a plan to be implemented over several years. The Officers have progressed with the recommendation from a 2019 Council Resolution based on the Design Statement for the Bridge Mall rejuvenation project and this has occurred in partnership with a number of stakeholders, individuals and groups who have specific interests and input to the success of the area together with extensive consultation. After deliberation of this matter this evening it is reasonable to revisit the establishment of the Action Group,
2. Natalie Robertson, Director Development and Growth responded that the current focus, business cases are being prepared for redevelopment opportunities on Council owned properties across the Ballarat CBD considering how the land ownership can be leveraged to stimulate urban renewal. The Urban Renewal Plan is being followed and progressed on this component. Those business cases will provide the required rigour to inform Council decisions moving forward. The allocation of the \$15m for the Bridge Mall works was considered through previous Council Budget processes which take into account the overall prioritisation, costs and benefits of projects across Council opportunities and ultimately the Council budget was adopted allocating \$15m to the project over a 3 year period.

QT12/21 - Patrick Cook**Question**

We are already in a climate emergency. Immediate action is necessary. What action is Ballarat Council taking to achieve net zero carbon emissions by 2030?

Answer

Bridget Wetherall, Director Infrastructure and Environment responded that the 'Carbon Neutrality and 100% Renewables Plan' released in 2019 sets targets to achieve net zero emissions by 2025. There are a number of actions underway to achieve the net zero emissions target such as a power purchase agreement where we are seeking to purchase 100% renewable energy from large scale renewable energy sources, ongoing investments in LED street lights to enhance energy efficiency, waste reduction initiatives to reduce carbon emissions from landfill, urban forest strategies seeking to enhance our tree canopy cover to 40%, as well as working with the community to set further aspirational targets.

QT13/21 - Frank Williams**Question**

1. How will introducing traffic to the Bridge Mall rejuvenate the shopping precinct at cost of 17.6 million dollars?
2. What infrastructure from the 4.2 million Brumby government regional development program in 2004 will be preserved in the redevelopment of Bridge Mall?

Answer

1. Natalie Robertson, Director Development and Growth responded that the intention of the project is to re-invigorate the Bridge Mall area in context to all of Bakery Hill precinct. The design statement is to provide opportunity for greater pedestrian access, and instill investor confidence. A primary focus is that something must be done in order to invigorate the current status of Bridge Mall.
2. Natalie Robertson, Director Development and Growth responded that the question will have to be taken on notice as there has not been a detailed design process for Bridge Mall in order to understand the infrastructure updates that would enable an informed response to be given.

RESOLUTION

That the questions be received.

Moved: Cr Tracey Hargreaves
Seconded: Cr Belinda Coates

CARRIED
(R47/21)

RESOLUTION

That Council accept to suspend the meeting at 7:06PM briefly due to technical difficulties with the live broadcast.

Moved: Cr Daniel Moloney
Seconded: Cr Des Hudson

CARRIED
(R48/21)

RESOLUTION

That Council resume the meeting at 7:16PM.

Moved: Cr Des Hudson
Seconded: Cr Mark Harris

CARRIED
(R49/21)

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:

That Council:

1. Receive and note the CEO's Operational Report.

Moved: Cr Belinda Coates
Seconded: Cr Des Hudson

CARRIED
(R50/21)

8. OFFICER REPORTS

8.1. ZERO CARBON EMISSIONS PLAN

Division: Infrastructure and Environment
Director: Bridget Wetherall
Author/Position: Louise Turner – Executive Manager Environment

Cameron Montgomery and Evan King read out public representations by Heidi Johnson, Hazel Lanyon, Harvey Lanyon, Ellen Burns, Alaina Ryan, Patrick Hockey, Ben Lever, Mary Debrett, Nick Lanyon, Peter Treby and Sally Missing.

PURPOSE

1. To provide an update on development of a community-wide net-zero emissions target for the City of Ballarat, enabling delivery of Action 5.4a of the City of Ballarat's *Carbon Neutrality and 100% Renewables Action Plan*. The net-zero emissions target is proposed to be developed with the support of the Regional Sustainability Alliance of Ballarat (RSAB).

RESOLUTION:

That Council:

1. Note the process of developing city-wide community zero emissions, including setting ambitious aspirational targets for whole of the city through the RSAB platform, and broader community engagement, with city of Ballarat as the lead author. This will help fulfil the action of 5.4a in the Carbon Neutrality and 100% Renewables Action Plan.
2. Supports an 'in principle' aspirational community-wide target of zero emissions by 2030.

Moved: Cr Belinda Coates
Seconded: Cr Amy Johnson

CARRIED
(R51/21)

8.2. COUNCIL PLAN

Division: Corporate Services
Director: Sean Portelli
Author/Position: Fiona Henderson – Council Plan Officer

PURPOSE

1. To present Council's quarterly performance progress update against the Council Plan 2017-2021.
2. To give Councillors and the community confidence Council is on track to meet its published commitments.
3. Regular reporting to Councillors and the community is a key principle of transparency and good governance.

RESOLUTION:

That Council:

1. **Note the Council Plan 2017-2021 progress report for the second quarter of the 2020-21 financial year.**

Moved: Cr Ben Taylor
Seconded: Cr Mark Harris

CARRIED
(R52/21)

8.3. BAKERY HILL URBAN RENEWAL PLAN - DESIGN UPDATE

Division: Development and Growth
Director: Natalie Robertson
Author/Position: Tim Goddard – Project Manager Bakery Hill

Cr Tracey Hargreaves left the Council Chamber at 7:35PM due to a general conflict of interest in relation to this item.

Cameron Montgomery and Evan King read out public representations for Ben Lever, Matt Briody, John Barnes, Joe van Dyk and Jodie Gillett.

PURPOSE

To provide information on two Precinct Plans that have been prepared by design consultant - Hassell Ltd for the Bridge Mall Rejuvenation Project in response to a Council Briefing on 27 August 2020. The Precinct Plans note options for a one-way east bound or a one-way west bound traffic flow for Bridge Mall.

RESOLUTION:

That Council:

1. **Endorses the Key Components of the Precinct Plans.**
2. **Adopts the preferred Precinct Plan – East bound one-way traffic.**
3. **Endorses the project schedule as covered in this report.**

Moved: Cr Ben Taylor

CARRIED

Seconded: Cr Peter Eddy

(R53/21)

Cr Mark Harris called for a division.

For the Motion were Councillors: Cr Peter Eddy, Cr Des Hudson, Cr Daniel Moloney, Cr Ben Taylor

Against the Motion was: Cr Mark Harris, Cr Amy Johnson, Cr Belinda Coates

RESOLUTION:

Request for a comfort break at 8:54PM.

Moved: Cr Des Hudson

CARRIED

Seconded: Cr Ben Taylor

(R54/21)

Cr Tracey Hargreaves returned to the meeting at 9:03PM.

RESOLUTION:

That Standing Orders be resumed at 9:03PM

Moved: Cr Des Hudson

Seconded: Cr Mark Harris

CARRIED

(R55/21)

8.4. INTERCULTURAL AMBASSADOR PROGRAM 2019-2022

Division: Community Wellbeing
Director: Matt Wilson
Author/Position: Frances Salenga – Coordinator Intercultural Services

PURPOSE

1. This report provides Council with an overview of the Intercultural Ambassador Program and seeks Council consideration of an extension of the current 2019-21 term to March 2022 of the ten Intercultural Ambassadors.

RESOLUTION:

That Council:

1. **Endorse the extension of the term of the current 10 Intercultural Ambassadors to 31 March 2022.**

Moved: Cr Belinda Coates
Seconded: Cr Mark Harris

CARRIED
(R56/21)

8.5. CONTRACTS APPROVAL DELEGATED COMMITTEE MINUTES

Division: Corporate Services
Director: Sean Portelli
Author/Position: Lorraine Sendall – Executive Assistant Director Corporate Services

PURPOSE

1. The purpose of this report is to provide Council with copies of minutes of Council's Contracts Approval Delegated Committee in accordance with the adopted Terms of Reference. At the meetings of these Committees held on 13 January 2021 and 10 February 2021, ten contracts were approved by the Committee. This report provides a copy of the minutes of these meetings as well as detailing summary information in relation to these Contracts.

RESOLUTION:

That Council:

1. **Note, as per the *Local Government Act 2020* Section 66 that this matter is designated confidential.**
2. **Receive the Contracts Approval Delegated Committee minutes of the meeting held on 3 January 2021 and 10 February 2021.**

Moved: Cr Ben Taylor
Seconded: Cr Mark Harris

CARRIED
(R57/21)

8.6. AUDIT AND RISK COMMITTEE BI-ANNUAL REPORT

Division: Executive Unit
Director: Evan King
Author/Position: Rachelle Tippett – Business Advisor – Risk and Quality Assurance

PURPOSE

1. To present the Audit and Risk Committee's biannual report for the period July to December 2020.
2. Regular reporting to Councillors and the community is a key principle of transparency and good governance.

RESOLUTION:

That Council:

1. **Notes the biannual report forwarded by Council's Audit and Risk Committee, to the Chief Executive Officer outlining the Committee's activities and providing and findings and recommendations in relation to the functions of the Committee.**

Moved: Cr Ben Taylor

Seconded: Cr Peter Eddy

CARRIED

(R58/21)

8.7. S5 INSTRUMENT OF DELEGATION - COUNCIL TO CEO

Division: Executive Unit
Director: Evan King
Author/Position: Sarah Anstis - Statutory Compliance Officer

PURPOSE

1. The purpose of the report is for Council to adopt the S5 Instrument of Delegation to the Chief Executive Officer.

RESOLUTION:

In the exercise of the powers conferred by section 11(1)(b) of the *Local Government Act 2020*, Ballarat City Council resolves that:

1. There be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in the attached Instrument of Delegation to the Chief Executive Officer, subject to the conditions and limitations specified in that Instrument.
2. The Instrument comes into force immediately the common seal of Council is affixed to the Instrument.
3. On the coming into force of the Instrument all previous delegations to the Chief Executive Officer are revoked.
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 Des Hudson
Seconded: Cr Mark Harris

CARRIED
(R59/21)

8.8. C4 INSTRUMENT OF DELEGATION TO DELEGATED COMMITTEES

Division: Executive Unit
Director: Evan King
Author/Position: Sarah Anstis - Statutory Compliance Officer

PURPOSE

1. The purpose of the report is to adopt the C4 Instruments of Delegation for the following Delegated Committees.
 - Contracts Approval Delegated Committee;
 - Community Grant Allocations Delegated Committee;
 - Her Majesty's Theatre Board Delegated Committee; and the
 - Planning Delegated Committee.

RESOLUTION:

That Council exercise the powers conferred by s63 of the Act:

1. **Adopt the following C4 Instruments of Delegations to members of the Delegated Committees the powers, duties and functions set out in the attached delegation (the Instruments):**
 - **Contracts Approval Delegated Committee;**
 - **Community Grant Allocations Delegated Committee;**
 - **Her Majesty's Theatre Board Delegated Committee; and**
 - **Planning Delegated Committee.**
2. **The Instruments:**
 - a. **comes into force immediately the Common Seal of Council is affixed to the Instrument; and**
 - b. **remains in force until Council determines to vary or revoke it.**
3. **The powers, duties and functions conferred on the members of the Delegated Committee by the Instruments must be exercised in accordance with any guidelines or policies Council may from time to time adopt.**
4. **The Instruments be sealed.**
5. **Revoke the C4 Instrument of Delegation for the Delegated Committees endorsed by Council on 22 July 2020 (R180/20):**
 - **Contracts Approval Delegated Committee;**
 - **Community Grant Allocations Delegated Committee;**
 - **Her Majesty's Theatre Board Delegated Committee;**
 - **Planning Delegated Committee.**

Moved: Cr Peter Eddy
Seconded: Cr Ben Taylor

CARRIED
(R60/21)

8.9. S11A INSTRUMENT OF APPOINTMENT AND AUTHORISATION (PLANNING AND ENVIRONMENT ACT 1987)

Division: Executive Unit
Director: Evan King
Author/Position: Sarah Anstis - Statutory Compliance Officer

PURPOSE

1. The report is to revoke the S11A Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* for Ashley Pollerd.

RESOLUTION:

That Council:

1. **Revoke the S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) for Ashley Pollerd (R280/20).**

Moved: Cr Daniel Moloney
Seconded: Cr Des Hudson

CARRIED
(R61/21)

8.10. OUTSTANDING QUESTION TIME ITEMS

Division: Executive Unit
Director: Evan King
Author/Position: Sarah Anstis – Statutory Compliance 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:

That Council:

1. Endorse the Outstanding Question Time report.

Moved: Cr Tracey Hargreaves

Seconded: Cr Ben Taylor

CARRIED

(R62/21)

9. NOTICE OF MOTION

Nil

10. REPORTS FROM COMMITTEES/COUNCILLORS

GB09/21 – Cr Amy Johnson

Cr Johnson requested a leave of absence from Council beginning 21 April 2021 until the end of July 2021 due to having her baby.

RESOLUTION:

That leave of absence be granted for Cr Amy Johnson from 21 April 2021 until the end of July 2021.

Moved: Cr Amy Johnson
Seconded: Cr Mark Harris

CARRIED
(R63/21)

GB10/21 – Cr Belinda Coates

Cr Coates acknowledged the organisers, attendees and committees involved in the 'March 4 Justice' held on Monday, 15 March 2021 in support of ending gender based violence, harassment and sexual abuse/misconduct. This event was organised with short notice and over 1200 people ended up attending which demonstrates the great sense of passion and support the Ballarat Community has when they rally together.

Cr Coates recognised her previous request for a briefing report on the Integrated Transport Plan and specifically walking and cycling. However, would like to add a request for further specifications into safety around schools and neighbourhoods, cycling, walking generally around the city with costs and options provided such as speed reduction trials.

RESOLUTION:

Note further details to be added to Integrated Transport Plan such as:

1. Safety around schools and neighborhoods.
2. Walking and cycling safety around CBD and beyond.
3. Potential speed reduction trials, options/costs.

Moved: Cr Belinda Coates
Seconded: Cr Peter Eddy

CARRIED
(R64/21)

GB11/21 – Cr Mark Harris

Cr Harris acknowledged a the updated council meeting schedule provided by Council officers with a proposal to have the first week briefing as a virtual meeting. Councillors decided to discuss these details further at their next briefing meeting.

GB12/21 – Cr Des Hudson

Cr Hudson acknowledged a new action group that has been formed called 'The Wiltshire Lane Pedestrian Crossing Action Group' which are hoping to pursue Vic Roads with a timeline of when the speed limit on Wiltshire Lane might be reduced from 80km/h to 60km/h which would be the enabler for a supervised school crossing to be implemented somewhere between Greenhalgh's Road and Whitelaw Avenue.

Cr Hudson proposed that Council write to VicRoads urging them that the traffic volumes are of a safety concern, especially at school drop off and pick up times and we would encourage them to reduce the speed limit in order for a supervised school crossing to be enabled.

RESOLUTION:**That Council:**

1. Write to VicRoads urging a speed reduction to 60km/h on Wiltshire Lane.
2. Enable a supervised school crossing between Greenhalgh's Road and Whitelaw Avenue.
3. Updated signage along Wiltshire Lane.

Moved: Cr Des Hudson**CARRIED****Seconded: Cr Belinda Coates****(R65/21)****GB13/21 - Cr Ben Taylor**

Cr Taylor acknowledged the new branding campaign for Ballarat 'We Are All Ballarat' which at looks at things not only from a tourism point of view, but how we work, how we study, how we invest and the www.ballarat.com.au is live and ready to go. As a City, we are all ambassadors to promote Ballarat for friends and family who do not live here to come and enjoy what Ballarat has to offer.

Cr Taylor noted that there has been a total of 7 power outages in the town of Buninyong which is frustrating for local businesses and neighbourhoods. Powercor respond and say they are looking into it, however nothing is getting done which severely impacts local businesses and people accessing goods and services.

RESOLUTION:

Council to write to Powercor to address the power outages in the southern area of the municipality such as Buninyong.

Moved: Cr Ben Taylor**CARRIED****Seconded: Cr Tracey Hargreaves****(R66/21)**

