



Ararat Rural City

AGENDA

COUNCIL MEETING

Tuesday 22 February 2022

To be held in the Alexandra Oval Community Centre
1 Waratah Avenue, Ararat
(Livestreamed)

Commencing 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.

SECTION 1 – PROCEDURAL MATTERS	2
1.1 LIVE STREAMING	2
1.2 TRADITIONAL ACKNOWLEDGEMENT/OPENING PRAYER/COUNCILLORS PLEDGE	2
1.3 APOLOGIES	2
1.4 CONFIRMATION OF MINUTES	2
1.5 DECLARATION OF CONFLICT OF INTEREST	3
SECTION 2 – PUBLIC PARTICIPATION	4
2.1 PETITIONS AND JOINT LETTERS	4
2.1.1 JOINT LETTER FROM WESTERN HIGHWAY RESIDENTS	5
SECTION 3 – REPORTS REQUIRING COUNCIL DECISION	8
3.1 QUARTERLY PERFORMANCE REPORT	8
3.2 DELEGATIONS FROM COUNCIL TO MEMBERS OF COUNCIL STAFF S6.....	13
3.3 APPLICATION FOR PLANNING PERMIT 3048.....	16
SECTION 4 – INFORMATION REPORTS	19
4.1 BUILDING APPROVALS	19
4.2 PLANNING MATTERS APPROVED UNDER DELEGATION.....	21
SECTION 5 – INFORMAL MEETINGS	23
5.1 INFORMAL MEETINGS	23
SECTION 6 – NOTICES OF MOTION	25
SECTION 7– URGENT BUSINESS.....	26
SECTION 8 – CLOSE SESSION (CONFIDENTIAL)	27
CLOSURE OF COUNCIL MEETING TO THE PUBLIC	27
OPEN COUNCIL MEETING RECOMMENCEMENT	27
LIFTING OF CONFIDENTIALITY OF CLOSED SESSION RESOLUTIONS	27

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

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

Opening Prayer

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

Councillors Pledge

We will 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

RECOMMENDATION (if required)

That the apology of Cr be accepted.

1.4 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the;

- 1 Council Meeting held on 25 January 2022; and
 - 2 Unscheduled Council Meeting held on 15 February 2022,
- be confirmed.

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.

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.

2.1.1 JOINT LETTER FROM WESTERN HIGHWAY RESIDENTS

RESPONSIBLE OFFICER: CHIEF EXECUTIVE OFFICER
DEPARTMENT: CEO'S OFFICE
REFERENCE: 4725

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

A petition regarding the eastern side of the Western Highway between Kennel Road and Pollard Lane and the western side between Morella Road and McLoughlin Road Ararat was presented to the 25 January 2022 Council Meeting, where it was resolved that the petition lay on the table until being presented for consideration at the 22 February 2021 Council Meeting.

Residents of the Western Highway between Kennel Road and Pollard Lane and the western side between Morella Road and McLoughlin Road submitted a joint letter to Council expressing concerns about this section off the Western Highway, due to the safety issues. The letter suggested the inclusion of service roads would allow for a safer place for walkers, cyclists and in particular children using this section of road to ride to school.

Following consultation with the residents, Council will meet with Regional Roads Victoria to discuss possible approaches to improving safety of road users along this section of the Western Highway.

DISCUSSION

The joint letter from residents indicated safety concerns for motorists, cyclists, those using mobility devices and pedestrians accessing the Western Highway from the identified locations. The Chief Executive Officer met a group of residents on site on 14 February 2022 to discuss their concerns and possible solutions. The residents reiterated their desire for creation of service roads along the subject stretch of highway to facilitate safer access. This is the model applied along sections of the Western Highway closer to Ararat.

There is little doubt that the inclusion of service roads would improve safety of road users along this section of the Western Highway. This solution would require a significant capital investment by Council, requiring careful consideration of the cost benefit. There are a number of other practical considerations including removal of native vegetation, possible cultural heritage impacts and potentially significant water crossing / drainage works. Providing service lanes would potentially cost in excess of \$1.5mill.

As the Western Highway is the responsibility of Regional Roads Victoria (RRV), it is critical that RRV is included in efforts to resolve the road safety concerns of residents. Heavy vehicle transport along that route is a key safety concern. Completion of the Ararat Bypass project would alleviate a significant proportion of the traffic using that section of the Western Highway. Give the likelihood of lengthy delays in completion of the Ararat Bypass it is important to explore, cost effective, alternative safety improvements for residents in this section of the Western Highway with RRV.

It is proposed that Council meet with RRV to discuss approaches to improve the safety of road users along this section of the Western Highway. Once these discussions have been held, Council and RRV will meet with the residents to discuss options moving forward. High value options would need to attract significant external funding and be considered within the context of Council's 2022/2023 Budget and 10-year Asset Plan.



KEY CONSIDERATIONS

Alignment to Council Plan Strategic Objectives

4 *Developing and Maintaining Key Enabling Infrastructure*

We will ensure that we plan, fund and develop new infrastructure in ways that delivers strong public value. Existing infrastructure will be managed, renewed, and maintained to ensure that it continues to serve identified public needs

Budget Implications

The solution proposed by residents would have a significant impact on budget as the likely cost is in excess of \$1.5mill. The cost benefit of such an approach would need to be carefully considered within the context of future year budgets and the 10-year Asset Plan.

Policy/Relevant Law

The relevant legislation applying to this situation is section 92 Asset Plan, of the Local Government Act 2020:

- (1) Subject to subsection (6), a Council must develop, adopt and keep in force an Asset Plan in accordance with its deliberative engagement practices.
- (2) The scope of an Asset Plan is a period of at least the next 10 financial years.
- (3) An Asset Plan must include the following—
 - (a) information about maintenance, renewal, acquisition, expansion, upgrade, disposal and decommissioning in relation to each class of infrastructure asset under the control of the Council;
 - (b) any other matters prescribed by the regulations.

Sustainability Implications

The proposal to create service roads down either side of the Western Highway may have significant impacts on native vegetation, cultural heritage and catchment management. Each of these will require appropriate investigation.

Risk Assessment

This report is based on community concern around a perceived risk to road users on a section of the Western Highway. There is a need to mitigate this risk in a cost-effective manner – which remains the underlying challenge in resolving this issue for residents. Council will work with RRV to seek approaches to reduce risk.

Innovation and Continuous Improvement

N/A

Stakeholder Collaboration and Community Engagement

This report has been generated based on the joint letter from the residents of this section of the Western Highway in Ararat.

On Monday 14 February 2022 the Chief Executive Officer met with residents, who signed the joint letter, to inspect the area in question and further discuss their wants for this section of road.

RECOMMENDATION

That:

1. The CEO work with Regional Roads Victoria (RRV) to seek cost effective solutions to the road safety concerns of residents between Morella Road and McLoughlin Road and Kennel Road and Pollard Lane on the Western Highway on the Western side of Ararat;
2. Council and RRV meet with residents to consult on approaches identified; and
3. The CEO report to the April 2022 Council Meeting on progress.

ATTACHMENTS

There are no attachments relating to this item.

SECTION 3 – REPORTS REQUIRING COUNCIL DECISION

3.1 QUARTERLY PERFORMANCE REPORT

RESPONSIBLE OFFICER: CHIEF EXECUTIVE OFFICER
DEPARTMENT: CEO'S OFFICE
REFERENCE: 3561

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 31 December 2021.

Based on the information provided by responsible officers and managers Council's overall financial performance is in line with budget. It has been determined that a revised budget is not required at this stage

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 \$21.363 million in revenue and \$14.191 million in expenses to 31 December 2021. This has resulted in an operating surplus of \$7.172 million for the six months ended 31 December 2021.

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 \$17.183 million has been recognised as income for the six months ended 31 December 2021.

User fees account for 4% of the total budgeted income for 2021/22 and \$0.419 million has been received to 31 December 2021. 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, Gum San and the Alexandra Oval Community Centre.

Recurrent Operating Grants total \$2.664 million to 31 December 2021, including \$1.000 million from the Victorian Local Government Grants Commission for general purpose grants and \$0.613 million for the local roads grants.

Non-recurrent Operating Grants total \$0.380 million to 31 December 2021. Council has been successful in obtaining several grants that had not been budgeted for, including COVID Safe Outdoor Activation funding of \$0.200 million and New Arrivals Settlement program funding of \$0.065 million.

Non-recurrent Capital Grants total \$0.260 million to 31 December 2021. Several grants that were budgeted for 2021/2022 were received in advance during 2020/2021 including \$1.227 million for the Local Roads and Community Infrastructure Program and \$0.326 million for Delacombe Way road reconstruction works.

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 2020/2021 by the Victorian Local Government Grants Commission (VLGGC) for the 2021/2022 financial year. Council has still received the expected VLGGC income, to be spent in 2021/2022, 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 to date variance is a deficit of \$1.506 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 2021/2022. For the six months ended 31 December 2021 Council has incurred \$5.829 million in employee costs.

Materials and Services account for approximately 33% of the total budgeted expenditure for 2021/2022. For the six months ended 31 December 2021, Council has incurred \$4.640 million in materials and services costs. There are a number of projects, including those carried forward from 2020/2021 that are expected to be completed before the end of the financial year.

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 2021/2022. This has resulted from a carry forward amount of \$3.653 million from the 2020/2021 financial year surplus and unspent grant funds which will be used for additional activity in 2021/2022.

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 31 December 2021. Comparative figures have been provided as at 30 June 2021.

Council's current assets have decreased by \$0.670 million from \$27.406 million as at 30 June 2021 to \$26.736 million as at 31 December 2021. Cash and cash equivalents have decreased by \$10.270 million from \$23.049 million to \$12.779 million. Trade and other receivables have increased by \$9.630 million from \$4.233 million as at 30 June 2021 to \$13.863 million as at 31 December 2021, which can be attributed to the rates & charges being recognised as income in the quarter ended 30 September 2021.

Total liabilities have increased from \$14.390 million in 2020/2021 to \$12.410 million in 2021/2022, with an increase of \$0.320 million in trade and other payables. The trust funds and deposits have decreased by \$0.231 million from \$0.455 million in 2020/2021 to \$0.224 million in 2021/2022.

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 \$10.270 million to \$12.779 million as at 31 December 2021.

Net cash provided by operating activities was \$1.118 million and \$9.279 million was used in investing activities.

Investing activities includes payments for property, plant and equipment, and infrastructure totalling \$9.448 million. This included capital building works and capital road works.

Based on the information provided by responsible officers and managers the forecast year end result for cash and cash equivalents are in line with budget.

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 as Attachment 4.

Indicator	30/6/2021	30/9/2021	31/12/2021
<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%	276%	231%
<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%	15.86%	3.88%
<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%	4.74%	4.61%
<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%	89.86%	81.47%
<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	\$3,971	\$3,943

Indicator	30/6/2021	30/9/2021	31/12/2021
<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	\$1,862	\$1,827
<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 31 December 2021 the outstanding Rates Debtors totalled \$12.181 million compared to \$1.860 million as at 30 June 2021, an increase of \$10.321 million. In percentage terms 18.3% of the rates raised have been collected at 31 December 2021 compared to 20.0% up to 31 December 2020. Council issues approximately 7,500 rate notices. Last year there were 2,601 assessments paying by instalments compared with 2,606 assessments in 2020/21. Outstanding rates are currently charged 10% interest.</p>	86.9%	13.1%	18.3%
<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%	63.25%	251.83%

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”.

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.*

6.2 *Ensure appropriate risk management is applied to Council and organisational decisions. Council’s internal function is applied to areas of perceived risk.*

Budget Implications

Council’s financial performance is in line with expectations. Council’s cash position was expected to reduce in the first half of the year to pay for the outstanding accounts at year end and the capital works program. Lump sum payment of rates are due on 15 February 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 Comprehensive Income Statement, Balance Sheet, Statement of Cash Flows and Financial Performance Indicators for the period ended 31 December 2021 be received and adopted.

ATTACHMENTS

Comprehensive Income Statement, Balance Sheet, Statement of Cash Flows and Financial Performance Indicators are provided as Attachment 3.1.

3.2 DELEGATIONS FROM COUNCIL TO MEMBERS OF COUNCIL STAFF S6

RESPONSIBLE OFFICER: GOVERNANCE AND ADMINISTRATION COORDINATOR
DEPARTMENT: CEO'S OFFICE
REFERENCE: 4639

OFFICERS 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 purpose of this report is for Council to consider adoption of the revised Instrument of Delegation from Council to Members of Council Staff.

DISCUSSION

Delegations to Council staff are necessary to enable Council to conduct business efficiently by enabling Council staff to make routine decisions under different Acts.

Various Acts, including the Local Government Act 2020, empower Council to delegate statutory functions, powers and duties. This report recommends that specific functions, powers and duties be delegated to identified staff positions in accordance with the attached *S6 – Instrument of Delegation by Council to Members of Council Staff*.

The Instrument of Delegation has recently been updated by Maddocks Lawyers. The changes made to the S6 Instrument of Delegation – Council to Members of Council Staff are as follows:

A number of changes have been made to the <i>Cemeteries and Crematoria Act 2003</i> , but these are not applicable to Ararat Rural City Council.
Sections 19EA(3), 19N(2), 38G(2), 39(2) and 43 of the <i>Food Act 1984 (Food Act)</i> have been inserted pursuant to the <i>Food Amendment Act 2020</i> . Section 39A has also been amended to reflect the new power to register or renew the registration of a food premises. These provisions are in force.
Sections 19IA(1) and (2), 39A(6), 40(1) and 40E of the <i>Food Act</i> have also been inserted. While they contain duties, rather than powers, it was thought it may assist to have these noted in the instrument.
Section 45AC of the <i>Food Act</i> has been inserted to enable a delegate to authorise a person for the purposes of bringing proceedings.
Section 38G(4) of the <i>Food Act</i> has been amended to reference the correct provision.
Section 12A of the <i>Planning and Environment Act 1987 (P&E Act)</i> has been removed as it has been repealed.
Section 113(2) of the <i>P&E Act</i> has been inserted pursuant to the <i>Planning and Environment Amendment Act 2021</i> .

<p>It relates to the power to request the Minister for a declaration for land to be proposed to be reserved for public purposes.</p>
<p>Sections 91ZU, 91ZZC, 91ZZE, 142D, 142G, 142I, 206AZA, 207ZE, 311A and 317ZDA of the <i>Residential Tenancies Act 1997</i> have been removed from the S6 Instrument of Delegation and inserted in the S7 Instrument of Delegation.</p> <p>This is because the specific power of delegation provided under the <i>Residential Tenancies Act</i> only applies to Part 14 and regulations under this part. Therefore, the delegation of other powers and functions under the <i>Residential Tenancies Act</i> comes from the <i>Local Government Act 2020</i>.</p>
<p>Section 96 of the <i>Road Management Act 2004</i> has been inserted to enable a delegate to authorise a person for the purpose of instituting legal proceedings.</p>
<p>The <i>Residential Tenancies Regulations 2021</i> have been removed from the S6 Instrument of Delegation.</p> <p>Upon review, it was determined that the power to approve any other toilet system is not a power under the <i>Residential Tenancies Regulations 2021</i> but rather a power under other legislation, such as the <i>Environment Protection Regulations 2021</i>.</p>

KEY CONSIDERATIONS

Alignment to Council Plan Strategic Objectives

6 Strong and Effective Governance

Budget implications

There are no budget implications arising from the review of the S6 Instrument of Delegation – Council to Members of Council Staff.

Policy/Relevant Legislation

The Council is required to keep a register of delegations and it must be made available for public inspection.

This report is presented to reflect several changes to legislation.

The Council can amend or revoke any delegated power at any time. Council must review all delegations within a period of 12 months after a general election.

Sustainability Implications

There are no economic, social or environmental implications in relation to S6 Instrument of Delegation – Council to Members of Council Staff.

Risk Assessment

The amendment of the *Instrument of Delegation from Council to Members of Council Staff* ensures ongoing legislative compliance for Ararat Rural City Council.

It is essential that the Instruments of Delegation are kept up to date to ensure that the members of staff are properly empowered to undertake their roles.

The formal delegation of legislated powers, duties and functions via instruments of delegation, supported by consistent policies allow Council staff to perform day to day duties and make decisions that may otherwise need to be decided upon by Council.

Stakeholder Collaboration and Community Engagement

The amendment of the *Instrument of Delegation from Council to Members of Council staff* has been updated using the Maddocks Lawyers Delegations Service and RelianSys software.

The delegation service provides two updates per year and mini updates as required when legislation changes.

Chief Executive Officer and relevant officers have reviewed the document.

RECOMMENDATION

That:

In the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, Ararat Rural City Council (Council) resolves that -

- 1 There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *Instrument of Delegation Council to Members of Council Staff (S6)*, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument;
- 2 The instrument comes into force immediately the common seal of Council is affixed to the instrument;
- 3 On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked;
- 4 The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt; and
- 5 The instrument be signed under the seal of the Council.

ATTACHMENTS

The Instrument of Delegation from Council to Members of Council Staff S6 is provided as Attachment 3.2.

3.3 APPLICATION FOR PLANNING PERMIT 3048

RESPONSIBLE OFFICER: MANAGER PLANNING, COMMUNITY AND COMPLIANCE
DEPARTMENT: PLANNING, COMMUNITY AND COMPLIANCE
REFERENCE: PPA 3048

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

Consideration of a request to convert crown reserve to road reserve to provide practical access to land described as Crown Allotment 32A Section 1, Parish of Warrak.

DISCUSSION

Council approved a dwelling on this lot in 2021. In assessing this development proposal, it was found that the access marked as "Government Road" on the title plan was a Crown land reserved for the Ararat Town Water Pipeline.

This Reserve is 40m wide and has provided practical access to Crown Allotment 32A for many years, linking the land to Buangor- Ben Nevis Road.



Furthermore in 2010, Council approved a planning application PA2117 to remove native application and create an easement over part of adjoining Crown Allotment 33A to link the crown reserve to the land. Following this application works were done to improve the surface of the "roadway". The Plan of this easement is provided below.

Discussions have been held with DELWP, GWM Water and the owners of Crown Allotment CA 32 regarding the use of the reserve. GWM Water has indicated that it is prepared to allow the reserve purpose to be changed to a road. DELWP is able to do this with a resolution of Council supporting the transfer.

The owner of CA 32 would then have maintenance responsibility for the proposed road reserve under Council's *Road Management Plan* unless further development occurred that utilised the roadway.

It is not proposed to name the road reserve or use it for the rural addressing.

The neighbouring landholder objected to the proposed use of this reserve for access in their objection to the proposed dwelling on the land. This matter is now before VCAT. Regardless of whether the dwelling is approved or not, the farmland has no practical access without the conversion of the crown reserve to a road reserve.

Other pathways exist as road reserves on the plan for this area, but these have a number of challenges in being used for access including:

- Terrain being impassable or impractical to use;
- Creation of new roadways leading to native vegetation loss;
- Potential native title and cultural heritage impacts; and
- Road leases and licences to be cancelled to facilitate access.

These costs and efforts are not considered warranted given that the current reserve is trafficable, simple, been in use for more than 10 years and relevant parties are agreeable to the change in designation.

KEY CONSIDERATIONS

Alignment to Council Plan Strategic Objectives

2 Building Robust Local Economies

We will develop strong relationships to build and strengthen a diverse local economy, focussed on creating jobs and wealth through adding value to existing strengths in agriculture, manufacturing, tourism and hospitality

4 Developing and Maintaining Key Enabling Infrastructure

We will ensure that we plan, fund and develop new infrastructure in ways that delivers strong public value. Existing infrastructure will be managed, renewed, and maintained to ensure that it continues to serve identified public needs.

4.2 Work directly with asset users to manage and develop new and existing assets.

Financial

If Council agrees to the request, it is considered reasonable that any costs incurred from the State Government to change the designation be passed to the owner of CA 32 given that it is the primary beneficiary for the new roadway.

Costs may include advertising, survey and construction of the laneway to a dust-free standard if the proposal is approved by the State Government. The owner is agreeable to this arrangement.

Policy

Within the Planning Scheme, the proposed land used for grazing purposes consistent with the Farming Zone.

Risk Assessment

Provisions of safe and practical access is essential to the management of the site and the control of pest plants and animals.

Stakeholder Consultation and Communication

It is expected that the process required by the State Government will require community engagement to canvas any views, either for or against the proposal. This will give the objecting neighbour a pathway for a review of their concerns.

CONCLUSION

Actions taken by Council and the owner of CA 32 to date were underpinned by the understanding that this reserve was a road. When it came to light this was not the case the relevant reserve custodian (GWM Water) and the crown land manager, being DELWP were engaged to find a resolution. In the absence of any practical alternative the proposed conversion of the crown land reservation provides the most suitable solution to the provision of access.

RECOMMENDATION

That Council seek approval from the State Government to convert the crown land reserve off Buangor-Ben Nevis Road from water pipeline to roadway and amend the reserve manager accordingly to be Council.

ATTACHMENTS

There are no attachments in relation to this item.

SECTION 4 – INFORMATION REPORTS

4.1 BUILDING APPROVALS

RESPONSIBLE OFFICER: MANAGER PLANNING, COMMUNITY & COMPLIANCE
DEPARTMENT: PLANNING, COMMUNITY & COMPLIANCE
REFERENCE: 3243

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.

DISCUSSION

This report outlines the monthly building permit approvals issued by Ararat Rural City Council and by private building surveyors for building works within Ararat Rural City for January 2022.

Approvals by Ararat Rural City Municipal Building Surveyor January 2022

Permit No.	Application Date	Approval Date	Building Address	Description of Building Works or Use of Building
Nil				

TOTAL VALUE \$

Approvals by private surveyors – January 2022

Permit No.	Date Approved	Notification Received by Council	Building Address	Description of Building Works or Use of Building	Surveyor
3675266539271	10/01/2022	21/12/2021	80 Dodd Drive, Ararat	Construction of Verandah (1a(a))	PROVIC Building Approvals
1383849436663	10/01/2022	17/11/2021	3473 Ararat-Halls Gap Road, Ararat	Construction of Shed (10a)	PROVIC Building Approvals
3087999003540	19/01/2022	19/01/2022	9-29 Girdlestone Street, Ararat	Alteration – Medical Imaging Department	BSA Building Surveyors
9564177710307	20/01/2022	07/10/2021	52-54 Warranooke Street, Willaura	Storage Shed	Wyndham Building Permits
4326580181912	21/01/2021	22/11/2021	Scrub Road, Norval	Construction of a farm shed	DLT Building Surveying
2962101494912	21/01/2021	08/09/2021	44 Maude Street, Ararat	2 x dwellings and attached garage	Coast to Country Building Approvals
7368668174325	25/01/2022	07/12/2021	CA 1F2, Hickmans Creek Road, Glenlogie	Yard cover	Coast to Country Building Approvals
5446930633849	24/01/2022	10/11/2021	1939 Astons Road, Narrapumelap	Dwelling& attached garage	Coast to Country Building Approvals
9520013271316	02/02/2022	25/11/2021	CA7D, SEC 19 Queen Street South, Ararat	Garage/Storage Shed	Coast to Country Building Approvals

TOTAL VALUE \$2,490,180

KEY CONSIDERATIONS

Alignment to Council Plan Strategic Objectives

The report supports the strategic objective of the Council Plan 2021-2025:

2 **Building Robust Local Economies -**

We will develop strong relationships to build and strengthen a diverse local economy, focused on creating jobs and wealth through adding value to existing strengths in agriculture, manufacturing, tourism and hospitality.

RECOMMENDATION

That the Building Approvals Report be received.

ATTACHMENTS

There are no attachments relating to this item.

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

RESPONSIBLE OFFICER: MANAGER PLANNING, COMMUNITY & COMPLIANCE
DEPARTMENT: PLANNING, COMMUNITY & COMPLIANCE
REFERENCE: 3243

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.

DISCUSSION

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

Planning permit approvals under delegated authority – January 2022

Application No.	Date Lodged	Date of Delegated Approval / Refusal	Applicant	Location	Proposed Use of Development
1678	06/01/2022	07/01/2022	Lisa Machacek, for Paul Thompson	Evans Park, Western Highway, Ararat	Extension of Time Granted for Subdivision of land into 76 lots (in stages), Removal of Native Vegetation and associated works in accordance with endorsed plans
2932	14/12/2021	07/01/2022	Graeme McKay Earthmoving	Wild Street, Ararat	Secondary Consent issued for Construction of a Storage Shed
3042	02/08/2021	12/01/2022	Inception Planning	137-139 Grano Street, Ararat	Notice of Decision Issued for Construction of forty-six (46) dwellings on a lot, staged multi lot subdivision and an associated reduction in car parking requirements
3077		31/01/2022	A Crick, Action Steel	Queen Street South, Ararat	Use and development for Industry being vehicle storage and servicing

Application No.	Date Lodged	Date of Delegated Approval / Refusal	Applicant	Location	Proposed Use of Development
3086	02/12/2021	05/01/2022	Darren Haygarth	52-54 Warranooke Street, Willaura	Use and Development for a Shed
3088	08/12/2021	31/01/2022	Henry Burridge	Queen Street South, Ararat	Use and development of a shed
3094	22/12/2021	13/01/2022	Spire Australia Pty Ltd	2 Basham Street, Ararat	Building and works to the Ambulance site
3100	12/01/2022	18/01/2022	Geoff Todd	65 Queen Street, Ararat	Buildings and works for the construction of a shed

VCAT				
Application No.	Applicant	Location	Proposed Use or Development	Status
3048	A Lacey for Peatt	Government Road, Warrak	Use and development of a dwelling	Hearing 30 August 2022

Certification of subdivision plans under delegated authority –January 2022

Application No.	Date Lodged	Date of Decision	Applicant	Location	Procedure
S3050	11/08/2021	10/01/2022	Ararat Survey P/L on behalf of A & J Eastick	Ararat-Halls Gap Road, Moyston	Certification & Statement of Compliance Issued in relation to Plan of Subdivision PS900750M
S1207	22/06/2020	07/01/2022	Ararat Survey on behalf of Douglas	10 View Point Street, Ararat	Certification Issued in relation to Plan of Subdivision PS840159A

KEY CONSIDERATIONS

Alignment to Council Plan Strategic Objectives

The report supports the strategic objective of the Council Plan 2021-2025:

2 Building Robust Local Economies -

We will develop strong relationships to build and strengthen a diverse local economy, focused on creating jobs and wealth through adding value to existing strengths in agriculture, manufacturing, tourism and hospitality.

RECOMMENDATION

That the report on Planning Matters Approved under Delegation – Planning Permits and Certification of Subdivision Plans and Statement of Compliances be received.

ATTACHMENTS

There are no attachments in relation to this item.

SECTION 5 – INFORMAL MEETINGS

5.1 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 01 February 2022
Council Briefing held on 08 February 2022
Council Briefing held on 15 February 2022
Unscheduled Council Meeting held on 15 February 2022

Issues discussed at the briefing:

- HACC update
- 2022 Election year
- Murray Basin Railway Project briefing- Alison Saunders
- Update on 1 Blackie Avenue development
- Rural heritage overlay update
- Circular economy implementation
- Economic Development update
- Heart Health project- FedUni and East Grampians Health Service
- Depot update
- Delegations
- Governance refresher
- Capital Works update
- Childcare survey
- 2022/2023 Budget preliminaries

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.

ATTACHMENTS

The Summary of Council Briefings are provided as Attachment 5.1.

SECTION 6 – 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*.

SECTION 7– 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*.

SECTION 8 – 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 8.1- Purchase of two secondhand Waste Compactor Trucks
- Item 8.2- Commonwealth home support program

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.

OPEN COUNCIL MEETING RECOMMENCEMENT

RECOMMENDATION

That the Open Council Meeting recommence.

Gallery invited to return to Council Chamber.

LIFTING OF CONFIDENTIALITY OF CLOSED SESSION RESOLUTIONS

RECOMMENDATION

That the Confidentiality of the:

- Decision in relation to Confidential Agenda Item 8.1 be lifted;
- Report of Confidential Agenda Item 8.1 not be lifted.
- The confidentiality of the report and decision in relation to 8.2 not be lifted on adoption of the motion