

OFFICIAL

Council Meeting

Minutes

28 July 2021 at 6:30pm

Virtual Meeting



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	8
7.1. Chief Executive Officer Report	8
8. Officer Reports	9
8.1. Extension of General Service Agreement Art Gallery of Ballarat	9
8.2. Innovate Reconciliation Action Plan 2019 - May 2021 Update.....	10
8.3. Children's Consultation Report	11
8.4. Proposed Sale - 187A Swinglers Road, Invermay	12
8.5. Audit and Risk Committee Remuneration Review	14
8.6. Tender No. 2021/22-002 Mars Stadium, North Ballarat - Gate 1 Entry Upgrades & New Complementary Works.....	15
8.7. Tender No. 2021/22-005 - Alfredton Recreation Reserve New Sports Pavilion ...	16
8.8. Community Impact Grant Allocations and Tourism Events Grant Allocations Delegated Committees	17
8.9. Governance Policies	19
8.10. S5 Instrument of Delegation - Council to CEO.....	20
8.11. S18 Instrument of Sub-Delegation under the Environment Protection Act 2017 ..	21

8.12. S11B Instrument of Appointment and Authorisation (Environment Protection Act 2017)..... 22

8.13. S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987)..... 23

8.14. Outstanding Question Time Items 24

9. Notice Of Motion 25

10. Reports From Committees/Councillors..... 25

11. Urgent Business 27

12. Section 66 (In Camera) 27

13. Close..... 27

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

Mayor Cr Daniel Moloney
Cr Ben Taylor
Cr Belinda Coates
Cr Mark Harris
Cr Des Hudson
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 Cameron Montgomery - Executive Manager Governance and Risk

2.2 Apologies

Cr Samantha McIntosh
Cr Amy Johnson

RESOLUTION:

That the apologies be accepted.

Moved: Cr Des Hudson
Seconded: Cr Belinda Coates

CARRIED
(R137/21)

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 23 June 2021 as circulated be confirmed.

Moved: Cr Peter Eddy

CARRIED

Seconded: Cr Tracey Hargreaves

(R138/21)

6. PUBLIC QUESTION TIME

QT37/21 - Sean Mulcahy

Question

Following the City of Ballarat Governance and Culture Review and the Victorian Auditor-General's Office's Sexual Harassment in Local Government Report, has Council introduced or reviewed its sexual harassment policy and introduced or improved sexual harassment training in alignment with the Victorian Equal Opportunity and Human Rights Commission's guideline on preventing and responding to workplace sexual harassment?

Answer

Evan King, Chief Executive Office responded that after the City of Ballarat Governance and Culture Review and the Victorian Auditor-General's Office's Sexual Harassment in Local Government Report, the existing relevant policies were reviewed. Council is also participating in a whole of sector working group and will enact new policies and training in line with the recommendation as part of the overall policy review.

Additional information for your reference:

- The Sexual Harassment Policy review referenced above will be tailored to align with a new Bullying and Harassment Policy and Procedure. Susan Halliday, author of the City of Ballarat Governance and Culture Review is assisting Council with this review which will also inform training required.
- Susan Halliday is assisting Council with the policy review given her intrinsic knowledge from the City of Ballarat Governance and Culture Review.

QT38/21 - Darryl Cloonan

Question

There is some very ugly and prominent graffiti on Eureka House, so I began to wonder how other heritage cities deal with this problem?

The Victorian Graffiti Prevention Act 2007 provides that local councils may remove graffiti from private property. Before they do this they must:

- ask permission from property owner or occupier. If council has to enter private property to remove graffiti, it must give 28 days notice of intended removal. If entry not required, only 10 days notice must be given. In either case, if property owner or occupier objects to removal, council cannot remove it.
- once permission given, council can take further action to remove subsequent graffiti within 12 months without further notice.
- authorise people with right skills and experience to remove graffiti from private property. Authorised person must carry identification card (including photograph and signature) to be produced on request.
- ensure all work to remove graffiti on private property is done with care, to a reasonable standard and without causing any unnecessary inconvenience to property owner or occupier.

Could Council, using these powers, make a tactful approach to the owner of Eureka House to remove the offending graffiti?

Answer

Natalie Robertson, Director Development and Growth responded that it is correct that Council Officers do have powers under the *Graffiti Prevention Act 2007* and some powers under our Local Law. Council Officers will contact the owner of Eureka House then come back to Council with some suggestions.

QT39/21 - Bruce Crawford

Question

Because of a survey being conducted by Ballarat City Council about Fireworks/Light show community preference, it has come to my attention that a decision was made by Council, in December last year, to stop this event on Australia Day. Whilst I am normally supportive of our elected Councillors and the job that you all do, I find it difficult to do so in this case. It is well known that the majority of Australians support Australia Day and all that it represents, but a small minority want it moved entirely. This is creating division in communities. It seems that because it won't be moved, some are starting to chip away at some of Australia Day's normal events via local Councils. Community sentiment (including some members of the local Aboriginal Community) agree with me.

Some points to consider -

1. This decision was made with no public consultation which is a contradiction to sections of your own Community Engagement Policy.
2. Mayor Daniel Moloney is quoted by the Ballarat Courier as seeking public feedback on the Fireworks\Lightshow debate, but not regarding it being held on Australia Day.
3. When the Council does a survey, it is unclear which channels are used, how it is publicised and responses received.

My Questions are -

1. Will the Council reconsider its decision and do further consultation with the broader Ballarat community, for example on MySay Ballarat?

2. If there is a clear majority for a Yes/No question about Fireworks/Lightshow on Australia Day, will the Council accept that outcome?

Answer

1. Matthew Wilson, Director Community Wellbeing responded that at the 2 December 2020 Council Meeting, Council resolved to establish a new community event to be held on 26 January, and to move the fireworks/ fireworks funding to another significant day or suitable public event. Following that decision, a further report was presented to the 27 January 2021 Council Meeting that outlined options for the realignment of the fireworks given Council's decision to move them away from 26 January. Council deferred the decision about which event to realign the fireworks to so that further consultation could occur. That consultation was opened on MySay Ballarat on 12 July and closes on 30 July.
2. Matthew Wilson, Director Community Wellbeing responded that the decision to move the fireworks to another significant day or public event was made at the 2 December 2020 Council Meeting. The question that remains is which alternate day or event should be selected to allocate the fireworks funding to.

QT40/21 - Gerald Jenzen**Question**

Heritage Victoria today advertised an application for a heritage permit by V/Line to temporarily remove and relocate the Lydiard St gates and the supporting mechanisms.

1. Does Council intend to make a submission, and if so, how will it meet the 14-day response timeline?
2. How will Council engage with stakeholder groups, including Save Our Station (SOS) Ballarat Inc, National Trust (Ballarat Branch), Ballarat Heritage Watch to inform its submission, and which other groups will it engage with?

Answer

Natalie Robertson, Director Development and Growth responded that City of Ballarat is currently reviewing the application for an interim proposal for the Lydiard Street Railway Gates as advertised by Heritage Victoria.

Council has demonstrated over the past 12 months its commitment to bringing a resolution to this matter that will provide a safe outcome for our community whilst respecting the distinct heritage of the site. Accepting that this is an interim proposal but highlighting that we should not lose sight of the desired final outcome, a brief will be provided to Councillors in the coming days to inform a submission to Heritage Victoria on Council's behalf.

As this planning process is not one where the Council is a determining authority, I would encourage any member of the community who wants to, to make their own submission to Heritage Victoria otherwise the opportunity to be a party to any proceeding going forward would not be available to them.

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:

Receive and note the CEO's Operational Report.

Moved: Cr Belinda Coates
Seconded: Cr Peter Eddy

CARRIED
(R139/21)

8. OFFICER REPORTS

8.1. EXTENSION OF GENERAL SERVICE AGREEMENT ART GALLERY OF BALLARAT

Division: Community Wellbeing
Director: Matthew Wilson
Author/Position: Louise Tegart – Director Art Gallery of Ballarat

PURPOSE

1. The Art Gallery of Ballarat Board has had a three-year General Service Agreement with the Council which concluded at the end of June 2020. A 12-month extension was sought in 2020 under the current terms of the General Service Agreement to allow time for a Governance Review to be finalised so as to inform the next three-year General Service Agreement with Council.
2. The Governance Review is nearing completion and a presentation will be made to Council in August on the proposed model. A 6 month extension is sought of the GSA to allow the Governance Review to be finalised.

RESOLUTION:

That Council resolves to:

1. **Extend the current General Service Agreement 2017-2020 (GSA) with the Art Gallery of Ballarat (AGB) by a further 6 months.**
2. **Authorise the Chief Executive Officer to negotiate with the AGB Board on the basis of the following points.**
3. **The financial obligation of Council for the extended GSA will be within Council's adopted budget.**
4. **The term of the new GSA will be 6 months and a new GSA will be entered into prior to the end of the proposed GSA.**
5. **That clauses-**
 - 4.4.10 **manage the Café sublet agreement with the café operator**
 - 9.11 **sub licensing be removed from the 6 month GSA extension**

Moved: Cr Mark Harris
Seconded: Cr Belinda Coates

CARRIED
(R140/21)

8.2. INNOVATE RECONCILIATION ACTION PLAN 2019 - MAY 2021 UPDATE

Division: Community Wellbeing
Director: Matthew Wilson
Author/Position: Jenny Fink – Executive Manager Learning and Community Hubs

PURPOSE

1. This report provides an overview of the achievements the City of Ballarat's third Reconciliation Action Plan 2019 – 2021 (RAP). The current Reconciliation Action Plan was adopted by Council on March 13, 2019 and developed to provide a framework for Council to realise its vision for Reconciliation with Aboriginal and Torres Strait Islander peoples. This report formally concludes this RAP and the City of Ballarat will now commence work on the next RAP.
2. It should be noted that COVID 19 has had some impact on the RAP deliverables.

RESOLUTION:

That Council:

1. **Acknowledge the work achieved from KEAG and groups, organisations and individuals towards achieving the outcomes of the City of Ballarat's Reconciliation Action Plan 2019-2021.**
2. **Endorse the formal conclusion of the City of Ballarat's Reconciliation Action Plan 2019-2021.**
3. **Approve Officers to work with Reconciliation Australia to develop the next Reconciliation Action Plan.**

Moved: Cr Belinda Coates

CARRIED

Seconded: Cr Tracey Hargreaves

(R141/21)

8.3. CHILDREN'S CONSULTATION REPORT

Division: Community Wellbeing
Director: Matthew Wilson
Author/Position: Sharelle Knight, Executive Manager Family & Children Services

PURPOSE

1. To provide information regarding the evaluation of a children's consultation completed in October 2020 during Children's Week.
2. Request that Council receive the 2020 Children's Consultation Report and note that it will be published on Council's website.

RESOLUTION:

That Council:

1. **Receive the Children's Consultation Report 2020 and note that it will be published on Council's website.**

Moved: Cr Belinda Coates
Seconded: Cr Peter Eddy

CARRIED
(R142/21)

8.4. PROPOSED SALE - 187A SWINGLERS ROAD, INVERMAY

Division: Infrastructure and Environment
Director: Bridget Wetherall
Author/Position: Linda Skewes - Property Officer

PURPOSE

1. This report is presented to Council following an approach by the Department of Education and Training (DET), to dispose of the land known as 187A Swinglers Road, Invermay. Council is requested to review the information as presented and consider that the land be deemed surplus to Council's requirements and resolve to sell this parcel of land to the Department of Education and Training.



RESOLUTION:**That Council:**

1. Deem the land known as 187A Swinglers Road, Invermay to be surplus to Council's requirements.
2. Having complied with s189 and s223 of the *Local Government Act 1989*; and
3. Received no submission in response to the public notice of Council's intention to sell the land as described as 187A Swinglers Road, Invermay published on 27 May 2021;
4. Sell the land to the Minister administering the Education and Training Reform Act 2006 (Schools) for the purchase price of \$150,000 plus GST.
5. Authorise the Chief Executive Officer to execute such documents as are necessary to satisfy this Resolution and the sale authorised by it.

Moved: Cr Peter Eddy**Seconded: Cr Daniel Moloney****CARRIED****(R143/21)**

8.5. AUDIT AND RISK COMMITTEE REMUNERATION REVIEW

Division: Corporate Services
Director: Evan King
Author/Position: Tamara Dixon – Governance Administration Officer

PURPOSE

1. Advise Council of the findings of a review conducted in relation to fees paid to the Chair and Independent Members of Audit Committees at other municipalities.

RESOLUTION:

That Council:

1. **Endorses a 6% increase in remuneration for the Independent Members of the Audit and Risk Committee to \$850 per meeting in line with Councillor allowance increases and to comply with the Audit and Risk Charter.**
2. **Endorses a 25% increase in remuneration for the Chair of the Audit and Risk Committee to \$1,000 per meeting to reflect both the above 6% increase for Independent Members and to bring the sitting fee paid to the Chair closer to those paid by comparative Councils.**

Moved: Cr Ben Taylor
Seconded: Cr Des Hudson

CARRIED
(R144/21)

8.6. TENDER NO. 2021/22-002 MARS STADIUM, NORTH BALLARAT - GATE 1 ENTRY UPGRADES & NEW COMPLEMENTARY WORKS

Division: Development and Growth
Director: Natalie Robertson
Author/Position: Trent Bursill - Project Manager

PURPOSE

1. To award Contract 2021/22-002 - Mars Stadium, Gate 1 Entry Upgrades & new complementary works.
2. The scope of this contract involves the gate 1 entry upgrade and construction of a food and beverage zone, behind goal camera platform and accessible seating improvements to the existing Western and Eastern stands.
3. The contract also includes a tender option to supply and install four (4) Abel Sports Net Posts and five (5) bays of netting to improve the safety of patrons attending events and the Stadium.

RESOLUTION:

That the Council:

1. Resolves to enter into Contract Number 2021/22-002 for the provision of Mars Stadium, North Ballarat - Gate 1 Entry Upgrades & new complementary works with H Troon Pty Ltd for the total tendered price of \$1,773,647.00 (ex GST).
2. Delegate to the Chief Executive Officer the authority to execute the associated contract on behalf of Council.

Moved: Cr Peter Eddy
Seconded: Cr Mark Harris

CARRIED
(R145/21)

8.7. TENDER NO. 2021/22-005 - ALFREDTON RECREATION RESERVE NEW SPORTS PAVILION

Division: Development and Growth
Director: Natalie Robertson
Author/Position: Trent Bursill – Project Manager

PURPOSE

1. To award Contract 2021/22-005 - Alfredton Recreation Reserve New Sports Pavilion.
2. The scope of this contract includes the construction of a new community sports pavilion / changerooms and amenities / social rooms / kitchen and public toilets.
3. The contract also includes 2 tender options which were separated from the base scope as a cost control mechanism. The 2 tender options being accepted in this contract are tender option 3: construct small locker room 1 and locker room 2 and tender option 4: supply and install cool room.

RESOLUTION:

That Council:

1. Resolves to enter into Contract Number "2021/22-005" for the provision of "Alfredton Recreation Reserve - New Sports Pavilion" with CIQ Construction Management Pty Ltd for the total tendered price of \$3,559,925.00 (ex GST).
2. Delegate to the Chief Executive Officer the authority to execute the associated contract on behalf of Council

Moved: Cr Peter Eddy
Seconded: Cr Des Hudson

CARRIED
(R146/21)

8.8. COMMUNITY IMPACT GRANT ALLOCATIONS AND TOURISM EVENTS GRANT ALLOCATIONS DELEGATED COMMITTEES

Division: Community Wellbeing
Director: Matthew Wilson
Author/Position: Kate McCluskey – Coordinator Community Participation

PURPOSE

1. To present for endorsement Terms of Reference and Instruments of Delegation for the Community Impact Grant Allocations Delegated Committee and the Tourism Events Grant Allocations Delegated Committee.

RESOLUTION:

That Council:

1. **Endorse the Terms of Reference for the following Delegated Committees:**
 - **Community Impact Grant Allocations Delegated Committee**
 - **Tourism Events Grant Allocations Delegated Committee**
2. **Revoke the previous Terms of Reference for Community Grant Allocations Delegated Committee endorsed on 2 September 2020 (R223/20).**
3. **Nominate three Councillor Representatives for each Delegated Committee:**
 - **Cr Des Hudson, Cr Daniel Moloney and Cr Mark Harris will be representatives for Community Impact Grant Allocations Delegated Committee**
 - **Cr Tracey Hargreaves, Cr Peter Eddy and Cr Daniel Moloney will be representatives for Tourism Events Grant Allocations Delegated Committee**
4. **Nominate a designated Chairperson for each Delegated Committee:**
 - **Cr Des Hudson, will be designated Chairperson for Community Impact Grant Allocations Delegated Committee**
 - **Cr Tracey Hargreaves will be designated Chairperson for Tourism Events Grant Allocations Delegated Committee**
5. **Note the three (3) community representatives appointed for the Community Impact Grant Allocations Delegated Committee:**
 - **David Harris**
 - **Sofia Fiusco**
 - **Samantha Fabry**
6. **Note the four (4) Council Officers appointed to provide technical advice and support to the Community Impact Grant Allocations Delegated Committee:**
 - **Executive Manager Engaged Communities**
 - **Coordinator Community Participation**
 - **Community Development Support Officer**
 - **Executive Manager Financial Services**

7. **Note the four (4) Council Officers from the Community Wellbeing Division to be appointed to provide technical advice and support to the Tourism Events Grant Allocations Delegated Committee:**
- **Arts and Events Executive Manager**
 - **Events Manager**
 - **Visitor Economy Executive Manager**
 - **Coordinator Visitor Economy**
8. **Adopt the following C4 Instruments of Delegations to members of the Delegated Committees the powers, duties and functions set out in the attached delegations (the instruments)**
- **Community Impact Grant Allocations Delegated Committee**
 - **Tourism Events Grant Allocations Delegated Committee**
- 8.1. **The Instruments:**
- a. **come into force immediately when the Common Seal of Council is affixed to the Instrument; and**
 - b. **remain in force until Council determines to vary or revoke it.**
- 8.2. **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.**
- 8.3. **The Instruments be sealed.**
9. **Revoke the C4 Instrument of Delegation for the Community Grants Allocations Delegated Committee endorsed by Council on 24 March 2021 (R60/21).**

Moved: Cr Des Hudson
Seconded: Cr Peter Eddy

CARRIED
(R147/21)

8.9. GOVERNANCE POLICIES

Division: Executive Unit
Director: Evan King
Author/Position: Sophie Constable - Statutory Compliance Officer

PURPOSE

1. The purpose of this report is for Council to consider reviewed policies for adoption, namely the revised Committee Policy and Transparency Policy; and recommendation to Council the transition of the Nature Strip Policy to a guideline.

RESOLUTION:

That Council:

1. Rescind the following policies:
 - Committee Policy adopted by Ballarat City Council on 12 August 2020 (R206/20).
 - Transparency Policy adopted by Ballarat City Council on 26 August 2020 (R211/20).
 - Nature Strip Policy adopted by Ballarat City Council on 14 September 2016 (R258/16).
2. Adopt the following revised policies:
 - Committee Policy
 - Transparency Policy

Moved: Cr Belinda Coates
Seconded: Cr Mark Harris

CARRIED
(R148/21)

8.10. S5 INSTRUMENT OF DELEGATION - COUNCIL TO CEO

Division: Executive Unit
Director: Evan King
Author/Position: Cameron Montgomery – Executive Manager Governance and Risk

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 Peter Eddy
Seconded: Cr Ben Taylor

CARRIED
(R149/21)

8.11. S18 INSTRUMENT OF SUB-DELEGATION UNDER THE ENVIRONMENT PROTECTION ACT 2017

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

PURPOSE

1. The purpose of the report is to review and adopt the S18 Instrument of Sub-Delegation under the *Environment Protection Act 2017* (the Act).

RESOLUTION:

In the exercise of the power conferred by 437(2) of the *Environment Protection Act 2017* and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, Ballarat City Council Resolves that:

1. There be delegated to the members of the 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.
2. The Instrument comes into force immediately the common seal of Council is affixed to the instrument.
3. 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 Peter Eddy
Seconded: Cr Ben Taylor

CARRIED
(R150/21)

8.12. S11B INSTRUMENT OF APPOINTMENT AND AUTHORISATION (ENVIRONMENT PROTECTION ACT 2017)

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

PURPOSE

1. The purpose of the report is to adopt the S11B Instrument of Appointment and Authorisation under the *Environment Protection Act 2017*.

RESOLUTION:

That Council:

1. Exercise 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, Ballarat City Council resolved that:
 - a. The members of Council staff referred to in the instruments attached be appointed and authorised as set out in the instruments.
 - Warren Swards
 - Tyrone Marini
 - Nedim Beslagic
 - Sarah Walker
 - Katherine McDonald
 - Jenae Angove
 - Barbara Carrick
 - Brenda Carey
 - Katherine Gertners
 - Rhett English
 - Peter Jones
 - Jesse Sherman
 - Natalie Robertson
 - b. The instrument comes into force immediately the common seal of Council is affixed to the instrument and remains in force until Council determines to vary or revoke it.
 - c. The instrument be sealed.

Moved: Cr Des Hudson
Seconded: Cr Ben Taylor

CARRIED
(R151/21)

8.13. 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 endorse the S11A Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* for Edmond Riley.
2. The report is to also revoke the S11A Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* for Jane Archer and Edwin Wyman.

RESOLUTION:

That Council:

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 authorisation (the instrument), and that**
 - a. **Edmond Riley be appointed and authorised as set out in the instrument.**
 - b. **The instrument comes into force immediately the common seal of Council is affixed to the instrument and remains in force until Council determines to vary or revoke it.**
 - c. **The instrument be sealed.**
2. **Revoke the S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) for Jane Archer (R181/20).**
3. **Revoke the S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) for Edwin Wyman (R181/20).**

Moved: Cr Des Hudson
Seconded: Cr Peter Eddy

CARRIED
(R152/21)

8.14. 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:

Endorse the Outstanding Question Time report.

Moved: Cr Tracey Hargreaves

Seconded: Cr Mark Harris

CARRIED

(R153/21)

9. NOTICE OF MOTION

Nil

10. REPORTS FROM COMMITTEES/COUNCILLORS

GB24/21 - Cr Des Hudson

Cr Des Hudson reported that at the start of the month, he was fortunate enough to launch emergency markers at Black Hill. This is a new initiative that has been done for people who may find themselves in potentially emergency situations; primarily medical emergencies. Emergency markers can be utilised to ensure a prompt response for emergency services to access the scene and location. When speaking to a representative at Ambulance Victoria, Carl Morrison who has done an amazing amount of work and has liaised with Council through the implementation of these emergency markers. There is a range of other opportunities for Council to do similar projects throughout the municipality.

The emergency markers are not prevalent in Victoria, they are considerably well underdone yet could be lifesaving giving location details in emergency situations. Some of the locations that we could look at installing emergency markers include the Wallaby Track, Yarrowee River Trail, Goldfields Track, The Great Dividing Trail, The Ballarat-Maryborough Heritage Trail, Eureka Track, The Magpie Yarrowee River Trail and Gong Gong Yarrowee River Trail.

Cr Des Hudson requested a briefing to come to Council in a few months time in relation to the opportunity to grow coverage of emergency markers in Ballarat. A local Rotary Club is keen on potentially being a partner in terms of providing some of the signs. However, there is also some work to be done to ensure our tracks and trails are appropriately named and recognised on the geo-spacial mapping system.

Cr Des Hudson also reported that residents in Edgewood and Meadow Court along Wiltshire Lane are experiencing frustrations trying to consult with Regional Roads Victoria as they are not willing to meet the group of Residents as a whole. Regional Roads Victoria have expressed that they will only meet residents individually which will take a whole lot of time and effort. Cr Des Hudson expressed that this is pretty disappointing from Regional Roads Victoria and he has suggested to meet with residents on site with other Councillors. He also suggested including the media to force Regional Roads Victoria hand in speaking to all the residents about their genuine concerns.

GB25/21 - Cr Belinda Coates

Cr Belinda Coates acknowledged the recent events as part of Refugee Week. As Chair of the Intercultural Advisory Committee, she acknowledged the community organisations involved in celebrating asylum seeker and the many challenges faced by them in our community and Australia wide.

As Co-Chair of the Koorie Engagement Action Group (KEAG), Cr Belinda Coates acknowledged the success of the recent NAIDOC week. She extended a big thankyou to Community Members and Council Officers for their contributions to the success of NAIDOC week. A lot of work was put in behind the scenes and it was very well received and such a terrific week.

Cr Belinda Coates also participated in an online forum which included global compassionate responses to collective trauma and the impact on cities. She spoke about the unique work that

is happening here in Ballarat through the continuous voices project to recognise the impact of institutional child sexual assault and abuse on our community members.

GB26/21 – Cr Ben Taylor

Cr Ben Taylor acknowledged that most Councillors in the last month attended a tour of the landfill at Smythesdale. A lot of work has been done recently under Environment Protection Act guidelines and the changes are significant. However, the really difficult thing is that they are constructing the next cell for our rubbish that only has a life of two years and they are already starting the next ones. This is a bit of a call out to the community that we are dumping too much rubbish and we all need to look at ways to reduce the amount of waste we are producing.

GB27/21 Cr Tracey Hargreaves

Cr Tracey Hargreaves announced her resignation from the Her Majesty's Theatre Delegated Committee as she is unable to commit to the meeting times. Cr Daniel Moloney has now been nominated to be the required Councillor Representative along with existing representative Cr Samantha McIntosh.

RESOLUTION:

That Council:

Appoint Cr Daniel Moloney as a Councillor Representative for Her Majesty's Theatre Delegated Committee

Moved: Cr Tracey Hargreaves

CARRIED

Seconded: Cr Des Hudson

(R154/21)

GB28/21 - Cr Daniel Moloney

Cr Daniel Moloney acknowledged the fantastic work Her Majesty's Theatre have undertaken recently in light of the recent lockdown, they have had to reschedule or cancel 4-5 big shows including Australian Ballarat, We Will Rock You and Bluey.

