



Ararat Rural City

MINUTES

COUNCIL MEETING

Tuesday 27 September 2022

Held in the Council Chambers, Shire Offices
(Livestreamed)

Commenced at 6.00pm

Council:

Cr Jo Armstrong (Mayor)

Cr Gwenda Allgood

Cr Rob Armstrong

Cr Peter Beales

Cr Henry Burridge

Cr Bob Sanders

Cr Bill Waterston



Ararat Rural City

A recording of this meeting is being made for the purpose of verifying the accuracy of the minutes of the 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. You do not require a Facebook account to watch the live broadcast, simply enter www.facebook.com/aratruralcitycouncil into your address bar.

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

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PRESENT:

Cr Jo Armstrong (Mayor), Cr Gwenda Allgood, Cr Rob Armstrong, Cr Peter Beales, Cr Henry Burrige, Cr Bob Sanders, Cr Bill Waterston,
Mr Tim Harrison, Chief Executive Officer, Lorraine Stupak, Manager Planning, Community & Compliance and Josie Frawley, Executive Assistant.

SECTION 1 – PROCEDURAL MATTERS

1.1 LIVE STREAMING

Council is keen to engage with members of the community and live streams the formal Council Meetings to make them accessible. The stream is available to view on Council's Facebook page from 6pm and on Council's website following the Council Meeting.

1.2 TRADITIONAL ACKNOWLEDGEMENT/OPENING PRAYER/COUNCILLORS PLEDGE

Traditional acknowledgement- CR BEALES

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- CR SANDERS

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- CR WATERSTON

We will faithfully and impartially carry out and exercise the functions, powers, authorities and discretions invested in us under the *Local Government Act 2020* and any other Act to the best of our skill and judgement.

1.3 APOLOGIES

There were no apologies.

1.4 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the Council Meetings held on 30 August 2022 be confirmed.

**MOVED CR SANDERS
SECONDED CR BURRIDGE**

That the Minutes of the Council Meetings held on 30 August 2022 be confirmed.

CARRIED 4699/22

1.5 DECLARATION OF CONFLICT OF INTEREST

A Councillor who has a conflict of interest in a matter being considered at a *Council meeting* at which he or she:

- 1 is present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the *Council meeting* immediately before the matter is considered; or
- 2 intends to be present must disclose that conflict of interest by providing to the *Chief Executive Officer* before the *Council meeting* commences a written notice:
 - (a) advising of the conflict of interest;
 - (b) explaining the nature of the conflict of interest; and
 - (c) detailing, if the nature of the conflict of interest involves a Councillor's relationship with or a gift from another person, the:
 - name of the other person;
 - nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
 - nature of that other person's interest in the matter,and then immediately before the matter is considered at the meeting announcing to those present that he or she has a conflict of interest and that a written notice has been given to the *Chief Executive Officer* under this sub-Rule.

The Councillor must, in either event, leave the *Council meeting* immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.

There were no Conflict of Interests received.

SECTION 2 – PUBLIC PARTICIPATION

2.1 PETITIONS AND JOINT LETTERS

- 1 Unless *Council* determines to consider it as an item of urgent business, no motion (other than a motion to receive the same) may be made on any petition, joint letter, memorial or other like application until the next *Council meeting* after that at which it has been presented.
- 2 It is incumbent on every Councillor presenting a petition or joint letter to acquaint himself or herself with the contents of that petition or joint letter, and to ascertain that it does not contain language disrespectful to *Council*.
- 3 Every Councillor presenting a petition or joint letter to *Council* must:
 - write or otherwise record his or her name at the beginning of the petition or joint letter; and
 - confine himself or herself to a statement of the persons from whom it comes, the number of signatories to it, the material matters expressed in it and the text of the prayer or request.
- 4 Every petition or joint letter presented to *Council* must be in *writing* (other than pencil), typing or printing, contain the request of the petitioners or signatories and be signed by at least 12 people.
- 5 Every petition or joint letter must be signed by the persons whose names are appended to it by their names or marks, and, except in cases of incapacity or sickness, by no one else and the address of every petitioner or signatory must be clearly stated.
- 6 Any signature appearing on a page which does not bear the text of the whole of the petition or request may not be considered by *Council*.
- 7 Every page of a petition or joint letter must be a single page of paper and not be posted, stapled, pinned or otherwise affixed or attached to any piece of paper other than another page of the petition or joint letter.
- 8 If a petition, joint letter, memorial or other like application relates to an operational matter, *Council* must refer it to the *Chief Executive Officer* for consideration.

There were no Petitions or Joint Letters received.

SECTION 3 – REPORTS REQUIRING COUNCIL DECISION

Mayor Jo Armstrong recommended that Item 3.5 PA3155- Ararat-Halls Gap Road Moyston 3377 be moved forward, to allow members of the public in attendance and Lorraine Stupak to leave, once the item had been discussed

**MOVED CR BEALES
SECONDED CR BURRIDGE**

That Item 3.5 of the agenda be brought forward, to allow members of the public and Council officers the opportunity to leave once the item had been discussed

CARRIED 4711/22

3.5 PA3155- ARARAT-HALLS GAP ROAD MOYSTON 3377

**RESPONSIBLE OFFICER: MANAGER PLANNING, COMMUNITY & COMPLIANCE
DEPARTMENT: PLANNING
REFERENCE: 6620**

OFFICER DIRECT OR INDIRECT CONFLICT OF INTEREST:

Officers providing advice to Council must disclose any conflict of interest.

No person involved in the preparation of this report has a conflict of interest requiring disclosure.

EXECUTIVE SUMMARY

The proposal consists of an application for the construction a dwelling and associated outbuildings at Ararat-Halls Gap Road Moyston. The proposed dwelling consists of 3 bedrooms, 1 bathroom + *en suite*, a large open-plan kitchen / dining / living space and studio room measuring 269m² in total, including veranda and pergola areas. Additionally, the proposal seeks to construct a shed and carport, measuring 108² and 36m² respectively.

The dwelling is proposed to be constructed from galvanized corrugated iron, featuring a pitched roof, 'cemental bare stone' sheet cladding and large windows. The siting and design of the dwelling, including the largely rectangular form and large windows facing will provide excellent natural light to all rooms of the proposed dwelling. The applicant has indicated the property will be used as a vineyard and cellar door (pending planning approval) in the future, with the dwelling and outbuildings planned to be located in the centre of the vineyard.

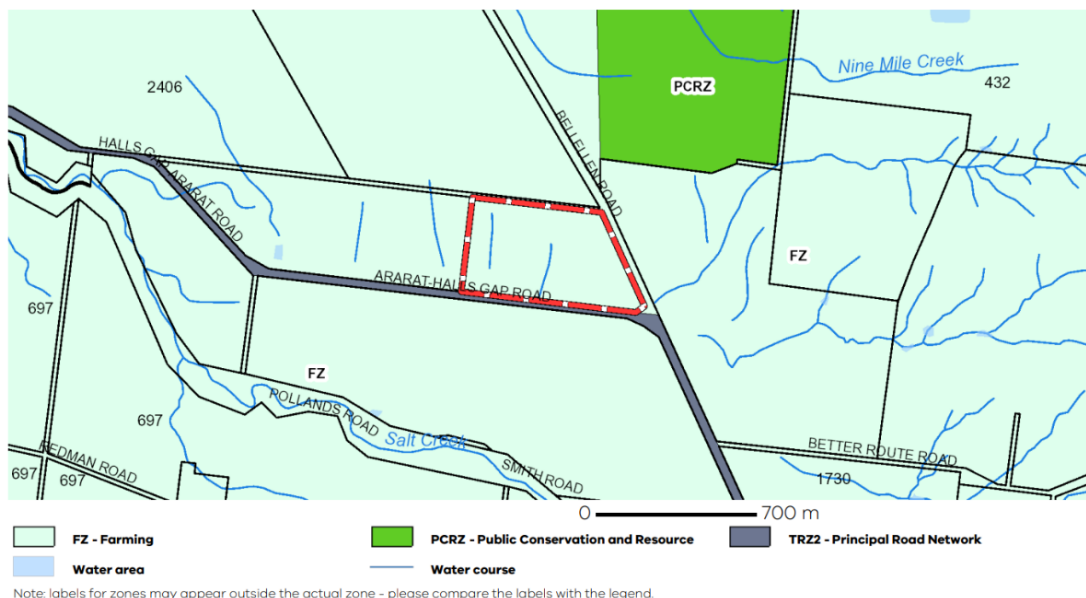
Background and context

The subject site is located at Ararat-Halls Gap Road Moyston – a regular shaped lot measuring a total area of 28.6ha. The lot is oriented east-west, with the frontage (762m) south facing to Ararat-Halls Gap Road. The site is currently a farming lot. The site features some scattered trees, a dam, and two mapped wetlands, with the proposed dwelling coming within 100m of the centrally located mapped wetland. The site is located approximately 6km north of Moyston, and 24km west of Ararat. Adjacent the site are a number of farming lots of similar sizes, with some featuring dwellings. Directly north of the site is dense native bushland.

The subject site and all surrounding land is zoned Farming Zone. Further north of the site is zoned Public Conservation and Resource Zone.

FARMING ZONE (FZ)

SCHEDULE TO THE FARMING ZONE (FZ)



Public notification

The application has been advertised to surrounding occupants and landholders consistent with section 52 of the *Planning and Environment Act 1987*.

1 objection was received. Details are as follows:

Basis of Objection – Reasons:

- The granting of the permit would be prejudicial to proper planning within the Farming Zone.
- The proposed land use is not compatible with the surrounding dominant land use, being traditional broad acre farming.
- The granting of the permit would reflect an ad hoc approach to planning in the area without proper consideration of the longer-term implications on the broad acre farming base in the area.
- No permit of the type sought should be granted without proper strategic analysis and an adopted framework to inform such decisions.
- No Whole Farm Plan was considered in the granting of a permit (02777) for the creation of the subject lot. No whole farm plan has been provided to support the application.
- The granting of the Permit would be inconsistent with Clause 02.03-4 of the Ararat Planning scheme which provides a strategic direction to inter alia, "Minimise the fragmentation of viable agricultural land".
- The granting of the Permit is contrary to the strategies provided in Clause 14.01-S of the Ararat Planning Scheme which provides strategies to protect the state's agricultural base by preserving productive farmland.
- It is evident that Council's decision making has been flawed in relation to previous planning permit applications in the area. This is leading to the incremental conversion of land in the precinct to a create rural living/ lifestyle occupancies without a strategic policy basis and in a manner that is contrary to the provisions of the Ararat Planning Scheme.

Submitted impacts on objector:

- The granting of the permit would continue the erosion of the ability to farm traditional broad acre holdings such as ours in the area.
- The continued granting of such permits poses an existential threat to the surrounding traditional broad acre farming land use, including our own.

Further discussions were undertaken with the objector to ascertain if a satisfactory resolution could be achieved, however, the solution was not considered satisfactory as it did not address the concerns with the fragmentation of farming in the area.

Consideration of response to objection:

While an application for a dwelling on a lot smaller than 40ha would usually not be supported by Council, in this instance the dwelling is supported due to the unique circumstances and character of the proposal. At the heart of this application is the fact that the proposed dwelling will facilitate and support agriculture on site now and in the future, as the applicant intends to construct a vineyard, with the intention of producing organic wine.

In the future, the applicant will consider establishing a cellar door at the property (pending planning approval, which would be a separate application). Thus, in a broad sense the dwelling will support agriculture on the site, and thus is allowed in the zone. More broadly, the contribution and value a vineyard / winery would have to the municipality would be considerable, considering the likes of tourism, jobs and contribution to the local economy (as highlighted in a number of policies, including *Ararat Sustainable Growth Future*, *Grampians Pyrenees Wine Tourism Masterplan*).

As the *Ararat Sustainable Growth Future* policy points out, "agriculture remains the biggest employment sector in the municipality; however over the past decade employment within the industry has declined from 23% to 16% as a proportion of overall employment".

Thus, it is crucially important to support agriculture (and agricultural land), while at the same time diversifying and supporting a diverse range of agricultural activities, which adds value to the municipality and will contribute to the economy and workforce now and in the future. Given these specific circumstances, Council intends to support the dwelling, given its support in turn of agriculture on the site. This does not threaten existing farmland, which is protected by planning policy, and Council is committed to retaining, and actually growing agriculture – which as aforementioned requires supporting diversified agricultural economy. Notably, a dwelling is not in itself (necessarily) incompatible with farming, and in this instance considering the siting and design of the development, and the nature of surrounding farming (broad-acre), the two uses will be compatible.

Referrals

The application was forwarded to a range of external and internal agencies for feedback. A summary of the responses from these agencies were as follows:

Agency / Organisation	Response
External State Agencies	
CFA	No objection subject to conditions
Wimmera Catchment Management Authority	Consent with conditions
Internal Council Teams	
Assets	No objection
Rates	No objection

Planning Policy Framework

Planning Policy Framework (PPF)

Clause 12.01-1S Protection of biodiversity

To assist the protection of and conservation of Victoria's biodiversity.

The proposal does not seek to remove any vegetation, and thus does not threaten biodiversity.

Clause 13.02-1S Bushfire planning

To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

The proposal is consistent with Clause 13.02-1S, as well as Clause 44.06 and Clause 53.02. In accordance with the Bushfire Management Statement and comments of the CFA, the application will include measures to protect human life, which will be included as conditions of permit ensuring risk of bushfire is mitigated.

Clause 14.01-2S Sustainable agricultural land use

To encourage sustainable agricultural land use

The applicant has indicated their intention to construct a vineyard on the site after their dwelling and outbuildings are constructed. Thus, the proposal will support an agricultural use (viticulture), with the establishing of a vineyard. The current owners of the land are already engaged in this sector and employed by others in the area in wine production.

Clause 15.01-6S Design for rural areas

To ensure development respects valued areas of rural character.

The proposed appearance of the dwelling – clad in galvanised corrugated iron will be acceptable, given the siting and design of the development. The development is to be orientated east-west, so reflective glare will be largely mitigated. The site has no direct neighbours, further mitigating the risk to amenity of the surrounding area from the building materials. Moreover, the galvanised corrugated iron will weather and soften to a blue / grey, which will not adversely affect surrounding sites. Galvanised corrugated iron is also a traditional consistent building on farms throughout the area. Thus, the use of galvanised corrugated iron is appropriate.

Clause 16.01-1S Housing supply

To facilitate well-located, integrated and diverse housing that meets community needs.

The proposal will add an additional dwelling to the site. The proposed 3-bedroom dwelling will provide an excellent additional family home to the area, contributing to achieving a mixed housing typology within Moyston and Ararat, and supporting the growth of the municipality.

Zoning

Clause 35.07 Farming Zone

The subject site is located within the Farming Zone. The Farming Zone aims to achieve the following:

- *To provide for the use of land for agriculture*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*
- *To encourage the retention of employment and population to support rural communities.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*
- *To provide for the use and development of land for the specific purposes identified in a schedule to this zone.*

Under Clause 35.07-1, a permit is required to use the land for a dwelling (Section 2), as the lot is <40ha.

Under Clause 35.07-4, a permit is required for buildings and/or works of a Section 2 use under the Farming Zone.

Use of the site as a vineyard is as of right. Use of the site as a winery / cellar door is also a Section 2 use, however the applicant intends to prepare a separate application for this proposed use in the future.

Overlays

Clause 44.06 Bushfire Management Overlay

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
- *To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.*
- *To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.*

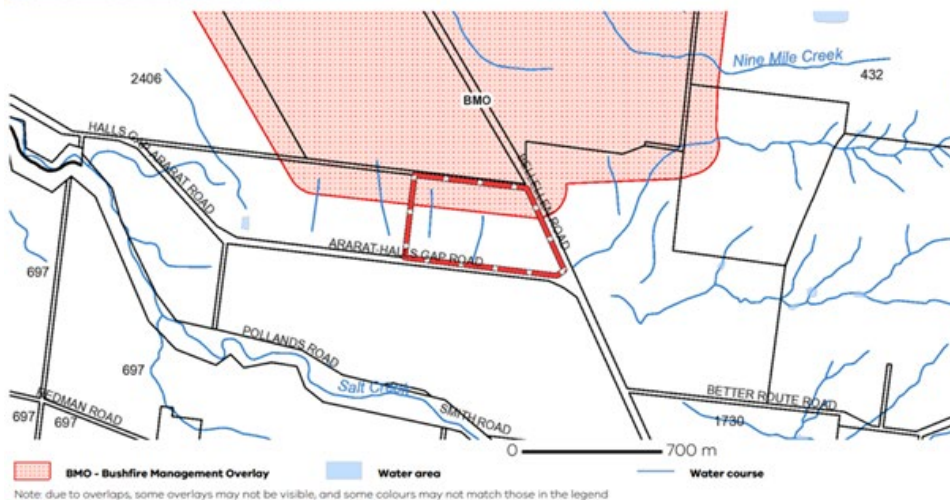
Under Clause 44.06-2, a permit is required to:

- *Construct a building or construct or carry out works associated with accommodation*

Under Clause 44.06-3, an application must be accompanied by a bushfire hazard site assessment, bushfire hazard landscape assessment and bushfire management statement.

An application must also meet the requirements of Clause 53.02, unless the application meets all of the requirements specified in a schedule to this overlay.

BUSHFIRE MANAGEMENT OVERLAY (BMO)



Clause 42.03 Significant Landscape Overlay

- *To implement the Municipal Planning Strategy and the Planning Policy Framework*
- *To identify significant landscapes*
- *To conserve and enhance the character of significant landscapes.*

Under Clause 42.03-2, a permit is required to construct a building or carry out works, where the dwelling exceeds 200m² and the outbuildings exceed 100m².

Clause 42.02-2 Vegetation Protection Overlay

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To protect areas of significant vegetation.*
- *To ensure that development minimises loss of vegetation.*

- *To preserve existing trees and other vegetation.*
- *To recognise vegetation protection areas as locations of special significance, natural beauty, interest and importance. To maintain and enhance habitat and habitat corridors for indigenous fauna.*
- *To encourage the regeneration of native vegetation.*

The application does not seek to remove any native vegetation – thus, there is no trigger under the overlay.

Clause 45.12 Specific Controls Overlay (SCO2)

- *To apply specific controls designed to achieve a particular land use and development outcome in extraordinary circumstances*

While the site is within the SCO2 Overlay there is no trigger under the overlay.

Assessment

Clause 35.07 Farming Zone

The application is for the construction of a dwelling and associated outbuildings. This is consistent with the purpose of the Farming Zone, as the proposal will not adversely effect agricultural use on surrounding sites, and will support agriculture on the site now and in the future, as the applicant constructs a vineyard.

The proposal also meets the decision guidelines of the Farming Zone, as follows:

Farming Zone Decision Guidelines

Accommodation Issues	
Whether the dwelling will result in the loss of fragmentation of productive agricultural land.	The dwelling will not result in the loss of farmland, but instead work to retain productive agricultural land, supporting the applicant's vineyard on the site.
Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.	The dwelling will not be adversely affected by surrounding agricultural uses, with surrounding uses (including grazing and cropping land) posing no major adverse effects to residential or similarly agricultural use.
Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.	The dwelling will not adversely affect the operation and expansion of adjoining and nearby agricultural uses, with the proposal of a dwelling and (as of right) vineyard being compatible with adjoining farmland.
The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.	The proposal does not support a concentration or proliferation of dwellings in the area, nor any adverse impact on the use of land for agriculture. The dwelling in this case is well supported by planning policy, and will support agriculture in the community by facilitating and supporting the (proposed) vineyard on site.
The potential for an accommodation use to be adversely affected by noise and shadow flicker	N/A

<p>impacts if it is located within one kilometre from the nearest title boundary of land subject to:</p> <ul style="list-style-type: none"> • A permit for a wind energy facility; or • An application for a permit for a wind energy facility; or • An incorporated document approving a wind energy facility; or <p>A proposed wind energy facility for which an action has been under taken under section 8(1), 8(2), 8(3) or 8(4) of the <i>Environment Effects Act 1978</i>.</p>	
<p>Agricultural issues and the impacts from non-agricultural uses</p>	
<p>Whether the use or development will support and enhance agricultural production.</p>	<p>The dwelling will support agriculture in the community by facilitating and supporting the (proposed) vineyard on site. This will add diversity to the farming landscape within Ararat and works towards economic and tourism goals of Council to promote diverse agriculture and business, and specifically to support wineries, recognising their contribution to the municipality as a tourism and economic benefit.</p>
<p>Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.</p>	<p>The proposal will secure the land for agriculture for years to come, as the dwelling will facilitate and support the planting and maintenance of a vineyard on site. The vineyard is intended to be organic, meaning there will be no chance for chemicals to harm soil quality.</p>
<p>The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.</p>	<p>The use of the site for a dwelling, sheds and vineyard will not limit surrounding agricultural uses.</p>
<p>The capacity of the site to sustain the agricultural use.</p>	<p>The site will accommodate the vineyard.</p>
<p>The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.</p>	<p>The site will accommodate the vineyard, with a large existing dam present on site which will support irrigation of the vineyard.</p>
<p>Any integrated land management plan prepared for the site.</p>	<p>The proposal was accompanied by an appropriate farm plan, including details regarding the vineyard which will be created in conjunction with the proposed dwelling and sheds.</p>
<p>Whether Rural Worker accommodation is necessary having regard to: The nature and scale of the agricultural use; the accessibility to residential areas and existing accommodation, and the remoteness of the location; the duration of the use of the land for Rural Worker Accommodation.</p>	<p>N/A</p>
<p>Environmental Issues</p>	
<p>The impacted of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.</p>	<p>The vineyard is intended to be organic, meaning there will be no chance for chemicals to harm soil quality. No native vegetation will be removed as part of this proposal, or the creation of the (as of right) vineyard on site.</p>

The impact of the use or development on the flora and fauna on the site and its surrounds.	As above.
The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.	As above.
The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.	On-site effluent disposal areas will be accommodated to minimise the impact of nutrient loads on waterways and native vegetation on site. The proposal was referred to the Assets Department, which approved the application with conditions (among others) relating to on-site effluent disposal.
Design and Siting Issues	
The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive land.	Buildings will be located in one area only on site.
The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.	The siting and design is appropriate, as discussed in the <i>Planning Policy Framework</i> section (see Clause 15.01-6S Design for rural areas) of this report.
The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.	The site lacks historic or scientific significance. With regards to natural importance, no native vegetation will be removed as part of the proposal, and the proposal more broadly will not adversely effect the natural features of the property. Regarding the siting and design of the proposal and how it relates to the surrounding area, see the <i>Planning Policy Framework</i> section of this report.
The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.	Existing infrastructure includes an accessway via Ararat-Halls Gap Road, and a dam. As part of the proposal, a driveway will be constructed. Water and sewerage will be accommodated by the site. The proposal was referred to the Assets Department, which approved the application with conditions (among others) relating to on-site effluent disposal and water.
Whether the use and development will require traffic management measures.	The use and development will not require traffic management measures.
The need to locate and design buildings use for accommodation to avoid or reduce noise and shadow flicker impacts from the operation of a wind energy facility if it is located within one kilometre from the nearest title of land subject to: <ul style="list-style-type: none"> • A permit for a wind energy facility; or • An application for a permit for a wind energy facility; or • An incorporated document approving a wind energy facility; or 	N/A

A proposed wind energy facility for which an action has been undertaken under section 8(1), 8(2), 8(3) or 8(4) of the <i>Environment Effects Act 1978</i> .	
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Clause 44.06 Bushfire Management Overlay (BMO)

The proposal is consistent with the purpose and requirements of the overlay, reducing the long-term risks of bushfire to the surrounding area and vegetation consistent with the BMO.

In accordance with the relevant referral authorities, the bushfire hazard site assessment, bushfire hazard landscape assessment and bushfire management statement, the proposal will be granted a permit for the use and development of a dwelling and associated outbuildings with conditions, based on advice from relevant authorities.

Clause 53.02 Bushfire Planning

The purpose of Clause 53.02 is (among others):

- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire*
- *To ensure that the location, design and construction of development appropriately responds to the bushfire hazard*
- *To ensure development is only permitted where the risk to life, property and community infrastructure from bushfire can be reduced to an acceptable level.*

The proposal is consistent with the purpose and requirements of Clause 53.02. In accordance with the relevant referral authority and recommendations made in the Bushfire Management Statement, a permit will be granted with conditions.

Decision Guidelines - Clause 65

<i>Any significant effects the environment, including the contamination of land, may have on the use or development.</i>	The proposal will not be adversely effected by the environment, including land contamination.
<i>The municipal planning strategy and the planning policy framework.</i>	The proposal meets the Planning Policy Framework, as found in the <i>Planning Policy Framework (PPF)</i> section of this report.
<i>The purpose of the zone, overlay or other provision. Any matter required to be considered in the zone, overlay or other provision.</i>	While a permit is required for the use and construction of a dwelling in the Farming Zone on a lot <40ha, Council has determined the site is appropriate for the development given the size of the site, and the long-term proposal for the site being a vineyard. The site has a number of overlays which apply to the land, including the BMO, SLO, and VPO. In accordance with Section 55 of the <i>Planning and Environment Act 1987</i> , the CFA were referred the application, which approved it with conditions.
<i>The orderly planning of the area.</i>	Given the area of the site and the nature of the proposed development, the site will accommodate the proposal and is compatible with surrounding uses.
<i>The effect on the environment, human health and amenity of the area.</i>	The proposal will not adversely effect the environment, human health nor amenity of the area. The proposal will not harm the environment, as the site is cleared, and there is no proposal to remove vegetation. The proposed use of the site as a dwelling poses little-to-no risk of adverse amenity or health effects to surrounding sites given the design and siting of the proposed dwelling. Similarly, no surrounding uses (including agricultural uses) present significant risk the proposal, given the siting and design, as well as the nature of the agricultural use of surrounding sites.

<i>The proximity of the land to any public land.</i>	Approximately 500m north-east is Jallukar Nature Conservation Reserve, visited by the likes of tourists and campers.
<i>Factors likely to cause or contribute to land degradation, salinity or reduce water quality Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.</i>	Regarding land degradation and soil quality, the use of the site for a dwelling and sheds, and for an organic vineyard poses no adverse effect, with the exception of sewerage considerations which have been conditioned. The site does feature a slope towards the dam / mapped waterways however, and so interceptors are proposed to prevent any unwanted runoff.
<i>The extent and character of native vegetation and the likelihood of its destruction. Whether native vegetation is to be or can be protected, planted or allowed to regenerate.</i>	No native vegetation to be removed.
<i>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.</i>	The use and development has a high fire risk, however the application meets the requirements of the planning scheme regarding bushfire planning. The application was submitted with a BMS, and the application was referred to CFA which approved the application with conditions.
<i>The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.</i>	N/A
<i>The impact the use or development will have on the current and future development and operation of the transport system.</i>	The proposed development will not adversely impact the operation of the transport system, adding additional personal vehicle/s which will be accommodated by existing infrastructure.

KEY CONSIDERATIONS

Alignment to Council Plan Strategic Objectives

1. Growing Our Place

We will create the settings to support growth across our municipality through an improved planning scheme, actively pursuing new housing options and exploring models for in-migration.

- 1.2 Support innovative housing models that work to overcome market failure and create the capacity to increase the population of Ararat Rural City.

Budget 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/Relevant Law

The policy, legal and statutory considerations defined by the planning scheme and overarching legislation and practice have been outlined in the assessment of the application and throughout this report.

Sustainability

The *Ararat Sustainable Growth Future* policy provides a focus on "agriculture remains the biggest employment sector in the municipality; however, over the past decade employment within the industry has declined from 23% to 16% as a proportion of overall employment"

Risk Assessment

The assessment of this application has utilised a number of techniques to minimise known risks. The assessment process follows the provisions of the legislation, the planning scheme and related documents to ensure that the outcomes meet community standards. Council assessing the officers report ensures that there is an additional level of review of the proposal. The assessment process follows the provisions of the legislation and the planning scheme clauses and related documents to ensure that the outcomes meet broad community standards.

Conclusion

The proposal represents an opportunity to diversify and expand housing options that will support the continued agricultural use of the land within Ararat and supporting growth of the population and economy. Throughout the assessment process, the proposal has been assessed against the Planning Policy Framework, the purpose of the zone, and the relevant Particular Provisions and the contribution and value a vineyard / winery would have to the municipality would be considerable, considering the likes of tourism, jobs and contribution to the local economy (as highlighted in a number of policies, including *Ararat Sustainable Growth Future*, *Grampians Pyrenees Wine Tourism Masterplan*). The proposal demonstrates a significant alignment with Council's strategic intent for the **area**. It is therefore considered that the proposal demonstrates an acceptable outcome with regard to the provisions of the Ararat Planning Scheme. It is recommended that the application be supported.

RECOMMENDATION

That Council issue a Notice of Decision to grant this planning permit application PA3155 for the development of the land for a house, carport, shed, water tanks and sewerage on Ararat-Halls Gap Rd Moyston 3377 subject to the following conditions:

The Permit allows: Develop property with house, carport, shed, water tanks and sewerage.

No. of Conditions: 6

1 Layout not altered

The use and/or development shown on the endorsed plans must not be altered without the written consent of the Council.

2 Outbuilding (Shed)

The layout of the site must and the size and internal layout of the buildings and works shown on the endorsed plan must not be altered or modified without the written consent of the Council. This permit is granted for an outbuilding for storage purposes only. The outbuilding must not be used for human habitation and must not contain facilities that could be used for cooking, eating or sleeping.

The shed must not be constructed over or within 3m of the septic tank or effluent disposal field.

3 Control erosion and sedimentation of construction site

Prior to commencing the construction, the applicant is to install a row of hay bales to intercept run off from the work site between the boundary of the building envelope and the easement for the waterway on the land.

This row is to be maintained for 3 months after the completion of construction of the project, or until such time as the ground cover re-establishes around the works area, whichever is the later.

4 Connection to services

The owner of the land must make arrangement for the provision of water, waste water, electricity and telecommunication services to the dwelling in accordance with the authorities' requirements and relevant legislation at the time.

5 General amenity

During the construction phase the project is to be managed at all times to the satisfaction of Council, 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, wastewater, waste products, grit or oil presence of vermin*

6 Mandatory Bushfire Condition

The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

7 CFA Condition (Ref:16000-77171-121714)

Before the development starts, the Bushfire Management Plan prepared by Regional Planning and Design Pty Ltd (Version B, dated 30/05/22) must be endorsed by the Responsible Authority. Once endorsed the plan must not be altered unless agreed to in writing by CFA and the Responsible Authority.

8 Permit Expiry

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

- a) The use and/or development is not started within 3 years of the date of this permit.*
- b) The use and/or development is not completed within 5 years of the date of this permit*

The Council 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.

**MOVED CR BEALES
SECONDED CR ALLGOOD**

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- e- appearance of any building, works or materials
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This permit will expire if one of the following circumstances applies:

- c) The use and/or development is not started within 3 years of the date of this permit.
- d) The use and/or development is not completed within 5 years of the date of this permit

The Council 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*.

MOVED 4704/22

ATTACHMENTS

Site plan, Bushfire Management Statement and Land use plan are provided as Attachment 3.5.



DISCLAIMER
This document is a preliminary report and should not be used for any legal or financial purposes. It is intended for information only and does not constitute a contract or any other legal instrument. The information contained herein is based on the best available information and is subject to change without notice. The user of this document is advised to seek professional advice before acting on the information contained herein.

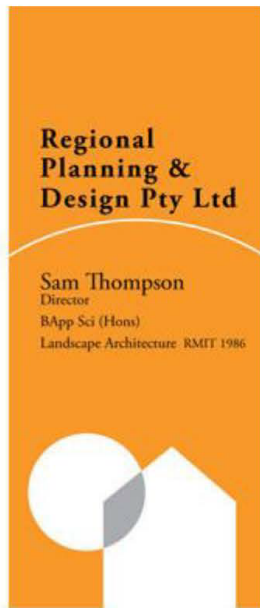
PROPERTY APPROVALS
This project requires the following approvals from the relevant authorities:

- Planning Approval from the local council.
- Water Use License from the Department of Water and Power.
- Building Approval from the Department of Building and Construction.
- Other approvals as required by the relevant authorities.

PROJECT INFORMATION	
PROJECT NAME	Ararat-Halls Gap Rd Project
CLIENT	Ararat Rural City
DATE	27 September 2022
SCALE	1:1000
DRAWN BY	[Name]
CHECKED BY	[Name]
DATE	[Date]

LEGEND	
[Symbol]	Proposed Vineyard Block
[Symbol]	Stock Cell for Seasonal Grazing
[Symbol]	Replanted Area
[Symbol]	Existing Boundary Fencing
[Symbol]	Proposed Internal Fencing
[Symbol]	Established Entrance
[Symbol]	Established Dam
[Symbol]	Replanted Native Trees, Grasses & Shrubs (Completed)

PROJECT APPROVALS	
Planning Approval	[Status]
Water Use License	[Status]
Building Approval	[Status]
Other Approvals	[Status]



BUSHFIRE MANAGEMENT STATEMENT



Prepared by Regional Planning
& Design Pty Ltd
13 Bridport Street Daylesford
3461
Phone 0447 073 107
s.thompsondesign@bigpond.com

**Lot 2 Ararat-Halls Gap Road
Moyston Ref No 21.319**

Disclaimer

This report has been made with careful consideration and with the best information available to Regional Planning and Design Pty Ltd at the time of writing. Before relying on information in this report, users should evaluate the accuracy, completeness and relevance of the information provided for their purposes. Regional Planning and Design Pty Ltd do not guarantee that it is without flaw or omission of any kind and therefore disclaim all liability for any error, loss or other consequence that may arise from you relying on any information in this report.

Requirements detailed in this document do not guarantee survival of the buildings or the occupants. The client is strongly encouraged to develop and practice a bushfire survival plan.

Information and assistance including a template for a Bushfire Survival Plan is provided as part of the 'Fire Ready Kit' available through the CFA website at <http://www.cfa.vic.gov.au> or through your local CFA Regional office.

Version Control

Report Version	Description	Date Completed	Issued to
A	Issued as a draft for discussion	29/8/2021	Client
B	Issued as a final version	30/5/2022	Client

1 SUMMARY

Summary	
Proposal	Construction of a dwelling
Date of site visit:	27/8/2021
Broad landscape setting Type (Technical Guide Planning Permit Applications – Bushfire Management Overlay)	3
Access requirements can be met	3.5m wide driveway with 4m vertical and 4.5m horizontal clearance with a turning area.
Defendable Space requirements can be met	BAL 12.5 (57 m from the edges of the building)
Proposed BAL construction level	29
Is native vegetation removal required:	No

2 INTRODUCTION

This Bushfire Management Statement (BMS) has been prepared to enable Scott Gerrard to respond to the requirements of Clause 44.06 *Bushfire Management Overlay* (known from this point on as Clause 44.06), and associated Clause 52.03 *Bushfire Protection: Planning Requirements* (known from this point on as Clause 52.03) for the construction of a dwelling at Lot 2 Ararat-Halls Gap Road Moyston.

Methodology

The BMS is in two parts

Part 1 Site description, hazard assessment and locality description

Part 2 A Bushfire Management Statement describing how the proposed development responds to the requirements in Clause 53.02 and 44.06.

3 ZONING AND OVERLAYS

Clause Number	Name
35.07	Farming Zone
44.06	Bushfire Management Overlay
53.02	Bushfire Planning
43.02	Significant Landscape Overlay
42.02	Vegetation Protection Overlay



4 LOCATION

The site is located to the north west of the Township of Moyston. The site has forest to the immediate north. There is mountainous terrain and forest to the west in the Grampians National Park.

The site could be vulnerable to long runs of fire from the north and north west and south west following a wind change, which often occurs on high fire risk days in summer. This is described in further detail in the Bushfire Hazard Landscape Assessment

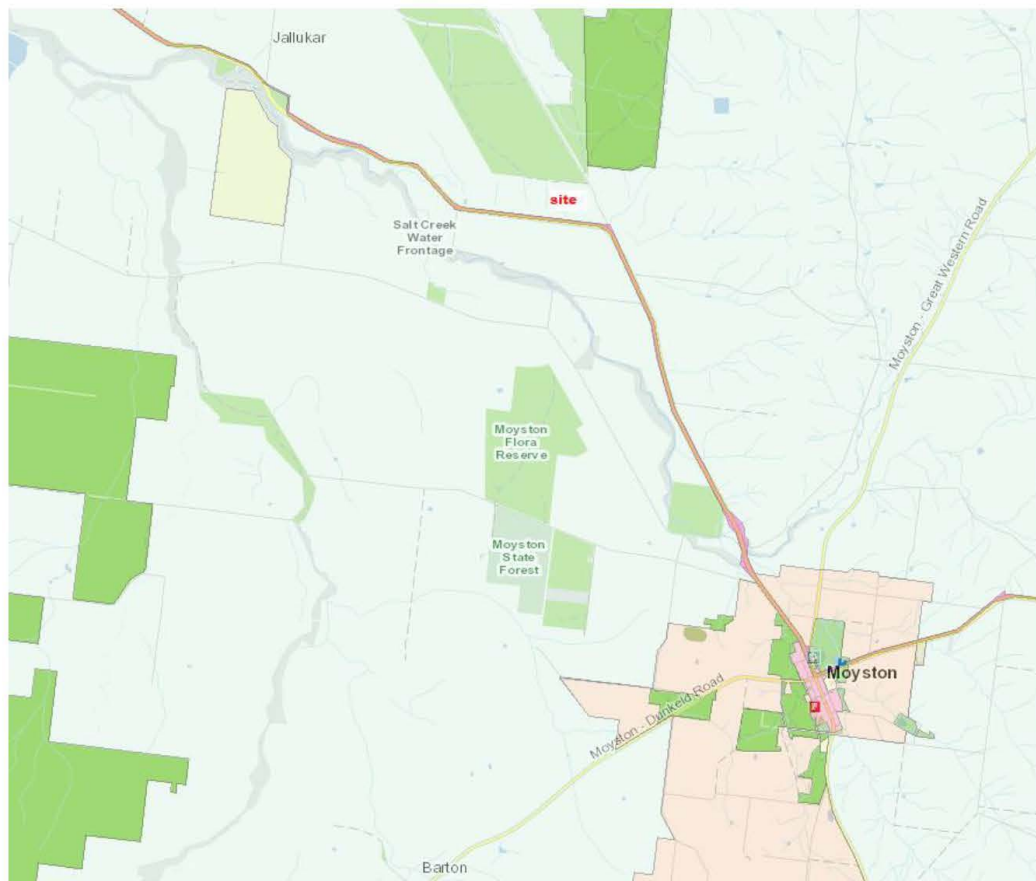


FIGURE 2 LOCATION

5 SITE DESCRIPTION

Site shape, dimensions, size , existing use and buildings and works	
The shape of the site is:	Rectangular with angled eastern boundary
The site has a total area of:	28.33 ha
The current use of the site is	Grazing
The buildings or works located on the site are:	Nil
Site topography	The site is elevated on a ridgeline in the north eastern part. Land slopes gently to the south west on an overall 0 to 5 degree downslope
Site vegetation	The site is mostly covered in grazed grassland
Services and infrastructure	The site is connected to the gravel road network



FIGURE 3 EXISTING CONDITIONS AIR PHOTO

Site Photo



Photo 1 Looking north from the proposed house site area



Photo 2 Looking east from the proposed house site area

Site Photo



Photo 3 Looking west from the proposed house site area



Photo 4 Looking south from the proposed house site area

Site Photo



Photo 5 Looking north from the south boundary towards the proposed house site



Photo 6 Looking north to forest on the north boundary

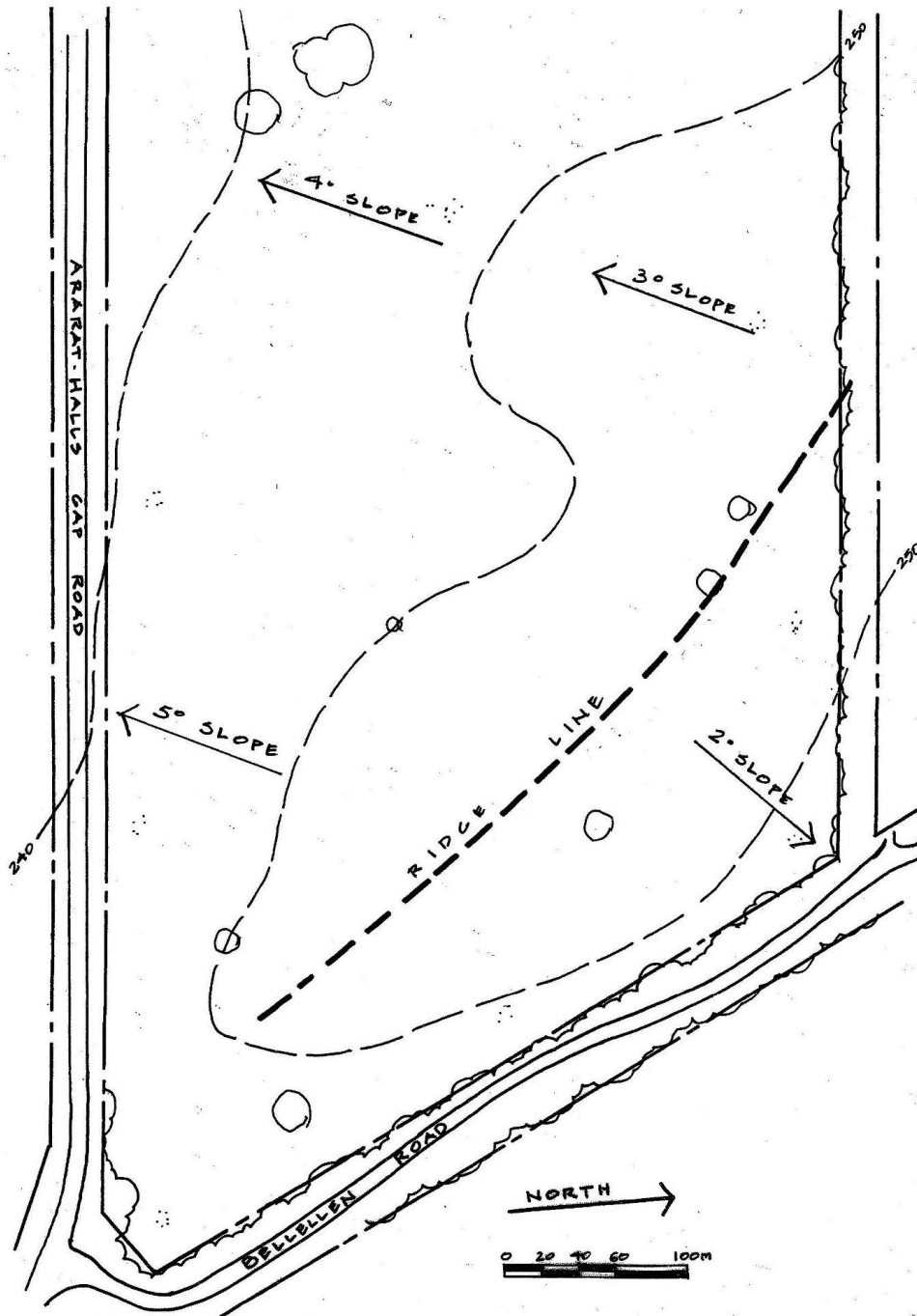


FIGURE 4 EXISTING CONDITIONS PART PLAN

6 ACCESS

The vehicle access is from Bellellen Road on the east boundary which joins the Ararat Halls Gap Road on the southern boundary. This provides access to Moyston to the south east through open areas of managed grassland.

Access Photo



Photo 7 Looking south east along Bellellen Road on the eastern boundary of the site



Photo 8 Looking west along the Ararat Halls Gap Road on the southern boundary of the site

7 BUSHFIRE HAZARD SITE ASSESSMENT

As shown in Figure 5 and described in Appendix 1, within the 150 metre assessment is mostly managed grassland with forest to the north and east (photos 9 to 14)



FIGURE 5 150 METRE ASSESSMENT PLAN

Surrounding Landscape Photos



Photo 9 Looking north to forest in the road verge to the east of site



Photo 10 Looking north through forest to the north of the site

Surrounding Landscape Photos



Photo 11 Looking west through regenerating forest on the north boundary of the site



Photo 12 Looking east across managed grassland to the east of the site

Surrounding Landscape Photos



Photo 13 Looking west across managed grassland on the west boundary of the site



Photo 14 Looking south across managed grassland south of the site

8 BUSHFIRE HAZARD LANDSCAPE ASSESSMENT

The site has extensive areas of forest, woodland and grassland to the north west and south west. On a broad landscape scale this increases the fire risk to the site as on high fire danger days there are often strong north westerly winds followed by a strong south west change which can turn the east flank of a fire approaching from the north west into a long fire front. There is the potential for more than 4 kilometre long runs of fire from the north west to affect the site. As shown on Figure 7 on the following page, fuels to the south west are fragmented with managed farmland which will help to reduce the fire risk.

The areas of forest to the east of the site are less likely to form part of a long rapidly moving bushfire as winds from the east are not generally experienced on high fire danger days. A spot fire could start to the east of the site and burn slowly towards the site

There are sufficient areas of stringy bark forest (particularly to the north west) to cause significant spotting and ember attack (embers can easily travel more than one kilometre). Ember attack causes highest house loss in bushfires

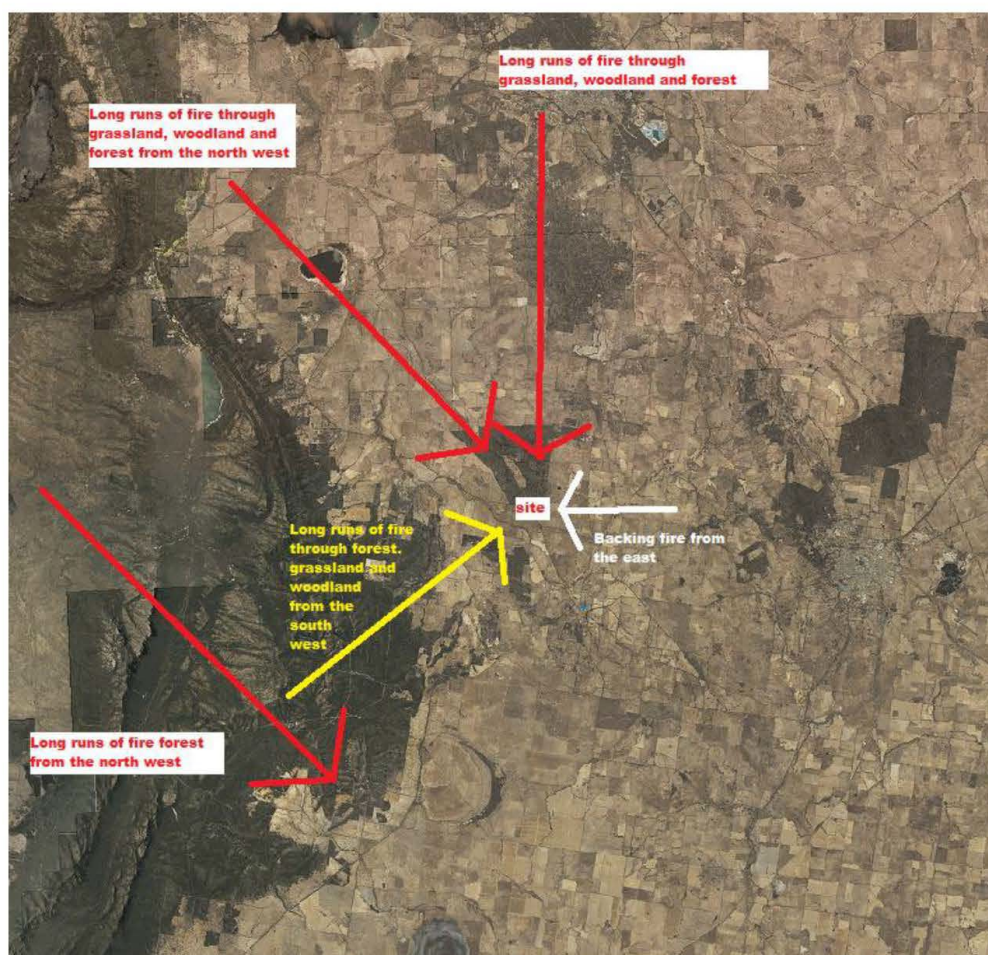


FIGURE 6 BUSHFIRE CONTEXT PLAN

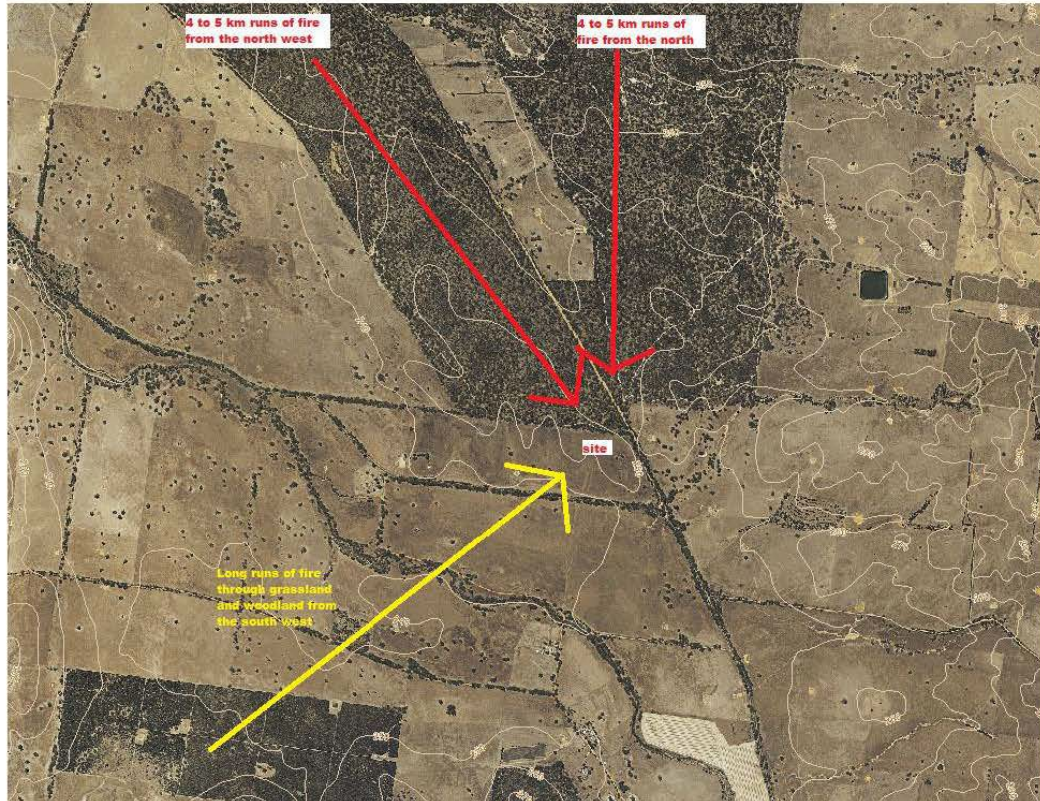


FIGURE 7 BUSHFIRE LOCAL CONTEXT PLAN

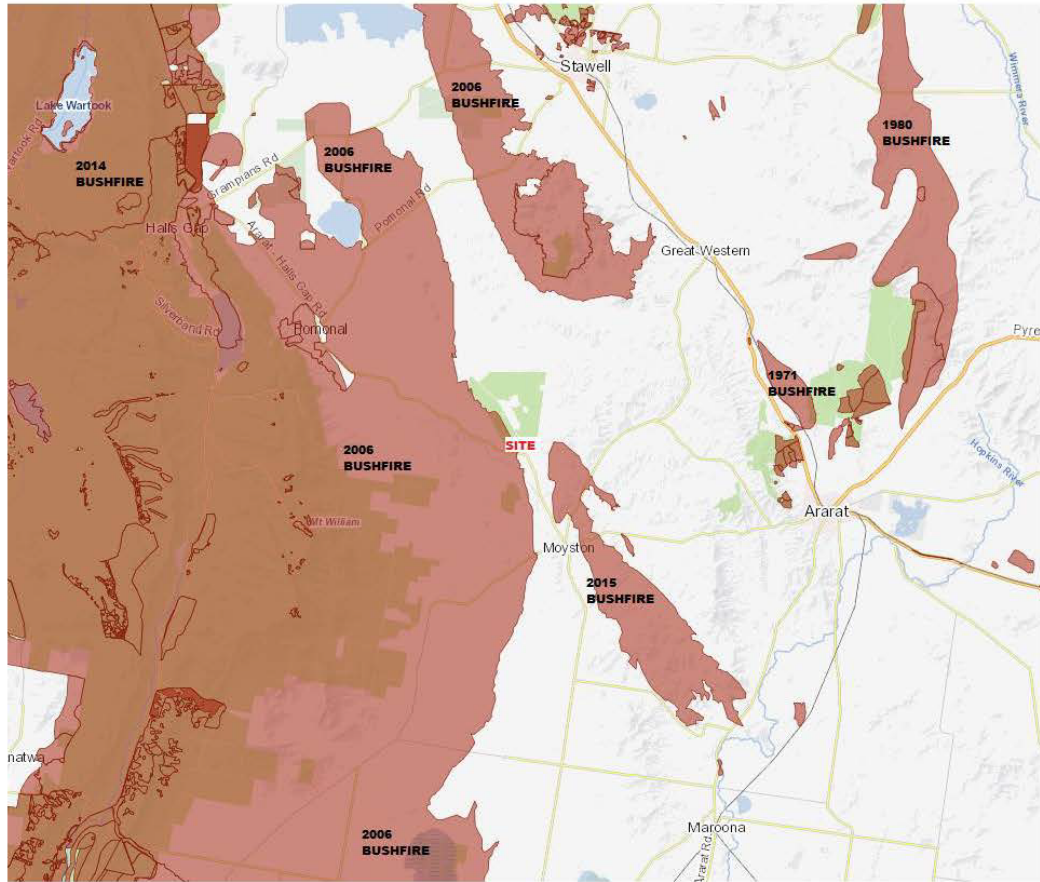


FIGURE 8 BUSHFIRE HISTORY MAP

The Fire History Map above shows there have been significant fires around the site in the recent years with most forest to the north west, west and south having burned since 2006. There have been fuel reduction burns to the west which will help reduce the risk to the site. Figure 9 on the following page shows there are planned burns to the south and west of the site in the next few years to reduce the fuel load in near by forest. Public Land surrounding the site is in Landscape Management and Bushfire Moderation Zones which aim to reduce the overall fuel load and fire risk. north, north west and west

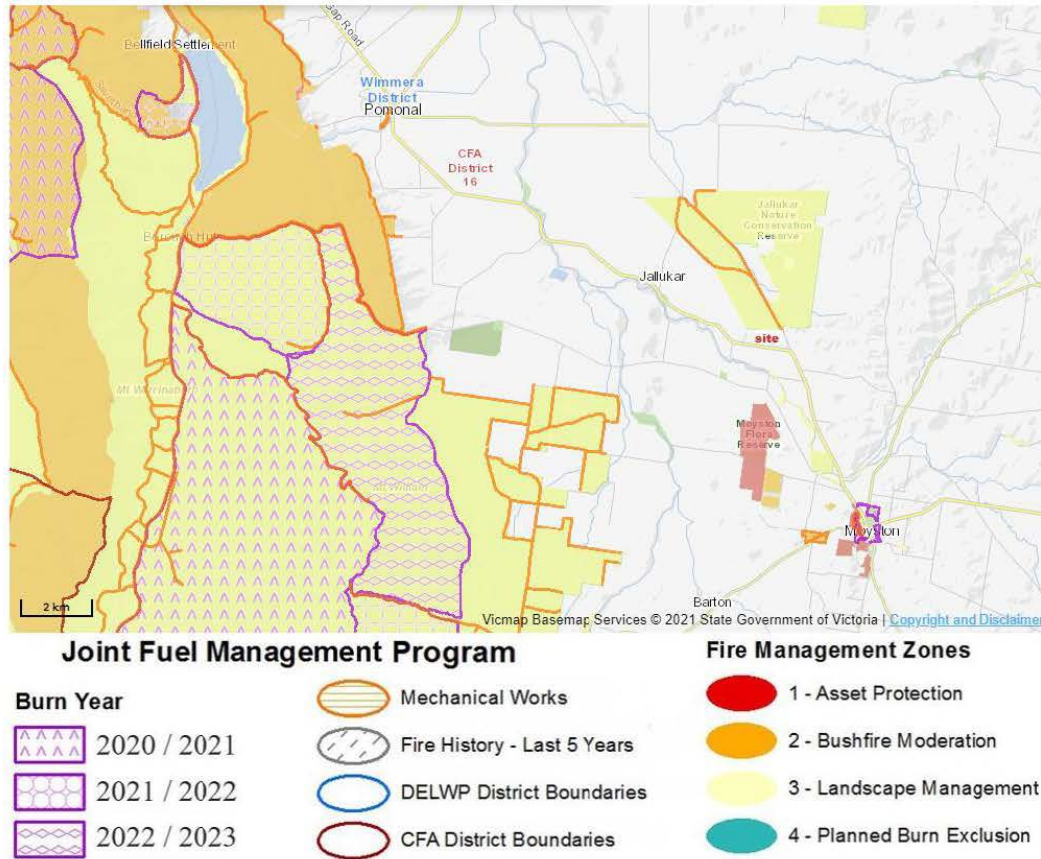


FIGURE 9 BUSHFIRE MANAGEMENT ZONES AND PLANNED BURNS



FIGURE 10 STANDARD DEFENDABLE SPACE SET BACKS

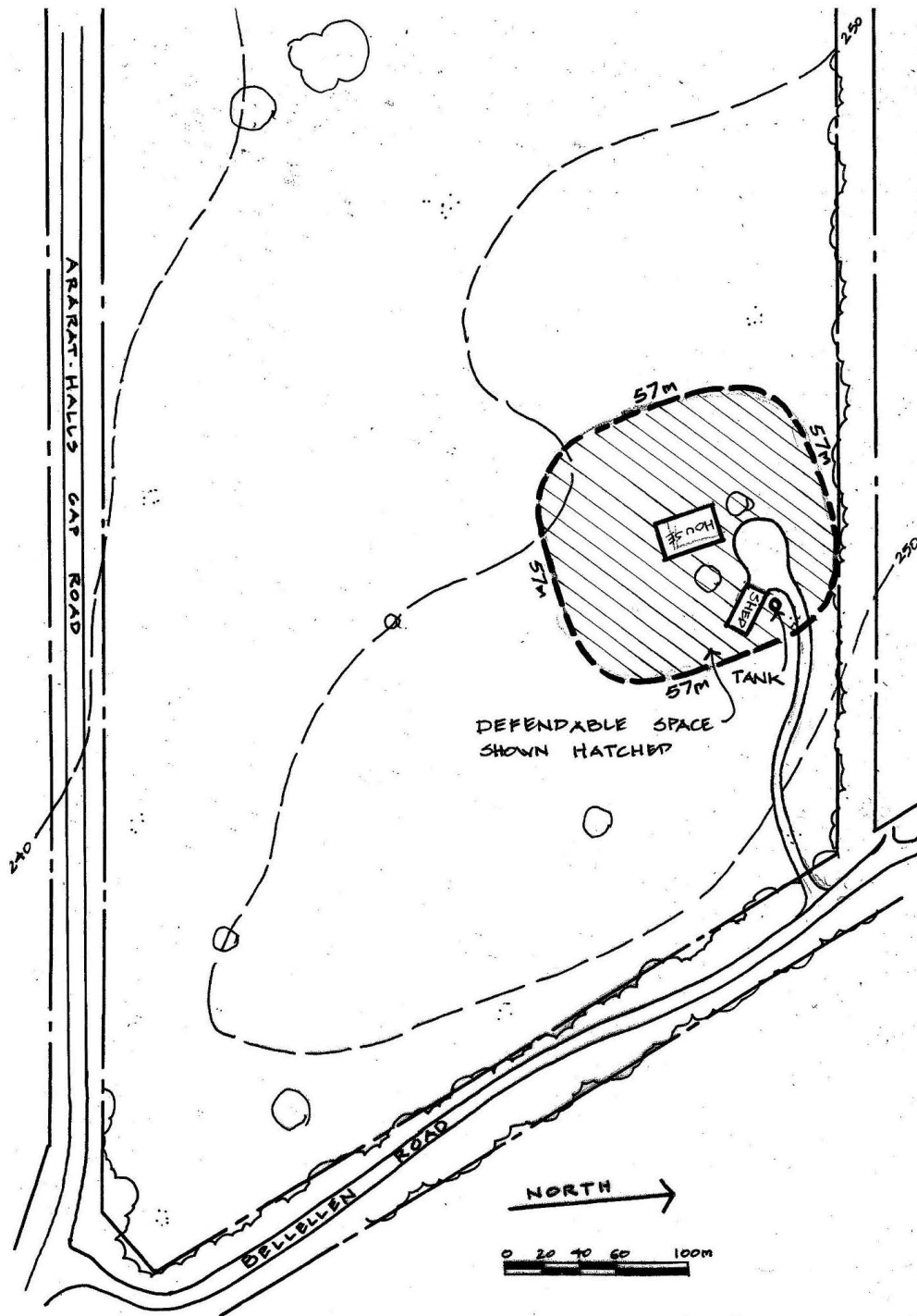


FIGURE 11 DEFENDABLE SPACE , ACCESS AND WATER SUPPLY
(See notes on following page)

SCHEDULE OF BUSHFIRE PROTECTION WORKS)

Defendable space

The area of defendable space is shown hatched on Figure 11 on the previous page for the distance of 57 metres from the building edges. Vegetation (and other flammable materials) will be modified and managed in accordance with the following requirements:

- Grass must be short cropped and maintained during the declared fire danger period.
- All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
- Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
- Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.
- Shrubs must not be located under the canopy of trees.
- Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.
- Trees must not overhang or touch any elements of the building.
- The canopy of trees must be separated by at least 5 metres within the area hatched in red.
- There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

Construction standards

The dwelling will be designed and constructed a minimum Bushfire Attack Level of (BAL) 29 . There are no special construction requirements for the sheds

Water supply

The tank shown on the plan will hold 10,000 litres of effective water supply for fire fighting purposes which meets the following requirements:

- Is stored in an above ground water tank constructed of concrete or metal.
 - All fixed above-ground water pipes and fittings required for fire fighting purposes must be made of corrosive resistant metal
 - Include a separate outlet for occupant use
- The water supply must also
- Incorporate a ball or gate valve (British Standard Pipe (BSP) 65mm) and coupling (64 mm CFA 3 thread per inch male fitting).
 - The outlet/s of the water tank must be within 4m of the access way and 60m of all parts of the buildings and be unobstructed.
 - Be readily identifiable from the building or appropriate identification signage to the satisfaction of CFA must be provided.
 - Any pipework and fittings must be a minimum of 100 mm (excluding the CFA coupling).

Access

The driveway shown on the plan will provide access for trucks for fire fighting purposes which meets the following requirements:

- A load limit of at least 15 tonnes.
 - Curves must have a minimum inner radius of 10m.
 - The average grade must be no more than 1 in 7 (14.4 per cent) (8.1 degrees) with a maximum of no more than 1 in 5 (20 per cent) (11.3 degrees) for no more than 50m.
 - Have a minimum trafficable width of 3.5m of all weather construction.
 - Be clear of encroachments for at least 0.5m on each side and 4m above the access way.
 - Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.
- A turning area will be provided for fire fighting vehicles close to the building by one of the following:
- A turning circle with a minimum radius of eight metres.
 - A driveway encircling the dwelling.
 - The provision of other vehicle turning heads (such as a T or Y head) which meet the specification of Austroad Design for an 8.8 metre Service Vehicle.

9 BUSHFIRE MANAGEMENT STATEMENT

Clause 53.02 contains a range of sub clauses with objectives, approved measures (AM), alternative measures (AltM) and decision guidelines. The table below details which clauses are relevant to this application. The following section demonstrates how the requirements have been met for the relevant standards.

Relevant clauses and measures applicable to the proposed development.

Clause	Approved Measure	Achieved / Applicable	Justification
Clause 53.02 -3 – Dwellings in existing settlements – Bushfire protection objective	AM 1.1	Not Applicable	NA as the site is zoned farming.
	AM 1.2	Not Applicable	
	AM 1.3	Not Applicable	
Clause 53.02 -4.1 Landscape, siting and design objectives	AM 2.1	Not Applicable	Applicable as a single dwelling is proposed
	AM 2.2	Not Applicable	
	AM 2.3	Not Applicable	
Clause 53.02 -4.2 Defendable space and construction objectives	AM 3.1	Applicable	This application addresses this clause.
	AM 3.2	Not Applicable	This proposal is for a single dwelling so N A
	AltM 3.3	Not Applicable	Defendable space is within boundaries
	AltM 3.4	Not Applicable	Table 2 Used
	AltM 3.5	Not Applicable	Table 2 Used
	AltM 3.6	Not Applicable	This proposal is for a dwelling
Clause 53.02 -4.3 Water supply and access objectives	AM 4.1	Applicable	This development satisfies this clause.
	AM 4.2	Not Applicable	This proposal is for a single dwelling
Clause 53.02 -4.4 Subdivision objectives	AM 5.1	Not Applicable	No subdivision is proposed
	AM 5.2	Not Applicable	
	AM 5.3	Not Applicable	
	AM 5.4	Not Applicable	
	AM 5.5	Not Applicable	

9.1.1 52.03-2.1 Landscape, siting and design objectives

Development is appropriate having regard to the nature of the bushfire risk arising from the surrounding landscape.

Development is sited to minimise the risk from bushfire.

Development is sited to provide safe access for vehicles, including emergency vehicles.

Building design minimises vulnerability to bushfire attack.

Approved Measure	Requirement
AM 2.1	<p>The bushfire risk to the development from the landscape beyond the site can be mitigated to an acceptable level.</p> <p>Response:</p> <p>The site is located to the south east of forest. There is good access to managed farmland to the south.</p> <p>The forest to the north west is zoned PCRZ so while it is likely to remain forest, it is covered by a Landscape Management Zone, which will help reduce the fuel load and risk.</p> <p>This site is able to meet the defensible space requirements for a BAL 12.5 as per the Method 1 assessment of AS 3959-2009 within the property boundaries. Due to the broadscale landscape risk BAL 29 construction standards are proposed.</p>
AM 2.2	<p>Buildings are sited to ensure the site best achieves the following: The maximum separation distance between the building and the bushfire hazard.</p> <ul style="list-style-type: none"> • The building is in close proximity to a public road. • Access can be provided to the building for emergency service vehicles. <p>Response:</p> <p>The development has been planned so that the proposed building enables enough defensible space to achieve BAL 12.5 defensible space. (See Appendix 1)</p> <p>The defensible space is contained within the property boundaries.</p> <p>The proposed dwelling will have a driveway connecting to Bellellen Road, providing adequate access for residents and fire fighters .</p> <p>The proposed driveway will allow for CFA vehicles to access the site.</p>
AM 2.3	<p>A building is designed to be responsive to the landscape risk and reduce the impact of bushfire on the building</p> <p>Response:</p> <p>The new dwelling will be required to meet a BAL of 29. The construction requirements minimise the ability for ember penetration and radiant heat exposure to compromise the building integrity.</p>

9.1.2 52.03-2.2 Defendable space and construction objective

Defendable space and building construction mitigate the effect of flame contact, radiant heat and embers on buildings.

Approved Measure	Requirement
AM 3.1	<p>A building used for a dwelling (including an extension or alteration to a dwelling), a dependant person’s unit, industry, office or retail premises is provided with defendable space in accordance with:</p> <p>Table 2 Columns A, B or C and Table 6 to Clause 53.02 -5 wholly within the title boundaries of the land; or</p> <p>If there are significant siting constraints, Table 2 Column D and Table 6 to Clause 53.02 -3.</p> <p>The building is constructed to the bushfire attack level that corresponds to the defendable space provided in accordance with Table 2 to Clause 53.02 -5.</p> <p>Response:</p> <p>The house has been sited to achieve BAL 12.5 defendable space (in accordance with Column A of Table 2 to Clause 53.02- 5) within the property boundaries. This has been based on the hazard of forest on a 0 – degree downslope in all directions (57 metres)</p> <p>BAL 29 construction standards are proposed due to the broadscale landscape fire risk.</p> <p>A shed that is larger than 100m2 and ancillary to a dwelling in the BMO needs to be surrounded by 10m defendable space (Table 7 to Clause 52.47) and be separated from any dwellings by 10 metres (CI 44.06 and 66.03).</p> <p>The State of Victoria Department of Environment, Land, Water and Planning prepared a fact sheet Outbuildings in the Bushfire Management Overlay in 2017 which states <i>Defendable space must be created for a distance of 10 metres around the proposed building or to the property boundary, whichever is the lesser</i></p> <p>The shed is able to meet the defendable space requirements with 10 metres of defendable space beyond the external; walls of the structure and is separated from the dwelling by more than 10 metres.</p> <p>Therefore there are no special bushfire requirements for the proposed shed</p>

9.1.3 52.03-2.3 Water supply and access objectives

A static water supply is provided to assist in protecting property.

Vehicle access is designed and constructed to enhance safety in the event of a bushfire.

Approved Measure	Requirement
AM 4.1	<p>A building used for a dwelling (including an extension or alteration to a dwelling), a dependant person’s unit, industry, office or retail premises is provided with:</p> <p>A static water supply for fire fighting and property protection purposes specified in Table 4 to Clause 53.02 -5.</p> <p>Vehicle access that is designed and constructed as specified in Table 5 to Clause 53.02 -5.</p> <p>The water supply may be in the same tank as other water supplies provided that a separate outlet is reserved for fire fighting water supplies</p> <p>Response:</p> <p>A static water supply will be provided using a fire resistant tank which has a CFA compatible outlet positioned so that a fire truck can drive to within 4 metres of the outlet which is located within 60 metres of the dwelling. 10 000 litres will always be retained within the tank for fire fighting purposes .</p> <p>Access requirements can be met. A 3.5 metre wide track capable of carrying a 15 ton truck with 4m vertical and 4.5m horizontal clearance will be provided via a proposed track. (See Table 5, Appendix 3) A turning area is to be provided.</p>

APPENDICES

APPENDIX 1– BUSHFIRE SITE ASSESSMENT

	North	South	East	West
Vegetation Type	Forest	Woodland	Forest	Grassland
Distance from the house site boundary to vegetation	60	300	190	0
The effective slope under the vegetation	0 - 5	0 - 5	0 - 5	0 - 5
The width of required defensible space	57	57	57	57
BAL	29	29	29	29

10 APPENDIX 2 DEFENDABLE SPACE CHECKLIST FOR SITE (TABLE 6, CLAUSE 52.03-3)

Requirement	Compliance	Comment	Is a permit required to remove vegetation
All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.	No	Leaf litter to be removed	No
Grass must be short cropped and maintained during the declared fire danger period.	Yes		No
Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.	Yes		No
Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.	Yes		No
Shrubs must not be located under the canopy of trees.	Yes		No
Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.	Yes		No
Trees must not overhang or touch any elements of the building.	Yes		No
The canopy of trees must be separated by at least 5 metres.	No	Trees to be removed	No
There must be a clearance of at least 2 metres between the lowest tree branches and ground level.	No	Trees to be removed	No

APPENDIX 3 ACCESS AND WATER SUPPLY REQUIREMENTS

Table 4 Water supply requirements

Capacity, fittings and access

Lot sizes (square meters)	Hydrant available	Capacity (litres)	Fire authority fittings and access required
Less than 500	Not applicable	2,500	No
500-1,000	Yes	5,000	No
500-1,000	No	10,000	Yes
1,001 and above	Not applicable	10,000	Yes

Note 1: A hydrant is available if it is located within 120 metres of the rear of the building

Fire Authority requirements

Unless otherwise agreed in writing by the relevant fire authority, the water supply must:

- Be stored in an above ground water tank constructed of concrete or metal.
- Have all fixed above ground water pipes and fittings required for firefighting purposes made of corrosion resistant metal.
- Include a separate outlet for occupant use.

Where a 10,000 litre water supply is required, fire authority fittings and access must be provided as follows:

- Be readily identifiable from the building or appropriate identification signage to the satisfaction of the relevant fire authority.
- Be located within 60 metres of the outer edge of the approved building.
- The outlet/s of the water tank must be within 4 metres of the accessway and unobstructed.
- Incorporate a separate ball or gate valve (British Standard Pipe (BSP) 65 millimetre) and coupling (64 millimetre CFA 3 thread per inch male fitting).
- Any pipework and fittings must be a minimum of 65 millimetres (excluding the CFA coupling).

Table 5 Vehicle access design and construction

Vehicle access (or part thereof) of a length specified in Column A implements the design and construction requirements specified in Column B.

Column A	Column B
Length of access is less than 30 metres	There are no design and construction requirements if fire authority access to the water supply is not required under AM4.1 .
Length of access is less than 30 metres	Where fire authority access to the water supply is required under AM4.1 fire authority vehicles should be able to get within 4 metres of the water supply outlet.
Length of access is greater than 30 metres	The following design and construction requirements apply: <ul style="list-style-type: none"> All-weather construction. A load limit of at least 15 tonnes. Provide a minimum trafficable width of 3.5 metres. Be clear of encroachments for at least 0.5 metres on each side and at least 4 metres vertically. Curves must have a minimum inner radius of 10 metres. The average grade must be no more than 1 in 7 (14.4%) (8.1°) with a maximum grade of no more
	than 1 in 5 (20%) (11.3°) for no more than 50 metres. <ul style="list-style-type: none"> Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.
Length of access is greater than 100 metres	A turning area for fire fighting vehicles must be provided close to the building by one of the following: <ul style="list-style-type: none"> A turning circle with a minimum radius of eight metres. A driveway encircling the dwelling. The provision of other vehicle turning heads – such as a T or Y head – which meet the specification of Austroad Design for an 8.8 metre Service Vehicle.
Length of access is greater than 200 metres	<ul style="list-style-type: none"> Passing bays must be provided at least every 200 metres. Passing bays must be a minimum of 20 metres long with a minimum trafficable width of 6 metres.

Note 1: The length of access should be measured from a public road to either the building or the water supply outlet, whichever is longer.

Column A	Column B
Length of access is greater than 100 metres	A turning area for fire fighting vehicles must be provided close to the building by one of the following: <ul style="list-style-type: none"> A turning circle with a minimum radius of eight metres. A driveway encircling the dwelling. The provision of other vehicle turning heads – such as a T or Y head – which meet the specification of Austroad Design for an 8.8 metre Service Vehicle.
Length of access is greater than 200 metres	<ul style="list-style-type: none"> Passing bays must be provided at least every 200 metres. Passing bays must be a minimum of 20 metres long with a minimum trafficable width of six metres.

Note 1: The length of access should be measured from a public road to either the building or the water supply outlet, whichever is longer.

APPENDIX 4 NATIVE VEGETATION REMOVAL

Offset requirements

Under Clause 52.12-5 the application is exempt from the requirement to apply for and off set the native vegetation as the removal is required to create defensible space as shown below

Exemption to create defensible space for a dwelling approved under Clause 44.06 of this planning scheme

Any requirement of a planning permit, including any condition, which has the effect of prohibiting the removal, destruction or lopping of vegetation, or any requirement of this planning scheme to obtain a planning permit, or any provision of this planning scheme that prohibits the removal, destruction or lopping of vegetation or requires the removal, destruction or lopping of vegetation to be carried out in a particular manner, does not apply to the removal, destruction or lopping of vegetation to construct a dwelling and create its defensible space if all of the following requirements are met:

Land is in the Bushfire Management Overlay.

*Land is in the General Residential Zone, Residential Growth Zone, Neighbourhood Residential Zone, Urban Growth Zone, Low Density Residential Zone, Township Zone, Rural Living Zone, **Farming Zone** or Rural Activity Zone.*

The removal, destruction or lopping of vegetation

Does not exceed the distance specified in Table 1 to Clause 53.02-3 of this planning scheme, based on the bushfire attack level determined by a relevant building surveyor in deciding an application for a building permit under the Building Act 1993 for a dwelling or alteration or extension to the dwelling; or

Is required to be undertaken by a condition in a planning permit issued after 31 July 2014 under Clause 44.06 of this scheme for a dwelling or an alteration or extension to the dwelling

11 REFERENCES

- CFA (2014). *Vegetation Classes: Victorian Bushfire Management Overlay*. Country Fire Authority, Burwood East, Victoria.
- CFA (2011). *Landscaping for Bushfire: Garden design and plant selection*. Country Fire Authority, Burwood East, Victoria.
- CFA (2012). *FSG LUP 0002 Requirements for water supply and access in the Bushfire Management Overlay (BMO)*. Country Fire Authority, Burwood East, Victoria.
- Standards Australia (2009). *AS 39359-2018 Construction of Buildings in Bushfire Prone Areas*. Standards Australia, North Sydney, New South Wales.
- DELWP (2017) *Planning Permit Applications – Bushfire Management Overlay Technical Guide* Department of Environment, Land, Water and Planning
- DELWP (2018) *Clause 13.02-1S Bushfire planning* Department of Environment, Land, Water and Planning
http://planning-schemes.delwp.vic.gov.au/schemes/vpps/13_02-1S.pdf
- DELWP (2018) *Clause 44.06 Bushfire Management Overlay* Department of Environment, Land, Water and Planning
http://planning-schemes.delwp.vic.gov.au/schemes/vpps/44_06.pdf
- DELWP (2018) *Clause 53.02 Bushfire Planning* Department of Environment, Land, Water and Planning
http://planning-schemes.delwp.vic.gov.au/schemes/vpps/53_02.pdf
- DELWP (2018) *Clause 52.12 Bushfire Protection Exemptions*. Department of Environment, Land, Water and Planning
http://planning-schemes.delwp.vic.gov.au/schemes/vpps/52_12.pdf
- DELWP (2018) *Bushfire Fuel and Risk Management*
<https://www.ffm.vic.gov.au/bushfire-fuel-and-risk-management/joint-fuel-management-program>
- Nearmap
<http://maps.au.nearmap.com>

SCHEDULE OF BUSHFIRE PROTECTION MEASURES

Defendable space

The area of defendable space is shown hatched will extend 57 m from the building edges. Vegetation (and other flammable materials) will be modified and managed in accordance with the following requirements:

- Grass must be short cropped and maintained during the declared fire danger period.
- All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
- Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
- Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.
- Shrubs must not be located under the canopy of trees.
- Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.
- Trees must not overhang or touch any elements of the building.
- The canopy of trees must be separated by at least 5 metres within the area hatched in red.
- There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

Construction standards

The dwelling will be designed and constructed a minimum Bushfire Attack Level of (BAL) 29 There are no special construction requirements for the shed.

Water supply

The tank shown on the plan will each hold 10,000 litres of effective water supply for fire fighting purposes which meets the following requirements:

- Is stored in an above ground water tank constructed of concrete or metal.
- All fixed above-ground water pipes and fittings required for fire fighting purposes must be made of corrosive resistant metal
- Include a separate outlet for occupant use

The water supply must also

- Incorporate a ball or gate valve (British Standard Pipe (BSP) 65mm) and coupling (64 mm CFA 3 thread per inch male fitting).
- The outlet/s of the water tank must be within 4m of the access way and 60m of all parts of the buildings and be unobstructed.
- Be readily identifiable from the building or appropriate identification signage to the satisfaction of CFA must be provided.
- Any pipework and fittings must be a minimum of 100 mm (excluding the CFA coupling).

Access

The driveway shown on the plan will provide access for trucks for fire fighting purposes which meets the following requirements:

- A load limit of at least 15 tonnes.
- Curves must have a minimum inner radius of 10m.
- The average grade must be no more than 1 in 7 (14.4 per cent) (8.1 degrees) with a maximum of no more than 1 in 5 (20 per cent) (11.3 degrees) for no more than 50m.
- Have a minimum trafficable width of 3.5m of all weather construction.
- Be clear of encroachments for at least 0.5m on each side and 4m above the access way.
- Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.

A turning area will be provided for fire fighting vehicles close to the building by one of the following:

- A turning circle with a minimum radius of eight metres.
- A driveway encircling the dwelling.
- The provision of other vehicle turning heads (such as a T or Y head) which meet the specification of Austroad Design for an 8.8 metre Service Vehicle

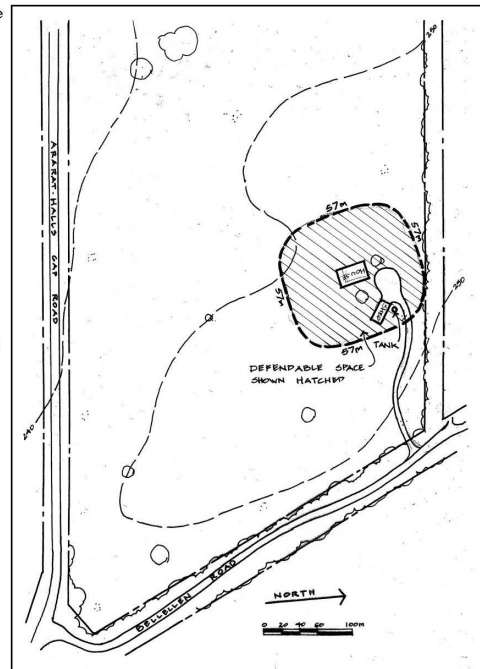


FIGURE 12 BUSHFIRE MANAGEMENT PLAN
Lot 2 Ararat – Halls Gap Road Moyston
Version B 30/5/2022

3.1 PERFORMANCE AND FINANCIAL STATEMENTS

RESPONSIBLE OFFICER: CHIEF EXECUTIVE OFFICER
DEPARTMENT: CEO'S OFFICE
REFERENCE: 6572

OFFICER DECLARATION OF INTEREST:

Officers providing advice to Council must disclose any conflict of interest.

No person involved in the preparation of this report has a conflict of interest requiring disclosure.

EXECUTIVE SUMMARY

The Financial Statements and Performance Statement (the statements) have been prepared for the period ended 30 June 2022. The Victorian Auditor-General is required to audit the statements but cannot issue his report unless Council approves the statements.

The Audit and Risk Committee reviewed the statements on 8 September 2022 and recommended that Council authorises Councillor Jo Armstrong, Councillor Henry Burridge and Dr Tim Harrison to certify the Financial Statements and the Performance Statement in their final form.

DISCUSSION

Pursuant to the Local Government Act 2020 (the Act) Council is required to give "in principle approval" to the 2021/22 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 conducted the offsite audit during August and September 2022.

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 draft Comprehensive Income Statement shows total income in 2022 of \$36.620 million compared with \$35.196 million in 2021. Rates & Charges income decreased by \$0.204 million, Government Grants for operations increased by \$1.846 million, and Government Grants for capital works decreased by \$0.518 million.

Total income from rates decreased by 1.15%. The income from general rates and municipal charges reduced by 1.5% in line with the budgeted rates cut, although there was an increase in interest on rates and charges applied through the year.

Council received several grants that were not budgeted including the following:

- New Arrivals Settlement Program - \$0.254 million

- Local Councils Outdoor Eating Entertainment Package - \$0.158 million
- Ararat Linkages Project - \$0.180 million

Total expenses in 2022 were \$29.264 million compared with \$29.128 million in 2021, an increase of \$0.136 million. A breakdown of expenses reveals a decrease in employee costs of \$1.088 million which can be largely attributed to Council employing new employees under the Working for Victoria initiative in 2021.

There has been an increase of \$2.982 million in materials and services to deliver the outcomes for the additional operating grants and to complete projects carried forward from the previous financial year.

Depreciation expenses have decreased by \$1.734 million as a result of a review of remaining useful lives of infrastructure assets, as part of the revaluation completed as at 30 June 2021.

The surplus for 2022 was therefore \$7.356 million compared with a surplus of \$6.068 million in 2021. The revaluation of property and infrastructure assets at 30 June 2022 has resulted in an increase in value of \$29.339 million.

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 2022. Comparative figures have been provided as at 30 June 2021.

Council's current assets have decreased by \$1.892 million, from \$27.406 million as at 30 June 2021 to \$25.514 million as at 30 June 2022. Cash and cash equivalents have decreased by \$1.534 million, whilst current trade and other receivables decreased by \$0.311 million. Rate debtors have decreased by \$0.118 million.

Total liabilities have decreased by \$2.395 million from \$14.390 million in 2021 to \$11.995 million in 2022, mostly due to the repayment of a \$2.000 million interest only loan in 2022.

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 decrease in cash and cash equivalents of \$1.534 million compared with a net increase of \$3.516 million in 2021.

The Cash Flow Statement shows net cash provided by operating activities was \$15.137 million in 2022 compared with \$19.947 million in 2021, representing a decrease of \$4.810 million. This is largely due to a decrease in grants of \$2.871 million and an increase in payments for materials and services of \$2.921 million.

Net cash used in investing activities (e.g. payments for property, infrastructure, plant and equipment) was \$14.479 million in 2022 compared with \$16.181 million in 2021, representing a decrease of \$1.702 million.

Net cash used in financing activities was \$2.192 million in 2022 compared with \$0.250 million in 2021, representing an increase of \$1.942 million. This is largely due to Council repaying a \$2.000 million interest only loan in 2022.

Financial Statements – Capital works

The Statement of Capital Works details the capital works completed during 2022. It shows \$14.664 million invested in 2022 compared with \$16.564 million in 2021, a decrease of \$1.900 million. Total Infrastructure works decreased by \$1.175 million.

Highlights in the building area included upgrading changerooms at the Willaura Recreation Reserve, public toilets at the Skate Park and commencement of the Gordon Street Recreation Reserve upgrade.

Highlights in the infrastructure area included road works at Dean Street, Back Bolac Road, Yarram Gap Road, Helendoite Road, Chatsworth-Wickliffe Road, Darlington-Nerrin Road and Chatsworth-Lake Bolac Road.

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 Council's budget.

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 - <https://knowyourcouncil.vic.gov.au/>, 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 reasons for the material variations are included in the performance statement.

Audit and Risk Committee Review

The draft Financial Statements and Performance Statement were considered by the Audit and Risk Committee on 8 September 2022. Ms Cassandra Gravenall from Crowe Australasia presented the draft Auditors Closing Report at that meeting, answering any issues raised by the Audit and Risk 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

6 Strong and Effective Governance

Budget Implications

Approving the Statements does not have any budget implications.

Policy/Relevant Law

Section 99 (2) of the Local Government Act 2020 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 99 (3) of the Local Government Act 2020 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 persons prescribed by the regulations for the purposes of this subsection."

Section 99 (5) of the Local Government Act 2020 states that: "the auditor must not sign a report under subsection (4) or under Part 3 of the Audit Act 1994 unless the performance statement or the financial statements (as applicable) have been certified under subsection (3)."

Sustainability Implications

This report does not raise any sustainability implications.

Risk Assessment

Council is required to approve the statements before the Auditor-General can issue the audit report.

Innovation and Continuous Improvement

The Financial Statements and Performance Statement are primary documents used to report on Council's achievements in continuous improvements. For example, introducing organisational efficiencies leads to a reduction in operating expenses and investing more in infrastructure spending leads to an improvement in the satisfaction rating for sealed roads.

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.

RECOMMENDATION

That:

- 1 *Pursuant to Section 99 of the Local Government Act 2020, Council gives approval in principle to the Financial Statements and Performance Statements for the year ended 30 June 2022; and*
- 2 *Pursuant to Section 99 of the Local Government Act 2020, Council authorises the Chief Executive Officer, Councillor Jo Armstrong and Councillor Henry Burridge to certify the 2021/22 Financial Statements and Performance Statement in their final form*

MOVED CR BEALES SECONDED CR BURRIDGE

That:

- 1 Pursuant to Section 99 of the Local Government Act 2020, Council gives approval in principle to the Financial Statements and Performance Statements for the year ended 30 June 2022; and
- 2 Pursuant to Section 99 of the Local Government Act 2020, Council authorises the Chief Executive Officer, Councillor Jo Armstrong and Councillor Henry Burridge to certify the 2021/22 Financial Statements and Performance Statement in their final form

CARRIED 4700/22

ATTACHMENTS

The Financial Statements and Performance Statement are provided Attachment 3.1

Ararat Rural City Council
Performance Statement
For the year ended 30 June 2022

Performance Statement

For the year ended 30 June 2022

Description of Municipality

Ararat Rural City lies at an important junction of the Western and Pyrenees highways 198 kilometres north-west of Melbourne, approximately a quarter of the way between Melbourne and Adelaide.

Centrally located to the Grampians National Park, the Goldfields, the Southern Coast and metropolitan Melbourne, the Ararat region is not far from anywhere.

Ararat is a major regional service centre in Victoria's mid-west and is supported by a number of small rural townships. Ararat Rural City has excellent schools, hospitals, transport connections and amenities that support a regional lifestyle.

Ararat Rural City is also the gateway to the world-renowned Grampians region where local produce, wine production, agriculture and tourism are among the economic mainstays. Diverse retail and manufacturing industries are spearheading a growing economy.

The region is nestled within picturesque landscapes which include magnificent natural environments and beautiful inland lakes. Our environment allows for a diverse range of recreational activities to be enjoyed by both residents and visitors to the municipality.

Municipal Snapshot

Population » 11,922 (Australian Bureau of Statistics – Population Estimates by Local Government Area)

Area » 4,230 square kilometres

Rateable properties » 7,227

Number of Councillors » 7

Rates and charges revenue » \$17.516 million

Total revenue » \$36.620 million

Length of sealed local roads » 732 kms

Length of unsealed local roads » 1,469 kms

Length of natural surface roads » 254 kms

Total road length » 2,455 kms

Overview of 2022

During the financial year council completed the changeroom upgrades at the Willaura Recreation Reserve, and preliminary works have been undertaken for the Gordon Street Recreation Reserve development. Extensive roadworks were undertaken to improve Council's road network, including Back Bolac Road, Helendoite Road, Chatsworth-Wickliffe Road, Darlington-Nerrin Road, Chatsworth-Lake Bolac Road, Baird Street, Dean Street and Pollands Road Bridge.

Sustainable Capacity Indicators

For the year ended 30 June 2022

Indicator / measure [formula]	Results				Comment
	2019	2020	2021	2022	
Population					
Expenses per head of municipal population [Total expenses / Municipal population]	\$2,559.14	\$2,552.81	\$2,434.43	\$2,454.62	
Infrastructure per head of municipal population [Value of infrastructure / Municipal population]	\$17,820.01	\$17,841.20	\$19,138.82	\$21,849.19	The 14.16% increase in 2022 was due to the revaluation of property and infrastructure assets.
Population density per length of road [Municipal population / Kilometres of local roads]	4.87	4.89	4.94	4.92	
Own-source revenue					
Own-source revenue per head of municipal population [Own-source revenue / Municipal population]	\$1,620.86	\$1,649.13	\$1,611.45	\$1,623.47	

Indicator / measure [formula]	Results				Comment
	2019	2020	2021	2022	
Recurrent grants					
Recurrent grants per head of municipal population [Recurrent grants / Municipal population]	\$702.16	\$723.77	\$943.59	\$921.74	Council received a 5-year allocation of \$7.307 million for Roads to Recovery for 2019-2024. Council increased the level of Roads to Recovery projects undertaken in 2021 with grant funding of \$3.605 million, compared to \$1.319 million in 2022. This has resulted in a decline in recurrent grants of 2.32% in 2022.
Disadvantage					
Relative Socio-Economic Disadvantage [Index of Relative Socio-Economic Disadvantage by decile]	1.00	1.00	1.00	1.00	
Workforce turnover					
Percentage of staff turnover [Number of permanent staff resignations and terminations / Average number of permanent staff for the financial year] x100	10.4%	14.7%	13.5%	16.8%	This indicator has increased due to service changes impacting staff turnover, such as Council's move out of providing Home Care Services, and the outsourcing of Environmental Health Services. There was also a higher number of staff resignations in 2021/2022.

Definitions

"adjusted underlying revenue" means total income other than:

- (a) non-recurrent grants used to fund capital expenditure; and
- (b) non-monetary asset contributions; and
- (c) contributions to fund capital expenditure from sources other than those referred to above

"infrastructure" means non-current property, plant and equipment excluding land

"local road" means a sealed or unsealed road for which the council is the responsible road authority under the Road Management Act 2004

"population" means the resident population estimate, as per Australian Bureau of Statistics – Population Estimates by Local Government Area

"own-source revenue" means adjusted underlying revenue other than revenue that is not under the control of council (including government grants)

"relative socio-economic disadvantage", in relation to a municipality, means the relative socio-economic disadvantage, expressed as a decile for the relevant financial year, of the area in which the municipality is located according to the Index of Relative Socio-Economic Disadvantage (Catalogue Number 2033.0.55.001) of SEIFA

"SEIFA" means the Socio-Economic Indexes for Areas published from time to time by the Australian Bureau of Statistics on its Internet website

"unrestricted cash" means all cash and cash equivalents other than restricted cash.

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Service Performance Indicators

For the year ended 30 June 2022

Service / indicator / measure	Results				Comment
	2019	2020	2021	2022	
Aquatic facilities					
Utilisation					
Utilisation of aquatic facilities	8.68	4.13	1.20	2.65	Council saw an increase of 17,234 patrons visiting our municipal pools during the 2021/2022 financial year. This result is tracking toward a normal year as expected coming out of a year of significant closures and lockdowns. Council remain actively focussed on increasing utilisation of our pools and fitness centre to ensure these services are viable into the future.
[Number of visits to aquatic facilities / Municipal population]					
Animal management					
Health and safety					
Animal management prosecutions	New in 2020	0%	0%	0%	There were no animal prosecutions during this reporting period.
[Number of successful animal management prosecutions / Number of animal management prosecutions] x 100					

Service / indicator / measure	Results				Comment
	2019	2020	2021	2022	
Food safety					
Health and safety					
<p><i>Critical and major non-compliance outcome notifications</i></p> <p>[Number of critical non-compliance outcome notifications and major non-compliance notifications about a food premises followed up / Number of critical non-compliance outcome notifications and major non-compliance notifications about a food premises] x100</p>	95.00%	114.29%	100.00%	83.33%	In 2022 Council received 18 non-compliance notifications regarding food premises, 15 of which were recorded as followed up (a possible reporting error.). Since the reporting period Council have outsourced the Food Safety and Health service to ensure greater compliance, and continues to work with businesses to ensure regulatory standards are met.
Governance					
Satisfaction					
<p><i>Satisfaction with council decisions</i></p> <p>[Community satisfaction rating out of 100 with how council has performed in making decisions in the interest of the community]</p>	46	57	63	65	Council has placed a strong focus on consulting the community in regard to decisions made in their best interests, which has seen a further 3% rise in this indicator from 2020/2021. While the improvement is encouraging, Council is committed to continuous and ongoing improvement in this area.

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Service / indicator / measure	Results				Comment
	2019	2020	2021	2022	
Libraries					
Participation					
<p><i>Active library borrowers in municipality</i></p> <p>[Number of active library borrowers in the last three years / The sum of the population for the last three years] x100</p>	13.59%	11.75%	10.71%	8.55%	2021/2022 results indicate a continual decrease in active borrowers. Council are actively working to re-establish borrowing in the wake of the pandemic. This indicator does not capture other library activity for example children and youth programs, digital literacy programs and events, the use of public PCs, using facilities such as meeting rooms or study areas, or using services such as Wi-Fi, all which are key focus areas for the service.
Maternal and child health					
Participation					
<p><i>Participation in the MCH service</i></p> <p>[Number of children who attend the MCH service at least once (in the year) / Number of children enrolled in the MCH service] x100</p>	79.58%	81.45%	85.59%	85.53%	Participation levels have remained steady since last reporting period, especially given the disruptions presented by COVID-19 closures during 2021. Council continue to review engagement practices within the maternal and child health service to increase participation rates.
<p><i>Participation in the MCH service by Aboriginal children</i></p> <p>[Number of Aboriginal children who attend the MCH service at least once (in the year) / Number of Aboriginal children enrolled in the MCH service] x100</p>	84.62%	80.00%	92.00%	87.50%	Council has 16 Aboriginal children enrolled in the maternal and child health service with 2 children having not attended in the last 12 months. Such low numbers creates sensitivity when reporting in percentages, however attendance in the program continues to be strong, and Council continue to review engagement practices to increase participation rates.

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Service / indicator / measure	Results				Comment
	2019	2020	2021	2022	
Roads					
Satisfaction					
<i>Satisfaction with sealed local roads</i>	50	56	59	58	This result reflects steady sentiment around community satisfaction with Council's local roads compared to recent years. It is envisaged that the ongoing investment in road renewal outlined in Council's budget 2021/2022 will continue to improve community satisfaction in the longer term.
[Community satisfaction rating out of 100 with how council has performed on the condition of sealed local roads]					
Statutory Planning					
Decision making					
<i>Council planning decisions upheld at VCAT</i>	0.00%	0.00%	0.00%	100.00%	There was one VCAT decision in 2021/2022, and none in the last 3 years. The VCAT decision upheld Council's decision.
[Number of VCAT decisions that did not set aside council's decision in relation to a planning application / Number of VCAT decisions in relation to planning applications] x100					
Waste Collection					
Waste diversion					
<i>Kerbside collection waste diverted from landfill</i>	25.95%	25.19%	23.96%	21.02%	Waste diverted from landfill is slightly less than previous years, and quite low compared to state average. Council is working with contractors, neighbouring Councils and the waste and resource recovery group to establish opportunities for reducing the amount of waste being sent to landfill.
[Weight of recyclables and green organics collected from kerbside bins / Weight of garbage, recyclables and green organics collected from kerbside bins] x100					

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Definitions

"Aboriginal child" means a child who is an Aboriginal person

"Aboriginal person" has the same meaning as in the Aboriginal Heritage Act 2006

"active library borrower" means a member of a library who has borrowed a book from the library

"annual report" means an annual report prepared by a council under section 98 of the Act

"class 1 food premises" means food premises, within the meaning of the *Food Act 1984*, that have been declared as class 1 food premises under section 19C of that Act

"class 2 food premises" means food premises, within the meaning of the *Food Act 1984*, that have been declared as class 2 food premises under section 19C of that Act

"critical non-compliance outcome notification" means a notification received by council under section 19N(3) or (4) of the *Food Act 1984*, or advice given to council by an authorized officer under that Act, of a deficiency that poses an immediate serious threat to public health

"food premises" has the same meaning as in the *Food Act 1984*

"local road" means a sealed or unsealed road for which the council is the responsible road authority under the *Road Management Act 2004*

"major non-compliance outcome notification" means a notification received by a council under section 19N(3) or (4) of the *Food Act 1984*, or advice given to council by an authorized officer under that Act, of a deficiency that does not pose an immediate serious threat to public health but may do so if no remedial action is taken

"MCH" means the Maternal and Child Health Service provided by a council to support the health and development of children within the municipality from birth until school age

"population" means the resident population estimated by council

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Financial Performance Indicators

For the year ended 30 June 2022

Dimension / indicator / measure	Results				Forecasts				Material Variations
	2019	2020	2021	2022	2023	2024	2025	2026	
Efficiency									
Expenditure level									
<i>Expenses per property assessment</i>	\$4,312.14	\$4,206.73	\$4,049.49	\$4,064.44	\$3,734.79	\$3,751.76	\$3,771.60	\$3,793.03	Council forecasts this indicator will decrease further through operational efficiencies, and the ongoing priority to redirect expenditure towards capital works.
[Total expenses / Number of property assessments]									
Revenue level									
<i>Average rate per property assessment</i>	New in 2020	\$2,076.66	\$2,060.89	\$2,028.33	\$2,016.44	\$2,019.59	\$2,038.80	\$2,071.84	
[General rates and Municipal charges / Number of property assessments]									

Dimension / indicator / measure	Results				Forecasts				Material Variations
	2019	2020	2021	2022	2023	2024	2025	2026	
Liquidity									
Working capital									
<i>Current assets compared to current liabilities</i>	421.69%	396.18%	202.08%	224.65%	213.29%	207.58%	200.23%	204.66%	This result has increased in 2022 due to the payout of a \$2 million loan
[Current assets / Current liabilities] x100									
Unrestricted cash									
<i>Unrestricted cash compared to current liabilities</i>	196.80%	172.49%	64.51%	64.66%	157.45%	150.97%	144.07%	145.85%	This indicator has reduced in the previous two years as a result of changes to the accounting standards, with around \$7 million of grants in each year being received by Council, but held as unearned income until grant-related performance obligations have been met.
[Unrestricted cash / Current liabilities] x100									

Dimension / indicator / measure	Results				Forecasts				Material Variations
	2019	2020	2021	2022	2023	2024	2025	2026	
Obligations									
Loans and borrowings									
<i>Loans and borrowings compared to rates</i>	17.79%	16.15%	15.43%	3.41%	2.56%	1.70%	0.85%	0.00%	The result for 2022 includes the payout of a \$2 million loan.
[Interest and principal repayments on interest bearing loans and borrowings / Rate revenue] x100									
Loans and borrowings									
<i>Loans and borrowings repayments compared to rates</i>	0.78%	1.41%	1.41%	12.51%	0.88%	0.88%	0.85%	0.84%	The result for 2022 includes the payout of a \$2 million loan.
[Interest and principal repayments on interest bearing loans and borrowings / Rate revenue] x100									

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Dimension / indicator / measure	Results				Forecasts				Material Variations
	2019	2020	2021	2022	2023	2024	2025	2026	
Indebtedness									
<i>Non-current liabilities compared to own source revenue</i>	16.51%	15.44%	4.29%	3.30%	2.73%	1.94%	1.13%	1.10%	
[Non-current liabilities / Own source revenue] x100									
Asset renewal and upgrade									
<i>Asset renewal and upgrade compared to depreciation</i>	New in 2020	118.09%	164.30%	174.50%	113.59%	109.91%	121.84%	121.26%	Council continues to prioritise capital works expenditure to improve Council's performance in the renewal of assets.
[Asset renewal and upgrade expense / Asset depreciation] x100									
Operating position									
Adjusted underlying result									
<i>Adjusted underlying surplus (or deficit)</i>	-0.66%	-4.12%	9.08%	7.64%	2.20%	1.95%	5.14%	5.51%	The result for 2022 was forecast to be 2.35%. The actual result for 2022 was higher than expected as council received \$1.784 million more than budget for financial assistance grants, due to approximately 75% of the annual allocation for 2023 being received in June 2022, compared to around 50% being received in advance in previous years.
[Adjusted underlying surplus (deficit) / Adjusted underlying revenue] x100									

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Dimension / Indicator / measure	Results				Forecasts				Material Variations
	2019	2020	2021	2022	2023	2024	2025	2026	
Stability									
Rates concentration									
Rates compared to adjusted underlying revenue [Rate revenue / Adjusted underlying revenue] x100	56.78%	61.17%	55.31%	55.29%	63.65%	63.58%	61.70%	61.95%	
Rates effort									
Rates compared to property values [Rate revenue / Capital improved value of rateable properties in the municipality] x100	0.62%	0.62%	0.54%	0.41%	0.29%	0.29%	0.30%	0.31%	Council has delivered a net rate rise of 0% for the past five years. The significant decrease of 24.05% in 2022 is due to a 29% increase in the total valuation of all properties following the 2021 revaluation. The forecast results are based on the 2022 revaluation which has resulted in a further 44% increase in the total valuation of all properties.

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Former measures		
Service / indicator / measure	Results	Comment
2019		
Animal Management		
Health and safety		
Animal management prosecutions [Number of successful animal management prosecutions]	0	This measure was replaced by Animal management prosecutions (%) for 2020.
Efficiency		
Revenue level		
Average residential rate per residential property assessment [Residential rate revenue / Number of residential property assessments]	\$1,777.60	This measure was replaced by Average rate per property assessment for 2020.
Obligations		
Asset renewal		
Asset renewal compared to depreciation [Asset renewal expense / Asset depreciation] x100	93.92%	This measure was replaced by Asset renewal and upgrade compared to depreciation for 2020.

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Definitions

"adjusted underlying revenue" means total income other than:

- (a) non-recurrent grants used to fund capital expenditure; and
- (b) non-monetary asset contributions; and
- (c) contributions to fund capital expenditure from sources other than those referred to above

"adjusted underlying surplus (or deficit)" means adjusted underlying revenue less total expenditure

"asset renewal expenditure" means expenditure on an existing asset or on replacing an existing asset that returns the service capability of the asset to its original capability

"current assets" has the same meaning as in the AAS

"current liabilities" has the same meaning as in the AAS

"non-current assets" means all assets other than current assets

"non-current liabilities" means all liabilities other than current liabilities

"non-recurrent grant" means a grant obtained on the condition that it be expended in a specified manner and is not expected to be received again during the period covered by a council's Strategic Resource Plan

"own-source revenue" means adjusted underlying revenue other than revenue that is not under the control of council (including government grants)

"population" means the resident population estimated by council

"rate revenue" means revenue from general rates, municipal charges, service rates and service charges

"recurrent grant" means a grant other than a non-recurrent grant

"residential rates" means revenue from general rates, municipal charges, service rates and service charges levied on residential properties

"restricted cash" means cash and cash equivalents, within the meaning of the AAS, that are not available for use other than for a purpose for which it is restricted, and includes cash to be used to fund capital works expenditure from the previous financial year

"unrestricted cash" means all cash and cash equivalents other than restricted cash.

Other Information

For the year ended 30 June 2022

1. Basis of preparation

Council is required to prepare and include a performance statement within its annual report. The performance statement includes the results of the prescribed sustainable capacity, service performance and financial performance indicators and measures together with a description of the municipal district and an explanation of material variations in the results. This statement has been prepared to meet the requirements of the *Local Government Act 2020* and *Local Government (Planning and Reporting) Regulations 2020*.

Where applicable the results in the performance statement have been prepared on accounting bases consistent with those reported in the Financial Statements. The other results are based on information drawn from council information systems or from third parties (e.g. Australian Bureau of Statistics).

The performance statement presents the actual results for the current year and for the prescribed financial performance indicators and measures, and the results forecast by Council's strategic resource plan. The *Local Government (Planning and Reporting) Regulations 2020* requires explanation of any material variations in the results contained in the performance statement. Council has adopted materiality thresholds relevant to each indicator and measure and explanations have not been provided for variations below the materiality thresholds unless the variance is considered to be material because of its nature.

The forecast figures included in the performance statement are those adopted by Council in its Budget on 28 June 2022 and which forms part of the council plan. The Budget includes estimates based on key assumptions about the future that were relevant at the time of adoption and aimed at achieving sustainability over the long term. Detailed information on the actual financial results is contained in the General Purpose Financial Statements. The Budget can be obtained by contacting council.

Certification of the Performance Statement

In my opinion, the accompanying performance statement has been prepared in accordance with the *Local Government Act 2020* and the Local Government (Planning and Reporting) Regulations 2020.

Karissa Hogan, BCom, CPA
Principal Accounting Officer
Dated: *(Date)*

In our opinion, the accompanying performance statement of the Ararat Rural City Council for the year ended 30 June 2022 presents fairly the results of Council's performance in accordance with the *Local Government Act 2020* and the Local Government (Planning and Reporting) Regulations 2020.

The performance statement contains the relevant performance indicators, measures and results in relation to service performance, financial performance and sustainable capacity.

At the date of signing, we are not aware of any circumstances that would render any particulars in the performance statement to be misleading or inaccurate.

We have been authorised by the Council and by the Local Government (Planning and Reporting) Regulations 2020 to certify this performance statement in its final form.

Jo Armstrong
Councillor
Dated: *(Date)*

Henry Burridge
Councillor
Dated: *(Date)*

Dr Tim Harrison
Chief Executive Officer
Dated: *(Date)*

Ararat Rural City Council
ANNUAL FINANCIAL REPORT

For the Year Ended 30 June 2022

Ararat Rural City Council
Financial Report
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Ararat Rural City Council
2021/2022 Financial Report

Certification of the Financial Statements

In my opinion, the accompanying financial statements have been prepared in accordance with the *Local Government Act 2020*, the *Local Government (Planning and Reporting) Regulations 2020*, the Australian Accounting Standards and other mandatory professional reporting requirements.

Karissa Hogan, BCom, CPA

Principal Accounting Officer

Date : <Date>

Ararat

In my opinion, the accompanying financial statements present fairly the financial transactions of the Ararat Rural City Council for the year ended 30 June 2022 and the financial position of the Council as at that date.

At the date of signing, we are not aware of any circumstances that would render any particulars in the financial statements to be misleading or inaccurate.

We have been authorised by the Council and by the *Local Government (Planning and Reporting) Regulations 2020* to certify the financial statements in their final form.

Jo Armstrong

Mayor

Date : <Date>

Ararat

Henry Burridge

Councillor

Date : <Date>

Ararat

Dr Tim Harrison

Chief Executive Officer

Date : <Date>

Ararat

*Ararat Rural City Council
2021/2022 Financial Report*

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*Ararat Rural City Council
2021/2022 Financial Report*

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Ararat Rural City Council
2021/2022 Financial Report

**Comprehensive Income Statement
For the Year Ended 30 June 2022**

	Note	2022 \$'000	2021 \$'000
Income			
Rates and charges	3.1	17,516	17,720
Statutory fees and fines	3.2	245	172
User fees	3.3	1,122	1,018
Grants - operating	3.4	10,892	9,046
Grants - capital	3.4	6,189	6,707
Contributions - monetary	3.5	184	162
Net gain (or loss) on disposal of property, infrastructure, plant and equipment	3.6	147	136
Fair value adjustments for investment property	6.2	137	47
Other income	3.7	166	168
Total income		36,620	35,196
Expenses			
Employee costs	4.1	10,822	11,910
Materials and services	4.2	10,149	7,167
Depreciation	4.3	7,907	9,641
Bad and doubtful debts	4.4	-	5
Borrowing costs	4.5	54	116
Other expenses	4.6	332	269
Total expenses		29,264	29,128
Surplus/(deficit) for the year		7,356	6,068
Other comprehensive income			
Items that will not be reclassified to surplus or deficit in future periods			
Net asset revaluation increment/(decrement)	6.1	29,339	10,908
Total other comprehensive income		29,339	10,908
Total comprehensive result		36,695	16,976

The above comprehensive income statement should be read in conjunction with the accompanying notes.

Ararat Rural City Council
2021/2022 Financial Report

Balance Sheet
As at 30 June 2022

	Note	2022 \$'000	2021 \$'000
Assets			
Current assets			
Cash and cash equivalents	5.1	21,515	23,049
Trade and other receivables	5.1	3,922	4,233
Inventories	5.2	64	69
Other assets	5.2	13	55
Total current assets		25,514	27,406
Non-current assets			
Trade and other receivables	5.1	9	12
Property, infrastructure, plant and equipment	6.1	278,159	242,101
Investment property	6.2	1,499	1,362
Total non-current assets		279,667	243,475
Total assets		305,181	270,881
Liabilities			
Current liabilities			
Trade and other payables	5.3	1,540	1,303
Trust funds and deposits	5.3	254	455
Unearned income	5.3	7,175	7,191
Provisions	5.5	2,245	2,475
Interest-bearing liabilities	5.4	143	2,139
Total current liabilities		11,357	13,562
Non-current liabilities			
Provisions	5.5	184	231
Interest-bearing liabilities	5.4	454	597
Total non-current liabilities		638	828
Total liabilities		11,995	14,390
Net assets		293,186	256,491
Equity			
Accumulated surplus		65,917	76,891
Reserves	9.1	207,269	179,600
Total Equity		293,186	256,491

The above balance sheet should be read in conjunction with the accompanying notes.

Ararat Rural City Council
2021/2022 Financial Report

**Statement of Changes in Equity
For the Year Ended 30 June 2022**

2022	Note	Accumulated		Revaluation	Other
		Total \$'000	Surplus \$'000	Reserve \$'000	Reserves \$'000
Balance at beginning of the financial year		256,491	76,891	155,926	23,674
Surplus/(deficit) for the year		7,356	7,356	-	-
Net asset revaluation increment/(decrement)	6.1	29,339	-	29,339	-
Transfers to other reserves	9.1	-	(17,051)	-	17,051
Transfers from other reserves	9.1	-	18,721	-	(18,721)
		<u>293,186</u>	<u>85,917</u>	<u>185,265</u>	<u>22,004</u>
Balance at end of the financial year		293,186	85,917	185,265	22,004

2021	Note	Accumulated		Revaluation	Other
		Total \$'000	Surplus \$'000	Reserve \$'000	Reserves \$'000
Balance at beginning of the financial year		239,515	75,974	145,018	18,523
Surplus/(deficit) for the year		6,068	6,068	-	-
Net asset revaluation increment/(decrement)	6.1	10,908	-	10,908	-
Transfers to other reserves	9.1	-	(15,111)	-	15,111
Transfers from other reserves	9.1	-	9,960	-	(9,960)
		<u>256,491</u>	<u>76,891</u>	<u>155,926</u>	<u>23,674</u>
Balance at end of the financial year		256,491	76,891	155,926	23,674

The above statement of changes in equity should be read in conjunction with the accompanying notes.

Ararat Rural City Council
2021/2022 Financial Report

Statement of Cash Flows
For the Year Ended 30 June 2022

	Note	2022 Inflows/ (Outflows) \$'000	2021 Inflows/ (Outflows) \$'000
Cash flows from operating activities			
Rates and charges		17,635	17,560
Statutory fees and fines		246	172
User fees		1,265	1,564
Grants - operating		10,790	11,009
Grants - capital		6,668	9,310
Contributions - monetary		181	180
Interest received		53	63
Trust funds and deposits taken		299	352
Other receipts		145	138
Net GST refund/payment		1,906	1,798
Employee costs		(10,808)	(12,134)
Materials and services		(12,496)	(9,577)
Trust funds and deposits repaid		(389)	(186)
Other payments		(346)	(302)
Net cash provided by/(used in) operating activities	9.2	15,137	19,947
Cash flows from investing activities			
Payments for property, infrastructure, plant and equipment	6.1	(14,664)	(16,564)
Proceeds from sale of property, infrastructure, plant and equipment		185	383
Net cash provided by/(used in) investing activities		(14,479)	(16,181)
Cash flows from financing activities			
Finance costs		(54)	(116)
Repayment of borrowings		(2,136)	(134)
Net cash provided by/(used in) financing activities		(2,192)	(250)
Net increase (decrease) in cash and cash equivalents		(1,534)	3,516
Cash and cash equivalents at the beginning of the financial year		23,049	19,533
Cash and cash equivalents at the end of the financial year	5.1	21,515	23,049
Restrictions on cash assets	5.1		

The above statement of cash flows should be read in conjunction with the accompanying notes.

Ararat Rural City Council
2021/2022 Financial Report

**Statement of Capital Works
For the Year Ended 30 June 2022**

	Note	2022 \$'000	2021 \$'000
Property			
Buildings		1,195	2,247
Total property		1,195	2,247
Plant and equipment			
Plant, machinery and equipment		1,191	848
Fixtures, fittings and furniture		-	21
Library books		39	34
Total plant and equipment		1,230	903
Infrastructure			
Roads		10,757	12,163
Bridges		708	73
Footpaths and cycleways		240	196
Drainage		534	962
Total infrastructure		12,239	13,414
Total capital works expenditure		14,664	16,564
Represented by:			
New asset expenditure		866	724
Asset renewal expenditure		11,691	11,758
Asset upgrade expenditure		2,107	4,082
Total capital works expenditure		14,664	16,564

The above statement of capital works should be read in conjunction with the accompanying notes.

Note 1 OVERVIEW

Introduction

The Ararat Rural City Council was established by an Order of the Governor in Council on 22 September 1994 and is a body corporate. The Council's main office is located at 59 Vincent Street, Ararat.

Statement of compliance

These financial statements are a general purpose financial report that consists of a Comprehensive Income Statement, Balance Sheet, Statement of Changes in Equity, Statement of Cash Flows, Statement of Capital Works and Notes accompanying these financial statements. The general purpose financial report complies with the Australian Accounting Standards (AAS), other authoritative pronouncements of the Australian Accounting Standards Board, the *Local Government Act 2020*, and the *Local Government (Planning and Reporting) Regulations 2020*.

The Council is a not-for-profit entity and therefore applies the additional AUS paragraphs applicable to a not-for-profit entity under the Australian Accounting Standards.

Significant accounting policies

(a) Basis of accounting

The accrual basis of accounting has been used in the preparation of these financial statements, except for the cash flow information, whereby assets, liabilities, equity, income and expenses are recognised in the reporting period to which they relate, regardless of when cash is received or paid.

The financial statements are based on the historical cost convention unless a different measurement basis is specifically disclosed in the notes to the financial statements.

Judgements, estimates and assumptions are required to be made about the carrying values of assets and liabilities that are not readily apparent from other sources. The estimates and associated judgements are based on professional judgement derived from historical experience and various other factors that are believed to be reasonable under the circumstances. Actual results may differ from these estimates.

The financial statements have been prepared on a going concern basis. The financial statements are in Australian dollars. The amounts presented in the financial statements have been rounded to the nearest thousand dollars unless otherwise specified. Minor discrepancies in tables between totals and the sum of components are due to rounding.

Revisions to accounting estimates are recognised in the period in which the estimate is revised and also in future periods that are affected by the revision. Judgements and assumptions made by management in the application of AAS's that have significant effects on the financial statements and estimates relate to:

- the fair value of land, buildings, infrastructure, plant and equipment (refer to Note 6.1)
- the determination of depreciation for buildings, infrastructure, plant and equipment (refer to Note 6.1)
- the determination of employee provisions (refer to Note 5.5)
- the determination of whether performance obligations are sufficiently specific so as to determine whether an arrangement is within the scope of *AASB 15 Revenue from Contracts with Customers* or *AASB 1058 Income of Not-for-Profit Entities* (refer to Note 3)
- other areas requiring judgements

Unless otherwise stated, all accounting policies are consistent with those applied in the prior year. Where appropriate, comparative figures have been amended to accord with current presentation, and disclosure has been made of any material changes to comparatives.

(b) Impact of Covid-19

During 2021-22 the COVID-19 pandemic continued to impact on Council's operations. Council has noted the following significant impacts on its financial operations:

- Additional revenue – \$0.158 million for outdoor eating and entertainment package, \$0.092 million for COVID safe outdoor activation funding, \$0.060 million for community activation and social isolation initiative and \$0.063 million for business concierge and hospitality support program.
- Revenue reductions – facilities closures resulted in \$0.165 million less revenue than budget.

Note 2.1 Performance against budget

The performance against budget notes compare Council's financial plan, expressed through its annual budget, with actual performance. The *Local Government (Planning and Reporting) Regulations 2020* requires explanation of any material variances. Council has adopted a materiality threshold of \$250,000 where further explanation is warranted. Explanations have not been provided for variations below the materiality threshold unless the variance is considered to be material because of its nature.

These notes are prepared to meet the requirements of the *Local Government Act 2020* and the *Local Government (Planning and Reporting) Regulations 2020*.

2.1.1 Income and expenditure

	Budget 2022 \$'000	Actual 2022 \$'000	Variance \$'000	Variance %	Ref
Income					
Rates and charges	17,467	17,516	49	0%	
Statutory fees and fines	199	245	46	23%	
User fees	1,367	1,122	(245)	-18%	
Grants - operating	7,964	10,892	2,928	37%	1
Grants - capital	9,651	6,169	(3,482)	-36%	2
Contributions - monetary	97	164	67	90%	
Net gain/(loss) on disposal of property, infrastructure, plant and equipment	41	147	106	259%	
Fair value adjustments for investment property	-	137	137	100%	
Other income	173	168	(5)	9%	
Total income	36,959	36,620	(339)	-1%	
Expenses					
Employee costs	11,277	10,822	455	4.03%	3
Materials and services	9,319	10,149	(830)	-8.91%	4
Depreciation	7,095	7,907	(812)	-11.44%	5
Borrowing costs	55	54	1	1.82%	
Other expenses	348	332	16	4.60%	
Total expenses	28,094	29,264	(1,170)	-4.16%	
Surplus/(deficit) for the year	8,865	7,356	(1,509)	-17.02%	

(i) Explanation of material variations

1	Grants - operating	Council received \$1.784 million more than budget for financial assistance grants due to approximately 75% of the annual allocation for 2022/23 being received in June 2022, compared to around 50% being received in advance in 2020/21. Council was successful in obtaining several grants that had not been budgeted for, including \$0.373 million for several COVID assistance grants and \$0.309 million for new settlement and workforce grants.
2	Grants - capital	In accordance with accounting standards, capital grants totalling \$3.614 million are currently being held as an unearned income liability until grant related performance obligations have been met. This includes \$2.305 million of grant funds received towards the Gordon Street Recreation Reserve development.
3	Employee costs	Savings have mostly resulted from delays in replacing some staff members and other vacancies that have not been filled.
4	Materials and services	Materials and services are higher than budget with increased operating expenditure required to deliver the outcomes for the additional operating grants.
5	Depreciation	Council did not allow enough in the budget, due to the revaluation of infrastructure as at 30 June 2021 which was undertaken after the budget had been finalised.

2.1.2 Capital works

	Budget 2022 \$'000	Actual 2022 \$'000	Variance \$'000	Variance %	Ref
Property					
Buildings	3,732	1,195	(2,537)	-68%	1
Total property	3,732	1,195	(2,537)	-68%	
Plant and equipment					
Plant, machinery and equipment	720	1,191	471	65%	2
Fixtures, fittings and furniture	25	-	(25)	-100%	
Library books	40	39	(1)	-3%	
Total plant and equipment	785	1,230	445	57%	
Infrastructure					
Roads	11,369	10,757	(632)	-6%	3
Bridges	690	708	18	3%	
Footpaths and cycleways	265	240	(25)	-9%	
Drainage	673	534	(139)	-21%	
Total infrastructure	13,017	12,239	(778)	-6%	
Total capital works expenditure	17,534	14,664	(2,870)	-16%	
Represented by:					
New asset expenditure	1,740	866	(874)	-50%	4
Asset renewal expenditure	13,364	11,691	(1,673)	-13%	5
Asset upgrade expenditure	2,430	2,107	(323)	-13%	6
Total capital works expenditure	17,534	14,664	(2,870)	-16%	

(f) Explanation of material variations

Variance Ref	Item	Explanation
1	Buildings	The budget included building works of \$3,224 million for the Gordon Street Recreation Reserve development, however only \$0,960 million was completed during the financial year.
2	Plant, machinery and equipment	Three waste trucks were purchased for Council to commence kerbside waste collection services in 2022/23.
3	Roads	The budget included roadworks for Wilson Street and Delacombe Way which were still in progress at 30 June 2022.
4	New asset expenditure	The apportionment between new, renewal and upgrade has been reassessed during the financial year.
5	Asset renewal expenditure	The apportionment between new, renewal and upgrade has been reassessed during the financial year.
6	Asset upgrade expenditure	The apportionment between new, renewal and upgrade has been reassessed during the financial year.

Note 2.2 Analysis of Council results by program

Council delivers its functions and activities through the following programs.

2.2.1 Growing our place

The program brings together the planning, building and environmental health service areas to align Council's strategic objectives to support growth, community amenity, and public health.

Building robust local economies

The program combines Council's economic development and tourism services to elevate the region's status as an agriculture powerhouse that drives high yield returns for producers and operators in the Grampians.

Preserving our environment

The program combines waste management, sustainability, parks and gardens and emergency management, delivering a circular economy strategy via Revolution Ararat, revitalising our public parks, and preparedness planning for fire and flood.

Developing and maintaining key enabling infrastructure

The program provides project design and management, property maintenance, city services, road maintenance, major and minor plant, infrastructure works and asset management to support infrastructure upgrades and renewal that underpin freight efficiency and town development.

Enhancing community life

The program recognises the role of arts, culture, education, and community participation in enhancing community life, and is responsible for managing our cultural venues, library services, positive ageing programs, children's services, public recreation, and community events support.

Strong and effective governance

The program is focused on establishing a strong governance framework that secures public value through efficient financial management, rating, procurement, council operations, civic functions, and public engagement.

2.2.2 Summary of income, expenses, assets and capital expenses by program

	Income	Expenses	Surplus/ (Deficit)	Grants included in income	Total assets
	\$'000	\$'000	\$'000	\$'000	\$'000
2022					
Growing our place	412	(1,050)	(638)	84	-
Building robust local economies	694	(669)	25	671	-
Preserving our environment	2,746	(5,126)	(2,380)	202	3
Developing and maintaining key enabling infrastructure	9,347	(11,340)	(1,993)	9,387	258,177
Enhancing community life	2,583	(5,304)	(2,721)	1,622	20,566
Strong and effective governance	20,838	(5,775)	15,063	5,115	26,435
	36,620	(29,264)	7,356	17,081	305,181

	Income	Expenses	Surplus/ (Deficit)	Grants included in income	Total assets
	\$'000	\$'000	\$'000	\$'000	\$'000
2021					
Growing our place	250	(898)	(648)	34	-
Building robust local economies	205	(659)	(454)	195	-
Preserving our environment	2,824	(3,871)	(1,047)	296	8
Developing and maintaining key enabling infrastructure	8,578	(11,482)	(2,904)	8,455	221,077
Enhancing community life	2,796	(6,072)	(3,276)	2,124	21,561
Strong and effective governance	20,543	(6,146)	14,397	4,649	28,235
	35,196	(29,128)	6,068	15,753	270,881

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Note 3 Funding for the delivery of our services	2022	2021
3.1 Rates and charges	\$'000	\$'000

Council uses the Capital Improved Valuation as the basis of valuation of all properties within the municipal district. The Capital Improved Valuation of a property is its approximate market value at a given date of 1 January 2021.
The valuation base used to calculate general rates for 2021/22 was \$4.264 billion (2020/21 \$3.275 billion). The 2021/22 rate in the Capital Improved Valuation dollar was General 0.5307, Farm 0.2123, Commercial 0.6634, and Industrial 0.6634 (2020/21 General 0.6280, Farm 0.2952, Commercial 0.7850, and Industrial 0.7850).

General	6,989	7,119
Commercial	814	945
Industrial	226	244
Farm	5,960	5,893
Municipal charge	625	623
Garbage charge	1,728	1,737
Recycling charge	534	540
Interest on rates and charges	151	122
Revenue in lieu of rates	499	497
Total rates and charges	17,516	17,720

The date of the latest general revaluation of land for rating purposes within the municipal district was 1 January 2022, and the valuation will be first applied in the rating year commencing 1 July 2022.

Annual rates and charges are recognised as revenues when Council issues annual rates notices. Supplementary rates are recognised when a valuation and reassessment is completed and a supplementary rates notice issued.

3.2 Statutory fees and fines

Infringements and costs	9	6
Town planning fees	193	127
Land information certificates	16	14
Permits	27	25
Total statutory fees and fines	245	172

Statutory fees and fines are recognised as revenue when the service has been provided, the payment is received, or when the penalty has been applied, whichever first occurs.

3.3 User fees

Aged and health services	169	198
Leisure centre and recreation	288	210
Child care/children's programs	6	6
Parking	-	6
Registration and other permits	119	93
Building services	54	66
Waste management services	257	236
Gum San Museum/Great Hall charges	2	1
Ararat Town Hall charges	32	7
Visitor Information Centre	12	1
Alexandra Oval	67	38
Road occupancy	5	7
Private Works	22	57
Other fees and charges	89	92
Total user fees	1,122	1,018

User fees by timing of revenue recognition

User fees recognised at a point in time	1,122	1,018
Total user fees	1,122	1,018

User fees are recognised as revenue at a point in time, or over time, when (or as) the performance obligation is satisfied. Recognition is based on the underlying contractual terms.

	2022	2021
	\$'000	\$'000
3.4 Funding from other levels of government		
Grants were received in respect of the following:		
Summary of grants		
Commonwealth funded grants	14,229	11,145
State funded grants	2,652	4,608
Total grants received	17,081	15,753
(a) Operating Grants		
Recurrent - Commonwealth Government		
Financial Assistance Grants	8,186	6,314
General home care	487	432
Recurrent - State Government		
Aged care	202	192
School crossing supervisors	12	12
Libraries	147	142
Maternal and child health	318	293
Environment	134	117
Culture	140	140
Administration	44	43
Total recurrent operating grants	9,670	7,685
Non-recurrent - Commonwealth Government		
Community development	20	45
Non-recurrent - State Government		
Natural disaster	48	72
Community development	60	181
Libraries	87	11
Maternal and child health	82	61
Environment	35	12
Employment	100	596
Planning and development	760	164
Culture	-	26
Recreation	30	193
Total non-recurrent operating grants	1,222	1,361
Total operating grants	10,892	9,046
(b) Capital Grants		
Recurrent - Commonwealth Government		
Roads to recovery	1,319	3,605
Total recurrent capital grants	1,319	3,605
Non-recurrent - Commonwealth Government		
Transport	3,939	677
Recreation	278	72
Non-recurrent - State Government		
Transport	434	800
Plant, machinery and equipment	-	118
Recreation	219	1,225
Waste Management	-	210
Total non-recurrent capital grants	4,870	3,102
Total capital grants	6,189	6,707

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	2022	2021
	\$'000	\$'000
(c) Unspent grants received on condition that they be spent in a specific manner		
<i>Operating</i>		
Balance at start of year	2,191	386
Received during the financial year and remained unspent at balance date	2,163	2,141
Received in prior years and spent during the financial year	(793)	(336)
Balance at year end	<u>3,561</u>	<u>2,191</u>
<i>Capital</i>		
Balance at start of year	5,000	833
Received during the financial year and remained unspent at balance date	185	5,000
Received in prior years and spent during the financial year	(1,571)	(833)
Balance at year end	<u>3,614</u>	<u>5,000</u>

(d) Recognition of grant income

Before recognising funding from government grants as revenue the Council assesses whether there is a contract that is enforceable and has sufficiently specific performance obligations in accordance with *AASB 15 Revenue from Contracts with Customers*. When both these conditions are satisfied, the Council:

- identifies each performance obligation relating to revenue under the contract/agreement;
- determines the transaction price;
- recognises a contract liability for its obligations under the agreement; and
- recognises revenue as it satisfies its performance obligations, at the time or over time when services are rendered

Where the contract is not enforceable and/or does not have sufficiently specific performance obligations, the Council applies *AASB 1058 Income for Not-for-Profit Entities*.

Grant revenue with sufficiently specific performance obligations is recognised over time as the performance obligations specified in the underlying agreement are met. Where performance obligations are not sufficiently specific, grants are recognised on the earlier of receipt or when an unconditional right to receipt has been established. Grants relating to capital projects are generally recognised progressively as the capital project is completed.

Income recognised under AASB 1058 Income of Not-for-Profit Entities

General purpose	8,186	6,314
Specific purpose grants to acquire non-financial assets	6,189	6,707
Other specific purpose grants	1,551	1,422
Revenue recognised under AASB 15 Revenue from Contracts with Customers		
Specific purpose grants	1,155	1,310
	<u>17,081</u>	<u>15,753</u>

3.5 Contributions

Monetary	184	162
Total contributions	<u>184</u>	<u>162</u>

Monetary and non monetary contributions are recognised as revenue at their fair value when Council obtains control over the contributed asset.

3.6 Net gain/(loss) on disposal of property, infrastructure, plant and equipment

Proceeds of sale	185	383
Written down value of assets disposed	(39)	(247)
Total net gain/(loss) on disposal of property, infrastructure, plant and equipment	<u>147</u>	<u>136</u>

The profit or loss on sale of an asset is determined when control of the asset has passed to the buyer.

3.7 Other income

Interest	53	63
Investment property rental	135	125
Total other income	<u>188</u>	<u>188</u>

Interest is recognised as it is earned.

Other income is measured at the fair value of the consideration received or receivable and is recognised when Council gains control over the right to receive the income.

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	2022	2021
	\$'000	\$'000
Note 4 The cost of delivering services		
4.1 (a) Employee costs		
Wages and salaries	9,534	10,491
WorkCover	287	355
Superannuation	945	995
Fringe benefits tax	56	69
Total employee costs	10,822	11,910
(b) Superannuation		
Council made contributions to the following funds:		
Defined benefit fund		
Employer contributions to Local Authorities Superannuation Fund (Mision Super)	37	59
	37	59
Employer contributions payable at reporting date.	-	-
Accumulation funds		
Employer contributions to Local Authorities Superannuation Fund (Mision Super)	644	692
Employer contributions - other funds	264	244
	908	936
Employer contributions payable at reporting date.	-	-
Refer to note 9.3 for further information relating to Council's superannuation obligations.		
4.2 Materials and services		
Materials and services	5,078	3,343
Contract payments	2,946	1,887
Plant and equipment maintenance	1,134	1,054
Utilities	630	690
Consultants	461	193
Total materials and services	10,149	7,167
Expenses are recognised as they are incurred and reported in the financial year to which they relate.		
4.3 Depreciation		
Property	1,642	1,584
Plant and equipment	851	823
Infrastructure	5,414	7,234
Total depreciation	7,907	9,641
Refer to note 6.1 for a more detailed breakdown of depreciation and accounting policy.		

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	2022	2021
	\$'000	\$'000
4.4 Bad and doubtful debts		
Other debtors	-	5
Total bad and doubtful debts	<u>-</u>	<u>5</u>
Bad debts are written off when identified.		
4.5 Borrowing costs		
Interest - Borrowings	54	116
Total borrowing costs	<u>54</u>	<u>116</u>
Borrowing costs are recognised as an expense in the period in which they are incurred, except where they are capitalised as part of a qualifying asset constructed by Council.		
4.6 Other expenses		
Auditors' remuneration - VAGO - audit of the financial statements, performance statement and grant acquittals	47	42
Auditors' remuneration - Other External Audits	1	1
Auditors' remuneration - Internal Audit	62	47
Councillors' allowances	222	199
Total other expenses	<u>332</u>	<u>289</u>
Note 5 Our financial position	2022	2021
5.1 Financial assets	\$'000	\$'000
(a) Cash and cash equivalents		
Cash on hand	3	4
Cash at bank	6,407	9,884
Term deposits	15,105	13,161
Total cash and cash equivalents	<u>21,515</u>	<u>23,049</u>
Total financial assets	<u>21,515</u>	<u>23,049</u>
Councils cash and cash equivalents are subject to external restrictions that limit amounts available for discretionary use. These include:		
- Trust funds and deposits (Note 5.3)	254	455
Total restricted funds	<u>254</u>	<u>455</u>
Total unrestricted cash and cash equivalents	<u>21,261</u>	<u>22,594</u>
Intended allocations		
Although not externally restricted the following amounts have been allocated for specific future purposes by Council:		
- cash held to fund carried forward capital works	13,817	13,767
- other reserve funds allocated for specific future purposes	8,187	9,907
Total funds subject to intended allocations (Note 9.1(b))	<u>22,004</u>	<u>23,674</u>

Cash and cash equivalents include cash on hand, deposits at call, and other highly liquid investments with original maturities of three months or less, net of outstanding bank overdrafts.

Other financial assets are valued at fair value, at balance date. Term deposits are measured at original cost. Any unrealised gains and losses on holdings at balance date are recognised as either a revenue or expense.

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	2022	2021
	\$'000	\$'000
(b) Trade and other receivables		
Current		
<i>Statutory receivables</i>		
Rates debtors	1,742	1,660
<i>Non statutory receivables</i>		
Other debtors	2,180	2,373
Total current trade and other receivables	<u>3,922</u>	<u>4,233</u>
Non-current		
<i>Statutory receivables</i>		
Special rate scheme	9	12
Total non-current trade and other receivables	<u>9</u>	<u>12</u>
Total trade and other receivables	<u>3,931</u>	<u>4,245</u>

Short term receivables are carried at invoice amount. A provision for doubtful debts is recognised when there is objective evidence that an impairment has occurred. Long term receivables are carried at amortised cost using the effective interest rate method.

(c) Ageing of Receivables

The ageing of the Council's trade and other receivables (excluding statutory receivables) that are not impaired was

Current (not yet due)	2,176	2,354
Past due by up to 30 days	3	9
Past due between 31 and 180 days	1	10
Total trade and other receivables	<u>2,180</u>	<u>2,373</u>

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5.2 Non-financial assets	2022	2021
(a) Inventories	\$'000	\$'000
Inventories held for sale	6	21
Inventories held for distribution	58	48
Total inventories	64	69

Inventories held for distribution are measured at cost, adjusted when applicable for any loss of service potential. All other inventories are measured at the lower of cost and net realisable value. Where inventories are acquired for no cost or nominal consideration, they are measured at current replacement cost at the date of acquisition.

(b) Other assets

Prepayments	13	55
Total other assets	13	55

5.3 Payables, trust funds and deposits and unearned income

(a) Trade and other payables

Non-statutory payables

Trade payables	1,493	1,213
Accrued expenses	47	80
Total trade and other payables	1,540	1,303

(b) Trust funds and deposits

Refundable deposits	96	95
Fire services levy	16	190
Retention amounts	60	138
Other refundable deposits	82	32
Total trust funds and deposits	254	455

(c) Unearned income

Grants received in advance - operating	3,561	2,191
Grants received in advance - capital	3,614	5,000
Total unearned income	7,175	7,191

Amounts received as deposits and retention amounts controlled by Council are recognised as trust funds until they are returned, transferred in accordance with the purpose of the receipt, or forfeited. Trust funds that are forfeited, resulting in council gaining control of the funds, are to be recognised as revenue at the time of forfeit.

Unearned income represents contract liabilities and reflects consideration received in advance from customers in respect of government grants. Unearned income are derecognised and recorded as revenue when promised goods and services are transferred to the customer. Refer to Note 3.

Purpose and nature of items

Refundable deposits - Deposits are taken by council as a form of surety in a number of circumstances, including in relation to building works and for the use of civic facilities.

Fire services levy - Council is the collection agent for fire services levy on behalf of the State Government. Council remits amounts received on a quarterly basis. Amounts disclosed here will be remitted to the state government in line with that process.

Retention amounts - Council has a contractual right to retain certain amounts until a contractor has met certain requirements or a related warrant or defect period has elapsed. Subject to the satisfactory completion of the contractual obligations, or the elapsing of time, these amounts will be paid to the relevant contractor in line with Council's contractual obligations.

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5.4 Interest-bearing liabilities	2022 \$'000	2021 \$'000
Current		
Borrowings - secured	143	2,138
	143	2,138
Non-current		
Borrowings - secured	454	597
	454	597
Total	597	2,735

Borrowings are secured by Council's rates

(a) The maturity profile for Council's borrowings is:

Not later than one year	143	2,138
Later than one year and not later than five years	454	597
Later than five years	-	-
	597	2,735

Borrowings are initially measured at fair value, being the cost of the interest bearing liabilities, net of transaction costs. The measurement basis subsequent to initial recognition depends on whether the Council has categorised its interest-bearing liabilities as either financial liabilities designated at fair value through the profit and loss, or financial liabilities at amortised cost. Any difference between the initial recognised amount and the redemption value is recognised in net result over the period of the borrowing using the effective interest method. The classification depends on the nature and purpose of the interest bearing liabilities. The Council determines the classification of its interest bearing liabilities at initial recognition.

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5.5 Provisions	2022 \$'000	2021 \$'000
(a) Employee provisions		
Current provisions expected to be wholly settled within 12 months		
Annual leave	624	700
Other leave	52	55
	676	755
Current provisions expected to be wholly settled after 12 months		
Annual leave	191	199
Long service leave	1,378	1,521
	1,569	1,720
Total current employee provisions	2,245	2,475
Non-current		
Long service leave	184	231
Total non-current employee provisions	184	231
Aggregate carrying amount of employee provisions:		
Current	2,245	2,475
Non-current	184	231
Total aggregate carrying amount of employee provisions	2,429	2,706

The calculation of employee costs and benefits includes all relevant on-costs and are calculated as follows at reporting date.

Annual leave

A liability for annual leave is recognised in the provision for employee benefits as a current liability because the Council does not have an unconditional right to defer settlement of the liability. Liabilities for annual leave are measured at:

- nominal value if the Council expects to wholly settle the liability within 12 months
- present value if the Council does not expect to wholly settle within 12 months.

Liabilities that are not expected to be wholly settled within 12 months of the reporting date are recognised in the provision for employee benefits as current liabilities, measured at the present value of the amounts expected to be paid when the liabilities are settled using the remuneration rate expected to apply at the time of settlement.

Long service leave

Liability for long service leave (LSL) is recognised in the provision for employee benefits. Unconditional LSL is disclosed as a current liability as the Council does not have an unconditional right to defer settlement. Unconditional LSL is measured at nominal value if expected to be settled within 12 months or at present value if not expected to be settled within 12 months. Conditional LSL that has been accrued, where an employee is yet to reach a qualifying term of employment, is disclosed as a non-current liability and measured at present value.

Key assumptions:

- discount rate	3.33%	0.88%
- index rate	3.85%	2.95%

5.6 Commitments

The Council has entered into the following commitments. Commitments are not recognised in the Balance Sheet. Commitments are disclosed at their nominal value and presented inclusive of the GST payable.

(a) Commitments for expenditure

2022	Not later than 1	Later than 1	Later than 2	Later than 5	Total
	year	year and not	years and not		
	\$'000	\$'000	\$'000	\$'000	\$'000
Operating					
Recycling	34	-	-	-	34
Garbage collection	76	-	-	-	76
Consultancies	830	77	-	-	907
Total	940	77	-	-	1,017
Capital					
Buildings	3,865	-	-	-	3,865
Plant and equipment	26	-	-	-	26
Total	3,891	-	-	-	3,891
2021					
Operating					
Recycling	310	-	-	-	310
Garbage collection	505	-	-	-	505
Consultancies	50	-	-	-	50
Meals for delivery	78	-	-	-	78
Total	943	-	-	-	943
Capital					
Buildings	189	-	-	-	189
Roads	961	-	-	-	961
Plant and equipment	158	-	-	-	158
Total	1,308	-	-	-	1,308

(b) Operating lease receivables

Operating lease receivables

The Council has entered into commercial property leases on its investment property, consisting of surplus freehold office complexes, and surplus land. These properties held under operating leases have remaining non-cancellable lease terms of between 1 and 10 years. Some leases include a CPI based revision of the rental charge annually.

Future undiscounted minimum rentals receivable under non-cancellable operating leases are as follows:

	2022	2021
	\$'000	\$'000
Not later than one year	57	6
Later than one year and not later than five years	19	20
Later than five years	1	-
	77	26

Note 6 Assets we manage

6.1 Property, infrastructure, plant and equipment

Summary of property, infrastructure, plant and equipment

	Carrying amount	Additions	Revaluation	Depreciation	Disposal	Transfers	Carrying amount
	30 June 2021						30 June 2022
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Property	58,142	914	9,189	(1,642)	-	388	66,991
Plant and equipment	7,343	1,230	-	(851)	(38)	-	7,684
Infrastructure	173,844	11,580	20,150	(5,414)	-	2,180	202,340
Work in progress	2,772	940	-	-	-	(2,598)	1,114
	247,101	14,664	29,339	(7,507)	(38)	-	218,159

Summary of Work in Progress

	Opening W/P	Additions	Write-off	Transfers	Closing W/P
	\$'000				
Property	544	291	-	(388)	457
Infrastructure	2,228	659	-	(2,199)	707
Total	2,772	940	-	(2,588)	1,164

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(a) Property

	Freehold Land	Controlled Land	Land under roads	Total Land	Building on freehold land	Building on controlled land	Total Buildings	Work In Progress	Total Property
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
At fair value 1 July 2021	6,298	6,564	243	13,105	61,639	52,214	114,053	544	127,702
Accumulated depreciation at 1 July 2021	-	-	-	-	(30,552)	(29,464)	(60,016)	-	(60,016)
	6,298	6,564	243	13,105	22,287	22,750	49,037	544	58,988
Movements in fair value									
Additions	-	-	-	-	715	199	914	281	1,195
Revaluation	2,490	2,033	55	4,568	5,209	2,672	7,881	-	12,549
Transfers	-	-	-	-	398	-	398	(388)	-
	2,490	2,033	55	4,568	6,412	2,871	9,283	(107)	13,744
Movements in accumulated depreciation									
Depreciation and amortisation	-	-	-	-	(877)	(685)	(1,442)	-	(1,442)
Revaluation	-	-	-	-	(2,304)	(458)	(3,380)	-	(3,380)
	-	-	-	-	(3,281)	(1,121)	(5,002)	-	(5,002)
At fair value 30 June 2022	8,778	8,597	298	17,673	68,251	55,065	123,336	437	141,446
Accumulated depreciation at 30 June 2022	-	-	-	-	(43,433)	(30,585)	(74,018)	-	(74,018)
Carrying amount	8,778	8,597	298	17,673	24,818	24,500	49,318	437	67,428

*Controlled land is Crown land for which Council is Committee of Management.

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(b) Plant and Equipment

	Plant machinery and equipment	Fixtures fittings and furniture	Library books	Artworks	Total plant and equipment
	\$'000	\$'000	\$'000	\$'000	\$'000
At fair value 1 July 2021	9,306	1,003	1,264	1,811	13,384
Accumulated depreciation at 1 July 2021	(4,689)	(698)	(873)	-	(6,041)
	4,617	334	391	1,811	7,343
Movements in fair value					
Additions	1,191	-	39	-	1,230
Disposal	(448)	-	-	-	(448)
	743	-	39	-	782
Movements in accumulated depreciation					
Depreciation and amortisation	(744)	(87)	(20)	-	(851)
Accumulated depreciation of disposals	408	-	-	-	408
	(336)	(87)	(20)	-	(443)
At fair value 30 June 2022	10,051	1,008	1,309	1,811	14,169
Accumulated depreciation at 30 June 2022	(4,595)	(756)	(890)	-	(6,141)
Carrying amount	5,456	247	419	1,811	7,933

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(e) Infrastructure

	Roads \$'000	Bridges \$'000	Footpaths and cycleways \$'000	Drainage \$'000	Work In Progress \$'000	Total Infrastructure \$'000
At fair value 1 July 2021	259,596	41,496	12,336	12,516	2,228	328,171
Accumulated depreciation at 1 July 2021	(118,951)	(18,848)	(7,529)	(6,974)	-	(152,299)
	140,744	22,648	4,807	5,542	2,228	176,072
Movements in fair value						
Additions	10,104	708	294	534	659	12,299
Revaluation	71,258	970	(2,453)	-	-	69,775
Transfers	1,511	398	-	171	(2,193)	-
	82,873	2,076	(2,238)	705	(1,534)	81,882
Movements in accumulated depreciation						
Depreciation and amortisation	(4,739)	(373)	(173)	(160)	-	(5,445)
Revaluation	(60,783)	(339)	2,112	-	-	(59,010)
	(65,522)	(712)	1,939	(160)	-	(64,455)
At fair value 30 June 2022	342,568	49,572	10,191	13,221	707	416,159
Accumulated depreciation at 30 June 2022	(174,242)	(20,159)	(5,457)	(7,134)	-	(207,092)
Carrying amount	168,326	29,413	4,734	6,087	707	209,067

Acquisition

The purchase method of accounting is used for all acquisitions of assets, being the fair value of assets provided as consideration at the date of. Where assets are constructed by Council, cost includes all materials used in construction, direct labour, borrowing costs incurred during construction, and an appropriate share of directly attributable variable and fixed overheads.

In accordance with Council's policy, the threshold limits have applied when recognising assets within an applicable asset class and unless otherwise stated are consistent with the prior year.

	Depreciation Period	Threshold Limit
<i>Asset recognition thresholds and depreciation periods</i>		
Land and land improvements		
land	-	10,000
land under roads	-	10,000
Buildings		
buildings	25 - 199 years	10,000
Plant and equipment		
plant, machinery and equipment	5 - 25 years	3,000
fixtures, fittings and furniture	10 years	3,000
computers and telecommunications	10 years	3,000
library books	3 - 10 years	1
Infrastructure		
roads - pavements and seals	10 - 20 years	10,000
roads - substructure	30 - 80 years	10,000
roads - kerb, channel and minor culverts	30 - 100 years	10,000
bridges	50 - 120 years	10,000
footpaths and cycleways	10 - 80 years	10,000
drainage	50 - 100 years	10,000

Land under roads

Land under roads acquired after 30 June 2008 are brought to account using the fair value basis. Council does not recognise land under roads that it controlled prior to that period in its financial report.

Depreciation and amortisation

Buildings, plant and equipment, infrastructure, and other assets having limited useful lives are systematically depreciated over their useful lives to the Council in a manner which reflects consumption of the service potential embodied in those assets. Estimates of remaining useful lives and residual values are made on a regular basis with major asset classes reassessed annually. Depreciation rates and methods are reviewed annually.

Where assets have separate identifiable components that are subject to regular replacement, these components are assigned distinct useful lives and residual values and a separate depreciation rate is determined for each component.

Road earthworks are not depreciated on the basis that they are assessed as not having a limited useful life.

Artworks are not depreciated.

Straight line depreciation is charged based on the residual useful life as determined each year.

Depreciation periods used are listed above and are consistent with the prior year unless otherwise stated.

Repairs and maintenance

Where the repair relates to the replacement of a component of an asset and the cost exceeds the capitalisation threshold the cost is capitalised and depreciated. The carrying value of the replaced asset is expensed.

Valuation of land and buildings

Valuation of land and buildings were undertaken by a qualified independent valuer PW Newman Pty Ltd. The valuation of land and buildings is at fair value, being market value based on highest and best use permitted by relevant land planning provisions. Where land use is restricted through existing planning provisions the valuation is reduced to reflect this limitation. This adjustment is an unobservable input in the valuation. The adjustment has no impact on the comprehensive income statement.

Specialised land is valued at fair value using site values adjusted for englobo (undeveloped and/or unserviced) characteristics, access rights and private interests of other parties and entitlements of infrastructure assets and services. This adjustment is an unobservable input in the valuation. The adjustment has no impact on the comprehensive income statement.

Any significant movements in the unobservable inputs for land and land under roads will have a significant impact on the fair value of these assets. The date of the current valuation is detailed in the following table.

Details of the Council's land and buildings and information about the fair value hierarchy as at 30 June 2022 are as follows:

	Level 1	Level 2	Level 3	Date of Valuation
Land	-	6,756	-	Jun-22
Specialised land	-	-	10,917	Jun-22
Buildings	-	873	48,445	Jun-22
Total	-	7,629	59,362	

Valuation of infrastructure

Valuation of infrastructure assets has been determined in accordance with a valuation undertaken by Council's Manager Assets, Shaun Foy.

The date of the current valuation is detailed in the following table.

The valuation is at fair value based on current replacement cost less accumulated depreciation as at the date of valuation.

Details of the Council's infrastructure and information about the fair value hierarchy as at 30 June 2022 are as follows:

	Level 1	Level 2	Level 3	Date of Valuation
Roads	-	-	168,226	Jun-22
Bridges	-	-	23,413	Jun-22
Footpaths and cycleways	-	-	4,614	Jun-22
Drainage	-	-	6,087	Jun-22
Total	-	-	202,340	

Description of significant unobservable inputs into level 3 valuations

Specialised land and land under roads is valued using a market based direct comparison technique. Significant unobservable inputs include the extent and impact of restriction of use and the market cost of land per square metre. The extent and impact of restrictions on use varies and results in a reduction to surrounding land values between 15% and 80%. The market value of land varies significantly depending on the location of the land and the current market conditions.

Specialised buildings are valued using a current replacement cost technique. Significant unobservable inputs include the current replacement cost and remaining useful lives of buildings. The remaining useful lives of buildings are determined on the basis of the current condition of buildings and vary from 20 years to 133 years. Replacement cost is sensitive to changes in market conditions, with any increase or decrease in cost flowing through to the valuation. Useful lives of buildings are sensitive to changes in expectations or requirements that could either shorten or extend the useful lives of buildings.

Infrastructure assets are valued based on the current replacement cost. Significant unobservable inputs include the current replacement cost and remaining useful lives of infrastructure. The remaining useful lives of infrastructure assets are determined on the basis of the current condition of the asset and vary from 10 years to 120 years. Replacement cost is sensitive to changes in market conditions, with any increase or decrease in cost flowing through to the valuation. Useful lives of infrastructure are sensitive to changes in use, expectations or requirements that could either shorten or extend the useful lives of infrastructure assets.

	2022	2021
	\$'000	\$'000
Reconciliation of specialised land		
Land under roads	238	243
Parks and reserves	10,619	7,776
Total specialised land	10,917	8,019

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	2022 \$'000	2021 \$'000
6.2 Investment property		
Balance at beginning of financial year	1,362	1,315
Fair value adjustments	137	47
Balance at end of financial year	<u>1,499</u>	<u>1,362</u>

Investment property is held to generate long-term rental yields. Investment property is measured initially at cost, including transaction costs. Costs incurred subsequent to initial acquisition are capitalised when it is probable that future economic benefit in excess of the originally assessed performance of the asset will flow to the Council. Subsequent to initial recognition at cost, investment property is carried at fair value, determined annually by independent valuers. Changes to fair value are recorded in the comprehensive income statement in the period that they arise.

Valuation of investment property

Valuation of investment property has been determined in accordance with an independent valuation by PW Newman Pty Ltd who has recent experience in the location and category of the property being valued. The valuation is at fair value, based on the current market value for the property.

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	2022	2021
	No.	No.
Note 7 People and relationships		
7.1 Council and key management remuneration		
(a) Related Parties		
<i>Parent entity</i>		
Ararat Rural City Council is the parent entity.		
(b) Key Management Personnel		
Key management personnel (KMP) are those people with the authority and responsibility for planning, directing and controlling the activities of Ararat Rural City Council. The Councillors, Chief Executive Officer and Senior Managers are deemed KMP.		
Details of KMP at any time during the year are:		
Councillors		
Councillor Jo Armstrong (Mayor)		
Councillor Peter Beales		
Councillor Gwenda Allgood		
Councillor Rob Armstrong		
Councillor Bob Sanders		
Councillor Bill Waterston		
Councillor Henry Burnidge		
Chief Executive Officer - Dr Tim Harrison		
Executive Officer/Deputy CEO		
Manager Planning, Community & Compliance		
Manager Corporate Support		
Total Number of Councillors	7	11
Total of Chief Executive Officer and other Key Management Personnel	4	4
Total Number of Key Management Personnel	<u>11</u>	<u>15</u>
(c) Remuneration of Key Management Personnel	2022	2021
	\$	\$
Total remuneration of key management personnel was as follows:		
Short-term benefits	815	907
Long-term benefits	9	(26)
Post employment benefits	62	83
Termination benefits	116	-
Total	<u>1,002</u>	<u>964</u>
The numbers of key management personnel whose total remuneration from Council and any related entities, fall within the following bands:		
	2022	2021
	No.	No.
\$0-\$9,999	-	4
\$10,000-\$19,999	-	4
\$20,000-\$29,999	5	2
\$30,000-\$39,999	1	-
\$60,000-\$69,000	-	1
\$70,000-\$79,000	1	-
\$140,000-\$149,000	-	1
\$150,000-\$159,000	1	-
\$160,000-\$169,999	-	1
\$170,000-\$179,000	1	-
\$180,000-\$189,999	-	1
\$190,000-\$199,000	1	-
\$250,000-\$259,000	1	-
\$270,000-\$279,999	-	1
	<u>11</u>	<u>15</u>

In accordance with accounting standards, the remuneration amounts include wages and salaries, employer superannuation contributions, vehicle benefits and movements in unused leave.

	2022 \$'000	2021 \$'000
(d) Senior Officer Remuneration		

A Senior Officer is an officer of Council, other than Key Management Personnel, who:
a) has management responsibilities and reports directly to the Chief Executive; or
b) whose total annual remuneration exceeds \$151,000

Council has no officers that meet the requirements of a Senior Officer, in the current or previous financial year.

7.2 Related party disclosure

(a) Transactions with related parties

During the period Council entered into the following transactions with related parties within normal customer relationships on terms and conditions no more favourable than those available in similar arm's length dealings:

Remuneration to related parties of Councillors. The employment was on normal terms and conditions of employment with Council.	19	39
---	----	----

Locksmith, engraving and site camera installation services supplied to Council by a business that is a related party of a Councillor.	28	34
---	----	----

(b) Outstanding balances with related parties

The following balances are outstanding at the end of the reporting period in relation to transactions with related parties

-	-
---	---

(c) Loans to/from related parties

The aggregate amount of loans in existence at balance date that have been made, guaranteed or secured by the council to a related party are as follows:

-	-
---	---

(d) Commitments to/from related parties

The aggregate amount of commitments in existence at balance date that have been made, guaranteed or secured by the council to a related party are as follows:

-	-
---	---

Note 8 Managing uncertainties

8.1 Contingent assets and liabilities

Contingent assets and contingent liabilities are not recognised in the Balance Sheet, but are disclosed and if quantifiable, are measured at nominal value. Contingent assets and liabilities are presented inclusive of GST receivable or payable, respectively.

(a) Contingent assets

Contingent assets are possible assets that arise from past events, whose existence will be confirmed only by the occurrence or non-occurrence of one or more uncertain future events not wholly within the control of the Council.
At balance date the Council are not aware of any contingent assets.

(b) Contingent liabilities

Contingent liabilities are:

- possible obligations that arise from past events, whose existence will be confirmed only by the occurrence or non-occurrence of one or more uncertain future events not wholly within the control of the Council; or
- present obligations that arise from past events but are not recognised because:
 - it is not probable that an outflow of resources embodying economic benefits will be required to settle the obligation; or
 - the amount of the obligation cannot be measured with sufficient reliability.

Superannuation

Council has obligations under a defined benefit superannuation scheme that may result in the need to make additional contributions to the scheme, matters relating to this potential obligation are outlined below. As a result of the volatility in financial markets the likelihood of making such contributions in future periods exists.

Future superannuation contributions

There were no contributions outstanding and no loans issued from or to the above schemes as at 30 June 2022. The expected contributions to be paid to the Defined Benefit category of Vision Super for the year ending 30 June 2023 are \$19,000.

Gravel pits

Council operates a number of gravel pits. Council will have to carry out site rehabilitation works in the future. At balance date Council is unable to accurately assess the financial implications of such works.

Liability Mutual Insurance

Council is a participant of the MAV Liability Mutual Insurance (LMI) Scheme. The LMI scheme provides public liability and professional indemnity insurance cover. The LMI scheme states that each participant will remain liable to make further contributions to the scheme in respect of any insurance year in which it was a participant to the extent of its participant's share of any shortfall in the provision set aside in respect of that insurance year, and such liability will continue whether or not the participant remains a participant in future insurance years.

8.2 Change in accounting standards

Certain new Australian Accounting Standards and interpretations have been published that are not mandatory for the 30 June 2022 reporting period. Council has assessed the impact of these new standards. As at 30 June 2022 there were no new accounting standards or interpretations issued by the AASB which are applicable for the year ending 30 June 2023 that are expected to impact Council.

8.3 Financial Instruments

(a) Objectives and policies

The Council's principal financial instruments comprise cash assets, term deposits, receivables (excluding statutory receivables), payables (excluding statutory payables) and bank borrowings. Details of the significant accounting policies and methods adopted, including the criteria for recognition, the basis of measurement and the basis on which income and expenses are recognised, in respect of each class of financial asset, financial liability and equity instrument is disclosed in the notes of the financial statements. Risk management is carried out by senior management under policies approved by the Council. These policies include identification and analysis of the risk exposure to Council and appropriate procedures, controls and risk minimisation.

(b) Market risk

Market risk is the risk that the fair value or future cash flows of council financial instruments will fluctuate because of changes in market prices. The Council's exposure to market risk is primarily through interest rate risk with only insignificant exposure to other price risks and no exposure to foreign currency risk.

Interest rate risk

Interest rate risk refers to the risk that the value of a financial instrument or cash flows associated with the instrument will fluctuate due to changes in market interest rates. Council's interest rate liability risk arises primarily from long term loans and borrowings at fixed rates which exposes council to fair value interest rate risk. Council does not hold any interest bearing financial instruments that are measured at fair value, and therefore has no exposure to fair value interest rate risk. Cash flow interest rate risk is the risk that the future cash flows of a financial instrument will fluctuate because of changes in market interest rates. Council has minimal exposure to cash flow interest rate risk through its cash and deposits that are at floating rates.

Investment of surplus funds is made with approved financial institutions under the *Local Government Act 2020*. Council manages interest rate risk by adopting an investment policy that ensures:

- diversification of investment product;
- monitoring of return on investment; and
- benchmarking of returns and comparison with budget.

There has been no significant change in the Council's exposure, or its objectives, policies and processes for managing interest rate risk or the methods used to measure this risk from the previous reporting period.

Interest rate movements have not been sufficiently significant during the year to have an impact on the Council's year end result.

(c) Credit risk

Credit risk is the risk that a contracting entity will not complete its obligations under a financial instrument and cause Council to make a financial loss. Council has exposure to credit risk on some financial assets included in the balance sheet. Particularly significant areas of credit risk exist in relation to outstanding fees and fines as well as loans and receivables from sporting clubs and associations. To help manage this risk:

- council have a policy for establishing credit limits for the entities council deal with;
 - council may require collateral where appropriate; and
 - council only invest surplus funds with financial institutions which have a recognised credit rating specified in council's investment policy.
- Receivables consist of a large number of customers, spread across the ratepayer, business and government sectors. Credit risk associated with the council's financial assets is minimal because the main debtor is secured by a charge over the rateable property.

There are no material financial assets which are individually determined to be impaired.

Council may also be subject to credit risk for transactions which are not included in the balance sheet, such as when council provide a guarantee for another party. Details of Council's contingent liabilities are disclosed in Note 8.1(b).

The maximum exposure to credit risk at the reporting date to recognised financial assets is the carrying amount, net of any provisions for impairment of those assets, as disclosed in the balance sheet and notes to the financial statements. Council does not hold any collateral.

(d) Liquidity risk

Liquidity risk includes the risk that, as a result of Council's operational liquidity requirements, it will not have sufficient funds to settle a transaction when required or will be forced to sell a financial asset at below value or may be unable to settle or recover a financial asset.

To help reduce these risks Council:

- have a liquidity policy which targets a minimum and average level of cash and cash equivalents to be maintained;
- have readily accessible standby facilities and other funding arrangements in place;
- have a liquidity portfolio structure that requires surplus funds to be invested within various bands of liquid instruments;
- monitor budget to actual performance on a regular basis; and
- set limits on borrowings relating to the percentage of loans to rate revenue and percentage of loan principal repayments to rate revenue.

The Council's maximum exposure to liquidity risk is the carrying amounts of financial liabilities as disclosed on the face of the balance sheet, and is deemed insignificant based on prior periods' data and current assessment of risk.

There has been no significant change in Council's exposure, or its objectives, policies and processes for managing liquidity risk or the methods used to measure this risk from the previous reporting period.

With the exception of borrowings, all financial liabilities are expected to be settled within normal terms of trade. Details of the maturity profile for borrowings are disclosed at Note 5.4.

Unless otherwise stated, the carrying amounts of financial instruments reflect their fair value.

(e) Sensitivity disclosure analysis

Taking into account past performance, future expectations, economic forecasts, and management's knowledge and experience of the financial markets, Council believes the following movements are 'reasonably possible' over the next 12 months:

- A parallel shift of +2% and -2% in market interest rates (AUD) from year-end rates of 0.85%.

These movements will not have a material impact on the valuation of Council's financial assets and liabilities, nor will they have a material impact on the results of Council's operations.

8.4 Fair value measurement

Fair value hierarchy

Council's financial assets and liabilities are not valued in accordance with the fair value hierarchy. Council's financial assets and liabilities are measured at amortised cost.

Council measures certain assets and liabilities at fair value where required or permitted by Australian Accounting Standards. AASB 13 Fair value measurement, aims to improve consistency and reduce complexity by providing a definition of fair value and a single source of fair value measurement and disclosure requirements for use across Australian Accounting Standards.

All assets and liabilities for which fair value is measured or disclosed in the financial statements are categorised within a fair value hierarchy, described as follows, based on the lowest level input that is significant to the fair value measurement as a whole.

Level 1 — Quoted (unadjusted) market prices in active markets for identical assets or liabilities;

Level 2 — Valuation techniques for which the lowest level input that is significant to the fair value measurement is directly or indirectly observable; and

Level 3 — Valuation techniques for which the lowest level input that is significant to the fair value measurement is unobservable.

For the purpose of fair value disclosures, Council has determined classes of assets and liabilities on the basis of the nature, characteristics and risks of the asset or liability and the level of the fair value hierarchy as explained above.

In addition, Council determines whether transfers have occurred between levels in the hierarchy by re-assessing categorisation (based on the lowest level input that is significant to the fair value measurement as a whole) at the end of each reporting period.

Revaluation

Subsequent to the initial recognition of assets, non-current physical assets, other than plant and equipment, are measured at their fair value, being the price that would be received to sell an asset (or paid to transfer a liability) in an orderly transaction between market participants at the measurement date. At balance date, the Council reviewed the carrying value of the individual classes of assets measured at fair value to ensure that each asset materially approximated its fair value. Where the carrying value materially differed from the fair value at balance date, the class of asset was revalued.

Fair value valuations are determined in accordance with a valuation hierarchy. Changes to the valuation hierarchy will only occur if an external change in the restrictions or limitations of use of an asset result in changes to the permissible or practical highest and best use of the asset. In addition, Council undertakes a formal revaluation of land, buildings, and infrastructure assets on a regular basis ranging from 2 to 3 years. The valuation is performed either by experienced council officers or independent experts.

Where the assets are revalued, the revaluation increments are credited directly to the asset revaluation reserve except to the extent that an increment reverses a prior year decrement for that class of asset that had been recognised as an expense in which case the increment is recognised as revenue up to the amount of the expense. Revaluation decrements are recognised as an expense except where prior increments are included in the asset revaluation reserve for that class of asset in which case the decrement is taken to the reserve to the extent of the remaining increments. Within the same class of assets, revaluation increments and decrements within the year are offset.

Impairment of assets

At each reporting date, the Council reviews the carrying value of its assets to determine whether there is any indication that these assets have been impaired. If such an indication exists, the recoverable amount of the asset, being the higher of the asset's fair value less costs of disposal and value in use, is compared to the asset's carrying value. Any excess of the asset's carrying value over its recoverable amount is expensed to the comprehensive income statement, unless the asset is carried at the revalued amount in which case, the impairment loss is recognised directly against the revaluation surplus in respect of the same class of asset to the extent that the impairment loss does not exceed the amount in the revaluation surplus for that same class of asset.

8.5 Events occurring after balance date

No matters have occurred after balance date that require disclosure in the financial report.

Note 9 Other matters

	Balance at beginning of reporting period \$'000	Increment (decrement) \$'000	Balance at end of reporting period \$'000
9.1 Reserves			
(a) Asset revaluation reserves			
2022			
Artworks			
Artworks	961	-	961
	961	-	961
Property			
Land	9,765	4,568	14,333
Buildings	26,073	4,621	30,694
	35,838	9,189	45,027
Infrastructure			
Roads	94,710	20,475	115,185
Bridges	18,540	32	18,572
Footpaths and cycleways	5,087	(367)	4,730
Drainage	790	-	790
	119,127	20,160	139,287
Total asset revaluation reserves	155,926	29,339	185,265
2021			
Artworks			
Artworks	961	-	961
	961	-	961
Property			
Land	9,765	-	9,765
Buildings	26,073	-	26,073
	35,838	-	35,838
Infrastructure			
Roads	80,774	13,936	94,710
Bridges	20,193	(1,663)	18,540
Footpaths and cycleways	6,462	(1,375)	5,087
Drainage	790	-	790
	108,219	10,908	119,127
Total asset revaluation reserves	145,016	10,908	155,926

The asset revaluation reserve is used to record the increased (net) value of Council's assets over time.

	Balance at beginning of reporting period \$'000	Transfer from accumulated surplus \$'000	Transfer to accumulated surplus \$'000	Balance at end of reporting period \$'000
(b) Other reserves				
2022				
Capital works and projects	13,767	13,817	(13,767)	13,817
Plant replacement	775	-	(269)	506
Vehicle replacement	344	-	(344)	-
Election costs	37	-	(37)	-
Aerial imaging	8	-	(8)	-
Library	235	-	(235)	-
Defined benefits	361	-	(361)	-
Essential services	195	-	(195)	-
Recreational land	78	22	-	100
Gravel pit restoration	-	10	-	10
Building capital	3,081	2,927	(60)	5,968
Environmental projects	95	-	-	95
Waste management	1,890	275	(647)	1,518
Asset management	165	-	(165)	-
Information technology	597	-	(597)	-
Loan repayment	2,000	-	(2,000)	-
Aerodrome	46	-	(46)	-
Total Other reserves	23,674	17,051	(18,721)	22,004

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2021				
Capital works and projects	8,286	13,767	(8,286)	13,767
Plant replacement	329	446	-	775
Vehicle replacement	465	-	(121)	344
Election costs	105	-	(68)	37
Aerial imaging	8	-	-	8
Library	235	-	-	235
Defined benefits	361	-	-	361
Essential services	195	-	-	195
Recreational land	72	6	-	78
Gravel pit restoration	137	-	(137)	-
Building capital	4,351	78	(1,348)	3,081
Environmental projects	95	-	-	95
Waste management	1,362	528	-	1,890
Asset management	165	-	-	165
Information technology	597	-	-	597
Loan repayment	1,714	286	-	2,000
Aerodrome	46	-	-	46
Total Other reserves	18,523	15,111	(8,960)	23,674

Description of the nature and purpose of each reserve:

Capital works and projects – specific purpose reserve used to fund major capital works projects.
 Plant replacement – specific purpose reserve used to replace major items of plant and equipment.
 Vehicle replacement – specific purpose reserve used to replace vehicles.
 Election costs – specific purpose reserve used to fund election.
 Aerial imaging – specific purpose reserve used to fund aerial imaging costs.
 Library – specific purpose reserve used to fund library upgrade works.
 Defined benefits – specific purpose reserve used to fund defined benefit superannuation calls.
 Essential services – specific purpose reserve used to fund essential services reports and works.
 Recreational land – specific purpose reserve used to fund public open space works.
 Gravel pit restoration – specific purpose reserve used to fund works required to reinstate gravel pits.
 Building capital – specific purpose reserve used to fund major building capital works.
 Environmental projects – specific purpose reserve used to fund innovative environmental projects.
 Waste management – specific purpose reserve used to fund works at waste management facilities.
 Asset management – specific purpose reserve used to fund asset management works.
 Information technology – specific purpose reserve used to fund information technology works.
 Loan repayment – specific purpose reserve used to provide for repayment of loans.
 Aerodrome – specific purpose reserve used to fund works required at the Ararat Aerodrome.

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	2022 \$'000	2021 \$'000
9.2 Reconciliation of cash flows from operating activities to surplus/(deficit)		
Surplus/(deficit) for the year	7,356	6,068
Depreciation	7,907	9,641
(Profit)/loss on disposal of property, infrastructure, plant and equipment	(147)	(136)
Fair value adjustments for investment property	(137)	(47)
Borrowing Costs	54	116
Other	-	(1)
<i>Change in assets and liabilities:</i>		
(Increase)/decrease in trade and other receivables	314	(1,534)
(Increase)/decrease in inventories	5	7
(Increase)/decrease in prepayments	42	(41)
Increase/(decrease) in trade and other payables	237	(76)
Increase/(decrease) in trust funds and deposits	(201)	167
Increase/(decrease) in unearned income	(16)	5,972
Increase/(decrease) in provisions	(277)	(169)
Net cash provided by/(used in) operating activities	16,137	19,947

9.3 Superannuation

Council makes the majority of its employer superannuation contributions in respect of its employees to the Local Authorities Superannuation Fund (the Fund). This Fund has two categories of membership, accumulation and defined benefit, each of which is funded differently. Obligations for contributions to the Fund are recognised as an expense in the Comprehensive Income Statement when they are made or due.

Accumulation

The Fund's accumulation category, Vision MySuperVision Super Saver, receives both employer and employee contributions on a progressive basis. Employer contributions are normally based on a fixed percentage of employee earnings (for the year ended 30 June 2022, this was 10.0% as required under Superannuation Guarantee (SG) legislation (2021: 9.5%)).

Defined Benefit

Council does not use defined benefit accounting for its defined benefit obligations under the Fund's Defined Benefit category. This is because the Fund's Defined Benefit category is a pooled multi-employer sponsored plan.

There is no proportional split of the defined benefit liabilities, assets or costs between the participating employers as the defined benefit obligation is a floating obligation between the participating employers and the only time that the aggregate obligation is allocated to specific employers is when a call is made. As a result, the level of participation of Council in the Fund cannot be measured as a percentage compared with other participating employers. Therefore, the Fund Actuary is unable to allocate benefit liabilities, assets and costs between employers for the purposes of AASB 119.

Funding arrangements

Council makes employer contributions to the Defined Benefit category of the Fund at rates determined by the Trustee on the advice of the Fund Actuary.

As at 30 June 2021, an interim actuarial investigation was conducted and completed by the due date of 31 October 2021.

The vested benefit index (VBI) of the Defined Benefit category of which Council is a contributing employer was 109.8%. The financial assumptions used to calculate the VBI were:

Net investment returns	4.75% pa
Salary information	2.75% pa
Price inflation (CPI)	2.25% pa

As at 30 June 2022, an interim actuarial investigation is underway as the Fund provides lifetime pensions in the Defined Benefit category. It is expected to be completed by 31 October 2022.

Vision Super has advised that the VBI at 30 June 2022 was 102.2%. Council was notified of the 30 June 2022 VBI during August 2022 (2021: August 2021). The financial assumptions used to calculate this VBI were:

Net investment returns	5.5% pa
Salary information	2.5% pa to 30 June 2023, and 3.5% pa thereafter
Price inflation (CPI)	3.0% pa

The VBI is used as the primary funding indicator. Because the VBI was above 100%, the 30 June 2021 actuarial investigation determined the Defined Benefit category was in a satisfactory financial position and that no change was necessary to the Defined Benefit category's funding arrangements from prior years.

Employer contributions

(a) Regular contributions

On the basis of the results of the 2021 interim actuarial investigation conducted by the Fund Actuary, Council makes employer contributions to the Fund's Defined Benefit category at rates determined by the Fund's Trustee. For the year ended 30 June 2022, this rate was 10.0% of members' salaries (9.5% in 2020/21). This rate is expected to increase in line with any increases in the SG contribution rate and was reviewed as part of the 30 June 2020 triennial valuation.

In addition, Council reimburses the Fund to cover the excess of the benefits paid as a consequence of retrenchment above the funded resignation or retirement benefit.

(b) Funding calls

If the Defined Benefit category is in an unsatisfactory financial position at an actuarial investigation or the Defined Benefit category's VBI is below its shortfall limit at any time other than the date of the actuarial investigation, the Defined Benefit category has a shortfall for the purposes of SPS 160 and the Fund is required to put a plan in place so that the shortfall is fully funded within three years of the shortfall occurring. The Fund monitors its VBI on a quarterly basis and the Fund has set its shortfall limit at 97%.

In the event that the Fund Actuary determines that there is a shortfall based on the above requirement, the Fund's participating employers (including Council) are required to make an employer contribution to cover the shortfall.

Using the agreed methodology, the shortfall amount is apportioned between the participating employers based on the pre-1 July 1993 and post-30 June 1993 service liabilities of the Fund's Defined Benefit category, together with the employer's payroll at 30 June 1993 and at the date the shortfall has been calculated.

Due to the nature of the contractual obligations between the participating employers and the Fund, and that the Fund includes lifetime pensioners and their reversionary beneficiaries, it is unlikely that the Fund will be wound up.

If there is a surplus in the Fund, the surplus cannot be returned to the participating employers.

In the event that a participating employer is wound-up, the defined benefit obligations of that employer will be transferred to that employer's successor.

The 2021 interim actuarial investigation surplus amounts

An actuarial investigation is conducted annually for the Defined Benefit category of which Council is a contributing employer. Generally, a full actuarial investigation is conducted every three years and interim actuarial investigations are conducted for each intervening year. An interim investigation was conducted as at 30 June 2021 and the last full investigation was conducted as at 30 June 2020.

The Fund's actuarial investigation identified the following for the Defined Benefit category of which Council is a contributing employer:

	2021 (Interim) \$m	2020 (Triennial) \$m
- A VBI Surplus	214.7	100.0
- A total service liability surplus	270.3	200.0
- A discounted accrued benefits surplus	285.2	217.8

The VBI surplus means that the market value of the fund's assets supporting the defined benefit obligations exceed the vested benefits that the defined benefit members would have been entitled to if they had all exited on 30 June 2021.

The total service liability surplus means that the current value of the assets in the Fund's Defined Benefit category plus expected future contributions exceeds the value of expected future benefits and expenses as at 30 June 2021.

The discounted accrued benefit surplus means that the current value of the assets in the Fund's Defined Benefit category exceeds the value of benefits payable in the future but accrued in respect of service to 30 June 2021.

Council was notified of the 30 June 2021 VBI during August 2021 (2020: August 2020).

The 2022 interim actuarial investigation

An interim actuarial investigation is being conducted for the Fund's position as at 30 June 2022 as the Fund provides lifetime pensions in the Defined Benefit category. It is anticipated that this actuarial investigation will be completed by October 2022.

Superannuation contributions

Contributions by Council (excluding any unfunded liability payments) to the above superannuation plans for the financial year ended 30 June 2022 are detailed below:

Scheme	Type of Scheme	Rate	2022 \$'000	2021 \$'000
Vision super	Defined benefits	10.00%	37	59
Vision super	Accumulation	10.00%	644	682
Other super funds	Accumulation	10.00%	264	244

¹⁰ Change in accounting policy

There have been no changes to accounting policies in the 2021-22 year.

There are no pending accounting standards that are likely to have a material impact on council.

3.2 REVIEW OF GOVERNANCE RULES

RESPONSIBLE OFFICER: CHIEF EXECUTIVE OFFICER
DEPARTMENT: CEO'S OFFICE
REFERENCE: 5921

OFFICER DIRECT OR INDIRECT CONFLICT OF INTEREST:

Officers providing advice to Council must disclose any conflict of interest.

No person involved in the preparation of this report has a conflict of interest requiring disclosure.

EXECUTIVE SUMMARY

The *Local Government Act 2020 (the Act)* requires all Councils in Victoria to adopt and maintain documents to give effect to good governance and transparency principles.

In accordance with *section 60 of the Act*, Council is required to adopt and keep in force Governance Rules.

This report outlines the process for the Governance Rules to be revised in accordance with Council's community engagement policy.

DISCUSSION

Council adopted its Governance Rules on 25 August 2020.

The Governance Rules set out how Council meetings are conducted and how Council decision are made. Council bases its Governance Rules on templates provided by Maddocks Lawyers, which provide a 'standard' form of Governance Rules that are capable of satisfying the requirements of s 60(1) of the Local Government Act 2020.

Amendments to the *Local Government Act 2020* concerning 'attendance' and "remote" meetings will take effect on 2 September 2022. The revised Governance Rules reflects these amendments, such as:

- 1 whether meetings are to be wholly attendance meetings, wholly virtual meetings or partially attendance and partially virtual meetings;
- 2 how, if a meeting is intended to a wholly attendance meeting, a Councillor can request that they attend by electronic means; and
- 3 a decision by Council as to whether it accedes to such a request.

A number of miscellaneous changes have been made to:

- (a) make it clear that the Mayor can only be elected with an absolute majority of votes;
- (b) provide for the acceptance of electronic petitions, joint letters and memorials;
- (c) reflect the repeal of certain provisions in the Local Government Act 1989; and
- (d) adopt more gender neutral language.

Following endorsement by Council of the revised Governance Rules a community engagement process will be undertaken in accordance with section 60(4) of *the Act*.

KEY CONSIDERATIONS

Alignment to Council Plan Strategic Objectives

6. Strong and Effective Governance

Budget Implications

There are no budget implications in relation to the development of the revised Governance Rules.

Policy/Relevant Law

Council must develop, adopt and keep in force Governance Rules in accordance with section 60 of the Act

In accordance with section 60(2) of *the Act* the Governance Rules must provide for Council to:

- (a) consider and make decisions on any matter being considered by the Council fairly and on the merits; and
- (b) institute decision making processes to ensure that any person whose rights will be directly affected by a decision of the Council is entitled to communicate their views and have their interests considered.

A community engagement process will be undertaken in relation to the revised Governance Rules in accordance with section 60(4) of *the Act*.

Sustainability Implications

Environmental, social and economic impacts have been considered in the development of the revised Governance Rules.

Risk Assessment

The development of the revised Governance Rules will ensure that Council meets its legislative requirements.

Innovation and Continuous Improvement

The revised Governance Rules meet the requirements of *the Act*.

Stakeholder Collaboration and Community Engagement

The Chief Executive Officer and Councillors discussed the revised Governance Rules at the briefing held 6 September 2022.

Consultation with Maddocks Lawyers in relation to provision of a standard form template Governance Rules.

RECOMMENDATION

That Council:

- 1 *Endorse the revised Governance Rules for public comment;*
- 2 *Commence a community engagement process for the revised Governance Rules; and*
- 3 *Consider the revised Governance Rules at the 27 September 2022 Council Meeting.*

MOVED CR SANDERS

SECONDED CR BURRIDGE

That Council:

- 1 Endorse the revised Governance Rules for public comment;
- 2 Commence a community engagement process for the revised Governance Rules; and
- 3 Consider the revised Governance Rules at the 25 October 2022 Council Meeting.

CARRIED 4701/22

ATTACHMENT

Revised Governance Rules are provided as Attachment 3.2



Governance Rules

DOCUMENT CONTROL

Category Type: Policy
Type: Council
Responsible Officer: Governance and Administration Coordinator

Last Review Date: [N/A 25 August 2020](#)
Date Approved: [25 August 2020 TBC](#)
Next Review Date: July 2024

Revision No: [1New](#)

Stakeholder Engagement:
Councillors
Chief Executive Officer
Community members

Governance Rules



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Governance Rules



Introduction

1. **Nature of Rules**
These are the Governance Rules of Ararat Rural City Council, made in accordance with section 60 of the Local Government Act 2020.

2. **Date of Commencement**
These Governance Rules commence on [TBC1-September-2020](#).

3. **Contents**
These Governance Rules are divided into the following Chapters:

Chapter	Name
Chapter 1	Governance Framework
Chapter 2	Meeting Procedure for Council Meetings
Chapter 3	Meeting Procedure for Delegated Committees
Chapter 4	Meeting Procedure for Community Asset Committees
Chapter 5	Disclosure of Conflicts of Interest
Chapter 6	Miscellaneous
Chapter 7	Election Period Policy

4. **Definitions**
In these Governance Rules, unless the context suggests otherwise the following words and phrases mean:

Act means the *Local Government Act 2020*.

[attend, attending and in attendance include attend, attending or in attendance by electronic means.](#)

Chief Executive Officer includes an Acting Chief Executive Officer.

Community Asset Committee means a Community Asset Committee established under section 65 of the Act.

Council means Ararat Rural City Council.

Council meeting has the same meaning as in the Act.

Delegated Committee means a Delegated Committee established under section 63 of the Act.

Mayor means the Mayor of Council.

these Rules means these Governance Rules.

Governance Rules



Chapter 1 – Governance Framework

1. Context

- These Rules should be read in the context of and in conjunction with:
- (a) the overarching governance principles specified in section 9(2) of the Act; and
 - (b) the following documents adopted or approved by Council:
 - i. Council Plan; and
 - ii. [Councillor Code of Conduct](#)
 - iii. [Public Transparency Policy](#)
 - iv. [Community Engagement Policy](#)

2. Decision Making

- (a) In any matter in which a decision must be made by *Council* (including persons acting with the delegated authority of *Council*), *Council* must consider the matter and make a decision:
 - i. fairly, by giving consideration and making a decision which is balanced, ethical and impartial; and
 - ii. on the merits, free from favouritism or self-interest and without regard to irrelevant or unauthorised considerations
- (b) *Council* must, when making any decision to which the principles of natural justice apply, adhere to the principles of natural justice (including, without limitation, ensuring that any person whose rights will be directly affected by a decision of *Council* is entitled to communicate their views and have their interests considered).
- (c) Without limiting anything in paragraph (b) of this sub-Rule:
 - i. before making a decision that will directly affect the rights of a person, *Council* (including any person acting with the delegated authority of *Council*) must identify the person or persons whose rights will be directly affected, give notice of the decision which *Council* must make and ensure that such person or persons have an opportunity to communicate their views and have their interests considered before the decision is made;
 - ii. if a report to be considered at a *Council meeting* concerns subject-matter which will directly affect the rights of a person or persons, the Report must record whether the person has or persons have been provided with an opportunity to communicate their views and have their interests considered;
 - iii. if a report to be considered at a *Delegated Committee* meeting concerns subject-matter which will directly affect the rights of a person or persons, the Report must record whether the person has or persons have been provided with an opportunity to communicate their views and have their interests considered; and
 - iv. if a member of *Council* staff proposes to make a decision under delegation and that decision will directly affect the rights of a person or persons, the member of *Council* staff must, when making that decision, complete a Delegate Report that records that notice of the decision to be made was given to the person or persons and such person or persons were provided with an opportunity to communicate their views and their interests considered.

Governance Rules



Chapter 2 – Meeting Procedure for Council Meetings

Part A – Introduction

1. **Title**
This Chapter will be known as the "Meeting Procedure Chapter".
2. **Purpose of this Chapter**
The purpose of this Chapter is to:
 - 2.1 provide for the election of the Mayor and any Deputy Mayor;
 - 2.2 provide for the appointment of any Acting Mayor; and
 - 2.3 provide for the procedures governing the conduct of Council meetings.
3. **Definitions and Notes**
 - 3.1 In this Chapter:
 - "*agenda*" means the notice of a meeting setting out the business to be transacted at the meeting;
 - "*Chair*" means the Chairperson of a meeting and includes a Councillor who is appointed by resolution to chair a meeting under section 61(3) of the *Act*;
 - "*minute book*" means the collective record of proceedings of *Council*;
 - "*municipal district*" means the municipal district of *Council*;
 - "*notice of motion*" means a notice setting out the text of a motion, which it is proposed to move at the next relevant meeting;
 - "*notice of rescission*" means a notice of motion to rescind a resolution made by *Council*; and
 - "*written*" includes duplicated, lithographed, photocopied, printed and typed, and extends to both hard copy and soft copy form, and *writing* has a corresponding meaning.
 - 3.2 Introductions to Parts, headings and notes are explanatory notes and do not form part of this Chapter. They are provided to assist understanding.

Governance Rules



Part B – Election of Mayor

Introduction

This Part is concerned with the annual election of the Mayor. It describes how the Mayor is to be elected.

4. Election of the Mayor

The Chief Executive Officer must facilitate the election of the Mayor in accordance with the provisions of the Act.

5. Method of Voting

The election of the Mayor must be carried out by a show of hands or such other visual or audible means as the Chief Executive Officer determines.

6. Determining the Election of the Mayor

6.1 The Chief Executive Officer must open the meeting at which the Mayor is to be elected and invite nominations for the office of Mayor.

6.2 Any nominations for the office of Mayor must be: in writing and in a form prescribed by the Chief Executive Officer; and seconded by another Councillor.

~~6.3 Once nominations for the office of Mayor have been received, the following provisions will govern the election of the Mayor:~~

~~6.3.1 if there is only one nomination, the candidate nominated must be declared to be duly elected;~~

~~6.3.2 if there is more than one nomination, the Councillors present at the meeting must vote for one of the candidates;~~

~~6.3.3 in the event of a candidate receiving an absolute majority of the votes, that candidate is declared to have been elected;~~

~~6.3.4 in the event that no candidate receives an absolute majority of the votes, and it is not resolved to conduct a new election at a later date and time, the candidate with the fewest number of votes must be declared to be a defeated candidate. The Councillors present at the meeting must then vote for one of the remaining candidates;~~

~~6.3.5 if one of the remaining candidates receives an absolute majority of the votes, he or she is duly elected. If none of the remaining candidates receives an absolute majority of the votes, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates must be repeated until one of the candidates receives an absolute majority of the votes. That candidate must then be declared to have been duly elected;~~

~~6.3.6 in the event of two or more candidates having an equality of votes and one of them having to be declared:~~
a) a defeated candidate; and
b) duly elected
~~the declaration will be determined by lot.~~

~~6.3.7 if a lot is conducted, the Chief Executive Officer will have the conduct of the lot and the following provisions will apply:~~

~~a) each candidate will draw one lot;~~

~~b) the order of drawing lots will be determined by the alphabetical order of the surnames of the Councillors who received an equal number of votes except that if two or more such Councillors' surnames are identical, the order will be determined by the~~

Governance Rules



~~alphabetical order of the Councillors' first names; and
e) as many identical pieces of paper as there are Councillors who received an equal number of votes must be placed in a receptacle. If the lot is being conducted to determine who is a defeated candidate, the word "Defeated" shall be written on one of the pieces of paper, and the Councillor who draws the paper with the word "Defeated" written on it must be declared the defeated candidate (in which event a further vote must be taken on the remaining candidates unless there is only one candidate remaining, in which case that candidate will be declared to have been duly elected).~~

Single Nomination

6.4 If there is only one nomination, the candidate nominated must be declared to be duly elected.

Multiple Nominations and Candidate Elected On First Vote

6.5 If there is more than one nomination, the Councillors in attendance at the meeting must vote for one of the candidates.

6.6 In the event of a candidate receiving the votes of an absolute majority of Councillors, that candidate is declared to have been elected.

Three or More Nominations and No Candidate Obtaining Absolute Majority On First Vote

6.7 In the event that:

6.7.1 there are three or more candidates;

6.7.2 no candidate receives the votes of an absolute majority of Councillors; and

6.7.3 it is not resolved to conduct a new election at a later date and time,

the candidate with the fewest number of votes must be declared to be a defeated candidate. The Councillors in attendance at the meeting will then vote for one of the remaining candidates.

6.8 If one of the remaining candidates receives the votes of an absolute majority of Councillors, that candidate is duly elected. If none of the remaining candidates receives the votes of an absolute majority of Councillors and it is not resolved to conduct a new election at a later day and time, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates must be repeated until one of the candidates receives the

votes of an absolute majority of Councillors. That candidate must then be declared to have been duly elected. 6.9 For the purposes of sub-Rules 6.7 and 6.8 if no candidate can be determined to have the fewest number of votes due to two or more candidates having an equality of votes then the candidate who is to be declared a defeated candidate will be determined by lot.

6.10 If a lot is conducted, the Chief Executive Officer will have the conduct of the lot and the following provisions will apply:

Governance Rules



6.10.1 each candidate who has an equal number of votes with another candidate or candidates will draw one lot;

6.10.2 the order of drawing lots will be determined by the alphabetical order of the surnames of the Councillors who received an equal number of votes except that if two or more such Councillors' surnames are identical, the order will be determined by the alphabetical order of the Councillors' first names; and

6.10.3 as many identical pieces of paper as there are Councillors who received an equal number of votes must be placed in a receptacle. If the lot is being conducted to determine who is a defeated candidate, the word "Defeated" shall be written on one of the pieces of paper, and the Councillor who draws the paper with the word "Defeated" written on it must be declared the defeated candidate (in which event a further vote must be taken on the remaining candidates until one of those candidates receives the votes of an absolute majority of Councillors).

Two Nominations or Two Remaining Candidates and No Candidate Obtaining An Absolute Majority On First Vote

6.11 In the event of two candidates being nominated or remaining, and neither candidate receiving the votes of an absolute majority of Councillors, the Councillors in attendance at the meeting will consider whether to resolve to conduct a new election at a later date and time.

6.12 If:

6.12.1 it is resolved to conduct a new election at a later date and time a new election will take place at on the date and at the time resolved upon. In that event the provisions of this Rule 6 will continue to govern the election of the Mayor, and ultimately any candidate whose nomination is the sole nomination or any candidate who receives the votes of an absolute majority of Councillors will be declared duly elected; and

6.12.2 it is not resolved to conduct a new election at a later date and time Councillors must continue to vote until one of the candidates receives the votes of an absolute majority of Councillors, at which point that candidate will be declared duly elected. If, after two or more further votes are taken neither candidate receives the votes of an absolute majority of Councillors, the provisions of sub-Rule 6.11 and this sub-Rule 6.12 must again be followed.

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7. Election of Deputy Mayor and Chairs of Delegated Committees

Any election for:

7.1 any office of Deputy Mayor; or

7.2 Chair of a Delegated Committee

will be regulated by Rules 4-6 (inclusive) of this Chapter, as if the reference to the:

7.3 Chief Executive Officer is a reference to the Mayor; and

7.4 Mayor is a reference to the Deputy Mayor or the Chair of the Delegated Committee (as the case may be).

Governance Rules



8. Appointment of Acting Mayor

If Council has not established an office of Deputy Mayor and it becomes required to appoint an Acting Mayor, it can do so by:

- 8.1 resolving that a specified Councillor be so appointed; or
- 8.2 following the procedure set out in Rules 5 and 6 (inclusive) of this Chapter, at its discretion.

Governance Rules



Part C – Meetings Procedure

Introduction

This Part is divided into a number of Divisions. Each Division addresses a distinct aspect of the holding of a meeting. Collectively, the Divisions describe how and when a meeting is convened, when and how business may be transacted at a meeting.

Division 1 – Notices of Meetings and Delivery of Agendas

9. Dates and Times of Meetings Fixed by Council

Subject to Rule 11, Council must from time to time fix the date, time and place of all Council meetings.

10. Council May Alter Meeting Dates

Council may change the date, time and place of any Council meeting which has been fixed by it and must provide reasonable notice of the change to the public.

11. Meetings Not Fixed by Council (Unscheduled or Special Meetings)

- 11.1 A Council Meeting may be called by:
- 11.1.1 the Chief Executive Officer; or
 - 11.1.2 written notice by the Mayor or at least 3 Councillors.

11.2 The notice submitted under sub-Rule 11.1.2 must specify the date and time of the Council meeting and the business to be transacted.

11.3 The Chief Executive Officer must convene the Council meeting as specified in the notice submitted under sub-Rule 11.1.2.

11.4 Unless all Councillors are present in attendance and unanimously agree to deal with any other matter, only the business specified in the written notice submitted under sub-Rule 11.1.2 can be transacted at the Council meeting.

12. Notice of Meeting

12.1 A notice of meeting, incorporating or accompanied by an agenda of the business to be dealt with, must be delivered or sent electronically to every Councillor for all Council meetings at least 48 hours before the meeting.

12.2 Notwithstanding sub-Rule 12.1, a notice of meeting need not be delivered or sent electronically to any Councillor who has been granted leave of absence unless the Councillor has requested the Chief Executive Officer in writing to continue to give notice of any meeting during the period of his or her their absence.

12.3 Reasonable notice of each Council meeting must be provided to the public. Council may do this:

12.3.1 for meetings which it has fixed by preparing a schedule of meetings annually, twice yearly or from time to time, and arranging publication of such schedule in a newspaper generally circulating in the municipal district either at various times throughout the year, or prior to each such Council meeting; and

12.3.2 for any meeting by giving notice on its website and in at least one newspaper generally circulated in the municipal district:

- a) in each of its Customer Service Centres; and/or
- b) in at least one newspaper generally circulating in the municipal

Governance Rules



|

~~district.~~

13. **Audio/Visual Recording of Meetings**
A person, including any representative of the media, must obtain the prior approval of the *Chief Executive Officer* to record any Council meeting by electronic means.

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Division 2 – Quorums

- 14. Inability to Obtain a Quorum**
If after 30 minutes from the scheduled starting time of any *Council meeting*, a quorum cannot be obtained:
- 14.1 the meeting will be deemed to have lapsed;
 - 14.2 the *Mayor* must convene another *Council meeting*, the *agenda* for which will be identical to the *agenda* for the lapsed meeting; and
 - 14.3 the *Chief Executive Officer* must give all Councillors *written* notice of the meeting convened by the *Mayor*.
- 15. Inability to Maintain a Quorum**
- 15.1 If during any *Council meeting*, a quorum cannot be maintained then Rule 14 will apply as if the reference to the meeting is a reference to so much of the meeting as remains.
 - 15.2 Sub-Rule 15.1 does not apply if the inability to maintain a quorum is because of the number of Councillors who have a conflict of interest in the matter to be considered.
- 16. Adjourned Meetings**
- 16.1 *Council* may adjourn any meeting to another date or time but cannot in the absence of disorder or a threat to the safety of any Councillor or member of Council staff adjourn a meeting in session to another place.
 - 16.2 The *Chief Executive Officer* must give *written* notice to each Councillor of the date, time and place to which the meeting stands adjourned and of the business remaining to be considered.
 - 16.3 If it is impracticable for the notice given under sub-Rule 16.2 to be in *writing*, the *Chief Executive Officer* must give notice to each Councillor by telephone or in person.
- 17. Time Limits for Meetings**
- 17.1 A *Council meeting* must not continue after 3 hours from the time it commenced unless a majority of Councillors [present-who are in attendance](#) vote in favour of it continuing.
 - 17.2 A meeting cannot be continued for more than 30 minutes (or a further 30 minutes, if a majority of Councillors has already voted to continue it for 30 minutes).
 - 17.3 In the absence of such continuance, the meeting must stand adjourned to a time, date and place announced by the *Chair* immediately prior to the meeting standing adjourned. In that event, the provisions of sub-Rules 16.2 and 16.3 apply.
- 18. Cancellation or Postponement of a Meeting**
- 18.1 The *Chief Executive Officer* may, in the case of an emergency necessitating the cancellation or postponement of a Council meeting, cancel or postpone a *Council meeting*.
 - 18.2 The *Chief Executive Officer* must present to the immediately following *Council meeting* a *written* report on any exercise of the power conferred by sub-Rule 18.1.

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Division 3 – Business of Meetings

19. **Agenda and the Order of Business**
The agenda for and the order of business for a *Council meeting* is to be determined by the *Chief Executive Officer* so as to facilitate and maintain open, efficient and effective processes of government.
20. **Change to Order of Business**
Once an *agenda* has been sent to Councillors, the order of business for that *Council meeting* may be altered with the consent of *Council*.
21. **Urgent Business**
If the agenda for a *Council meeting* makes provision for urgent business, business cannot be admitted as urgent business other than by resolution of *Council* and only then if it:
- 21.1 relates to or arises out of a matter which has arisen since distribution of the *agenda*; and
 - 21.2 cannot safely or conveniently be deferred until the next *Council meeting*.

Division 4 – Motions and Debate

22. **Councillors May Propose Notices of Motion**
Councillors may ensure that an issue is listed on an agenda by lodging a *Notice of Motion*.
23. **Notice of Motion**
- 23.1 A *notice of motion* must be in writing signed by a Councillor, and be lodged with or sent to the *Chief Executive Officer* no later than 12.00pm (noon) and at least six (6) days prior to the Council Meeting to allow sufficient time for the *Chief Executive Officer* to include the *notice of motion* in agenda papers for a *Council meeting*.
 - 23.2 The *Chief Executive Officer* may reject any *notice of motion* which:
 - 23.2.1 is vague or unclear in intention;
 - 23.2.2 is defamatory or objectionable in nature;
 - 23.2.3 it is beyond *Council's* power to pass; or
 - 23.2.4 if passed would result in *Council* otherwise acting invalidly but must:
 - 23.2.5 give the Councillor who lodged it an opportunity to amend it prior to rejection, if it is practicable to do so; and
 - 23.2.6 notify in *writing* the Councillor who lodged it of the rejection and reasons for the rejection.
 - 23.3 The full text of any *notice of motion* accepted by the *Chief Executive Officer* must be included in the agenda.
 - 23.4 The *Chief Executive Officer* must cause all notices of motion to be numbered, dated and entered in the notice of motion register in the order in which they were received.
 - 23.5 Except by leave of *Council*, each *notice of motion* before any meeting must be considered in the order in which they were entered in the notice of motion register.
 - 23.6 If a Councillor who has given a *notice of motion* is absent from the meeting or fails to move the motion when called upon by the *Chair*, any other Councillor may move the motion.
 - 23.7 If a *notice of motion* is not moved at the *Council meeting* at which it is listed, it lapses.

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- 24. Chair's Duty**
Any motion which is determined by the *Chair* to be:
- 24.1 defamatory;
 - 24.2 objectionable in language or nature;
 - 24.3 vague or unclear in intention;
 - 24.4 outside the powers of *Council*; or
 - 24.5 irrelevant to the item of business on the *agenda* and has not been admitted as urgent, or purports to be an amendment but is not,
- must not be accepted by the *Chair*.
- 25. Introducing a Report**
- 25.1 Before a *written* report is considered by *Council* and any motion moved in relation to such report, a member of Council staff may introduce the report by indicating in not more than 2 minutes:
 - 25.1.1 its background; or
 - 25.1.2 the reasons for any recommendation which appears.
 - 25.2 Unless *Council* resolves otherwise, a member of Council staff need not read any written report to *Council* in full.
- 26. Introducing a Motion or an Amendment**
The procedure for moving any motion or amendment is:
- 26.1 the mover must state the motion without speaking to it;
 - 26.2 the motion must be seconded and the seconder must be a Councillor other than the mover. If a motion is not seconded, the motion lapses for want of a seconder;
 - 26.3 if a motion or an amendment is moved and seconded the *Chair* must ask: "Is the motion or amendment opposed? Does any Councillor wish to speak to the motion or amendment?"
 - 26.4 if no Councillor indicates opposition or a desire to speak to it, the *Chair* may declare the motion or amendment carried without discussion;
 - 26.5 if a Councillor indicates opposition or a desire to speak to it, then the *Chair* must call on the mover to address the meeting;
 - 26.6 after the mover has addressed the meeting, the seconder may address the meeting;
 - 26.7 after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting,) the *Chair* must invite debate by calling on any Councillor who wishes to speak to the motion, ~~providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion;~~ and
 - 26.8 if, after the mover has addressed the meeting, the *Chair* has invited debate and no Councillor speaks to the motion, then the *Chair* must put the motion to the vote.
- 27. Right of Reply**
- 27.1 The mover of a motion, including an amendment, has a right of reply to matters

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- raised during debate.
- 27.2 After the right of reply has been taken but subject to any Councillor exercising ~~his or her~~ their right to ask any question concerning or arising out of the motion, the motion must immediately be put to the vote without any further discussion or debate.
- 28. Moving an Amendment**
- 28.1 Subject to sub-Rule 28.2 a motion which has been moved and seconded may be amended by leaving out or adding words. Any added words must be relevant to the subject of the motion.
- 28.2 A motion to confirm a previous resolution of *Council* cannot be amended.
- 28.3 An amendment must not be directly opposite to the motion.
- 29. Who May Propose an Amendment**
- 29.1 An amendment may be proposed or seconded by any Councillor, except the mover or seconder of the original motion.
- 29.2 Any one Councillor cannot move more than two amendments in succession.
- 30. How Many Amendments May be Proposed**
- 30.1 Any number of amendments may be proposed to a motion but only one amendment may be accepted by the *Chair* at any one time.
- 30.2 No second or subsequent amendment, whether to the motion or an amendment of it, may be taken into consideration until the previous amendment has been dealt with.
- 31. An Amendment Once Carried**
- 31.1 If the amendment is carried, the motion as amended then becomes the motion before the meeting, and the amended motion must then be put.
- 31.2 The mover of the original motion retains the right of reply to that motion.
- 32. Foreshadowing Motions**
- 32.1 At any time during debate a Councillor may foreshadow a motion so as to inform *Council* of ~~his or her~~ their intention to move a motion at a later stage in the meeting, but this does not extend any special right to the foreshadowed motion.
- 32.2 A motion foreshadowed may be prefaced with a statement that in the event of a particular motion before the *Chair* being resolved in a certain way, a Councillor intends to move an alternative or additional motion.
- 32.3 The *Chief Executive Officer* or person taking the minutes of the meeting is not expected to record foreshadowed motions in the minutes until the foreshadowed motion is formally moved.
- 32.4 The *Chair* is not obliged to accept foreshadowed motions.
- 33. Withdrawal of Motions**
- 33.1 Before any motion is put to the vote, it may be withdrawn by the mover and seconder with the leave of *Council*.
- 33.2 If the majority of Councillors objects to the withdrawal of the motion, it may not be withdrawn.

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34. **Separation of Motions**
Where a motion contains more than one part, a Councillor may request the *Chair* to put the motion to the vote in separate parts.
35. **Chair May Separate Motions**
The *Chair* may decide to put any motion to the vote in several parts.
36. **Priority of Address**
In the case of competition for the right of speak, the *Chair* must decide the order in which the Councillors concerned will be heard.
37. **Motions in Writing**
37.1 The *Chair* may require that a complex or detailed motion be in writing.
37.2 *Council* may adjourn the meeting while the motion is being *written* or *Council* may defer the matter until the motion has been *written*, allowing the meeting to proceed uninterrupted.
38. **Repeating Motion and/or Amendment**
The *Chair* may request the person taking the minutes of the *Council meeting* to read the motion or amendment to the meeting before the vote is taken.
39. **Debate Must be Relevant to the Motion**
39.1 Debate must always be relevant to the motion before the *Chair*, and, if not, the *Chair* must request the speaker to confine debate to the motion.
39.2 If after being requested to confine debate to the motion before the *Chair*, the speaker continues to debate irrelevant matters, the *Chair* may direct the speaker to be seated and not speak further in respect of the motion then before the *Chair*.
39.3 A speaker to whom a direction has been given under sub-Rule 39.2 must comply with that direction.
40. **Speaking Times**
A Councillor must not speak longer than the time set out below, unless granted an extension by the *Chair*.
40.1 the mover of a motion or an amendment which has been opposed: 5 minutes;
40.2 any other Councillor: 3 minutes; and
40.3 the mover of a motion exercising a right of reply: 2 minutes.
41. **Addressing the Meeting**
If the *Chair* so determines:
41.1 any person addressing the *Chair* must refer to the *Chair* as:
41.1.1 **Madam Mayor**; or
41.1.2 **Mr Mayor**; or
41.1.3 **Madam Chair**; or
41.1.4 **Mr Chair**
as the case may be;
41.2 all Councillors, other than the *Mayor*, must be addressed as

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Cr _____ (name).

41.3 all members of Council staff, must be addressed as

Mr or Ms _____ (name) as appropriate or by their official title.

42. Right to Ask Questions

42.1 A Councillor may, when no other Councillor is speaking, ask any question concerning or arising out of the motion or amendment before the Chair.

42.2 The *Chair* has the right to limit questions and direct that debate be commenced or resumed.

Division 5 – Procedural Motions

43. Procedural Motions

43.1 Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the *Chair*.

43.2 Procedural motions require a seconder.

43.3 Notwithstanding any other provision in this Chapter, procedural motions must be dealt with in accordance with the following table:

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Procedural Motions Table

Procedural Motion	Form	Mover & Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
1. Adjournment of debate to later hour and/or date	That this matter be adjourned to *am/pm	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	(a) During the election of a <i>Chair</i> ; (b) When another Councillor is speaking	Motion and <u>any</u> amendment is postponed to the stated time and/or date	Debate continues unaffected	Yes
2. Adjournment of debate indefinitely	and/or *date	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	(a) During the election of a <i>Chair</i> ; (b) When another Councillor is speaking; or (c) When the motion would have the effect of causing <i>Council</i> to be in breach of a legislative requirement	Motion and any amendment postponed but may be resumed at any later meeting if on the agenda	Debate continues unaffected	Yes
3. The closure	That this matter be adjourned until further notice	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	During nominations for <i>Chair</i>	Motion or amendment in respect of which the closure is carried is put to the vote immediately without debate of this motion, subject to any Councillor exercising <u>his</u> or her <u>their</u> right to ask any question concerning or arising out of the motion	Debate continues unaffected	No

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Division 6 – Rescission Motions

44. Notice of Rescission

- 44.1 A Councillor may propose a *notice of rescission* provided:
- 44.1.1 the resolution proposed to be rescinded has not been acted on; and
 - 44.1.2 the *notice of rescission* is delivered to the *Chief Executive Officer* within 24 hours of the resolution having been made setting out -
 - (a) the resolution to be rescinded; and
 - (b) the meeting and date when the resolution was carried.

It should be remembered that a notice of rescission is a form of notice of motion.

Accordingly, all provisions in this Chapter regulating notices of motion equally apply to notices of rescission.

- 44.2 A resolution will be deemed to have been acted on if:
- 44.2.1 its contents have or substance has been communicated in *writing* to a person whose interests are materially affected by it; or
 - 44.2.2 a statutory process has been commenced so as to vest enforceable rights in or obligations on *Council* or any other person.
- 44.3 The *Chief Executive Officer* or an appropriate member of Council staff must defer implementing a resolution which:
- 44.3.1 has not been acted on; and
 - 44.3.2 is the subject of a *notice of rescission* which has been delivered to the *Chief Executive Officer* in accordance with sub-Rule 44.1.2,
- unless deferring implementation of the resolution would have the effect of depriving the resolution of efficacy

By way of example, assume that, on a Monday evening, Council resolves to have legal representation at a planning appeal to be heard on the following Monday. Assume also that, immediately after that resolution is made, a Councillor lodges a notice of motion to rescind that resolution. Finally, assume that the notice of rescission would not be dealt with until the next Monday evening (being the evening of the day on which the planning appeal is to be heard).

In these circumstances, deferring implementation of the resolution would have the effect of depriving the resolution of efficacy. This is because the notice of rescission would not be debated until after the very thing contemplated by the resolution had come and gone. In other words, by the time the notice of rescission was dealt with the opportunity for legal representation at the planning appeal would have been lost.

Sub-Rule 44.3 would, in such circumstances, justify the Chief Executive Officer or an appropriate member of Council staff actioning the resolution rather than deferring implementation of it.

45. **If Lost**
If a motion for rescission is lost, a similar motion may not be put before *Council* for at least three months from the date it was last lost, unless *Council* resolves that the *notice of motion* be re-listed at a future meeting.
46. **If Not Moved**
If a motion for rescission is not moved at the meeting at which it is listed, it lapses.
47. **May be Moved by any Councillor**
A motion for rescission listed on an agenda may be moved by any Councillor [present-in attendance](#) but may not be amended.

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48. When Not Required

- 48.1 Unless sub-Rule 48.2 applies, a motion for rescission is not required where *Council* wishes to change policy.
- 48.2 The following standards apply if *Council* wishes to change policy:
- 48.2.1 if the policy has been in force in its original or amended form for less than 12 months, a *notice of rescission* must be presented to *Council*; and
- 48.2.2 any intention to change a *Council* policy, which may result in a significant impact on any person, should be communicated to those affected and this may include publication and consultation, either formally or informally.

Division 7 – Points of Order

49. Chair to Decide

The *Chair* must decide all points of order by stating the provision, rule, practice or precedent which ~~he or she considers~~they consider applicable to the point raised without entering into any discussion or comment.

50. Chair May Adjourn to Consider

- 50.1 The *Chair* may adjourn the meeting to consider a point of order but otherwise must rule on it as soon as it is raised.
- 50.2 All other questions before the meeting are suspended until the point of order is decided.

51. Dissent from Chair's Ruling

- 51.1 A Councillor may move that the meeting disagree with the *Chair's* ruling on a point of order, by moving:
"That the *Chair's* ruling [setting out that ruling or part of that ruling] be dissented from".
- 51.2 When a motion in accordance with this Rule is moved and seconded, the *Chair* must leave the Chair and the Deputy Mayor (or, if there is no Deputy Mayor or the Deputy Mayor is not present in attendance, temporary *Chair* elected by the meeting) must take ~~his or her~~their place.
- 51.3 The Deputy Mayor or temporary *Chair* must invite the mover to state the reasons for ~~his or her~~their dissent and the *Chair* may then reply.
- 51.4 The Deputy Mayor or temporary *Chair* must put the motion in the following form:
"That the *Chair's* ruling be dissented from."
- 51.5 If the vote is in the negative, the *Chair* resumes the Chair and the meeting proceeds.
- 51.6 If the vote is in the affirmative, the *Chair* must then resume the Chair, reverse or vary (as the case may be) ~~his or her~~their previous ruling and proceed.
- 51.7 The defeat of the *Chair's* ruling is in no way a motion of censure or non- confidence in the *Chair* and should not be so regarded by the meeting.

52. Procedure for Point of Order

A Councillor raising a point of order must:

- 52.1 state the point of order; and

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52.2 state any section, Rule, paragraph or provision relevant to the point of order before resuming ~~his or her~~their seat.

53. Valid Points of Order

A point of order may be raised in relation to:

- 53.1 a motion, which, under Rule 24, or a question which, under Rule 54, should not be accepted by the *Chair*;
- 53.2 a question of procedure; or
- 53.3 any act of disorder.

Rising to express a difference of opinion or to contradict a speaker is not a point of order.

Division 8 – Public Question Time

54. Question Time

- 54.1 There must be a public question time at every *Council meeting* fixed under Rule 9 to enable members of the public to submit questions to *Council*.
- 54.2 Sub-Rule 54.1 does not apply during any period when a meeting is closed to members of the public in accordance with section 66(2) of the *Act*.
- 54.3 Public question time will not exceed 15 minutes in duration.
- 54.4 Questions submitted to *Council* must be:
 - 54.4.1 in *writing*, state the name and address of the person submitting the question and be in a form approved or permitted by *Council*; and
 - 54.4.2 placed in the receptacle designated for the purpose at the place of the meeting prior to the commencement of the *Council* meeting or be lodged electronically at the ~~prescribed~~designated email address prior to 5pm on the day of the *Council meeting*.
- 54.5 A time limit of 3 minutes per presenter will apply.
- 54.6 No person may submit more than two questions at any one meeting.
- 54.7 If a person has submitted two questions to a meeting, the second question:
 - 54.7.1 may, at the discretion of the *Chair*, be deferred until all other persons who have asked a question have had their questions asked and answered; or
 - 54.7.2 may not be asked if the time allotted for public question time has expired.
- 54.8 The *Chair* or a member of Council staff nominated by the *Chair* may read to those ~~present in attendance~~at the meeting a question which has been submitted in accordance with this Rule.
- 54.9 Notwithstanding sub-Rule 54.7, the *Chair* may refrain from reading a question or having a question read if the person who submitted the question is not ~~present in the gallery~~attendance at the time when the question is due to be read.
- 54.10 A question may be disallowed by the *Chair* if the *Chair* determines that it:

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- 54.10.1 relates to a matter outside the duties, functions and powers of *Council*;
 - 54.10.2 is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
 - 54.10.3 deals with a subject matter already answered;
 - 54.10.4 is aimed at embarrassing a Councillor or a member of Council staff;
 - 54.10.5 relates to personnel matters;
 - 54.10.6 relates to the personal hardship of any resident or ratepayer;
 - 54.10.7 relates to industrial matters;
 - 54.10.8 relates to contractual matters;
 - 54.10.9 relates to proposed developments;
 - 54.10.10 relates to legal advice;
 - 54.10.11 relates to matters affecting the security of *Council* property; or
 - 54.10.12 relates to any other matter which *Council* considers would prejudice *Council* or any person.
- 54.11 Any question which has been disallowed by the *Chair* must be made available to any other Councillor upon request.
- 54.12 All questions and answers must be as brief as possible, and no discussion may be allowed other than by *Councillors* for the purposes of clarification.
- 54.13 Like questions may be grouped together and a single answer provided.
- 54.14 The *Chair* may nominate a Councillor or the *Chief Executive Officer* to respond to a question.
- 54.15 A Councillor or the *Chief Executive Officer* may require a question to be put on notice. If a question is put on notice, a written copy of the answer will be sent to the person who asked the question.
- 54.16 A Councillor or the *Chief Executive Officer* may advise *Council* that it is ~~his or her~~*their* opinion that the reply to a question should be given in a meeting closed to members of the public. The Councillor or *Chief Executive Officer* (as the case may be) must state briefly the reason why the reply should be so given and, unless *Council* resolves to the contrary, the reply to such question must be so given.

Division 9 – Petitions and Joint Letters

55. Petitions and Joint Letters

- 55.1 Unless *Council* determines to consider it as an item of urgent business, no motion (other than a motion to receive the same) may be made on any petition, joint letter, memorial or other like application until the next fixed Council meeting after that at which it has been presented.
- 55.2 It is incumbent on every Councillor presenting a petition or joint letter to acquaint ~~himself or herself~~*themselves* with the contents of that petition or joint letter, and to ascertain that it does not contain language ~~which is~~ disrespectful ~~towards~~ *Council*.
- 55.3 Every Councillor presenting a petition or joint letter to *Council* must:
 - 55.3.1 write or otherwise record ~~his or her~~*their* name at the beginning of the petition or joint letter; and
 - 55.3.2 confine ~~himself or herself~~*themselves* to a statement of the persons from whom it comes, the number of signatories to it, the material matters expressed in it and the text of the prayer or request.

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- 55.4 Every petition or joint letter presented to *Council* must be in *writing* (other than pencil), ~~typing or printing~~ contain the request of the petitioners or signatories and be signed by at least 12 people.
- 55.5 Every petition or joint letter must be signed by the persons whose names are appended to it by their names or marks, and, except in cases of incapacity or sickness, by no one else and the address of every petitioner or signatory must be clearly stated.
- 55.6 Any signature appearing on a page which does not bear the text of the whole of the petition or request may not be considered by *Council*.
- 55.7 Every page of a hard copy petition or joint letter must be a single page of paper and not be posted, stapled, pinned or otherwise affixed or attached to any piece of paper other than another page of the petition or joint letter.
- 55.8 Electronic or online petitions, joint letters, memorials or like applications must contain the name and email address of each petitioner or signatory, which details will, for the purposes of this Rule 55, qualify as the address and signature of such petitioner or signatory.
- ~~55.7-55.9~~ If a petition, joint letter, memorial or other like application relates to an operational matter, *Council* must refer it to the *Chief Executive Officer* for consideration.

Division 10 – Voting

56. How Motion Determined

- 56.1 To determine a motion before a meeting, the *Chair* must first call for those in favour of the motion and then those opposed to the motion and must then declare the result to the meeting.
- 56.2 The question is determined in the affirmative by a majority of Councillors present at a meeting at the time the vote is taken voting in favour of the question.

57. Silence

~~Subject to Rule 60, voting must take place in silence. Voting must take place in silence.~~

58. Recount

The *Chair* may direct that a vote be recounted to satisfy ~~himself or herself~~ themselves of the result.

59. Casting Vote

- 59.1 In the event of a tied vote, the *Chair* must exercise a casting vote.
- 59.2 ~~The Chair may adjourn a meeting to consider how their casting vote will be cast.~~

60. How Votes Are Cast

Voting on any matter is by show of hands or such other visible or audible means as the Chair determines.

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60. ~~By Show of Hands~~

~~Voting on any matter is by show of hands.~~

61. Procedure for a Division

- 61.1 Immediately after any question is put to a meeting and before the next item of business has commenced, a Councillor may call for a division.
- 61.2 When a division is called for, the vote already taken must be treated as set aside and the division shall decide the question, motion or amendment.
- 61.3 When a division is called for, the *Chair* must:
- 61.3.1 first ask each Councillor wishing to vote in the affirmative to raise a hand and, upon such request being made, each Councillor wishing to vote in the affirmative must raise one of ~~his or her~~ their hands or otherwise signify their support in a manner recognised by the Chair. The Chair must then state, and the Chief Executive Officer or any authorised officer must record, the names of those Councillors voting in the affirmative; and
- 61.3.2 then ask each Councillor wishing to vote in the negative to raise a hand and, upon such request being made, each Councillor wishing to vote in the negative must raise one of ~~his or her~~ their hands or otherwise signify their opposition in a manner recognised by the Chair. The Chair must then state, and the *Chief Executive Officer* or any authorised officer must record, the names of those Councillors voting in the negative.

62. No Discussion Once Declared

Once a vote on a question has been taken, no further discussion relating to the question is allowed unless the discussion involves:

- 62.1 a Councillor requesting, before the next item of business is considered, that ~~his or her~~ their opposition to a resolution be recorded in the minutes or a register maintained for that purpose; or
- 62.2 foreshadowing a notice of rescission where a resolution has just been made, or a positive motion where a resolution has just been rescinded.

For example, Rule 62 would allow some discussion if, immediately after a resolution was made, a Councillor foreshadowed lodging a notice of rescission to rescind that resolution.

Equally, Rule 62 would permit discussion about a matter which would otherwise be left in limbo because a notice of rescission had been successful. For instance, assume that Council resolved to refuse a planning permit application. Assume further that this resolution was rescinded.

Without a positive resolution – to the effect that a planning permit now be granted – the planning permit application will be left in limbo. Hence the reference, in sub-Rule 62.2, to discussion about a positive motion where a resolution has just been rescinded.

Division 11 – Minutes

63. Confirmation of Minutes

- 63.1 At every *Council meeting* the minutes of the preceding meeting(s) must be dealt with as follows:
- 63.1.1 a copy of the minutes must be delivered to each Councillor no later than 48 hours before the meeting;
- 63.1.2 if no Councillor indicates opposition, the minutes must be declared to be confirmed;
- 63.1.3 if a Councillor indicates opposition to the minutes:
- a) ~~he or she~~ they must specify the item(s) to which ~~he or she~~ they object;

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- b) the objected item(s) must be considered separately and in the order in which they appear in the minutes;
 - c) the Councillor objecting must move accordingly without speaking to the motion;
 - d) the motion must be seconded;
 - e) the Chair must ask:
"Is the motion opposed?"
 - f) if no Councillor indicates opposition, then the Chair must declare the motion carried without discussion and then ask the second of the questions described in sub-Rule 63.1.3(k);
 - g) if a Councillor indicates opposition, then the Chair must call on the mover to address the meeting;
 - h) after the mover has addressed the meeting, the seconder may address the meeting;
 - i) after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting), the Chair must invite debate by calling on any Councillor who wishes to speak to the motion, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion;
 - j) if, after the mover has addressed the meeting, the Chair invites debate and no Councillor speaks to the motion, the Chair must put the motion; and
 - k) the Chair must, after all objections have been dealt with, ultimately ask:
"The question is that the minutes be confirmed" or
"The question is that the minutes, as amended, be confirmed",
and ~~he or she must~~ then put the question to the vote accordingly;
- 63.1.4 a resolution of *Council* must confirm the minutes and the minutes must, if practicable, be signed by the *Chair* of the meeting at which they have been confirmed;
- 63.1.5 the minutes must be entered in the *minute book* and each item in the *minute book* must be entered consecutively; and
- 63.1.6 unless otherwise resolved or required by law, minutes of a *Delegated Committee* requiring confirmation by Council must not be available to the public until confirmed by *Council*.
64. **No Debate on Confirmation Of Minutes**
No discussion or debate on the confirmation of minutes is permitted except where their accuracy as a record of the proceedings of the meeting to which they relate is questioned.
65. **Deferral of Confirmation Of Minutes**
Council may defer the confirmation of minutes until later in the *Council meeting* or until the next meeting if considered appropriate.
66. **Form and Availability of Minutes**
- 66.1 The Chief Executive Officer (or other person authorised by the Chief Executive Officer to attend the meeting and to take the minutes of such meeting) must keep minutes of each Council meeting, and those minutes must record:
 - 66.1.1 the date, place, time and nature of the meeting;
 - 66.1.2 the names of the Councillors present-in attendance and the names of any Councillors who apologised in advance for their non-attendance;
 - 66.1.3 the names of the members of Council staff present-in attendance;
 - 66.1.4 any disclosure of a conflict of interest made by a Councillor, including the explanation given by the Councillor under Chapter 5 and whether the conflict of interest was said by the Councillor to be a general conflict of

Governance Rules



- 66.1.5 [interest or a material conflict of interest](#);
 - 66.1.5 arrivals and departures (including temporary departures) of Councillors during the course of the meeting;
 - 66.1.6 each motion and amendment moved (including motions and amendments that lapse for the want of a seconder);
 - 66.1.7 the vote cast by each Councillor upon a division [and any abstention from voting](#);
 - 66.1.8 the vote cast by any Councillor who has requested that ~~his or her~~[their](#) vote be recorded in the minutes;
 - 66.1.9 questions upon notice;
 - 66.1.10 the failure of a quorum;
 - 66.1.11 any adjournment of the meeting and the reasons for that adjournment; and
 - 66.1.12 the time at which standing orders were suspended and resumed.
- 66.2 The Chief Executive Officer must ensure that the minutes of any Council meeting are:
- 66.2.1 published on Council's website; and
 - 66.2.2 available for inspection at Council's office during normal business hours.
- 66.3 Nothing in sub-Rule 66.2 requires Council or the Chief Executive Officer to make public any minutes relating to a Council meeting or part of a Council meeting closed to members of the public in accordance with section 66 of the Act.

Governance Rules



Division 12 – Behaviour

67. Public Addressing the Meeting

- 67.1 Members of the public do not have a right to address *Council* and may only do so with the consent of the *Chair* or by prior arrangement.
- 67.2 Any member of the public addressing *Council* must extend due courtesy and respect to *Council* and the processes under which it operates and must take direction from the *Chair* whenever called on to do so.
- 67.3 A member of the public present in attendance at a *Council meeting* must not disrupt the meeting.

68. Chair May Remove

The *Chair* may order and cause the removal of any person, other than a Councillor, who disrupts any meeting or fails to comply with a direction given under sub-Rule 67.2.

It is intended that this power be exercisable by the Chair, without the need for any Council resolution. The Chair may choose to order the removal of a person whose actions immediately threaten the stability of the meeting or wrongly threatens his or her the Chair's authority in chairing the meeting.

69. Chair May Adjourn Disorderly Meeting

If the *Chair* is of the opinion that disorder at the *Council* table or in the gallery makes it desirable to adjourn the *Council meeting*, ~~he or she~~ the *Chair* may adjourn the meeting to a later time on the same day or to some later day as ~~he or she~~ they think proper. In that event, the provisions of sub-Rules 16.2 and 16.3 apply.

70. Removal from Chamber

The *Chair*, or *Council* in the case of a suspension, may ask the *Chief Executive Officer* or a member of the Victoria Police to remove from the Chamber any person who acts in breach of this Chapter and whom the *Chair* has ordered to be removed from the gallery under Rule 68.

Division 13 – Additional Duties of Chair

71. The Chair's Duties and Discretions

In addition to the duties and discretions provided in this Chapter, the *Chair*:

- 71.1 must not accept any motion, question or statement which is derogatory, or defamatory of any Councillor, member of Council staff, or member of the community; and
- 71.2 must call to order any person who is disruptive or unruly during any meeting.

Division 14 – Suspension of Standing Orders

72. Suspension of Standing Orders

- 72.1 To expedite the business of a meeting, *Council* may suspend standing orders.

The suspension of standing orders should be used to enable full discussion of any issue without the constraints of formal meeting procedure. Its purpose is to enable the formalities of meeting procedure to be temporarily disposed of while an issue is discussed.

- 72.2 The suspension of standing orders should not be used purely to dispense with the

Governance Rules



processes and protocol of the government of *Council*. An appropriate motion would be:

"That standing orders be suspended to enable discussion on....."

72.3 No motion can be accepted by the *Chair* or lawfully be dealt with during any suspension of standing orders.

72.4 Once the discussion has taken place and before any motions can be put, the resumption of standing orders will be necessary. An appropriate motion would be: "That standing orders be resumed."

Division 15 – Miscellaneous Physical and Remote Attendance

73. Mode of Attendance

73.1 Each notice of meeting must indicate whether the relevant Council meeting is to be conducted:

73.1.1 wholly in person;

73.1.2 wholly by electronic means; or

73.1.3 partially in person and partially by electronic means.

73.2 The indication in the notice of meeting must be consistent with any Resolution of Council that has expressed a preference for, or otherwise specified, when Council meetings are to be conducted:

73.2.1 wholly in person;

73.2.2 wholly by electronic means; or

73.2.3 partially in person and partially by electronic means.

73.3 If a Council meeting is to be conducted wholly in person a Councillor may nonetheless request to attend by electronic means.

73.4 Any request made under sub-Rule 73.3 must:

73.4.1 be in writing;

73.4.2 be given to the Chief Executive Officer no later than 24 hours prior to the commencement of the relevant Council meeting; and

73.4.3 specify the reasons why the Councillor is unable or does not wish to attend the Council meeting in person.

73.5 The Chief Executive Officer must ensure that any request received in accordance with sub-Rule 73.4 and any other request received from a Councillor to attend by electronic means is made known at the commencement of the relevant Council meeting.

73.6 Council may approve and must not unreasonably refuse any request.

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Governance Rules



73.7 A Councillor who is attending a Council meeting by electronic means is responsible for ensuring that they are able to access such equipment and are in such an environment that facilitates participation in the Council meeting.

73.8 Without detracting from anything said in sub-Rule 73.7, a Councillor who is attending a meeting by electronic means must be able to:

73.8.1 hear the proceedings;

73.8.2 see all Councillors and members of Council staff who are also attending the Council meeting, at least while a Councillor or member of Council staff is speaking;

73.8.3 be seen by all Councillors, members of Council staff and members of the public who are physically present at the Council meeting; and

73.8.4 be heard when they speak.

73.9 If the conditions of sub-Rule 73.8 cannot be met by one or more Councillors attending a Council meeting, whether because of technical difficulties or otherwise:

73.9.1 the Council meeting will nonetheless proceed as long as a quorum is present; and

73.9.2 the relevant Councillor (or Councillors) will be treated as being absent from the Council meeting or that part of the Council meeting

unless the Council meeting has been adjourned in accordance with these Rules.

73.10 Nothing in this Rule 73 prevents a Councillor from joining (or re-joining) a Council meeting at the time that they achieve compliance with sub-Rule 73.8 even if the Council meeting has already commenced or has continued in their absence.

74 Meetings Conducted Remotely

If a Council meeting is conducted wholly or partially by electronic means, the Chair may, with the consent of the meeting, modify the application of any of the Rules in this Chapter to facilitate the more efficient and effective transaction of the business of the meeting.;

74.2 — by law a meeting may be conducted electronically; and

74.3 — Council decides that a meeting is to be conducted electronically;

the Chair may, with the consent of the meeting, modify the application of any of the Rules in this Chapter to facilitate the more efficient and effective transaction of the business of the meeting.

75 Procedure not Provided in this Chapter

In all cases not specifically provided for by this Chapter, resort must be had to the Standing Orders and Rules of Practice of the Upper House of the Victorian Parliament (so far as the same are capable of being applied to Council proceedings).

7675 Criticism of Members of Council Staff

76-275.2 The Chief Executive Officer may make a brief statement at a Council meeting in respect of any statement by a Councillor made at the Council meeting criticising

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~~him or her~~them or any member of Council staff.

~~76.375.3~~ A statement under sub-Rule 75.1 must be made by the *Chief Executive Officer*, through the *Chair*, as soon as it practicable after the Councillor who made the statement has resumed ~~his or her~~their seat.

76. Procedure not provided in this Chapter

In all cases not specifically provided for by this Chapter, resort must be had to the Standing Orders and Rules of Practice of the Upper House of the Victorian Parliament (so far as the same are capable of being applied to Council proceedings).

Governance Rules



Chapter 3 – Meeting Procedure for Delegated Committees

1. Meeting Procedure Generally

If *Council* establishes a *Delegated Committee*:

- 1.1 all of the provisions of Chapter 2 apply to meetings of the *Delegated Committee*; and
- 1.2 any reference in Chapter 2 to:
 - 1.2.1 a *Council meeting* is to be read as a reference to a *Delegated Committee meeting*;
 - 1.2.2 a Councillor is to be read as a reference to a member of the *Delegated Committee*; and
 - 1.2.3 the Mayor is to be read as a reference to the Chair of the *Delegated Committee*.

2. Meeting Procedure Can Be Varied

Notwithstanding Rule 1, if *Council* establishes a *Delegated Committee* that is not composed solely of Councillors:

- 2.1 *Council* may; or
- 2.2 the *Delegated Committee* may, with the approval of *Council*

resolve that any or all of the provisions of Chapter 2 are not to apply to a meeting of the *Delegated Committee*, in which case the provision or those provisions will not apply until *Council* resolves, or the *Delegated Committee* with the approval of *Council* resolves, otherwise.

Governance Rules



Chapter 4 – Meeting Procedure for Community Asset Committees

1. **Introduction**
In this Chapter, "Instrument of Delegation" means an instrument of delegation made by the *Chief Executive Officer* under section 47(1)(b) of the *Act*.
2. **Meeting Procedure**
Unless anything in the instrument of Delegation provides otherwise, the conduct of a meeting of a *Community Asset Committee* is in the discretion of the *Community Asset Committee*.

Governance Rules



Chapter 5 – Disclosure of Conflicts of Interest

1. Introduction

The following Rules in this Chapter apply only upon Division 1A of Part 4 of the *Local Government Act 1989* being repealed.*

2.1. Definition

In this Chapter:

2.1.1 "meeting conducted under the auspices of Council" means a meeting of the kind described in section 131(1) of the Act, and includes a meeting referred to in Rule 1 of Chapter 6 (whether such a meeting is known as a 'Councillor Briefing' or by some other name); and

2.1.2 a member of a *Delegated Committee* includes a Councillor.

3.2. Disclosure of a Conflict of Interest at a Council Meeting

A Councillor who has a conflict of interest in a matter being considered at a *Council meeting* at which ~~he or she~~they:

3.2.1 ~~is present in attendance~~ must disclose that conflict of interest by explaining the nature of the conflict of interest to those ~~present in attendance~~ at the *Council meeting* immediately before the matter is considered ~~and indicating whether it is a general conflict of interest or a material conflict of interest~~; or

3.2.2 ~~intends to attend~~ ~~be present~~ must disclose that conflict of interest by providing to the *Chief Executive Officer* before the *Council meeting* commences a written notice:

3.2.2.1 ~~advising~~ of the conflict of interest;

3.2.2.2 ~~explaining~~ the nature of the conflict of interest; and ~~indicating whether it is a general conflict of interest or a material conflict of interest~~; and

3.2.2.3 ~~detailing~~, if the nature of the conflict of interest involves a Councillor's relationship with or a gift from another person, the:

- a) name of the other person;
- b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
- c) nature of that other person's interest in the matter,

and then immediately before the matter is considered at the meeting announcing to those ~~present in attendance~~ that ~~he or she~~they ~~have~~ ~~has~~ a conflict of interest and that a written notice has been given to the *Chief Executive Officer* under this sub-Rule.

The Councillor must, in either event, leave the *Council meeting* immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.

4.3. Disclosure of Conflict of Interest at a Delegated Committee Meeting

A member of a *Delegated Committee* who has a conflict of interest in a matter being considered at a *Delegated Committee* meeting at which ~~he or she~~they:

4.3.1 ~~is present in attendance~~ must disclose that conflict of interest by explaining the nature of the conflict of interest to those ~~present in attendance~~ at the *Delegated Committee* meeting immediately before the matter is considered ~~and indicating whether it is a general conflict of interest or a material conflict of interest~~; or

* At the time of making these Rules the date on which Division 1A of Part 4 of the *Local Government Act 1989* is expected to be repealed is 24 October 2020.

Governance Rules



4.2.3.2 intends to ~~present~~attend must disclose that conflict of interest by providing to the *Chief Executive Officer* before the Delegated Committee meeting commences a written notice:

- 4.2.4.3.2.1 advising of the conflict of interest;
- 4.2.4.3.2.2 explaining the nature of the conflict of interest ~~and indicating whether it is a general conflict of interest or a material conflict of interest~~; and
- 4.2.4.3.2.3 detailing, if the nature of the conflict of interest involves a member of a *Delegated Committee's* relationship with or a gift from another person the:
 - a) name of the other person;
 - b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
- 4.2.4.3.2.4 nature of that other person's interest in the matter,

and then immediately before the matter is considered at the meeting announcing to those ~~present in attendance~~ that ~~he or she has~~they have a conflict of interest and that a written notice has been given to the *Chief Executive Officer* under this sub-Rule.

The member of a *Delegated Committee* must, in either event, leave the *Delegated Committee* meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.

5. 4. Disclosure of a Conflict of Interest at a Community Asset Committee Meeting

A Councillor who has a conflict of interest in a matter being considered at a *Community Asset Committee* meeting at which ~~he or she~~they:

5.1.4.1 ~~is present~~are in ~~attendance~~ must disclose that conflict of interest by explaining the nature of the conflict of interest to those ~~present in attendance~~ at the *Community Asset Committee* meeting immediately before the matter is considered ~~and indicating whether it is a general conflict of interest or a material conflict of interest~~; or

5.2.4.2 intends to ~~present~~attend must disclose that conflict of interest by providing to the Chief Executive Officer before the *Community Asset Committee* meeting commences a written notice:

- 5.2.4.4.2.1 advising of the conflict of interest;
- 5.2.4.4.2.2 explaining the nature of the conflict of interest ~~and indicating whether it is a general conflict of interest or a material conflict of interest~~; and
- 5.2.4.4.2.3 detailing, if the nature of the conflict of interest involves a member of a Councillor's relationship with or a gift from another person the:
 - a) name of the other person;
 - b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
- 5.2.4.4.2.4 nature of that other person's interest in the matter,

and then immediately before the matter is considered at the meeting announcing to those ~~present in attendance~~ that ~~he or she~~they have-has a conflict of interest and that a written notice has been given to the *Chief Executive Officer* under this sub-Rule.

The Councillor must, in either event, leave the *Community Asset Committee* meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.

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Governance Rules



6.5. Disclosure at a Meeting Conducted Under the Auspices of Council

A Councillor who has a conflict of interest in a matter being considered by a meeting ~~conducted~~held under the auspices of Council at which ~~he or she is present~~they are in attendance must:

~~6.4-5.1.~~ 6.4-5.1. disclose that conflict of interest by explaining the nature of the conflict of interest to those present in attendance at the meeting immediately before the matter is considered and indicating whether it is a general conflict of interest or a material conflict of interest;

~~6.2-5.2.~~ 6.2-5.2. absent ~~himself or herself~~themselves from any discussion of the matter; and

~~6.3-5.3.~~ 6.3-5.3. as soon as practicable after the meeting concludes provide to the *Chief Executive Officer* a written notice recording that the disclosure was made and accurately summarising the explanation given to those present in attendance at the meeting.

7.6. Disclosure by Members of Council Staff Preparing Reports for Meetings

~~7.4-6.1.~~ 7.4-6.1. A member of Council staff who, in ~~his or her~~their capacity as a member of Council staff, has a conflict of interest in a matter in respect of which ~~he or she~~they are ~~is~~ preparing or contributing to the preparation of a Report for the consideration of a:

~~7.4-6.1.1.~~ 7.4-6.1.1. Council meeting;

~~7.4-6.1.2.~~ 7.4-6.1.2. Delegated Committee meeting;

~~7.4-6.1.3.~~ 7.4-6.1.3. Community Asset Committee meeting

must, immediately upon becoming aware of the conflict of interest, provide a written notice to the *Chief Executive Officer* disclosing the conflict of interest and explaining the nature of the conflict of interest and indicating whether it is a general conflict of interest or a material conflict of interest.

~~7.2-6.2.~~ 7.2-6.2. The *Chief Executive Officer* must ensure that the Report referred to in sub-Rule ~~6.7.1~~ 6.7.1 records the fact that a member of Council staff disclosed a conflict of interest in the subject-matter of the Report.

~~7.3-6.3.~~ 7.3-6.3. If the member of Council staff referred to in sub-Rule ~~6.7.1~~ 6.7.1 is the *Chief Executive Officer*:

~~7.3-6.3.1.~~ 7.3-6.3.1. the written notice referred to in sub-Rule ~~6.7.1~~ 6.7.1 must be given to the *Mayor*; and

~~7.3-6.3.2.~~ 7.3-6.3.2. the obligation imposed by sub-Rule ~~6.7.2~~ 6.7.2 may be discharged by any other member of Council staff responsible for the preparation of the Report.

8.7. Disclosure of Conflict of Interest by Members of Council Staff in the Exercise of Delegated Power

~~8.4-7.1.~~ 8.4-7.1. A member of Council staff who has a conflict of interest in a matter requiring a decision to be made by the member of Council staff as delegate must, immediately upon becoming aware of the conflict of interest, provide a written notice to the *Chief Executive Officer* explaining the nature of the conflict of interest and indicating whether it is a general conflict of interest or a material conflict of interest.

~~8.2-7.2.~~ 8.2-7.2. If the member of Council staff referred to in sub-Rule ~~7.8.1~~ 7.8.1 is the *Chief Executive Officer* the written notice must be given to the *Mayor*.

Governance Rules



~~9.8.~~ Disclosure by a Member of Council Staff in the Exercise of a Statutory Function

~~9.4-8.1.~~ A member of Council staff who has a conflict of interest in a matter requiring a statutory function to be performed under an Act by the member of Council staff must, upon becoming aware of the conflict of interest, immediately provide a written notice to the *Chief Executive Officer* explaining the nature of the conflict of interest [and indicating whether it is a general conflict of interest or a material conflict of interest.](#)

~~9.2-8.2.~~ If the member of Council staff referred to in sub-Rule ~~8.9.~~ 1 is the *Chief Executive Officer* the written notice must be given to the *Mayor*.

~~40.9.~~ Retention of Written Notices

The *Chief Executive Officer* must retain all written notices received under this Chapter for a period of three years.

Governance Rules



Chapter 6 – Miscellaneous

1. Informal Meetings of Councillors

If there is a meeting of Councillors that:

- 1.1. is scheduled or planned for the purpose of discussing the business of *Council* or briefing Councillors;
- 1.2. is attended by at least one member of Council staff; and
- 1.3. is not a *Council meeting*, *Delegated Committee meeting* or *Community Asset Committee meeting*.

the *Chief Executive Officer* must ensure that a summary of the matters discussed at the meeting are:

- a) tabled at the next convenient *Council meeting*; and
- b) recorded in the minutes of that *Council meeting*.

2. Confidential Information

2.1. ~~If, after the repeal of section 77(2)(e) of the Local Government Act 1989, the Chief Executive Officer is of the opinion that information relating to a meeting is confidential information within the meaning of the Act, he or she/they~~ may designate the information as confidential and advise Councillors and/or members of Council staff in writing accordingly.

2.2. Information which has been designated by the *Chief Executive Officer* as confidential information within the meaning of the *Act*, and in respect of which advice has been given to Councillors and/or members of Council staff in writing accordingly, will be presumed to be confidential information.

2.3 Nothing in sub-Rule 2.2 will, without more, mean that information designated by the Chief Executive Officer under sub-Rule 2.1 satisfies the definition of "confidential information" contained in section 3(1) of the Act.

3.3 QUARTERLY PERFORMANCE REPORT

RESPONSIBLE OFFICER: CHIEF EXECUTIVE OFFICER
DEPARTMENT: CEO'S OFFICE
REFERENCE: 6573

OFFICER DIRECT OR INDIRECT CONFLICT OF INTEREST:

Officers providing advice to Council must disclose any conflict of interest.

No person involved in the preparation of this report has a conflict of interest requiring disclosure.

EXECUTIVE SUMMARY

The financial statements and performance indicators have been prepared for the period ended 30 June 2022. The actual year-to-date figures included in this report have been used to compile Council's "in principle" Financial Statements, which are subject to audit by the Victorian Auditor-General.

The unaudited figures show Council's overall financial performance is less favourable than the Original Budget, finishing with an operating surplus of \$7.356 million rather than an operating surplus of \$8.865 million. However, the financial performance is more favourable than the Current Budget figures for 2021/22 which includes adjustments for the projects carried forward from 2020/21 and grant funds received in advance.

DISCUSSION

Council must establish and maintain a budgeting and reporting framework that is consistent with the principles of sound financial management.

Key Financial information:

Income Statement (Attachment 1)

The Income Statement measures how well Council has performed from an operating nature. It reports revenues 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.

Attachment 1 shows that Council generated \$36.620 million in revenue and \$29.264 million in expenses to 30 June 2022. This has resulted in an operating surplus of \$7.356 million for the year ended 30 June 2022 and a comprehensive result of \$36.695 million after including a revaluation of Council's property and infrastructure assets.

Income

Rates and charges account for 47% of the total budgeted income for 2021/22. Rates and charges are recognised when the rates have been raised, not when the income has been received. An amount of \$17.516 million has been recognised as income for the year ended 30 June 2022.

User fees account for 4% of the total budgeted income for 2021/22 and \$1.122 million has been received to 30 June 2022. The majority of this relates to home care services, transfer station fees and fitness centre income. Income has been lower than budgeted due to several Council facilities being closed at times and decreased service levels due to Covid-19, including the Town Hall, Ararat Fitness Centre and the Alexandra Oval Community Centre.

Recurrent Operating Grants total \$9.670 million to 30 June 2022, including \$5.070 million from the Victorian Local Government Grants Commission for general purpose grants and \$3.116 million for

the local roads grants. Council received \$1.784 million more than budget for financial assistance grants due to approximately 75% of the annual allocation for 2022/23 being received in June 2022, compared to around 50% being received in advance in previous years.

Non-recurrent Operating Grants total \$1.222 million to 30 June 2022. Council has been successful in obtaining several grants that had not been budgeted for, as detailed in the table below. The amounts shown as unearned income will be treated as income in future accounting periods once the performance obligations of the grant have been met.

Non-Recurrent Operating Grants	Budget 2021/22 \$'000	Income 2021/22 \$'000	Unearned Income \$'000
Women Building Surveyors Program	75	69	62
Library Upgrade Grant	-	63	-
Supported Playgroups	59	60	-
Community Events Fund - Bushfire Recovery Vic	-	48	-
City Community Digital Hub and Co-Working Space	-	92	-
New Arrivals Settlement Program	-	254	331
COVID Safe Outdoor Activation Fund	-	92	108
Pilot Coordination Grampians Workforce	-	55	198
Business Concierge & Hospitality Support Program	-	63	57
Local Councils Outdoor Eating Entertainment Package	-	158	-
Community Funding Initiative Digital Literacy	-	60	-
Aradale Solution-Economic & Social Development Strategy	-	-	500
Ararat Housing Transition	-	-	200
Digital Twin Victoria	-	-	1,000
Free Public WiFi Services	-	-	918
Other Minor Grants	13	208	69
	147	1,222	3,443

Non-recurrent Capital Grants total \$4.870 million to 30 June 2022, as detailed in the table below. The amounts shown as unearned income will be treated as income in future accounting periods once the performance obligations of the grant have been met.

Non-Recurrent Capital Grants	Budget 2021/22 \$'000	Income 2021/22 \$'000	Unearned Income \$'000
Gordon Street Recreation Reserve Development	2,950	278	2,306
Back Bolac Road	1,620	1,620	-
Delacombe Way	434	370	64
Chatsworth-Wickliffe Road	852	852	-
Darlington-Nerrin Road	738	738	-
Chatsworth-Lake Bolac Road	434	434	-
Wilson Street	489	218	26
Pollands Bridge	267	-	-
Urban Drainage Works	330	-	295
Ararat East Development Zone Trunk Infrastructure Project	-	64	791

Transfer Station Upgrade Fund	-	-	132
Ararat Linkages Project	-	180	-
Yalla Y Poora Road Crossing	-	77	-
Willaura Rec Reserve-Female Friendly Facilities	-	39	-
	8,114	4,870	3,614

Note

It is important to note the following:

1. The Grants Operating (recurrent) figure in the Original Budget was \$7.817 million and in the Current Budget is recorded as \$4.543 million, as \$3.274 million was paid to Council in 2020/21 by the Victorian Local Government Grants Commission (VLGGC) for the 2021/22 financial year. Council has still received the expected VLGGC income, to be spent in 2021/22, however it will be reported over two financial years.
2. This change in the budget, plus the note reported under expenses, create a change in the reported surplus position from a projected surplus of \$8.865 million to a surplus of \$5.222 million for 2021/22. The year-end variance is a surplus of \$2.134 million when the actual year to date expenses are compared to the year to date budget.

Expenses

Employee Costs account for approximately 40% of the total budgeted expenditure for 2021/22. For the year ended 30 June 2022 Council has incurred \$10.822 million in employee costs, which was \$0.455 million less than budget. Savings have resulted from organisation restructuring, as well as delays in replacing a number of staff members and other vacancies that have not been filled. Savings in salaries has also resulted from the temporary closures of several Council facilities due to COVID-19.

Materials and Services account for approximately 33% of the total budgeted expenditure for 2021/22. For the year ended 30 June 2022, Council has incurred \$10.149 million in materials and services costs. There are a number of projects, not completed during the year, that will be carried forward from 2021/22 to be completed during 2022/23.

Note

It is important to note the following:

There has been an increase in expenditure on materials and services from \$9.319 million in the Original Budget to \$12.972 million in the Current Budget for 2021/22. This has resulted from a carry forward amount of \$3.653 million from the 2020/21 financial year surplus and unspent grant funds which will be used for additional activity in 2021/22.

Balance Sheet (Attachment 2)

The Balance Sheet is one of the main financial statements and reports Council's assets, liabilities and equity at a given date, in this case 30 June 2022. Comparative figures have been provided as at 30 June 2021.

Council's current assets have decreased by \$1.892 million from \$27.406 million as at 30 June 2021 to \$25.514 million as at 30 June 2022. Cash and cash equivalents have decreased by \$1.534 million from \$23.049 million to \$21.515 million. Council has received another advanced payment of the Victorian Local Government Grants Commission of \$4.960 million. Trade and other receivables have decreased by \$0.311 million from \$4.233 million as at 30 June 2021 to \$3.922 million as at 30 June 2022.

Total liabilities have decreased from \$14.390 million in 2020/21 to \$11.995 million in 2021/22, with a decrease of \$1.995 million in current loans and borrowings due to a \$2.000 million interest-only loan being repaid. Trade and other payables have increased by \$0.237 million, while trust funds and deposits have decreased by \$0.201 million. Unearned income has only decreased by \$0.016 million, and includes grants received by

Council, where in accordance with accounting standards they are held as a liability until grant-related performance obligations have been met.

Statement of Cash Flows (Attachment 3)

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

The Cash and Cash Equivalents at the beginning of the financial year of \$23.049 million have decreased by \$1.534 million to \$21.515 million as at 30 June 2022.

Net cash of \$15.137 million was provided by operating activities, \$14.479 million was used in investing activities, and \$2.192 million was used in financing activities.

Investing activities includes payments for property, plant and equipment, and infrastructure totalling \$14.664 million. This included capital building works and capital road works. Major capital building works included the Gordon Street Recreation Reserve Development (\$0.278 million) and the Willaura Female Friendly Facilities (\$0.588 million). Infrastructure works included Roads (\$10.757 million), Bridges (\$0.708 million), Footpaths & Cycle ways (\$0.240 million) and Drainage (\$0.534 million).

Financial Performance Indicators (Attachment 4)

The Local Government Performance Reporting Framework requires Councils to report various performance indicators at the end of each financial year.

A full list of financial performance indicators is included in Attachment 4.

Indicator	30/6/2021	30/6/2022
<p>Working capital <i>Measure - Current assets compared to current liabilities.</i> Expected values in accordance with the Local Government Performance Reporting Framework 100% to 400% Indicator of the broad objective that sufficient working capital is available to pay bills as and when they fall due. High or increasing level of working capital suggests an improvement in liquidity</p>	202%	225%
<p>Loans and borrowings <i>Measure - Loans and borrowings compared to rates.</i> Expected values in accordance with the Local Government Performance Reporting Framework – 0% to 70% Indicator of the broad objective that the level of interest-bearing loans and borrowings should be appropriate to the size and nature of a council's activities. Low or decreasing level of loans and borrowings suggests an improvement in the capacity to meet long term obligations</p>	15.43%	3.41%
<p>Indebtedness <i>Measure - Non-current liabilities compared to own source revenue</i> Expected values in accordance with the Local Government Performance Reporting Framework – 2% to 70% Indicator of the broad objective that the level of long-term liabilities should be appropriate to the size and nature of a Council's activities. Low or decreasing level of long-term liabilities suggests an improvement in the capacity to meet long term obligations</p>	4.29%	3.30%
<p>Rates concentration <i>Measure - Rates compared to adjusted underlying revenue</i> Expected values in accordance with the Local Government Performance Reporting Framework – 30% to 80% Indicator of the broad objective that revenue should be generated from a range of sources. High or increasing range of revenue sources suggests an improvement in stability</p>	55.31%	55.29%

Indicator	30/6/2021	30/6/2022
<p>Expenditure level <i>Measure - Expenses per property assessment</i> Expected values in accordance with the Local Government Performance Reporting Framework \$2,000 to \$10,000 Indicator of the broad objective that resources should be used efficiently in the delivery of services. Low or decreasing level of expenditure suggests an improvement in organisational efficiency</p>	\$4,049	\$4,049
<p>Indicator - Revenue level <i>Measure - Average residential rate per residential property assessment</i> Expected values in accordance with the Local Government Performance Reporting Framework - \$700 to \$2,000 Indicator of the broad objective that resources should be used efficiently in the delivery of services. Low or decreasing level of rates suggests an improvement in organisational efficiency</p>	\$2,061	\$1,801
<p>Indicator – Percentage of total rates collected The internal audit conducted in 2019 on Rates Revenue and Rate Debtor Management found no routine or regular reporting of large and long outstanding rates debtors. The outstanding Rates Debtors is reported in the Annual Financial report. As at 30 June 2022 the outstanding Rates Debtors totalled \$1.742 million compared to \$1.860 million as at 30 June 2021, a decrease of \$0.118 million. In percentage terms 90.1% of the rates raised have been collected at 30 June 2022 compared to 86.9% up to 30 June 2022. Outstanding rates are currently charged 10% interest. Council issues approximately 7,500 rate notices. Last year there were 2,601 assessments paying by instalments compared with 2,606 assessments in 2021/22.</p>	86.9%	90.1%
<p>Indicator – Asset Renewal & Upgrade <i>Measure - Asset renewal & Upgrade compared to depreciation</i> Expected range in accordance with the Local Government Performance Reporting Framework – 40% to 130% Assessment of whether council assets are being renewed or upgraded as planned. It compares the rate of spending on existing assets through renewing, restoring, replacing or upgrading existing assets with depreciation. Ratios higher than 1.0 indicate there is a lesser risk of insufficient spending on Council’s asset base.</p>	164.30%	174.50%

The Local Government Performance Reporting Framework provides “Expected ranges” for each indicator. The framework has been developed to consider results at the end of the financial year so some results during the year are outside the expected range due to the timing of receipts and payments.

Explanations are provided in Attachment 4 for those indicators that are outside the “expected ranges”.

Transfers to and from Reserves 2021/22

The following tables represent the amounts proposed to be transferred to and from Reserves for the year ended 30 June 2022. A number of these transfers are in accordance with the budget. The Transfers to the Capital Works Reserves includes funds received in 2021/22 that relate to 2022/23 and a number of specific projects included in the budget for 2021/22 that have not commenced or are in progress and proposed to be carried forward to 2022/23.

The major amounts proposed to be transferred to the Capital Works & Projects Reserve includes:

- Victorian Grants Commission advance payment (\$4.960 million)
- Gordon Street Redevelopment Grant (\$2.307 million)

- Free Public WiFi Services - Ararat (\$0.918 million)
- Ararat East Development Zone Trunk Infrastructure Project (\$0.791 million)
- New Arrivals Settlement Program (\$0.331 million)
- Digital Twin Victoria (\$1.000 million)
- Aradale Solution-Development Strategy (\$0.500 million)

Transfers To Reserves

CAPITAL WORKS & PROJECTS RESERVE	
Asset Management	
Capital Works Strategy	\$120,000
Sealing Urban Roads Strategy	\$25,000
CEO's Office	
CEO Consultancies	\$175,000
Grampians Tourism	\$50,000
Fed Uni Scholarships	\$59,000
CEO's Office-Funded Capital Projects-Recreation	
Town Hall Fountain	\$3,000
LRCI1-Gordon St Redevelopment	\$12,400
Gordon St Redevelopment	\$2,295,000
Ararat Fitness Centre Feasibility Assessment	\$13,530
CEO's Office-Funded Capital Projects-Roads	
Tunnel Track Pomonal	\$148,100
LRCI1-Bellellen Rd Crossing	\$135,000
LRCI1-Urban Drainage & Flood Mitigation	\$160,100
LRCI3-Wilson St	\$70,880
AgriLinks-Delacombe Way	\$216,660
Ararat East Development Zone Trunk Infrastructure Project	\$790,930
CEO's Office-Funded Operating Projects	
Ararat Housing Transition	\$200,000
Pilot Coordination Grampians Workforce	\$198,440
New Arrivals Settlement Program – Grampians Pilot	\$330,500
Free Public WiFi Services - Ararat	\$917,870
Aradale Solution-Development Strategy	\$500,000
Digital Twin Victoria	\$1,000,000
LSIF Ararat Bowls Club Lighting	\$40,920
Rural Roads Support Program	\$21,500
Outdoor Activation Fund-Barkly Link	\$108,100
Library Smart Locker System Grant	\$6,060
Community & Events Support	
Community & Events Support	\$50,000
Community Support Grants	
Community Grants & Sponsorships	\$30,000
Corporate Revenue	

Grants Commission-General	\$3,069,508
Organisational Restructure	\$350,000
ED-Economic Development	
Local Govt Business Concierge	\$60,000
Retail Facade Grants	\$60,000
Business Recovery Package (COVID-19 Support)	\$168,800
Digital Hub & Co-Working Space	\$95,470
Emergency Management	
Municipal Emergency Resource Program	\$60,000
Governance	
Insurance-Update Valuations	\$15,000
Community Engagement	\$15,000
Governance-Councillors	
Councillor Training	\$20,000
Planning	
Planning Panel	\$15,000
Planning Consultancies	\$55,000
Positive Ageing-HACC PYP	
HACC PYP	\$43,626
Roads-Capital	
Grants Commission-Local Roads	\$1,890,695
Sustainability	
Roadside Pest Plant & Animals	\$58,450
Environmental Strategy	\$10,000
Town Hall	
Artistic Program	\$20,000
Waste Management	
Transfer Station Upgrade Fund	\$132,410
Total for Capital Works Reserve	\$13,816,949

WASTE MANAGEMENT RESERVE	
Provision for Waste Management Works	\$275,000
Total for Waste Management Reserve	\$275,000

GRAVEL PIT RESTORATION RESERVE	
Net Operating Surplus to Reserve	\$10,538
Total for Gravel Pit Restoration Reserve	\$10,538

RECREATIONAL LANDS RESERVE	
Open Space Contributions	\$22,000
Total for Recreational Lands Reserve	\$22,000

BUILDING CAPITAL RESERVE	
Provision for Building Capital Works	\$940,000
Transfer from Reserves No Longer Required	\$1,987,308
Total for Building Capital Reserve	\$2,927,308

TOTAL TRANSFERS TO RESERVE	\$17,051,795
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Total From Reserves

BUILDING CAPITAL WORKS RESERVE	
Data Projects	\$50,000
Total for Building Capital Reserve	\$50,000

WASTE MANAGEMENT RESERVE	
Waste Management Strategy-Bins	\$647,077
Total for Waste Management Reserve	\$647,077

ESSENTIAL SERVICES RESERVE	
Transfer to Building Capital Reserve-Funds No Longer Required	\$194,840
Total for Essential Services Reserve	\$194,840

ELECTION COSTS RESERVE	
Transfer to Building Capital Reserve-Funds No Longer Required	\$37,303
Total for Election Costs Reserve	\$37,303

ASSET MANAGEMENT RESERVE	
Transfer to Building Capital Reserve-Funds No Longer Required	\$164,943
Total for Asset Management Reserve	\$164,943

AERIAL IMAGING RESERVE	
Transfer to Building Capital Reserve-Funds No Longer Required	\$8,011
Total for Aerial Imaging Reserve	\$8,011

INFORMATION TECHNOLOGY RESERVE	
Transfer to Building Capital Reserve-Funds No Longer Required	\$597,000

Total for Information Technology Reserve	\$597,000
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LOAN REPAYMENT RESERVE	
Alex Oval Loan Repayment	\$2,000,000
Total for Loan Repayment Reserve	\$2,000,000

PLANT REPLACEMENT RESERVE	
Net Operating/Capital/Recoup Surplus to Reserve	\$269,110
Total for Plant Replacement Reserve	\$269,110

VEHICLE REPLACEMENT RESERVE	
Transfer to Building Capital Reserve-Funds No Longer Required	\$343,584
Total for Vehicle Replacement Reserve	\$343,584

LIBRARY	
Transfer to Building Capital Reserve-Funds No Longer Required	\$235,000
Total for Library Reserve	\$235,000

DEFINED BENEFITS RESERVE	
Transfer to Building Capital Reserve-Funds No Longer Required	\$361,000
Total for Gravel Pit Restoration Reserve	\$361,000

AERODROME RESERVE	
Transfer to Building Capital Reserve-Funds No Longer Required	\$45,627
Total for Gravel Pit Restoration Reserve	\$45,627

CAPITAL WORKS & PROJECTS RESERVE	
Transfer from Capital Works Reserve for 21/22 Works/Projects	\$13,768,914
Total for Capital Works Reserve	\$13,768,914

TOTAL TRANSFERS FROM RESERVES	\$18,722,409
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A summary of movements in reserve balances is included in the following table:

	Balance at 30 June 2021	Transfers to Reserve	Transfers from Reserve	Balance at 30 June 2022
Capital works and projects	13,768,914	13,816,949	13,768,914	13,816,949

Plant replacement	774,423	-	269,110	505,313
Vehicle replacement	343,584	-	343,584	-
Election costs	37,303	-	37,303	-
Aerial imaging	8,011	-	8,011	-
Library	235,000	-	235,000	-
Defined benefits	361,000	-	361,000	-
Essential services	194,840	-	194,840	-
Recreational land	78,210	22,000	-	100,210
Gravel pit restoration	-	10,538	-	10,538
Building capital	3,081,094	2,927,308	50,000	5,958,402
Environmental projects	94,709	-	-	94,709
Waste management	1,889,489	275,000	647,077	1,517,412
Asset management	164,943	-	164,943	-
Information technology	597,000	-	597,000	-
Loan repayment	2,000,000	-	2,000,000	-
Aerodrome	45,627	-	45,627	-
Total Reserves	23,674,147	17,051,795	18,722,409	22,003,533

KEY CONSIDERATIONS

Alignment to Council Plan Strategic Objectives

6 Strong and Effective Governance

We will work hard to build models of governance that place delivering public value at the centre through effective financial management; well measured risk management; and implementation of effective community engagement practices

6.1 Deliver responsible budget outcomes, linked to strategy, that deliver value, innovation, and rating fairness

Budget Implications

Council's financial performance is in line with expectations. There have been savings in materials and services, and employee costs, which mostly relate to grant-funded projects still in progress at 30 June 2022.

Policy/Relevant Law

Section 97 – Quarterly Budget Report of the Local Government Act 2020 states:

- 1 As soon as practicable after the end of each quarter of the financial year, the Chief Executive Officer must ensure that a quarterly budget report is presented to the Council at a Council meeting which is open to the public.
- 2 A quarterly budget report must include—
 - (a) a comparison of the actual and budgeted results to date; and
 - (b) an explanation of any material variations; and
 - (c) any other matters prescribed by the regulations.
- 3 In addition, the second quarterly report of a financial year must include a statement by the Chief Executive Officer as to whether a revised budget is, or may be, required.

Sustainability Implications

This report does not raise any sustainability implications.

Risk Assessment

Council is required to establish and maintain a budgeting and reporting framework that is consistent with the principles of sound management and this report assists Council in meeting that requirement.

Innovation and Continuous Improvement

The content of the Quarterly report is continually reviewed to ensure meaningful data is provided.

Stakeholder Collaboration and Community Engagement

Council's financial performance reports are published quarterly.

RECOMMENDATION

That the:

- 1 *Comprehensive Income Statement, Balance Sheet, Statement of Cash Flows and Financial Performance Indicators for the period ended 30 June 2022 be received and adopted, and*
- 2 *Transfers to reserves totalling \$17,051,795 and transfers from reserves totalling \$18,722,409 be adopted, which includes \$1,987,308 transferred to close reserves no longer required (based on the Council resolution adopted on 30/8/2022)*

**MOVED CR SANDERS
SECONDED CR ALLGOOD**

That the:

- 1 **Comprehensive Income Statement, Balance Sheet, Statement of Cash Flows and Financial Performance Indicators for the period ended 30 June 2022 be received and adopted, and**
- 2 **Transfers to reserves totalling \$17,051,795 and transfers from reserves totalling \$18,722,409 be adopted, which includes \$1,987,308 transferred to close reserves no longer required (based on the Council resolution adopted on 30/8/2022)**

CARRIED 4702/22

ATTACHMENTS

Comprehensive Income Statement, Balance Sheet, Statement of Cash Flows and Financial Performance Indicators are provided as Attachment 3.3.

Attachment 1
Comprehensive Income Statement for the year ended 30 June 2022

	Original Budget \$'000	Current Budget \$'000	YTD Budget \$'000	YTD Actual \$'000	YTD Variance \$'000	Variance
Income						
Rates and charges	17,467	17,467	17,467	17,516	49	0%
Statutory fees and fines	199	199	199	245	46	23%
User fees	1,367	1,367	1,367	1,122	(245)	-18%
Contributions - cash capital	-	-	-	67	67	0%
Contributions - cash operating	97	97	97	117	20	21%
Grants - Operating (recurrent)	7,817	4,543	4,543	9,670	5,127	113%
Grants - Operating (non-recurrent)	147	2,278	2,278	1,222	(1,056)	-46%
Grants - Capital (recurrent)	1,461	1,461	1,461	1,319	(142)	-10%
Grants - Capital (non-recurrent)	8,190	9,343	9,343	4,870	(4,473)	-48%
Net gain/(loss) on disposal of property, plant and equipment, infrastructure	41	41	41	147	106	259%
Other income	173	173	173	188	15	9%
Fair value adjustments for investment property	-	-	-	137	137	0%
Total income	36,959	36,969	36,969	36,620	(349)	
Expenses						
Employee costs	11,277	11,277	11,277	10,822	(455)	-4%
Materials and services	9,319	12,972	12,972	10,149	(2,823)	-22%
Depreciation and amortisation	7,095	7,095	7,095	7,907	812	11%
Borrowing costs	55	55	55	54	(1)	-2%
Other expenses	348	348	348	332	(16)	-5%
Total expenses	28,094	31,747	31,747	29,264	(2,483)	-8%
Surplus for the year	8,865	5,222	5,222	7,356	2,134	41%
Other comprehensive income						
Net asset revaluation increment	-	-	-	29,339	-	
Total comprehensive result	8,865	5,222	5,222	36,695	2,134	

Attachment 2
Balance Sheet as at 30 June 2022

	30/06/2022 \$'000	30/06/2021 \$'000
Assets		
Current assets		
Cash and cash equivalents	21,515	23,049
Trade and other receivables	3,922	4,233
Inventories	64	69
Other assets	13	55
Total current assets	<u>25,514</u>	<u>27,406</u>
Non-current assets		
Trade and other receivables	9	12
Property, plant and equipment, infrastructure	278,159	242,101
Investment property	1,499	1,362
Total non-current assets	<u>279,667</u>	<u>243,475</u>
Total assets	<u>305,181</u>	<u>270,881</u>
Liabilities		
Current liabilities		
Trade and other payables	1,540	1,303
Trust funds and deposits	254	455
Unearned Income	7,175	7,191
Provisions	2,245	2,475
Interest-bearing loans and borrowings	143	2,138
Total current liabilities	<u>11,357</u>	<u>13,562</u>
Non-current liabilities		
Provisions	184	231
Interest-bearing loans and borrowings	454	597
Total non-current liabilities	<u>638</u>	<u>828</u>
Total liabilities	<u>11,995</u>	<u>14,390</u>
Net Assets	<u>293,186</u>	<u>256,491</u>
Equity		
Accumulated surplus	85,917	76,891
Reserves	207,269	179,600
Total Equity	<u>293,186</u>	<u>256,491</u>

Attachment 3
Statement of Cash Flows for the year ended 30 June 2022

	Year to 30/06/2022	Year to 30/06/2021
	Inflows/ (Outflows) \$'000	Inflows/ (Outflows) \$'000
Cash flows from operating activities		
Rates and charges	17,635	17,560
Statutory fees and fines	246	172
User fees	1,265	1,564
Grants - operating	10,790	11,009
Grants - capital	6,658	9,310
Contributions - monetary	181	180
Interest received	53	63
Trust funds and deposits taken	299	352
Other receipts	145	138
Net GST refund/payment	1,906	1,798
Employee costs	(10,808)	(12,134)
Materials and services	(12,498)	(9,577)
Trust funds and deposits repaid	(389)	(186)
Other payments	(346)	(302)
Net cash provided by (used in) operating activities	<u>15,137</u>	<u>19,947</u>
Cash flows from investing activities		
Payments for property, plant and equipment, infrastructure	(14,664)	(16,564)
Proceeds from sale of property, plant and equipment, infrastructure	185	383
Net cash provided by (used in) investing activities	<u>(14,479)</u>	<u>(16,181)</u>
Cash flows from financing activities		
Finance costs	(54)	(116)
Repayment of borrowings	(2,138)	(134)
Net cash provided by (used in) financing activities	<u>(2,192)</u>	<u>(250)</u>
Net increase (decrease) in cash and cash equivalents	(1,534)	3,516
Cash and cash equivalents at the beginning of the financial year	23,049	19,533
Cash and cash equivalents at the end of the period	<u>21,515</u>	<u>23,049</u>

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Attachment 4
Financial Performance Indicators for the year ended 30 June 2022 **Result** **Material Variations**

LIQUIDITY

Dimension - Operating position

Indicator - Adjusted underlying result

<i>Measure - Adjusted underlying surplus (or deficit)</i>	7.64%	
[Adjusted underlying surplus (deficit) / Adjusted underlying revenue] x100		No material variation
Expected range in accordance with the Local Government Performance Reporting Framework	-20% to 20%	

Indicator of the broad objective that an adjusted underlying surplus should be generated in the ordinary course of business. A surplus or increasing surplus suggests an improvement in the operating position

Dimension - Liquidity

Indicator - Working capital

<i>Measure - Current assets compared to current liabilities</i>	225%	No material variation
[Current assets / Current liabilities] x100		
Expected range in accordance with the Local Government Performance Reporting Framework	100% to 400%	

Indicator of the broad objective that sufficient working capital is available to pay bills as and when they fall due. High or increasing level of working capital suggests an improvement in liquidity

Indicator - Unrestricted cash

<i>Measure - Unrestricted cash compared to current liabilities</i>	127.84%	No material variation
[Unrestricted cash / Current liabilities] x100		
Expected range in accordance with the Local Government Performance Reporting Framework	10% to 300%	

Indicator of the broad objective that sufficient cash which is free of restrictions is available to pay bills as and when they fall due. High or increasing level of unrestricted cash suggests an improvement in liquidity

OBLIGATIONS

Dimension - Obligations

Indicator - Loans and borrowings

<i>Measure - Loans and borrowings compared to rates</i>	3.41%	No material variation
[Interest bearing loans and borrowings / Rate revenue] x100		
Expected range in accordance with the Local Government Performance Reporting Framework	0% to 70%	

Indicator of the broad objective that the level of interest bearing loans and borrowings should be appropriate to the size and nature of a council's activities. Low or decreasing level of loans and borrowings suggests an improvement in the capacity to meet long term obligations

<i>Measure - Loans and borrowings repayments compared to rates</i>	12.51%	No material variation
[Interest and principal repayments on interest bearing loans and borrowings / Rate revenue] x100		
Expected range in accordance with the Local Government Performance Reporting Framework	0% to 20%	

Financial Performance Indicators for the year ended 30 June 2022	Result	Material Variations
Indicator - Indebtedness		
<i>Measure - Non-current liabilities compared to own source revenue</i> [Non-current liabilities / Own source revenue] x100	3.30%	No material variation
Expected range in accordance with the Local Government Performance Reporting Framework	2% to 70%	
Indicator of the broad objective that the level of long term liabilities should be appropriate to the size and nature of a Council's activities. Low or decreasing level of long term liabilities suggests an improvement in the capacity to meet long term obligations		
Indicator - Asset renewal (& Asset Upgrade included now also)		
<i>Measure - Asset renewal & Upgrade compared to depreciation</i> [Asset renewal expenses / Asset depreciation] x100	174.50%	No material variation Outside permissible Range The asset renewal & upgrade indicator is favourably outside the expected range with \$12.042 million renewal and \$1.756 million upgrade invested in assets to 30 June 2022.
Expected range in accordance with the Local Government Performance Reporting Framework	40% to 130%	
Indicator of the broad objective that assets should be renewed as planned. High or increasing level of planned asset renewal being met suggests an improvement in the capacity to meet long term obligations		
STABILITY		
Dimension - Stability		
Indicator - Rates concentration		
<i>Measure - Rates compared to adjusted underlying revenue</i> [Rate revenue / Adjusted underlying revenue] x100	55.29%	No material variation
Expected range in accordance with the Local Government Performance Reporting Framework	30% to 80%	
Indicator of the broad objective that revenue should be generated from a range of sources. High or increasing range of revenue sources suggests an improvement in stability		
Indicator - Rates effort		
<i>Measure - Rates compared to property values</i> [Rate revenue / Capital improved value of rateable properties in the municipality] x100	0.41%	No material variation
Expected range in accordance with the Local Government Performance Reporting Framework	0.15 to 0.75%	
Indicator of the broad objective that the rating level should be set based on the community's capacity to pay. Low or decreasing level of rates suggests an improvement in the rating burden		

Financial Performance Indicators for the year ended 30 June 2022	Result	Material Variations
EFFICIENCY		
Dimension - Efficiency		
Indicator - Expenditure level		
<i>Measure - Expenses per property assessment</i> [Total expenses / Number of property assessments]	\$4,049.26	No material variation
Expected range in accordance with the Local Government Performance Reporting Framework	\$2000 to \$5,000	
Indicator of the broad objective that resources should be used efficiently in the delivery of services. Low or decreasing level of expenditure suggests an improvement in organisational efficiency		
Indicator - Revenue level		
<i>Measure - Average residential rate per residential property assessment</i> [Residential rate revenue / Number of residential property assessments]	\$1,801.57	No material variation
Expected range in accordance with the Local Government Performance Reporting Framework	\$700 to \$2,000	
Indicator of the broad objective that resources should be used efficiently in the delivery of services. Low or decreasing level of rates suggests an improvement in organisational efficiency		

3.4 DOMESTIC ANIMAL MANAGEMENT PLAN (DAMP) 2021-2025 – ANNUAL REVIEW

RESPONSIBLE OFFICER: DEPUTY CEO
DEPARTMENT: CEO OFFICE
REFERENCE: 6574

OFFICER DIRECT OR INDIRECT CONFLICT OF INTEREST:

Officers providing advice to Council must disclose any conflict of interest.

No person involved in the preparation of this report has a conflict of interest requiring disclosure.

EXECUTIVE SUMMARY

The purpose of this report is to provide an update to Council on the review of the Ararat Rural City Council (ARCC) Domestic Animal Management Plan 2021 -2025 (DAMP).

Under Section 68A (3) of the Domestic Animals Act 2020 (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.

The DAMP has a four-year lifespan and is required to be reviewed annually to assess whether any amendments are necessary to ensure the plan is relevant and can be completed within the required timeframes.

DISCUSSION

The Ararat Rural City Council has prepared a Domestic Animal Management Plan (DAMP) to guide decision making in relation to the need of domestic pets, and their owners, and addresses the concerns of the public in a fair and even manner.

The aim of this plan is to facilitate the co-existence of pets, pet owners and the general population whilst addressing the welfare and legislative issues relating to animal management in the city boundaries. This plan also aims to promote responsible pet ownership and enhance the experience of animal ownership within the community, by doing so, making the Ararat Rural City Municipality an even better place to live.

A key aspect of this plan is to manage domestic animal issues in a professional and efficient manner, provide education to the community on the responsibilities of pet ownership, where possible, and at the same time address and minimise the problems generated by irresponsible pet owners

The 2022 annual review of the plan has been conducted by the Deputy CEO along with the Community Safety Officers in working with Animal Welfare Victoria, Department of Jobs, Precincts and Regions. The review has undertaken an evaluation to assess the various programs, services and strategies outlined under the plan, and as such has incorporated the up-to-date data and information required under the legislation of the Domestic Animals Act 2020 (The Act).

The DAMP now also incorporates the newly completed Ararat Off Leash Dog Park to assist in promoting safety and interest within the park. The Ararat off-leash dog park has been designed with reference to guidelines on dog parks to promote safety and interest within the park. The park promotes safe play and bonding for dog owners and allows for healthy social interaction between owners and their dogs, encouraging off leash training.

The park also provides a safe location for residents and visitors to exercise their dogs off leash as well as the playground area to promote trick training and play. A popular stop area, this would also facilitate tourists on extended car trips as a place to safely walk their dog.

KEY CONSIDERATIONS

Alignment to Council Plan Strategic Objectives

5. *Enhancing Community Life*

We will work with the communities of Ararat Rural City to maintain social cohesion, support community activity and cultural life, and enhance safety.

- 5.1 Open up Council's arts and culture assets to greater community participation, ownership and engagement in decision-making.
- 5.2 Develop models of volunteering that recognise, support and properly utilise the skills that community volunteers bring to community life.
- 5.3 Partner with community groups, not-for-profits, and traditional owner organisations to develop Ararat Rural City as a more inclusive and diverse community.

Budget Implications

Council has an allocation within their 2022/23 budget for animal control.

Policy/Relevant Law

Domestic Animals Act 2020 (the Act)

Sustainability Implications

Managing domestic pets enhances the quality of life for flora and fauna as well as the health and wellbeing of pet owners.

Risk Assessment

The DAMP seeks to provide a framework for managing legal responsibilities associated with pet ownership and Council's role in this process

Innovation and Continuous Improvement

Council continues to work with State Government in adhering to guide decisions relating to the need of domestic pets.

Stakeholder Collaboration and Community Engagement

The new DAMP has been provided for public exhibition, with the community and partner agencies being invited to have input. Council continues to engage with government and the community to support responsible pet ownership.

RECOMMENDATION

That Council:

- 1 *Receive the Domestic Animal Management Plan review for 2021-2025;*
- 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 its annual report*

MOVED CR ALLGOOD
SECONDED CR WATERSTON

That Council:

- 1 Receive the Domestic Animal Management Plan review for 2021-2025;
- 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 its annual report

CARRIED 4703/22

ATTACHMENTS

Domestic Animal Management Plan 2021-2025 is provided as Attachment 3.4

ARARAT RURAL CITY COUNCIL

DOMESTIC ANIMAL MANAGEMENT PLAN

(DAMP) 2021 – 2025



Ararat Rural City

Domestic Animal Management Plan	Document No:	1
	Review Date:	September 2022
	Last Reviewed:	August 2021
	Next Review Due:	September 2023
	Revision No:	1
Responsible Officer:	Manager Planning, Community & Compliance	
Approved By:		
Related Documents:	Domestic Animals Act 2020	

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INTRODUCTION

1. PURPOSE OF THIS DOMESTIC ANIMAL MANAGEMENT PLAN

The Ararat Rural City Council has prepared a Domestic Animal Management Plan (DAMP) to guide decision making in relation to the need of domestic pets, and their owners, and addresses the concerns of the public in a fair and even manner.

The aim of this plan is to facilitate the co-existence of pets, pet owners and the general population whilst addressing the welfare and legislative issues relating to animal management in the city boundaries. This plan also aims to promote responsible pet ownership and enhance the experience of animal ownership within the community, by doing so, making the Ararat Rural City Municipality an even better place to live.

While the directive to create a plan is in line with the Domestic Animal Act 2020 (DAA) which requires all Victorian councils to have a four-year plan in place for the management of dogs and cats within their area, the city has used a consultative process to consider options and concerns from all relevant groups and individuals.

It is now well recognised by the community and governments alike that there is more to animal management than merely collecting stray dogs and addressing compliance issues. Local government plays a key role in protecting and promoting responsible animal ownership in the community, essential to maintaining sustainable communities and a healthy environment.

This plan is designed to balance the needs of the community and at the same time manage the requirements of the Act. This is an evolving practice as the community grows and changes and environment concerns play a more important role within our city.

A key aspect of this plan is to manage domestic animal issues in a professional and efficient manner, provide education to the community on the responsibilities of pet ownership, where possible, and at the same time address and minimise the problems generated by irresponsible pet owners.

2. DOMESTIC ANIMAL MANAGEMENT PLAN

Section 68A of the DAA requires a Domestic Animal Management Plan to:

1. Set out a method for evaluating whether the animal control services provided by the Council are adequate and comply with the requirements of the DAA.
2. Outline programs for the training of authorised officers to ensure that they can properly administer and enforce the requirements of the DAA.
3. Outline programs, services and strategies which the Council intends to pursue to promote and encourage the responsible ownership of dogs and cats
4. Minimise the risk of attacks by dogs on people and animals.
5. Address any over-population and high euthanasia rates for dogs and cats.
6. Encourage the registration and identification for dogs and cats.
7. Minimise the potential for dogs and cats to create a nuisance.
8. Effectively identify all dangerous dogs, menacing dogs and restricted breed dogs in that district and to ensure that those dogs are kept in compliance with the DAA.

Every Council must:

1. Review its domestic animal management plan annually and, if appropriate, amend the plan;
2. Provide the Secretary with a copy of the plan and any amendments to the plan; and
3. Publish an evaluation of its implementation of the plan in its annual report.

3. DEMOGRAPHIC AND COUNCIL PROFILE

Ararat is a central western municipality located approximately 200 kilometres from the city of Melbourne, Victoria's capital, making it easily accessible by road or rail in about two hours. Ararat

Rural City Council (ARCC) comprises 4230 square kilometres covering 16 localities, in whole and has a population of approximately 11,300 with 7,000 people living in the Ararat urban area.

ARCC is predominately a rural area but has substantial residential areas in and around the city of Ararat.

The municipality includes the towns and rural districts of Pomonal, Elmhurst, Mt Cole, Warrak, Buangor, Ararat, Moyston, Maroona, Rossbridge, Tatyoon, Willaura, Mininera, Wickliffe, Westmere, Streatham and Lake Bolac.

Small townships are located at Buangor, Elmhurst, Willaura, Pomonal, Moyston and Lake Bolac. Most city's retail space is in shopping strips in central Ararat.

There is some industrial land use to the south-east and east of the city. Most of the rural area is used for agricultural purposes, including wool and meat production, wine and cropping.

4. ARARAT OFF-LEASH DOG PARK.

The new off leash dog park is located between Vincent and Queen Street, next to the recently completed Ararat Skate Park and recreational space. The dog park furthers the intention of the active link precinct, which seeks to create a corridor promoting activity and social interaction in the centre of town.

The off-leash dog park has been designed with reference to guidelines on dog parks to promote safety and interest within the park. The park promotes safe play and bonding for dog owners and allows for healthy social interaction between owners and their dogs, encouraging off leash training. It also provides a safe location for residents and visitors to exercise their dogs off leash as well as the playground area to promote trick training and play. A popular stop area, this would also facilitate tourists on extended car trips a place to safely walk the dog.

The new Ararat Off Leash Dog Park was fully funded by the State Government as part of the Off-Leash Dog Parks – Economic Stimulus Program and forms part of the Governments Building Works package.





5. DOMESTIC ANIMAL STATISTICS AND DATA

Ararat Rural City Council is proud of the low euthanasia rates of impounded dogs. This can be attributed to the proactive approach towards rehoming and adoption. Council has built relationships with rescue organisations via formal Section 84Y agreements in an attempt to continue the low euthanasia rates. Council also offers Ararat based registered Community Foster Care Networks (CFCN) that have entered into a Section 84Y agreement a \$15.00 registration fee for animals removed from the pound. This allows these organisations to be legislatively compliant, whilst recognising the assistance these organisations need to remain viable. Once the animal is rehomed, the registration is transferred to their new owners and normal fees apply at renewal.

These proactive strategies have resulted in Council achieving the performance target of less than 7% of dogs (2.8% for 2020/2021) that enter the pound being euthanised. No dogs were euthanised due to an inability to be rehoused. The dogs that were euthanised were surrendered by their owners voluntarily following a dog attack, on humans or animals; or veterinary advice indicated, that due to health issues their quality of life was compromised.

The increased number of cats being euthanised is due to the continued removal, over a number of years of feral cats. The only cats that have been euthanised have been feral cats, or cats that were diseased. All domesticated cats are reunited with their owners, rehoused with rescue groups or adopted by the public from the pound.

Council offers subsidised dog and cat adoptions direct from the pound to the public. A member of the public can receive a fully vet worked dog or cat from the pound for \$100 per dog, and \$50 per cat. These heavily subsidised costs show the Council's commitment to animal welfare. This gives the community confidence that their animals will be rehoused if suitable. Rescue organisations are also publicly supporting Council's adoption processes of impounded animals via their Facebook pages.

Category	Number	Adoption Income	Total vet costs 2020/2021	Net Cost to Council for subsidised adoptions
Dogs directly adopted from Council	6	\$600.00	\$2,306.90	\$1,706.90
Cats directly adopted from Council	18	\$900.00	\$5,293.18	\$4,393.18

Other adopted from Council		\$100.00	N/A	N/A
Total cost to Council for subsidy 2020/21				\$6,100.08

2020 - 2021 Council subsidised adoption costs

During this time the Community has faced the impacts of COVID-19, and this has created an interest in more adoption and an increase in applications. Council have been able to successfully adopt out many of its animals looking to be rehomed.

Adoption is only available when there are the animals looking for new homes. Council is lucky enough to reunite the majority of the animals impounded with their owners. Of the ones that have been surrendered or not collected due to no identification, eg. microchip, these have been rehoused in new homes through our adoption program.

Since 2019, there has been over a million additional dogs being brought into Australian households. Council has been able to utilise the social media platform to either find animal owners or seek interest in adoption of the animals looking for their new homes. Council relies on its social media sites eg. Facebook, Instagram and utilises the local papers for Community information relating to animals.

6. ANIMAL MANAGEMENT STAFFING AND OPERATIONAL STRUCTURE



7. COMPLIANCE DEPARTMENT OVERVIEW

ARCC's Community Safety Team consists of three full time Officers. A 24-hour animal emergency response service is provided with assistance of other Council officers on a rotational roster basis, all of whom are supervised by the Manager Planning, Community & Compliance.

This service has continued at full capacity during COVID-19. Officers have either worked from site or off site from home providing the same Community Service and service standards as normal.

8 SERVICES PROVIDED TO THE COMMUNITY RELATING TO ANIMAL MANAGEMENT

The Community Safety team is responsible for the animal management function that Council provides.

Such functions include:

- Impounding of domestic animals and livestock
- Managing of complaints relating to domestic animals and livestock
- Promoting responsible pet ownership in the community
- Investigating dog attacks
- Ensuring compliance with legislation and the various codes of practice relevant to domestic animals and livestock
- Domestic animal registration process
- Investigating animal welfare issues
- Management of domestic animal businesses
- Providing advice to owners and the general community in relation to domestic animals
- Afterhours animal emergency response
- Prosecute breaches of the Domestic Animals Act 1994, Impounding of Livestock Act 1994 and Prevention of Cruelty to Animals Act 1986.

9 ARARAT RURAL CITY COUNCIL'S LOCAL LAWS RELATING TO ANIMAL MANAGEMENT

In 2022, Council conducted a full review of the Local Laws, now known as the Neighbourhood Amenity Local Laws 2022. The Local Laws regulate pet ownership as follows:

Neighbourhood amenity Local Law 2022 Section 22 – Keeping Animals

This Local Law restricts both the number and type of animals that a resident can keep on a Residential Property or on Rural Land.

Neighbourhood Amenity Local Law 2022 section 23 – Animal Accommodation

An owner or occupier of land must ensure that all animals on that land are housed:

- In a clean, inoffensive and sanitary condition;
- So as not to cause nuisance; and
- In an adequate and appropriate manner for the type of animal being house.

Neighbourhood Amenity Local Laws 2022 Section 24 – Animal Excrement and Conduct

A person in charge of a dog must not allow any part of the animal's excrement to remain on any road, nature strip, reserve or public or Council land in any built-up area.

A person in charge of a dog that litters a public place within a built-up area must immediately collect and dispose of the droppings in such a manner as not to cause a nuisance to any other person.

The Local law was revised in April 2022 and the DAMP 2022-2026 needs to reflect these changes.

10 TRAINING OF AUTHORISED OFFICERS

10.1 CURRENT AND PLANNED TRAINING

A variety of training is offered and provided for all authorised Officers, training options are annually reviewed to ensure relevant and up to date material is provided. The training options include enrolment in a Certificate IV in Government (Statutory Compliances) and Certificate IV in Animal Control, animal handling courses, investigation and statement taking courses, prosecutions courses, information technology courses and industry related seminars, conferences and briefings from the Department of Economic Development, Jobs, Transport and Resources (DEDJTR), Municipal Association of Victoria (MAV), Australian Institute of Animal Management and other relevant associations.

10.2 OUR PLANS

10.2.1 Objective 1:

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

Activity	When	Evaluation
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.
Two Community Safety Officers have successfully graduated in Government (Statutory Compliance) and Certificate IV in Animal Control and Regulations. A dangerous dog handling course and Bolt Gun training has also been completed.	2021/22	Both permanent Community Safety Officers successfully completed the course.
Staff attendance at industry related seminars and training, such as; Breed identification DEDJTR/BAW Seminars Dangerous dog handling Puppy Farm Bill	As offered	Seminars and training completed by Community Safety officer in 2020/21 online.

10.2.2 Objective 2:

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

The appointment of two additional on call officers were secured for the 2020/2021 period. One Officer from the depot and one from the Municipal office.

Activity	When	Evaluation
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. 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 package created to reflect industry standards.
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.

Officers to follow up complaints and provide feedback to improve skills and systems	Ongoing	Review on a regular basis at the Community Safety team meetings.
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11 REGISTRATION AND IDENTIFICATION

All dogs and cats over the age of 3 months must be registered with the Ararat Rural City Council as per Section 10 (1) of the Act; newly registered animals must also be microchipped before registration can be accepted.

New animal registrations for cats and dogs can be made in person at the Ararat Rural City Council Offices, corner of High Street and Vincent Street, Ararat between 8.00am – 5.15pm Monday to Friday. Or by mail with appropriate payment and copies of relevant proof required to: Ararat Rural City Council PO Box 246 Ararat Vic 3377.

Registration forms can be downloaded online from Councils website <http://www.ararat.vic.gov.au> or collected from ARCC Officers.

If an animal has been impounded by ARCC and is not registered with Council, the registration process must be completed at the Council Offices prior to release of the animal.

Animals that have been impounded and are not registered and micro-chipped must be micro-chipped prior to registration and release of the animal, when the appropriate fee has been paid.

Under Section 11 of the Act animal registration periods expire on 10 April each year. Animal renewal notices are sent out every year in late February or early March, allowing pet owners to renew their pet registration online via Bpay, by phone or in person at the Council Offices. Council audits listed owners every year to ensure animal registrations are renewed. Any outstanding registrations that are 12 months overdue are marked – inactive. If an animal listed as inactive is again located, the owner is liable for the offence of unregistered animal, (instead of failing to renew registration) and a new registration entry will be created.

When dogs and cats are outside of the owner's premises, Council identification tags must be worn as outlined in Section 20 of the Act. Animals found unsecured or at large from their property and are identifiable by means of an allocated Ararat Rural City Council identification tag have a higher chance of being reunited with their owners and therefore not impounded.

The registration data provides ARCC with an understanding of the level of pet ownership in the community and in turn this helps Council plan for services, information and programs associated with pets within the community.

Registration fees help fund the services provided by Council in relation to animal management and the DEDJTR (Domestic Animal Units) responsible pet ownership campaigns and programs provided within the Municipality of Ararat.

11.1 OBJECTIVE 1

Investigate the requirement to have new registrations online

Activity	When	Evaluation
Investigate the possibility of pet owners being able to register new dogs and cats online	2022	Software capabilities and payment options. 2020/21 – Rollout of new software may support this activity.

11.2 CURRENT EDUCATION ACTIVITIES

Current education/promotion of registration and pet identification activities include:

- Publicising the requirements to register pets over the age of three months in the Ararat Advertiser, Social Media through “Ararat Rural City Council” and on the counter publications at Councils Municipal office.
- Animal registration renewal notices are mailed out in late February or early March each year for currently registered animals. Online payments for registration renewals is now available.
- Council identification tags are obtained by pet owners on payment of the relevant registration fees.
- Information included on Councils website.

11.3 OBJECTIVE 1

To promote education and awareness of pet ownership through social media.

Activity	When	Evaluation
To promote education activities through social media.	Ongoing	Provide the media team with education material on a regular basis to upload to Council's social media pages.

11.4 CURRENT COMPLIANCE ACTIVITIES

Council currently undertakes several compliance activities, including:

Annual animal registration renewal program – includes renewal notice, reminder notice and follow up phone calls, Officer inspections, door knocks and infringements.

- Annual audits conducted of declared dogs.
- Leave business cards detailing nature of call and contact name and number.
- Patrol public places to check cats and dogs are registered and identified.
- Animal complaints are checked for registration and identification compliance as part of the process of dealing with the complaint. Often people know where the animal they are complaining about resides.
- All authorised officers have microchip scanners.
- Follow up registration for animals notified as sold by domestic animal businesses (by letter, phone call, visit) if owner fails to register.
- Regularly update/audit registration database to ensure information is current (e.g of owner) to ensure owners are not distressed or annoyed by receiving unnecessary or incorrect renewal notices or not receiving a renewal notice at all.
- Check advertisements of dogs and cats for sale online and in the local paper to ensure they contain the microchip number of the animal being sold.
- Ensure all seized and impounded animals are identified as required by Council and registered to their owner prior to their release.
- Return lost/wandering registered pets to owners free of charge on the first occasion.

Summary

The data suggests that registration is essential to the success of everything that Council wants to achieve, and that education opportunities are more effective if the pet owning community registers their pets. Information can be disseminated, and pet owners are aware of what their rights and responsibilities are.

12 RESPONSIBLE PET OWNERSHIP

For many Australians pets are important members of the family. A pet can be a joy but they are a big responsibility.

Pets can provide us with company, stress relief and unconditional love. Pet ownership also teaches children responsibility, and helps them develop their social and nurturing skills.

Responsible pet ownership involves:

- choosing the right pet for your family's lifestyle
- caring for your all aspects of your pet's daily well-being including feeding, dry sleeping conditions, vaccinations, worming and flea treatments, appropriate exercise and socialisation
- complying with the law and ensuring your pet doesn't cause problems in the community by keeping your registration and microchipping details up to date, always walking your dog on a lead and having secure fencing and containment

As part of responsible pet ownership, every owner should consider desexing their animal if they aren't planning on breeding from it.

The benefits of desexing your pet include:

- less shelters and pounds having to euthanise animals due to overpopulation
- in most cases your pet will be better behaved and less likely to roam
- lower risks of certain types of cancers in cats and dogs
- discount registration costs

12.1 OBJECTIVE 1

Activity	When	Evaluation
Educate residents of their responsibilities as pet owners and the need for compliance	Ongoing	Provide a responsible pet ownership pamphlet when a new animal is registered (in information packs at reception) Supply brochures at reception in view of customers Mail out of Responsible pet ownership pamphlets in the animal renewals posted out each March.
Providing proactive Education	Ongoing	Promote responsible ownership information on social media and via newspaper articles Promotion of the benefits of microchipping & registration as above.

13 OUR PLANS

13.1 OBJECTIVE 1

To increase annual re-registration compliance

Activity	When	Evaluation
Educate residents of the annual re-registration renewal period by means of advertising/media	March – May Yearly	Review media release types to determine most effective advertising medium.

releases, mailing of renewal notices.		
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.
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.
Ensure animal registrations have been renewed and infringements paid. Lodge unpaid infringements with Fines Victoria or Magistrates Court.	Sept – Oct Yearly	Number of issued infringements unpaid and animal registrations renewed. Compare to previous results.
Seize unregistered animals where matters found proven in Court or infringement paid and still not registered.	Month after date	Number of media releases issued to send the strong message for responsible pet ownership and compliance.

13.2 OBJECTIVE 2

Increase and maintain dog and cat registrations.

Activity	When	Evaluation
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.
Proactive door knocking in areas believed to have high number of unregistered via impoundment statistics. Check for unregistered and un-identified dogs and cats. Effective advertising prior to audit commencing.	Annually	Review annual increase in registration numbers. Review number of dogs and cats being seized and impounded who are not registered to their owner. Records of number of unregistered and identified animals picked up during door knocks.
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.
Undertake an annual micro chipping day to promote responsible pet ownership and registration.	Annually	Number of animals micro chipped and number of new registrations.

Provide photos on Councils webpage and social media page of impounded cats and dogs.	Ongoing	Number of hits on webpage and social media site featuring impounded cats and dogs.
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14 NUISANCE

14.1 CURRENT SITUATION

Type of Nuisance	2017/18	2018/19	2019/20	2020/21
No. of barking dog complaints received	20	15	26	29
No. of cat traps hired	16	17	21	46
No. of wandering stock calls	39	48	40	54

In order to capture, review and improve the recording of the number of animals wandering; a new record database has now been established to record all wandering animals; this data base also includes wandering livestock.

14.2 LEGISLATION/LOCAL LAW OVERVIEW

The Act regulates the nuisance for both dogs and cats relating to noise, trespassing and wandering animals. In addition to the Act, ARCC adopted its General Local Laws 2012 on 17th April 2012 to help minimise and prevent dog and cat nuisances occurring which are outlined below.

14.3 LOCAL LAWS RELATING TO NUISANCE

Neighbourhood amenity Local Law 2022 Section 22 – Keeping Animals

This Local Law restricts both the number and type of animals that a resident can keep on a Residential Property or on Rural Land.

Neighbourhood Amenity Local Law 2022 section 23 – Animal Accommodation

An owner or occupier of land must ensure that all animals on that land are housed:

- In a clean, inoffensive and sanitary condition;
- So as not to cause nuisance; and
- In an adequate and appropriate manner for the type of animal being house.

Neighbourhood Amenity Local Laws 2022 Section 24 – Animal Excrement and Conduct

A person in charge of a dog must not allow any part of the animal's excrement to remain on any road, nature strip, reserve or public or Council land in any built-up area.

A person in charge of a dog that litters a public place within a built-up area must immediately collect and dispose of the droppings in such a manner as not to cause a nuisance to any other person.

The 2022 – 2026 DAMP will need to reflect the new Neighbourhood Amenity Local Law.

14.4 COUNCIL POLICIES FOR NUISANCE COMPLAINTS

14.4.1 Cats and Dogs at Large

The Community Safety team has developed a Domestic Animal Procedure for dealing with domestic animals found at large (refer to attachment 7)

In circumstances where repeat offenders are allowing their cat or dog to roam at large, Council will withdraw Infringements and pursue the matter in the Magistrates' Court to seek an order from the

Court to require the owner to carry out works to ensure the animal is not able to escape from the owner's premises.

14.4.2 Barking Dogs

Council has a standard operating procedure for barking dog complaints. This ensures all complaints received are handled in the same consistent manner by all authorised Officers. The procedure steps out the required processes involved to investigate the complaint, liaise with the dog owner and surrounding neighbours. This procedure was reviewed and now includes educational material for both parties involved.

Where nuisances are found to be proven pursuant to section 32 of the Act, Council can issue notices to the dog owner to abate the nuisance, issue infringements and/or have the matter heard in the Magistrate's Court to seek an order from the Court for the owner to abate the nuisance.

14.5 OBJECTIVE 1

Activity	When	Evaluation
To introduce the hire of anti-barking collars and comfort coats	Ongoing	Number of hire of anti-barking collars and comfort coats as an option to pet owners with barking dog complaints.

14.6 CURRENT EDUCATION/PROMOTION ACTIVITIES RELATING TO NUISANCE ANIMALS

- Providing barking dog information kits
- Providing information relating to building cat enclosures
- Information provided on Council's website
- Provide information brochures from DEDJTR & RSPCA
- Articles on Council's Website and Facebook page
- Encouraging the de-sexing of cats and dogs to reduce wandering and creating a nuisance
- Encouraging dog owners to seek advice from professional dog trainers and trial barking dog citronella collars and comfort coats.

14.7 CURRENT COMPLIANCE ACTIVITIES RELATING TO NUISANCE ANIMALS

- Investigate nuisance complaints in a timely manner to ensure minimal timeframes
- Sending out barking dog formal complaints statements and barking dog log sheets with Statutory Declarations attached.
- Report outcomes of prosecutions, when appropriate, regarding each area of nuisance to local media to raise awareness in the community of the benefits of preventing dog and cat nuisances.
- Issuing notices to comply, notices of objection, infringements where necessary and taking the matter to the Magistrates' Court.
- Providing cat traps free of charge to residents.

14.8 SUMMARY

In order to reduce animal nuisance problems in the community, Council will continue promoting and providing education and compliance activities while striving to improve the activities and identify/trial new initiatives.

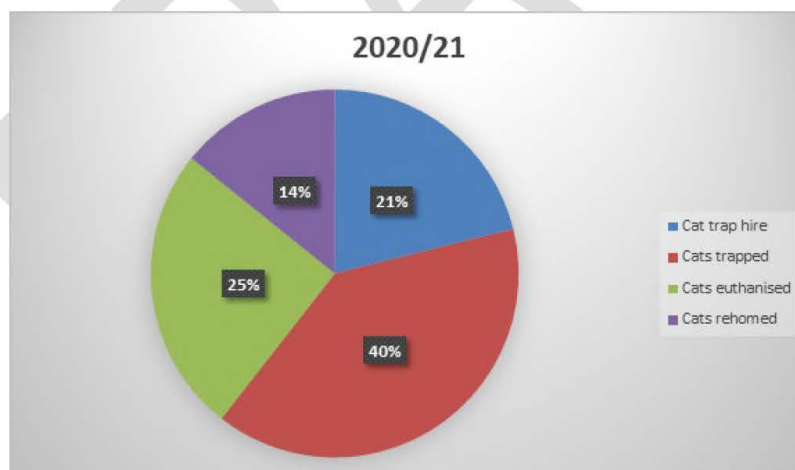
Over the next four years Council will continue to monitor the cat trapping program to ensure the program is promoted efficiently and provides assistance to residents, and continue media releases relating to Council's stance on compliance with nuisance type complaints.

14.9 OUR PLANS

14.9.1 Objective 1:

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

Activity	When	Evaluation
Review cat trapping program at Pomonal (impacting the neighbouring Grampians National Park)	Annually	Number of feral cats taken of Grampians National Park at Pomonal.
Promote the free hire of cat traps for residents of the municipality. See graph below.	Annually	Number of cat trap hires annually.
Educate dog owners out in public by including off leash areas in media releases, and on website, (see off leash map attachment 9)	Ongoing/ as needed	Number of hits on web age. Number of media releases.
Review all dog off leash areas (if suitable) and produce an updated dog off leash map	Annually	Inspect dog off leash areas for suitability.
Ensure wide circulation of the Domestic Animals Branch publications such as "Preventing dog attacks" etc	Annually	Mail out publications with pet registration renewals. Distribute publications to Domestic Animal businesses, Veterinary Clinics and other community hubs.
Implement and enforce Order by ensuring compliance Officer/s patrol streets and parks.	Ongoing	Number of notices/warnings issued. Decreased number of animal litter and dog off lead complaints received.



Of the 46 cat traps hired 2020/2021, 86 cats were trapped and 55 where temperament tested and deemed feral and/or diseased, therefor unsuitable for rehusing.

14.9.2 Objective 2

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

Activity	When	Evaluation

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.
Use barking dog standard operating procedure and revise annually.	Ongoing	Review complaints to ensure standard operating procedure timelines were followed.
Assess the benefits of hiring out comfort coats and collars to dog owners where complaints received.	Ongoing	Number of barking dog complaints. Number of comfort coats and collars used to resolve barking dog complaints.

15 DOG ATTACKS

15.1 Current data

Dog attacks occur throughout the municipality to varying degrees. Council's mix of rural and urban environments dictates that too often; livestock are the victims of attacks. In built up areas, other dogs, cats and small livestock such as chooks and rabbits are often impacted by attacks. Although Council does receive reports of dog attacks on people, often the attack is the result of human intervention with an attack on an animal.

Due to the unforeseen circumstances of COVID 19, dog attacks have risen within the community during restrictions.

Of the 15 reported attacks, 1 dog was euthanised. It had been attacking stock and then turned on the property owner leaving a leg wound. A couple of dogs were injured, causing puncture wounds and lacerations requiring extensive vet work to their torso and neck region and a person needed medical attention due to lacerations to their legs, arms and back while protecting their dog from being attacked. In this last case the dog was declared dangerous after an independent investigation and the matter is yet to go to Court.

Small rural towns also mean the dog owner and animal victim owner know each other. This can result in the parties not wishing to pursue matters formally through the Magistrate Court; as long as satisfactory arrangements between these parties are reached.

Wandering dogs are an issue that Council will be focussing on throughout the period of this Plan. Research shows that undesexed dogs wandering, whether registered or unregistered, is a volatile combination and often results in dog attacks.

Social Media has provided a forum for education to the community. Providing information on consequences and penalties associated with irresponsible pet ownership.

Council strategies for penalties may include:

- Infringements (where non-serious injuries are sustained)
- Menacing/Dangerous dog declaration
- Prosecution in Magistrate's Court
- Seek destruction/compensation order by Magistrates
- Seek mediation between parties
- Obtain a letter of no complaint from the complainant to allow Officers to take no further action where satisfaction resolution between the parties has been reached.

During 2020/21 there were 15 dog attacks reported to Council. Dog breeds involved were:

- Blue Heeler
- Bull Arab

- Cattle Dog
- Pointer Cross
- Staffordshire Terrier
- Wolfhound

There are currently 5 declared menacing dogs on the VDDR for Ararat Rural City Council. During this period, 1 new dog was added to the VDDR register, a Restricted Breed microchipped as a Pitbull, showing the classic signs and features of the breed. One dog previously on the register (German Shepherd) was revoked after professional training and a letter of support from the trainer which satisfied Council of its competence.

Where injuries have occurred to a person or another animal that is of a serious injury (as defined by the Act), Council will strive to have the matter heard in the Magistrate's Court, where enough evidence is sufficient to form a prosecution.

15.2 CURRENT EDUCATION/PROMOTION ACTIVITIES

- Prosecutions and dog attacks will be reported to the local media to raise community awareness of responsible pet ownership.
- Media releases relating to livestock attacks
- Providing new residents with animal registration information
- Promoting the effective confinement and control of dogs
- Promoting puppy socialisation and obedience training
- Mailing out literature titled – "Preventing dog attacks in the community" with annual registration renewals.

15.3 CURRENT COMPLIANCE ACTIVITIES

- Once Officers are notified of dog attack report, they will be dealt with as top priority
- Provide an afterhours response to reported dog attacks
- Ensure all reported dog attacks are recorded and investigated to meet all points of proof provided in the DAA. Seize dogs and prosecute owners in accord with Ararat Rural City Council's enforcement procedure
- Be proactive in declaring dogs dangerous or menacing (using the provisions of sections and 34 and 41A of the DAA correspondingly)
- Ensure unclaimed dogs at the pound are temperament tested to determine whether they are suitable for rehoming.

15.4 OUR PLANS

15.4.1 Objective 1

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

Activity	When	Evaluation
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 required specific education/compliance activities.
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.

15.4.2 Objective 2

To minimise the incidence of dog attacks in the community.

Activity	When	Evaluation
<p>Providing proactive Education/Compliance Activities in the targeted areas of higher dog attack incidents.</p> <p>Educating key dog attack prevention messages (eg confinement of dogs to property, leash laws) through media articles, mail outs, website information. Actively patrol areas for roaming, unsecure and/or unregistered dogs.</p>	Ongoing	<p>Record type and number of education materials distributed.</p> <p>Numbers of proactive patrols conducted.</p> <p>Number of media articles published.</p>
Inform the community of outcomes of dog attacks prosecuted in Court.	Ongoing	As occurs.
Set key performance indicators for Officers to complete dog attacks investigations within 6 week timeframe.	Ongoing	Review complaints annually to evaluate percentage completed within timeframe.

16 DANGEROUS, MENACING AND RESTRICTED BREED DOGS

16.1 CURRENT SITUATION

Currently there is one restricted breed dogs registered with Ararat Rural City Council. Compliance Officers have received training in identifying these types of dogs so any information received at Council pertaining to these breeds is followed up.

16.2 DECLARED DOGS CURRENTLY REGISTERED WITH THE MUNICIPALITY.

TYPE	2018	2019	2020	2021
Registered restricted breed dogs	0	0	1	1
Registered declared dangerous dogs	0	0	0	0
Registered declared menacing dogs	6	4	4	4

The Act defines restricted breed dogs as any one of the following:

- Pitbull Terrier
- American Pitbull Terrier
- Fila Brasileiro
- Dogo Argentino
- Japanese Tosa
- Perro de Presa Canario

Owners of restricted breed dogs are required to abide by specific regulations, in particular; secure enclosures, warning signs on premises, having the dog muzzled in public and on a lead at all times, as defined by the Act and the Domestic Animals Regulations 2005 (the Regulations) Section 34A (a) the Act states: A dog is a dangerous dog if –

- (a) the dog is kept as a guard dog for the purposes of guarding non-residential premises; or
- (b) the dog has been trained to attack or bite any person or anything when attached to or worn by a person.

Ararat Rural City Council currently has 56 registered dogs attached to the Corrections Victoria, Security and Emergency Services Group. Due to Ararat being the training facility, all dogs are registered with Ararat Rural City Council. As these dogs are used by Government authorities, they are exempt from provisions of the Domestic Animals Act 1994. Owners of declared dangerous dogs must abide by the same regulations as owners of guard dogs other than the perimeter fencing requirements.

Section 41A (1) of the Act states:

1. *A Council may declare a dog to be a menacing dog if-*
 - (a) *The dog has rushed at or chased a person; or*
 - (ab) *the dog bites any person or animal causing injury to that person or animal that is not in the nature of a serious injury.*

The Victorian Declared Dog Register (VDDR) is a database that records all declared dogs for all relevant parties to see. Any dangerous or restricted breed dog entered onto the VDDR is declared for the life of the animal and cannot be revoked by Council. Council can review a menacing dog declaration.

16.3 CURRENT EDUCATION/PROMOTION ACTIVITIES

- Media releases, website and social media relating to legislation/changes/updates
- Media releases, website and social media relating to differences between Restricted Breed Dogs and Dangerous Dogs
- Media releases, website and social media with information on how to report menacing dogs and dog attacks.

16.4 CURRENT COMPLIANCE ACTIVITIES

- Ensure all declared dogs are accurately registered on the Victorian Declared Dog Registry and that details regarding change of owner/change of address/death of dog are updated as soon as possible.
- Follow up non compliance issues until owner complies
- Establish Council policies and procedures for non compliance – infringement, prosecutions
- Patrol industrial and commercial areas/non residential premises after hours to check dangerous dogs guarding premises have been declared, are identified as required (collar of the kind prescribed), and are being kept in compliance with the DAA and Regulations
- Monitor training in parks to ensure that dogs are not being trained to attack, bite, rush or chase are not doing “sleeve work”.

16.5 OUR PLAN

16.5.1 Objective 1

Ensure declared dogs are compliant to relevant legislation and regulations.

Activity	When	Evaluation
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.
Patrol industrial sites or building sites that may have guard dogs.	Ongoing	Distribute information kits to any premises identified.
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 assistance). Ensure Council has specific declaration procedures for each type of declaration: Dangerous dogs Menacing dogs Restricted breed dogs	Ongoing	Declaration policies and procedures are developed and implemented.
Random property inspections of declared dogs to ensure compliance	Ongoing	Review checklists as occurs
Prosecute repeat offenders for serious breaches detected	As occurs	As Occurs
Educate the community about what is a declared dog	Ongoing	Number of complaints regarding declared dogs from the community Review accuracy of complaints

16.5.2 Summary

Over the next four years, Council will work to ensure that all dangerous, menacing and restricted breed dogs are kept in a manner which is compliant with the Code of Practice.

17 OVERPOPULATION AND HIGH EUTHANASIA

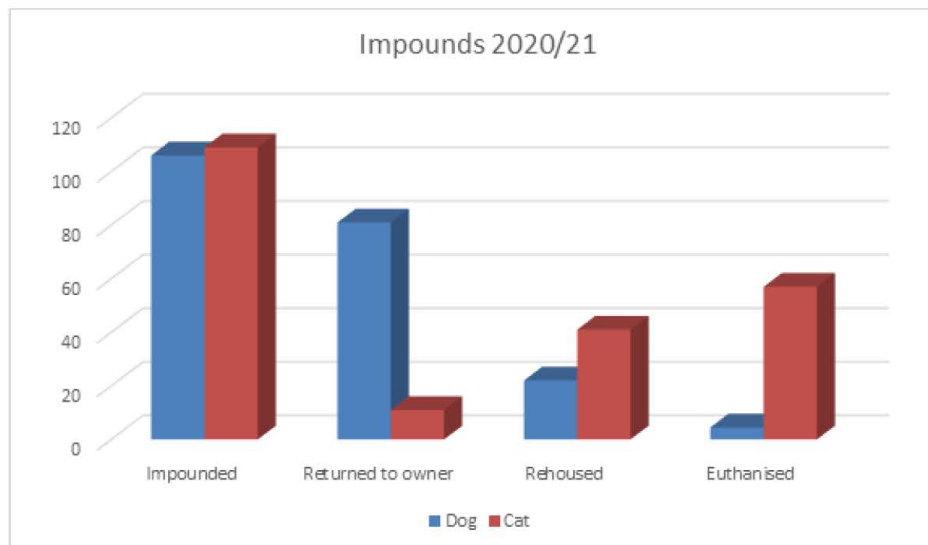
17.1 CURRENT SITUATION

Category	2017/18	2018/19	2019/20	2020/21
DOGS				
Number registered	2279	1888	1658	1600
Impounded by Council	147	108	111	93
Surrendered by public (see below)	19	20	17	13

Adopted	31	9	5	7
Rescue Organisation	18	35	24	15
Euthanised	2	4	3 + 1 deceased	3 *
Reclaimed	114	80	78	81
CATS				
Number Registered	674	547	494	462
Impounded by Council	117	172	138	101
Surrendered by public	48	21	12	8
Adopted	43	28	19	19
Rescue Organisation	42	101	59	22
Euthanised	77	53	40 + 10 deceased	57
Reclaimed	3	11	10	11
Domestic Animal Business/shelters	4	4	5	4

Council continued to work with rescue organisations over the past year, which has resulted in Council achieving the target of less than 7% of dogs (2.8%) that enter the pound being euthanised. No dogs were euthanised due to an inability to rehouse them.

Dogs euthanised were injured in an accident or old and suffering from respiratory problems and surrendered by their owners due to the inability to care for the animal, one dog was deceased at the owners property who required help with disposal.



All domesticated cats are reunited with their owners, rehoused with rescue groups or adopted by the public from the pound. The 54.3% of cats impounded that were euthanised in 2020/21 were a result of the feral cat trapping program. 45.7% of impounded cats were rehoused either with a rescue organisation or adopted direct from the pound.

17.2 CURRENT EDUCATION/PROMOTION ACTIVITIES

- Promote the benefits of de-sexing – no surprise litters, fewer unwanted animals in the community, fewer animals euthanised, reduced aggression, reduced wandering
- Community displays – brochure stands, social media & media releases promoting and raising awareness about de-sexing overpopulation and high euthanasia rate fact sheets and other material developed by the Bureau of Animal Welfare and/or Ararat Rural City Council.
- Continue registration and microchipping programs to ensure pet cats and dogs can be returned to their owner, to reduce euthanasia rates.
- Promote appropriate pet selection to avoid animals being surrendered.
- Continued Councils dog and cat subsidised adoption program which assists in the reduction of euthanasia rates.
- Advertise found animals on the Ararat Rural City Council website and Ararat Council Facebook page.
- Advertise adoptable animals on Ararat Rural City Council website, Ararat Active Facebook page and the Pet Rescue website.
- Keep lists of people wanting to adopt dogs or cats, keeping them in mind when a suitable animal becomes available.

17.3 CURRENT COMPLIANCE ACTIVITIES

- Implemented a formal program of assessment for euthanasia or suitability for rehoming of dogs.
- Investigate reports of animal hoarding
- Investigate reports of unauthorised “backyard breeders” to ascertain whether they should be registered as a domestic animal business
- Provide cat cages to local residents for trapping cats trespassing on their property
- Enforcing the Local Laws relating to prescribed number of animals on a property
- Microchipping and registration of all impounded animals prior to release to the owner
- Microchipping, immunisation, registration and desexing of all impounded animals prior to being released for adoption.

Summary

There are a lot of opportunities to introduce programs which will positively impact the community, and the dogs and cats within it. Council has had great success in meeting their low euthanasia target of less than 7% (2.8%). Council will continue to work towards successful outcomes for all animals that come through the system.

17.4 OUR PLANS

17.4.1 Objective 1

Continue encouraging de-sexing of animals. The below activities will continue into the 2019/20 pet registration cycle.

Activity	When	Evaluation
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.
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. Apply for Government grants where available.

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
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18 DOMESTIC ANIMAL BUSINESSES

Domestic Animal Act S68A (2)(c)(ii) Outline programs, services and strategies which the Council intends to pursue in its municipal district to ensure that people comply with this Act, the regulations and any related legislation

- also addresses 68A(2)(a),(c)(i),(d),(f)

Current data

In Victoria, the Domestic Animals Act 1994 defines Domestic Animal Businesses as any of the following:

- A Council pound (operated by the Council or a contractor on behalf of Council)
- A dog and/or cat [breeding business](#) - where there are three or more fertile females and animals are sold (whether a profit is made or not), and the proprietor is not a member of an Applicable Organisation. If the proprietor is a member of an Applicable Organisation, they are exempt from registering as a breeding Domestic Animal
- Business if they have less than 10 fertile female animals AND no more than 2 are not registered with an Applicable Organisation.
- A [dog training establishment](#) (where the business is run for profit)
- A [pet shop](#) (operated in a permanent location that must be open at least 5 days per week)
- An [animal shelter](#) (e.g. welfare organisations such as the RSPCA and The Lost Dogs' Home)
- An [establishment boarding](#) dogs or cats (where the business is run for profit to provide overnight, daycare or homecare boarding)
- An establishment that is [rearing](#) dogs or cats (where the business is run for profit).

There are several businesses in Ararat Rural City Council currently undertaking activities which fall into a category of Domestic Animal Business (DAB). These businesses include pet shops, boarding establishments and breeding establishments. Legislation has changed considerably over the past few years in an effort to regulate breeding establishments, otherwise known as puppy farms.

There are 5 registered domestic animal businesses within Ararat Rural City Council, these include 1 pet shop, 1 boarding establishment, 2 domestic animal breeder and Councils registered pound and shelter.

Registered domestic animal businesses are audited both randomly and on receipt of complaints.

Council actively investigates the presence of animal businesses to ensure compliance with the relevant codes of practice and legislation.

In 2020-2021 Council reviewed multi-animal permit holders to identify those without planning permits or running breeding businesses. A number have now been resolved.

18.1 CURRENT EDUCATION/PROMOTION ACTIVITIES

- Providing information to registered domestic animal businesses.
- Promoting DEDJTR information and codes of practices.
- Advertising new legislation amendments.

18.2 CURRENT COMPLIANCE ACTIVITIES

- Investigate reports
- Monitoring advertising sites
- Renewal/Registration process
- Inspecting suspected unregistered domestic animal businesses
- Liaising with planning department to ensure planning conditions are adhered too.
- RSPCA Inspector support.

18.2.1 Objective 1

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

Activity	When	Evaluation
Monitor Councils registration database for owners with more than 3 fertile females.	Ongoing	Compliance with local laws and related legislation
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 de-sexed animals compared to entire animals.
Conduct searches for unregistered domestic animal businesses via internet/media/newspapers.	Ongoing	Number of DAB's identified.

18.2.2 Objective 2

Identify illegally operated Domestic Animal Breeding Establishments in the municipality and ensure compliance and/or closed down.

Activity	When	Evaluation
Media campaigns to raise awareness of DAB definition and code of practices that must be adhered to.	As identified	Evaluate number of complaints received and properties identified during inspection or otherwise.
Investigate advertisements of pets for sale.	As identified	Mandatory microchipping of animals from breeding establishments.
Audit DAB randomly to ensure compliance.	Ongoing	Number of audits compared to number of follow ups required.

19. ANNUAL REVIEW OF PLAN AND ANNUAL REPORTING

As per 68A(3) of the Act, Council will review its Domestic Animal Management Plan annually to assess whether any amendments are necessary in order to ensure the plan is relevant and can be completed within the required timeframes.

19.1 ATTACHMENTS

Attachment 1: Neighbourhood Amenity Local Law 2022 – Section 22– Keeping Animals

1) *An owner or occupier of private property must not without a permit keep or allow to be kept on that private property at any one time more than:*

- (a) *Six (6) different types of animals; and*
- (b) *The maximum number for each type of animal than is set out in the following table:*

Type of Animal	Maximum number allowed in urban area.	Maximum number allowed in rural area.
Cats	2	4
Cattle	Zero	No maximum limit

Dogs	2	6
Domestic birds (excluding Noisy birds)	20	No maximum limit
Domestic fish	No maximum limit	No maximum limit
Domestic Mice/Rats	10	No maximum limit
Domestic Rabbits/Ferrets	4	10
Domestic Turtles, Tortoises, Frogs and the like	No maximum limit	No maximum limit
Goats	Zero	No maximum limit
Guinea Pigs	4	No maximum limit
Horses/Donkeys and the like	Zero	1 horse per 2ha
Large Birds and/or Noisy Birds	Zero	10
Pigeons	20	100
Pigs	Zero	No maximum limit
Poultry	10	No maximum limit
Sheep	Zero	No maximum limit
Any other agricultural animals	Zero	No maximum limit

- 2) Sub-clause (1) does not apply to the temporary grazing of no more than six (6) sheep in a urban area for a continuous period, or any combined period, not exceeding 4 weeks in any calendar year.
- 3) Unless otherwise authorised by or under an Act a person must not, without a permit, keep or allow to be kept any exotic, wild, dangerous or large animal not listed in sub-clause (1).
- 4) For the purpose of calculating the numbers of animals kept under sub-clause (1), the progeny of any dog or cat lawfully kept will be counted from 12 weeks after their birth.

Attachment 2: Neighbourhood Amenity Local Law 2022 - Section 23 – Animal Accommodation

- 1) The owner or occupier of any private property on which animals are kept must provide accommodation in accordance with Domestic Animal Act 2020:
 - a. the type of animals to be kept; and
 - b. the height of the shelter; and
 - c. the number of animals to kept; and
 - d. the capacity to maintain it in a sanitary and inoffensive condition; and
 - e. the capacity to protect neighbours from noise from animals on the land; and
- 2) All animals housing must be maintained so that:
 - a. all manure and other waste is removed and/or treated as often as necessary so that it does not cause a nuisance or offensive condition; and
 - b. all manure and other waste is stored in a fly and vermin proof receptacle until removed from the premises or otherwise disposed of to the satisfaction of the environmental health officer; and
 - c. the ground surrounding the housing is drained to the satisfaction of the environmental health officer; and

- d. *the area of land within 3 metres of the area or structure in which the animal is kept must be kept free from dry grass, weeds, refuse, rubbish or other material capable of harbouring vermin; and*
- e. *all food, grain or chaff is kept in vermin proof receptacles; and*
- f. *the area where animals are kept must be thoroughly cleaned and maintained at all times in a clean and sanitary manner to the satisfaction of the environmental health officer.*

Attachment 3: Neighbourhood Amenity Local Law 2022 Section 24 – Animal Excrement and Conduct

- 1) *A person in charge of an animal must not allow*
 - a. *any part of the animal's excrement to remain on any road or Council land ;or*
 - b. *The animal to dog any part of Council Land.*
- 2) *A person in charge of any animal on any road or Council Land must carry a litter device suitable to clean up any excrement left by the animal while under the person's charge and must produce such litter devise upon request of an Authorised Officer or Delegated Officer.*

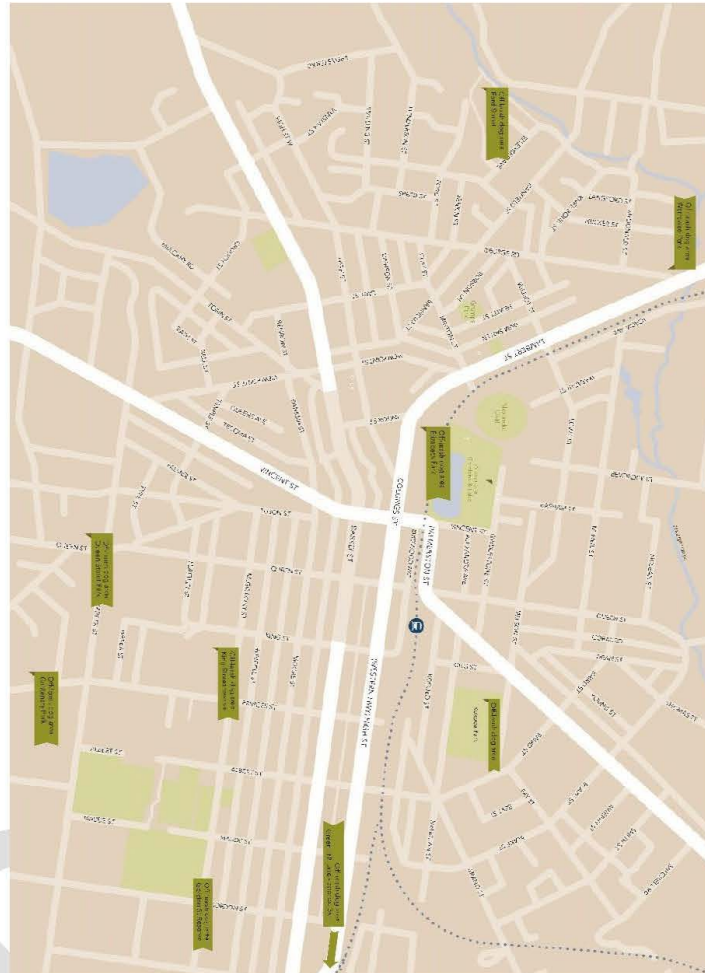
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Domestic Animal at Large Procedure

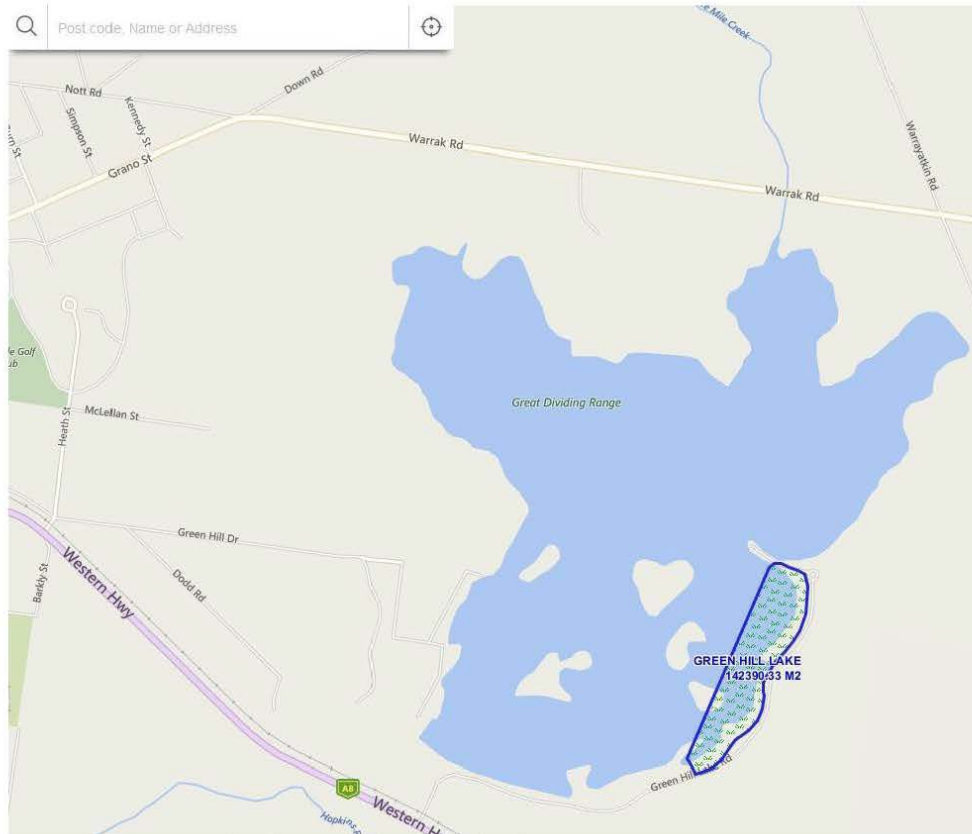
**DOMESTIC ANIMAL AT LARGE
PROCEDURE**

REGISTERED ANIMAL	UNREGISTERED ANIMAL – MICROCHIPPED	UNREGISTERED ANIMAL – NOT MICROCHIPPED
<p style="text-align: center;"><u>First Occasion</u></p> <p>Return to owner, verbal warning given – 1 per 12 months. NOT APPLICABLE</p> <p>If dog has been impounded and registered upon release within the last 12 months, or has been involved in a dog attack – straight to 3rd offence.</p>	<p style="text-align: center;"><u>Microchipped Animal</u></p> <ul style="list-style-type: none"> • Charge impoundment fee • Animal to be registered prior to release • Infringe for “Dog at large” 	<p style="text-align: center;"><u>Not Microchipped</u></p> <ul style="list-style-type: none"> • If identified by owner, animal to be microchipped and registered prior to release. • No owner identified, rehouse with agreed animal rescue organisation. • Euthanise as last resort if not suitable for adoption or unable to rehouse.
<p style="text-align: center;"><u>Second Occasion</u></p> <ul style="list-style-type: none"> • Return to owner • Impoundment fee to be charged. 		<p style="text-align: center;"><u>Infringe at large and unregistered if owner identified.</u></p> <p>Animals that have been previously impounded and registered upon release to the owner, will be infringed again for at large if the animal is found wandering within 12 months of previous impoundment. (see 3rd occasion reference under Registered Animal Column)</p>
<p style="text-align: center;"><u>Third Occasion</u></p> <ul style="list-style-type: none"> • Return to owner • Impoundment fee to be charged. • Infringe for being at large. 		

Attachment 4: Dog Off Leash Areas - Ararat City Town Parks



- Warrabee Park - Elizabeth Park - King Street - Centenary Park
- Kokoda Park - Ford Street Park - Elizabeth Street - Gordon St Reserve – Queen St



SECTION 4 – INFORMATION REPORTS

Nil.

SECTION 5 – COMMITTEE MINUTES/REPORTS

5.1 AUDIT AND RISK COMMITTEE MEETING

AUTHOR'S TITLE: CHIEF EXECUTIVE OFFICER
DEPARTMENT: CEO'S OFFICE
REFERENCE: 6575

OFFICER DIRECT OR INDIRECT CONFLICT OF INTEREST:

Officers providing advice to Council must disclose any conflict of interest.

No person involved in the preparation of this report has a conflict of interest requiring disclosure.

EXECUTIVE SUMMARY

This report contains the minutes of the Audit and Risk Committee meeting held on 08 September 2022.

DISCUSSION

Minutes of Audit and Risk Committee meetings are provided to Council at the first available opportunity after clearance by the Audit and Risk Committee Chairperson. The report contains the Audit and Risk Committee Meeting held on 08 September 2022.

Council Committees	Councillor representative	Current meeting (as presented)	Next scheduled meeting/s
Audit and Risk Committee	Cr Jo Armstrong	08 September 2022	08 December 2022
Audit and Risk Committee	Cr Henry Burridge	08 September 2022	08 December 2022

KEY CONSIDERATIONS

Alignment to Council Plan Strategic Objectives

The report supports the strategic objective of the Council Plan 2021-2025:
6 Strong and Effective Governance

Budget Implications

No budget impact for the receiving of minutes.

Policy/Legal/Statutory

Section 53 of the *Local Government Act 2020* states that Council must establish an Audit and Risk Committee.

Section 6.1 of the *Audit and Risk Committee Charter* states that minutes of Committee meetings will be provided to Council at the first available opportunity after clearance by the Committee Chairperson following each Committee meeting.

Risk Assessment

Council needs to be aware of issues raised in the minutes.

Stakeholder Consultation and Communication

Audit and Risk Committee members.
Councillor representation on Council Committees.
Chief Executive Officer and relevant Council officers.

RECOMMENDATION

That the Audit and Risk Committee Meetings minutes of 08 September 2022 be received.

**MOVED CR WATERSTON
SECONDED CR R ARMSTRONG**

That the Audit and Risk Committee Meetings minutes of 08 September 2022 be received.

CARRIED 4705/22

ATTACHMENTS

The Audit and Risk Committee minutes as listed above are provided as Attachment 5.1.



AGENDA

Audit and Risk Committee

Thursday 8 September 2022

Location: Mayors Room, 59 Vincent St, Ararat

Commenced at 1:05 pm

Audit and Risk Committee:

Cr Jo Armstrong (Mayor)

Cr Henry Burridge

Ms Jessica Adler

Mr Robert Tommasini

Mr Brian Keane

In attendance:

Dr Tim Harrison

Mr Brad Ead (via Microsoft Teams)

Ms Cassandra Gravenall (via Microsoft Teams)

Ms Karissa Hogan

Mrs Chandra Willmott

Ms Josie Frawley (via Microsoft Teams)

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SECTION 1 – PROCEDURAL MATTERS

1.1 APOLOGIES

There are no apologies.

1.2 DECLARATION OF DISCLOSURE OF INTERESTS

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

1.3 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the Internal Audit and Risk Committee Meeting held on 07 June 2022 be confirmed.

MOVED ROBERT TOMMASINI
SECONDED JESSICA ADLER

That the Minutes of the Internal Audit and Risk Committee Meeting held on 07 June 2022 be confirmed.

CARRIED



SECTION 2- CEO UPDATE

2.1 CEO UPDATE – **CONFIDENTIAL**

SECTION 3- FINANCE AND PERFORMANCE REPORTING

3.1 REVIEW THE ANNUAL FINANCIAL REPORT AND ANNUAL PERFORMANCE STATEMENT

3.1.1 FINANCIAL STATEMENTS AND PERFORMANCE STATEMENT FOR THE YEAR ENDED 30 JUNE 2022

BACKGROUND

Part of the Audit and Risk Charter requires that the Audit and Risk Committee review the draft Annual Financial Report and the draft Annual Performance Statement.

DISCUSSION

Council's external auditors have been completing the end of year audit remotely. Draft Financial Statements and Draft Performance Statement compiled by Council officers have been sent to the auditors for review. These Statements may change depending on the outcomes of the auditor's review.

Financial Report

The Draft Comprehensive Income Statement shows total income in 2022 of \$36.620 million compared with \$35.196 million in 2021. Rates & Charges income decreased by \$0.204 million, Government Grants for operations increased by \$1.846 million, and Government Grants for capital works decreased by \$0.518 million.

Total income from rates decreased by 1.15%. The budget incorporated a rates decrease of 1.50%, although interest on rates and charges has increased by 24% due to an increase in interest concessions being provided in the previous financial year.

Council received the following non-recurrent operating grants in 2022:

	Budget 2021/22 \$'000	Income 2021/22 \$'000
Non-Recurrent Operating Grants		
Women Building Surveyors Program	75	69
Library Upgrade Grant	-	63
Supported Playgroups	59	60
Community Events Fund - Bushfire Recovery Vic	-	48
City Community Digital Hub and Co-Working Space	-	92
New Arrivals Settlement Program	-	254
COVID Safe Outdoor Activation Fund	-	92
Pilot Coordination Grampians Workforce	-	55
Business Concierge & Hospitality Support Program	-	63
Local Councils Outdoor Eating Entertainment Package	-	158
Community Funding Initiative Digital Literacy	-	60
Other Minor Grants	13	208
	147	1,222

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Council received the following non-recurrent capital grants in 2022:

Non-Recurrent Capital Grants	Budget 2021/22 \$'000	Income 2021/22 \$'000
Gordon Street Recreation Reserve Development	2,950	278
Back Bolac Road	1,620	1,620
Delacombe Way	434	370
Chatsworth-Wickliffe Road	852	852
Darlington-Nerrin Road	738	738
Chatsworth-Lake Bolac Road	434	434
Wilson Street	489	218
Pollands Bridge	267	-
Urban Drainage Works	330	-
Ararat East Development Zone Trunk Infrastructure Project	-	64
Ararat Linkages Project	-	180
Yalla Y Poora Road Crossing	-	77
Willaura Rec Reserve-Female Friendly Facilities	-	39
	8,114	4,870

Total expenses in 2022 were \$29.264 million compared with \$29.128 million in 2021, an increase of \$0.136 million. A breakdown of expenses reveals an increase in materials and services costs of \$2.982 million which can be largely attributed to the increased operating expenditure required to deliver the outcomes for the additional operating grants. Employee costs have decreased by \$1.088 million which is partly due to Council employing new employees under the Working for Victoria initiative in 2021, as well as delays in replacing some staff members and some vacancies that have not been filled in 2022. Depreciation has decreased by \$1.734 million based on the revaluation of infrastructure as at 30 June 2021.

The surplus for 2022 was therefore \$7.356 million compared with a surplus of \$6.068 million in 2021.

The revaluation of property assets at 30 June 2022 has resulted in an increase in value of \$9.189 million and the revaluation of infrastructure assets at 30 June 2022 has resulted in an increase in value of \$20.151 million.

The Cash Flow Statement shows a net decrease in cash and cash equivalents of \$1.534 million compared with an increase of \$3.516 million in 2021.

The Cash Flow Statement shows net cash provided by operating activities was \$15.137 million in 2022 compared with \$19.947 million in 2021, representing a decrease of \$4.810 million. This is largely due to a decrease in capital grants of \$2.652 million and an increase in materials and services expenditure of \$2.921 million.

Net cash used in investing activities (e.g. payments for property, infrastructure, plant and equipment) was \$14.479 million in 2022 compared with \$16.181 million in 2021, representing a decrease of \$1.702 million.

Net cash used in financing activities was \$2.192 million in 2022 compared with \$0.250 million in 2021.

The Statement of Capital works shows \$14.664 million invested in 2022 compared with \$16.564 million in 2021, a decrease of \$1.900 million. Total Infrastructure works decreased by \$1.175 million.

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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 statements and performance statement Council is within the expected range for most indicators. The reasons for the material variations are included in the performance statement.

The Financial Statements and Performance Statements included in this agenda are still subject to change based on the feedback from either Crowe Australasia or by the Auditor General.

RECOMMENDATION

That the Audit and Risk Committee recommends:

1. Council authorise Cr Jo Armstrong, Cr Henry Burrige (Audit and Risk Committee Members) and Dr. Tim Harrison, Chief Executive Officer to certify the Financial Statements in their final form, and
2. Council authorise Cr Jo Armstrong, Cr Henry Burrige and Dr. Tim Harrison, Chief Executive Officer to certify the Performance Statement in its final form.

**MOVED JESSICA ADLER
SECONDED ROBERT TOMMASINI**

That the Audit and Risk Committee recommends:

1. Council authorise Cr Jo Armstrong, Cr Henry Burrige (Audit and Risk Committee Members) and Dr. Tim Harrison, Chief Executive Officer to certify the Financial Statements in their final form, and
2. Council authorise Cr Jo Armstrong, Cr Henry Burrige and Dr. Tim Harrison, Chief Executive Officer to certify the Performance Statement in its final form, subject to final material clearance from VAGO.

CARRIED

ATTACHMENTS

The Draft Financial Statements and Draft Performance Statements are included as Attachment 3.1.1

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3.2 REVIEW OF DISCRETIONARY COUNCIL RESERVES

BACKGROUND

A review of Council's discretionary reserves has been undertaken to evaluate whether funds set aside for specific purposes in previous years are still required.

DISCUSSION

Council uses reserves to set aside funds from operating and capital incomes, for specific purposes, to meet future funding of projects. From an accounting perspective the value of reserve funds are included in the equity section in the balance sheet.

Council held the following reserves in the previous financial year, as at 30 June 2021:

Reserves	Purpose of Reserve	Type of Reserve	Balance at 30 June 2021
Capital Works and Projects	to fund carried forward works and projects from the previous year	Discretionary	\$13,768,914.00
Plant Replacement	to replace major items of plant and equipment	Discretionary	\$774,423.00
Vehicle Replacement	to replace vehicles	Discretionary	\$343,584.00
Election	to fund election	Discretionary	\$37,303.00
Aerial Imaging	to fund aerial imaging costs	Discretionary	\$8,011.00
Library	to fund library upgrade works	Discretionary	\$235,000.00
Defined Benefits	to fund defined benefit superannuation calls	Discretionary	\$361,000.00
Essential Services	to fund essential services reports and works	Discretionary	\$194,840.00
Recreational Lands	to fund public open space works	Restricted	\$78,209.50
Pit Restoration	to fund works required to reinstate gravel pits	Discretionary	\$0.00
Building Capital	to fund major building capital works	Discretionary	\$3,081,094.00
Environmental Projects	to fund innovative environmental projects	Discretionary	\$94,709.00
Waste Management	to fund works related to the delivery of waste management services	Discretionary	\$1,889,489.00
Asset Management	to fund asset management works	Discretionary	\$164,943.00
Information Technology	to fund information technology works	Discretionary	\$597,000.00
Loan Repayment	to provide for repayment of loans	Discretionary	\$2,000,000.00
Aerodrome	to fund works required at the Ararat Aerodrome	Discretionary	\$45,627.00
			\$23,674,146.50

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It is recommended that the following reserves be closed effective from 30 June 2022, with the reserve balances, totalling \$1,987,308, transferred to the Building Capital Reserve, where Council can allocate funds toward future projects when required:

Reserves	Reason for Closure
Vehicle Replacement Reserve	Fund in the Annual Budget
Election Reserve	Fund in the Budget every 4 years
Aerial Imaging Reserve	Fund in the Budget when required
Library Reserve	There is no longer a specific purpose for the use of these funds
Defined Benefits Reserve	Funds have not been required since the reserve was started in 2012/13. Fund in the Budget when required
Essential Services Reserve	There is no longer a specific purpose for the use of these funds. Fund in the Budget when required
Asset Management Reserve	There is no longer a specific purpose for the use of these funds
Information Technology Reserve	There is no longer a specific purpose for the use of these funds
Loan Repayment Reserve	Interest only loan has been repaid
Aerodrome Reserve	There is no longer a specific purpose for the use of these funds. Fund in the Budget when required

KEY CONSIDERATIONS

Alignment to Council Plan Strategic Objectives

- Strong and Effective Governance
We will work hard to build models of governance that place delivering public value at the centre through effective financial management; and implementation of effective community engagement practices.

Budget Implications

Streamlining the number of reserves provides more accurate reporting and gives greater clarity of funds available, that can be allocated to future projects.

Policy/Relevant Law

Council is required under the Local Government Act 2020 and financial reporting standards to disclose all reserves set aside for specific purposes in its annual financial statements. Transfers to and from reserves, and closure of reserves should be by resolution of Council.

Sustainability Implications

Maintaining reserve funds helps Council achieve financial sustainability, with funds set aside to fund future Council projects.

Risk Assessment

Council reserves provide additional funds set aside for specific purposes and by Council resolution can be used to fund Council projects.

Innovation and Continuous Improvement

The review of reserve funds provides greater transparency and improved reporting.

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Stakeholder Collaboration and Community Engagement

The purpose of each Council reserve has been reviewed by management, leading to the recommendations of this report.

The following recommendation was put to Council on the 30 August 2022:

RECOMMENDATION

That the following reserves be closed effective from 30 June 2022, with the total balance of \$1,987,308 transferred to the Building Capital Reserve:

- *Vehicle Replacement Reserve (\$343,584)*
- *Election Reserve (\$37,303)*
- *Aerial Imaging Reserve (\$8,011)*
- *Library Reserve (\$235,000)*
- *Defined Benefits Reserve (\$361,000)*
- *Essential Services Reserve (\$194,840)*
- *Asset Management Reserve (\$164,943)*
- *Information Technology Reserve (\$597,000)*
- *Loan Repayment Reserve (\$0 – loan repaid in 2021/22)*
- *Aerodrome Reserve (\$45,627)*

CARRIED

RECOMMENDATION

That the Review of Discretionary Council Reserves Report be received.

OUTCOME

The Review of Discretionary Council Reserves Report was noted.

ATTACHMENTS

There are no attachments in relation to this item.

SECTION 4 – INTERNAL CONTROLS

Nil.

SECTION 5- RISK MANAGEMENT

Nil.

SECTION 6- FRAUD PREVENTION

Nil.

SECTION 7- INTERNAL AUDIT

7.1.1 MONITOR ACTION BY MANAGEMENT ON INTERNAL AUDIT FINDINGS AND RECOMMENDATIONS

INTERNAL AUDIT - AUDIT REVIEW OUTCOMES UPDATE

BACKGROUND

Council appointed AFS & Associates from Bendigo as Council's Internal Auditors. Council has reviewed the recommendations made by the Internal Auditor in relation to the internal audit reviews and these are presented as an attachment to this report.

DISCUSSION

An Audit Review Outcomes Action Plan was developed to capture the recommendations highlighted in the various internal audits conducted by AFS.

The Audit Review Outcome Action Plan lists the recommendations and subsequent outcomes and projected completion dates.

Internal Auditor, Brad Ead from AFS & Associates and Dr Tim Harrison (ARCC), met on Friday 12 August and deemed 9 recommendations as complete, these have since been removed from the spreadsheet attachment.

These included recommendations from the following audits:

- Waste Management
- Library Services
- Depot Operations
- Building Services Unit and
- Cash Handling

More details surrounding the Past Issues Review are outlined in Item 7.2.3

RECOMMENDATION

That the Audit Review Outcomes Update report be received.

OUTCOME

The Audit Review Outcomes Update report was noted.

ATTACHMENTS

The Audit Review Outcomes Update report is included as Attachment 7.1.1

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7.2 REVIEW REPORTS ON INTERNAL AUDIT REVIEWS, INCLUDING RECOMMENDATIONS FOR IMPROVEMENT ARISING FROM THOSE REVIEWS

7.2.1 STRATEGIC INTERNAL AUDIT PROGRAM STATUS UPDATE

BACKGROUND

AFS & Associates (AFS) are Council's Internal Auditors. This report outlines the audit program that AFS will undertake over the next three years.

DISCUSSION

AFS & Associates have provided the current status of the Internal Audit Program.

Three audits were conducted between January and May 2022 in relation to:

- Business Continuity Planning & Disaster Recovery Planning (Draft issued- pending management comment)
- Operation Review- HACCC (Draft issued- pending management comment)
- Payroll (Complete)

These items will be discussed further by the CEO at the September 2022 Audit & Risk Meeting.

A Past Issues Review was also completed in July 2022, which has now been marked as complete.

Two audits were conducted in August 2022; OHS and Wellbeing and Depot Operations, the report for both of these is currently in progress and will be presented at the December 2022 Audit & Risk Committee meeting.

The next two audits to be conducted include:

- Information Technology Governance and Cyber Security (November)
- Review of forward Internal Audit Program (November)

The proposed scope and approach for each of these is included in Attachment 7.2.1

RECOMMENDATION

That the Strategic Internal Audit Program Status Update report be received.

OUTCOME

The Strategic Internal Audit Program Status Update report was noted.

ATTACHMENTS

The Strategic Internal Audit Program Status Update report is provided as Attachment 7.2.1

Note: the OHS and Wellbeing, Depot Operations and Business Continuity Planning & Disaster Recovery Planning reports will be presented at the December 2022 meeting

Note: The Operation Review- HACCC will now be marked as complete

7.2.2 INTERNAL AUDIT- PAYROLL REVIEW

BACKGROUND

AFS & Associates are Council's Internal Auditors and have recently conducted an audit on Ararat Rural City Councils cash handling.

DISCUSSION

The objective of the Payroll Review was to confirm the following:

- Accuracy of employees pays
- An effective internal control environment exists.

The audit concluded there were 12 areas of strength. 2 areas rated as moderate risks, 6 areas rated as minor risks and 1 area of opportunity. The definition of a moderate risk is medium likelihood and/or consequence – requires attention over six months. The definition of a minor risk is low likelihood and/or consequence – attention within 12 months.

Recommendations from and responses to the Payroll Review audit are included in Item 7.1.1- the Internal Audit- Audit Review Outcomes Update spreadsheet.

All recommendations suggested to management have been agreed to, and an update on the progress of these action items will be provided at the December 2022 Audit & Risk Committee meeting.

RECOMMENDATION

The Audit and Risk Committee recommends management adopt the recommendations from the Payroll Review report.

OUTCOME

The Audit and Risk Committee recommended management adopt the recommendations from the Payroll Review report.

ATTACHMENTS

The AFS & Associates Audit of Payroll Review report is provided as Attachment 7.2.2.

Note: Page 12 of Attachment, the tick box was not completed, however management have agreed to the recommendation

7.2.3 INTERNAL AUDIT – PAST ISSUES REVIEW

BACKGROUND

AFS & Associates are Council's Internal Auditors. This report outlines the recommendations that have now been deemed complete, since the previous review in February 2021.

DISCUSSION

AFS & Associates have provided their past issues report. There are nine recommendations deemed complete since their last review.

The work undertaken by AFS & Associates involved:

- Discussions with the CEO and key personnel
- Site visit to the Ararat offices
- Review and examination of documentation supporting the action taken against the previous recommendations.

RECOMMENDATIONS

The Past Issues Review report be received.

OUTCOME

The Audit and Risk Committee recommended management adopt the recommendations from the Payroll Review report.

ATTACHMENTS

The Internal Audit past issues report is provided as Attachment 7.2.3

7.3 REVIEW THE AUDIT AND RISK COMMITTEE CHARTER

BACKGROUND

Council policies are currently reviewed on an ongoing policy and procedure review process.

This report outlines the review that will take place for the Audit and Risk Committee Charter in June 2022.

DISCUSSION

Council has committed to reviewing policies through a review process to ensure that all Council policies meet legislative requirements and established internal processes.

The Audit and Risk Committee Charter was last reviewed in July 2020. It was due to be reviewed again on 21 July 2022.

Council is seeking feedback from the Audit & Risk Committee on the altered Audit & Risk Committee Charter, in particular the Work Plan. This will then be implemented and form a new charter to be presented at the December 2022 Audit & Risk Committee meeting.

RECOMMENDATION

That Council seek feedback from the Audit & Risk Committee to form the revised Audit & Risk Committee Charter 2022.

OUTCOME

The Audit & Risk Committee Charter 2022 was received and noted, and some minor changes were proposed for consideration.

ATTACHMENTS

Audit & Risk Committee Charter is provided as Attachment 7.3

Note: The Audit & Risk Committee Charter will be presented at the December meeting for adoption

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SECTION 8- EXTERNAL AUDIT

8.1. REVIEW CHANGES TO THE LOCAL GOVERNMENT PERFORMANCE REPORTING FRAMEWORK

8.1.1 FINANCIAL AND PERFORMANCE REPORTING FRAMEWORK CHANGES- LOCAL GOVERNMENT BETTER PRACTICE GUIDE

BACKGROUND

Part of the Audit and Risk Charter requires that the Audit and Risk Committee Review changes to the Local Government Performance Reporting Framework.

DISCUSSION

The Local Government Performance Reporting Framework's (LGPRF) primary objective is to provide comprehensive performance information that meets the needs of a number of audiences. Local Government Victoria provide Councils with updates to the Local Government Performance Reporting Framework.

The Summary of Changes document outlines the key changes that were made from 2021-2022 to 2022-2023. The following are some examples of the changes that have been implemented:

Section	Original	Revised text
Mandatory target setting	N/A	Added new section regarding requirements for mandatory target setting.
Development of indicators	N/A	Content acknowledging the latest technical working groups. "...Technical Working Groups were last held in 2021"
Distinguishing inputs, outputs and outcomes	Examples of commentary to explain the link between indicators to community outcomes	Examples were updated for 2021
Reporting checklist	Checklist related to Local Government Act 1989 and 2014 Regulations	Updated with requirements from the Local Government Act 2020 and Local Government (Planning and Reporting) Regulations 2020

There are no new indicators identified for the 2022 period.

Other changes made to the Performance Reporting Framework including referring to the Local Government Act 2020 rather than the Local Government Act 1989.

In addition to the changes above, minor layout and presentation changes were made to the document.

RECOMMENDATION

That the Financial and Performance Reporting Framework changes report be received.

OUTCOME

The Financial and Performance Reporting Framework changes report was received and noted.

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ATTACHMENTS

Summary of Changes- Local Government Better Practice Guide 2021-2022 & 2022-2023 is provided as Attachment 8.1.1

8.1.2 EXTERNAL AUDIT- MANAGEMENT LETTER FOR THE FINANCIAL YEAR ENDING 30 JUNE 2022

BACKGROUND

The Victoria Auditor General appoints a service provider to undertake the annual financial audit. Ms Cassandra Gravenall of Crowe Australasia has been appointed by the Victoria Auditor-General's office to undertake the annual financial audit for the year ending 30 June 2022.

DISCUSSION

Crowe Australasia conducted the interim audit in April/May 2022.

At the time of preparing this agenda Crowe Australasia was still completing the year end audit. The final management letter will be distributed as soon as it becomes available.

Ms Cassandra Gravenall is invited to attend the September 2022 meeting to provide an update on the Audit's progress.

RECOMMENDATION

That:

- 1 *The Management Letter Report for the financial year ending 30 June 2022 be received; and*
- 2 *The final management letter will be distributed to the Audit & Risk Committee members once it has been finalised.*

OUTCOME

- 1 **The Management Letter Report for the financial year ending 30 June 2022 was received and noted; and**
- 2 **The final management letter will be distributed to the Audit & Risk Committee members once it has been finalised.**

ATTACHMENTS

There are no attachments in relation to this item.

Note: Accounts in draft form have been unmodified



SECTION 9- COMPLIANCE

Nil.

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SECTION 10- GENERAL BUSINESS

10.1 REVIEW OF GOVERNANCE RULES

BACKGROUND

The *Local Government Act 2020 (the Act)* requires all Councils in Victoria to adopt and maintain documents to give effect to good governance and transparency principles.

In accordance with *section 60 of the Act*, Council is required to adopt and keep in force Governance Rules.

This report outlines the process for the Governance Rules to be revised in accordance with Council's community engagement policy.

DISCUSSION

Council adopted its Governance Rules on 25 August 2020.

The Governance Rules set out how Council meetings are conducted and how Council decision are made. Council bases its Governance Rules on templates provided by Maddocks Lawyers, which provide a 'standard' form of Governance Rules that are capable of satisfying the requirements of s 60(1) of the Local Government Act 2020.

Amendments to the *Local Government Act 2020* concerning 'attendance' and "remote" meetings will take effect on 2 September 2022. The revised Governance Rules reflects these amendments, such as:

- 1 whether meetings are to be wholly attendance meetings, wholly virtual meetings or partially attendance and partially virtual meetings;
- 2 how, if a meeting is intended to a wholly attendance meeting, a Councillor can request that they attend by electronic means; and
- 3 a decision by Council as to whether it accedes to such a request.

A number of miscellaneous changes have been made to:

- (a) make it clear that the Mayor can only be elected with an absolute majority of votes;
- (b) provide for the acceptance of electronic petitions, joint letters and memorials;
- (c) reflect the repeal of certain provisions in the Local Government Act 1989; and
- (d) adopt more gender-neutral language.

Following endorsement by Council of the revised Governance Rules a community engagement process will be undertaken in accordance with section 60(4) of *the Act*.

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KEY CONSIDERATIONS

Alignment to Council Plan Strategic Objectives

6. Strong and Effective Governance

Budget Implications

There are no budget implications in relation to the development of the revised Governance Rules.

Policy/Relevant Law

Council must develop, adopt and keep in force Governance Rules in accordance with section 60 of the Act

In accordance with section 60(2) of *the Act* the Governance Rules must provide for Council to:

- (a) consider and make decisions on any matter being considered by the Council fairly and on the merits; and
- (b) institute decision making processes to ensure that any person whose rights will be directly affected by a decision of the Council is entitled to communicate their views and have their interests considered.

A community engagement process will be undertaken in relation to the revised Governance Rules in accordance with section 60(4) of *the Act*.

Sustainability Implications

Environmental, social and economic impacts have been considered in the development of the revised Governance Rules.

Risk Assessment

The development of the revised Governance Rules will ensure that Council meets its legislative requirements.

Innovation and Continuous Improvement

The revised Governance Rules meet the requirements of *the Act*.

Stakeholder Collaboration and Community Engagement

The Chief Executive Officer and Councillors will discuss the revised Governance Rules at the briefings held in September.

Consultation with Maddocks Lawyers in relation to provision of a standard form template Governance Rules.

RECOMMENDATION

That the Review of Governance Rules report be received.

OUTCOME

- 1 The Review of Governance Rules report was received and noted; and
- 2 The Audit & Risk Committee recommend the report is presented to Council at the next Council meeting.

ATTACHMENT

Revised Governance Rules is provided as Attachment 10.1

Action: Pg 183 of Attachment booklet- 2.1 & 2.3, Dr Tim Harrison to clarify

10.2 INDUSTRY UPDATE- RECENT REPORTS AND PUBLICATIONS OF INTEREST

BACKGROUND

AFS & Associates (AFS) are Council's Internal Auditors. AFS have provided an Industry Update report to be included in the agenda. The Industry Update report lists recent reports and publications that may be of interest to Ararat Rural City Council.

DISCUSSION

The Industry Update report lists 11 recent articles and reports, covering a range of different topics from sources such as: Maddocks, Rural Councils Victoria, ABC News and WorkSafe Victoria and more.

The report includes a column outlining the *'Implications for clients'*, which outlines how the publication is applicable to Council.

RECOMMENDATION

That the Industry Update report be received.

OUTCOME

The Industry Update report was received and noted.

ATTACHMENTS

The Industry Update report is provided as Attachment 10.2.

08 SEPTEMBER 2022
AUDIT AND RISK COMMITTEE
MINUTES

SECTION 11 – FUTURE MEETINGS

11.1 FUTURE MEETING DATES

Future meetings of the Audit and Risk Committee are scheduled as follows:

- Thursday 8 December 2022 at 1pm
- Tuesday 7 March 2023 at 1pm
- Tuesday 6 June 2023 1pm

The meeting closed at 2:20pm.

SECTION 12- NEXT MEETING/CHARTER ITEMS

December 2022	
Ref.	
	An in-camera meeting to be conducted with the external auditor prior to the December meeting- 12:45pm, Thursday 8 December 2022.
5.6	Review the appropriateness of the format and content of periodic management financial reports and performance statements
5.7	Review the adequacy and effectiveness of key policies, systems and controls for providing a sound internal control environment*
5.8	Determine whether systems and controls are reviewed regularly and updated where required*
5.9	Monitor significant changes to systems and controls to assess whether those changes significantly impact Council's risk profile
5.25	Review reports on internal audit reviews, including recommendations for improvement arising from those reviews
5.27	Monitor action by management on internal audit findings and recommendations
5.35	Consider the findings and recommendations of any relevant performance audits undertaken by VAGO and monitor Council's responses to them
7	Annual performance evaluation

SECTION 6 – INFORMAL MEETINGS

6.1 INFORMAL MEETINGS

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

OFFICER'S DECLARATION OF INTEREST

Officers providing advice to Council must disclose any conflict of interest.

No person involved in the preparation of this report has a conflict of interest requiring disclosure.

EXECUTIVE SUMMARY

The Governance Rules state that if there is a meeting of Councillors that:

- 1 is scheduled or planned for the purpose of discussing the business of *Council* or briefing Councillors;
- 2 is attended by at least one member of Council staff; and
- 3 is not a *Council meeting*, *Delegated Committee* meeting or *Community Asset Committee* meeting, the *Chief Executive Officer* must ensure that a summary of the matters discussed at the meeting

are:

- a) tabled at the next convenient *Council meeting*; and
- b) recorded in the minutes of that *Council meeting*.

DISCUSSION

As a requirement of the Governance Rules, a summary of matters discussed at the Council Briefings held since the last Council Meeting are presented to Council and will be recorded in the minutes.

INFORMAL MEETINGS
Council Briefing held on 6 September 2022
Council Briefing held on 13 September 2022
Council Briefing held on 20 September 2022
CEO Employment & Remuneration Committee Meeting on 8 September 2022 (Mayor, Jo Armstrong, Deputy Mayor Bob Sanders and Councillor Peter Beales)

Issues discussed at the briefing:

- Ararat Landcare Group presentation
- Economic Development Strategy
- Governance rules update
- ARC population data
- Asset Plan 2022/2023 update
- Annual Plan 2022/2023 update
- Ararat Digital Twin update
- Ararat Pistol Club presentation
- Domestic Animal Management Plan
- Annual accounts
- External auditors' letter
- Circular economy update
- Planning matter
- AU China research grant

- Circular economy FAQs
- CEO Employment and Remuneration Committee

KEY CONSIDERATIONS

Alignment to Council Plan Strategic Objectives

The report supports the strategic objective of the Council Plan 2021-2025:

- 6.3** Continuously improve Council's community engagement process and practices in line with deliberative engagement practices, while acknowledging the need for a range of different techniques to ensure effective engagement.

Financial

There are no financial impacts for the receiving of Informal Meetings of Councillors.

Policy/Relevant Law

Reporting of Informal Meetings is in line with the requirements of the Governance Rules.

Risk Assessment

Following the requirements of the Governance Rules will ensure that Council meets its legislative requirements.

Stakeholder Collaboration and Community Engagement

A summary of matters discussed at the Council Briefings are presented for community information.

RECOMMENDATION

That the Informal Meetings of Councillors Report be received.

**MOVED CR SANDERS
SECONDED CR BEALES**

That the Informal Meetings of Councillors Report be received.

CARRIED 4706/22

ATTACHMENTS

The Summary of Council Briefings are provided as Attachment 6.1.

Councillor Briefing

Date: Tuesday 6 September 2022
Commencement: 5.00 pm
Location: Council Chamber, Shire Offices

Present

Councillors: Cr Jo Armstrong
Cr Rob Armstrong
Cr Gwenda Allgood
Cr Peter Beales
Cr Henry Burridge
Cr Bob Sanders
Cr Bill Waterston

Officers: CEO, Dr Tim Harrison

Apologies:

Disclosure of Conflict of Interests

Disclosure of Interests are to be made immediately prior to any relevant item being discussed
(*Local Government Act 2020 - Section 131 and Chapter 5, Section 6 of the Governance Rules*).

Absence from Room			
Item No.	Councillor	Before Discussion	During Discussion
		Yes / No	Yes / No

Matters Considered:

1	Mayor's roundup
2	Economic Development Strategy
3	Governance rules update
4	ARC population data – work from Databank Australia and Value Advisory Partners
5	Asset Plan 2022/2023 update
6	Annual Plan 2022/2023 update
7	Ararat Digital Twin update

Briefing Closed: PM

Dr Tim Harrison

Councillor Briefing

Date: Tuesday 13 September 2022
Commencement: 5.00 pm
Location: Council Chamber, Shire Offices

Present

Councillors: Cr Jo Armstrong
Cr Rob Armstrong
Cr Gwenda Allgood
Cr Peter Beales
Cr Henry Burridge
Cr Bob Sanders
Cr Bill Waterston

Officers: CEO, Dr Tim Harrison

Apologies:

Disclosure of Conflict of Interests

Disclosure of Interests are to be made immediately prior to any relevant item being discussed
(*Local Government Act 2020 - Section 131 and Chapter 5, Section 6 of the Governance Rules*).

Absence from Room			
Item No.	Councillor	Before Discussion	During Discussion
		Yes / No	Yes / No

Matters Considered:

1	Presentation: Wayne Lording, Ararat Pistol Club (15 mins)
2	Mayor's roundup
3	Domestic Animal management Plan – let's try again!
4	Annual accounts
5	External auditor's letter
6	Questions on governance rules, population data, annual plan reporting
7	Longitudinal financial and performance data – developing a reporting framework to the community
8	Circular economy update
9	Planning matter
10	Possible AU China research grant

Briefing Closed: PM

Councillor Briefing

Date: Tuesday 20 September 2022
Commencement: 5.00 pm
Location: Council Chamber, Shire Offices

Present

Councillors: Cr Jo Armstrong
Cr Rob Armstrong
Cr Gwenda Allgood
Cr Peter Beales
Cr Henry Burridge
Cr Bob Sanders
Cr Bill Waterston

Officers: CEO, Dr Tim Harrison

Apologies:

Disclosure of Conflict of Interests

Disclosure of Interests are to be made immediately prior to any relevant item being discussed
(*Local Government Act 2020 - Section 131 and Chapter 5, Section 6 of the Governance Rules*).

Absence from Room			
Item No.	Councillor	Before Discussion	During Discussion
		Yes / No	Yes / No

Matters Considered:

1	Mayor's roundup
2	Circular economy FAQs
3	Planning matter memo
4	CEO Employment and Remuneration Committee

Briefing Closed: PM

Dr Tim Harrison

SECTION 7 – NOTICES OF MOTION

A notice of motion must be in writing signed by a Councillor and be lodged with or sent to the *Chief Executive Officer* no later than 12.00pm (noon) and at least six (6) days prior to the Council Meeting to allow sufficient time for the *Chief Executive Officer* to include the *notice of motion* in agenda papers for a *Council meeting*.

There were no Notices of Motion received.

SECTION 8– URGENT BUSINESS

Items cannot be admitted as urgent business other than by resolution of *Council* and only then if it:

- 1 relates to or arises out of a matter which has arisen since distribution of the *agenda*; and
- 2 cannot safely or conveniently be deferred until the next *Council meeting*.

There were no Urgent Business Items received.

SECTION 9 – CLOSE SESSION (CONFIDENTIAL)

In accordance with section 66(2)(a), 3(1) *Confidential Information* (a) of the Local Government Act 2020, the following agenda items are listed for consideration in the confidential section:

- Item 9.1- CEO Employment & Remuneration Committee

6:32PM 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 pursuant to section 66(2)(a) of the Local Government Act 2020 to consider confidential reports.

**MOVED CR SANDERS
SECONDED CR BURRIDGE**

That the meeting be closed to members of the public pursuant to section 66(2)(a) of the Local Government Act 2020 to consider confidential reports.

CARRIED 4707/22

6:48PM OPEN COUNCIL MEETING RECOMMENCEMENT

RECOMMENDATION

That the Open Council Meeting recommence.

**MOVED CR SANDERS
SECONDED CR R ARMSTRONG**

That the Open Council Meeting recommence.

CARRIED 4709/22

Gallery invited to return to Council Chamber.

LIFTING OF CONFIDENTIALITY OF CLOSED SESSION RESOLUTIONS

RECOMMENDATION

That the Confidentiality of the report and decision in relation to 9.1 not be lifted on adoption of the motion.

**MOVED CR WATERSTON
SECONDED CR SANDERS**

That the Confidentiality of the report and decision in relation to 9.1 not be lifted on adoption of the motion.

CARRIED 4710/22

Meeting closed at 6:48pm

I HEREBY CERTIFY THAT PAGES 5634 TO 5873 INCLUDING PAGES 435 TO 454 OF THE CLOSED SESSION ARE CONFIRMED AND ARE A TRUE AND CORRECT RECORD.

MAYOR – CR JO ARMSTRONG