

OFFICIAL

Council Meeting

Minutes

24 July 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

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 26 June 2024 as circulated be confirmed.

Moved: Cr Tracey Hargreaves

CARRIED

Seconded: Cr Belinda Coates

(R104/24)

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

For the Motion were Councillors: Cr Belinda Coates, Cr Peter Eddy, Cr Tracey Hargreaves, Cr Des Hudson, Cr Daniel Moloney and Cr Ben Taylor

Against the Motion were Councillors: Cr Mark Harris, Cr Amy Johnson and Cr Samantha McIntosh

Abstained from the Motion were: Nil

6. PUBLIC QUESTION TIME

QT45/24 - Bruce Crawford

Question

I recently received a printed waste collection calendar from Ballarat Council in the post. When the transfer station vouchers are cut out and used the calendar is no longer useful. How much do these calendars cost the ratepayers to print and distribute?

Answer

Evan King, Chief Executive Officer, responded that the waste and recycling calendar is printed and distributed on an annual basis. It costs approximately \$60,000 a year to print it and distribute it. If any residents would like a further copy of the calendar, he would recommend they contact the customer service department and they can print them a copy of the calendar.

Question

Why aren't these vouchers available in a digital format?

Answer

Evan King, Chief Executive Officer, responded that the City of Ballarat is currently in the process of developing an electronic app that will provide digital options for the calendar and digital options for vouchers that will obviously be both environmentally sustainable but also accessible and easy to be able to change if there's any need to change it during the year. Hard copies will obviously still be provided for those that would prefer hard copies in the future. Council looks forward to the launch of that app that will give people far easier access to both the calendar and the vouchers.

QT46/24 - Haifeng Ni

Question

For Prince of Wales Park Master Plan (POWP), due to the short distance of the two new hockey fields to St Chester Avenue residence. Please provide noise and lights assessment impact report in this plan.

Answer

Matthew Wilson, Director Community Wellbeing, responded that there are a number of residents in the Chamber tonight and other questions that have been submitted in relation to the Prince of Wales Draft Master Plan. There are a number of matters and themes that are consistent across those questions and he would provide an overall summary as an initial response that might help with providing some context to residents who will ask further questions tonight.

As Council knows, and as residents know, the Draft Master Plan has been put out on public exhibition and responses have been invited from community in relation to that draft. Some of the common themes that have come through recent feedback in the questions presented tonight relate to the consultation process with residents directly themselves, the potential for noise pollution or noise spillage from the proposed locations of the playing fields, the potential for light spillage from the sports lighting of those fields, the loss of green space in the reserve, and questions relating to potential consideration for alternate sites for the different elements that are proposed within the Master Plan itself. Director Wilson provided an overall summary of those matters.

Where consultation is concerned, the initial consultation to develop the draft Master Plan occurred with existing reserve user groups, the sports clubs, the Aquatic Centre and also the state-based sports associations relevant to each of the existing user groups within the reserve.

The further consultation with surrounding residents commenced through the placement of the draft Master Plan on public exhibition, which is the period that it is currently in. All feedback will be assessed and considered prior to officers making final recommendations to Council as a consequence of that public exhibition period. Furthermore, officers are scheduling a meeting for Tuesday next week, which residents will be invited to attend to have direct face-to-face engagement with officers in relation to any concerns that are raised, where further information can be explored directly with residents, and detailed explanation around steps that are taken to mitigate these types of concerns in relation to these projects can be explained in detail. But of course, any feedback will be taken into full consideration prior to final recommendations being made to Council. Residents will receive those invitations in the letterbox to residents directly surrounding the reserve tomorrow and the day after.

Relating to noise concerns around noise and lighting, the EPA regulations, the Australian Standards for sports lighting, and the Ballarat Planning scheme have been considered in the design of the draft Master Plan and the proposed locations for the new fields within the reserve. The proposed landscape buffer of 30 metres plus planting is aimed to mitigate noise and lighting impacts, and there is some scope to make a small increase on that buffer zone distance if required. The 30 metre buffer zone has proven to be an effective provision in multiple other reserves across the city where there is sports lighting in place. And the Australian Standard for sports lighting has proven to be effective in controlling the issues of light spill, and at the meeting on next Tuesday, officers will be able to present a number of aerial photos that demonstrate the contemporary standards of lighting and how they apply to sports fields and demonstrate what those standards of lighting result in relation to the concern with light spillage.

Where green space is concerned, officers believe that the green space in the reserve will actually be enhanced through the master plan. The area where archery currently use the reserve, albeit is grassed open space, it's an unirrigated area of grassed open space, so it's obviously subject to dry spells and the like. By formalising that area in a proposed future baseball diamond, which will be grassed and irrigated, officers believe that that will enhance the grassed outdoor open space in the reserve. Assessment of access to local and nearby green spaces also shows close proximity to Lake Wendouree south gardens and the Ballarat Botanical Gardens, and the Master Plan retains the pathways through the Prince of Wales reserve linking residential areas to these parks and gardens nearby.

In relation to alternate sites, alternate sites were examined but primary consideration is given to the best operating models for both hockey and baseball in particular, as sports currently in the reserve. This is to keep the respective playing fields grouped together in the reserve and to utilise the existing sporting assets during the period of the roll out for the plan over time and it's considered that that's the most appropriate use of Council resources to achieve the provision of these amenities to people utilising these sporting assets for their participation in hockey and baseball. Additionally, the provision of an enclosed purpose-built archery range in a lesser used open space location. Officers believe that's the right way to support a sport which effectively shoots projectiles in an open space field.

So overall, the summary comment is that the draft Master Plan gives consideration to potential issues and concerns, but officers are very mindful of the submissions coming through public questions from residents tonight. Officers are very keen to meet in person next week and to talk through and work through issues that may be raised both through questions tonight and potentially in person next week.

Question

Any reason why don't place the two new hockey fields far away from resident houses and place them on the other side of Prince of Wales Park?

Answer

Matthew Wilson, Director Community Wellbeing, responded that the location on the southern boundary of the Prince of Wales Park was assessed as not being viable to put the second and third synthetic hockey pitches in place. The functional relationships for the sport, by co-locating the fields near each other inclusive of proximity to the existing hockey pitch in the reserve, was a strong consideration. And in addition, other reserve requirements nearby, i.e. the wetlands being in that southwest corner for water retention purposes, needing to ensure that the trails linked to residential areas and other surrounding open space in particular to the gardens referenced in my previous response, were important, and existing infrastructure, including the main baseball diamond and the car parking on the southern portion of the site, were part of that consideration. So, the assessment overall is that that southern boundary was not the appropriate site for the proposed new two hockey pitches.

QT47/24 - Jennifer Johnson**Question**

The residents of Lake Gardens were not consulted about having two Hockey pitches located so close to housing (less than 30 metres away) - Is the Council not aware of the fact that the Hockey users of the park are the most loudest of all user groups (with horns, screaming and night lighting), and by having two new additional fields, as well as club rooms, will dramatically increase the level of noise and light pollution, which will have a detrimental impact on Lake Gardens Residents easily for at least 50-100m into the residential area?

Answer

Matthew Wilson, Director Community Wellbeing, responded that, as he mentioned in his earlier statement, the buffer zone of 30 metres with the landscape planting is designed to address noise and lighting concern.

Question

The carpark located outside the Aquatic centre has become a problematic area for hoon drivers and antisocial behaviour (which has been reported to the police on numerous occasions) - so why is there no mention of any additional security measures in the Master Plan in relation to expanding the carpark, which is likely to increase the amount of hoon behaviour?

Answer

Matthew Wilson, Director Community Wellbeing, responded that hoons in car parking is a matter for Victoria Police and he's more than happy to raise that with local members as a result of this question being raised.

QT48/24 - John Maguire**Question**

Given the Councillors' opening declaration in Council Meetings to carry out their duties in the "best interests of the community", how could they justify the decision to negatively impact the amenity of residents of St Chester Ave, Lake Gardens by proposing to locate 2 new hockey fields immediately adjacent to many residents' homes, especially when there are alternative, less impactful locations available?

Answer

Matthew Wilson, Director Community Wellbeing, responded that as stated earlier, officers did consider alternate sites in different locations both within that reserve and across the city, and so identified that the benefit of delivering the proposed infrastructure within the Prince of Wales Park is the considered recommendation of officers being presented to Council and contained within the Draft Master Plan before community exhibition.

QT49/24 - Laurie Prosser**Question**

Prince of Wales Park is a green park used currently for both passive and active recreation. Why urbanise the park, destroy its character, with hockey infrastructure that greatly impacts local residents?

Answer

Matthew Wilson, Director Community Wellbeing, responded that as mentioned, it's the view of officers that the Draft Master Plan enhances the green space through the formalisation of the area where the proposed new baseball diamond will be constructed in the area where archery currently holds their sport. In addition, there'll be further planting within the reserve, so more trees, more treatment around the pathways and formalisation of the reserve in different areas throughout. Beyond that, as previously mentioned, the proximity to some of the best parks and gardens in the municipality are very close nearby, so it is the view of officers that there's sound provision in the immediate precinct of green space for residents.

Question

Why was Victoria Park (131 hectares) not chosen for the future growth of regional hockey in Ballarat compared with social, environmental, aesthetic and space limitations in Prince of Wales Park (19.7 hectares)? This current draft clearly lacks vision for the future.

Answer

Matthew Wilson, Director Community Wellbeing, responded that the Council adopted Victoria Park Master Plan doesn't make provision for consideration of a synthetic field hockey facility within that park. So, it is assessed as being an inappropriate location for this sports precinct.

QT49/24 - Dana Hofheins**Question**

In the Prince of Wales proposal presented in June, can you tell me exactly what studies or work has been done to confirm that the two new hockey fields will comply with the Victorian EPA 1254.2 noise control which states DB Levels and also the Victorian unreasonable noise guidelines for outside sporting venues and events, as these two fields are proposed literally 15 metres, I'm currently 15 metres from the fence. So I'm actually the closest in my neighbourhood, the closest to it. Because, as they said, we have sirens and a lot of player noise and we expect this to be unreasonable compared to the baseball diamonds and the other games.

Answer

Matthew Wilson, Director Community Wellbeing, responded that the buffer zone of 30 metres has proved to be effective in other sports reserves across the municipality and officers have no reason to expect that it would be any different in this location. The current practice has proved effective. If there's a detailed study that is being referred to that needs to be taken into consideration, officers are happy to receive that and assess that accordingly. But as stated, it is the view of officers that the current practice has been effective.

Question

In the Prince of Wales proposal presented in June was the south side, near the Ballarat High, considered as a possible location as it has no residents, so noise impact would be minimum? If it was, why was it rejected?

Answer

Matthew Wilson, Director Community Wellbeing, responded that he responded to that in the previous question. Officers did look at how to best position the proposed fields across the reserve and what was the most appropriate proposition before finalising the draft, and the south side involves significant wetland positioning and so forth. So, to get two new hockey fields in place that south side was assessed as being less optimal than the current proposed location.

QT50/24 - Christopher Dureau**Question**

Thank you, Mr Mayor, for the opportunity and Councillors for listening to us clearly, as you can see, the residents, consider that the proposed plan will create considerable disruption and we take note of the responses of Councillors already that perhaps this proposed plan is far too far along the process. But the issue is the disruption to do with the hockey field, not just any field, the hockey field being the most disruptive of all terms of noise. And the question I ask is: are Councillors aware of this disruption (clearly, they are now) and are Councillors being given the opportunity to consider alternatives?

Answer

Matthew Wilson, Director Community Wellbeing, responded that Councillors will be presented with a final recommendation by officers at the next Council meeting for their consideration. Recommendation from officers around adopting what is then presented will be cognisant of the feedback that has been provided to date through the consultation process through MySay and the submissions or questions or the themes that have been identified through the questions that have been posed by Mr Dureau and other residents tonight.

Question

I was thinking that we should be, or the Councillors particularly should be, provided with reasons for not locating the proposed new hockey fields in other locations, particularly the Victoria Park one. We've heard that they haven't considered it, but what are the reasons and I'd like to know are the Councillors privy to those reasons, and have they considered them appropriately?

Answer

Cr Des Hudson, Mayor, responded that certainly the volume of residents that are here tonight talking to Council about concerns that residents have – this is not just about hearing those tonight. Officers will do consultation on Tuesday and that will take as long as it needs to. It is then Councillors that will still have carriage and can ultimately reject it if it does not meet the brief of what Council is satisfied with. That is the purview of Council in terms of making a decision. There may be an officer view, the preferred view, but that doesn't mean it is necessarily endorsed by the Councillor group. So, it's certainly not a fait accompli at where this is this evening or the consultation meeting that will take place on Tuesday night.

RESOLUTION:

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

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

**CARRIED
(R105/24)**

QT51/24 - Ronald Browne**Question**

I live at St Michaels Place and my property backs onto the Prince of Wales Park. I am 100 metres away from the current hockey field and even at that distance I'm impacted by the lights and the noise. My question to Council is: will they be willing to attend a night match unannounced at the current field when it's back in operation? I would like them to ask themselves the question whilst there, if they would be happy to be living within 25 metres of this playing field and I'm sure the answer would be no.

Answer

Matthew Wilson, Director Community Wellbeing, responded that the as previously mentioned, a 30 metre buffer zone has been effective across multiple other reserves across the city. It's in place in our historical reserve sites and in our new ones too. He's sympathetic to what has been said tonight, but what is proposed is consistent with the standard that are in place when developing formal sporting reserves in other locations right across the city.

Question

Would the Councillors be willing to attend a meeting with the Lake Gardens Community Action Group to listen to the residents' concerns before any decisions are made? And I think you've already answered that question, which is in the affirmative.

Answer

Cr Des Hudson, Mayor, responded that he is also happy to come along on Tuesday night as well.

QT52/24 - Vicki Rice**Question**

This also relates to noise. Has the Council contacted the relevant noise authority to conduct a noise assessment on the current hockey field which would need to be doubled if the current proposal proceeded with two new fields being played on simultaneously?

Answer

Matthew Wilson, Director Community Wellbeing, responded that as he has mentioned in relation to the buffer zone and also in relation to the question posed by Councillor Moloney earlier, the development will be in full compliance with EPA regulations and provisions for buffer zones for sporting fields. So, in relation to that, officers are confident that the proposed development would be in compliance with those regulations.

QT53/24 - Denise Buttler**Question**

I back onto the park. I live in Saint Michaels place, so the proposal will directly affect me and my family. My first question is: has the draft proposal of the Prince of Wales Park Master Plan addressed the significant impact of the loss of open green space on the physical and mental wellbeing of surrounding residents, not to mention the impact on flora and fauna?

Answer

Matthew Wilson, Director Community Wellbeing, responded that yes, officers believe that the formalisation of the area currently used by archery with an irrigated grassed playing field improves the green open space amenity in the reserve. There'll be some proposed realignment of some of the walking or running tracks for parkrun, and of course officers are maintaining existing pathways through the reserve for resident linkages from where residents live through to other parks and gardens in the in the general area, which officers believe has an enhancement of residents' health and wellbeing.

Question

Residents recently, I believe it was 2021, successfully opposed a proposed hockey pitch at Benedikt Reserve, Scoresby, citing similar objections to residents living in Lake Gardens. These included encroachment of green open space, noise and visual pollution and car parking issues. The hockey pitch was built in Wantirna instead. Has the draft proposal for the master plan looked at why other residential groups have objected to living in such close proximity to a hockey pitch?

Answer

Matthew Wilson, Director Community Wellbeing, responded that as previously mentioned, alternate sites were considered in the selection or the commitment being proposed to the Prince of Wales Park for these purposes. And so, as such, the Master Plan is a response to those needs within the Prince of Wales Park itself.

QT54/24 - Stuart Postlethwaite**Question**

I'd really like to address this question to the Councillors. I watched the June 25 [sic] video discussion at the Council meeting, and I did note that the word resident was not used once in that discussion. So, in supporting the draft plan did the Councillors at any time consider the impact to residents in the loss of green space? Which there is a loss because there is green space being lost. All right, there's an unirrigated green space getting irrigated, but the green space is reduced, which reduces the opportunity for passive exercise. The noise has been mentioned over and over, and we have heard from existing residents that the noise has already been impactful from the existing field. So how it will not be impactful from a field 25 metres from people's bedrooms is hard to understand. The light towers are also within 20 or 30 metres from existing bedrooms and loungerooms so we'll be drawing the curtains to be able to watch our telly. Cr McIntosh has attempted to explain the potential impact of crime. Now, the way I've looked at the plan, is there not an extension of the existing gravel road being bitchumised and extending through to Integra, which will only encourage faster and more hooning? As the existing users of the park will attest to, vandalism and break-ins of all those facilities are regular. Building another one only 45 metres from residences is potentially inviting criminal elements closer to residents. The visual impact, you know you're losing green space and gaining hard space and car parks. And is there a potential devaluation of our properties and was that also considered by Councillors? So, I'd like the Councillors to consider those impacts to the residents, please.

Answer

Cr Daniel Moloney responded that he'd be happy to answer as the person that moved the motion at the last Council meeting. The short answer is yes. The expectation of Councillors at the last meeting was that the broader community, which includes residents, would be consulted because the last part of the motion was to "Note the Master Plan will be presented to Council upon completion of community consultation for consideration of submissions and adoption". So, it's pretty common for a support out of proposal – you can't give feedback on nothing. The discussion that residents would have seen on the video at the last meeting was that there's been decades of ideas and lack of certainty bounced around for the sporting community that use that precinct and there is a point where there must be a recommendation to go forward, a plan that everyone can set their sights on and for that plan to be circulated amongst the community for feedback, and that's why residents are here tonight. The very last point of the resolution that Council all voted on was to put it out to consultation so that's what it is expected – Council expects the community to give feedback now as you are, Councillors hear that feedback loud and clear. Cr Moloney said yes, he lived in Lake Gardens for a long time. He moved out to a place in Alfredton eventually, but in the same token he loved the fact that it was close to sporting facilities. It makes it one of the most attractive parts of Ballarat, and it's one of the reasons why the property prices in that area are some of the most expensive in Ballarat. It's beautifully close to the lake and open precincts. It's beautifully close to one of the best aquatic centres in regional Victoria. It has great sporting facilities around it. There's a lot that actually is great about that area but officers need to do a better job to mitigate the impacts. So there's definitely some issues, he's heard that loud and clear, and Council definitely should be doing better to mitigate those issues. Cr Moloney said that Cr Johnson suggested a few good things earlier about time of use that that might help. But equally, he doesn't think it's all doom and gloom either – it's also an amazing precinct and that makes it attractive to people to live in that area. It's been there for a long time and it attracts people there for that reason.

Cr Samantha McIntosh also took the opportunity to respond. She had received a number of calls from the residents in the area, not just the residents but also from some participating in part of the sporting opportunities there as well. To follow on from Cr Moloney's comments, it is a lovely area and it does have valuable real estate and it is accessible to the lake and the sporting facilities and surrounds. But for those reasons she hears the residents' concerns even more so because they don't want that to be jeopardised. She's not a real estate agent now but has been in not-that-long-ago history and absolutely understands the impacts of property values and thinks that it's fair and reasonable that the residents are asking the questions of Council that they are and they don't want to see that wonderful space that they've chosen as their home to be impacted without due consideration from Councillors. So, as she has been called, she absolutely has listened and can hear the concerns and can understand as well why they're asking the questions that they are. Equally, this has been on the agenda for a long time and been looked at. For instance, with hockey, officers have talked to Grammar and other places, so there has been consideration for other sites too. But she thinks that officers can do better at that as well and maybe, as a group of Councillors that are receiving these officers' recommendations, they could have a little bit more information about other options. Cr McIntosh certainly recalls in relation to Grammar, that's not going to be something that Council, she imagines, are going to be entertaining because it's a private facility, but there needs to be something for hockey. Equally, there are some issues here that are pretty loud and clear tonight that need to be considered. The really important thing for the Community to know, to give them a tiny little bit of comfort, is the need to go through a process like this to hear people's concerns and clearly by putting a plan out there has opened this conversation up a bit more broadly and maybe it should have been open a bit more broadly before with the residents included in this. There has been significant conversation with many of the sporting groups and a lot of opportunity for feedback and different versions of consultation. But now, there is an opportunity as a group of Councillors to take big note from the residents and not just from the sporting community.

Question

I think it's been asked and answered potentially, but again to the Councillors, can you put your hand on your heart, look me in the eye, and tell me that you would live 25 metres from what is acknowledged as one of the noisiest community sports, with lighting towers only 25 metres from your living room and your kids' bedrooms?

Answer

Cr Des Hudson, Mayor, responded that people in White Avenue near Mars Stadium have light towers, have AFL football, have lots of football and other sports that's there. Council is hearing the concern of residents and is happy to go to the next phase community consultation. Councillors are hearing loud and clear and will certainly think about these issues before going any further.

QT55/24 - Ian Davis**Question**

I'm also a resident of St Michaels Place that backs onto the Prince of Wales Park. I'm currently the President of the Tennis Club there that's situated on the precinct, also the President of the Lake Gardens Action Group. I believe that the Draft Master Plan of Wales Park is not in fact a plan that is fair to all the sporting clubs on the venue, but in fact the Master Plan to enable the Hockey club to again have their way as they failed in the regional feasibility study in 1921 [sic], which I was involved in. So, my first question would be, are there any members of the current Councillors or senior Council management with an invested affiliation with the Ballarat Hockey Club?

Answer

Matthew Wilson, Director Community Wellbeing, responded that no senior Council officer involved in preparation of the Draft Master Plan has a vested affiliation with hockey.

Question

The Master Plan of Prince of Wales Park has not addressed the issues both raised with consultation of the Ballarat Tennis Club and other Sporting Clubs of the Prince of Wales Park regarding the numerous burglaries and thefts that have occurred over most clubs at the site over the last two years with our request to have security lighting, perhaps motion sensors and security cameras erected in that area.

Answer

Matthew Wilson, Director Community Wellbeing, responded that he would be happy to personally follow up with Mr Davis in relation to those concerns in the coming days, if that's acceptable to Mr Davis.

QT56/24 - Susan Liston**Question**

My questions have really basically been covered. A comment would be that there seems to be a fairly hard line against this 30 metre business. I am right behind one of the hockey fields, directly behind, so I'm very severely impacted. So, from where I'm sitting, it seems as though there's very little wiggle room with the 30 metres, so that's just a comment. The other one is about the consultation: we as residents would like to know why the neighbouring Prince of Wales Park consulted or even advised to the Master Plan, which would adversely affect us was being developed – we were not told. This consultation was offered after the plan was completed. We've got the lovely plan – one of the neighbours dropped it off, actually. We were given 24 days, of which 14 days were school holidays, to make a response. It's a pretty short time. Mine sat on the bench for three or four days before I even looked at it. Some people

were away. I know someone who had a family death. When you're given 24 days it's not much time.

Answer

Cr Des Hudson, Mayor, responded that the consultation could have probably been done better from the start by including residents as part of the initial consultation and development of the plan rather than getting to the draft form. It is where it is at the moment. However, Council has a commitment to all of the residents to come along to listen, to actively listen and to then have officers take that information away and come back to the Councillor group with the response to all of the questions and submissions that have been heard, with opportunity for other options to be considered before Councillors ultimately make a decision whether they have enough information, whether they don't, whether it's adopted, whether it's not, whether there are other items that are then sought.

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:

15. That Council:

15.1 Receive and note the CEO's Operational Report.

Moved: Cr Samantha McIntosh
Seconded: Cr Mark Harris

CARRIED
(R106/24)

RESOLUTION:

That Council adjourn at 7:58 pm for a 5-minute comfort break.

Moved: Cr Belinda Coates
Seconded: Cr Mark Harris

CARRIED
(R107/24)

RESOLUTION:

That Council resumes at 8:06 pm.

Moved: Cr Ben Taylor
Seconded: Cr Amy Johnson

CARRIED
(R108/24)

8. OFFICER REPORTS

8.1. AIRPORT STRATEGIC AND MASTER PLAN FINAL REPORT

Division: Economy and Experience
Director: Martin Darcy
Author/Position: Jonathan Willsher – Ballarat Airport Commercial Manager

PURPOSE

1. The purpose of this report is to seek Council adoption of the Ballarat Airport Strategy and Master Plan 2024

RESOLUTION:

12. That Council:

12.1 Resolves to adopt the attached Ballarat Airport Strategy and Master Plan 2024.

12.2 Bring a report back to Council to ensure that the areas affected by the Local Heritage Overlay and Victorian Heritage Registered location are cross referenced.

Moved: Cr Samantha McIntosh
Seconded: Cr Daniel Moloney

CARRIED
(R109/24)

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

For the Motion were Councillors: Cr Belinda Coates, Cr Peter Eddy, Cr Tracey Hargreaves, Cr Des Hudson, Cr Samantha McIntosh, Cr Daniel Moloney and Cr Ben Taylor

Against the Motion were Councillors: Cr Mark Harris and Cr Amy Johnson

Abstained from the Motion were: Nil

8.2. RESOURCE RECOVERY AND WASTE MANAGEMENT STRATEGY UPDATE - DRAFT FOR COMMUNITY CONSULTATION

Division: Infrastructure and Environment
Director: Bridget Wetherall
Author/Position: Fiona Stevenson – Coordinator Sustainable Environment

PURPOSE

1. The purpose of this report is to seek Council endorsement of the Waste as a Resource: Our Circular Economy Strategy 2024-2028 (draft) for public exhibition for four weeks in July and August 2024.

RESOLUTION:

14. That Council:

- 14.1 Endorse the draft *Waste as a Resource: Our Circular Economy Strategy 2024-2028* for public exhibition.

Moved: Cr Belinda Coates
Seconded: Cr Samantha McIntosh

CARRIED
(R110/24)

8.3. 26 JANUARY CONSULTATION

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

PURPOSE

1. To provide Council with the results of the community engagement in response to the December 2023 Council resolution to investigate future activities and events to be held on 26 January.

RESOLUTION:

28. That Council:

28.1 Note the report and recognise that the considerations of the engagement process align with the December 2020 Council resolution.

28.2 Retain the current offering of events and activities for 26 January.

Moved: Cr Peter Eddy
Seconded: Cr Daniel Moloney

CARRIED
(R111/24)

8.4. SOCIAL AND AFFORDABLE HOUSING

Division: Community Wellbeing
Director: Matthew Wilson
Author/Position: Breanna Doody – Coordinator Health and Social Planning

PURPOSE

1. To present the draft Social and Affordable Housing Action Plan (the Action Plan) for endorsement by Council.
2. To detail how community consultation feedback has been utilised to strengthen the draft Social and Affordable Housing Action Plan.

RESOLUTION:

19. That Council:

19.1 Endorse the City of Ballarat Social and Affordable Housing Action Plan.

Moved: Cr Belinda Coates
Seconded: Cr Ben Taylor

CARRIED
(R112/24)

8.5. ART GALLERY OF BALLARAT BOARD APPOINTMENTS

Division: Economy and Experience
Director: Martin Darcy
Author/Position: Louise Tegart – Director Art Gallery of Ballarat

PURPOSE

1. The purpose of this report is for Council to consider the Art Gallery of Ballarat board recommendation to re-appoint two board members whose two-year terms will come to conclusion on 30 August 2024.

RESOLUTION:

8. That Council:
 - 8.1 Appoint Lynne McLennan and Sally Basser to the Art Gallery of Ballarat board for a three-year term, concluding 30 August 2027.

Moved: Cr Mark Harris
Seconded: Cr Peter Eddy

CARRIED
(R113/24)

8.6. POST INTERNATIONAL TRAVEL FARO CONVENTION INTERNATIONAL CONFERENCE 2024

Division: Economy and Experience
Director: Martin Darcy
Author/Position: Susan Fayad – World Heritage and Regional Development Lead

PURPOSE

1. This briefing presents an overview of the travel to Porto, Portugal by Council officer Susan Fayad, World Heritage and Regional Development Lead. Susan travelled to Porto at the invitation of the UNESCO Chairs, TUDelft (Netherlands) and University of Porto (Portugal), as a keynote speaker at the Faro Convention International Conference (FCIC'24) from 29 January to 2 February 2024 at the University of Porto, Porto, Portugal.

RESOLUTION:

9. That Council:
 - 9.1 Receive and note the report.

Moved: Cr Mark Harris
Seconded: Cr Tracey Hargreaves

CARRIED
(R114/24)

8.7. TENDER 2023/24-454 FLEET REPAIR PANEL

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

PURPOSE

1. To award Contract Number 2023/24-454 for a panel of providers for large and small fleet repairs and maintenance.

RESOLUTION:**8. That Council:**

- 8.1 Resolves to enter Contract Number 2023/24-454 for a panel of providers for the provision of large and small fleet repairs and maintenance with the following providers:**

**Doherty & Clark Tyre Service Pty Ltd;
Goad Group Pty Ltd;
R & J Sobey Pty Ltd;
Hydrautech Pty Ltd;
Ballarat Fluid Connections Pty Ltd;
A & J Auto electrics Pty Ltd;
Ballarat Motors Pty Ltd;
Byvcorp Pty Ltd;
Ballarat Motor Holdings Pty Ltd;
Janes Engineering Pty Ltd;
Henderson Mowers & Chainsaws Pty Ltd (Mair St & La Trobe St);
Central Machinery Services Pty Ltd; and
Ballarat Performance Vehicles Pty Ltd;**

for the tendered schedule of rates. The contract Term is for three (3) years with the provision of one (1) x three (3) year extension.

8.2 Authorises the Chief Executive Officer to:

- a. Finalise the terms of Contract Number 2023/24-454 with the above listed providers, provided that those contract terms are consistent with this Resolution; and**
- b. Execute Contract Number 2023/24-454 on behalf of Council.**

**Moved: Cr Ben Taylor
Seconded: Cr Peter Eddy**

**CARRIED
(R115/24)**

8.8. CONTRACTS APPROVAL DELEGATED COMMITTEE MINUTES

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

PURPOSE

1. The purpose of this report is to provide Council with minutes of Council's Contracts Approval Delegated Committee in accordance with the adopted Terms of Reference. This report provides minutes of the meeting held on 22 May 2024 and provides a summary of information in relation to these minutes.

RESOLUTION:

4. **That Council:**
 - 4.1 **Note, in accordance with section 66 of the *Local Government Act 2020*, that the material contained in the Contracts Approval Delegated Committee agendas has been designated confidential.**
 - 4.2 **Receive the Contracts Approval Delegated Committee minutes of the meeting held on 22 May 2024.**

Moved: Cr Ben Taylor
Seconded: Cr Mark Harris

CARRIED
(R116/24)

8.9. S6 INSTRUMENT OF DELEGATION

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

PURPOSE

1. The purpose of this report is to provide the reviewed 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 Mark Harris
Seconded: Cr Peter Eddy

CARRIED
(R117/24)

8.10. S11A INSTRUMENT OF APPOINTMENT AND AUTHORISATION

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

PURPOSE

1. The purpose of this report is to request that Council:
 - a. Endorse the S11A Instrument of Appointment and Authorisation for Kate MacLaren.
 - b. Revoke the S11A and S11B Instrument of Appointment and Authorisation for Peter Jones.

RESOLUTION:

5. **In the exercise of the powers conferred by section 147(4) of the *Planning and Environment Act 1987*, Ballarat City Council (Council) resolves that–**
 - a. **The member of Council staff referred to in the instrument attached be appointed and authorised as set out in the instrument.**
 - b. **The instrument comes into force immediately upon being signed by Council’s Chief Executive Officer and remains in force until Council determines to vary or revoke it.**
- 5.1 **That Council revoke the S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) for Peter Jones effective 24 July 2024.**
- 5.2 **That Council revoke the S11B Instrument of Appointment and Authorisation (*Environment Protection Act 2017*) for Peter Jones effective 24 July 2024.**

Moved: Cr Mark Harris
Seconded: Cr Samantha McIntosh

CARRIED
(R118/24)

8.11. LEGISLATIVE UPDATE TO GOVERNANCE RULES AND ELECTION PERIOD POLICY

Division: Corporate Services
Director: John Hausler
Author/Position: Rosie Wright – Coordinator Governance, Risk and Compliance

PURPOSE

1. The purpose of this report is to seek adoption of the reviewed Governance Rules, which reflect legislative changes to the length of the election period.

RESOLUTION:

7. **That Council:**
 - 7.1 **Adopt the Governance Rules, including the Election Period Policy, as shown in Attachment 2.**
 - 7.2 **Revoke the Governance Rules adopted on 24 August 2022 (R124/22).**

Moved: Cr Daniel Moloney
Seconded: Cr Peter Eddy

CARRIED
(R119/24)

8.12. 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 Mark Harris
Seconded: Cr Tracey Hargreaves

CARRIED
(R120/24)

9. NOTICE OF MOTION

Nil

10. REPORTS FROM COMMITTEES/COUNCILLORS

GB30/24 Cr Belinda Coates

As co-chair of the Koorie Engagement Action Group, Cr Belinda Coates publicly thanked all of the organisations involved in the collaboration for NAIDOC week and particularly the launch and the flag raising in early July. She said that it was a terrific collaboration between the Wadawurrung Traditional Owners Aboriginal Corporation, Ballarat and District Aboriginal Cooperative (BADAC), and the City of Ballarat, which was the first time that the three organisations have collaborated for an opening event like that. Cr Coates remarked that it was the biggest NAIDOC opening that she could remember, with possibly 300 people attending, including Cr Eddy, Acting CEO Matt Wilson, and herself. She also thanked members of the Koorie Engagement Action Group for their ongoing participation.

GB31/24 Cr Samantha McIntosh

Cr Samantha McIntosh shared a resident request around our trees. She and a Council officer visited the site of planned tree removal at Macarthur Street as a result of the bike paths. Their concern is that they're fairly established trees but officers said that they're constricted, possibly because of root growth and the way that we actually plant our trees. There was also some discussion about the many trees that have had to be removed in other parts of the municipality as well for similar reasons. Cr McIntosh noted that the City of Ballarat has done significant tree-planting work in recent years, although there are a lot of areas that still need trees and some streets that have no greenery at all. Natalie Robertson, Director Development and Growth, clarified that there are 6,000 locations across the municipality that don't have trees. Cr McIntosh requested a future Briefing report with the option of a follow-on Council report that details the gap in tree/greenery coverage, including the challenges and solutions.

11. URGENT BUSINESS

Nil



12. SECTION 66 (IN CAMERA)

8.7 TENDER 2023/24-454 FLEET REPAIR PANEL

Division: Corporate Services
Director: John Hausler
Author/Position: Adrian Smith – Manager Fleet Services

(Confidential Attachments)

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.

8.8 CONTRACTS APPROVAL DELEGATED COMMITTEE

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

(Confidential Attachments)

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.

13. CLOSE

The Mayor declared the meeting closed at 9:40 pm.

Confirmed this day of 2024.

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Mayor