



Ararat Rural City

# AGENDA

## ORDINARY MEETING OF COUNCIL

Tuesday 17 September 2019

To be held in the Council Chamber  
Shire Hall, 233-239 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 and Special Council Meeting.

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/araratruralcitycouncil](https://www.facebook.com/araratruralcitycouncil) 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

That the apology of Cr Jo Armstrong be accepted.

### 1.4 CONFIRMATION OF MINUTES

#### RECOMMENDATION

That the Minutes of the Council Meeting held on 20 August 2019 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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2.3 PETITION – OBJECTION TO PLANNING PERMIT 02828 – USE AND DEVELOPMENT OF A SERVICE STATION AND ASSOCIATED RETAIL STORE AT 394 BARKLY STREET, ARARAT

RESPONSIBLE OFFICER: CHIEF EXECUTIVE OFFICER  
DEPARTMENT: CEO'S  
REFERENCE: PLANNING PERMIT 02828

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

A petition with 13 signatures has been received from Luka Lukic on behalf of residents who live in the vicinity of 394 Barkly Street, Ararat.

The petition states:

“To whom it may concern,

We, the undersigned would like the Ararat Rural City Council to reject planning permit 02828 on the basis that a service station on the proposed site is bad for the residents and local community for the following reasons:

- Bringing trucks into a residential area;
- Increasing risk of accidents;
- Noise pollution;
- Air pollution;
- Hazardous materials in a residential area;
- Extra traffic and congestion;
- Excessive lighting;
- Decreasing liveability in the area.”

RECOMMENDATION

That:

- 1 The petition regarding the Objection to Planning Permit 02828 – Use and Development of a Service Station and Associated Retail Store at 394 Barkly Street, Ararat be received; and
- 2 **Council agree to deal with the petition under Council’s Meeting Procedure Clause 15(4).**

ATTACHMENTS

There are no attachments relating to this item.

## SECTION 3 – REPORTS REQUIRING COUNCIL DECISION

### 3.1 FINANCIAL STATEMENTS AND PERFORMANCE STATEMENT APPROVAL

RESPONSIBLE OFFICER:       MANAGER CORPORATE SUPPORT  
DEPARTMENT:               CORPORATE SERVICES  
REFERENCE:                 19107873

#### 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

The Financial Statements and Performance Statement (the statements) have been prepared for the period ended 30 June 2019. The Victorian Auditor-General is required to audit the statements but cannot issue his report unless Council approves the statements.

#### DISCUSSION

Pursuant to the Local Government Act 1989 (the Act) Council is required to give “in principle approval” to the 2018/19 Financial Statements and Performance Statement and submit the statements to the auditor for reporting on the audit.

The Act recognises that further changes may be made to the statements and therefore Council must authorise two Councillors to certify the Financial Statements and Performance Statement in their final form after any changes recommended by the auditor have been made.

The Auditor-General’s agent was onsite in Ararat from the week commencing Monday 19 August 2019 to conduct the end of year audit.

#### Key Financial information:

##### Financial Statements – Income Statement

The Comprehensive Income Statement measures how well Council has performed from an operating nature. It reports revenue and expenditure from the activities and functions undertaken, with the net effect being a surplus or deficit. Capital expenditure is excluded from this statement, as it is reflected in the Balance Sheet. Depreciation is included in this statement, as depreciation is the accounting method of allocating the cost of an asset over its useful life.

The Comprehensive Income Statement shows total income in 2019 of \$34.184 million compared with \$32.292 million in 2018. Rates & Charges income increased by \$0.396 million, Government Grants for operations increased by \$2.485 million, and Government Grants for capital works decreased by \$1.191 million.

Council received Natural Disaster Relief funding of \$1.417 million to offset the expenditure incurred as a result of storm damage in September 2016. There was also \$0.509 million more in the Federal Government’s Financial Assistance Grant mainly due the timing of payments in 2018 and 2019.

Government Grants for capital works in 2019 were less than 2018 mainly due to the timing of payments of the Roads to Recovery Grant (\$1.063 million)

User fees in 2019 were \$0.207 million less than 2018, mainly due to the \$0.286 reduction in income for waste management fees. Council no longer invoices Northern Grampians Shire Council for waste disposal fees which resulted in less income and less expenditure in 2019.

Total expenses in 2019 were \$30.185 million compared with \$29.214 million in 2018, an increase of \$0.971 million. A breakdown of expenses reveals an increase in employee benefits of \$0.490 million and an increase of \$1.798 million in depreciation.

Whilst employee benefits were \$0.490 million more in 2019, they were \$0.448 million less than budget due to organisation restructuring as well as delays in replacing some staff members and other vacancies that have not been filled.

The decrease in materials and services was expected as 2018 included flood recovery works of \$0.309 million that were completed during the year. Governance costs associated with the Commission of Inquiry and the cost of implementing the recommendations made by the Minister for Local Government of \$0.178 million were also included in 2018. The actual materials & services figure for 2019 of \$8.986 million is in line with the budget of \$8.967 million.

The additional \$1.798 million in depreciation is a direct result of the revaluation of infrastructure assets at 30 June 2018, resulting in a net asset revaluation increment of \$48.995 million.

In 2019, there was a net gain on disposal of asset. In 2018 there was a loss on disposal of property, infrastructure, plant and equipment of \$0.556 million, partly due to the Ararat Eagles Clubrooms being gifted to East Grampians Health Service and two buildings being demolished as part of the Ararat Arts Precinct Project

The surplus for 2019 was therefore \$3.999 million compared with a surplus of \$3.078 million in 2018.

#### Financial Statements – Balance Sheet

The Balance Sheet is one of the main financial statements and it reports Council's assets, liabilities and equity at a given date, in this case 30 June 2019. Comparative figures have been provided as at 30 June 2018.

Council's current assets have increased by \$4.081 million from \$18.429 million as at 30 June 2018 to \$22.510 million as at 30 June 2019. Cash and cash equivalents have increased by \$3.621 million. This included the \$1.417 million reimbursement for flood recovery works, \$1.078 million owing to the State Revenue Office for Fire Services Levy and \$1.289 million increase in the level of reserves held for specific purposes.

Total liabilities have increased by \$2.256 million from \$6.238 million in 2017/18 to \$8.494 million in 2018/19, largely due to \$1.078 million owing to the State Revenue Office and the \$1.000 million loan taken up during the year to complete the upgrade of the Ararat Town Hall.

#### Financial Statements – Cash Flows

The Statement of Cash Flows shows how changes in the Balance Sheet and Income Statement affect Cash and Cash Equivalents, and breaks down the analysis to operating activities, investing activities and financing activities.

The Cash Flow Statement shows a net increase in cash and cash equivalents of \$3.621 million. Part of this increase is due to receiving the reimbursement of \$1.417 million expenditure incurred as a result of storm damage in September 2016 and the \$1.078 unpaid Fire Services Levy. Council also borrowed \$1 million to complete the Ararat Town Hall Redevelopment in 2019. The loan was originally in the budget for 2018 but was not required as Council received an advanced payment of \$2.88 million from the Victorian Grants Commission in June 2018.

The Cash Flow Statement shows net cash provided by operating activities was \$13.963 million in 2019 compared with \$10.127 million in 2018, representing an increase of \$3.836 million. This is largely due to \$2.247 million reduction in materials and services. The 2018 figures include Flood Recovery works of \$0.309 million that were not in the budget, grading and re-sheeting roads exceeding budget by \$0.267 million and pothole patching exceeding budget by \$0.114 million. Governance costs relating to the Commission of Inquiry were \$0.178 million in 2018.

In 2019, there was \$0.321 million less in expenditure as Council did not incur waste management fees on behalf of Northern Grampians Shire Council. Savings in road maintenance budget (operating budgets) were also redirected to additional renewal works to help reduce the renewal gap – additional re-sheeting \$0.495 million and extra reseals \$0.146 million.

Net cash used in investing activities (e.g. payments for property, infrastructure, plant and equipment) was \$11.209 million in 2019 compared with \$12.339 million in 2018. Capital works for 2019 included \$6.808 million for infrastructure, \$1.8 million for Plant & Equipment, \$1.726 million to complete the Ararat Town Hall redevelopment, \$0.315 for the Willaura Hall, \$0.317 million for the Ararat Skate Park and \$0.104 million for the Olver Grandstand renovations.

Net cash provided by financing activities was \$0.867 million in 2019 which included the new loan of \$1 million to complete the Ararat Town Hall redevelopment.

#### Financial Statements – Capital works

The Statement of Capital Works details the capital works completed during 2018/19. It shows \$11.633 million was spent on capital works during the year. Highlights in the building area included completing the Ararat Town Hall upgrade, Willaura Hall and Skate Park development; \$6.808 million spent on roads, bridges and other infrastructure. Asset renewal expenditure was \$8.580 million which has helped Council reduce the asset renewal gap.

#### Performance Statement

The Victorian Government has introduced a mandatory system of performance reporting which prescribes performance information to be included on Council's annual reports.

*"Councils must describe the prescribed indicators and measures in the performance statement, so it is clear to the audience what is being measured. In addition, the performance statement must include the results achieved in relation to the prescribed service performance outcome, financial performance and sustainable capacity for the financial year and three preceding years".*

For the financial performance indicators and measures, the performance statement must also include the forecast results for four years based on the financial statements included in the strategic resource plan.

Reporting trend information helps the reader understand changes in Council performance over time and acts as a point of reference for results. The regulations require that Councils must also provide an explanation of any material variations in the results between the current year and other years disclosed, to enable the reader to form an understanding of the reason for the variation".

The performance reporting framework requires Councils to load the indicators included in this performance statement, as well as a number of other indicators that are required to be included in the report of operations, onto the "Know your Council" website, which will allow the community to compare the performance result of Councils across Victoria.

Part of the performance reporting framework includes the State Government setting expected ranges for each indicator. Based on the draft financial statement and performance statement Council is within the expected range

for most indicators. The working capital indicator has an expected range of 100% to 400%. Council's indicator of 422% is greater than the expected range as this indicator has been influenced by receiving the reimbursement of \$1.417 million expenditure incurred as a result of storm damage in September 2016 and the \$1.078 held on behalf of the State Revenue Office for unpaid Fire Services Levy. The reasons for the material variations are included in the performance statement.

#### Audit Committee Review

The draft financial statements and performance statement were considered by the Audit Committee on 3 September 2019. Ms Cassandra Gravenall from Crowe Australasia presented the Auditors closing report at that meeting, answering any issues raised by the Audit Committee members. Further changes may be required after the Victorian Auditor General's Office has reviewed the statements and before the nominated Councillors certify the accounts in their final form.

#### KEY CONSIDERATIONS

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

5.1 Good governance through leadership

##### *Budget Implications*

Council's financial performance is better than expected, due largely to the reimbursement of Storm Damage reinstatement and salary savings as a result of the recent organisation restructure.

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

Section 132 (2) of the Local Government Act 1989 states that: "the Council, after passing a resolution giving its approval in principle to the performance statement and financial statements, must submit the statements to the auditor for reporting on the audit".

Section 132 (4) of the Local Government Act 1989 states that: "the auditor must not sign a report under Subsection (3) or under Part 3 of the Audit Act 1994 unless the performance statement or the financial statements (as applicable) have been certified under subsection (5).

Section 132 (5) of the Local Government Act 1989 states that: "The Council must ensure that the performance statement and financial statements, in their final form after any changes recommended or agreed by the auditor have been made, are certified in accordance with the regulations by—

- (a) 2 Councillors authorised by the Council for the purposes of this subsection; and
- (b) any other prescribed persons.

##### *Risk Assessment*

Council is required to approve the statements before the Auditor-General can issue the audit report. Council has until 30 September 2018 to finalise the statements.

##### *Stakeholder Consultation and Communication*

Various Council officers have been involved with the preparation of the statements. The statements will be included in the Annual Report that will be made available to the public.

#### CONCLUSION

Council officers have prepared the in-principle accounts for Council's consideration. The Audit Committee has reviewed the statements on 3 September 2019 and recommended that subject to no material changes to the Financial Statements and Performance Statement being made; and subject to receiving the final management letter Council authorises Councillors and the Chief Executive Officer to certify the Financial Statements and the Performance Statement in their final form.

It is recommended that Council give "in principle" approval of the 2018/19 Financial Statements and Performance Statement and authorise two Councillors to approve the statements in their final form.

#### RECOMMENDATION

- 1 That pursuant to Section 132 of the Local Government Act 1989, Council gives in principle approval to the Financial Statements and Performance Statements for the year ended 30 June 2019; and
- 2 That pursuant to Section 132 of the Local Government Act 1989, Council authorises the Chief Executive Officer, Councillor Peter Beales and Councillor Bill Braithwaite to certify the 2018/19 Financial Statements and Performance Statement in their final form

#### ATTACHMENTS

The Performance Statement and Financial Statements are provided as attachment 3.1.

3.2 2019 DOMESTIC ANIMAL MANAGEMENT PLAN 2017-2021 ANNUAL REVIEW AND AMENDED PLAN

RESPONSIBLE OFFICER: COMMUNITY SAFETY COORDINATOR  
DEPARTMENT: PLANNING, COMMUNITY AND COMPLIANCE  
REFERENCE: 19108101

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.

EXECUTIVE SUMMARY

This report outlines the 2018 review into the Ararat Rural City Council (Council) Domestic Animal Management Plan 2017-2021 (DAMP) and submits the evaluation results for inclusion in the 2019 Council Annual Report.

Under Section 68A (3) of the Domestic Animals Act 1994 (The Act), Council must:

- review its Domestic Animal Management Plan annually and, if appropriate, amend the plan; and
- provide the Secretary with a copy of the plan and any amendments to the plan; and
- publish an evaluation of its implementation of the plan in its annual report.

EXECUTIVE SUMMARY

Council adopted the DAMP at its Council meeting on 19 September 2017. This plan has a four-year lifespan and must be reviewed annually. This is the 2019 annual review for the 2017-2021 and evaluation of the DAMP.

The review undertook an evaluation to assess the various programs, services and strategies outlined under the plan. Following the review, an amended DAMP is attached to this report for formal adoption.

DISCUSSION

The following is an overview of the key deliverables.

Category	2015/16	2016/17	2017/18	2018/19
DOGS				
Number registered	2453	2085	2279	1888
Impounded by Council	131	143	147	108
Surrendered by public *(see below)	18	12	19	20
Adopted	33	43	31	9
Rescue Organisation	n/a	n/a	18	35

Euthanised *(see below)	6	4	2	4
Reclaimed	110	104	114	80
CATS				
Number Registered	639	587	674	547
Impounded by Council	67	87	117	172
Surrendered by public	0	36	48	21
Adopted	20	29	43	28
Rescue Organisation	n/a	n/a	42	101
Euthanised	37	84	77	53
Reclaimed	6	4	3	11
Domestic Animal Business/s helters	4	4	4	4

Council experienced a decrease in animal registrations in 2018/19. This decrease can be attributed to a thorough update of the registration database.

The continual low rate of dog euthanasia is attributed to a proactive approach towards rehoming and adoption, rather than euthanasia. Council's continuing relationships with rescue organisations via the formal Section 84Y agreements is contributing to the low euthanasia rates.

Council has entered into two new Section 84Y agreements with rescue organisations in the 2017/18 period, which has resulted in Council achieving the "no kill" target of less than 7% of dogs that enter the pound being euthanised. Of the two dogs that were euthanised, they were surrendered for destruction after becoming aggressive, attacking livestock or other animals. The trapping of feral cats has continued across the municipality with only diseased and feral cats being euthanized. All domesticated cats are reunited with their owners, rehomed with rescue groups or adopted by the public from the pound.

Council aims to maintain euthanasia rates to less than 7% of dogs that enter the pound. Rescue organisations are also publicly supporting Council's "no kill" position on impounded animals via their facebook pages.

During 2018/19 dog adoptions decreased due to the increased use of animal Rescue Groups.

#### Council Adoption Subsidy

In December 2016 Council resolved to offer subsidised adoption from the Ararat Rural City Council Pound. For \$100 per dog and \$50 per cat, a dog or cat can be adopted from the Pound fully vet worked and vaccinated; and Council paid the balance to the Ararat Veterinary Centre.

#### Cost of adoption

Category	Number	Adoption Income	Council Subsidy	Total vet costs 2018/2019	Net Cost to Council for subsidised adoptions
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Dogs directly adopted from Council	9	\$900.00	\$282.08	\$2,550.26	\$2,538.72
Cats directly adopted from Council	28	\$1,400.00	\$163.89	\$5,530.21	\$4,588.92
Other adopted from Council	3	\$100.00	Goats x 2 Ram x 1	N/A	N/A
Total Cost of Council subsidy 2018/2019					\$7,127.64

#### Social Media Use

Social Media use has become a valuable tool in advertising dogs and cats that are available for adoption from the Pound. The PetRescue website has been used and enquiries regarding adoptions have come from all over Australia.

#### Conclusion

The conclusion of the review is that the DAMP has been successful in the areas of:

- Document current processes and practices under the Ararat Rural City Council's animal management responsibilities;
- Increased compliance with the Act. Increase pet owners' knowledge of the principles of responsible pet ownership and enhance community safety and awareness;
- Assist Pet Welfare Victoria a branch of the Department of Economic Development, Jobs, Transport and Resources (DEDJTR) to achieve its stated objectives of reducing the numbers of dogs and cats being euthanised;
- Maximise the numbers of dogs and cats that are registered in the Ararat municipality;
- Minimise the harmful effect of domestic pets on the population of native birds, mammals and reptiles;
- Take into account, community views on animal management matters;
- Comply with the relevant provisions of the Act; and
- Keep up to date with any new changes to (DAA) as they are enacted.

The following is a list of the activities outlined in the DAMP, and the resultant review into each of these:

Develop and maintain a training register for individual officers detailing completed and proposed training to maintain skills and knowledge.

ACTIVITY	WHEN	EVALUATION	2018/19 REVIEW
Maintain a database to record each officer's name, completed training, along with proposed additional training opportunities	Ongoing	Annually review, to ensure accuracy and to determine whether proposed training goals have been met for each Officer.	Data base established. All training has been reviewed and was relevant.  Local Laws Officers have completed Cert IV Animal Management Statutory Compliance.
Local Laws Officers currently studying Certificate IV in Government (Statutory Compliance) and Certificate IV in Animal Control and	2019/20	Successfully completed.	Both full time Local Laws Officers have successfully completed their current study.

Regulations to complete their courses.			Casual Local Laws Officer enrolled to do the dual Cert IV and for Local Laws officers to offer a mentoring program with the Warner Group.
Staff attendance at industry related seminars and training, such as; <ul style="list-style-type: none"> <li>• Breed identification</li> <li>• DEDJTR/BAW Seminars</li> <li>• Dangerous dog handling</li> </ul>	As offered	Seminars and training completed by Local Laws officer in 2019/20.	Local Laws attended professional development days and training opportunities: <ul style="list-style-type: none"> <li>• Domestic Animal Act 1994 amendments</li> <li>• Puppy farm bill.</li> <li>• Dangerous Dog Seminar</li> </ul>

Recruit and train additional authorised officers within the Council depot, to provide Local Laws with an after-hours animal emergency call out pool. Appoint 5 casual Local Laws Officers for use as needed.

ACTIVITY	WHEN	EVALUATION	2018/19 REVIEW
Identify minimum level of experience and develop a training package required to build skill set.	Ongoing	Review and ensure all criteria are met prior to commencement of Officer out in the field. Training evaluations completed.	Training evaluation created and written assessment completed for After Hours On Call Local Laws Officers. Both permanent Local Laws officers are qualified in Certificate IV Animal Management & Statutory Compliance Induction package created to reflect industry standards.
Mentoring program be developed to ensure accurate information and training is being provided whilst on the job.	Ongoing	Review feedback from both Officers regularly to ensure effective development.	Mentoring is occurring on an ongoing basis, and any skill gaps identified and addressed.  New training Courses identified if available.
Allocate a variety of tasks for the Officer to have completed during the development period	Ongoing	Review each completion of task to ensure Officer is developing adequate skill sets required.	Formal review of tasks is undertaken at regular team meetings. Up skilling opportunities identified and addressed. PDP will also provide input from employee as to their personal development.
Officers to follow up complaints and provide feedback to improve skills and systems	Ongoing	Review on a Monthly basis at Emergency Services, Safety & Local Laws team meetings.	Reviewed at team meetings, With a positive reinforcement of work processes and best practice. Work is underway to migrate to new software modules to improve work systems.

To increase annual re-registration compliance

ACTIVITY	WHEN	EVALUATION	2017/18 REVIEW
Educate residents of the annual re-registration renewal period by means of advertising/media releases, mailing of renewal notices.	March-May Yearly	Review media release types to determine most effective advertising medium.	A combination of annual renewal notice mailing, along with media releases was the most effective advertising medium. A media release regarding online registrations renewals was distributed.
Develop registration data base capacity with mobile phone numbers and email addresses to allow for bulk messaging re registration requirements	Ongoing	Number of database entries upgraded to include mobile numbers and email addresses.	Property.gov data is updated via new animal registrations, rates and property sales. With the role out of the new software "Open Office", this data will be captured.
Ensure each property is audited and issued infringements where animals found to be unregistered.	July – August Yearly	Number of properties visited and infringements issued. Compare to previous results.	Over 50 properties where dogs are sighted have been checked for registration. Notice to comply has been issued upon receipt of non-registration. 15 infringements for unregistered dogs and 2 infringements for non-renewal of animal registration were issued during this period.
Ensure animal registrations have been renewed and infringements paid. Lodge unpaid infringements with Fines Victoria or Magistrates Court.	Monthly	Number of issued infringements unpaid and animal registrations renewed. Compare to previous results.	Unpaid infringements are reviewed at the end of each month and sent to Fines Victoria if overdue. This is a new process given the Infringements Court has been repealed.

Increase and maintain dog and cat registrations.

ACTIVITY	WHEN	EVALUATION	2018/2019 REVIEW
Ensure all seized and impounded animals are registered to their owner prior to release.	Prior to every release.	Review annual registration numbers. Review number of dogs and cats being seized and impounded who are not registered to their owner.	2435 domestic animals were registered in 2018/19. 321 animals were impounded. Any released were registered prior to release or were rehoused with a rescue organisation that ensures they are registered with the Municipality they are rehoused into.
Proactive door knocking in areas believed to have high number of unregistered animals via impoundment statistics. Check for unregistered and unidentified dogs and cats.	Annually	Review annual increase in registration numbers. Review number of dogs and cats being seized and impounded who	Notice to Comply process compliments the auditing of unregistered animals.  Targeted Notices to Comply were issued to properties where animals

Effective advertising prior to audit commencing.		are not registered to their owner. Records of number of unregistered and un-identified animals picked up during door knocks.	were identified and had un-renewed registration or were not registered.
Propose a month long "amnesty" where animals can be registered without prosecution. To be conducted prior to proactive door knocking checking on registrations.	Annually	Number of animals that are registered during the amnesty period.	Registration reminder Media release in the Ararat Advertiser in early March for April registration renewal.
Undertake an annual micro chipping day to promote responsible pet ownership and registration.	Annually	Number of animals micro chipped and number of new registrations.	Microchipping day to be held later in the 2019.
Provide photos on Council's web page of impounded cats and dogs.	ongoing	Number of 'hits' on the webpage featuring impounded cats and dogs.	Ararat's Facebook page was utilised to post lost and found cats and dogs. Posts were also circulated using other social media platforms including Council's Facebook page.

Investigate the requirement to have new registrations online

ACTIVITY	WHEN	EVALUATION	2018/2019 REVIEW
Investigate the possibility of pet owners being able to register new dogs and cats online	2019	Software capabilities and payment options.	Rollout of Open Office software may support this activity.
Continue the development of Ararat Veterinary Clinic as a registration agent	Ongoing	Number of registrations from Ararat Veterinary Clinic.	Rollout of Open Office software may support this activity.
Provide a "welcome pack" to new animal registration owners.	2019	Number of welcome packs handed to new animal registration owners.	Welcome packs are being investigated. Quotes for package contents are being sourced.

**Revise Council's Order relating to the control of dogs and cats in public places.**

ACTIVITY	WHEN	EVALUATION	2018/2019 REVIEW
Review all dog off leash areas (if suitable) produce an updated dog off leash map	Annually	Inspect dog off leash areas for suitability.	Reviewed and no change.  Dog off leash area maps are available on the Ararat Rural City website. An additional Dog of Leash Area has been added to the list.
Review cat trapping program at Pomonal (impacting the neighbouring Grampians National Park)	Annually	Number of feral cats taken out of Grampians National Park at Pomonal. Number of cat trap hires annually.	In the period there were no cats trapped in this area, however 16 cat traps were utilized in the municipality.
Promote the free hire of cat traps for residents of the municipality	Annually	Number of cat trap hires annually	16 cat traps were hired free of charge during the year. Council has instituted a monetary bond upon hire, which is refunded when the cage is returned or a cat is trapped. This is to ensure traps are returned on time and in good condition.
Educate dog owners out in public by including off leash areas in media releases, and on website, (see off leash map attachment 9)	2019	Number of 'hits' on web page.  Number of media releases.	Dog off leash areas are listed on the Ararat Rural City Council Website. Local Laws officers have patrolled these areas and promoted the use of these spaces to dog owners. The Responsible pet ownership webpage of the Ararat Rural City Council website has been viewed 206 times in this period.
Implement and enforce Order to ensure compliance Officer/s to patrol streets & parks.	2019	Number of notices/warnings issued. Decreased number of animal litter and dog off lead complaints received.	Two dog off lead complaints were reported in the 2018/19 year.  Upon investigation no dog owner could be located.
Ensure wide circulation of the Domestic Animals Branch publications such as "Preventing dog attacks" etc.	Ongoing	Mail out publications with pet registration renewals. Distribute publications to Domestic Animal businesses, Veterinary Clinics and other community hubs.	A mail out will be conducted in the 2018/19 animal registration renewal.  Brochures are available at Councils Customer Service counter, boarding establishments, local pet shops and the veterinary clinic.

Decrease the timeframe of barking dog investigations from point of lodgement to resolution.

ACTIVITY	WHEN	EVALUATION	2018/19 REVIEW
Set key performance indicators for Officers to complete barking dog complaints within a 6-week timeframe.	Ongoing	Review complaints annually to evaluate percentage completed within timeframe.	100% of barking dog complaints completed within time frame.  15 barking dog complaints have been recorded this year.
Use barking dog standard operating procedure and revise annually.	Ongoing	Review complaints to ensure standard operating procedure timelines were followed.	100% of barking dog complaints completed within timeframe.
Assess the benefits of purchasing citronella collars and Comfort Coats to hire out to dog owners where complaints received	2019	Number of barking dog complaints. Number of comfort coats and collars used to resolve barking dog complaints.	Citronella collars and Comfort Coats have been purchased and will be offered to owners for a fee of \$20 per week, with a view to recovering cost over a 12-month period.  Two citronella collars hired in this period.

Provide targeted education and compliance campaigns in areas where data reporting shows higher numbers of dog attack incidents.

ACTIVITY	WHEN	EVALUATION	2018/19 REVIEW
Collate and record data for dog attacks reported including, date/time, animal type, dog attacked animal/person, dog unsecured/off lead, dog unregistered, sex, entire/de-sexed.	Ongoing	Evaluate data annually to determine areas requiring specific education/compliance activities.	Twelve (12) Dog Attacks reported. This is a significant decrease down from 25 in the previous year. This can be attributed to education of the community through media and publications. 2 dogs that were surrendered were euthanised due to dog attacks.
Report outcomes of all dog attack prosecutions to local media to raise awareness in the community of the need to report dog attacks and Council's action in relation to attacks,	Ongoing	Website, social media and media release strategy.	Media reports have been circulated regarding the dog attacks, and publications titled "preventing dog attacks in the community" have been distributed to key businesses. Future prosecution outcomes will be raised in the media and social media.

To minimise the incidence of dog attacks in the community

ACTIVITY	WHEN	EVALUATION	2018/19 REVIEW
Providing proactive Education/Compliance Activities in the targeted areas of higher dog attack incidents. Educating key dog attack prevention messages (e.g. confinement of dogs to property, leash laws) through media articles, mail outs, website information. Actively patrol areas for roaming, unsecure and/or unregistered dogs.	Ongoing	Record type and number of education materials distributed. Numbers of proactive patrols conducted. Number of media articles published	The majority of dog attacks on animals occurred in the municipality or external fringe of the Ararat township. Future patrols will target these areas, and specific animal owners or groups with higher representation of breeds in reported dog attacks.  Education materials distributed to animal outlets and are available in customer service.  Other dog attack investigations and results also widely published.
Inform the community of outcomes of dog attacks prosecuted in Court.	Ongoing	As occurs.	Media reports of dog attacks have been circulated.

Ensure declared dogs are compliant to relevant legislation and regulations.

ACTIVITY	WHEN	EVALUATION	2018/19 REVIEW
Ensure all owners of declared dogs are aware of their obligations under the DAA regarding identification and keeping these dogs. Doing so by providing them with relevant sections of the DAA, brochures & fact sheets sent out as information kits.	Ongoing	Declared dog kits developed and distributed annually.	One menacing dog had been surrendered to Council this year. This dog was taken off the VDDR register and rehoused after a temperament test and behavior review.  One new dog has been declared Menacing after an attack and has been placed on the VDDR.  Currently 4 dogs are declared menacing and all owners have been educated and are aware of their responsibilities.
Patrol industrial sites or building sites that may have guard dogs.	Ongoing	Distribute information kits to any premises identified.	Patrols are continuing.  No sites have been identified as a result of patrols.
Ensure that Council has effective declaration policies and procedures to avoid declarations being over turned at VCAT (establish partnerships with other Councils that have success at VCAT for ideas and	Ongoing	Declaration policies and procedures are developed and implemented.	Review is conducted regularly and officers are updated.  One menacing dog declaration was made and this was not contested at VCAT.

assistance). Ensure Council has specific declaration procedures for each type of declaration: <ul style="list-style-type: none"> <li>• Dangerous dogs</li> <li>• Menacing dogs</li> <li>• Restricted breed dogs</li> </ul>			
Random property inspections of declared dogs to ensure compliance	Ongoing	Review checklists as occurs	Compliance checks completed.  Six declared menacing dogs exists in our municipality.
Prosecute repeat offenders or serious breaches detected	As occurs	As Occurs	Infringements issued and Fines Victoria administrates on Councils behalf. No prosecutions where conducted in the period.
Educate the community about what is a declared dog.	Ongoing	Number of complaints regarding declared dogs from the community Review accuracy of complaints	Nil complaints.

Continue encouraging de-sexing of animals.

ACTIVITY	WHEN	EVALUATION	2018/19 REVIEW
Discount registration fees for cats and dogs that are de-sexed to encourage registration of animals over 3 months of age.	Ongoing	Number of new animals registered in category yearly	322 new dog registrations were created.  74 new cat registrations were created.
Continue successful partnerships with animal rescue/shelter organisations to offer subsidised de-sexing of dogs and cats	Ongoing	Number of owners of animals taking advantage of subsidised de-sexing rate.	Nil subsidised de-sexing of dogs or cats was offered by rescue organisations this year. Council's own subsidised adoption scheme was successful in having 31 dogs and 43 cats desexed and adopted from the pound.
Enter into section 84Y agreements with animal rescue/shelters to ensure released dogs are de-sexed prior to rehousing.	Ongoing	Number of Section 84Y agreements.	Section 84Y agreements entered into. <ul style="list-style-type: none"> <li>• Staffordshire Rescue Victoria</li> <li>• Ararat Dog Rescue</li> <li>• Farmdogz Rescue Inc.</li> <li>• Maneki Neko Cat Rescue</li> <li>• Pets Haven</li> <li>• Save a Pet</li> <li>• Victorian Dog Rescue</li> <li>• Forever Friends</li> <li>• Central Animal Rescue Group</li> <li>• Victorian Siberian Husky Group</li> </ul>

			During this period 60 animals were rehoused with our rescue partners.
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Identify illegally operated Domestic Animal Breeding Establishments in the municipality and ensure compliance and/or close-down.

ACTIVITY	WHEN	EVALUATION	2018/2019 REVIEW
Media campaigns to raise awareness of DAB definition and code of practices that must be adhered too.	As identified	Evaluate number of complaints received and properties identified during inspection or otherwise.	Two new Domestic Animal Business (DAB) applications have been identified and are currently working towards obtaining a permit to comply with new DAB legislation.
Investigate advertisements of pets for sale	As identified	Mandatory microchipping of animals from breeding establishments	An investigation of a property has resulted in 43 cats registered and a multi animal permit issued. Two new DAB's have been recognised and are currently going through the planning process with Council.

Ensure domestic animal businesses are compliant with relevant legislation and codes of practice.

ACTIVITY	WHEN	EVALUATION	2018/19
Monitor Council's registration database for owners with more than 3 fertile females.	Ongoing	Compliance with local laws and related legislation.	Nil identified
Encourage de-sexing of animals by keeping registration fees for de-sexed animals at low rates whilst increasing the full cost of registrations.	Ongoing	Percentage increase of desexed animals compared to entire animals.	For 2018/19 - 81% of animals registered are desexed.  Council has increased the full rates of registrations whilst leaving de-sexed registration rates lower.
Conduct searches for unregistered domestic animal businesses via internet/media/newspapers.	Ongoing	Number of DAB's identified.	We are currently surveying social media websites to monitor Animal sales activities, we have one ongoing problematic animal hoarder.

## KEY CONSIDERATIONS

### *Alignment to Council Plan Strategic Objectives*

#### 1.3 Community Safety

#### *Financial*

Pound operations are allocated in the budget. Resource implications are the need for casual local laws officers to assist in the door knocking of houses to ensure compliance with animal registrations.

*Policy/Legal/Statutory*

Receiving this review and endorsing the revised DAMP, Council complies with the legislative requirements of the Domestic Animals Act 1994.

*Risk Assessment*

The area of animal control is growing in accountability, from a legislative and community perspective. Council needs to ensure adequate resources are provided to ensure the statutory obligations and community expectations are met regarding responsible pet ownership.

*Stakeholder Consultation and Communication*

The continuing review and revision of the DAMP enhances community expectation that responsible pet ownership is a function of compliance Council undertakes by virtue of the Domestic Animals Act 1994. The low euthanasia rate of dogs will reinforce community perception that animal welfare is paramount to Council activities. Community will have confidence that Council is focused on incidents of dog attacks, wandering, and nuisance cats and dogs within the community.

CONCLUSION

The endorsement of the revised DAMP, and receipt of the review will facilitate Councils obligation under Section 68A (3) of the Domestic Animals Act 1994.

RECOMMENDATION

That Council:

- 1 Receive the Domestic Animal Management Plan evaluation for 2019/20;
- 2 Endorse the amended Domestic Animal Management Plan as presented;
- 3 Provide the Secretary with a copy of the amended plan; and
- 4 Publish an evaluation of its implementation of the plan in the Annual Report.

ATTACHMENTS

The Domestic Animal Management Plan is provided as attachment 3.2.

### 3.3 FAÇADE IMPROVEMENTS GRANTS SCHEME

RESPONSIBLE OFFICER: ECONOMIC DEVELOPMENT COORDINATOR  
DEPARTMENT: ECONOMIC DEVELOPMENT  
REFERENCE: 19108135

#### 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

The Façade Improvements Grants Scheme provides an opportunity for business operators within the municipality to access a grant scheme for improvement works on the façade of their business premises. The Scheme provides access for a grant of up to \$5,000 from Council matched one to one with a contribution from the business owner. The total pool of Council funds will be \$70,000 funded from Reserve. The funds were originally placed in Reserve from the cash surplus from the 2018/2019 financial year.

#### DISCUSSION

Statistics collected by Council during 2014, 2016 and 2019 of the Central Business District (CBD) occupancy data indicates a slight decline from 2014 (6.3%) to 2019 (7.4%). In general, a vacancy rate between 4% and 6% is relatively typical of a strong performing retail centre yet a range between 3% and 7% is considered normal. This indicates a healthy demand for business space, and that opportunities are available for new traders to enter the local market. However, with a small cluster of vacant shops in Barkly Street there is a perception of market decline and a lack of confidence within the community and business sector.

First impressions are important and by providing vibrant business environments in Ararat and our rural townships, Council can assist in attracting new business, diversify the business sector, and give our community and visitors a memorable experience in our municipality. Each town is a destination in its own right, not just a town you pass through on the way to the Grampians. Improved retail streetscapes will encourage and build confidence, encourage tourism and increase retail spend.

In recent years Ararat Rural City's commercial strips have seen limited investment with tired facades, poor lighting, and faded signage. Our towns are steeped in history with some of our historic commercial buildings that would benefit from restoration and preservation.

The proposed Scheme provides a grant of up to \$5,000 from Council on a dollar for dollar basis with matching funds provided by the business operator. Grant schemes such as this have been successful across Western Victoria including centres such as Colac, Camperdown and Warrnambool.

#### KEY CONSIDERATIONS

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

- 3.1 A strong and diverse local economy
- 3.1.2 Pursue investment opportunities to diversify and strengthen the municipality's economic base
- 3.3.3 Preserve local heritage through appropriate planning controls

### *Budget Implications*

A total pool of \$70,000 will be provided with grants of up to \$5,000 from Council matched by the business operator on a dollar for dollar basis.

The total pool of Council funds will be \$70,000 funded from Reserve. The funds were originally placed in Reserve from the cash surplus from the 2018/2019 financial year

### *Policy/Legal/Statutory*

#### INFORMATION TO BE PROVIDED AS PART OF THE APPLICATION

- Description of works to be completed as part of the application form.
- A quote for the proposed works.
- Where the application is proposing the painting of a building, the colour palette will need to be provided for approval by Council.
- Photographs of the building's existing condition will need to be provided including close ups of the affected areas. Photographs will also need to be provided following the completion of the works if the application is successful.
- A planning permit may be required for the proposed works that need to be completed (see application form). The permit process, if required, can run in tandem with this application.
- Council will not grant funds for works where a planning permit is required and has not been granted
- If the building is heritage listed, you will be required to undertake research to provide Council with evidence including photographs or other documentation. Council may be able to assist with this research or provide information on whether the business is located within a heritage building.

#### APPLICATION DETAILS

- To apply for funding as part of the Façade Improvement Grants, applicants will need to consider the following:
  - Council will not grant funds from the program retrospectively.
  - Council will not provide funds for ongoing or administrative costs not directly related to the project.
  - Council will not provide funds for equipment purchasing (e.g. ladders, gurneys, scaffolding, and safety barriers). Hiring of equipment is permitted when related directly to the project.
  - Council will not grant funds for works where a planning permit has been refused.

### *Risk Assessment*

None identified.

#### CONCLUSION

The Façade Improvements Grants Scheme provides an opportunity for Council to work with local businesses to improve the façade of business premises across the municipality. The co-funding model demonstrates the commitment of both Council and individual business owners to improving the amenity of business centres within Ararat and our rural communities.

#### RECOMMENDATION

That:

- 1 Council commit \$70,000 from Reserves to implement the Façade Improvement Grants Scheme; and
- 2 The Façade Improvement Grants Scheme provides grants of up to \$5,000 from Council, matched dollar for dollar by the business owner for improvement to building facades based on the Application Guidelines.

#### ATTACHMENTS

The Façade Improvement Grants Scheme (FIGS) Application Guidelines are provided as attachment 3.3.

3.4 PLANNING PERMIT 02828 – SERVICE STATION AND CONVENIENCE STORE, 394 BARKLY STREET, ARARAT

RESPONSIBLE OFFICER: MANAGER PLANNING, COMMUNITY AND COMPLIANCE  
DEPARTMENT: PLANNING  
REFERENCE: PLANNING PERMIT 2828

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

Consideration of Application for Planning Permit No.02828.

EXECUTIVE SUMMARY

The applicant is seeking to develop a service station at the eastern entrance to Ararat at 394 Barkly Street. The site lies on the corner of Barkly and Alfred Streets, visible from the main roundabout on the Western Highway. Typical of most service stations, the site will also include a small convenience shop selling basic items for motorists and residents.

Council received five objections to the development application, as well as a petition signed by 13 people. A mediation meeting was held on 29 August 2019 and established that the use would be less concerning to those objectors attending if it did not operate on a 24/7 basis, did not impact on the laneway at the rear of the site and was not frequented by large semi-trailers fuelling up. These suggestions have been included in the assessment of the proposal.

DISCUSSION

Received	25 June 2019
Applicant	Mr Bill Balakis, BB Design Group
Proposed Use & Development	Use and development of a Service Station and associated convenience shop, modification of access to a Road Zone 1 and display of signage
Location	394 Barkly Street, Ararat L1 LP25527 V8049 F079 Parish of Ararat; L2 LP25527 V8049 F079 Parish of Ararat
Zoning	Commercial 1 Zone, General Residential Zone
Surrounding Zoning	Commercial 1 Zone, Road Zone 1, General Residential
Assessment No	11002.95

BACKGROUND

Application site and surrounds

The subject site has a frontage of 37m, a depth of 47m with an area of 1,910m<sup>2</sup> and is bound by Barkly Street, Alfred Street and an unnamed Laneway. Barkly Street is the local name of Ararat – Halls Gap Road. Both Barkly

Street and Alfred Street are constructed to a sealed residential road standard.

The site is located to the south-west of the roundabout at the eastern end of Ararat and is visible to vehicles using the roundabout.

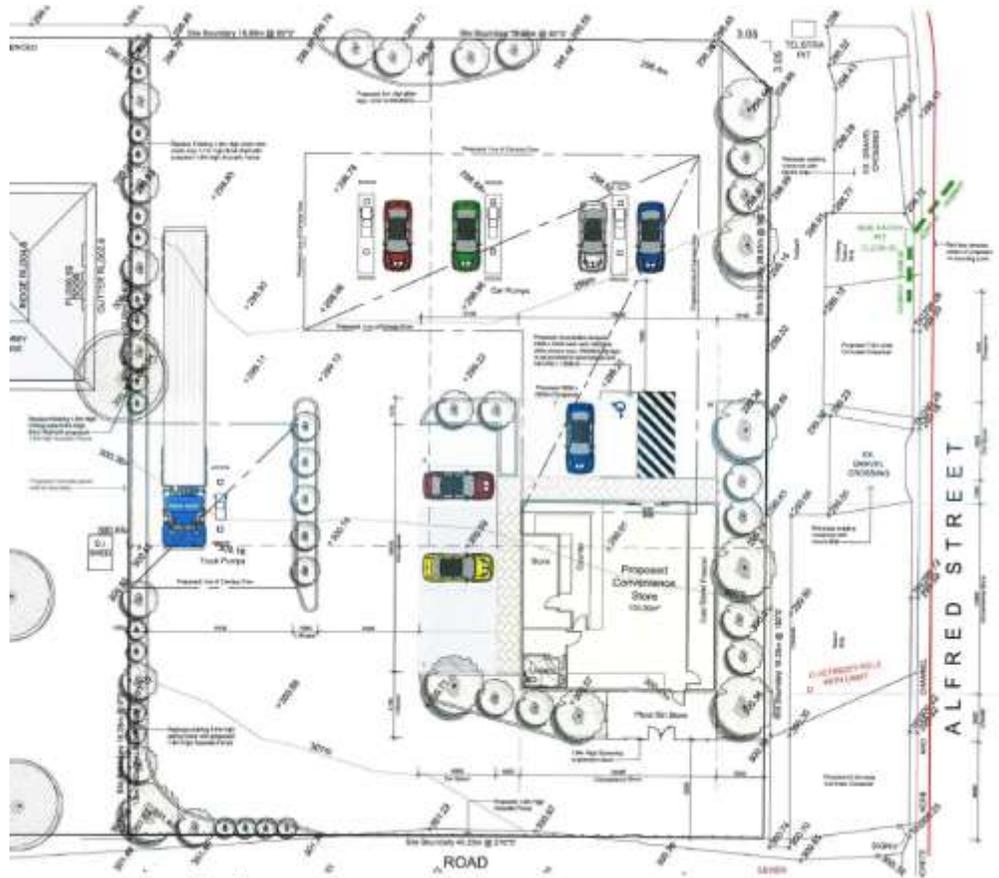
The site was previously occupied by a service station and a range of other uses. The previous buildings were demolished in February 2019. The applicant has confirmed that the previous tanks were removed prior to purchase and the site rehabilitated.

The site is surrounded by a dwelling immediately westward; residential development across Barkly Street to the north, and a dwelling to the east across Alfred Street. To the south across the gravel lane is also residential development.

### Proposal

The proposal is to construct a service station and convenience shop (150m<sup>2</sup>) on the site. The use is to comprise of 3 petrol pumps and car spaces under the main canopy and a further truck diesel pump with parking for a vehicle either side on the western side of the property adjacent to the house at 392 Barkly Street.

The proposed use is to be open and staffed on a 24hour a day basis; though the convenience shop is proposed to be closed through the night for security reasons. Vehicles are expected to enter the site from Barkly Street and exit from the site into Alfred Street; with fencing ensuring the laneway to the rear is not used. Parking for 16 motor vehicles will be available on-site with 6 spaces at the petrol bowsers and a further 10 spaces for staff and people making other purchases.



#### Notice of application

Notice of application was carried out in accordance with Section 52 of the *Planning and Environment Act 1987* by forwarding notices to the owners and occupiers of the adjoining land and placing signs on the land's frontage to Barkly and Alfred Street.

Following the 14-day period five objections and one petition containing 13 signatures were received. Both objections and submissions are discussed elsewhere in the report.

#### Referrals

The application was forwarded to the Department of Environment, Land, Water and Planning (DELWP), Environmental Protection Agency (EPA) and VicRoads.

DELWP advised that it had reviewed the proposal and offered no objection to the granting of a planning permit.

EPA advised that they had no objection to the issue of a planning permit but recommended the inclusion of 7 conditions to address the potential environmental impacts of the development on the locality. These conditions relate to the control of emissions, odours, storm water and storage tank design.

VicRoads advised that it did not object to the application conditional upon the closure of the eastern entrance to the site from Barkly Street (closest to the intersection with Alfred Street) and limiting the western entrance to the site from Barkly Street to being an entrance only.

The application was forwarded internally to the Building Surveyor, Environmental Health Officer, and the Assets Department. These referrals resulted in the following responses:

AREA	RESPONSE
Assets	No objection – 2 conditions recommended relating to car parking and landscaping
Building	No objection
Environmental Health	No response received

#### Planning Process

Application lodged 25 June 2019

Referred to VicRoads and EPA 8 July 2019

Internal referral to Building, Health and Assets 8 July 2019

Response from EPA 25 July 2019

Advertising closes 5 August 2019

Site inspections 27 August 2019 and 4 September 2019

Response from VicRoads 5 September 2019

#### Previous Relevant Applications

There are no previous planning applications for the site.

The demolition of the previous structures on the land was approved by Council's delegate on 12 December 2018.

## DISCUSSION

### Planning Scheme Provisions

#### Planning Policy Framework

The following components of the planning policy framework are relevant to the assessment.

#### 13.07-1S Land use compatibility

##### Objective

To safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects.

##### Strategies

Ensure the compatibility of a use or development as appropriate to the land use functions and character of the area by:

- Directing land uses to appropriate locations; and
- Using a range of building design, urban design, operational and land use separation measures.

#### 15.01-1S Urban design

##### Objective

To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

##### Strategies

- Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate;
- Ensure development contributes to community and cultural life by improving the quality of living and working environments, facilitating accessibility and providing for inclusiveness;
- Ensure the interface between the private and public realm protects and enhances personal safety;
- Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport;
- Ensure that the design and location of publicly accessible private spaces, including car parking areas, forecourts and walkways, is of a high standard, creates a safe environment for users and enables easy and efficient use;
- Ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm;
- Ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads; and
- Promote good urban design along and abutting transport corridors.

#### 17.02-1S Business

##### Objective

To encourage development that meets the community's needs for retail, entertainment, office and other commercial services.

##### Strategies

- Plan for an adequate supply of commercial land in appropriate locations;
- Ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure;
- Locate commercial facilities in existing or planned activity centres;

- Provide new convenience shopping facilities to provide for the needs of the local population in new residential areas and within, or immediately adjacent to, existing commercial centres;
- Provide small scale shopping opportunities that meet the needs of local residents and workers in convenient locations;
- Provide outlets of trade-related goods or services directly serving or ancillary to industry that have adequate on-site car parking;
- Locate cinema-based entertainment facilities within or on the periphery of existing or planned activity centres; and
- Apply a five-year time limit for commencement to any planning permit for a shopping centre or shopping centre expansion of more than 1000 square metres leasable floor area.

#### Local Planning Policy Framework

##### 21.05-4 Tourism

###### Objective 1

To promote and maximise the benefits of tourism for the municipality.

###### Strategies

Recognise Barkly Street and the Western Highway as important approaches into and corridors through Ararat and where tourist based activities should be encouraged.

The Ararat Framework Plan (Inner City Area) outlines the preferred land use for this area as an area to be zoned Commercial 2 in the short term. The purpose of the Commercial 2 zone is:

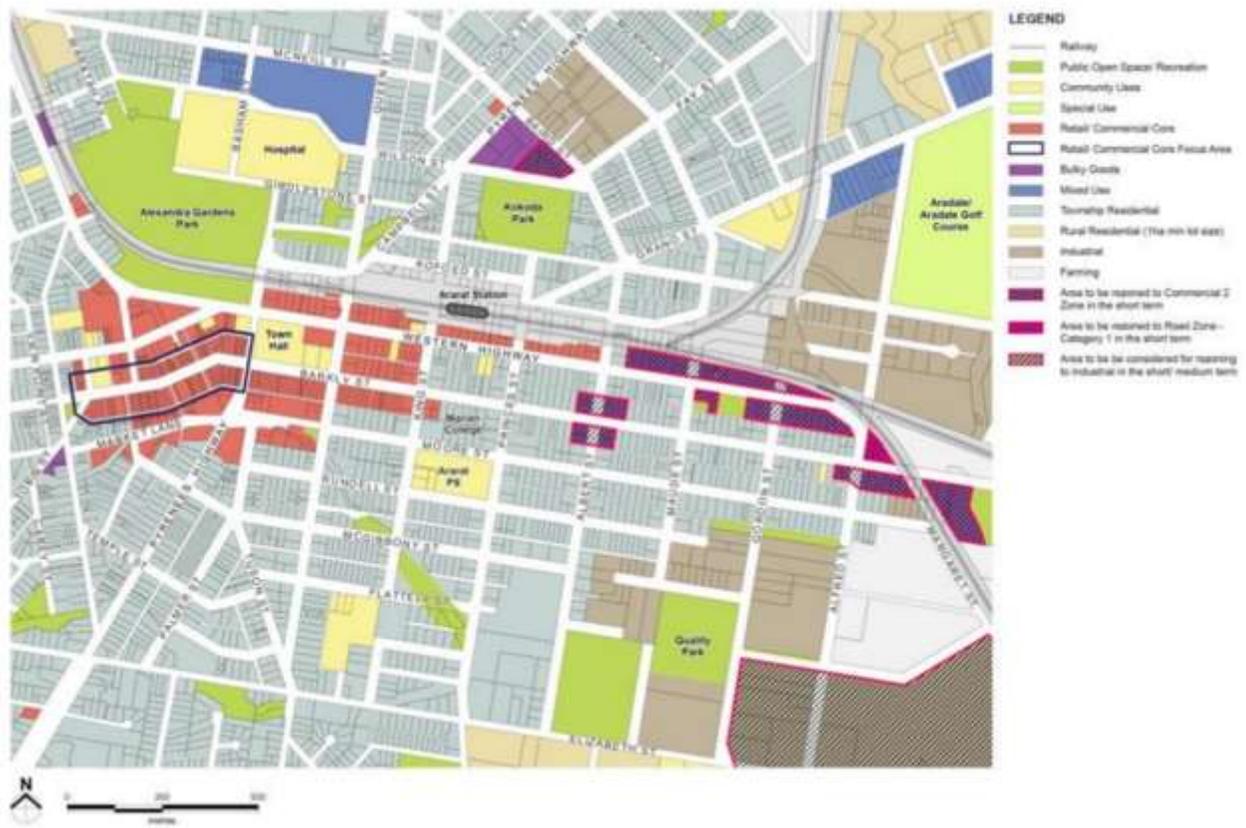
- To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services; and
- To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.

Whilst this rezoning is yet to occur, had the zone change been applied the use would remain a Section 2 activity requiring a planning purpose. In this zone:

A use must not detrimentally affect the amenity of the neighbourhood, including through the:

- Transport of materials, goods or commodities to or from the land; or
- Appearance of any building, works or materials. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

These issues are relevant given the predominantly residential nature of the area and the inclusion of one of the three parcels to be developed in the General Residential zone.



**Zoning**

The site as indicated is zoned both Commercial and General Residential zone; comprising two Commercial zoned lots and one parcel zoned General Residential. There are no overlay controls.



The use is defined as a service station. This use requires a planning permit in the Commercial 1 Zone, as does the associated buildings and works on the site. In the General Residential Zone, a service station can be sought through a planning permit providing that the site either:

- Adjoins a commercial zone or industrial zone
- Adjoins, or have access to, a road in a Road Zone.

Furthermore, the site must not exceed either:

- 3000 square metres.
- 3600 square metres if it adjoins on two boundaries a road in a Road Zone.

In this case the land adjoins land with a commercial zone and fronts Barkly Street which is a Road Zone 1 under the control of VicRoads. The site area is compliant at 1,910m<sup>2</sup>. As with the Commercial zone a permit is also required for the buildings and works on the site to facilitate the use.

Under 52.29 a permit is required to access or modify the access to a Road Zone, Category 1. This is to ensure that appropriate access is provided to identified roads.

Under Clause 52.05 a permit is required for the various signage types in Category 1 - Commercial areas and Category 3 – High amenity areas, being the Commercial and General Residential zoning respectively.

### 30. Zones

Clause 34.01 Commercial 1 zone	Comment
<p>Purpose</p> <ul style="list-style-type: none"> <li>• To implement the Municipal Planning Strategy and the Planning Policy Framework.</li> <li>• To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.</li> <li>• To provide for residential uses at densities complementary to the role and scale of the commercial centre</li> </ul> <p>In this zone the use of land must not detrimentally affect the neighbourhood amenity through the:</p> <ul style="list-style-type: none"> <li>• Transport of materials, goods or commodities to or from the land.</li> <li>• Appearance of any building, works or materials.</li> <li>• Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.</li> </ul> <p>Decision Guidelines <i>General</i></p> <ul style="list-style-type: none"> <li>• The Municipal Planning Strategy and the Planning Policy Framework.</li> </ul>	<p>The proposal sits comfortably with the state and local planning policy framework. Whilst the use is not without impacts on the surrounding property the area has a high level of activity in the immediate vicinity both on Barkly Street and the nearby Western Highway.</p> <p>Control of light spill, noise and other amenity impacts are expected to be addressed through conditions and are discussed elsewhere in the report. Observations of other similar facilities, both in Ararat and elsewhere suggests that the use can operate in a manner with limited impact on neighbours. In this location this impact is further reduced by the laneway, Alfred Street and the width of Barkly Street.</p> <p>The development will have access to all urban services, including the local drainage system.</p> <p>The requirement by VicRoads to close on of the existing access points to Barkly Street will reduce the risk to pedestrians and cyclists moving through this area.</p> <p>The suitability of proposed car parking is discussed in detail below.</p>

<ul style="list-style-type: none"> <li>• The interface with adjoining zones, especially the relationship with residential areas.</li> </ul> <p><i>Use</i></p> <ul style="list-style-type: none"> <li>• The effect that existing uses may have on the proposed use.</li> <li>• The drainage of the land.</li> <li>• The availability of and connection to services.</li> <li>• The effect of traffic to be generated on roads.</li> <li>• The interim use of those parts of the land not required for the proposed use</li> </ul> <p><i>Building and works</i></p> <ul style="list-style-type: none"> <li>• The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.</li> <li>• The provision of car parking.</li> <li>• The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.</li> <li>• The storage of rubbish and materials for recycling.</li> <li>• Defining the responsibility for the maintenance of buildings, landscaping and paved areas</li> <li>• Consideration of the overlooking and overshadowing as a result of building or works affecting adjoining land in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.</li> <li>• The impact of overshadowing on existing rooftop solar energy facilities on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.</li> <li>• The availability of and connection to services.</li> <li>• The design of buildings to provide for solar access.</li> </ul>	<p>If the development is to be approved, then a condition will require evidence that the provision of the proposed canopy over the truck filling area and parking here by semi-trailers adjoining 392 Barkly Street will not reduce the level of solar access to the private open space for that lot below the level specified in Clause 54.04 of the Planning Scheme or create overlooking between the driver's position and the windows of the dwelling and backyard area.</p> <p>Details of waste management arrangements would also need to be provided if the application is to be approved. Given the area of the site and available space it is expected that an enclosed waste area can be provided and screened from view.</p> <p>Landscaping is shown on the plans provided with the application suggesting the planting of screening trees along Alfred Street, through the site and along the interface of the site with 392 Barkly Street. If the application is to be approved then the details of species, watering and maintenance would be required to be provided for approval.</p> <p>The use is likely to have a significant level of energy usage for lighting, pump operations and refrigeration. In order for the development to meet the provisions of Clause 19.01-1S to <i>facilitate local energy generation to help diversify the local economy and improve sustainability outcomes</i>, if the development is to be approved then a condition will be included to require that the use include the provision of renewable energy generation of at least 3kW.</p>
<p>Clause 32.08 General Residential zone</p>	<p>Comment</p>
<p>Purpose</p> <ul style="list-style-type: none"> <li>• To encourage development that respects the neighbourhood character of the area.</li> </ul>	<p>The scale of the construction is consistent with a residential area and the applicant has demonstrated</p>

- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

#### Decision Guidelines

##### *General*

- The purpose of this zone.
- The objectives set out in a schedule to this zone.
- Any other decision guidelines specified in a schedule to this zone.
- The impact of overshadowing on existing rooftop solar energy facilities on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.

##### *Non-residential use and development*

- Whether the use or development is compatible with residential use.
- Whether the use generally serves local community needs.
- The scale and intensity of the use and development.
- The design, height, setback and appearance of the proposed buildings and works.
- The proposed landscaping.
- The provision of car and bicycle parking and associated accessways.
- Any proposed loading and refuse collection facilities.
- The safety, efficiency and amenity effects of traffic to be generated by the proposal.

that the level of traffic is unlikely to be inconsistent with the surrounds.

As noted above there is the capability through the process to address potential amenity impacts through conditions on any permit.

The most significant risk to impact on amenity through overlooking, noise, light and fumes is to the adjoining residential parcel to the west; being 392 Barkly Street. Detailed later in the report is an assessment of the proposed hours of operation for the use and how this is likely to impact on the area, particularly the immediately adjoining property.

The traffic assessment provided with the application notes that the use of the site will most likely be by town residents and cars, rather than heavy vehicles, travelling through the area. Assuming this assumption proves true this will ensure that the use is compatible with the surrounding residential development.

It is noted that the local planning policy framework plan envisaged more intensive use of this land and neighbouring parcels to the east for "big box" retail. Such use would have a significantly enlarged building footprint. The area of this site limits its capacity for such use.

Construction as proposed is physically separated from the boundary of the site with less than 25% of the western frontage having a canopy on the boundary and all other frontages being free of walls or rooflines. This configuration adds to the open presentation of the site and sits more readily with a residential neighbourhood compared to other commercial formats.

Objections highlighted the esteem with which the local laneway was held by nearby landowners. The proposal does not permit access onto this path by site users or vehicles – a 1.8 m acoustic fence is proposed to be erected between the site and the laneway. This was confirmed at the mediation meeting.

50. Particular Provisions

*Clause 52.05 Signs*

*Purpose*

- To regulate the development of land for signs and associated structures.
- To ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character.
- To ensure signs do not contribute to excessive visual clutter or visual disorder.
- To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.

*Decision Guidelines*

All signs

The character of the area including:

- The sensitivity of the area in terms of the natural environment, heritage values, waterways and open space, rural landscape or residential character.
- The compatibility of the proposed sign with the existing or desired future character of the area in which it is proposed to be located.
- The cumulative impact of signs on the character of an area or route, including the need to avoid visual disorder or clutter of signs.
- The consistency with any identifiable outdoor advertising theme in the area.

*Impacts on views and vistas*

- The potential to obscure or compromise important views from the public realm.
- The potential to dominate the skyline.
- The potential to impact on the quality of significant public views.
- The potential to impede views to existing signs.
- The relationship to the streetscape, setting or landscape:
- The proportion, scale and form of the proposed sign relative to the streetscape, setting or landscape.
- The position of the sign, including the extent to which it protrudes above existing buildings or landscape and natural elements.

The proposal includes Business Identification signage, including fuel prices on the Barkly Street frontage, high wall signage on the shop front and rear and above verandah signage on the canopy. These signs all trigger a permit in the two zones of the site.

The proposed signage is not considered excessive and provides ready visual recognition of the purpose and brand of fuel proposed to be sold, information on prices to assist purchasers and advice on where diesel can be sourced for larger vehicles.

The approach to signage meets the purpose of the clause and the associated decision guidelines.

No signage is proposed that is likely to cause a distraction or hazard to drivers passing by. VicRoads has raised no issues with the signage as outlined. The colour, form and location of signage is unlikely to cause confusion to drivers or present as traffic control devices nor result in last minute manoeuvres.

Siting of the signage is unlikely to cause it to dominate the streetscape or impact on any significant viewline.

The site is approximately 140m from the railway crossing and unlikely to have its operations impeded by this infrastructure.

- The ability to screen unsightly built or other elements.
- The ability to reduce the number of signs by rationalising or simplifying signs.
- The ability to include landscaping to reduce the visual impact of parts of the sign structure.
- The relationship to the site and building
- The scale and form of the sign relative to the scale, proportion and any other significant characteristics of the host site and host building.
- The extent to which the sign displays innovation relative to the host site and host building.
- The extent to which the sign requires the removal of vegetation or includes new landscaping.
- The impact of structures associated with the sign:
- The extent to which associated structures integrate with the sign.
- The potential of associated structures to impact any important or significant features of the building, site, streetscape, setting or landscape, views and vistas or area.
- The impact of any illumination: The impact of glare and illumination on the safety of pedestrians and vehicles.
- The impact of illumination on the amenity of nearby residents and the amenity of the area.
- The potential to control illumination temporally or in terms of intensity.
- The need for identification and the opportunities for adequate identification on the site or locality.
- The impact on road safety. A sign is a safety hazard if the sign
- Obstructs a driver's line of sight at an intersection, curve or point of egress from an adjacent property.
- Obstructs a driver's view of a traffic control device, or is likely to create a confusing or dominating background that may reduce the clarity or effectiveness of a traffic control device.
- Could dazzle or distract drivers due to its size, design or colouring, or it being illuminated, reflective, animated or flashing.

<ul style="list-style-type: none"> <li>• Is at a location where particular concentration is required, such as a high pedestrian volume intersection.</li> <li>• Is likely to be mistaken for a traffic control device, because it contains red, green or yellow lighting, or has red circles, octagons, crosses, triangles or arrows.</li> <li>• Requires close study from a moving or stationary vehicle in a location where the vehicle would be unprotected from passing traffic.</li> <li>• Invites drivers to turn where there is fast moving traffic or the sign is so close to the turning point that there is no time to signal and turn safely.</li> <li>• Is within 100 metres of a rural railway crossing.</li> <li>• Has insufficient clearance from vehicles on the carriageway.</li> <li>• Could mislead drivers or be mistaken as an instruction to drivers.</li> </ul>	
<p>Clause 52.06 – Car parking</p> <ul style="list-style-type: none"> <li>• To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.</li> <li>• To support sustainable transport alternatives to the motor car.</li> <li>• To promote the efficient use of car parking spaces through the consolidation of car parking facilities.</li> <li>• To ensure that car parking does not adversely affect the amenity of the locality.</li> <li>• To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.</li> </ul> <p>Clause 52.29 Land Adjacent to A Road Zone, Category 1, Or A Public Acquisition Overlay For A Category 1 Road</p> <p>Decision guidelines</p>	<p>Comment</p> <p>Under this Clause 10 spaces are required for the convenience shop. These have been provided on the site in an L-shape around the shop space. Further parking is available on either side of each bowser for consumer use.</p> <p>The traffic report with the application notes that loading/unloading may occur from these car spaces, the bowser and apron area or Barkly Street. This is considered to be suitable with the latter an option now that VicRoads require the eastern entrance from Barkly Street to be closed.</p>

<ul style="list-style-type: none"> <li>• The views of the relevant road authority.</li> <li>• The effect of the proposal on the operation of the road and on public safety.</li> <li>• Any policy made by the relevant road authority pursuant to Schedule 2, Clause 3 of the Road Management Act 2004 regarding access between a controlled access road and adjacent land.</li> </ul>	<p>In it's letter dated 14 August 2019, received by the Council on 5 September 2019, VicRoads advises that it does not object to the application subject to two conditions that are required to be included on a permit, if one is to issue.</p>
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Decision Guidelines

Clause 65.01	Comment
The matters set out in section 60 of the Act.	The provisions of the Act have been considered throughout this report.
The Municipal Planning Strategy and the Planning Policy Framework.	This is discussed in detail earlier in the report. Of particular note is the Local Planning Policy Framework Plan for the inner area of Ararat that designates this area as suited for future rezoning to Commercial 2 for "big box" retail uses. The proposed use is considered a more appropriate scale for the area of the site, subject to confirmation that overlooking and shadowing will not occur on the neighbouring residence.
The purpose of the zone, overlay or other provision.	This is discussed in detail earlier in the report.
Any matter required to be considered in the zone, overlay or other provision.	The site is not affected by overlays.
The orderly planning of the area.	The site is appropriately located to service both local drivers and those travelling through the area being at the intersection of two state roads. The applicant has provided information on the level of traffic and expected future profile of users of the site. The layout has ensured the development will not impede the adjoining residential laneway.
The effect on the amenity of the area.	The objections to the application raise concerns about a number of amenity impacts – most particularly noise, light, fumes/smell and risks to safety. These issues are discussed in detail in the assessment of objections; however here it is appropriate to note that there is merit in these concerns and some commitment to address issues was indicated by the applicant's representative at the mediation meeting. Further there is the opportunity to apply conditions to any approval proposed to issue to embed changes to both

	the layout and operation of the use to mitigate the potential impacts.
The proximity of the land to any public land.	There is no public land in the immediate surrounds of the proposal that will be impacted by the development.
Factors likely to cause or contribute to land degradation, salinity or reduce water quality.	EPA has provided advice on possible conditions to minimise the risk to water run-off from the site. In the event the proposal is to be approved these conditions would be included on the proposed permit.
Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.	The design includes the separation of stormwater from roof and canopy to that landing on the ground and likely to be contaminated by petrol spills and other motor fluids.
The extent and character of native vegetation and the likelihood of its destruction.	Not applicable.
Whether native vegetation is to be or can be protected, planted or allowed to regenerate.	Not applicable.
The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.	There are no known flood or erosion issues with the site. Whilst the use is a potential fire risk, history has shown that service stations are not likely to explode under normal use.
The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts	<p>The Traffic Management Plan with the application identifies that loading and unloading may occur from the site through vehicle parked either in the car parking spaces, on the apron or on Barkly Street. This is considered safe and acceptable for the number of deliveries likely to occur.</p> <p>VicRoads has required that the eastern entrance from Barkly Street be closed and remediated to prevent use as a condition of any approval. Consequently, advice from the applicant on the alternate access arrangements for the delivery of fuel will need to be provided if the application is approved.</p>

#### KEY CONSIDERATIONS

The assessment and determination of this application requires the Council to consider a range of issues which include the provisions of the planning scheme, any potential benefits of the proposed land use, the potential impacts of the proposed land use, comments/advice received from various external agencies as well as other departments within the organization.

When considering whether this land use is appropriate for this site and the surrounding area, the matters to be

evaluated include whether there will be effective management of the activities occurring on the site, and whether the proposed use will create an impact on the amenity of the surrounding area. These matters are addressed throughout this report - in the assessment against the planning scheme provisions, in the responses provided to the objector's concerns and within the proposed conditions contained in the recommendation.

In particular, the assessment of the impact of potential noise emissions has warranted considerable assessment in this report.

#### Assessment of Noise Impact

This is a situation where the 'agent of change principle' applies. The 'agent of change principle' assigns responsibility for the provision of noise attenuation to the 'agent of change.' The principle is applied in situations where a new use or a development is to be introduced into an existing environment. In this situation, the obligation under the 'agent of change' principle is on the site operator - being the party who seeks approval for this new use. Therefore, the site operator has the responsibility for the provision of appropriate noise attenuation measures in relation to this new use.

The EPA *Noise From Industry In Regional Victoria Recommended Maximum Noise Levels From Commerce, Industry And Trade Premises In Regional Victoria* (2011) the recommended maximum noise levels ('recommended levels') are defined based on the hours of the day and the location/zoning of the new use and the surrounding properties. The guidelines divide the day thus:

Day	0700-1800 Monday – Friday 0700-1300 Saturdays
Evening	1800-2200 all days 1300-1800 Saturdays 0700-1800 Sundays and public holidays
Night	2200-0700

In circumstances such as this where the new use is located in a predominantly Commercial zone and the impacted premises in a Residential zone the recommended noise levels are as follows:

	Recommended max noise levels
Day	52dBa
Evening	42dBa
Night	39dBa

It is recommended that the applicant be required to comply with these guidelines as a condition of any permit to issue.

#### Stakeholder Consultation and Communication

##### Comments made in objection

Objections have been received from five local residents or landholders, as well as one person beyond the immediate vicinity. Each objection letter is attached to this report, while the applicant's response is also attached for Councillors' information. The topics of objection and the officer response to each are set out below.

A petition was also received containing twelve signatures; of which one was from someone who also lodged an objection.

Concern:

Suitability of the proposal given the mixed residential and commercial zones and surrounding residential uses.

Response:

The area has a clear pattern of use dominated by residential activities. That said this end of Barkly Street can be described as very active given the following factors:

- Proximity to the eastern entrance to Ararat and the intersection of Barkly Street with the Western Highway;
- Proximity to the railway line crossing on the Western Highway;
- Established zoning intent for commercial activities on this and adjacent sites – both in the land zoning and the Ararat Framework Strategy.

If the permit is to be approved, conditions can be utilised to mitigate the key amenity impacts on the surrounding residential properties.

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Concern:

Impact on the neighbours from noise, smell and light given 24/7 operations proposed and the construction impacts during the build process

Response:

The operational impacts can be addressed through conditions. At the mediation meeting it was noted that the operator was open to negotiation on the hours of use.

It is proposed that the hours of business, together with the timing of deliveries be regulated based on State Environmental Policy and hours of like businesses in the town; if the use is to be approved.

These limits will also reduce the likelihood of smell impacts in early morning and late evening times when air maybe cooler and vapours less readily dissipated.

Lighting impacts can be controlled through thoughtful placement and baffling (shading) of lights.

In relation to construction noise, this will be regulated through the EPA through which the Residential Noise Regulations which limit works to 7am to 8pm Monday to Friday and 9am to 8pm on weekends and public holidays.

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Concern:

Light spill into neighboring properties from the 5.5m canopy and the 6m sign.

Response:

Both the under-canopy lighting and the sign lighting can be designed, installed and directed to minimise intrusion into the use of adjoining properties. This can be detailed pre-construction by an expert report and monitored during the life of the use in the event a permit is issued.

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Concern:

Location of the semi-trailer filling space adjacent to the house at 392 Barkly Street and the practical and safe movement of trucks onto and from the site off the Western Highway

Response:

The proposed movements through the site have been reviewed by VicRoads and this has required the closure of the eastern entrance from Barkly Street. Such a change affects proposed vehicle movements for refuelling purposes.

Furthermore, to meet the planning scheme provisions evidence that the canopy over the proposed diesel bowser will not reduce solar access or cause unacceptable shading is proposed to be sought if the permit is to be issued.

The adjoining house is located approximately 2m off the side boundary with the proposed diesel fuelling bays. Provision of concrete block and panel fencing along this boundary will reduce the noise impact when these bays are in use.

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Concern:

Impact of the development on the use as well as wear and tear on the laneway

Response:

The laneway to the south is proposed to be separated from the use by a 1.8m high acoustic fence. This will protect the laneway from inadvertent use by customers of the proposed service station.

Concern:

Risk of accidents and level of hazardous materials associated with the use and the potential health risks these materials pose to neighbouring properties

Response:

The fuel service sector does not have a reputation as being dangerous in Australia. A broad range of controls; from Building, Worksafe, Australian Standards and the like regulate such development.

Sites also have documented plans to respond to spills, other incidents that may arise. Consequently, this risk is considered low.

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Concern:

Sustainability of the project given existing facilities are better suited to truck filling and the proposed by-pass will reduce demand.

Response:

The applicant's representative acknowledged in the mediation discussions that other established sites may be more attractive to semi-trailers than this project. That said local businesses using smaller trucks may choose to use this site. The ability of the design to accommodate the largest permissible vehicle also ensures more room for other users on a day-to-day basis. The timing of the bypass and its impact on future demand is a commercial decision for the developer.

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Council staff met with the applicant's representative and three of the objectors on Thursday 29 August 2019 to discuss the topics of concern. At that meeting it was acknowledged that the following changes would reduce the level of impact of the development on the adjoining property owners:

- Exclusion of trucks from the site; and
- Changes to reduce the hours from a 24hr/7 day operation.

The proposed hours for the use, if approved have been established by staff based on the EPA guidelines for noise in Regional Victoria. These are considered the most appropriate State Standard.

The exclusion of semi-trailers is a more difficult matter to practically apply or enforce. Whilst a condition to this affect could be added it would be challenging to enforce and require further signage both on-site and prior to entering Barkly Street.

The proposed design to the semi-trailer standard does enable the site to cater to the many travelling 4WD's and caravans that utilise this area as a destination as well as those travelling further afield.

#### KEY CONSIDERATIONS

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

- 1.3 Community safety
- 3.1 A strong and diverse local economy
- 3.3 Effective and efficient land use planning and building control
- 5.1 Good governance through leadership

Consideration of these objectives and strategies have been embedded into the analysis of this proposal.

##### Financial Implications

The Council may have a financial obligation to put its case at VCAT in the event that the decision on the application is appealed by either the applicant or objectors.

##### Policy/Legal/Statutory

The policy, legal and statutory considerations have been outlined in the assessment of the application and throughout this report.

#### RECOMMENDATION

That the Council having caused notice of Planning Application 2828 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all matters required under Section 60 of that Act, resolves to issue a Notice of Decision under the provisions of the Ararat Planning Scheme in respect of land described as Lots 1 and 2 LP 25527, 394 Barkly Street Ararat for use and development of a Service Station and associated convenience shop, modification of access to a Road Zone 1 and display of signage subject to the following conditions:

##### 1. Amended Plans Required

Before the use and/or development starts, amended plans must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

- a) a schedule of construction materials, external finishes and colours;
- b) Any changes required due to the VicRoads conditions below;
- c) provision of shadow casting analysis and site lines from the proposed diesel truck fueling area to demonstrate that the dwelling and private open space at 392 Barkly Street will achieve the standards set out in Clause 54.04 of the Planning Scheme;
- d) Arrangements for the collection of surface stormwater into minimum 5000L tank and information on the proposed management of this tank including the expected frequency of disposal and location of disposal of contaminated runoff water;
- e) Arrangement for all roof water to be directed to a legal point of discharge acceptable to Council;
- f) Installation of a renewable energy system with a minimum capacity of 3kW; and
- g) Details of all proposed external lighting of the site, including canopy areas, security lighting and illumination of signage, together with light spill details by a qualified consultant. The report and plans must show how lights will be located, baffled or otherwise treated to ensure adjacent and adjoining

properties are not impacted.

2. Layout not altered

The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

3. Landscape Plan

Before the commencement of buildings and works, a Landscape Plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The Landscape Plan must show the location of all proposed vegetation and must include the following:

- a) a survey (including botanical names) of all existing vegetation to be retained and/or removed
  - b) the site boundaries and building envelope as detailed on the endorsed development plans including:
    - Location of crossovers, power poles, nature strips and any street trees;
    - Location, height and construction materials of all fences
    - Location, height and construction materials of retaining walls and other proposed structures and
    - Construction materials and finishes of all driveways, paths and other hard surfaces.
  - c) buildings and trees (including botanical names) on neighbouring properties within 3m of the boundary
  - d) A complete plant schedule of proposed vegetation including full botanical names; common names; pot sizes at maturity; height and width of plants at maturity and total quantities of each plant;
  - e) Clear delineation of garden beds, lawn and paved areas as well as the type of garden bed edge
- Notes regarding mulch, irrigation and any specific maintenance requirements.

All species selected must be to the satisfaction of the Responsible Authority.

4. Completion of landscaping

Before the use/occupation of the development starts, or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

5. Landscaping maintenance

The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority for a minimum period of 2 years, including that any dead, diseased or damaged plants are to be replaced.

6. Buildings and works

The use and/or development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority. All buildings and works must be constructed and or undertaken in accordance with the endorsed plans to the satisfaction of the Responsible Authority prior to the commencement of the use. All buildings and works must be located clear of any easements or water and sewer mains unless written approval is provided by the relevant authority.

7. Hours of Operation

The development and/or use must operate only between the hours of:

Monday to Friday 5am to 10pm

Saturday 6am to 10pm

Sunday 7am to 9pm

unless otherwise approved in writing by the Responsible Authority:

8. Regulation of Delivery Times

Unless otherwise approved in writing by the Responsible Authority, deliveries to and from the site (including waste collection) must only take place between:

7am and 10pm Monday to Friday

7am and 6pm Saturday, Sunday or public holiday

9. Lighting

All external lighting must not contain any flashing lights.

10. Signs not Altered

The location and details of the signs, and any supporting structure, as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority. Once installed, the signs must be constructed and maintained to the satisfaction of the Responsible Authority.

11. General amenity

The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:

- a) transport of materials, goods or commodities to or from the land
- b) appearance of any building, works or materials
- c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and/or
- d) presence of vermin.

12. Noise

Noise from the use is to be managed in accordance with the EPA Guidelines *Noise From Industry In Regional Victoria Recommended Maximum Noise Levels From Commerce, Industry And Trade Premises In Regional Victoria* (2011).) Unless otherwise approved in writing by the Responsible Authority, the maximum noise levels for the operation are:

52(d)(b)(a) between 7am and 6pm Monday to Friday and 7am and 1pm Saturdays

42(d)(b)(a) between 6pm and 10pm all days and 1pm to 6pm Saturdays and 7am to 6pm Sundays and public holidays

39(d)(b)(a) between 10pm and 7am all days

ASSETS DEPARTMENT

1. Car parking

Car parking spaces must be provided in accordance with the endorsed plan.

Before the use of the development starts, the area set aside for the parking of vehicles and access lane, entry and exit as shown on the proposed plan must be:

- a) Constructed, drained and clearly marked to indicate each car space and disable parking;
- b) All vehicle entry to and egress from the site must be in a forward direction;
- c) Clearly marked to show the direction of traffic along the access lane and driveway;
- d) Entry Exit signs to the site;
- e) Construction of an industrial vehicle crossing (Using Drawing IDM SD 250) to Alfred Street;
- f) Reinstatement of existing layback to kerb & channel to Alfred street; and
- g) Reinstatement of all existing redundant crossover to nature strip with topsoil.

2. Onsite Stormwater Detention

On-Site Stormwater Detention systems shall be installed to reduce the impact of site development on Council drainage system. Rainwater tanks for the proposed development maybe acceptable for providing some of the on-site stormwater detention storage.

3. Naturestrip Maintenance

The landowner is responsible for the ongoing maintenance of the naturestrip, in the event that it gets damaged by vehicle movements adjoining the site by vehicles using the facilities.

EPA Victoria (Ref: 5009807)

There must be no emissions of noise and/or vibrations from the premises which are detrimental to either

of the following:

- i. the environment in the area around the premises; and
  - ii. the wellbeing of persons and/or their property in the area around the premises.
1. Odours offensive to the senses of human beings must not be discharged, emitted or released beyond the boundaries of the premises.
  2. Surface water discharge from the premises must not be contaminated with waste.
  3. Pollution control devices must be installed to prevent the discharge of waste to the environment and stormwater system.
  4. A secondary containment system must be provided for liquids which if spilt are likely to cause pollution or pose an environmental hazard.
  5. Prior to the commencement of use, Vapour Recovery must be installed to ensure vapours are recovered and prevented from escaping to the atmosphere.
  6. Petroleum storage tanks must be designed, installed and operated in accordance with the Guidelines on the *Design, Installation and Management Requirements for Underground Petroleum Storage Systems (UPSSs)* (EPA Publication No. 888.4, August 2015).

VicRoads (Ref: PPR 30201/19)

1. Before the development starts, amended plans must be submitted to and approved by the Roads Corporation. When approved by the Roads Corporation, the plans may be endorsed by the Responsible Authority and will then form part of the permit. The plans must be generally in accordance with the plans (Job 190220, DWG TP02) date stamped MAY 2019 and annotated as such but modified to show:
  - i. Delegation of the eastern access crossover to Barkly Street.
  - ii. Signage at the western access crossover to Barkly Street designating "Entry Only".
2. The discussed eastern vehicle crossing to Barkly Street must be removed and the area reinstated to match the surrounding conditions to the satisfaction of and at no cost to the Roads Corporation.
3. Expiry date for signage

Unless otherwise approved in writing by the responsible authority, this permit for signage on the site expires in 15 years from the date of issue of the permit.

4. Time for starting and completion

This permit will expire if one of the following circumstances applies:

- a) The development and the use is not started within two years of the date of this permit.
- b) The development is not completed within four years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or as specified under Section 69 of the Planning and Environment Act 1987.

*Note:*

- a) *This permit is issued under the provisions of the Ararat Planning Scheme and does not relieve the permit holder from obtaining a Building Approval. When application is made for a Building Permit the full set of approved Planning Permit documentation should be submitted to the Relevant Building Surveyor as part of the required documentation for the Building Permit.*
- b) *Making an application for registration under the Food Act 1984 or Health Act 1958 for the premises.*
- c) *Any works on a roadway will require a permit. This Planning Permit does not constitute such approval. Prior to commencing any works on site please contact Ararat Rural City Council on (03) 5355 0200.*

ATTACHMENTS

The Objections are provided as attachment 3.4.

SECTION 4 – INFORMATION REPORTS

4.1 BUILDING APPROVALS

RESPONSIBLE OFFICER: PLANNING AND DEVELOPMENT OFFICER  
DEPARTMENT: PLANNING, COMMUNITY AND COMPLIANCE  
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.

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 of June 2019.

Approvals by Ararat Rural City Municipal Building Surveyor – August 2019

Permit No.	Application Date	Approval Date	Building Address	Nature of Works	Use of Building
1447128244210	15-Jul-19	12-Aug-19	9 Blake Street, Ararat	Construction of a shed	Garage
5975474387919	16-Jul-19	12-Aug-19	41 McNeill Street, Ararat	Extension	Verandah
6424354587966	31-Jul-19	13-Aug-19	24 Cameron Road, Ararat	Garage/Shed	Garage & Shed
2113995009372	8-Aug-19	13-Aug-19	153 Grano Street, Ararat	Demolition	Dwelling
7897182719341	16-Jul-19	21-Aug-19	19 Banfield Street, Ararat	Alteration	Dwelling
8633267100339	12-Aug-19	21-Aug-19	21 Spalding Street, Ararat	Addition	Verandah
4542309509181	15-Aug-19	21-Aug-19	28A Ford Street, Ararat	New Building	Dwelling
5887938229274	21-Aug-19	28-Aug-19	300 Barkly Street, Ararat	Other	Verandah
2737189760324	20-Aug-19	28-Aug-19	776 Ararat-Halls Gap Road, Moyston	Garage	Garage

TOTAL VALUE \$535,261

Approvals by private surveyors – August 2019

Permit No.	Date Approved	Notification Received by Council	Building Address	Description of Building Works or Use of Building	Surveyor
20180544/0	1-Aug-19	12-Nov-18	5 Capp Street, Ararat	Verandah	Lighthouse Building Permits
1171142373107/0	9-Aug-19	12-Aug-19	25 High Street, Elmhurst	Garage/Shed	Daville Building Surveying
8686859916250	13-Aug-19	14-Aug-19	455 Tunnel Road, Pomonal	Dwelling extension, deck and verandah	Provic Building Approval
4338658636084 – stage 3	14-Aug-19	03-Jun-19	68 Vincent Street, Ararat	Service Station Upgrade Works and Canopy Replacement	Steve Watson & Partners
1867212799808/0	15-Aug-19	02-Aug-19	2102 Glenelg Highway, Lake Bolac	Detached Shed – BAL 12.5	Daville Building Surveying
3609265718578/0	16-Aug-19	04-Jul-19	20 Acacia Avenue, Ararat	Dwelling, alfresco & attached garage – BAL 12.5	Daville Building Surveying
9759584907940	30-Aug-19	30-Aug-19	29-31 Blake Street, Ararat	Construction of warehouse, office & canopy – completion of footings and frame	NJG Building Surveyors

TOTAL VALUE \$2,039,754

KEY CONSIDERATIONS`

*Alignment to Council Plan Strategic Objectives*

3.4 Effective and efficient land use planning and building controls.

RECOMMENDATION

That the Building Approvals Report be received.

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: PLANNING AND DEVELOPMENT OFFICER  
DEPARTMENT: PLANNING, COMMUNITY AND COMPLIANCE  
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.

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 – August 2019

Application No.	Date Lodged	Date of Delegated Approval	Applicant	Location	Proposed Use of Development
02827	13/06/2019	01/08/2019	Hazkem Pty Ltd	420 Barkly Street, Ararat	Installation of above ground fuel tank and associated works
02829	05/07/2019	08/08/2019	Jane Goninon	197 Mount Cole Road, Mount Cole	Extension to existing liquor licence area and addition of café and tourist accommodation
02830	11/07/2019	26/08/2019	Highlight / Hotondo Homes	1469 Ararat – Halls Gap Road, Moyston	Use and Development of Dwelling and creation of crossover onto Road Zone 1
02831	25/07/2019	27/08/2019	Jeremy Sargent	62 Tatyoon Road, Ararat	Development of Second Dwelling
02840	22/08/2019	30/08/2019	Ian Bennett, QLV Unit Trust	2127 Glenelg Highway, Lake Bolac	2 Lot Subdivision

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

Certification of subdivision plans under delegated authority.

Application No.	Date Lodged	Date of Decision	Applicant	Location	Procedure
S01166	30/11/2017	09/08/2019	Steele Surveying Pty Ltd for Heinrich	559 Tunnel Road, Pomonal	Statement of Compliance in relation to PS807398T (4 Lot Subdivision)
S01166	19/08/2019	30/08/2019	Steele Surveying Pty Ltd for Heinrich	559 Tunnel Road, Pomonal	Re-Certification & Statement of Compliance in relation to PS807398T (4 Lot Subdivision)

LIQUOR LICENSE APPLICATIONS			
Applicant	Location	Application	Consent
Ararat Rural City Council	Town Hall	On-Premises licence	27/08/2019

KEY CONSIDERATIONS

*Alignment to Council Plan Strategic Objectives*

3.4 Effective and efficient land use planning and building controls.

RECOMMENDATION

That the Planning Matters approved under delegation, Planning Permits, Certification of Subdivision Plans and Liquor License Applications report be received.

ATTACHMENTS

There are no attachments relating to this item.

SECTION 5 – COMMITTEE MINUTES/REPORTS

5.1 SECTION 86 COMMITTEES OF MANAGEMENT MINUTES

**AUTHOR'S TITLE:** GOVERNANCE AND ADMINISTRATION COORDINATOR  
**DEPARTMENT:** CEO'S OFFICE  
**REFERENCE:** 13039110 / 19107650 (Elmhurst Public Hall) / 19107899 (Lake Bolac Community Complex) / 19107283 (Maroona Recreation Reserve) / 19107773 (Mininera Recreation Reserve) / 19107439 (Moyston Hall) / 19107713 (Streatham Memorial Hall) / 19107955 (Warrak Hall) / 1910 7689 (Westmere Progress Association) / 19105932 and 19107651 (Willaura Recreation Reserve)

**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.

**EXECUTIVE SUMMARY**

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

**DISCUSSION**

Section 86 Special Committees are required to report to Council at intervals determined by the Council.

Council officers have recently contacted each Committee to request minutes of meetings and to also confirm when the Committees are holding their Annual General Meetings.

**Summary of S86 Committee Meetings Minutes Received**

The following table lists the Section 86 Committee meeting minutes received by Council in the past month.

Please note that some minutes may not have been received at the time of preparing this report.

Special Committee	Councillor representative	Councillor Attendance Record	Current meeting (as presented)	Next proposed meeting/s	Minutes last presented to Council
Elmhurst Public Hall Committee	Cr Beales	Cr Beales - attended	8 August 2019	19 September 2019 AGM 10 October 2019 12 December 2019	13 June 2019
Lake Bolac Complex Committee	Cr Deutsch	Cr Deutsch - attended	28 August 2019 AGM	9 October 2019	15 May 2019

Special Committee	Councillor representative	Councillor Attendance Record	Current meeting (as presented)	Next proposed meeting/s	Minutes last presented to Council
Maroona Recreation Reserve Committee	Cr Pettman	Not advised of meeting date	5 August 2019 Ordinary and AGM	No meeting dates advised	11 February 2019
Mininera Recreation Reserve Committee	Cr Beales	Cr Beales – attended	22 August 2019	September 2019 AGM (Date to be confirmed)	25 October 2018 AGM and Ordinary
Moyston Public Hall Committee	Cr Pettman	Cr Pettman – attended	12 August 2019	Ordinary and AGM – 7 October 2019	13 May 2019
Streatham Memorial Hall Committee	Cr Armstrong	Cr Beales attended on Cr Armstrong's behalf	26 August 2019 AGM	No meeting dates advised	30 October 2017
Warrak Public Hall Committee	Cr Allgood	Cr Allgood attended	26 August 2019 Ordinary and AGM	21 October 2019	29 April 2019
Westmere Progress Association Committee (Westmere Hall and Recreation Reserve)	Cr Armstrong	Not advised of meetings	12 April 2016 4 May 2018 Ordinary and AGM 18 June 2018 27 August 2018 3 December 2018 4 March 2019 25 March 2019 17 April 2019 20 May 2019; and 17 June 2019	16 September 2019 AGM	17 October 2015
Willaura Recreation Reserve	Cr Pettman	Cr Pettman – attended 18/6/2019 apology 13/8/2019	18 June 2019; and 13 August 2019	24 September 2019	16 July 2019

#### KEY CONSIDERATIONS

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

5.1 Good governance through leadership

##### *Budget Implications*

No budget 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.

RECOMMENDATION

That Council receives the:

- 1 Receives the Ordinary Meeting minutes of the Elmhurst Public Hall Committee of Management meeting held on 8 August 2019;
- 2 Receives the Annual General Meeting minutes of the Lake Bolac Community Complex meeting held on 28 August 2019;
- 3 Appoint the nominated candidates to the Lake Bolac Community Complex Committee of Management as nominated at the Annual General Meeting held on 28 August 2019;
- 4 Receives the Ordinary and Annual General Meeting minutes of the Maroona Recreation Reserve Committee of Management meeting held on 5 August 2019;
- 5 Appoint the nominated candidates to the Maroona Recreation Reserve Committee of Management as nominated at the Annual General Meeting held on 5 August 2019;
- 6 Receives the Ordinary Meeting minutes of the Mininera Recreation Reserve Committee of Management meeting held on 22 August 2019;
- 7 Receives the Ordinary Meeting minutes of the Moyston Public Hall Committee of Management meeting held on 12 August 2019;
- 8 Receives the Annual General Meeting minutes of the Streatham Memorial Hall Committee of Management meeting held on 26 August 2019;
- 9 Appoint the nominated candidates to the Streatham Memorial Hall Committee of Management as nominated at the Annual General Meeting held on 26 August 2019;
- 10 Receives the Ordinary and Annual General Meeting minutes of the Warrak Hall Committee of Management meeting held on 26 August 2019;
- 11 Appoint the nominated candidates to the Warrak Hall Committee of Management as nominated at the Annual General Meeting held on 26 August 2019;
- 12 Receives the Ordinary Meeting minutes of the Westmere Progress Association (Westmere Hall and Recreation Reserve) Committee of Management meeting held on 12 April 2016, 4 May 2018, 5 August 2019, 18 June 2018, 27 August 2018, 3 December 2018, 4 March 2019, 25 March 2019, 17 April 2019, 20 May 2019 and 17 June 2019;
- 13 Receives the Annual General Meeting minutes of the Westmere Progress Association (Westmere Hall and Recreation Reserve) Committee of Management meeting held on 4 May 2018; and
- 14 Receives the Annual General Meeting minutes of the Willaura Recreation Reserve Committee of Management meeting held on 5 August 2019.

ATTACHMENTS

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

## 5.2 ADVISORY COMMITTEES MINUTES

**AUTHOR'S TITLE:** EXECUTIVE OFFICER  
**DEPARTMENT:** CEO'S OFFICE  
**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.

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### EXECUTIVE SUMMARY

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

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

### 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
Audit Committee	Cr Beales and Cr Braithwaite	Cr Beales and Cr Braithwaite	3 September 2019	26 November 2019

### KEY CONSIDERATIONS

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

5.1 Good Governance through leadership

#### *Budget Implications*

No budget 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.

RECOMMENDATION

That the Advisory Committees Report be received.

ATTACHMENTS

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

## SECTION 6 – ASSEMBLY OF COUNCILLORS

### 6.1 ASSEMBLY OF COUNCILLORS

**AUTHOR'S TITLE:** EXECUTIVE OFFICER  
**DEPARTMENT:** CEO'S OFFICE  
**REFERENCE:** 13039074

#### **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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#### EXECUTIVE SUMMARY

The *Local Government Act 1989* (Act) (Section 80A) requires that the record of an assembly of Councillors is to be reported to the next practicable Council meeting and be included in the minutes of that meeting.

As a requirement of the Act, all Assemblies of Councillors held since the last Council Meeting are presented to Council and recorded in the minutes of the Council Meeting.

#### BACKGROUND

Certain types of meetings involving Councillors are defined to be Assemblies of Councillors. Councillors must disclose conflicts of interests at Assemblies of Councillors. Records of Assemblies of Councillors must be reported to Council meetings and recorded in the Council minutes

Section 76AA of the Act defines the following meetings to be Assemblies of Councillors: An Advisory Committee of the Council that includes at least one Councillor; or A planned or scheduled meeting of at least half the Councillors and one staff member.

#### DISCUSSION

The following records of meetings of the Assembly of Councillors since the last Council Meeting are attached.  
*Note: Any disclosures of interest, relevant to these items, are recorded in the Assembly of Councillors record.*

Assembly of Councillors
Assembly of Councillors held on 3 September 2019
Assembly of Councillors held on 10 September 2019

#### KEY CONSIDERATIONS

*Alignment to Council Plan Strategic Objectives*

5.1 Good Governance through leadership

*Financial*

No financial impact for the receiving of Assembly of Councillors records.

*Policy/Legal/Statutory*

As a requirement of the *Act*, a record of Assembly of Councillors must be kept and presented to the next available Council Meeting. Conflict of interest disclosures are noted in the record of Assembly of Councillors.

*Risk Assessment*

Records of Assembly of Councillors are reported regularly, and related documentation retained as required by legislation.

*Stakeholder Consultation and Communication*

Council receives delegations from various organisations and individuals throughout the year.

CONCLUSION

This is a legislative requirement of the *Local Government Act 1989, section 80*. The records of Assemblies of Councillors since the last Council Meeting are presented for information.

RECOMMENDATION

That the Assembly of Councillors Reports be received.

ATTACHMENTS

The Assembly of Councillor records listed above are provided as Attachment 6.1.

## SECTION 7 – 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 8 – 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 12 September 2019.

SECTION 9 – 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 10 – CLOSED SESSION (CONFIDENTIAL)

The following agenda items are listed for consideration in the confidential session:

- Granting of Leave of Absence
- Assembly of Councillors
- Department of Economic Development, Jobs, Transport and Resources Lease – Shire Hall
- Contract No 591 – Local Government Energy Saver Program
- Contract No 593 – Lake Bolac Resouce Recovery Centre - Civil Works
- Contract No 596 – Panel Supply Contract – Provision of Quarry Products
- Contract No 597 – Panel Supply Contract – Provision of Long-Term Plant & Equipment Hire
- Contract No 598 – Panel Supply Contract – Major Patching/Stabilising Works
- Contract No 599 – Panel Supply Contract – Provision of Plumbing Maintenance Services
- Contract No 606 – Panel Supply Contract – Provision of Verge Works
- Provision of Building Services

## 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—*

*(a) personnel matters;*

*(d) contractual matters; and*

*(g) matter affecting the security of Council property.*

## 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:

- 1 Report and decision in relation to Items 10.2 and 10.10 of the Confidential Agenda not be lifted; and
- 2 Decision in relation to Item 10.3, 10.4, 10.5, 10.6, 10.7, 10.8, 10.9 of the Confidential Agenda be lifted.