OFFICIAL

Council Meeting

Minutes

28 February 2024 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 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

RESOLUTION:

That a leave of absence be granted for Cr Daniel Moloney, Cr Samantha McIntosh, and Cr Mark Harris for 27 March 2024.

Moved: Cr Daniel Moloney Seconded: Cr Belinda Coates CARRIED (R1/24)



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 13 December 2023 as circulated be confirmed.

Moved: Cr Mark Harris Seconded: Cr Belinda Coates CARRIED (R2/24)



6. PUBLIC QUESTION TIME

QT1/24 – Sean Mulcahy

Question

Whilst it is wonderful news that In The Know website now has an LGBTIQA+ tag for related events, could Council consider establishing an LGBTIQA+-themed itinerary on the Visit Ballarat website or an LGBTIQA+ page similar to the For The Family page?

Answer

Martin Darcy, Director Economy and Experience, replied that officers are really pleased to see that you've noticed the change we made to the Ballarat In the Know website that we made last year, which provides local event organisers the option to select this event category tag every time they submit a new event to feature on the website. To address the specific question about whether the team is considering establishing an LGBTIQA+ themed itinerary or landing page on Visitballarat.com.au, the answer is certainly yes. It is a high priority for the Marketing Team that are currently part-way through a redesign of the Visit Ballarat website to align to their new destination brand strategy, and a guide to safe spaces and events for the LGBTIQA+ community is something they've earmarked for development.

QT2/24 – Sean Mulcahy

Question

Could Council please provide an update on its review of clause 74.3.6 of the Community Local Law 2017, following the officer's comment at the November 2023 meeting that Council was "looking at it from a legal perspective"?

Answer

Natalie Robertson, Director Development and Growth, responded that the City of Ballarat Community Local Law was developed and implemented in 2017, in accordance with the legislation in place at the time, which is the *Local Government Act 1989*. When the City of Ballarat Community Local Law is next reviewed and developed, which occurs every 10 years, it will be in accordance with the current legislation, which is the *Local Government Act 2020*. It will therefore ensure consistency with those legislative requirements such as the Charter of Human Rights and Responsibilities Act 2006. The inclusion of Clause 74.3.6 in the Community Local Law was not intended to deny access to any person but was to enable the provision of any person under the age of six (6) or any person with a disability to be supported by a carer to access and use public amenities in a municipal building. Director Robertson also confirmed that Council has never infringed under clause 74.3.6.

QT3/24 – Srini Bandla

Question 1

Ballarat Council and CHW have not provided sewer infrastructure in Ballarat West PSP, which has hindered land development progress and exacerbated the housing crisis.

Ballarat Council and CHW have failed to set aside and/or procure land for Sewer infrastructure (BK SPS) in Ballarat West PSP, more specifically in Bonshaw suburb.

There are approximately 3000 Lots in Bonshaw to be unlocked and waiting for BK SPS infrastructure. Slow or no action from the Council and CHW only makes the current housing affordability crisis worse and does not help the community.



Can Council/CHW update on the progress of land acquisition for BK SPS and drainage infrastructure?

Answer

Natalie Robertson, Director Development and Growth, responded that the delivery of sewer infrastructure is Central Highland Water's responsibility and is determined by their Development Servicing Plans which are developed on a five-year basis.

It is clear that the key service that developers are waiting for in this area is the sewer, and given that it is not wanting to further constrain land availability within the existing growth area, the City of Ballarat continues to advocate for all service delivery within our existing growth area to be completed as soon as possible. Officers meet monthly with servicing agencies, which includes Central Highlands Water, the Victorian Planning Authority and Department of Transport and Planning, and have this item listed on the next agenda.

In regard to the drainage infrastructure, this is provided in accordance with planning permit requirements under conditions as development occurs. Interim drainage can be provided by developers at their own cost where the ultimate drainage solution has not yet been delivered in accordance with any Precinct Structure Plan requirements under permit conditions.

Question 2

There are planning permits issued for some estates in Bonshaw, which is part of Ballarat West PSP, but waiting for the Sewer Infrastructure. Purchasers of lots in these permitted estates are waiting for Council/CHW to provide solutions so that they can plan for their future housing.

Does Council/CHW have any answers for these purchasers who want to make Bonshaw as their place of residence?

Answer

Natalie Robertson, Director Development and Growth, responded that this is partly answered in the response to the first question. However, if this relates to the question of planning permits being issued prior to sewer provision then this is perfectly applicable. All planning applications for development are referred to Central Highland's Water who are a determining authority. Any comment and conditions received by any determining authority are imposed upon a planning permit as a condition that must be met. Developers are expected to have undertaken due diligence on the timing of infrastructure delivery and alternative mechanisms prior to lodging their subdivision applications so that they will be aware of any potential delays. She added that developers are encouraged to pursue their own cost to implement the ultimate drainage where it is applicable.

QT4/24 – Judith Bailey

Question 1

Could the location of Fireworks display/content be changed eg. Mars Stadium?

Currently the Fireworks event is highly disruptive for the location at Lake Wendouree in one of the highest densities of biodiversity in the CBD wider area. A video taken during the 2022 Fireworks event demonstrated the flight of many hundreds of wildlife out of the area with one diurnal species, not designed to see in the dark, landing nearby, dazed and confused. The fireworks are to wildlife as an earthquake is to humans, terrifying.

Quieter fireworks can be played between or at strategic points of a concert. A location like the Mars Stadium could see the event evolve, introducing prominent musicians with a concert with less fireworks but more artistic displays, such as a drone display (these are becoming very



common). This could be an exciting development and encourage different technologies locally and expand the program.

Answer

Martin Darcy, Director Economy and Experience, responded that during each firework display and for the ensuing days, Council staff monitor the area and to date have not detected noticeable impacts on animal welfare. A number of birds will relocate once the fireworks start, but many remain in position. Council's Animal Shelter report no increase in lost or stray animals over the period of the fireworks display.

Director Darcy added that in the ensuring report that the Council's considering later this evening there is mention of a drone show and the cost of such, which is quite considerable. Council would need to consider that and the appropriateness of the show in the location, such as the ability of the drone show to be seen. Also, with the drone show in the report, three of the last four years would have been cancelled due to the winds, which means there would not have been any show whatsoever and that cancellation would have incurred fees etc., but most importantly there would be no display show at all.

Question 2

Could a survey be instigated including all of the above scenarios including possibly more creative ideas soon to gain community support for change? And I might just add there, in recent times there's actually a movement, not just locally, but state-wide and Australia-wide about the reduction of use of fireworks.

Answer

Martin Darcy, Director Economy and Experience, responded that a survey was conducted via Council's MySay platform in 2021 to gather public feedback on the preferred format, fireworks or a sound and light show. The survey attracted 977 responses with the following results: 64.8% preferred a fireworks-based event, 20.5% preferred a sound and light-based event, and 14.7% preferred no show at all.

QT5/24 – Mitzi McKenzie-King

Question

Given the ongoing genocide being committed against the Palestinians and the fact that other councils across Victoria have taken a stand - will Ballarat council commit to calling for a ceasefire in Gaza?

Answer

Cr Des Hudson, Mayor, responded that as this matter is being considered as part of the agenda this evening, it would be inappropriate to comment on the item during Public Question Time. Council will deal with that as the Notice of Motion.

QT6/24 – Frank Williams

Question 1

First of all, a little background, in 2004, the Brumby government allocated \$4.2 million for the Bridge Mall redevelopment under a regional infrastructure grant and the public were asked to subscribe by purchasing a brick with their name on it. These bricks were installed on the entrance of the Mall, the western end at the front of Priceline, etc. So, my first question, Mr Mayor and Councillors, is what has happened to these bricks that the public donated to the redevelopment of the Mall, and will they be reinstalled?



Answer

Natalie Robertson, Director Development and Growth, responded that she is pleased to say that those bricks have been retained and will be reimplemented back into the Bridge Mall during the final paving works. So, they will go back into the Bridge Mall very shortly.

Question 2

My second question relates to the Japanese plantings in the Botanic Gardens. Given last year was the 35th anniversary of the sister city relationship, I inspected the plantings at the Fiona Elsey Event and found that there are many dead branches and they were certainly in need of arboreal inspection. So, my questions relate to just that, will council inspect and remove the dead branches from the following for the botanic festival in March? In case people are not aware of where the plantings are:

- The first one is a Camphor tree that was planted by the magistrate throughout the Hyōgo prefecture, and this was located behind the old Conservatory in the southern end of the gardens.
- The second one is a Japanese Black Pine tree which was planted by Mayor Wagami and Mayor Steinmann in 1988. And this is on the eastern side of the gardens.
- The third planting, often known as the Boomerang Gardens, have two White Pines, which are quite substantial, but they also had azaleas planted in that garden, and Councillors should be aware that the azaleas are the town flower of Inagawa-cho.

So, will Council replace the azaleas and attend to the black and white pine trees in a timely manner?

Answer

Bridget Wetherall, Director Infrastructure and Environment, responded that before any event, and on a regular maintenance cycle, there are inspections and trimmings of trees to maintain the safety of patrons attending the gardens. She said that she would take the maintenance of those specific plantings on notice and then provide a further response.

QT7/24 – Annette McMaster

Question 1

Council, please don't give up on us. We are going to get over 2000 signatures for our parliamentary petition (this is to do with the substation) by hook or by crook. However, we would rather you, on our behalf, convince Labor to rezone the land at 203 York Street for the good of Ballarat and have Powercor build the substation in a more appropriate area. No one could expect just three blocks from our CBD to stand still for 50 years. Times have changed. We are fighting not just for the spirit of our community, but for Ballarat's reputation as a beautiful heritage city. A zone substation at this site is ludicrous, not good for Ballarat. We will become the laughingstock of Australia, especially Bendigo. Fancy a huge zone substation just three blocks from our CBD in the middle of a residential area and literally on back fences and across the road from homes and on the tourist route between two major attractions, Sovereign Hill and the Wildlife Park, seems inconceivable. Our location is amazing, but our love and delight in living and our little secret corner of Ballarat will turn to living in dread and fear of all the hazards of living near a huge zone substation: health, mental, noise, financial, fire, flooding. There has to be more Council can do to make Powercor move away from our homes. Rezone the land to reflect the true value so close to the CBD. Where there is a want, I believe there is a way, and we still implore you to help us. Will you?



Answer

Cr Des Hudson, Mayor, responded that he totally understands the emotional impact on all of the residents in that corridor of Ballarat East. The CEO and he met with the Member for Eureka a fortnight ago, where they again raised the issue of the power station. Councillor Eddie and Cr Hudson were at that meeting and were a little appalled at the lack of respect shown by the Powercor spokesperson in his engagement with residents, and the Member for Eureka also felt exactly the same. His body language, lack of engagement, and lack of empathy was pretty appalling for an entity that was coming to do genuine consultation. It didn't look like genuine consultation at all. But as reiterated, this is an issue that still falls with the state government who has the controlling space, it's not a space that the City of Ballarat are the planning authority. It is outside of the Council's remit but Cr Hudson is happy to continue to advocate, to continue to keep this issue alive, to talk about it publicly in the media and others to say that surely there are other opportunities that could be considered. Even with Powercor saying they still have a delivery time of 18 months to be able to deliver this piece of infrastructure and just want to push ahead.

QT8/24 – Annette McMaster

Question 2

There is land further along Larter Street, I won't divulge exactly. Powercor, when you speak to them about it being Crown land and nearer to the industrial estate and definitely not on back fences and not in clear view of houses, Powercor say that's mining, that's contaminated. Well, I would have thought that even Lake Esmond was all mining land. So, what's so different about the land along Larter Street that they can't put it nearer to an industrial estate where they've got 66 kV lines running right near?

Answer

Natalie Robertson, Director Development and Growth, responded that she would take the question on notice to investigate.



7. PETITION

7.1. PRIDE MARCH

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

PURPOSE

1. To receive a written petition containing 5 signatories regarding a Pride March.

RESOLUTION:

- 4. That Council:
- 4.1 Note the petition be received; and
- 4.2 That the petition be referred to the Chief Executive Officer for consideration and response.

Moved: Cr Daniel Moloney	
Seconded: Cr Belinda Coates	

CARRIED (R3/24)

RESOLUTION:

That item number '10.1 Notice of Motion' be brought forward.

Moved: Cr Belinda Coates	CARRIED
Seconded: Cr Mark Harris	(R4/24)



10. NOTICE OF MOTION

10.1. NOTICE OF MOTION

Public representation was made by Ahmed Askari, Louise Jones, Mai AlTous, Mark Oughton, Obaid Noor, Ayesha Noor, Nawal Al-Adasani, and Simone Ryan.

PURPOSE

- 1. A Notice of Motion was lodged by Cr Belinda Coates on 22 February 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 28 February 2024 Council Meeting Agenda.
- 3. Formal notice was provided to Councillors on 22 February 2024 which was then recorded in the Notice of Motion Register by the Governance team.

RESOLUTION:

- 4. That Council:
- 4.1 Notes that City of Ballarat is an Intercultural City, Welcoming City, Refugee Welcome Zone and a member of Mayors for Peace.
- 4.2 Recognises that Ballarat is a diverse, multi-cultural, and multi-faith community and condemns vilification, discrimination, antisemitism, Islamophobia and racism in all its forms.
- 4.3 Authorises the Mayor to write to and advocate to the Federal Government, Prime Minister and Foreign Minister to:
 - a. Urge the Australian government to call for an immediate and permanent ceasefire, just and lasting peace and the observance of stability and peace in the region.
 - b. Call for unconditional release of all hostages, and an end to the siege in Gaza to allow unfettered access to humanitarian aid for Palestinians in Gaza.
 - c. Urgently provide humanitarian aid to those in need and advocate for safe and unimpeded humanitarian access to the people of Gaza.
 - d. Urge all parties to uphold international law, including decisions of the International Court of Justice.

Moved: Cr Belinda Coates Seconded: Cr Mark Harris CARRIED (R5/24)



Cr Belinda Coates called for a Division.

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

Against the Motion were Councillors: Cr Tracey Hargreaves, Cr Samantha McIntosh and Cr Ben Taylor

Abstained from the Motion were: Nil

RESOLUTION:

That Council adjourn at 8:24 pm for a short comfort break.

Moved: Cr Samantha McIntosh	CARRIED
Seconded: Cr Tracey Hargreaves	(R6/24)

RESOLUTION:

That Council resumes at 8:33 pm.

Moved: Cr Tracey Hargreaves Seconded: Cr Mark Harris CARRIED (R7/24)



8. CHIEF EXECUTIVE OFFICER REPORT

8.1. CHIEF EXECUTIVE OFFICER REPORT

Division:Executive UnitDirector:Evan KingAuthor/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:

- 23. That Council:
- 23.1 Receive and note the CEO's Operational Report.

Moved: Cr Mark Harris Seconded: Cr Peter Eddy CARRIED (R8/24)



9. OFFICER REPORTS

9.1. LGBTIQA+ INCLUSION PLAN IMPLEMENTATION REPORT

Division:	Community Wellbeing
Director:	Matthew Wilson
Author/Position:	Sez Lothian – LGBTIQA+ Community Inclusion Officer

PURPOSE

1. The purpose of the report is to update Council on the progress made on actions during the first year of implementing the LGBTIQA+ Inclusion Plan 2022 – 2026.

RESOLUTION:

- 14. That Council:
- 14.1 Receive and note the report on implementation work undertaken in year one of the LGBTIQA+ Inclusion Plan 2022-2026.

Moved: Cr Daniel Moloney Seconded: Cr Belinda Coates CARRIED (R9/24)



9.2. YOUTH STRATEGY IMPLEMENTATION REPORT

Division:	Community Wellbeing
Director:	Matthew Wilson
Authors/Position:	Rebekah Robertson and Chloe Thomas – Acting Youth Diversity Coordinators

PURPOSE

1. This report is to update Council on the progress made on actions in the first year of the implementation of the Youth Strategy 2022-2026.

RESOLUTION:

- 10. That Council:
- 10.1 Receive and note the report on the implementation of year one objectives and priority actions of the City of Ballarat Youth Strategy 2022-2026.

Moved: Cr Peter Eddy Seconded: Cr Samantha McIntosh CARRIED (R10/24)



9.3. COMMUNITY ASSET AND COMMUNITY IMPACT DELEGATED COMMITTEE MEMBERSHIP

Division:Community WellbeingDirector:Matthew WilsonAuthor/Position:Natalie Grero – Community Development Officer

PURPOSE

- 1. To advise Council of various Committee membership changes of Council endorsed Committees.
- 2. The membership of Burrumbeet Soldiers Memorial Hall Community Asset Committee and the Brown Hill Hall Community Asset Committee has altered since being endorsed at the 28 June 2023 Council Meeting. This report acknowledges recent resignations of committee members and seeks Council support to ratify the revised membership of the relevant Committees.
- 3. The membership of the Community Impact Grant Allocations Delegated Committee includes a representative from United Way or The Ballarat Foundation and seeks Council support to endorse and formally appoint this representative.

RESOLUTION:

- 12. That Council:
- 12.1 Endorse the revised membership of the Burrumbeet Memorial Hall Community Asset Committee with the addition of Nick Renter:
 - Paul Beechey
 - Bernard Hyland
 - Brendan Cahill
 - Ian Smith
 - Gwen Smith
 - Angela Smith
 - Ian Marshall
 - Shirley Marshall
 - Lauren Briody
 - Jasmine Walton
 - Nick Renter
- 12.2 Acknowledge the resignation of Scott Antonio, President Brown Hill Hall Community Asset Committee, and thank Scott for his contribution to the committee.
- 12.3 Endorse the revised membership of the Brown Hill Hall Community Asset Committee:
 - Dianne Eden
 - Merrilyn Harlock
 - Reg Eden
 - Kevin Norman



- Karen Norman
- Miles Hingston
- 12.4 Endorse the membership of the Community Impact Grant Allocations Delegated Committee:
 - Andrew Eales
 - David Harris
 - Dr Samantha Fabry
 - Sofia Fiusco
 - Cr Des Hudson
 - Cr Peter Eddy
 - Cr Tracey Hargreaves

Moved: Cr Mark Harris Seconded: Cr Tracey Hargreaves CARRIED (R11/24)



9.4. NAMING ALFREDTON COMMUNITY HUB

Division:	Community Wellbeing
Director:	Matthew Wilson
Author/Position:	Sharelle Knight – Executive Manager, Family, Youth and Children's
	Services

PURPOSE

1. The purpose of this report is to request Council endorse the proposal to name the community facility located at 18 Donegal Drive, Alfredton as *Djila-tjarriu Community Hub* (pronounced Jilla-ja-roo and meaning 'place of play').

RESOLUTION:

- 13. That Council:
- 13.1 Adopt the proposal to name the facility located at 18 Donegal Drive, Alfredton the *Djila-tjarriu Community Hub*.

Moved: Cr Daniel Moloney Seconded: Cr Belinda Coates CARRIED (R12/24)



9.5. ANNUAL FIREWORKS DISPLAY

Division:	Economy and Experience
Director:	Martin Darcy
Author/Position:	Jeff Johnson – Executive Manager Arts and Events

PURPOSE

1. Whilst audience numbers for the annual fireworks display remain constant, community feedback each year expresses a desire to consider rescheduling the display, which currently occurs with the Summer Sundays event held in the Ballarat Botanical Gardens.

RESOLUTION:

- 17. That Council:
- 17.1 Resolve to schedule the annual fireworks display on New Years Eve.

Moved: Cr Mark Harris Seconded: Cr Daniel Moloney CARRIED (R13/24)



9.6. POST INTERNATIONAL TRAVEL 8TH ASIA PACIFIC URBAN FORUM 23-25 OCTOBER 2023

Division:Economy and ExperienceDirector:Martin DarcyAuthor/Position:Tara Poole – Coordinator Creative City

PURPOSE

1. This report presents an overview of the travel to Suwon, South Korea by Council officer Tara Poole, Coordinator Creative City. Tara Poole travelled to Suwon at the invitation of the Indian city of Jajpur to attend and present at the 8th Asian Pacific Urban Forum alongside other UNESCO Creative Cities of Chiang Mai, Thailand and Hanoi, Vietnam.

RESOLUTION:

- 12. That Council:
- 12.1. Receive and note the report.

Moved: Cr Belinda Coates Seconded: Cr Tracey Hargreaves CARRIED (R14/24)



9.7. QUARTERLY PERFORMANCE REPORT FOR PERIOD ENDING 31 DECEMBER 2023

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

PURPOSE

1. To present the quarterly performance report for the quarter ending 31 December 2023.

RESOLUTION:

- 40. That Council:
- 40.1 Receive the Quarterly Financial Management Report Period Ending 31 December 2023 and note the financial matters contained within the report.
- 40.2 Note the variance in the Bridge Mall project costs.
- 40.3 Approve an exemption to Council's Procurement Policy, for Council to establish with 2Construct a deed of variation to the existing contract to complete the required bridge works, noting a third-party quantity surveyor will be used to confer pricing before proceeding with any agreement.
- 40.4 Endorse the 2023-24 Mid-Year Budget Review adjustments.
- 40.5 Receive the Performance Statement Report Period Ending 31 December 2023.
- 40.6 Receive the Council Plan 2021-2025 Annual Action Plan 2023/24 Quarter 2 Progress Report.
- 40.7 Receive the Ballarat City Council Metrics December 2023 report.

Moved: Cr Mark Harris Seconded: Cr Peter Eddy CARRIED (R15/24)



9.8. TENDER 2022/23-347 - CLEANING OF MUNICIPAL BUILDINGS AND FACILITIES

Division:	Infrastructure and Environment
Director:	Bridget Wetherall
Author/Position:	Nick Venville – Property Coordinator
	Mayraj Bhatkar – Senior Contracts Officer

PURPOSE

- 1. To award a schedule of rates contract, Contract Number 2022/23-347-01 and 2022/23-347-02 for the provision of Cleaning of Municipal Buildings and Facilities with:
 - a. Bohan Cleaning Services (Municipal Offices)
 - b. Bohan Cleaning Services (Municipal Operations Buildings)
 - c. Dolls Cleaning Services (Public Facilities (Toilets) and Ballarat Airport)

for one (1) year contracts with the provision of two (2) x two (2) year extensions, for each of the 3 contracted services.

RESOLUTION:

- 7. That Council:
- 7.1 Resolves to enter into Contract Number 2022/23-347-01 for the provision of Cleaning Services for Municipal Offices and Municipal Operational Buildings with Seven Wells Pty Ltd trading as Bohan Cleaning for the schedule of rates as tendered in the submission. The contract term is for one (1) year with the provision of two (2) x two (2) year extensions.
- 7.2 Resolves to enter into Contract Number 2022/23-347-02 for the provision of Cleaning Services for Public Facilities (Toilets) and Ballarat Airport with Burkhan Pty Ltd trading as Dolls Cleaning Services for the schedule of rates as tendered in the submission. The contract Term is for one (1) year with the provision of two (2) x two (2) year extensions.
- 7.3 Authorises the Chief Executive Officer to:
 - a. Finalise the terms of Contract Number 2022/23-347-01 with Bohan Cleaning Services (Municipal Offices) and Bohan Cleaning Services (Municipal Operations Buildings) and Contract Number 2022/23-347-02 with Dolls Cleaning Services (Public Facilities (Toilets) and Ballarat Airport), provided that those contract terms are consistent with this Resolution; and
 - b. Execute Contract Numbers 2022/23-347-01 and 2022/23-347-02 on behalf of Council.
- 7.4 Notes that the estimated spend on these contracts is \$4,931,543.00 (ex GST) over 5 years prior to annual indexation.

Moved: Cr Ben Taylor Seconded: Cr Samantha McIntosh CARRIED (R16/24)



9.9. TENDER 2023/24-235 - COLLECTION AND DISPOSAL OF STREET SWEEPING AND CONSTRUCTION MATERIAL

Division:Infrastructure and EnvironmentDirector:Bridget WetherallAuthor/Position:Les Stokes – Executive Manager Waste and Environment

PURPOSE

 The purpose of this report is to award a schedule of rates contract, Contract Number 2023/24-235 for the Collection and Disposal of Street Sweeping and Construction Material from City of Ballarat Transfer Station, to The Trustee for Calleja Family Trust (Calleja Civil Pty Ltd) for the schedule of rates as submitted in the tender.

RESOLUTION:

- 12. That Council:
- 12.1 Resolves to enter Contract Number 2023/24-235 for the provision of Collection and Disposal of Street Sweeping and Construction Material from City of Ballarat Transfer Station with The Trustee for Calleja Family Trust (Calleja Civil Pty Ltd) for the fixed lump sum of \$98,000 (excl GST) and the tendered schedule of rates. The contract ends on 30 September 2024.
- **12.2** Authorises the Chief Executive Officer to:
 - a. finalise the terms of Contract Number 2023/24-235 with The Trustee for Calleja Family Trust (Calleja Civil Pty Ltd), provided that those contract terms are consistent with this Resolution; and
 - b. execute Contract Number 2023/24-235 on behalf of Council.

Moved: Cr Mark Harris Seconded: Cr Samantha McIntosh CARRIED (R17/24)



9.10. 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 27 September 2023, 8 November 2023 and 6 December 2023 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 27 September 2023, 8 November 2023 and 6 December 2023.

Moved: Cr Ben Taylor Seconded: Cr Mark Harris CARRIED (R18/24)



9.11. AUDIT AND RISK COMMITTEE ASSESSMENT OF COMMITTEE AND COMMITTEE MEMBER PERFORMANCE

Division:Corporate ServicesDirector:John HauslerAuthor/Position:Sarah Anstis – Statutory Compliance Officer

PURPOSE

1. To present Council with the Audit and Risk Committee's Self-Assessment Survey Results for 2022/2023.

RESOLUTION:

- 6. That Council:
- 6.1 Receive and note the Audit and Risk Committee Self-Assessment Survey results.

Moved: Cr Mark Harris Seconded: Cr Amy Johnson CARRIED (R19/24)



9.12. S11A AND S11B INSTRUMENT OF APPOINTMENT AND AUTHORISATION

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

PURPOSE

- 1. The purpose of the report is to revoke the S11A Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* and the S11B Instrument of Appointment and Authorisation under the *Environment Protection Act 2017* for Jesse Sherman.
- 2. The purpose of the report is to endorse the S11A Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* for Deanne Sheppard and Tyler Channell.

RESOLUTION:

- 8. That Council:
- 8.1 In the exercise of the powers conferred by s 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 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.
- 8.2 Revoke the S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) for Jesse Sherman effective 28 February 2024.
- 8.3 Revoke the S11B Instrument of Appointment and Authorisation (*Environment Protection Act 2017*) for Jesse Sherman effective 28 February 2024.
- 8.4 Revoke the S11B Instrument of Appointment and Authorisation (*Environment Protection Act 2017*) for Peri Bowman effective 28 February 2024.

Moved: Cr Mark Harris Seconded: Cr Peter Eddy CARRIED (R20/24)



9.13. S6 INSTRUMENT OF DELEGATION - MEMBERS OF STAFF

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

PURPOSE

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

RESOLUTION:

- 6. In the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, Ballarat City Council (Council) resolves that:
- 6.1 There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *Instrument of Delegation to members of Council staff*, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.
- 6.2 The instrument comes into force immediately upon this resolution being made and is to be signed by the Council's Chief Executive Officer.
- 6.3 On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.
- 6.4 The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

Moved: Cr Amy Johnson Seconded: Cr Belinda Coates CARRIED (R21/24)



9.14. 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 Tracey Hargreaves Seconded: Cr Samantha McIntosh CARRIED (R22/24)



11. REPORTS FROM COMMITTEES/COUNCILLORS

GB1/24 Cr Belinda Coates

Cr Belinda Coates requested a Councillor discussion at a Briefing or a Briefing report regarding the upcoming Victorian Legislative Council Inquiry into Climate Resilience. She mentioned that there will be a joint submission through the Central Victorian Greenhouse Alliance. Cr Coates said that it is encouraged that Councils also consider submitting an individual application, particularly in regard to points (c) and (d):

- (c) the barriers facing Victoria in upgrading infrastructure to become more resilient to the impacts of climate change, including barriers in rebuilding or retrofitting infrastructure, including but not limited to, issues relating to insurance and barriers faced by local government;
- (d) the adequacy of the current Victorian planning system as it relates to its adaptation to, preparation for, and mitigation of climate change impacts;

Cr Coates noted that point (c) is very specific to Council and that point (d) relates to the joint planning scheme amendment with CASBE. She also said that she would forward the information to other councillors, CEO and the executive team.

GB2/24 Cr Belinda Coates

Cr Coates congratulated the Frolic team for a successful Summer 2024 festival that concluded last weekend. She commended the volunteers, the directors, and the committee for a terrific programme. She noted that the festival adds to the vibrancy, inclusion, and diversity of the city.

GB3/24 Cr Ben Taylor

Cr Ben Taylor attended the Community Association in Buninyong very recently and was asked to publicly raise the disappointment of going through a long process in relation to community safety. He noted that before the last state election, the state government committed about \$180,000 for community safety, especially in relation to a truck roll-over and a truck going through the intersection. The community are frustrated because the safety committee only proposed line marking for bikes in Warrenheip St, changing the exit coming out of the supermarket, and possibly a future raised crossing. Cr Taylor stated that the earlier community meetings were around truck safety and slowing down the truck movements and none of them were addressed and none of it was even looked at as part of the original report. He mentioned that the only action was the erection of a sign. Cr Taylor would like Council to advocate to the local members of state government. He has been told that trucks will regularly fail to give way at the intersection. He noted that the community are frustrated that the funding has not addressed a number of road safety issues.

GB4/24 Cr Ben Taylor

Cr Taylor noted that it was excellent to see the bike race in Buninyong earlier in the year and appreciated the Council response to clean up after the flooding at the time. He said that the community fear that they will be forgotten and they fear that there will be no regular scheduled maintenance.



GB5/24 Cr Amy Johnson

Cr Amy Johnson read out a motion that was passed at the recent Disability Advisory Committee relating to the Victoria Park Inclusive Play Space:

That the Disability Advisory Committee advocate to Council to ensure ongoing and uninterrupted access to Victoria Park Inclusive Play Space, associated facilities and accessible/mobility parking, as well as maintaining public access to Oak Avenue at all times, including during major events and third-party uses of Victoria Park.

She requested that this motion be minuted.

GB6/24 Cr Amy Johnson

Cr Johnson praised the Aquatic Centre staff in relation to the new lift. She said that staff had installed additional tie down points so that people could take their assistance dogs. Cr Johnson also noted that the Aquatic Centre has a new hoist to take people down to the pool with a higher quality platform that would allow for different depth requirements rather than just the one uniform depth.

GB7/24 Cr Daniel Moloney

Cr Daniel Moloney requested that Council advocate to Powercor and the Department of Transport or Regional Roads Victoria to collectively resolve the issue of the longstanding 40 km/h roadworks zone at the intersection of Ballarat-Carngham Rd and Wiltshire Lane. He noted that there hasn't been any construction or road works at that site for over a year. Cr Moloney stated that he is opposed to seeing road work signs when there are no road works because people will then not take road work signs seriously, which puts the lives of construction workers in danger. It was his understanding that they are probably waiting for new traffic lights to be turned on overhead. He noted that residents in the area would like it finished and hopes that the relevant authorities can resolve the issue.

GB8/24 Cr Des Hudson

Cr Des Hudson, Mayor, noted the outpouring of community support in relation to Samantha Murphy, who went for a run and has not been seen since. He highlighted the large number of people who volunteered to search ground over multiple days, and even weeks, and to do what they could in the hope that Samantha may be returned to her family. Cr Hudson noted that it demonstrates the capacity of our community, and rural communities, to pull together when the chips are down. He also referred to the help that the community provided during the current and recent bushfires and commended peoples' desire to support the firefighters. Cr Hudson mentioned that the Ballarat community may be called upon soon to help with fundraising and provide other support to neighbouring communities in need, such as Pyrenees. He said that he is always proud of the Ballarat community and always very pleased to say that he is from Ballarat, because our community galvanises us together.



12. URGENT BUSINESS

Nil

13. SECTION 66 (IN CAMERA)

9.8 TENDER 2022/23-347 - CLEANING OF MUNICIPAL BUILDINGS AND FACILITIES

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

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.

9.9 TENDER 2023/24-235 - COLLECTION AND DISPOSAL OF STREET SWEEPING AND CONSTRUCTION MATERIAL

Division:	Infrastructure and Environment
Director:	Bridget Wetherall
Author/Position:	Les Stokes – Executive Manager Waste and Environment

Confidential attachments to report in Council Agenda.

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9.10 CONTRACTS APPROVAL DELEGATED COMMITTEE

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

Confidential attachments to report in Council Agenda.

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

14. CLOSE

The Mayor declared the meeting closed at 10:17 pm.

Confirmed this

day of 2024.

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Mayor