



Ararat Rural City



# AGENDA

## ORDINARY MEETING OF COUNCIL

**Tuesday 11 December 2018**

To be held in the  
Council Chamber, Shire Hall,  
233-235 Barkly Street, Ararat  
Commencing at 6.00pm

**Council:**

**Cr Peter Beales (Mayor)**  
**Cr Gwenda Allgood**  
**Cr Jo Armstrong**  
**Cr Bill Braithwaite**  
**Cr Frank Deutsch**  
**Cr Fay Hull**  
**Cr David Pettman**

### **Our Vision**

Our communities, our opportunities

### **Our Mission Statement**

We will demonstrate leadership through social responsibility, openness and transparency by actively working with our community to achieve shared goals.

### **Our Values**

**Respect** - Respect for each other and the wider community.

**Excellence** - Striving for ongoing professionalism and organisational excellence.

**Passion** - Passion for our people, community and services.

**A recording of this meeting is being made for the purpose of verifying the accuracy of the minutes of the Council Meeting, Special Council Meeting or Assembly of Councillors.**

**The recording is being streamed live via Facebook, to improve transparency between council and the community and give more people the opportunity to view what decisions are being made.**

**Recordings of Council Meetings and Special Council Meetings (excluding closed sessions) are made available on Council's website.**

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## SECTION 1 – PROCEDURAL MATTERS

### 1.1 LIVE STREAMING

Council is keen to engage with members of the community and now live streams the formal Council Meetings to make them accessible. The stream will be available to view on Ararat Rural City Council's Facebook page from 6pm and on Council's website, [www.ararat.vic.gov.au](http://www.ararat.vic.gov.au) from Wednesday morning following the Council Meeting.

You do not require a Facebook account to watch the live broadcast, simply enter [www.facebook.com/aratruralcitycouncil](http://www.facebook.com/aratruralcitycouncil) into your address bar.

### 1.2 TRADITIONAL ACKNOWLEDGEMENT/OPENING PRAYER/COUNCILLORS PLEDGE

#### *Traditional acknowledgement*

We acknowledge the traditional owners of the land on which we meet today, and pay our respects to their elders, past, present and emerging.

#### *Opening Prayer*

Almighty God, we humbly ask you to help us, as elected Councillors of the Ararat Rural City Council. Guide our deliberations. Prosper what is your will for us, to your honour and glory and for the welfare and benefit of the people whom we serve in the Ararat Rural City.

#### *Councillors Pledge*

We will undertake the duties of the office of Councillor in the best interests of the people of the municipal district of the Ararat Rural City Council and faithfully and impartially carry out the functions, powers, authorities and discretions vested in us under the local government act 1989 or any other act to the best of our skill and judgment.

### 1.3 APOLOGIES

#### RECOMMENDATION (if required)

That the apology of (Name) be accepted.

### 1.4 CONFIRMATION OF MINUTES

#### RECOMMENDATION

That the Minutes of the Council Meeting held on 20 November 2018 be confirmed.

## 1.5 DECLARATION OF DISCLOSURE OF INTERESTS

Disclosure of Interests are to be made immediately prior to any relevant item being discussed.

*Local Government Act 1989 Section 79 (2)* A Councillor or member of a special committee who has a conflict of interest and is attending the meeting of the Council or special committee must make a full disclosure of that interest -

- (a) by either -
  - (i) advising the Council or special committee at the meeting of the details required under paragraph (b) and (c) immediately before the matter is considered at the meeting; or
  - (ii) advising the Chief Executive Officer in writing of the details required under paragraphs (b) and (c) before the meeting; and
- (b) classifying the type of interest that has given rise to the conflict as either -
  - (i) a direct interest: or
  - (ii) an indirect interest and specifying the particular kind of indirect interest under section 78, 78A, 78B, 78C, 78D or 78E; and
- (c) describing the nature of the interest; and
- (d) if the Councillor or member advised the Chief Executive Officer of the details under paragraph (a) (ii), the Councillor or member must make a disclosure of the class of interest only to the meeting immediately before the matter is considered at the meeting.

*Local Government Act 1989 Section 80C)* A person who is providing advice or a report to a meeting of the Council or a special committee, and who has a conflict of interest in a matter to which the advice or report relates, must disclose the constituting the conflict of interest when providing the advice or report and before the advice or report is considered by the Council or the committee.

## 1.6 ADMISSION OF URGENT BUSINESS

Items proposed as urgent business must not be submitted to the meeting other than by resolution of the Council and only if it relates to or arises out of a matter which has arisen since distribution of the Agenda or which cannot be reasonably deferred for inclusion in the agenda of the next meeting.

The Urgent Business Item/s admitted will be considered as part of Section 9 Urgent Business.

### **RECOMMENDATION (if required)**

**That Council admits as Urgent Business an item titled "XX" and this matter be considered as part of Section 9 Urgent Business.**

## **SECTION 2 – PUBLIC PARTICIPATION**

### **2.1 REQUEST TO ADDRESS COUNCIL**

Questions to address the Council can be made without notice

The presenter will be allocated a maximum of three (3) minutes to present his or her address to the Council. An extension of time may be granted by a resolution of Council. During the presentation, the presenter may not address questions to Councillors or officers.

Two minutes will be allocated for Councillors to ask questions of the presenter, if required. Following the presentation, Council may request a further report on the matter from officers.

Members of the public gallery are not allowed to communicate with Councillors and officers whilst the meeting is in progress.

### **2.2 DEPUTATIONS / PRESENTATIONS**

## 2.3 PETITIONS

Clause 15 of Council's Meeting Procedure states:

- 1 A petition presented to Council must lay on the table until the next Ordinary Meeting of Council and no motion, other than to receive the petition or joint letter may be accepted by the Chair, unless the Council agrees to deal with it earlier.
- 2 Petitions received by Ararat Rural City Council will be tabled under "Petitions" in the Order of Business.
- 3 At the meeting the petition will be formally received by Council and referred to the relevant area of Council for consideration and action which will be reported to the next ordinary meeting of Council for decision if one is required.
- 4 When a petition relates to an item already on the agenda at the meeting at which the petition is tabled, the matter will be dealt with at that meeting.
- 5 Any Councillor presenting a petition will be responsible for ensuring that he or she is familiar with the contents and purpose of the petition and that the petition is not derogatory or defamatory.
- 6 Any person who fraudulently signs a petition or joint letter which is presented to the Council is guilty of an offence.

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**RESPONSIBLE OFFICER:** CHIEF EXECUTIVE OFFICER  
**DEPARTMENT:** EXECUTIVE SERVICES  
**REFERENCE:** 18100687

### **OFFICER DIRECT OR INDIRECT CONFLICT OF INTEREST:**

Under Section 80C of the *Local Government Act 1989* officers providing advice to Council must disclose any interests, including the type of interest.

No person involved in the preparation of this report has a direct or indirect interest requiring disclosure.

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### **EXECUTIVE SUMMARY**

At the November 2018 Council Meeting, the Chief Executive Officer presented a petition which he had received from residents who live in the vicinity of Waratah Avenue, Ararat. Council resolved to receive the petition and the petition lay on the table for consideration at the 11 December 2018 Council Meeting

### **RECOMMENDATION**

**That Council officers prepare a report on Waratah Avenue, Ararat and present to the February 2019 Council Meeting for consideration.**

### **DISCUSSION**

The petition stated:

"We write to you as residents who live in proximity to, or have property access adjoining Waratah Avenue, Ararat.

A number of requests have been made over the years to consider sealing the top section of Waratah Avenue, Ararat. There are a number of reasons for this request with two most pertinent being to reduce the dust created by the traffic that use this road and reduce the risk of serious accident due to the way in which some traffic use Waratah Avenue. The traffic that use this unsealed road is growing substantially as is the amount of times vehicles are seen and heard driving dangerously, at high speeds and deliberately in an unsafe manner. There have been many 'close calls'.



We are requesting a meeting with members of Council on site to discuss concerns and options for making Waratah Avenue a safer road for both residents and road users.”

A meeting between the Chief Executive Office, Dr Tim Harrison and the residents of the Waratah Avenue area took place on Thursday 6 December 2018. Following this meeting, the Chief Executive Officer will investigate the residents’ concerns and a further report will be presented to the February 2019 Council Meeting for consideration.

## **KEY CONSIDERATIONS**

### ***Alignment to Council Plan Strategic Objectives***

5.2 Services and infrastructure that meets the municipal’s existing and future needs.

### ***Financial***

None identified.

### ***Policy/Legal/Statutory***

None identified.

### ***Risk Assessment***

None identified.

### ***Stakeholder Consultation and Communication***

Meeting between the Chief Executive Office, Dr Tim Harrison and the residents of the Waratah Avenue area took place on Thursday 6 December 2018.

## **CONCLUSION**

Council has been petitioned by residents to discuss concerns and options for Waratah Avenue, Ararat. Following a site meeting arranged by the Chief Executive Officer with residents, a further report will be presented to the February 2019 Council Meeting for consideration.

## **ATTACHMENTS**

There are no attachments relating to this item.

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## SECTION 3 – REPORTS REQUIRING COUNCIL DECISION

### 3.1 RURAL ARARAT HERITAGE STUDY / PLANNING SCHEME AMENDMENT C39 – HERITAGE OVERLAY

**RESPONSIBLE OFFICER:** PLANNER  
**DEPARTMENT:** COMMUNITY SERVICES  
**REFERENCE:** 12031406

#### **OFFICER DIRECT OR INDIRECT CONFLICT OF INTEREST:**

Under Section 80C of the *Local Government Act 1989* officers providing advice to Council must disclose any interests, including the type of interest.

No person involved in the preparation of this report has a direct or indirect interest requiring disclosure.

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#### **PURPOSE**

The purpose of this report is to:

- Consider the recommendations of the Panel Report considering submissions made to the exhibited Planning Scheme Amendment C39 (Heritage Overlay);
- Consider adoption of the Report, and
- Seek Council authorisation to submit the Amendment to the Minister for approval.

#### **EXECUTIVE SUMMARY**

The Rural Ararat Heritage Study identified over 100 post-contact places and three precincts of significance and recommended that these places be included within the Ararat Planning Scheme Heritage Overlay. The Study and its recommendations were adopted by Council in April 2016, with a Planning Scheme Amendment formally exhibited during mid-2018.

In response to that exhibition, 21 submissions were received. Nine of those expressed support of the Amendment and a further five gave additional information in respect of some of the places. Seven objections were received. An independent Panel was convened, their remit extending to the exhibited documents and submissions made. Their report has concluded that the Amendment is well-founded and strategically justified, and subject to minor alterations should be adopted as exhibited.

#### **RECOMMENDATION**

That the:

- 1 Panel report and its recommendations be approved;
- 2 Council adopt Planning Scheme Amendment C39 as exhibited, subject to the recommendations of the Panel report; and
- 3 Pursuant to section 31(a) of the Planning and Environment Act 1987, Council submits Amendment C39 to the Minister for Planning for approval under section 35 of the Act.

#### **BACKGROUND**

A comprehensive Heritage Study was commissioned in 2016 to identify and assess post-colonial contact places of heritage significance within the rural parts of the municipality, and to give them the appropriate recognition and protection as the best examples of Ararat's rural history. Council adopted the Rural Ararat Heritage Study at its April 2016 meeting. The Study identified over 100 individual places and three precincts of heritage value. A citation was prepared for each place and precinct that outlines the local history, physical description of the individual building or structures, trees or other heritage fabric that is important. A key recommendation of the Study was to prepare a Planning Scheme Amendment to give recognition to the significant places identified within the Study, and this recommendation was also approved at Council's April 2016 meeting.

At its February 2018 meeting, Council resolved to request Ministerial authorisation to prepare and exhibit a Planning Scheme Amendment. This was undertaken during April and May 2018. Subsequently, at its July 2018 meeting, Council resolved to request the Minister for Planning appoint an independent Panel to consider the exhibited Amendment C39 and submissions made to the exhibited details. Council also resolved to authorise officers to recommend removal of one place from the Overlay, and make changes to the Schedule for another, on the basis of submissions received. The Panel hearing took place on 20-21 September 2018. The Report into that hearing was made available on Council's website on 21 November 2018. (See Attachment 1.)

## DISCUSSION

The Ararat Planning Scheme's Heritage Overlay is the tool by which places of particular heritage significance are afforded protection such that they may continue to be appreciated by future generations. Amending that Overlay to include those places identified as being worthy of protection would implement the recommendations of the Rural Ararat Heritage Study. To that end, a Planning Scheme Amendment was prepared and exhibited.

Of the 21 submissions made in respect of the exhibited details, nine were in support of the Amendment. A further five offered clarifications and / or additional information to be included in some places' citations as set out in the Rural Ararat Heritage Study – many of these suggestions have been assessed by the Heritage Study authors and appropriate changes made. The remaining seven submissions raised concerns that could not be resolved, and at its meeting of July 2018 Council authorised officers to ask the Minister for Planning to appoint an independent Panel to consider the exhibited Amendment.

The Panel undertook site visits to several of the properties regarding which there were outstanding queries on 20 September 2018. Most of these site visits also involved meeting the owners of the properties and discussion of their points of concern. On 21 September 2018, the hearing took place. This involved the Panel hearing evidence from officers and also from people who had made a submission to the proposed Amendment. Just one party took the opportunity to submit evidence to the Panel. The final version of the Panel Report was received in mid-November.

In their Report, the Panel has noted that the following were the key issues:

- constraints on the maintenance and development properties as a result of inclusion in the HO and the demands of new permit requirements
- proposed tree controls
- whether the condition or significance of the places warrant their inclusion in the HO
- further refinement of Citations and Statements of Significance

The Panel appreciated Council's responsive approach to resolving issues raised in submission and raised by the Panel.

The Panel has concluded that all the places proposed for inclusion within the Heritage Overlay meet the threshold of local heritage significance such that they should be afforded protection by inclusion within the Heritage Overlay.

The changes previously supported by Council at their meeting of July 2018 have been endorsed by the Panel in their recommendations. The Panel has also recommended a selection of minor changes to the exhibited documents, the majority being administrative and relating to the wording of certain clauses of the Scheme and to corrections in the statements of significance set out in the Heritage Study. Refer to **Attachment 2**.

The Panel also expressed sympathy to submissions that queried how such protection may affect the ongoing operation of working farms, and also to those who queried how inclusion within the Heritage Overlay may affect the removal of dying, damaged or diseased trees. The Panel has suggested an 'Incorporated Plan' be included in the Schedule to the Heritage Overlay. This would enable Council to exempt the removal of asbestos and the alteration, demolition or removal of non-contributory outbuildings from the need to obtain a planning permit. Officers view this approach as a sensible way to exempt development proposals that would be acceptable in the substantial majority of cases. The alteration and demolition of contributory outbuildings is not prohibited, and such proposals would be assessed through the planning permit process.

Regarding tree controls in the Heritage Overlay, it is noted that in many cases across the rural parts of the municipality existing trees have been identified that strongly contribute to the heritage significance of a place. Through submissions to the exhibited Amendment, it has been noted that some of those trees are nearing the end of their natural life. Of the over 100 property owners contacted in respect of the proposed Heritage Overlay Amendment, only five submitters referred to the age and health of trees and the potential need to remove them in future. None specifically raised concern about the potential need to obtain a planning permit to remove trees.

Officers have reviewed the Panel Report closely and taken advice from colleagues in the Department of Land, Water, Environment and Planning (DELWP). The Panel recommended that a permit exemption should apply where an arborist's report had been prepared showing the tree(s) as being unsound. Nevertheless, the complexity that surrounds the situation is such that the draft Incorporated Plan does not include an exemption for the removal of trees. A simpler approach would be to waive permit application fees for permit applications to remove trees. In addition, it is worth noting that where a single tree is to be removed, the application will often be VicSmart and subject to a 10-day turnaround time. It is also worth noting that where a tree has been subject to weather or accidental damage no permit is required for its removal. The removal of native tree species often requires a permit in any case.

The proposed Incorporated Plan is attached as **Attachment 3** to this report.

## KEY CONSIDERATIONS

### Alignment to Council Plan Strategic Objectives

- 2.1 Community and cultural connectedness – recognise history and heritage
- 3.1 A strong and diverse local economy
- 3.4 Effective and efficient land use planning and building control – Preserve local heritage through planning controls

The Council Plan notes the Rural Ararat Heritage Study is a Key Strategic Document and includes 2017/2018 Initiative – Implement the Ararat Rural Heritage Study.

### Financial

The Ararat Rural Heritage Study has been funded through State Government funding and the Planning Scheme Amendment will be funded through the planning budget.

### Policy / Legal / Statutory

Under Section 4(1)(d) of the Planning and Environment Act 1987, one of the objectives of Planning in Victoria is to conserve and enhance those buildings, areas or other places that are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.

The Planning Authority has the responsibility to ensure its planning scheme is up to date and relevant.

Clause 15.03-1S of the Ararat Planning Scheme requires Council to ensure the conservation of places of heritage significance, and sets out the following relevant Strategies to this end:

- Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.
- Provide for the protection of natural heritage sites and man-made resources.
- Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.
- Encourage appropriate development that respects places with identified heritage values.
- Retain those elements that contribute to the importance of the heritage place.
- Ensure an appropriate setting and context for heritage places is maintained or enhanced.

Clause 21.04-7 in the Municipal Strategic Statement reinforces the need for the effective recognition, protection and sound decision-making for heritage places identified within heritage studies.

### **Risk Assessment**

The inclusion of places identified in the Rural Ararat Heritage Study in the Heritage Overlay and a clear decision-making framework will provide certainty for landowners, and also protection against the future loss of these heritage assets.

### **Social**

The formal recognition of important post-contact places and a decision-making framework for these important places will ensure that they are properly recognised and protected for future generations. Heritage places demonstrate various important phases in the development of the region. They are valuable and irreplaceable elements that contribute to a sense of place for the local community and enrich the experience of visitors to the region.

### **Stakeholder Consultation and Communication**

The Amendment was placed on formal exhibition for one month, with every landowner / occupier being advised of the proposed Amendment, how it may affect them, and how they could become involved in the process. Drop-in sessions were held in four locations across the Municipality. Landowners who made submissions to the exhibition were contacted by the independent Panel advising them of the opportunity to attend the hearing and present evidence if they wished to do so. All the submitters have also been advised of this Council meeting, and of the next steps in the Amendment process.

### **CONCLUSION**

The Amendment process has provided a formal opportunity to exhibit the proposed Heritage Overlay and for Council to receive submissions. Those submissions have been assessed alongside the exhibited details by an independent Planning Panel, which has recommended that the Planning Scheme Amendment C39: Heritage Overlay be adopted subject to some minor alterations. The adoption of the Amendment is the last step in the Rural Ararat Heritage Study process and will provide recognition and protection for these sites for future generations.

### **ATTACHMENTS**

- 1 Independent Panel Report
- 2 Response to and actions required from Panel recommendations
- 3 Draft incorporated plan setting out some exemptions to planning permit requirements
- 4 Amended versions of the previously exhibited details in respect of the Amendment

### 3.2 ADVISORY COMMITTEES OF COUNCIL

**RESPONSIBLE OFFICERS:** MANAGER GOVERNANCE  
**DEPARTMENT:** COMMUNITY SERVICES  
**REFERENCE:** 13039075

#### **OFFICER DIRECT OR INDIRECT CONFLICT OF INTEREST:**

Under Section 80C of the *Local Government Act 1989* officers providing advice to Council must disclose any interests, including the type of interest.

No person involved in the preparation of this report has a direct or indirect interest requiring disclosure.

#### **PURPOSE**

A review of Council Committees was recently undertaken with two Advisory Committees identified as no longer being required.

#### **EXECUTIVE SUMMARY**

The Health Prevention Leadership Advisory Group and the Community Engagement Advisory Committee were identified as the two Advisory Committees no longer required to be official Council Advisory Committees. Council officers will continue to work with the relevant authorities and organisations in relation to the action plans developed by the Health Prevention Leadership Advisory Group, and with Councillors in relation to strategic community engagement activities.

#### **RECOMMENDATION**

**That Council dissolve the following Advisory Committees:**

- 1 Health Prevention Leadership Advisory Group; and
- 2 Community Engagement Advisory Committee.

#### **DISCUSSION**

As part of the review, the following two Advisory Committees are identified as needing to be dissolved:

- 1 Health Prevention Leadership Advisory Group  
The group has been losing its relevance this year and is being reviewed. It was developed as a group to assist with the development of Council's Municipal Public Health and Wellbeing plan, which is now incorporated into the Council Plan. An annual action plan will continue to be developed by Council officers to articulate specific actions. The implementation of the State Government funded "Prevention Lab" will be lead by the Primary Care Partnerships and Ballarat Health Services across the region. The prevention efforts of these partnerships is currently focussed on this work and the future outputs of the "Lab". It is suggested that the formal Advisory Committee be dissolved, and Council officers continue to work with the relevant authorities and organisations.
- 2 Community Engagement Advisory Committee  
The Community Engagement Advisory Committee has not met all year since the cancellation of the February meeting. The feeling at that time was that any community engagement work between officers and Councillors should be down with whole of Council. Since that time we have run several workshops with Council as part of an Assembly of Councillors and can continue to have these conversations about Councillors expectations as a group. The operational implementation of engagement activities will be driven by the Chief Executive Officer and communicated to Councillors.

## KEY CONSIDERATIONS

### ***Alignment to Council Plan Strategic Objectives***

5.1 Good governance through leadership

#### ***Financial***

None identified.

#### ***Policy/Legal/Statutory***

None identified.

#### ***Risk Assessment***

None identified.

### ***Stakeholder Consultation and Communication***

Councillors discussed dissolving both Advisory Committees at the Assembly of Councillors held on 13 November 2018. Cr Armstrong was on Leave of Absence at this time, but has been updated on the proposed changes to these Committees.

## CONCLUSION

Council officers will continue to work with the relevant authorities and organisations in relation to the action plans developed by the Health Prevention Leadership Advisory Group, and the Chief Executive Officer will update Councillors in relation to strategic community engagement activities.

## ATTACHMENTS

There are no attachments relating to this item.

**3.3 SMW COMMUNITY DEVELOPMENT COMMITTEE – S86 COMMITTEE OF MANAGEMENT  
(FORMER STREATHAM PRIMARY SCHOOL)**

**RESPONSIBLE OFFICER:** MANAGER GOVERNANCE  
**DEPARTMENT:** EXECUTIVE SERVICES  
**REFERENCE:** 18100573

**OFFICER DIRECT OR INDIRECT CONFLICT OF INTEREST:**

Under Section 80C of the *Local Government Act 1989* officers providing advice to Council must disclose any interests, including the type of interest.

No person involved in the preparation of this report has a direct or indirect interest requiring disclosure.

**PURPOSE**

The SMW Community Development Committee – Section 86 Committee of Management has written to Council wishing to relinquish their s86 Committee of Management status.

**EXECUTIVE SUMMARY**

SMW Community Development Committee has been a section 86 Committee on behalf of Council since 18 February 2003. Prior to February 2003 the Committee had been an Advisory Committee. The Committee have advised they wish to relinquish their S86 Committee of Management status.

**RECOMMENDATION**

**That Council:**

- 1 Council dissolve the SMW Community Development Committee - Section 86 Committee of Management;**
- 2 Council write a letter of appreciation to the SMW Community Development Committee for their long association with and management of the former Streatham Primary School site on behalf of Council; and**
- 3 Council officers work with the Streatham community in regard to the ongoing management of the former Streatham Primary School site.**

**BACKGROUND**

On 21 December 1999, Council resolved to appoint the SMW Community Development Committee as an Advisory Committee to facilitate the day to day management of the former Streatham Primary School.

At the Council Meeting held on 18 February 2003, Council resolved to appoint the SMW Community Development Committee as a section 86 Committee under the Local Government Act.

**DISCUSSION**

The SMW Community Development Committee have been responsible for looking after the building known as the Streatham Primary School building, which houses the Fireworld Museum collection and historical memorabilia, storage sheds and mowing of the site for many years.

The Committee have advised that due to low membership and low usage by outside groups who hire the facility, that it is no longer viable for the Committee.



## KEY CONSIDERATIONS

### ***Alignment to Council Plan Strategic Objectives***

- 1.1 Work with communities to develop and prosper
- 4.5 Long term asset management
- 5.2 Services and infrastructure that meets the municipality's existing and future needs

### ***Financial***

Council currently pays the water and fire services levy on the property, with the SMW Community Development Committee paying electricity and costs associated with mowing the surrounds of the building.

All costs relating to the facility will be the responsibility of Council once the section 86 Committee is dissolved.

### ***Policy/Legal/Statutory***

#### *Incorporated Association/Section 86 Committees:*

An Incorporated Association is a legal entity at law, responsible to the State Consumer Affairs department for reporting and legislative obligations, which can sue and be sued. It (the Incorporated Association) cannot act on behalf of Council unless through an agreement, such as a lease, Memorandum of Understanding or management agreement.

Both Council and an Incorporated Association are separate entities with no legal connection other than that established through mutual agreement.

A Section 86 Committee is a delegated committee, enacting the wishes of Council through an Instrument of Delegation. For all intent and purpose, the Section 86 Committee is a legal structure of Council. All Incorporated Associations are responsible for their own insurance coverage for all policy portfolios (contents, public liability etc). Council's underwriters do not extend Council's insurance coverage to third parties such as an Incorporated Associations. This risk exposure cannot be managed or influenced by Council as the policy holder.

#### *Instrument of Delegation:*

The SMW Community Development Committee have no formal Instrument of Delegation, which has been highlighted during discussions with the Committee.

### ***Risk Assessment***

Dissolving the Committee will reduce the risk that Council has in relation to the two matters raised previously.

### ***Stakeholder Consultation and Communication***

Council's Community Development, Governance and Finance departments have worked closely with the SMW Community Development Committee.

## CONCLUSION

The SMW Community Development Committee have notified Council of its wish to relinquish their section 86 Committee of Management status. Council officers will work with the Streatham community in regard to the ongoing management of the former Streatham Primary School site.

## ATTACHMENTS

There are no attachments relating to this item.

### 3.4 LEASE – ARARAT MENS SHED

**RESPONSIBLE OFFICER:** ACTING GENERAL MANAGER COMMUNITY SERVICES  
**DEPARTMENT:** COMMUNITY SERVICES  
**REFERENCE:** 18100669

**OFFICER DIRECT OR INDIRECT CONFLICT OF INTEREST:**

Under Section 80C of the *Local Government Act 1989* officers providing advice to Council must disclose any interests, including the type of interest.

No person involved in the preparation of this report has a direct or indirect interest requiring disclosure.

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#### **PURPOSE**

To ratify a lease between Ararat Rural City Council and the Ararat Men's Shed Inc. A006091 of the newly constructed sheds, on approximately 900 square metres facing Wilson Street Ararat and forming part of Kokoda Park, being part of Crown Allotment 3A Section 28 Parish of Ararat Township of Ararat and shown as Attachment 1.

#### **EXECUTIVE SUMMARY**

Council have been working with The Ararat Men's Shed Association Inc. to develop and construct new Men's Shed premises that are fit for purpose. The site, which fronts onto Wilson Street Ararat, which forms part of Kokoda Park was an agreed site, plans were then developed in consultation for construction. On completion, the requirement is now that the Ararat Men's Shed enter into a formal lease with Council to provide agreed management of the site. The Department of Human Services have also been involved in discussions and implementation of the new sheds, and provided part funds for this development.

#### **RECOMMENDATION**

**That Council:**

- 1 Enter into a lease under Section 17D of the Crown Land (Reserves) Act 1978 to Ararat Men's Shed Incorporated based on the following general terms:
  - a. the leased area is approximately 900 square metres, being part of Crown Allotment 3A Section 28 Parish of Ararat Township of Ararat;
  - b. The lease shall be subject to ministerial approval from Department of Environment Land Water and Planning (DELWP);
  - c. The lease shall be for an initial 5 years with a further 5 years plus the option of another 5 years;
  - d. Permitted use shall be for the Ararat Men's Shed Association and associated activities;
  - e. the rental shall be equal to the DELWP base community rental (currently \$104 per annum plus GST) and shall only increase when DELWP increases their base community rental;
  - f. the property shall be non-rateable for the purposes of municipal rates and municipal charges; and
  - g. the tenant shall be responsible for all outgoings including all water and wastewater charges, waste disposal, telecommunications, gas and electricity charges, where the property receives these services.
- 2 Seal the lease of approximately 900 square metres, being part of Crown Allotment 3A Section 28 Parish of Ararat Township of Ararat when the documents are ready and the Minister for Energy, Environment and Climate Change has given consent to the lease.

## BACKGROUND

The Ararat Men's Shed Association Inc. have been working on the development of new premises for the purpose of Men's Shed activities. The current Men's Shed operates out of the old football clubrooms at Richardson's oval. This building is no longer fit for purpose, which led to the proposal and development of a new shed with improved accessibility and functionality. Funding was received from the Department of Human Services with the balance of funds contributed by Ararat Rural City Council for the new construction. A lease with Ararat Rural City Council is now required to ensure that good governance and management of the new buildings are adhered to by all parties.

## DISCUSSION

As the land is Crown Land managed by Council, the lease is issued under Section 17D of the Crown Land (Reserves) Act 1978. The lease approved by the Department of Environment, Land, Water and Planning (DELWP).

A map showing the area is as follows:



## KEY CONSIDERATIONS

### ***Alignment to Council Plan Strategic Objectives***

- 1.1 Work with communities to develop and prosper
- 1.2 Community services that are accessible, inclusive and responsive to the community's needs

### ***Financial***

The lease income is \$104 per annum, indexed by any movement in the DELWP's base community rental.

### ***Policy/Legal/Statutory***

The authority to enter into the lease is provided under Section 17D of the Crown Land (Reserves) Act 1978 as the land is crown land for which Council is Committee of Management.

### ***Risk Assessment***

That the Ararat Men's Shed Incorporated no longer is viable and finishes operations. In this instance, the Council would look to dissolve the lease and look for appropriate tenancy of the property.

### ***Stakeholder Consultation and Communication***

Council Offices have engaged and consulted with the Ararat Men's Shed Incorporated, Department of Human Services, Department of Environment, Land, Water and Planning, Ararat Neighbourhood House and Grampians Community Health and other stakeholders on the new construction and lease proposal. The Lease will enable the Ararat Men's Shed to use the premises for its intended purpose and to assist in promoting stronger membership.

**CONCLUSION**

Council to consider the proposed lease with the Ararat Men's Shed Association for the newly constructed sheds in Wilson Street Ararat, forming part of Kokoda Park, being part of Crown Allotment 3A Section 28 Parish of Ararat Township of Ararat. A lease has been prepared for Council's consideration before final approval is given by Department of Environment, Land, Water and Planning.

**ATTACHMENT**

1 Proposed Men's Shed lease.

### 3.5 PROPOSED AMENDMENT TO GENERAL LOCAL LAW 2012

**RESPONSIBLE OFFICERS:** MANAGER GOVERNANCE  
**DEPARTMENT:** EXECUTIVE SERVICES  
**REFERENCE:** 18100600

#### **OFFICER DIRECT OR INDIRECT CONFLICT OF INTEREST:**

Under Section 80C of the *Local Government Act 1989* officers providing advice to Council must disclose any interests, including the type of interest.

No person involved in the preparation of this report has a direct or indirect interest requiring disclosure.

#### **PURPOSE**

A change to the General Local Law 2012, section 32 Camping – sub section (1), has been identified. Pursuant to section 119 and 223 of the Local Government Act 1989 (the Act) Council proposes to amend its General Local Law 2012 by making an amendment to the Local Law pursuant to Part 5 of the Act.

#### **EXECUTIVE SUMMARY**

From time to time the establishment of new or refined Council systems may require the amendment of General Local Law 2012 to ensure future effectiveness and equity within the community.

Council's interest in promoting Green Hill Lake and (other) sites as a temporary (donation only) camping and recreation destination has demanded a broad analysis of supporting and conflicting (existing) General Local Law in addition to Council's risk appetite and legal liability.

To that end, it has been identified that a refinement of existing General Local Law 2012 is required to support and ensure the effectiveness of a new camping permit system for Council nominated camping areas.

#### **RECOMMENDATION**

**That Council,**

- 1 Receive the proposed amendment to General Local Law 2012, as attached; and**
- 2 Authorise the commencement of the statutory process for the making of the proposed amendment to the Local Law, in accordance with Part 5 of the Local Government Act 1989, by giving public notice of its intention to make the proposed amendment to the Local Law and inviting submissions under section 223 of the Act.**

#### **BACKGROUND**

Council's resolution of 18 April 2017 committed to the establishment of a Memorandum of Understanding with Green Hill Lake Development Board for the effective management of Green Hill Lake as a recreation and temporary camping location.

Council officers were tasked to collaborate with the Green Hill Development Board to develop and sign an MOU supported by an Operations Guide which outlined (among other guidelines) the parameters for receiving donations from campers and the processes for issuing and enforcing a temporary camping permit process.

The objective of the permit system will be to;

- Provide camping equity to all.
- Maintain the social and recreational amenity of the location.
- Guide social and recreationally responsible behaviour of campers.
- Transfer Council's liability.

Council officers have undertaken a risk based permit design which requires campers to;

- Obtain a cost free permit for stays longer than 72 hours.
- Re-apply for a cost free permit after an existing permit (valid for 28 days) expires.
- Indemnify Ararat Rural City Council for any liability.
- Commit to the reasonable conditions contained within the permit.

In order for Council officers to enter into a permit enforcement process, existing General Local Law 2012 Section 32 Camping, sub-section (1), *which currently precludes a permit requirement*, must be amended.

The purpose and general purport of the Proposed Amendment to the Local Law is to address the conflict between proposed permit and existing local law as it pertains to Green Hill Lake, but also to be flexible enough to accommodate similar activities currently undertaken at “other” Ararat Rural City Council assets. The wording of the current and proposed section of the Local Laws are as follows:

#### **Existing Wording**

**General Local Law 32 Camping (1)** *A person must not, without a permit, camp or live on council land or public land in a tent, caravan or any other temporary or makeshift structure unless they are within a Caravan Park registered and operated under any State Act or an area determined by Council resolution and signposted to be available for camping purposes.*

**Analysis** – The current wording contradicts the intent, first requiring a permit then excluding the requirement for one.

#### **Proposed Wording**

**General Local Law 32 Camping (1)** *A person must not, without a permit, camp or live on council land, public land or camping areas nominated by Council resolution, in a tent, caravan or any other temporary or makeshift structure unless they are within a Caravan Park registered and operated under any State Act.*

## **DISCUSSION**

Any person may make a written submission on the Proposed Amendment to the General Local Law to Council. All submissions received on or before Friday 1 February 2019 will be considered by Council in accordance with section 223 of the Local Government Act 1989.

If a person wishes to be heard in support of their submission they must include the request to be heard in the written submission and this will entitle them to appear in person, or by a person acting on their behalf at the Council Meeting scheduled on Tuesday 19 February 2019 commencing at 6.00pm.

Written submissions should be marked for the attention of the Chief Executive Officer and can either be lodged at Council’s Municipal Office, 59 Vincent Street, Ararat or mailed to Council at PO Box 246, Ararat 3377.

Submissions are not confidential and will be incorporated in full into the agenda and minutes of the Council Meeting at which they are considered.

A copy of the Proposed Amendment to the General Local Law can be obtained from Council’s Municipal Offices, 59 Vincent Street, Ararat.

## **KEY CONSIDERATIONS**

### **Alignment to Council Plan Strategic Objectives**

- 1.3 Community Safety - Support the Community in emergency management planning, response, recovery and in the prevention and mitigation of risks.

***Financial***

The amendment does not commit Council to any additional funding or resources.

***Policy/Legal/Statutory***

By endorsing the amendment Council complies with best practices and legislative requirements.

***Risk Assessment***

By implementing the amendment, Council will be able to leverage a liability transfer approach to insulate against the conduct of campers and recreational visitors to Council nominated camping areas.

***Stakeholder Consultation and Communication***

The amendment is a technical correction to support extensive consultation and collaboration with the Green Hill Development Board and (other) similar sites and committees.

**CONCLUSION**

The Amendment to the General Local Law will aid the enforcement of breaches to a permit system as described in this report, it does not preclude the establishment of a permit system without such an amendment.

**ATTACHMENTS**

1 Proposed Amendment to the General Local Law 2012.

**SECTION 4 – INFORMATION REPORTS**

**4.1 BUILDING APPROVALS**

**RESPONSIBLE OFFICER:** MANAGER PLANNING AND DEVELOPMENT  
**DEPARTMENT:** COMMUNITY SERVICES  
**REFERENCE:** 13038442

**OFFICER DIRECT OR INDIRECT CONFLICT OF INTEREST:**

Under Section 80C of the *Local Government Act 1989* officers providing advice to Council must disclose any interests, including the type of interest.

No person involved in the preparation of this report has a direct or indirect interest requiring disclosure.

**RECOMMENDATION**

**That the Building Approvals Report be received.**

**DISCUSSION**

This report outlines the monthly building permit approvals issued by Ararat Rural City Council and by private building surveyors for building works within Ararat Rural City for the month November 2018

Approvals by Ararat Rural City Municipal Building Surveyor. – November 2018

Permit No.	Application Date	Approval Date	Building Address	Nature of Works	Use of Building
181593/0	3/08/2018	19/11/2018	9 Lot 2, Princes Street South, Ararat	Demolition New Building	Shed
181612/0	10/09/2018	9/11/2018	12 Burn Street, Ararat	New Building	Shed
181615/0	25/10/2018	8/11/2018	774 Lot 14, Webbs Road, Tatyoon	New Building	Farm Shed
181617/0	30/10/2018	7/11/2018	40 Lot 5, Golf Links Road, Ararat	Garage	Garage
181618/0	17/10/2018	19/11/2018	6A George Road, Ararat	New Building	Dwelling
181619/0	8/11/2018	14/11/2018	7 Matthews Place, Ararat	New Building	Carport
181621/0	26/10/2018	13/11/2018	2072 Lot 1, Glenelg Highway, Lake Bolac	Alteration Extension	Dwelling
181623/0	25/10/2018	27/11/2018	33 Saw Pit Flat Road, Ararat	New Building	Dwelling

**TOTAL VALUE \$ 775,418.00**

Approvals by private surveyors – November 2018



Permit No.	Date Received by Council	Date Approved	Building Address	Description of Building Works or Use of Building	Surveyor
30656 20180571/0	4/10/2018	23/11/2018	5 Capp Street, Ararat	Construction of a Verandah	Jahan Trevena, Lighthouse Building Permits
30656 20180584/0	26/06/2018	29/11/2018	1-3 Plant Street, Ararat	Extensions to garage	Jahan Trevena, Lighthouse Building Permits
42207 20180337/0	27/11/2018	29/11/2018	24 Packard Drive, Ararat	Proposed Storage Shed	Vic Central Building Surveying
57205/20180403/0	20/11/2018	20/11/2018	3524 Eurambeen – Streatham Road, Streatham	Farm Shed	Adam McCosh, Coast to Country Building Approvals
1133/20180034/0	27/11/2018	20/11/2018	27 Albert Street, Ararat	Installation of code red fire panel	Stokes Safety Pty Ltd
20180134/0	25/11/2018	25/11/2018	99 George Road, Ararat	Dwelling extension, deck and carport (1ai) (10a)	Kenton Robinson, Provic Building Approvals

**TOTAL VALUE \$ 328,093.00**

**KEY CONSIDERATIONS**

***Alignment to Council Plan Strategic Objectives***

3.4 Effective and efficient land use planning and building controls.

**ATTACHMENTS**

There are no attachments relating to this item.

**4.2 PLANNING MATTERS APPROVED UNDER DELEGATION PLANNING PERMITS AND CERTIFICATION OF SUBDIVISION PLANS**

**RESPONSIBLE OFFICER:** MANAGER PLANNING AND DEVELOPMENT  
**DEPARTMENT:** COMMUNITY SERVICES  
**REFERENCE:** 13038445

**OFFICER DIRECT OR INDIRECT CONFLICT OF INTEREST:**

Under Section 80C of the *Local Government Act 1989* officers providing advice to Council must disclose any interests, including the type of interest.

No person involved in the preparation of this report has a direct or indirect interest requiring disclosure.

**RECOMMENDATION**

**That the Planning Matters Approved under Delegation – Planning Permits and Certification of Subdivision Plans and Liquor License Applications be received.**

**DISCUSSION**

Planning permits, certification of subdivision plans and liquor license applications are approved under delegated authority by relevant Council officers each month, where possible. This report outlines the various approvals for Council's information.

Planning permit approvals under delegated authority – December 2017

<b>ARARAT PLANNING SCHEME</b>					
<b>Application No.</b>	<b>Date Lodged</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposed Use of Development</b>	<b>Date of Delegated Approval</b>
01678	25/10/2016	Mulcahy & Co	Evans Park, Western Highway	Removal of Native Vegetation and associated works in accordance with endorsed plans	Extension of Time 19/11/2018 Delegate: Andrew Bishop
02284	06/09/2018	GJ Gardner Homes	34 Prince Street, Ararat Being CA 11 SEC 56 parish of Ararat	Three dwellings and three lot subdivision	Extension of Time 19/11/2018 Delegate: Andrew Bishop
02622	24/10/2017	Beveridge Williams	15 Port Fairy Road, Ararat being Lot 1 PS544748, Parish of Ararat	9 Lot Subdivision and create access to road zone	Permit Amended 16/11/2018 Delegate: Andrew Bishop
02663	2/11/2018	Action Steel Industries	3524 Eurambeen-Streatham Road, Streatham being Lot 1 TP 905665,	Building and Works (Hay Store)	Permit Amended 14/11/2018 Delegate: Andrew Bishop

ARARAT PLANNING SCHEME					
Application No.	Date Lodged	Applicant	Location	Proposed Use of Development	Date of Delegated Approval
			Section 1, Parish of Mininera		
02750	21/06/2018	Allspec & Partners Pty Ltd	68 Vincent Street, Ararat being CA 30A SEC 4 & L1 TP837059 Parish of Ararat	Use of land as a Service Station, installation of illuminated signage, alterations to the existing building and associated works	08/11/2018 Delegate: Ed Riley
02752	06/07/2018	Central Vic Planning Consultants	Selwood Road, Ararat Being CA50A SEC 14 Parish of Ararat	Use and development of a dwelling	30/11/2018 Delegate: Ed Riley
02761	30/11/2018	Grampians Liquor Clearance Centre	10B Ingor Street, Ararat L1 TP360950, CA 11 & CA 12 SEC 2A Parish of Ararat	Erection and display of signs	30/11/2018 Delegate: Ed Riley
02766	20/09/2018	CPB Contractors & Seymour Whyte	Western Highway, Dobie Lot 1 PS742706 Parish of Gorrinn	Use and works to establish of a borrow pit for soil and stone extraction	30/11/2018 Delegate: Ed Riley
02771	03/10/2018	The Olive Branch Church of Christ	21-23 Palmerston Street, Ararat being CA 8 SEC 2 & Lot 1 TP371792 Parish of Ararat	Use and development for a Place of Worship, signage and reduction in car parking	30/11/2018 Delegate: Ed Riley
02778	26/10/2018	Event People	Big Hill Road, Warrak parish of Mount Cole being Lot 1 TP745475F	Use of site as a Place of Assembly (Running Event)	08/11/2018 Delegate: Ed Riley
02779	28/10/2018	HSW Holdings Pty Ltd	343 Barkly Street, Ararat	Creation of Easement E-1 on Lot 2 TP408370E in favour of Lot 1 TP 408370E	13/11/2018 Delegate: Ed Riley
02781	14/11/2018	Corella Place, Department of Justice	228 Warrak Road, Ararat being Crown Allotments 2045 & 2050	Removal of Eight (8) Trees	23/11/2018 Delegate: Ed Riley

VCAT				
Application No.	Applicant	Location	Proposed Use of Development	Status
Nil				

Certification of subdivision plans under delegated authority.

<b>CERTIFICATION OF SUBDIVISION PLAN</b>					
<b>Application No.</b>	<b>Date Lodged</b>	<b>Applicant</b>	<b>Location</b>	<b>Procedure</b>	<b>Date of Decision</b>
S01155	06/03/2017	Ararat Survey Pty Ltd for Harrison	69 Picnic Road, Ararat being Lot 2 PS519073 & Lot 2 LP97889, Parish of Ararat	Statement of Compliance issued in relation to PS808358B, Version 06	16/11/2018 Delegate: Andrew Bishop
S01178	04/09/2018	Steele Surveying for Price & Tucker	141 Lambert Street, Ararat being Lot 2 PS813923, Parish of Ararat	2 Lot Subdivision	30/11/2018 Delegate: Andrew Bishop
S01180	01/10/2018	Ferguson Perry Surveying P/L for Adams	51 Birdswing Road, Pomonal being Lot 2 & 4 PS600089L, Parish of William	Certification and Statement of Compliance issued in relation to PS825672X, Version 02	14/11/2018 Delegate: Andrew Bishop
S01183	21/11/2018	Prior & Kelly Pty Ltd for HSW Holdings Pty Ltd	343 Barkly Street, Ararat being Lot's 1 & 2, Parish of Ararat	Certification & Statement of Compliance in relation to Plan of Creation of Easement	22/11/2018 Delegate: Andrew Bishop

**Liquor License Applications**

<b>LIQUOR LICENCING COMMISSION</b>			
<b>Applicant</b>	<b>Location</b>	<b>Application</b>	<b>Consent</b>
Nil			

**KEY CONSIDERATIONS**

***Alignment to Council Plan Strategic Objectives***

3.4 Effective and efficient land use planning and building controls.

**ATTACHMENTS**

There are no attachments relating to this item.

#### 4.3 COMMUNITY SUPPORT GRANTS ASSESSMENT PANEL REPORT

**RESPONSIBLE OFFICER:** ACTING GENERAL MANAGER COMMUNITY SERVICES  
**DEPARTMENT:** COMMUNITY SERVICES  
**REFERENCE:** 13040261

#### OFFICER DIRECT OR INDIRECT CONFLICT OF INTEREST:

Under Section 80C of the *Local Government Act 1989* officers providing advice to Council must disclose any interests, including the type of interest.

No person involved in the preparation of this report has a direct or indirect interest requiring disclosure.

#### PURPOSE

To provide a report to Council in relation to the November 2018 Community Grants Program as assessed and recommended by the Assessment Panel.

#### EXECUTIVE SUMMARY

Council received 12 applications for the November 2018 round of community support grants. An internal assessment panel has assessed the applications and the final evaluation results are included in the report.

#### RECOMMENDATION

**That Council receive the Council Grants Assessment Panel Report.**

#### BACKGROUND

The Ararat Rural City Council Community Grants program has three rounds a year, with a total budget of \$90,000. The two streams of funding available consist of small community projects under the categories of community, lifestyle and economy which have unmatched funding up to \$1000, with infrastructure grants are up to \$20,000 with matching funding required. The applications are assessed by an internal panel against the selection criteria.

#### DISCUSSION

Council received applications with a total ask of \$48,832, with six applications for infrastructure projects and six for community projects. The total requested amount for the infrastructure funding stream was \$43,420. Available budget is \$30,000 each round, with \$20,000 for infrastructure and \$10,000 for programs.

The panel recommendations for each project are as per below-

CLUB	PROJECT NAME	DESCRIPTION	PROJECT COST	REQUEST	FUNDING AMOUNT
Ararat Basketball Association	Replace Basketball Backboards	Replace the old Basketball backboards and rings on Court 1 at the Ararat Fitness Centre	\$37,796.00	\$18,898.00	\$15,118.40
Ararat Bowling Club	Kitchen Renovation Part 2	Continuation of Kitchen Renovation to include a new stove and re locate and existing 2 door fridge	\$13,485.00	\$6,279	\$5,383.00
Ararat Emergency Relief Inc.	Show The Kids We Care	Purchase and distribute Christmas hampers and children's toys to families suffering financial hardship	\$8,100.00	\$1,000.00	\$1,000.00

Ararat Harness Racing Club	Blinds for Committee Room	Replace vertical blinds in committee room with new Roller Blinds	\$4,070.00	\$2,035.00	Not successful
Ararat Pony Club	Electric Stove	Replace the electric stove within the clubrooms with a new bigger one.	\$1,482.00	\$482.00	Not successful
Ararat Senior Citizens Club Inc	Ararat Senior Citizen's Keeping Comfortable Project	Install 5 Reverse Cycle Air Conditioners as existing utilities (heating & cooling) . \$5,000.00 from the Federal Stronger Regions Fund	\$19,876.73	\$7,438.36	\$5,950.00
Chalambar Mens & Ladies Bowling Club	Update and upgrade the club barefoot and community shared bowls	Replace damaged club bowls used for barefoot bowls and community social bowls.	\$1,520.00	\$1,000.00	\$1,000.00
East Grampians Health Service Aux	EGHS Dialysis Unit Replacement of Treatment Chairs	Replace 6 ageing treatment chairs in the Dialysis Unit	\$11,440.00	\$5,720.00	Not successful
Friends Of Lake Buninjon	Beautifying Buninjon	Install a bench seat (or 2) on the lake foreshore at Lake Buninjon	\$1,300.00	\$1,000.00	\$1,000.00
Lake Bolac Memorial Hall	Beyond Repair - New Chairs for Hall	Purchase 160 stackable chairs to replace the existing 114 old torn and rusted chairs.	\$6,100.00	\$3,050.00	Not successful
Willaura Memorial Hall	East wall window blinds	Cover the high windows on the eastern wall/railway side of the main hall.	\$1,860.00	\$930.00	\$930.00
Yang Blue Light	Ararat Police Identifying opportunities and activities for Ararat Youth at Risk	To provide activities for Ararat Youth that are interesting, affordable, enjoyable and fun.	\$2,800.00	\$1,000.00	Not successful

**KEY CONSIDERATIONS**

***Alignment to Council Plan Strategic Objectives***

1.1 Work with communities to develop and prosper

***Financial***

The grant requests exceed council's existing Community Budget allocation for the November 2018 round. Any further allocation to supported projects will impact on the availability of funds for the future round of applicants. The recommended allocations are marginally below \$30,000 grants budget for this round with some reallocation from projects to infrastructure based on scoring.

***Policy/Legal/Statutory***

None identified.

***Risk Assessment***

Risks have been assessed and understood by the grants committee. No unmanaged risks identified at this time. Stakeholder Consultation and Communication.  
Internal assessment committee have evaluated all grant applications. Discussions have been held with a number of the applicants in the development of their grant applications.

**CONCLUSION**

Council's Community Grants program received a broad range of applications that exceeded this rounds budget allocation. After a thorough internal panel process the assessment panel present this report for information.

**ATTACHMENTS**

There are no attachments related to this item.

#### 4.4 COUNCIL PLAN 2017-2021 HALF YEARLY UPDATE REPORT

**RESPONSIBLE OFFICER:** MANAGER GOVERNANCE  
**DEPARTMENT:** EXECUTIVE SERVICES  
**REFERENCE:** 13044064/14055933

**OFFICER DIRECT OR INDIRECT CONFLICT OF INTEREST:**

Under Section 80C of the *Local Government Act 1989* officers providing advice to Council must disclose any interests, including the type of interest.

No person involved in the preparation of this report has a direct or indirect interest requiring disclosure.

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**PURPOSE**

The Council Plan Action report is presented to Council updating the progress of initiatives identified in the Council Plan 2017-2021.

**EXECUTIVE SUMMARY**

The Council Plan 2017-2021 contains Initiatives to be undertaken during the 2017-2018 financial year under the pillars and foundation of Our Community, Our Lifestyle, Our Economy and Our Environment.

**RECOMMENDATION**

**That the Council Plan 2017-2021 Half Yearly Update Report be received.**

**DISCUSSION**

The attached report outlines the progress on achieving the 41 Major Initiatives included in the Council Plan for Year 1 (2017-2018) and Year 2 (2018/2019) as at 6 December 2018.

**KEY CONSIDERATIONS**

***Alignment to Council Plan Strategic Objectives***

- 1.1 Work with communities to develop and prosper
- 1.2 Community services that are accessible, inclusive and responsive to the community's needs
- 1.3 Community safety
- 2.1 Community and cultural connectedness
- 2.2 Respect our Sister City and Friendship Cities international relationships
- 2.3 Promotion of regional living
- 2.4 Strong performing and visual art program
- 2.5 Participation in diverse sport, recreation and leisure activities
- 2.6 Ararat Active City Strategy
- 3.1 A strong and diverse local economy
- 3.2 Economic growth within the municipality
- 3.3 Effective, efficient and safe transport networks
- 3.4 Effective and efficient land use planning and building control
- 4.1 Attractive streetscapes, town entrances, parks and gardens
- 4.2 Effective management of municipal waste and safe and effective disposal of domestic wastewater/stormwater
- 4.3 Community facilities that are planned, developed and maintained based on the needs and aspirations of the community
- 4.4 Protected and enhanced natural environment
- 4.5 Long term asset management



***Financial***

None identified.

***Policy/Legal/Statutory***

The Local Government Performance Reporting Framework – Governance and Management Checklist No 17 - Report reviewing the performance of the Council against the Council Plan including the results in relation to the strategic indicators for the first six months of the financial year. Where Council has a report, it must also provide details of the report, where Council has no report it must provide a reason.

***Risk Assessment***

Not meeting the requirements of the Local Government Performance Reporting Framework will result in negative feedback on the Know Your Council website.

***Stakeholder Consultation and Communication***

Priority Projects were workshopped with Councillors and Officers prior to adoption of the reviewed Council Plan 2017-2021.

**CONCLUSION**

The Council Plan 2017-2021 Half Yearly Update Report for Years 1 and 2 of the Plan is presented to Council for information.

**ATTACHMENTS**

The Council Plan 2017-2021 Half Yearly Update Report is provided as Attachment 4.4.

#### 4.5 GREEN HILL LAKE MEMORANDUM OF UNDERSTANDING

**RESPONSIBLE OFFICER:** ACTING GENERAL MANAGER COMMUNITY SERVICES  
**DEPARTMENT:** COMMUNITY SERVICES  
**REFERENCE:** 18100689

**OFFICER DIRECT OR INDIRECT CONFLICT OF INTEREST:**

Under Section 80C of the *Local Government Act 1989* officers providing advice to Council must disclose any interests, including the type of interest.

No person involved in the preparation of this report has a direct or indirect interest requiring disclosure.

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**PURPOSE**

This report is to provide information to Council regarding the management and maintenance arrangements of Green Hill Lake.

**EXECUTIVE SUMMARY**

In April 2017 Council was presented with a report which contained a range of management options for Green Hill Lake. It was resolved at this time that Council would enter into a Memorandum of Understanding with the Green Hill Lake Development Board and that this agreement would be returned to Council meeting in June 2017.

Since this time Council officers have been working with the Green Hill Lake Development Board to design an agreement that was acceptable by both parties. The Agreement has now been signed and is presented in this report for information.

**RECOMMENDATION**

**That the signed Memorandum of Understanding between Ararat Rural City Council and the Green Hill Lake Development Board be received.**

**BACKGROUND**

Council's relationship with the Green Hill Lake Development Board (GHLDB) is in mutual benefit of Council, the GHLDB and the visitors to the Green Hill Lake Reserve. The GHLDB have provided a service to the community in undertaking mowing, minor maintenance and oversight of the Reserve for many years. The GHLDB through donations have financed the construction of facilities such as BBQ's and children's play areas at Green Hill Lake Reserve.

**DISCUSSION**

In order to ensure roles and responsibilities of the Green Hill Lake Development Board and Ararat Rural City Council are clearly defined a Memorandum of Understanding has been developed and signed by both parties. The Memorandum of Understanding will support the ongoing work to ensure the lake remains a safe and enjoyable environment for all users.

Accompanying the Memorandum of Understanding will be a Green Hill Lake Reserve Operations & Maintenance Manual, which is currently in draft form and will be reviewed and updated regularly between Council officers and the Green Hill Lake Development Board. Both parties will comply with the operations manual.

## KEY CONSIDERATIONS

### ***Alignment to Council Plan Strategic Objectives***

- 1.1 Assist communities to develop and prosper.
- 1.4 Participate in diverse sport, recreation and leisure activities.

### ***Financial***

There are no additional financial implications associated with the signing of this Memorandum of Understanding.

### ***Policy/Legal/Statutory***

A Memorandum of Understanding has no legal implications or standing but is intended to be an agreement between both parties entered into in good faith to provide a clear outline of roles and responsibilities.

### ***Risk Assessment***

The agreement will minimise the current risks associated with the lack of any formal agreement between our community custodians of the lake and Council.

### ***Stakeholder Consultation and Communication***

Extensive consultation has occurred with the Green Hill Lake Development Board in developing this Memorandum of Understanding.

## CONCLUSION

The signing of the attached Memorandum of Understanding by all parties marks a point in time for Council and the Green Hill Lake Development Board to move forward with clear roles and responsibilities. The extensive work undertaken by volunteers within the communities of Ararat Rural City is critical to the ongoing sustainability of many community assets such as Green Hill Lake. This Memorandum of Understanding is presented for the information of Councillors.

## ATTACHMENTS

- 1 Green Hill Lake Memorandum of Understanding

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## SECTION 5 – COMMITTEE MINUTES/REPORTS

### 5.1 SECTION 86 COMMITTEES OF MANAGEMENT MINUTES

**AUTHOR'S TITLE:** MANAGER GOVERNANCE  
**DEPARTMENT:** EXECUTIVE SERVICES  
**REFERENCE:** 13039110/ 18100662 (Elmhurst)/ 18100575 & 18100576 (Lake Bolac)

#### OFFICER'S DECLARATION OF INTEREST

Under Section 80C of the *Local Government Act 1989* officers providing advice to Council must disclose any interests, including the type of interest.

No person involved in the preparation of this report has a direct or indirect interest requiring disclosure.

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#### PURPOSE

Section 86 Special Committees are established to assist Council with executing specific functions or duties. By instrument of delegation,

#### EXECUTIVE SUMMARY

Council has delegated to the Special Committees such functions and powers of the Council that it deems appropriate, utilising provisions of the Local Government Act 1989.

#### RECOMMENDATION

##### That Council:

- 1 Receives the Ordinary Meeting minutes of the Elmhurst Public Hall Committee of Management meeting held on 22 November 2018;
- 2 Receives the Ordinary Meeting minutes of the Lake Bolac Complex Committee of Management meeting held on 11 July 2018; and
- 3 Receives the Ordinary Meeting minutes of the Lake Bolac Complex Committee of Management meeting held on 17 October 2018.

#### BACKGROUND

Section 86 Special Committees are required to report to Council at intervals determined by the Council. A review of the process of receiving and presenting Section 86 Committees minutes is currently being carried out.

#### DISCUSSION

##### Summary of Committee Meetings

The following table updates Council on the meetings held by Council's Section 86 Committees since the last Council Meeting.

Please note that due to the timing of meetings some minutes may not have been confirmed at the time they have been presented to Council.

Special Committee	Councillor representative	Councillor Attendance Record	Current meeting (as presented)	Next proposed meeting/s	Minutes last presented to Council
Alexandra Hall Committee of Management	Cr Allgood	-	-	7 February 2019	11 October 2018
Buangor Community Sports Centre Committee (including Cobb & Co Building)	Cr Braithwaite	-	-	Meeting dates not provided	21 November 2017 AGM
Elmhurst Public Hall Committee	Cr Beales	Cr Beales - apology	22 November 2018	14 February 2019	27 September 2018 AGM
Lake Bolac Complex Committee	Cr Beales	Cr Beales – attended Cr Beales - apology	11 July 2018 17 October 2018		9 May 2018
	Cr Deutsch	-	-	20 February 2019 17 April 2019 17 July 2019 16 October 2019	
Lake Bolac Memorial Hall Committee	Cr Deutsch	-	-	Meeting dates not provided	31 January 2017 AGM 18 April 2018
Maroona Recreation Reserve Committee	Cr Pettman	-	-	Meeting dates not provided	30 July 2018 AGM and Ordinary
Mininera Recreation Reserve Committee	Cr Beales	-	-	Meeting dates not provided	25 October 2018 AGM and Ordinary
Moyston Public Hall Committee	Cr Pettman	-	-	8 October 2018 14 January 2019 13 May 2019 12 August 2019 Ordinary and AGM	13 August 2018 Ordinary and AGM
Pomonal Hall & Reserve Committee	Cr Braithwaite	-	-	Meeting dates not provided	1 August 2018
Streatham Memorial Hall Committee	Cr Armstrong	-	-	Meeting dates not provided	30 October 2017
Tatyoan Hall and Recreation Reserve Committee	Cr Beales	-	-	Meeting dates not provided	17 September 2018 AGM and Ordinary
Warrak Public Hall Committee	Cr Allgood	-	-	Meeting dates not provided	13 February 2018
Westmere Progress Association Committee (Westmere Hall and Recreation Reserve)	Cr Armstrong	-	-	Meeting dates not provided	17 October 2015
Wickliffe Action Group Wickliffe Common Committee	Cr Allgood	-	-	Advised no formal meetings held	-
Wickliffe Recreation Reserve Committee	Cr Allgood	-	-	Meeting dates not provided	26 June 2012
Willaura Golf Club	Cr Beales	-	-	Meeting dates not provided	9 November 2016
Willaura Memorial Hall	Cr Beales	-	-	6 December 2018	4 October 2018 AGM and Ordinary
Willaura Recreation Reserve	Cr Pettman	-	-	7 February 2019 4 April 2019	21 October 2015

Special Committee	Councillor representative	Councillor Attendance Record	Current meeting (as presented)	Next proposed meeting/s	Minutes last presented to Council
				6 June 2019 1 August 2019 3 October 2019 5 December 2019	
Yalla-Y-Poora Community Centre	Cr Armstrong	-	-	Meeting dates not provided	8 September 2014

**KEY CONSIDERATIONS**

***Alignment to Council Plan Strategic Objectives***

5.1 Good governance through leadership

***Financial***

No financial impact for the receiving of minutes.

***Policy/Legal/Statutory***

Council's Section 86 Committee Instrument of Delegation states that Committees must "Adhere to the *Section 86 Committee Governance Manual (Governance)* in relation to all reporting requirements." Section 86 Committee Minutes must be forwarded to Council within 14 days after the meeting.

***Risk Assessment***

Council need to be aware of issues raised in the minutes and take action were required. Not receiving the minutes in a timely manner can lead to delays in implementation of the requests.

***Stakeholder Consultation and Communication***

Councillor representation on Section 86 Committee of Management.

**CONCLUSION**

It is a legislative requirement of the *Local Government Act 1989, section 86* for minutes of these committees to be presented to the Council.

**ATTACHMENTS**

The two Section 86 Committees minutes as listed above are provided as Attachment 5.1.

**5.2 ADVISORY COMMITTEES MINUTES**

**AUTHOR'S TITLE:** MANAGER GOVERNANCE  
**DEPARTMENT:** EXECUTIVE SERVICES  
**REFERENCE:** 13039075

**OFFICER'S DECLARATION OF INTEREST**

Under Section 80C of the *Local Government Act 1989* officers providing advice to Council must disclose any interests, including the type of interest.

No person involved in the preparation of this report has a direct or indirect interest requiring disclosure.

**PURPOSE**

Council reviews its Committees at the Statutory Meeting each year and the Minutes of these minutes are presented to Council.

**EXECUTIVE SUMMARY**

This report contains the records of Council Committee meetings minutes received since the last Council Meeting.

**RECOMMENDATION**

**That the Council Committees Report be received.**

**DISCUSSION**

The following table outlines the Advisory Committees held since the last Council Meeting.

Council Committees	Councillor representative	Councillor Attendance Record	Current meeting (as presented)	Next scheduled meeting/s
Ararat Regional Art Gallery Advisory Committee	Cr Armstrong	-	-	To be advised
Audit Committee	Cr Beales and Cr Braithwaite	Cr Beales and Cr Braithwaite both attended	27 November 2018	5 March 2019 4 June 2019
CEO Employment and Recruitment Advisory Committee (Confidential)	Mayor, Cr Armstrong and Cr Braithwaite	-	-	11 December 2018
Community Road Safety Steering Committee	Cr Allgood	-	-	Yearly in August/September
Environmental Sustainability Advisory Group	Cr Pettman	-	-	12 December 2018
Municipal Emergency Management Planning Committee	Cr Beales	-	-	6 March 2019

**KEY CONSIDERATIONS**

***Alignment to Council Plan Strategic Objectives***

5.1 Good governance through leadership

***Financial***

No financial impact for the receiving of minutes.

***Policy/Legal/Statutory***

Section 3(1) of the Act defines an Advisory Committee to be any committee established by the council that provides advice to: Council, a Special Committee or a member of staff with a delegated duty, function or power of the Council under Section 98.

***Risk Assessment***

Council need to be aware of issues raised in the minutes and take action were required.

***Stakeholder Consultation and Communication***

Councillor representation on Council Committees.

**CONCLUSION**

The minutes of Council Committees are presented to Council for information.

**ATTACHMENTS**

The one Advisory Committee minutes as listed above are provided as Attachment 5.2.



## **SECTION 6 – COUNCILLORS REPORTS**

At each Council Meeting, all Councillors will have the opportunity to provide an overview of any meetings attended.

If a Councillor chooses to provide details, the name of the conference/event and the Councillor attending will be noted in the Minutes of the meeting. If a Councillor requires additional information on the conference/event to be included in the Minutes, the Councillor must submit in writing to the Chief Executive Officer by no later than 12pm (noon) the day following the meeting.

### **RECOMMENDATION**

**That the Councillors Reports be received.**

**SECTION 7 – NOTICES OF MOTION**

Notices of Motion must be in writing and lodged with the Chief Executive Officer no later than 5pm on the Wednesday which is at least four (4) business days before the meeting at which it is intended to be considered, unless a public holiday falls within that four days, as per Clause 18(4) of the Ararat Rural City Council Meeting Procedure.

**No Notices of Motions were received by 5pm on 5 December 2018**

## **SECTION 8 – URGENT BUSINESS**

Ararat Rural City Council Meeting Procedure, Clause 17 Urgent Business states:

- (1) Items proposed as urgent business must not be submitted to the meeting other than by resolution of the Council and only if it relates to or arises out of a matter which has arisen since distribution of the Agenda or which cannot be reasonably deferred for inclusion in the agenda of the next meeting
- (2) The nature of the urgency must be stated by the Councillor and outlined in the minute of the meeting.

Discussion on Urgent Business Items admitted and accepted by resolution of Council at the commencement of the meeting:

**SECTION 9 – CLOSE SESSION (CONFIDENTIAL)**

**CLOSURE OF COUNCIL MEETING TO THE PUBLIC**

The Open Council Meeting will now be closed, but members of the public are welcome to rejoin the Council Meeting following the recommencement of the meeting.

**RECOMMENDATION**

That the meeting be closed to members of the public to discuss the items listed in the confidential agenda, in accordance with the following provision:

*“89 Meetings to be open to the public*

*(2) A Council or special committee may resolve that the meeting be closed to members of the public if the meeting is discussing any of the following—*

*(d) contractual matters*

**OPEN COUNCIL MEETING RECOMMENCEMENT**

**RECOMMENDATION**

That the Open Council Meeting recommence.

Gallery invited to return to Council Chamber.

**LIFTING OF CONFIDENTIALITY OF CLOSED SESSION RESOLUTIONS**

**RECOMMENDATION**

That the Confidentiality of the report and decision in relation to Items, 9.1, 9.2 and 9.3 of the Confidential Agenda not be lifted;