

OFFICIAL

# Council Meeting

## Minutes

28 August 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 Sarah Anstis - Statutory Compliance Officer  
Mr Stephen Wright - Administration Assistant Compliance

### 2.2 Apologies

## RESOLUTION:

**Cr Mark Harris requests that a leave of absence be granted for 2 September 2024 to 14 September 2024.**

**Moved: Cr Mark Harris**  
**Seconded: Cr Tracey Hargreaves**

**CARRIED**  
**(R121/24)**

### 3. DISCLOSURE OF INTEREST

#### 3.1 GENERAL INTERESTS

Cr Tracey Hargreaves declared a general conflict of interest regarding the Prince of Wales Park Master Plan. She intends to leave the meeting before the relevant public questions are raised and for the duration of item 8.1 Prince of Wales Park (POWP) Master Plan.

#### 3.2 MATERIAL INTERESTS

Nil

### 4. MATTERS ARISING FROM THE MINUTES

Nil

### 5. CONFIRMATION OF MINUTES

#### RESOLUTION:

That the Minutes of the Council Meeting on 24 July 2024 as circulated be confirmed.

**Moved: Cr Mark Harris**  
**Seconded: Cr Belinda Coates**

**CARRIED**  
**(R122/24)**

## 6. PUBLIC QUESTION TIME

### QT57/24 - Dora Pearce

#### Question

In relation to Ballarat Gold Mine's Application No. PLP/2022/644: VCAT P973/2023 Appendix A Permit Conditions: Mitigation Measures Implementation and Risk Analysis Plan (MMIRAP): Clause 13 (b) specifies that a Risk Analysis Workshop be convened to identify any potential failure scenarios and additional mitigation measures required for incorporation into the MMIRAP: will you please provide details of when/where this Workshop will be convened and if the public free to attend; or confirmation the Workshop was assembled?

#### Answer

Director Natalie Robertson, Director Development and Growth, responded that Condition 13 requires the MMIRAP to be submitted prior to the commencement of development. No development can commence until the terms of Condition 13 have been discharged. The Ballarat Gold Mine has not yet indicated to Statutory Planning its intentions with regards to the submission of the MMIRAP. Statutory Planning is not aware of the Ballarat Gold Mine's intended build program. Notwithstanding this, works cannot commence on site until such time as all pre-commencement conditions have been discharged. The Ballarat Gold Mine has not to date sought to convene a workshop or discuss its terms with Statutory Planning.

#### Question

According to VCAT P973/2023: Appendix A Permit Conditions, Clause 23, the amended Human Health Risk Assessment ("amended HHRA") must include revised air dispersion modelling and further air dispersion modelling scenario testing of potential failure of mitigation measures if recommended by the Risk Analysis Workshop. Could you please provide details of: when the suitably amended HHRA was submitted; who prepared the amended HHRA and who undertook the independent peer review?

#### Answer

Director Natalie Robertson, Director Development and Growth, responded that the amended HHRA required by Condition 23 has not yet been submitted. Statutory Planning is not aware of the Ballarat Gold Mine's intended timeframes with regard to the submission of documents required by permit conditions. Again, all pre-commencement documents must be submitted and approved prior to the commencement of building works. Condition 24 also requires a peer review of the HHRA if deemed necessary by officers. A peer reviewer will be sourced at the appropriate time.

### QT58/24 - Michael Knowles

#### Question

My question again relates to the Ballarat gold Mine's application number – I won't repeat, it's already been said – 'Appendix A. Permit Conditions, Construction and Management Plan', which states that prior to the commencement of construction of TSF4 building works the CMP must detail, Clause 9g: "A Liaison Officer for contact by the public and the Responsible Authority in the event of relevant queries or problems experienced." Could you please provide the name and contact details of the Ballarat Gold Mine's appointed Liaison Officer.

#### Answer

Director Natalie Robertson, Director Development and Growth, responded that construction has yet to commence, and notwithstanding this, works cannot commence until such time as all pre-commencement conditions have been discharged. She noted that the planning permit

has two years to commence and four years to complete. When there is an understanding of how the mine will execute the conditions, it will certainly be conveyed.

**Question**

In relation again to the same application by the Ballarat Gold Mine 'Permit Conditions Construction and Management Plan', Clause 1: "Before the building and works commence, amended plans must be submitted to and approved in writing by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit.". Please advise who will be responsible for undertaking the endorsement of the amended plans.

**Answer**

Director Natalie Robertson, Director Development and Growth, responded that each permit condition is considered by the authority that imposed it, Council being the responsible authority, and where applicable determining authorities will be required to review and approve prior to endorsement as well. As stated, construction has yet to commence, and the permit holder has not yet indicated a commencement date.

**QT59/24 - Annette McMaster****Question**

As you are aware, I live in close proximity to where this huge, potentially hazardous Ballarat East Substation is planned to be built by Powercor – a hideous industrial infrastructure surrounded by houses in the middle of a residential area, just 800 metres from our CBD.

I wish to thank Council for 'advocating' for us, but I must also express my bewilderment as why Council executives refused to comply with the request of our local MP, for Council to submit a request to the Planning Minister to request rezoning the site to Residential. The case to "show good cause" could not be more evident.

I cannot believe that \$200,000 is more valuable to Council executives than your obligation to us, your Ballarat East community, after all, you must collect in excess of \$20,000 each year just from Latitude alone and there are many more rate payers in Ballarat East.

Council executives, by refusing to make this request, and having been made aware of the potential hazards plus the negative impacts on health, property devaluation and flooding, have knowingly accepted responsibility to the residents. Should any of our fears become a reality from your poor planning, the Ballarat City Council could be held liable for poor planning.

Question 1. No sod has been turned yet on the site, so on reflection, will Council please reconsider your responsibility to the residents of Ballarat East and request the Planning Minister to rezone the site 203 York Street Ballarat East to Residential and show good cause?

**Answer**

Director Natalie Robertson, Director Development and Growth, responded that it is something that she has answered several times before in relation to this so she will say again, and it's a bit long winded, ownership of the Crown Land was granted to the State Electricity Commission (SEC) for the purpose of a future substation site in 1973. And ownership was transferred to Powercor in 1994 for the same purpose. Signage has been indicated on this site since that time for this purpose.

Under the current Zone, Council has no planning powers to prevent the development of the site, and, in the current circumstances, the Minister for Planning also cannot 'call in' the matter as there is no planning permit trigger under consideration. There is a misconception that rezoning the land would restrict Powercor's ability to progress with their plan, and while

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ultimately it would be the Minister for Planning who determined if an amendment to zone the land should be adopted, the following challenges remain with the rezone of the land:

1. There must be strong municipal strategic merit to rezone the land and it must outweigh the strategic merit to develop the substation. The broader community benefit must be less than the net community benefit and the test for this could be a broader community safety issue. Council and community have been advised that building the substation in time for the '25-'26 summer is critical to ensuring continued operation of Powercor's bushfire devices effectively. The timeframe needed by Powercor to get the substation built and operating rules out any consideration of another location for them.
2. A successful rezone to residential would not make the substation prohibited and is also very likely to be viewed as a minor utility installation under the land use terms in the Planning Scheme, which would make the substation exempt from planning permit requirements under the particular provisions Clauses 62.01 and 62.02, which exempts a minor utility station from requiring a planning permit for use and works.
3. Even if a planning permit were triggered under the residential zone, there is nothing prohibiting the landowner from applying to the Minister for Planning to consider what is called a 96A Planning Scheme Amendment, which would consider a rezone and a planning permit at the same time.

#### RESOLUTION:

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

**Moved: Cr Amy Johnson**  
**Seconded: Cr Daniel Moloney**

**CARRIED**  
**(R123/24)**

Cr Tracey Hargreaves left the meeting at 7:07pm, prior to QT60/24.

#### QT60/24 - Ronald Browne

##### Question

Is the Council aware that during the recent resurfacing of the current hockey field, residents who have houses backing on to Prince of Wales Park experienced vibrations in their homes, i.e. doors vibrating etc, this being caused by the compacting rollers that were operating for days on end? These machines were over 100 metres away from these homes, not 30 metres.

##### Answer

Director Matthew Wilson, Director Community and Wellbeing, responded that Council's Project Managers were not made aware of the concerns in relation to vibration resulting from the current works on site. But obviously undertaking proposed future projects, Council will work with qualified contractors to undertake those works and relevant insurances will be given around safety and appropriate delivery of those works to implement relevant mitigation strategies as far as reasonably practical during the period of time that those works would be undertaken.

##### Question

Where are the Council's acoustic and lighting test reports on the current hockey field and if they have been done, have they been multiplied by a factor of 2 before finalising this proposal?



**Answer**

Director Matthew Wilson, Director Community and Wellbeing, responded that in preparing the proposal that is before Council tonight, Council engaged sports planning consultants, facility architects and sports field engineers to inform the Master Plan and that process. And the Master Plan has been informed by research and the detailed analysis of the site context, planning legislative requirements, the EPA advice benchmark design solutions for the recommended improvements. This is an appropriate level of advice for a master planning process, and it is consistent with the practise used to develop master plans that Council has previously considered.

**QT61/24 - John Maguire****Question**

In its justification of establishing 2 hockey fields within 30 metres of homes, Council claims this is treating residents no differently from other people living adjacent to any sports fields in Ballarat, but given that none of these fields relates to hockey, a sport involving unique, persistent, loud noise, which plans to be played into the evening at Prince of Wales Park, can't it then be said that Council's justification is like comparing apples to oranges?

**Answer**

Director Matthew Wilson, Director Community and Wellbeing, responded that it is true hockey generates noise that is common to field sports such as voices, whistles, sirens, hitting or in other cases kicking of a ball, crowd noise from spectators. The sound of a hockey ball hitting the back of a goal or the rear of a playing field may be a point of difference. But that is being addressed as part of the proposed mitigations that are outlined in the report and committed to in the Master Plan, and this, and in particular through the suggestion that a careful selection of the rubber treatments on the back of goals and on the back of playing field will be advised by the acoustic engineer that will be engaged at that time. These are all noises reasonably expected from a sport being played in a sporting reserve appropriately zoned PPRZ. Strategies to mitigate noise specific to hockey, such as the baffling that I've just mentioned, will be detailed through the design process and under the advice of the acoustic engineer that will be engaged in that design process. It's worth noting also in response to the question that there are several examples of hockey fields in other municipalities across Victoria that are closer than 30 metres from a residential property boundary, and examples do include:

- Ballarat Grammar, locally, which is approximately 14 metres from a residential boundary;
- Footscray Hockey Club, which is approximately 11 metres;
- Hawthorn Malvern Hockey Centre, approximately 22 metres;
- Camberwell Hockey Club, approximately 8 metres;
- JC Mills Reserve, at the Dandenong Hockey Centre, approximately 25 metres;
- Knox Hockey Club, approximately 14 metres;
- Yarra Valley Hockey Club, approximately 30 metres, which is obviously an equivalent proposal as to what is before Council tonight; and finally
- in Melbourne High School (Old Boys Hockey Club) in South Yarra, which is approximately 5 metres.

**QT62/24 - Stuart Postlethwaite****Question**

We've heard some fantastic empathy from Councillors today regarding the Powercor substation issue. And I guess my question is, have Councillors considered and weighed the same empathy towards the residents of Lake Gardens who will have hockey fields 30 metres from their living rooms and bedrooms, acknowledging that there are some other hockey fields

closer than that but that doesn't make it right, and considered that those hockey fields are there 24/7, 365 days of the year for the residents. The hockey players get to play their hockey, have their exercise and go home to their houses and their homes and enjoy and have quiet enjoyment of their homes, which is their common law right whilst the residents backing onto these proposed fields will have hockey being played there for hours on end. And can I just say this, we are not against hockey and we acknowledge that hockey need more fields because we're witnessing them playing all hours of the day and night. But it should be in the right place.

**Answer**

Director Matthew Wilson, Director Community and Wellbeing, responded that Council invest in recreation infrastructure because it is recognised as a key ingredient to engaging and encouraging active lifestyles and improving health and wellbeing of the community. Council, in doing so, as had been mentioned, will consider expert advice from a qualified acoustic engineer that will model the impact that is represented in these concerns of the proposed facility, and will consider the *Environment Protection Act 2017* and the *Environment Protection Regulations 2021* on reasonable noise limits and the general environmental duty framework. The acoustic engineer will consider the proposed development that includes recommendations to mitigate noise made in this Master Plan including baffling the backboards, a 30m landscape buffer with shade trees, mounding, sound screening, and working with hockey and other sports played within the reserve around operational control of hours for their playing and training times. These mitigations are typical ways of mitigating noise as a result of an EPA intervention should complaints and concerns continue to arise.

**QT63/24 - Nick Shady****Question**

My first question is, I'm a resident of Insignia. We have very small blocks. We use the Prince of Wales Park as our recreation space, our green space. We are going to lose that green space through synthetic courts and also extra car parking, which is going to then put more people into the residential streets of Insignia to park, like when we have tournaments in baseball, but that's only occasionally. Hockey gets played, what 3 or 4 nights a week? So, we can expect that there'll be a big thing there. My question is: why wasn't there a feasibility study done on at least Stage 1 and, as Director Wilson is incorrect because on the Ballarat Major Events Precinct Master Plan, there was actually a funding on the Stage 1. He's saying that "we", as in the Council, are responsible for the noise. You are not. The operator will be responsible for the noise and the mitigation of the noise, and the operator will be the hockey club. So, it will be the residents who will be taking the hockey club to task. My question was: why was there not a feasibility study done?

**Answer**

Director Matthew Wilson, Director Community and Wellbeing, responded that he would probably come at some of the comments in reverse order if that might help. It's incumbent on Council officers through the planning phase to make commitments around the mitigations of concerns that are raised by residents when proposing a master plan of this nature, recognising that the outcome of the proposal will be used by sports clubs or others in the use of those assets. So, making commitment to mitigate the concerns upfront through the planning phase and then the design phase is certainly something that needs to be given strong consideration to as officers, and to make recommendations around investing in through the delivery of the projects. Mr Shady is correct, subsequent to that, the users of those assets will be responsible to adhere to the restrictions that further aim to mitigate those concerns and that's what hockey and other users of the reserve are agreeing to do around the reference to hours of operation and so on and so forth. In reference to the question around feasibility at this point of the process in putting a master plan before Council is about demonstrating that the reserve can be used in this manner to deliver the outcomes that are proposed. Those outcomes being

delivering on the needs that have been demonstrated by residents who are involved in these sports. Officers needed to demonstrate that it's feasible to use this reserve in this way. If Council does adopt the plan that's proposed tonight, the detailed project work, through scoping and obviously scale and related matters that result in costings, will then be worked through the City of Ballarat's capital works progress program and budget process to progress these projects. They will be subject to Council's consideration through those means as they are further developed.

**Question**

And this this probably goes on to further my reason why we had improper consultation and this item should be deferred. I went to a meeting on the 12th of August 2015. I was one of the many here where the Ballarat Major Events Precinct Master Plan was passed in full, as in the four stages. There was a few people presented. As everyone probably does know, I'm a bit of a budget person, that I turn up to the budget meetings and discuss things so this is all about finance. So, at that meeting, Mr. John Barnes got there and spoke about how approving four stages, which we're only up to Stage 1, was dangerous. We had Mr Eddy made a submission on the basketball side of it, and we had Mr Mark Patterson, who was the CEO of North Ballarat, made a presentation about how VFL football was going so well at that time and that didn't last and the ground's not getting used much for AFL. My question is: those stages were \$36.5 million; currently, there's been \$60 million spent on the Stage 1 already and that's without the \$20 million for the Showgrounds. So I think that there needs to be further study done so that the Councillors in this room defer to see what you're actually passing, because there'll be three of you Councillors less here the next time the Council comes in. And I think that if we're just going to get there and say right, we've got no idea what this is going to cost. The next stage is going to cost \$150 million, according to the newspapers. I think that it's just wrong that we're just going to open the chequebook up and say let's do it.

**Answer**

Director Matthew Wilson, Director Community and Wellbeing, responded that as referenced in his response to the first question, the potential adoption of the Master Plan tonight is about demonstrating that what officers are proposing to deliver can be delivered within the reserve. The detail that Mr Shady is seeking in his second question follows through as officers scope out quantity survey, negotiate, value manage, and work through the detail that comes with the design of each project and the relevant elements within each project that are in that reserve. Council has the capital works planning process, the budget process, and a range of other interactions with officers throughout the course of developing the detail of those projects and considering costs. The rigour that Mr Shady is seeking follows on a project-to-project basis, and there are multiple opportunities for Council to provide feedback to officers through that period.

**RESOLUTION:**

**That items '8.1 Prince of Wales Park (POWP) Master Plan' and '8.2 Recreation Infrastructure Plan 2024-2039' be brought forward.**

**Moved: Cr Daniel Moloney  
Seconded: Cr Mark Harris**

**CARRIED  
(R124/24)**

## 8. OFFICER REPORTS

### 8.1. PRINCE OF WALES PARK (POWP) MASTER PLAN

**Division:** Community Wellbeing

**Director:** Matthew Wilson

**Author/Position:** Mitch Jenkins – Coordinator Sport & Recreation Strategic Planning

Public representation was made by Lynn O'Reilly, Pam Jansen, Mathew Jones, Dana Hofhein, Cristin Ruyg (representing Hockey Ballarat), Ned Scholten, Vera Stapleton, Lily McDonald, Ruth Ryan, Kevin Robillard, Jennifer Struhs, Neil Douglas, Stuart Postlethwaite, and Jennifer Johnson.

Cr Samantha McIntosh left the meeting at 8:43 pm.

#### PURPOSE

1. The purpose of this report is to:
  - a. Note the revisions made to the draft Prince of Wales Park (POWP) Master Plan following the consideration of submissions made during the public exhibition period.
  - b. Present Council with the proposed POWP Master Plan for Council adoption.

#### RESOLUTION:

**46. That Council:**

**46.1 Adopt the Prince of Wales Park (POWP) Master Plan.**

**Moved: Cr Peter Eddy**  
**Seconded: Cr Daniel Moloney**

**CARRIED**  
**(R125/24)**

**RESOLUTION:**

That Council adjourn at 9:03 pm for a 5-minute comfort break.

**Moved: Cr Daniel Moloney**  
**Seconded: Cr Mark Harris**

**CARRIED**  
**(R126/24)**

Cr Tracey Hargreaves returned to the meeting at 9:13 pm.

**RESOLUTION:**

That Council resumes at 9:13pm.

**Moved: Cr Daniel Moloney**  
**Seconded: Cr Amy Johnson**

**CARRIED**  
**(R127/24)**

## 8.2. RECREATION INFRASTRUCTURE PLAN 2024-2039

**Division:** Community Wellbeing  
**Director:** Matthew Wilson  
**Author/Position:** Mitch Jenkins – Coordinator Sport & Recreation Strategic Planning

### PURPOSE

1. The purpose of this report is to:
  - a. Note the revisions made to the draft Recreation Infrastructure Plan 2024-2039 following the consideration of submissions made during the public exhibition period.
  - b. Present Council with the proposed Recreation Infrastructure Plan 2024-2039 for Council adoption.

### RESOLUTION:

**15. That Council:**

**15.1 Adopt the Recreation Infrastructure Plan 2024-2039.**

**Moved: Cr Peter Eddy**  
**Seconded: Cr Daniel Moloney**

**CARRIED**  
**(R128/24)**

## 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:

**14. That Council:**

**14.1 Receive and note the CEO's Operational Report.**

**Moved: Cr Amy Johnson**  
**Seconded: Cr Belinda Coates**

**CARRIED**  
**(R129/24)**

## 8. OFFICER REPORTS *(Continued)*

### 8.3. AGEING WELL STRATEGY IMPLEMENTATION REPORT

**Division:** Community Wellbeing  
**Director:** Matthew Wilson  
**Author/Position:** Cathy Bushell – Team Leader–Sector Development, Ageing Well Services

#### PURPOSE

1. The purpose of this report is to:
  - a. Update Council on progress made against actions in the 2022-2024 Action Plan to guide implementation of the Ageing Well in Ballarat Strategy 2022-2026.
  - b. Seek endorsement of the 2024-2026 Action Plan.

#### RESOLUTION:

##### 13. That Council:

13.1 Receive and note the work undertaken from October 2022 – June 2024 to implement the Ageing Well in Ballarat Strategy 2022-2026.

13.2 Endorse Ageing Well in Ballarat Strategy 2024-2026 Action Plan.

**Moved: Cr Daniel Moloney**  
**Seconded: Cr Belinda Coates**

**CARRIED**  
**(R130/24)**



#### 8.4. LIBRARIES & LEARNING STRATEGY IMPLEMENTATION REPORT

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

#### PURPOSE

1. The purpose of this report is to provide a second year update on the progress made against actions in the City of Ballarat Libraries and Learning Strategy 2022-2027.

#### RESOLUTION:

9. That Council:
  - 9.1 Receive and note the report on the work undertaken in year two to progress the actions of the City of Ballarat Libraries and Learning Strategy 2022-2027.

**Moved: Cr Ben Taylor**  
**Seconded: Cr Belinda Coates**

**CARRIED**  
**(R131/24)**

## 8.5. FOOD SYSTEMS CONSENSUS STATEMENT

**Division:** Community Wellbeing  
**Director:** Matthew Wilson  
**Author/Position:** Pete Appleton – Executive Manager Engaged Communities

### PURPOSE

1. The purpose of this report is for Council to consider becoming a signatory to the Victorian Food Systems Consensus Statement.

### RESOLUTION:

**13. That Council:**

**13.1 Becomes a signatory to the Victorian Food Systems Consensus Statement.**

**Moved: Cr Belinda Coates**  
**Seconded: Cr Mark Harris**

**CARRIED**  
**(R132/24)**

## 8.6. PROCUREMENT POLICY REVIEW

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

### PURPOSE

1. The purpose of this report is to:
  - a. Provide Council with a summary of the Procurement Policy review.
  - b. Seek adoption of the new Procurement Policy.

### RESOLUTION:

#### 11. That Council:

11.1 Adopt the reviewed Procurement Policy at Attachment 2.

11.2 Rescind the Procurement Policy, which was adopted by Council on 26 April 2023 (R52/23).

**Moved: Cr Belinda Coates**  
**Seconded: Cr Mark Harris**

**CARRIED**  
**(R133/24)**

## 8.7. ADOPTION OF 2024/25 ANNUAL PLAN ACTIONS

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

### PURPOSE

1. The purpose of this report is to present Council with the proposed 2024/25 Council Plan Action Plan that will progress delivery of the City of Ballarat Council Plan 2021-2025.

### RESOLUTION:

8. That Council:
  - 8.1 Endorse the 2024/25 Council Plan Action Plan.
  - 8.2 Note that updates on the progress of delivery of the 2024-2025 Action Plan will be provided on a quarterly basis.

**Moved: Cr Belinda Coates**  
**Seconded: Cr Mark Harris**

**CARRIED**  
**(R134/24)**

**8.8. POST INTERNATIONAL TRAVEL UCCN CREATIVE CITIES CONFERENCE**

**Division:** Economy and Experience  
**Director:** Martin Darcy  
**Author/Position:** Tara Poole – Coordinator Creative City

**PURPOSE**

1. This report is an overview of the travel to Braga, Portugal by Council officer Tara Poole, Coordinator Creative City, and Cr Des Hudson, Mayor of City of Ballarat. Tara Poole and the Mayor travelled to Braga at the invitation of the UNESCO Creative Cities network, Paris, to attend and present at the XVI UNESCO Creative Cities Annual Meeting alongside 350 other member cities and delegates. A total of 850+ delegates attended the meeting, which included representatives from UNESCO, the World Bank and others.

**RESOLUTION:**

10. That Council:
  - 10.1 Receive and note the report.

**Moved: Cr Des Hudson**  
**Seconded: Cr Peter Eddy**

**CARRIED**  
**(R135/24)**

**8.9. ART GALLERY OF BALLARAT DRAWCARD EXHIBITION INTERNATIONAL TRAVEL**

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

**PURPOSE**

1. To seek approval for the Art Gallery of Ballarat Director and Assistant Director-Engagement to travel overseas to secure drawcard exhibitions.

**RESOLUTION:****10. That Council:**

- 10.1 Approve overseas travel by Louise Tegart, Director Art Gallery of Ballarat for 14 days to Paris, Rotterdam, London and Hong Kong in November and**
- 10.2 Approve overseas travel by Humphrey Clegg, Assistant Director – Engagement, Art Gallery of Ballarat, for 7 days to Paris in November.**
- 10.3 Note that a Council report will be provided following the international travel.**

**Moved: Cr Mark Harris**  
**Seconded: Cr Daniel Moloney**

**CARRIED**  
**(R136/24)**

## 8.10. COMMUNITY ASSET COMMITTEE MEMBERSHIP

**Division:** Community Wellbeing  
**Director:** Matthew Wilson  
**Author/Position:** Natalie Grero – Community Development Officer

### PURPOSE

1. This report seeks Council support to ratify the revised membership of the Cardigan Village Community Asset Committee and the Invermay Recreation Reserve Community Asset Committee, noting that the membership has changed since it was last endorsed. This report also acknowledges the recent resignations of committee members of the relevant Committees.

### RESOLUTION:

#### 9. That Council:

9.1 **Acknowledge the outgoing Committee members Blake Curran, Bev Penberthy and Ian Daniel and thank them for their contribution to their relevant Community.**

9.2 **Endorse the revised membership of the Cardigan Village Community Asset Committee with the addition of Heather Wood:**

- Francis Litwin
- Mary Tipping
- Heather Wood

9.3 **Endorse the revised membership of the Invermay Recreation Reserve Community Asset Committee with the addition of Andrew Le Marshall.**

- Geoffrey Fraser
- Ruth Nunn
- Ian Martin
- Peter Nunn
- Lachlan Pryor
- Jabez Armstrong
- Rod McDonald
- Andrew Le Marshall

**Moved: Cr Peter Eddy**  
**Seconded: Cr Tracey Hargreaves**

**CARRIED**  
**(R137/24)**

## 8.11. REVIEW OF CIVIC AND COUNCILLOR POLICIES

**Division:** Executive Office  
**Director:** Evan King, Chief Executive Officer  
**Author:** Vivienne Murphy – Head of Executive and Civic Services

### PURPOSE

1. The purpose of the report is for Council to consider adopting the following policies and procedures:
  - Councillor Expenses and Support Policy;
  - Councillor Information and Communication Policy;
  - Councillor ICT Acceptable Use Procedure;
  - Councillor Gift Policy;
  - Civic Recognition and Civic Events Policy;
  - Flag Flying Policy.

### RESOLUTION:

#### 20. That Council:

##### 20.1 Adopt the following attached policies:

- **Councillor Expenses and Support Policy**
- **Councillor Acceptable ICT Use Procedure**
- **Councillor Information and Communication Policy**
- **Councillor Gift Policy**
- **Civic Recognition and Civic Events Policy**
- **Flag Flying Policy**

##### 20.2 Rescind the following policies:

- **Council Expenses Policy, adopted by Council on 12 August 2020 (R206/20)**
- **Professional Development Policy, adopted by Council on 8 March 2017 (R84/17)**
- **Keys to the City and Freedom of Entry Policy, adopted by Council on 11 March 2009 (R065/09).**
- **Councillor Communications Equipment Policy, adopted by Council on 14 May 2024 (R136/14).**
- **Councillor Gift Policy, adopted by Council on 24 February 2021 (R31/21).**
- **Community Flag Policy, adopted by Council on 21 February 2018 (R42/18).**

**Moved: Cr Amy Johnson**  
**Seconded: Cr Daniel Moloney**

**CARRIED**  
**(R138/24)**



**8.12. S6 INSTRUMENT OF DELEGATION - MEMBERS OF STAFF**

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

**PURPOSE**

1. The purpose of this report is to provide 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 to 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 Daniel Moloney**  
**Seconded: Cr Mark Harris**

**CARRIED**  
**(R139/24)**

**8.13. 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 19 June 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 19 June 2024.**

**Moved: Cr Ben Taylor**  
**Seconded: Cr Mark Harris**

**CARRIED**  
**(R140/24)**

**8.14. 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 Daniel Moloney**  
**Seconded: Cr Mark Harris**

**CARRIED**  
**(R141/24)**

## 9. NOTICE OF MOTION

Nil

## 10. REPORTS FROM COMMITTEES/COUNCILLORS

Nil

## 11. URGENT BUSINESS

Nil

## 12. SECTION 66 (IN CAMERA)

### RESOLUTION:

That Council resolve, pursuant to section 66 of the *Local Government Act 2020*, that the meeting be closed to members of the public at 10:08pm whilst the Council is dealing with the following matters:

**Moved: Cr Tracey Hargreaves**

**Seconded: Cr Daniel Moloney**

**CARRIED**

**(R142/24)**

### 8.13 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.

## 12.1 CONTRACT REVIEW

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

(Confidential report)

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:

- (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released

## 12.2 TENDER 2023/24-355 - BALLARAT TRANSFER STATION OPERATIONS AND MANAGEMENT

**Division:** Infrastructure and Environment  
**Director:** Bridget Wetherall  
**Author/Position:** Vaughn Notting – Executive Manager Infrastructure

(Confidential report)

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.

## RESOLUTION:

**That Council move out of closed Council at 10:38 pm and adopt the resolutions made therein.**

**Moved: Cr Mark Harris**  
**Seconded: Cr Tracey Hargreaves**

**CARRIED**  
**(R145/24)**

**13. CLOSE**

The Mayor declared the meeting closed at 10:38pm.

Confirmed this                                 day of                                 2024.

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Mayor