



Ararat Rural City

COUNCIL MEETING MINUTES

TUESDAY 07 JUNE 2016

PRESENT

The Mayor, Cr PA Hooper Chairperson,
Crs GM Allgood, F Deutsch, DF Hull, GD Hull, CR McKenzie and GI McLean.
Mr Andrew Evans, Chief Executive Officer,
Mr Neil Manning, Director Council Services,
Mrs Colleen White, Director Corporate Strategy, Risk and Governance,
Mr Don Cole, Director, Assets, Finances and Corporate Services, and
Mrs Jenny Woolcock, Manager Executive Services and Governance.

1 TRADITIONAL ACKNOWLEDGEMENT

The Prayers were read out by Mayor Cr Paul Hooper.

WE ACKNOWLEDGE THE TRADITIONAL OWNERS OF THE LAND ON WHICH WE MEET TODAY, AND PAY OUR RESPECTS TO THEIR ELDERS, PAST AND PRESENT.

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.

THE LORD'S PRAYER

OUR FATHER WHICH ART IN HEAVEN, HALLOWED BE THY NAME, THY KINGDOM COME, THY WILL BE DONE ON EARTH, AS IT IS IN HEAVEN. GIVE US THIS DAY OUR DAILY BREAD AND FORGIVE US OUR TRESPASSES AS WE FORGIVE THEM THAT TRESPASS AGAINST US, AND LEAD US NOT INTO TEMPTATION, BUT DELIVER US FROM EVIL, FOR THINE IS THE KINGDOM, THE POWER, AND THE GLORY, FOREVER AND EVER. AMEN.

2 APOLOGIES

Nil.

3 – 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.

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Mr David Hopkirk commented on his submission, and the Local Government Act Review.

**ITEM 4.1 REVISED COUNCIL PLAN INCORPORATING THE STRATEGIC
RESOURCE PLAN 2013 – 2017
13041955
CORPORATE STRATEGY, RISK AND GOVERNANCE**

Introduction

At its Ordinary meeting held on 3 May 2016, Council considered the revised Council Plan 2013-2017 and resolved:

That Council:

- 1 *Having revised the Council Plan 2013-2017, incorporating the Strategic Resource Plan, in accordance with Section 125 and 126 of the Local Government Act 1989(the Act) adopt the revised document;*
- 2 *Under Section 223 of the Local Government Act 1989 make the revised Council Plan 2013-2017 incorporating the Strategic Resource Plan available for public exhibition;*
- 3 *Invite interested persons to make a written submission relating to the revised Council Plan 2013-2017 with written submissions to be received at the Municipal Offices, Ararat Rural City Council, 59 Vincent Street Ararat not later than 5.15pm on Friday 3 June 2016;*
- 4 *Authorise the Chief Executive Officer to administer the Section 223 process; and*
- 5 *Should any person wish to be heard in support of their submission, that they be heard by Council at a Special Council Meeting to be held at 6.00pm on Tuesday 7 June 2016.*

Discussion

Advertising of the Draft Council Plan 2013-2017 was undertaken in the Ararat Advertiser on Friday 6 May 2016. The public notice invited submissions on the revised Council Plan 2013-2017.

There were no submissions received in relation to the revised Council Plan 2013-2017.

POTENTIAL IMPLICATIONS ARISING FROM THIS ISSUE

Council plan reference

5.1 Good governance through leadership

Financial and resource implications

The implications of the revised Council Plan 2013-2017 have been considered in the 2016-2017 Budget, and the Strategic Resource Plan 2013-2017.

Risk implications

The primary objective of Council is to endeavour to achieve the best outcomes for the local community having regard to the long term and cumulative effects of decisions. The proposed Council Plan and Strategic Resource Plan manages the financial risks faced by Council, ensuring that decisions are made and actions taken having regard to their financial effects on future generations.

Statutory Implications

Potential breach of Sections 125 and 126 of the Local Government Act 1989 if the revised Council Plan 2013-2017 and Strategic Resource Plan are not adopted by 30 June 2016.

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Community Implications

The development and adoption of the Council Plan 2013-2017 and the Strategic Resource Plan provides clear strategic direction for Council and Community for the next twelve months.

Environmental Implications

Environmental, social and economic impacts of the Council Plan 2013-2017 have been considered in the development of this strategic document.

Internal/external consultation

External Consultation with residents and ratepayers through the community engagement process. Internal consultation with the Management and Executive group.

Options

Council can refer the revised Council Plan 2013-2017, incorporating the Strategic Resource Plan to the Ordinary Council Meeting to be held on Tuesday 28 June 2016 for adoption.

Attachments

There are no attachments relating to this item.

Conclusion

There remains a number of strategic challenges ahead, including the renewal of Council's asset base, the continuation of an appropriate range and level of Services, the maintenance of a sound financial position and the protection of our natural environment.

The pillars, key strategies, activities and initiatives in the Council Plan aim to meet these needs and continue to deliver on Council's vision, mission and values.

The Council Plan, incorporating the Strategic Resource Plan, was put on public display for a period of 28 days in accordance with section 223 of the Local Government Act 1989.

Written submissions closed at 5.15pm on Friday 3 June 2016 and no submissions have been received.

**MOVED CR McLEAN
SECONDED CR G HULL**

That Council:

- 1 Acknowledge that there were no submissions received in relation to the revised Council Plan 2013-2017; and**
- 2 Consider the revised Council Plan 2013-2017 at the Ordinary Council Meeting to be held on Tuesday 28 June 2016.**

CARRIED 3139/16

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**ITEM 4.2 SUBMISSIONS TO DRAFT BUDGET 2016-2017
16073040
ASSETS, FINANCE AND CORPORATE SERVICES**

Introduction

At its Special Council meeting held on 3 May 2016, Council considered the proposed budget and resolved to give notice of the Draft Budget 2016-2017 and call for submissions.

Discussion

The draft budget was advertised in the Ararat Advertiser on Friday 6 May 2016. The advertisement called for written submissions and set out how submissions are to be made. Submissions closed on 3 June 2016 at 5.15pm.

At the time of writing this report, Council had received one written submissions relating to the Draft Budget 2016-2017. The person making the submission has reserved his right to speak to his submission at the Special Council meeting.

If further written submissions are received before Friday 3 June 2016, they will be presented to Councillors at the Special Council meeting on 6 June 2016. Any ratepayers who wished to be heard in support of their submission on the Draft Budget 2016-2017 will be advised to attend the Special Council meeting.

Council will consider the proposed Budget and the submissions received during its Ordinary Council Meeting to be held Tuesday 28 June 2016.

Options

Receive submissions to the Draft Budget 2016-2017 and consider any submissions at the Ordinary Council Meeting to be held on Tuesday 28 June 2016.

Attachments

There is one attachment relating to this item.

Conclusion

The Draft Budget 2016-2017 has been prepared over a considerable period of time, with significant input from Councillors and Council officers. The draft budget has been placed on public display, calling for submissions on any issues raised in the draft budget.

An interactive community information session was held on 23 May 2016 to discuss the proposed Draft Budget and the Rating Strategy. Only a small number of ratepayers and residents attended this session. One submission has been received at the time of this report and the author has reserved the right to present to Council.

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**MOVED CR ALLGOOD
SECONDED CR McKENZIE**

That Council:

- 1 Receive all submissions in relation to the Draft Budget 2016-2017;**
- 2 Consider the Draft Budget 2016-2017 and all submissions at the Ordinary Council Meeting to be held on Tuesday 28 June 2016.**

CARRIED 3140/16

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**ITEM 4.3 RATING STRATEGY 2016 SUBMISSIONS
16073041
ASSETS, FINANCE AND CORPORATE SERVICES**

Introduction

At its Special Council meeting held on 3 May 2016, Council considered a Draft Rating Strategy 2016 and resolved to adopt in principle the 2016 Rating Strategy, place the proposed strategy on public exhibition, and consider submissions as part of the 2016-17 budget process.

Discussion

The draft Rating Strategy was advertised in the Ararat Advertiser on Friday 6 May 2016, calling for written submissions. Submissions closed on 3 June 2016 at 5.15pm.

At the time of writing this report Council had received one written submissions relating to the Draft Rating Strategy 2016. The person making the submission has reserved his right to speak to his submission at the Special Council meeting.

If any further written submissions are received before Friday 3 June 2016 they will be presented to Councillors at the Special Council meeting on 6 June 2016. Any ratepayers who wished to be heard in support of their submission on the Rating Strategy 2016 will be advised to attend the Special Council meeting.

Council will consider the proposed Rating Strategy and the submissions received at the Ordinary Council Meeting to be held Tuesday 28 June 2016.

Option

Receive all submissions to the Draft Rating Strategy 2016 and consider the submissions at the Ordinary Council Meeting to be held on Tuesday 28 June 2016.

Attachments

There is one attachment relating to this item.

Conclusion

The 2016 Rating Strategy updates the Rating Strategy 2015 document, and it does not propose any significant changes to the differential rates.

**MOVED CR G HULL
SECONDED CR McKENZIE**

That Council:

- 1 Receive all submissions in relation to the Draft Rating Strategy 2016;**
- 2 Consider the Draft Rating Strategy 2016 and all submissions at the Ordinary Council Meeting to be held on Tuesday 28 June 2016.**

CARRIED 3141/16

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16074167



31.05.16

David Hopkirk,

PO Box 624,

ARARAT

davidhopkirk@hotmail.com

Dear Councillors,

Re: Submission to 2016/17 Draft Budget/Rating Strategy.

As a person concerned on high rating in Ararat I frequently end up in conversation with all manner of ratepayers and the common catch-cry is :- What do we get for it?? The high expense of managing a significant regional area off a small community base is often a thankless task.

I would argue we get "community" and potentially and hopefully, but not taken for granted, a strong community.

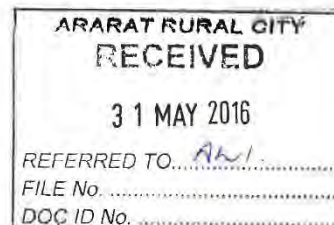
Within the community there is a large wealth spread, from renters to low value property owners to high value property owners.

I struggle with a concept among some community members that everyone should contribute equally to fund a basket of Council services, when surely the strength of community can be gauged by the contribution stronger more financial members are able to make towards the prosperity and growth of community.

It is no surprise there are community members 10 times wealthier or even significantly more than this, than for example an average community member. Surely in the interest of the strongest community, contributions to running said community should proportionately reflect this.

It is with this lead-in I criticise Councils 'differential rating strategy' employed in raising rates in relation to the 2016/17 Draft Budget.

1



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On the Farm differential rate 55% and also other differential rates I am critical of the subjective process and bias of Councillors who determined these ratios.

These ratios (differentials) do little to encourage urban growth to its potential, and contribute to high Farm land values. Significant urban growth is the one factor which can reduce overall rates to all ratepayers. People should be flocking to Ararat (which they are not).

I question Councillors qualifications to set differential rates. There should be no bias in the process and all subjectivity should be removed to arrive at a clear (unanimous) decision on differential rates. Recent Council decisions on differential rates have been an amalgam of being swayed by sales pitch conferring with Councillors own bias.

My own analysis is so many people would be unable to remove subjectivity from this process without specialized training that an improved system would be an independent body specifically trained (maybe State Govt. run). Councillors could contribute valuable input to that body in a process that determines 'differential rates' for Councils. A significant argument towards this is voters can change Councils in time but it is too late for everyone if damage to growth has been done.

I ask Council and Council management to support such an equitable revision and that it be included for discussion in the current Local Govt. Act Review.

I also ask that Council continue to review and restore its 'differential rating strategy' to a level which encourages growth to its potential, and keep in mind collection of rates should be in proportion to an individuals wealth which for purposes is directly related to lifestyle and property owned.

I reserve my right to speak to my submission at Councils special meeting on 07.06.16..

Yours Sincerly, David Hopkirk

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Cr Allgood disclosed an indirect interest (close association) to Item 4.4 – Ararat Outdoor Pool Funding Application, due to her granddaughter being a lifeguard at the Ararat Fitness Centre.

Cr Allgood left the Council Chamber at 6.16pm.

**ITEM 4.4 ARARAT OUTDOOR POOL FUNDING APPLICATION
16074209
COUNCIL SERVICES**

Introduction

The Ararat Outdoor Pool was officially opened in March by the Hon Premier Daniel Andrews. This opening signalled to all that the pool will be fully operational for the 2016/17 season. The pool will be operated by contractors UCSL as part of the full Aquatics and Fitness Centre Contract to manage Ararat Fitness Centre, the Peter O’Rorke Memorial Pool, Lake Bolac and the Willaura Memorial Pool. Expressions of Interest for the operation of the Kiosk as a café are currently open to the public and will close in June.

Prior to fully opening there are some defects in the contract work that is still being managed and a number of building requirements to be completed before the doors can be open.

In addition to this work the Ararat Outdoor Pool Committee have developed a list of items that would make further improvements to the access and amenity of the pool and are intended to increase participation. The additional items identified by the Ararat Outdoor Pool Committee total \$195,000.

The State Government Community Sports Infrastructure Fund is currently open for Expression of Interest. The Pool Committee have requested that Council make an application under the Small Aquatics category of this grant. Applications for this grant can only be made by Local Government.

The Pool Committee have \$10,000 cash to contribute to the project. They are requesting a further \$55,000 contribution from Council to be allocated in the 2017/18 financial year budget. The grant application would seek \$135,000 from the State Government.

Discussion

The total cost to date of the Ararat Outdoor Pool redevelopment is estimated at \$1,737,444 (including In-kind works). This sum is comprised of the following breakdown;

\$567,444	Ararat Rural City Council
\$165,000	Community (Cash)
\$450,000	Community (In-Kind)
\$550,000	State Government (Includes \$200,000 Local Government Infrastructure Program Fund – this is Federal Government Grants Commission dollars allocated via the State Government to Local Government to use on infrastructure developments/renewal at Councils discretion)

Since completion of the project there are a number of contractor defects that are currently being repaired at the contractor’s expense.

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There are also a number of small items identified that will need to be fixed prior to the pool opening. The main cost item is treatment to the temporary path which was laid for the opening and requires additional dressing and compaction. This is estimated at \$7,000. The full list of items include:

- Additional dressing and compacting of temporary pathway laid for opening (minimum cost using gravel dressing on the path – if concrete and verges are required this will be extra)
- Fencing off of steps leading to pump area
- Fixing of trip hazards
- Removal of exit sign and fencing off old exit area
- Removal of bolts causing skin tear hazards
- Removal of disused taps
- Fencing of water mains and electrical box
- Fencing and corner treatments near pump area to prevent climbing
- Gap filling of finger entrapment hazards.

This will bring the total contribution from Council to date to \$567,444

Stage 2 Ararat Outdoor Pool Refurbishment

There is additional desired work to complete the pool project. Tasks identified within Council's Civil Planning include:

- \$60,000 additional landscaping & lawn irrigation (within the Pool compound)
- \$235,000 car parking formalisation and access pathways to the pool from Alexandra Gardens.

These items are not currently in Council budget and are not eligible under the Community Sport Infrastructure Fund.

The Pool Committee has requested Council submit an Expression of Interest to Sport & Recreation Victoria for a grant of \$135,000 to be matched with \$10,000 from the Committee. They are requesting that Council contribute an additional \$55,000 as part of the grant application which will complete the project cost of \$195,000 and comply with the required guidelines of the grant of \$2 for \$1 ratio. This grant application outcome will be announced in December 2016 with funds available and the project to commence after July 2017.

The proposal from the Ararat Outdoor Pool Committee is that the following is applied for from this grant:

- Shade
- Soft fall around the water play area
- Furniture (tables and chairs)
- Heat blankets
- Synthetic Grass
- New Waterslide.

The water slide component is a new idea from the Committee. The ongoing maintenance and additional operational costs are unknown. Initial discussions with the pool operation contractors have indicated that the operation of a water slide requires direct supervision from two (depending

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on slide) additional staff members. This will need to be factored in to future operational costs if a water slide is installed.

Council will need to determine a position on a financial contribution to the proposal from the Pool Committee, the submission of an Expression of Interest for these items and the installation of a water slide at the Ararat Outdoor Pool site.

Future Developments at the Pool

To assist in future development decisions at the pool site and ensure Council and the community are working together to determine priorities for expenditure and increasing participation, it is suggested that a Community Committee be developed which includes representatives from the Pool Committee and Council employees.

Attached to this report is a draft terms of reference for Council consideration.

POTENTIAL IMPLICATIONS ARISING FROM THIS ISSUE

Council plan reference

1.4 Participation in diverse sport, recreation and leisure activities.

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.

Financial and resource implications

A grant application will commit Council to additional expenditure of \$55,000 in the 2017/18 budget.

The installation of a water slide will incur additional maintenance and operational costs which are yet to be quantified. Annual maintenance of infrastructure is generally costed at 5% of the initial outlay price which would suggest \$1,750 dollars per annum would be required to maintain the asset.

Risk implications

The proposed works may assist in increasing participation at the Ararat Outdoor Pool therefore decreasing some of the investment risk attached to the overall project.

The additional costs and potential risks associated with the water slide are unknown.

Statutory Implications

None identified.

Community Implications

It is unclear how the wider community will respond to an additional investment from Council into the Ararat Outdoor Pool. Any investment comes at an opportunity cost to other projects and community assets.

Environmental Implications

None identified.

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Internal/external consultation

External consultation has occurred with the Ararat Outdoor Pool Committee representatives only.

There has been limited internal and external consultation regarding a water slide at the pool, its design and location.

Options

Council could:

- 1 Approve the installation of a water slide at the Ararat Outdoor Pool site as proposed by the Ararat Outdoor Pool Committee and include in the Expression of Interest under the Community Sporting Infrastructure Fund.

or

- 2 Not approve the installation of a water slide at the Ararat Outdoor Pool site and exclude the cost from the Expression of Interest under the Community Sporting Infrastructure Fund.

- 3 Agree to contribute \$55,000 in the 2017/18 budget for the work proposed by the Ararat Pool Committee including shade, soft fall, furniture and heat blankets.

- 4 Agree to submit an Expression of Interest under the Community Sporting Infrastructure Fund for the work proposed by the Ararat Outdoor Pool Committee for the total project cost of \$195,000

or

- 5 Not agree to contribute \$55,000 in the 2017/2018 budget for the work proposed by the Ararat Outdoor Pool Committee including shade, soft fall, furniture and heat blankets.

- 6 Agree to formalise the Ararat Outdoor Pool Community Committee by accepting the draft Terms of Reference.

or

- 7 Not formalise an Ararat Outdoor Pool Community Committee.

and

- 8 Council adopts a position to proceed with the Expression of Interest application and acknowledge and accept the offer of \$10,000 contribution towards the Expression of Interest from the Ararat Outdoor Pool Committee.

Attachments

Attached is a draft Terms of Reference for the Ararat Outdoor Pool Community Committee as discussed in this report.

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Conclusion

Compulsory works required to be completed by Council prior to opening the Ararat Outdoor Pool for the 2016/2017 season are estimated at \$7,000.

There are a number of other items that are desirable to do in order to make the area more accessible and improve the amenity but are not compulsory. The Ararat Outdoor Pool Committee are seeking the support of Council to commit \$55,000 from the 2017/2018 budget to submit an Expression of Interest under the Community Sporting Infrastructure Fund.

Recommendation

That:

- 1 Council adopts a position on the request from the Ararat Outdoor Pool Committee for Council to contribute \$55,000 to the next stage of the Ararat Outdoor Pool Development;*
- 2 Council adopts a position on submitting an Expression of Interest to the Community Sporting Infrastructure Fund for the project proposed by the Ararat Outdoor Pool Committee including shade, soft fall, furniture, synthetic grass, heating blankets and waterslide;*
- 3 Council develops a Community Committee known as the Ararat Outdoor Pool Community Committee operating under a Terms of Reference; and*
- 4 If Council adopts a position to proceed with the Expression of Interest application, that Council acknowledge and accept the offer of a \$10,000 contribution towards the Expression of Interest from the Ararat Outdoor Pool Committee.*

MOVED CR F HULL

SECONDED CR G HULL

That:

- 1 Council submits an Expression of Interest to the Community Sporting Infrastructure Fund for the next stage of the Ararat Outdoor Pool redevelopment project proposed by the Ararat Outdoor Pool Committee, which includes shade, soft fall, furniture, synthetic grass, heating blankets and waterslide;**
- 2 Council acknowledge and accept the offer of a \$10,000 contribution towards the Expression of Interest for the next stage of the Ararat Outdoor Pool redevelopment from the Ararat Outdoor Pool Committee;**
- 3 Council contributes \$55,000 in the 2017/2018 budget for the next stage of the Ararat Outdoor Pool redevelopment by the Ararat Outdoor Pool Committee if the Community Sporting Infrastructure Fund Grant application is successful; and**
- 4 Council adopts the establishment of a new Community Committee to be known as the Ararat Outdoor Pool Community Committee and the associated draft Terms of Reference, and that the draft Terms of Reference be presented to the 28 June 2016 Council Meeting for consideration.**

CARRIED 3142/16

Cr Allgood returned to the Council Chamber at 6.26pm.

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Ararat Rural City Council

Ararat Outdoor Pool Community Committee

Terms of Reference

1. Name	Ararat Outdoor Pool Community Committee
2. Classification	Community Committee
3. Role	The committee will provide advice on the development (including community consultation, delivery and promotion of the Ararat Outdoor Swimming Pool.
4. Scope	<p>The Committee may make recommendations to Council on relevant business presented before it.</p> <p>Recommendations of the Committee will be presented to Council in written form when appropriate and will be accompanied by a report from relevant Council Officers.</p> <p>All future development plans for the Ararat Outdoor Pool will be considered by the Community Committee.</p>
5. Out of Scope	Contractual operations of the pool. This committee has no responsibility for the day to day supervision of the pool contractor.
6. Membership	<p>Membership:</p> <ul style="list-style-type: none">• 1 x Director (Chair)• 2 x Council Officers• 3 x Community Members of the Ararat Outdoor Pool Committee (formally Save the Ararat Pool) as nominated by the incorporated association.• 1 x Contracted Pool Operator Representative <p>Community members: A Community member may not be a Councillor or Council employee.</p>
7. Invitees	Other persons may attend Committee meetings by invitation. These people may take part in discussions of the meeting, but they shall have no voting rights.

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<p>8. Role of Council in Meetings</p>	<p>Council shall:</p> <ul style="list-style-type: none"> • Chair the meetings • Scheduling meetings • Record and distribute agendas and minutes of all meetings, • Provide other relevant resources, and • Report Committee minutes and recommendations to Council when appropriate
<p>9. Meetings</p>	<p>The committee will meet quarterly or more frequently as required.</p> <p>A quorum will be more than half the members. In the chair's absence from a meeting,</p> <p>The meeting will require representation from both Council and the Community Pool Committee at each meeting. In the chair's absence a Council officer will chair the meeting.</p> <p>All committee members are expected to attend each meeting in person.</p> <p>The notice and agenda of a meeting will include relevant supporting papers.</p>
<p>10. Delegation</p>	<ul style="list-style-type: none"> • The committee does not have the power to incur expenditure. • The committee does not have the power to bind the Council. • The Committee may make recommendations to the Council on all relevant business presented before it. Recommendations of the Committee will be presented to the Council in written form when appropriate and will be accompanied by a report from relevant Council Officers. • Community Committee recommendations which are determined by the Chair to be purely or substantially operational in nature will be dealt with by the relevant officer and any action or lack thereof reported to the Committee on a regular basis.
<p>11. Voting</p>	<p>Any recommendations will be decided by a majority of votes of members present. In the event of a tied vote, the Chair holds the casting vote.</p> <p>Recommendations will be formally approved by Council either internally or at the next available Council Meeting, whichever is appropriate.</p>

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12. Contact details of committee	All correspondence relating to the Ararat Outdoor Pool Community Committee will be addressed to: Manager Community Development & Client Services Ararat Rural City Council PO Box 246, Ararat, VIC 3377 ahunt@ararat.vic.gov.au
13. Council review	Council reserves the right to disband the Committee at any time. Terms of Reference will cease and be reviewed on 30 June 2017.

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**ITEM 4.5 SECTION 86 COMMITTEES OF MANAGEMENT BANK ACCOUNTS
16073961
ASSETS, FINANCE AND CORPORATE SERVICES**

Introduction

Council may establish a Section 86 Committee and, via an instrument of delegation, delegate any of its functions, duties or powers to that Committee under the Local Government Act.

Discussion

At the Council meeting held 17 May 2016, Council resolved to sign and seal instruments of delegation to the following Section 86 Committees of Management:

- Alexandra Hall Committee of Management;
- Buangor Community Sports Centre Committee (Including Cobb & Co Building);
- Elmhurst Public Hall Committee;
- Lake Bolac Complex Committee;
- Lake Bolac Memorial Hall Committee;
- Maroona Recreation Reserve Committee;
- Mininera Recreation Reserve Committee;
- Moyston Public Hall Committee;
- Pomonal Hall and Reserve Committee;
- Streatham Memorial Hall Committee;
- Tatyoon Hall and Recreation Reserve Committee;
- Warrak Public Hall Committee;
- Westmere Progress Association Committee;
- Wickliffe Action Group Wickliffe Common Committee;
- Wickliffe Recreation Reserve Committee;
- Willaura Golf Club Committee;
- Willaura Memorial Hall Committee;
- Willaura Recreation Reserve Committee;
- Yalla-Y-Poorra Community Centre Committee

A Section 86 Committee Governance Manual has recently been developed that provides guidance for the application of an Instrument of Delegation, including financial management requirements.

Each Section 86 Committee of Management (Committee) is considered to be a non-profit, sub-entity of Council. As each of the above Committees is a sub entity of Council, it is appropriate for Council to establish a bank account and an investment account for each Committee in the name of Ararat Rural City Council, and to include each Committee's name in the title of these accounts.

Funds deposited into these accounts become Council funds, to be used to effectively manage the facility in accordance with the Instrument of Delegation and the Section 86 Committee Governance Manual.

Signatories to the above bank accounts and investment accounts could include: Director of Assets Finance and Corporate Services, (or equivalent), Manager Corporate Support (or equivalent), Accountant (or equivalent), Committee President, Committee Secretary, Committee Treasurer and another Committee member nominated by the Committee, with a requirement that any two must sign all cheques. If electronic fund transfers are required, any one of the signatories can initiate a transfer and another signatory must approve the transfer.

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Council officers will work with each Section 86 Committee to establish the new accounts at the Committee’s preferred financial institution.

POTENTIAL IMPLICATIONS ARISING FROM THIS ISSUE

Council plan reference

- 1.1 Assist communities to develop and prosper
- 5.1 Good governance through leadership

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.

Financial and resource implications

Creating a Council bank account will allow Council and the Section 86 Committee to comply with the Australian Accounting Standards, the accounting requirements of the Local Government Act 1989 and the Local Government (Planning and Reporting) Regulations 2014.

Human Resources will be required to work with each Committee to determine the Committee’s preferred financial institution.

Risk implications

Risk is reduced by ensuring a sound financial management framework is in place.

Statutory Implications

Council is required to manage resources in a responsible and accountable manner.

Community Implications

It is anticipated that having a Council bank account will not affect the operations of the Section 86 Committees. The Council bank account may be required to pay higher bank fees than what the Committee may have been paying, depending on the current banking arrangements for each Committee.

Environmental Implications

None identified.

Internal/external consultation

Officers from various departments including assets, risk, community, financial and human resources have worked collectively as part of the Section 86 Governance Framework Project Control Group.

Options

Council could:

- 1 Establish new Council bank accounts, and new investment accounts if necessary, in the name of Ararat Rural City Council with the Committee’s name in the account title, at the Committee’s preferred financial institution.
- 2 Not establish new Council bank accounts and new investment accounts for each Committee.

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Attachments

There are no attachments relating to this item.

Conclusion

Section 86 Committees are essentially a non-profit sub entity of Council. Council delegates its functions, duties or powers under the Local Government Act to that Committee under an Instrument of Delegation. As each Committee is a sub entity of Council, it is appropriate to establish new Council bank accounts at the Committee's preferred financial institution.

Recommendation

That:

- 1 *Council consider all Section 86 Committees of Management to be non-profit sub-entities of Council;*
- 2 *Council creates new Council bank accounts and investment accounts, if required, for the listed Section 86 Committees of Management:*
 - *Ararat Rural City Council - Alexandra Hall Committee of Management;*
 - *Ararat Rural City Council - Buangor Community Sports Centre Committee;*
 - *Ararat Rural City Council - Elmhurst Public Hall Committee;*
 - *Ararat Rural City Council - Lake Bolac Complex Committee;*
 - *Ararat Rural City Council - Lake Bolac Memorial Hall Committee;*
 - *Ararat Rural City Council - Maroona Recreation Reserve Committee;*
 - *Ararat Rural City Council - Mininera Recreation Reserve Committee;*
 - *Ararat Rural City Council - Moyston Public Hall Committee;*
 - *Ararat Rural City Council - Pomonal Hall and Reserve Committee;*
 - *Ararat Rural City Council - Streatham Memorial Hall Committee;*
 - *Ararat Rural City Council - Tatyoon Hall and Recreation Reserve Committee;*
 - *Ararat Rural City Council - Warrak Public Hall Committee;*
 - *Ararat Rural City Council - Westmere Progress Association Committee;*
 - *Ararat Rural City Council - Wickliffe Action Group Wickliffe Common Committee;*
 - *Ararat Rural City Council - Wickliffe Recreation Reserve Committee;*
 - *Ararat Rural City Council - Willaura Golf Club Committee;*
 - *Ararat Rural City Council - Willaura Memorial Hall Committee;*
 - *Ararat Rural City Council - Willaura Recreation Reserve Committee;*
 - *Ararat Rural City Council - Yalla-Y-Poora Community Centre Committee;*
- 3 *The signatories to the new bank accounts be:*
 - *Ararat Rural City Council Director of Assets, Finance and Corporate Services (or equivalent);*
 - *Ararat Rural City Council Manager Corporate Support (or equivalent)*
 - *Ararat Rural City Council Accountant (or equivalent)*
 - *The President of the Section 86 Committee of Management*
 - *The Secretary of the Section 86 Committee of Management*
 - *The Treasurer of the Section 86 Committee of Management*
 - *One other Committee Member, where nominated by the Section 86 Committee of Management;*
- 4 *Two signatories be required to sign all cheques; and*
- 5 *Two signatories be involved when electronically transferring funds; with one signatory initiating the transfer and a second signatory authorising the transfer.*

4 – OFFICERS REPORTS

MOVED CR ALLGOOD
SECONDED

That Council defer Item 4.5 Section 86 Committees of Management Bank Accounts.

LOST

MOVED CR G HULL
SECONDED CR ALLGOOD

That following consultation with the Section 86 Committees listed below:

- 1 Council consider all Section 86 Committees of Management to be non-profit sub-entities of Council;
- 2 Council creates new Council bank accounts and investment accounts, if required, for the listed Section 86 Committees of Management:
 - Ararat Rural City Council - Alexandra Hall Committee of Management;
 - Ararat Rural City Council - Buangor Community Sports Centre Committee;
 - Ararat Rural City Council - Elmhurst Public Hall Committee;
 - Ararat Rural City Council - Lake Bolac Complex Committee;
 - Ararat Rural City Council - Lake Bolac Memorial Hall Committee;
 - Ararat Rural City Council - Maroona Recreation Reserve Committee;
 - Ararat Rural City Council - Mininera Recreation Reserve Committee;
 - Ararat Rural City Council - Moyston Public Hall Committee;
 - Ararat Rural City Council - Pomonal Hall and Reserve Committee;
 - Ararat Rural City Council - Streatham Memorial Hall Committee;
 - Ararat Rural City Council - Tatyoon Hall and Recreation Reserve Committee;
 - Ararat Rural City Council - Warrak Public Hall Committee;
 - Ararat Rural City Council - Westmere Progress Association Committee;
 - Ararat Rural City Council - Wickliffe Action Group Wickliffe Common Committee;
 - Ararat Rural City Council - Wickliffe Recreation Reserve Committee;
 - Ararat Rural City Council - Willaura Golf Club Committee;
 - Ararat Rural City Council - Willaura Memorial Hall Committee;
 - Ararat Rural City Council - Willaura Recreation Reserve Committee;
 - Ararat Rural City Council - Yalla-Y-Poorra Community Centre Committee;
- 3 The signatories to the new bank accounts be:
 - Ararat Rural City Council Director of Assets, Finance and Corporate Services (or equivalent);
 - Ararat Rural City Council Manager Corporate Support (or equivalent)
 - Ararat Rural City Council Accountant (or equivalent)
 - The President of the Section 86 Committee of Management
 - The Secretary of the Section 86 Committee of Management
 - The Treasurer of the Section 86 Committee of Management
 - One other Committee Member, where nominated by the Section 86 Committee of Management;
- 4 Two signatories be required to sign all cheques, with at least one signatory being a voting Section 86 Committee Member; and
- 5 Two signatories be involved when electronically transferring funds; with one signatory initiating the transfer and a second signatory authorising the transfer.

CARRIED 3143/16

4 – OFFICERS REPORTS

**ITEM 4.6 GORDON STREET OVAL
16073711
ASSETS, FINANCE & CORPORATE SERVICES**

Introduction

At the Council meeting held 21 August 2012 Council considered a letter from the Department of Education and Early Childhood Development, advising that the Gordon Street Oval (previously known as the Ararat Technical School Oval) had recently been declared surplus to the Department's requirements, and was offered for sale at full valuation (as per the then State Policy). At that meeting Council resolved to request a meeting with the Premier of Victoria to discuss the future of the Gordon Street Oval, and to forward a copy of the letter to local Members of Parliament.

Subsequently Council had a number of political discussions around the issue of Gordon Street, and consequentially received an election commitment from the then State Government (now in opposition) that if re-elected they would support Council gaining ownership of the area for community purposes at a significantly reduced figure. This commitment of course lapsed, as they were not returned to government at the election.

Since then, the now State Government have changed the Policy related to disposal of surplus Crown Land to allow for a lower sale price, where entities like Councils are purchasing land like this for community purposes. As a result of further discussions with State Government Officers over the last 12 months, we have now received an email from the State Government, dated 17 May 2016, advising us that the land has again been declared surplus to requirements, and is currently being prepared for sale.

Discussion

The site comprises an area of approximately 5.265 ha, known as Crown Allotment 1, Section 81A, Parish and Township of Ararat and is currently zoned Public Park and Recreation (PPRZ).

The facility is currently used for recreation pursuits with Council maintaining the oval's surface. The Gordon Street Oval has existing buildings which carry some financial liabilities associated with ongoing maintenance, operational costs and community expectations of capital improvement. The oval has lights for night training, as well as recycled water to keep the playing surface green during summer. Around 30% of this land (fronting McGibbony St East) also has long term potential as additional industrial sites as part of the current Gordon Street industrial area.

4 – OFFICERS REPORTS



In the past, the *Gordon Street Recreation Facilities User Group Inc.* managed the property, although all income and expenses were recorded by Council. Other User Groups included: Bombers Under 13 Football Club, Grampians Hockey Association, St. Andrews Cricket Club and the Ararat Eagles Football Club. The Australian Securities & Investments Commission's website indicates the incorporated body was deregistered on 2 October 2008.

There has been no income received since August 2006, when Moyston-Willaura Football Club used the oval for training.

Current users of the Oval include:

- St. Andrews Cricket Club and the Chalambar Cricket Club, during cricket season
- Ararat Football Club, when Alexandra Oval was too wet for training
- Hockey training (winter)
- School athletics (summer weekdays)
- The general public (casual use all year round)

Potential future users of the Oval and its immediate surrounds include:

- Ararat Little Athletics Club
- Marcus Cooper running stable
- Grampians Giants and Ararat Storm (Girls) Football Club
- Other clubs that are currently using Alexandra Oval, as this facility is approximately 10% over its recommended 80 hours of use per month.

Council, along with all other State and Commonwealth agencies, have until 16 July 2016 to submit an Expression of Interest to purchase the property for a public or community purpose, prior to it being offered for sale to the public.

Council officers have contacted their counterparts in the Department of Education and Training (Department) who advised the property will be valued by the Valuer-General for sale purposes. The estimated market value in 2012 was \$300,000. The Department advised the new Victorian Government Landholding Policy and Guidelines, issued in 2015, enables the landholding Minister to approve the sale of land for a community purpose at a price less than the current market value (as determined by the Valuer-General Victoria).

4 – OFFICERS REPORTS

If Council submits an expression of interest in this land, Council then has the opportunity to further explore the benefits of purchasing this land to preserve its community use. During the timeframe available and subject to acquisition cost of the land, the viability of the acquisition can be more accurately gauged prior to the final decision. The Recreation Facilities Study currently being undertaken will also provide information regarding the Community’s need for the facility.

POTENTIAL IMPLICATIONS ARISING FROM THIS ISSUE

Council plan reference

- 1.1 Assist communities the develop and prosper
- 1.4 Participation in diverse sport, recreation and leisure activities
- 1.5 Ararat Active Strategy
- 4.5 Long term asset management

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.

Financial and resource implications

Council already maintains the oval to a basic standard, with the current budget allowing for \$15,000 expenditure, but no income from user groups. The proposed budget for 2016/17 does not allow for the initial purchase price, nor does it allow for any funds to improve the oval or the associated buildings. The initial purchase price could be funded from the Building Capital Works Reserve but cost savings will be required to fund additional operating costs and any building maintenance or improvements. The current use of the land suggests a limited amount of income may be generated from clubs and other organisations that use the facilities.

Risk implications

Purchasing the property will add to Council’s asset base in a “rate capped” environment and the asset renewal gap. Council would assume full responsibility for the entire land and therefore could plan for future recreational needs with certainty.

Statutory Implications

In accordance with Section 3C of the Local Government Act 1989, the primary objective of a Council is to endeavour to achieve the best outcomes for the local community having regard to the long term and cumulative effects of decisions.

Community Implications

Having a second sports oval in Ararat will allow night training if Alexandra Oval is too wet for training. A second oval may also be used if major works are required on the playing surface of Alexandra Oval, such as drainage works. Not having a second sports oval may mean clubs need to find alternate training sites, such as ovals in rural townships like Moyston or Willaura. The two cricket clubs that currently use the oval would also need to find an alternative oval. If Council owns the oval, it would need to consider the future management of facility and what user fees, if any, should be charged.

Environmental Implications

None identified.

4 – OFFICERS REPORTS

Internal/external consultation

No external consultation has been made, although the Coach of the Ararat Football Club has written to Council in the past requesting Council to improve the facilities at Gordon Street.

Internal consultation included Parks & Gardens, Asset Management and Community Services departments.

Options

Council could:

- 1 Express an interest in purchasing Crown Allotment 1, Section 81A, Parish and Township of Ararat, commonly known as Gordon Street Oval, Ararat.
- 2 Not express an interest in purchasing Crown Allotment 1, Section 81A, Parish and Township of Ararat, commonly known as Gordon Street Oval, Ararat.

Attachments

There are no attachments relating to this item.

Conclusion

Gordon Street Oval has been declared surplus to the State Government's requirements. Council can now express an interest in purchasing the land that it has occupied for a number of years. The Valuer-General will provide a valuation for the property, and Council can then consider what course of action it will take.

Recommendation

That Council:

- 1 *Express an interest in purchasing Crown Allotment 1, Section 81A, Township of Ararat, commonly known as Gordon Street Oval; and*
- 2 *Consider a proposal to purchase Crown Allotment 1, Section 81A, Township of Ararat, commonly known as Gordon Street Oval, once it receives the proposed purchase price.*

**MOVED CR ALLGOOD
SECONDED CR McLEAN**

That Council register an interest in purchasing Crown Allotment 1, Section 81A, Township of Ararat, commonly known as Gordon Street Oval.

CARRIED 3144/16

Meeting closed at 6.48pm.

I HEREBY CERTIFY THAT PAGES 1520 TO 1544 ARE CONFIRMED AND ARE A TRUE AND CORRECT RECORD.

MAYOR – CR PAUL HOOPER