



Ararat Rural City

# AGENDA

## COUNCIL MEETING

**Tuesday 26 April 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](https://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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## 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 Council Meeting held on 29 March 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.

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#### 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. This report provides an update to Council on actions subsequent to the February 2022 Council meeting.

Further discussions have been held with residents of the affected location and it was agreed that extension of the service road, while the most desirable outcome, did not represent a practical nor cost effective option. It was agreed that Council would look at establishing, where practical, sealed bellmouths on gravel roads feeding the Western Highway to provide safer access and egress. It was further agreed that the feasibility of a walking track, capable of safely carrying pedestrian traffic, as well as bicycles and mobility scooters be explored as an element of Council's 2022/2023 Capital Works program.

#### 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 CEO 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.

At the February 2022 Council meeting it was resolved that the following approach be taken:

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.

At a subsequent meeting between residents and the CEO, held on 4<sup>th</sup> April 2022, it was agreed that while construction of service roads was still a desired outcome, it did not represent a practical, cost effective or readily achievable solution. Agreement was reached that construction of sealed bellmouths on gravel roads feeding the Western Highway is explored to improve safety of access and egress. There has been a similar bellmouth already constructed on Morella Rd. It was further agreed that a walking track between Morella Rd and McLoughlin Rd is costed and considered as part of the 2022/2023 Capital Works Program. This walking

track would be accessible to pedestrians, bicycles and mobility scooters. This would provide a safer route than accessing the Western Highway.



## 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***

Efforts will be made to construct the bellmouths of gravel roads feeding the Western Highway from existing 2021/2022 budgets. Construction of the walking track between Morella Rd and McLoughlin Rd will be costed and considered as an element of the 2022/2023 Capital Works Program.

### ***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 proposed walking track will have a lesser impact on native vegetation, cultural heritage, and catchment management than the proposed service roads.

***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.

***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.

The Chief Executive Officer met with residents who signed the letter on Monday 14 February and again on 4 April 2022, to inspect the area in question and further discuss their wants for this section of road.

**RECOMMENDATION**

That:

1. Construction of sealed bellmouths on gravel roads between Morella Rd and McLoughlin Rd and Kennel Rd and Pollard Lane be investigated within the current 2021/2022 budget
2. Construction of a walking track between Morella Rd and McLoughlin Rd will be costed and considered as an element of the 2022/2023 Capital Works Program. The track will be designed to be used by pedestrians, cyclists and mobility scooters.

**ATTACHMENTS**

There are no attachments in relation to this item.

## 2.1.2 JOINT LETTER FROM GOLF LINKS ROAD, ARARAT RESIDENTS

RESPONSIBLE OFFICER: CHIEF EXECUTIVE OFFICER  
DEPARTMENT: CEO'S OFFICE  
REFERENCE: 4894

### 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.

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### EXECUTIVE SUMMARY

A joint letter was received from residents of Golf Links Road and Lambert Street, Ararat, at the March 2022 Council meeting. In line with Clause 55.1 of Council's Governance Rules the item has been brought back to the next Council meeting in April 2022. The joint letter requested that these areas in be considered for drainage improvement, kerb and channel and road widening. The residents have stated that the inclusion of above construction will reduce the flooding into various properties in the area, as well as make it a safe roadway for residents and pedestrians.

Further investigation has discovered a history of drainage issues identified by residents on Golf Links Road, resulting from some relatively complex local conditions. In order to identify effective solutions, it is proposed that a comprehensive drainage study be undertaken to ensure the effectiveness of drainage for existing properties and ensure adequacy of the system to support any future development. It is proposed to meet with the residents of Golf Links Road to ensure that their individual concerns are considered in the drainage study.

### DISCUSSION

The joint letter from residents of Golf Links Road and Lambert Street, Ararat consisted of 22 signatures. It included the following comments:

*"When we have very heavy rain, which are becoming more prominent, the drain on our side, which is the only one in the street, fills and overflows into properties....."*

*"Golf Links Road is too narrow (especially on the bend at the beginning of road), as there is a 30mt (roughly)concrete edging that traffic swing away from to go past it"*

*"With the new housing development going ahead it will increase the road use and drainage issues. Hence, we require correct drainage and the road widened"*

Further investigation has discovered a history of drainage issues identified by residents on Golf Links Road, resulting from some relatively complex local conditions. In order to identify effective solutions, it is proposed that a comprehensive drainage study be undertaken to ensure the effectiveness of drainage for existing properties and ensure adequacy of the system to support any future development. It is proposed to meet with the residents of Golf Links Road to ensure that their individual concerns are considered in the drainage study. The issue of adequacy of the road width will be considered following the outcomes of the drainage study.

Once the recommendations of the drainage study have been received by Council, works recommended by this will form elements of the drainage program in future capital works programs as required.

## 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 drainage study will be funded through infrastructure planning resources in the 2021/2022 budget. Implementation of drainage works will form an element of future capital works programs.

### *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*

Appropriate management of urban stormwater through adequate drainage systems has impacts on catchment management and land management.

### *Risk Assessment*

This report is based on community concern around drainage and road safety issues in Golf Links Road. The drainage issues will be managed through undertaking the drainage study and subsequent capital works to mitigate localised flooding risks. The road width issues raised will be considered following planning of drainage works.

### *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 Golf Links Road and Lambert St. The CEO will meet with residents impacted to ensure that their concerns are covered by the flood study.

## RECOMMENDATION

That:

1. Council undertake a comprehensive drainage study to improve the effectiveness of drainage for existing properties in Golf Links Road and ensure adequacy of the system to support future development
2. The CEO meet with residents of Golf Links Road to ensure that their concerns are addressed in the specification for the drainage study
3. The CEO report to the June 2022 Council Meeting on progress.

## ATTACHMENTS

There are no attachments relating to this item.

## SECTION 3 – REPORTS REQUIRING COUNCIL DECISION

### 3.1 REFRAMING THE PLANNING SCHEME

**RESPONSIBLE OFFICER:** MANAGER PLANNING, COMMUNITY AND COMPLIANCE  
**DEPARTMENT:** PLANNING, COMMUNITY AND COMPLIANCE  
**REFERENCE:** Review of the Planning Scheme

**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.

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### EXECUTIVE SUMMARY

Council is required to review the planning scheme within 12 months of adopting a new Council plan under the *Planning and Environment Act*. The objective of the review is to enhance the effectiveness and efficiency in achieving the objectives of planning within the state planning framework.

### DISCUSSION

The review of the planning scheme provides a place to look at what has been occurring in terms of development proposals Council has received; feedback from across the community, changes in patterns of employment, living and other elements of social progress and set a path to move forward for the next 5-10 years.

The process for the review must evaluate the scheme to ensure that it is:

- a. Consistent in form and content with Ministerial directions and guidelines
- a. Effectively sets out the policy objectives of Council and its community and
- a. Effectively use state and local provisions to make the objectives happen.

On completion the Council must provide a copy to the Minister for Planning.

This requirement from the Act is important as it underpins that the planning scheme is a partnership document that combines the strategic social measures of the State with the local ambitions of the Council and its community.

Planning for our community is a fundamental element of the economic prosperity, sense of place and custodial care of the environment. Over an extended period of time the document has not kept pace with the needs of the local people and has continued to evolve through layers of control being added but rarely integrated. Without such integration, it has failed to create logical and consistent foundation that delivers a clear path to the future that meets the community needs.

#### Page Break

The review was undertaken in-house by the Planning Team and looked at:

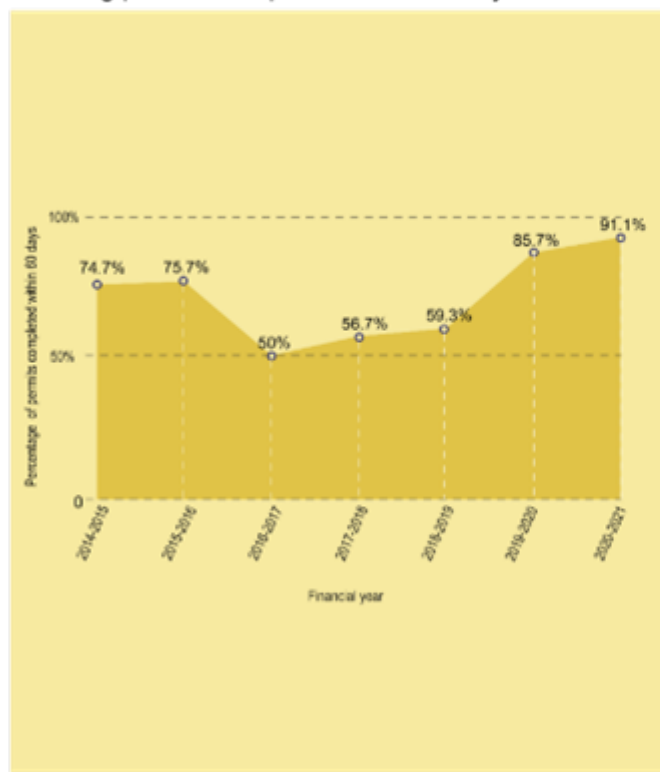
- issues that had been encountered in the last 3 years in the assessment of applications
- the changes in the last 5 years by both Council and the state
- the pattern of applications and processing times and
- the gaps, as well as opportunities to improve and streamline the scheme going forward

**Key outcomes from this process are:**

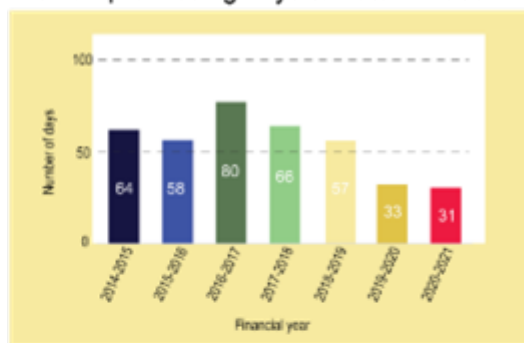
- 1 Streamlining by the state of the policy framework of the scheme to meet new format requirements highlighted the limited depth of local policy to guide development or implement sustainable growth outcomes specifically:
  - In Ararat there has been no process to resolve the historic zonings since amalgamation and promote the growth of the town to a sustainable or thriving regional centre.
  - The ability of many of the villages to share in the region's growth given the available infrastructure (services, community and social) is not promoted
  - The significance of the long-standing industrial businesses and their national and international competitiveness is underplayed, and the designation of additional industrial development is not expressed in land zonings, despite recognition of the strategic suitability of Ararat on the Melbourne – Adelaide road and rail connections and central location on the Portland/Geelong port transport route.
  - The tourism capability of Pomonal, Moyston and Lake Bolac is recognized in the words but then not set in a program to thrive with limited expectation of change, expansion or a mature approach to the population/human resource needs that such development requires to see this capability harnessed
  - Despite an extensive network of urban and rural heritage assets covered by the Heritage Overlay there is no local policy content that expresses the practical need to support the ongoing investment and the process to balance the "heritage story" element of these sites and their future usefulness for owners
- 2 Static population level of the last 30 years appears to be changing based on the number of applications received and diversity of investment; particularly since in the last 3 years. The lag in availability of the ABS Census information, together with the *rear-view mirror* approach to projections by the state will present a challenge for the next 5-10 years, assuming the current interest and growth is maintained but takes significant time for the state and federal governments to see.
- 3 Processing improvements have seen substantive reductions in the timeframes for planning applications to be assessed, despite the 34% increase in applications.
- 4 Whilst there is a suite of controls through the zones and overlays, they do not integrate in some locations and underlying data, or rationale, has not been tested since the creation of the new format scheme in 2000. The mapping layers upon which some Overlays are based are outdated or incomplete. This undermines the response to such controls and leads to confusion where the zoning and use rights table confer specific outcomes and the overlays indicate that many possible outcomes are incompatible with the land capability.
- 5 New pieces of work such as *Ararat in Transition* and the *Ararat Flood Study* have not been incorporated into the planning scheme and this requires action to guide development in a safe and efficient manner.

However, there is some good news. The improvement in processing times has occurred through systemic changes in both the focus and technology used to assess planning applications. Staff now track all enquiries received and can readily work with customers to develop their applications. Neighbours receiving advice of proposals have immediate access to the information on the development wherever there is internet coverage.

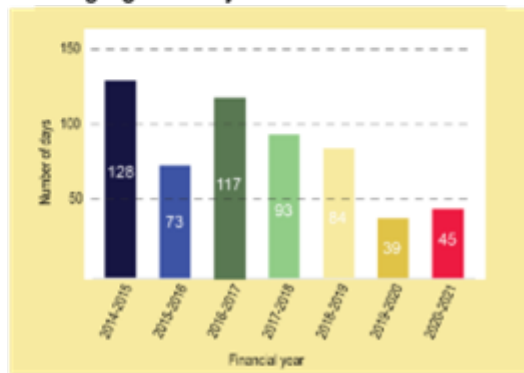
### Planning permits completed within 60 days



### Median processing days to determination



### Average gross days to determination



The next step is to put the document out for public comment and review the feedback received. This is proposed to be undertaken through the *Engage Ararat* portal together with invites to a random selection of recent applicants, as well as engagement with the various state agencies and business and industry groups that operate across the municipality.

It is anticipated that this process will be reported back to Council in June 2022. Following from this report a workplan will be provided to prioritise the actions to improve the planning scheme and a series of amendments is expected to occur.

## KEY CONSIDERATIONS

### *Alignment to Council Plan Strategic Objectives*

The review and reframing of the Planning Scheme advances the following objectives and strategies:

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.*
- 1.1 *Develop a new planning scheme for Ararat Rural City that is clear in its intention, supports growth and builds confidence and certainty around land use.*

### *Budget Implications*

The current budget allocates resources for the preparation of this work and a further allocation is proposed to be sought in the 2022/23 budget.

### ***Policy/Relevant Law***

The preparation of this review has been undertaken in accordance with the *Planning & Environment Act*. The review advances the objectives set out in section 4 of the *Planning and Environment Act 1987*. It supports the objectives to:

- *Provide for the fair, orderly, economic and sustainable use, and development of land;*
- *Secure a pleasant, efficient, and safe working, living and recreational environment for all Victorians and visitors to Victoria; and*
- *Balance the present and future interests of all Victorians by facilitating the renewal of surplus government land.*

### ***Sustainability Implications***

The review has highlighted that financial, social, and environmental sustainability are not adequately managed through the planning process. Assuming the community feedback also recognises this risk, the work program for the subsequent improvements will be framed to overcome these challenges.

### ***Risk Assessment***

As outlined above, the planning scheme review has identified a range of thematic, as well as individual risks, in the designation of zones, overlays and other policy controls.

### ***Innovation and Continuous Improvement***

Amending the planning scheme is a process of continuous improvement to build and shape controls on individual sites and areas. The review of the scheme has highlighted extensive changes in the last five years by both the Council and the state across a broad range of areas.

### ***Stakeholder Collaboration and Community Engagement***

The process to review the Planning Scheme will include engagement with:

- The entire community through the *Engage Ararat* platform and promotion of the project through various media channels
- Those state agencies commonly referred to in planning application as outlined in Clause 66 of the current planning scheme
- A random selection of applicants and consultants that have lodged applications in the last 5 years

## **RECOMMENDATION**

**That Council endorse the draft Planning Scheme Review Report for consultation purposes and review the feedback at the June 2022 meeting.**

### **Attachments**

Draft Planning Scheme Review Report provided as Attachment 3.1.

### 3.2 NEIGHBOURHOOD AMENITY LOCAL LAW 2022

RESPONSIBLE OFFICER: GOVERNANCE AND ADMINISTRATION COORDINATOR  
DEPARTMENT: CEO'S OFFICE  
REFERENCE: 5007

#### 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.

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#### EXECUTIVE SUMMARY

The purpose of this report is to

- consider the submissions received by Council during the public consultation period for the proposed Neighbourhood Amenity Local Law 2022 (**proposed Local Law**); and
- subject to Council considering the submissions received and there being no material alteration to the proposed Local Law, present the proposed Local Law to Council to formally adopt (make) the Local Law.

#### DISCUSSION

The proposed Local Law will, if made, replace the current General Local Law 2012. The statutory process for making the proposed Local Law commenced in late 2021 and at the Council meeting held on 29 March 2022, Council resolved, in accordance with the requirements of the *Local Government Act 2020 (Act)*, to:

- publish notice of its intention to make the proposed Local Law in accordance with s 73(3) of the Act; and
- endorse the proposed Local Law for public exhibition.

#### *Community Engagement Process and Feedback Received:*

In line with the Act and Council's Community Engagement Policy, Council is required to publish its intention to make a Local Law and the purpose of the Local Law.

A community engagement campaign was carried out from 30 March 2022 to 20 April 2022. Submissions were invited via the Engage Ararat platform. Submissions (feedback) could also be provided by email, post or delivered in person to the Municipal Offices.

The Local Law was also promoted on social media, on Council's website and in the Council's Rural City Focus via the Weekly Advertiser.

Following public exhibition of the Local Law, 8 submissions were received, of which:

- six opposed the making of (what was) cl 59 of the proposed Local Law, which makes provision with respect to the use of drones (and other model aircraft) on Council Land;
- one made a comment regarding Council's approach to community engagement but expressed no support for, or opposition to, the proposed Local Law; and
- one sought clarification of how the proposed Local Law would affect Green Hill Lake.

The submissions have been summarised below:



Number	Submitter	Summary of Submission
1	Individual	<p>Section 59 – Operation of Model Aircraft</p> <p>I wish to bring to the Council’s attention that the Civil Aviation Safety Authority (CASA) is a federal body and already has laws in place governing the safe use of drones and model aircrafts.</p> <p>Putting this clause in just serves to create overlapping and confusing regulations especially since CASA has already done in-depth studies on safe usage of drones and having competing local legislation just serves to confuse the issue. I would also bring to the Council’s attention that several other Council’s sought to include legislation on drone usage in local Council regulations but eventually removed it after finding out that CASA already legislates for this.</p>
2	Individual	<p>Section 59 – Operation of Model Aircraft</p> <p>I believe Section 59 should be removed. CASA have sole responsibility of governing airspace, and Council should not intervene. I as a photographer use drones regularly and believe this clause if added will hinder my ability to use drones to promote our area by showing off its beauty from the air. Look to other Councils who are removing clauses relating to drone use, citing CASA are the sole regulator.</p>
3	Individual	<p>Section 59 – Operation of Model Aircraft</p> <p>I wish to ask that there be no Council laws in relation to Model Aircraft/Drones. CASA has strict rules on the use of drones, having Council rules would be unnecessary. I run a large group of drone photographers, we work hard to educate drone users on being safer and respectful of people’s privacy and operating within CASA rules. Some of us travel through the Ararat and other regions in Victoria and have provide footage for free to local tourism organisations and business for their own promotion. Additionally drones are now being used more for commercial and farming purposes, often replacing the need for humans to work at dangerous heights and banning their use on Council land would severely impact progress in these areas. We are happy to meet with Ararat Rural City Council to present to you how we use drones responsibly and respectfully. We did this a couple of years ago for Ballarat City Council who then went on to remove any laws for drone use. We would respectfully ask if we Council do the same for Ararat.</p>
4	Individual	<p>Section 59 – Operation of Model Aircraft</p> <p>I request that Council please consider the removal of Clause 59 for the following reasons: The Civil Aviation Safety Authority (CASA) is the governing Statutory Authority for drones/ model aircraft. CASA is the Federal Statutory Authority for air space and air safety. CASA already have drone rules and regulations in place that are designed to protect other people both in the air and on the ground. These can be found at <a href="https://droneflyer.gov.au">https://droneflyer.gov.au</a>. For your information Commercial Drone operators already need to be registered with CASA, and from 1 July 2023 recreational drone operators will also need to register their drones with CASA. Councils actually have no statutory authority to control who flies in the airspace over Council managed land as the airspace is governed by CASA. There are also CASA approved apps and websites which drone users use to show Australian drone flyers where they can and can't legally fly their drone. As an example, the app OpenSky highlights controlled airports, helicopter landing areas, restricted airspace, danger areas, and includes the drone standard operating conditions. You might also like to have a look at <a href="http://www.ok2fly.com.au">www.ok2fly.com.au</a> which is a web-based site approved by CASA which also shows drone users where they can and can't legally fly their drones</p>

		<p>recreationally. Unsafe drone activities can also be reported through CASA’s website, therefore negating the need for Council to be involved with monitoring drone activity or checking on permit holders. You state "With the adoption of the Local Government Act 2020 there is also a requirement to reduce the duplication between legislation so part of the current Local Law that are dealt with under other legislation has been removed". I believe this also must take into account the legislation created by CASA which should no There should not be more than one statutory authority making different rules for drone use as it just becomes too confusing, and it then becomes a matter of which statutory body has the statutory authority over the other. As you are aware, Guidelines for Local Laws state that Council needs to consider whether there is a possible alternative to a Local Law that might better suit the needs of the Community. In this instance as suggested above CASA is the Federal Statutory Authority for aircraft and airspace in Australia with regulations already in place. Other Councils This same proposal was put to my local Council, the City of Casey, who in turn removed all reference to drones from their local laws. Your neighbouring LGA’s of Moyne, Pyrenees, Corangamite, Ballarat, Golden Plains, Moorabool, Hepburn and Northern Grampians have also followed suit and removed all reference to drones from their Local Laws, citing CASA as the relevant legislative authority. Discriminatory Every person should have the right and freedom to use Council land without the need for a Council issued permit to conduct their hobby. In fact I find it discriminatory that Council can propose to prescribe areas to ban the use of drones without a permit, yet other recreational activities won’t require permits. Disabilities The other thing to consider is people with disabilities. Drones support a positive user experience for the disabled as they are able to see areas they otherwise cannot get to or experience for themselves. I myself have a daughter with cerebral palsy who uses a wheelchair and is restricted in a lot of places that aren’t accessible. With a drone we can see places that we are otherwise restricted to, and we are not missing out on what everyone else can access and see. Council should be seen as all inclusive. Other Considerations Drone batteries only have a short flying time (recreationally - depending on the drone, anywhere from approximately 10 minutes to 30 minutes), so drone operators aren't in any one spot for extended periods of time. Sporting ovals, when not in use by the public, make great open spaces where people can fly their drone safely when learning or training. Drone use is now being taught in schools too, thanks to CASAs extensive educational campaign. Drone Technology In Australia the use of Drones and their technology are increasingly being used for a wide range of industries including things like agriculture, thermal imaging, surf life saving, emergency services, land surveying and mapping, bushfire detection, tree monitoring and animal rescue just to name a few. Council should not be hindering such advancement in the technology and the future. Council may be interested in CASAs draft Roadmap which is currently open for discussion. This indicates CASAs future proposals for unmanned traffic management <a href="https://consultation.casa.gov.au/stakeholder-engagement-group/rpas-and-aam-roadmap-consultation/t">https://consultation.casa.gov.au/stakeholder-engagement-group/rpas-and-aam-roadmap-consultation/t</a> be duplicated by Council.</p> <p>Tourism Drone flyers are always looking for different places to travel to and photograph. If a permit is required, this has the potential for drone flyers to simply not visit your towns thus resulting in a loss of revenue derived from tourism. The other bonus for drone photography is that it</p>
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		<p>has the potential to advertise your area freely, thus encouraging tourism. I hope you will take all of the above into consideration and again request that Council's proposed Clause 59 be removed from the Proposed Neighbourhood Amenity Local Law 2022. I note that Council's current Local Laws have no drone permit requirements in them and wonder why Council has felt the need to introduce them at all? By way of information, I am a recreational drone flyer and it is extremely frustrating when there are so many different authorities trying to govern where we can and can't fly, especially when there are so many different rules and regulations from so many different stakeholders; ie Local Government, Parks Victoria and Melbourne Water, etc, when we know CASA is the governing Statutory Authority with rules already in place. Given the wording of Clause 59(1) how would your average person know when or even if Council has decided to set aside prescribed council land to ban the use of drones without a permit? This would no doubt require extensive signage (and unnecessary cost) by Council to alert visitors to the area that permits are required. As a new drone owner, all you are told about is CASA rules and that you have to check the air space on a CASA approved app. There is very little information given that land stakeholders may also have drone rules. This has the potential of people inadvertently doing the wrong which is not the desired outcome. Drone operators in general want to do the right thing, but there is just too much "research" to be done and most new drone flyers are unaware that they need to even consider Council regulations outside of CASA. It is totally unnecessary for individual Councils to have their own set of rules (outside of CASA) which most of the general public would be unaware of, especially visitors to your area.</p>
5	Organisation	<p>Section 59 – Operation of Model Aircraft</p> <ul style="list-style-type: none"> <li>• A state-wide group, our members include both aerial and ground-based photographers, people looking at purchasing a drone and members who have an appreciation for photography and videography. I'm a recreational drone owner, and CASA Remote Pilot Licence (RePL) holder i.e., licenced drone pilot, and it is with great concern that Council proposes to introduce a permit requirement for drones for use on potentially prescribed Council Land. I am making a formal written submission for the removal of the "model aircraft" definition and Clause 59. Operation of Model Aircraft from the proposed Ararat Rural City Council Proposed Neighbourhood Amenity Local Law 2022. Although my submission will focus on drones, it should be noted that model aeroplanes also need to fly under the same rules and regulations as drones.</li> <li>• By way of information, manned aircraft have 'right of way' over unmanned aircraft and when a drone operator becomes aware of manned aircraft they must manoeuvre away from manned aircraft pursuant to Clause 101.075 of Part 101 of the Civil Aviation Safety Regulations (CASR). Educating drone operators is the key here, not insisting on permit requirements in certain areas where a drone operator may still be unaware of Civil Aviation Safety Authority (CASA) regulations or their obligations to manned aircraft.</li> <li>• It would make more sense for Council to avoid this unnecessary red tape by having a specific page on its website about drones to help educate and assist in solving future issues. Ideally this Council web page I mentioned would explain that the key role of the Civil Aviation Safety Authority (CASA) is to conduct the safe regulation of air operations across all of Australia, and to ensure that Australian airspace is administered and used safely. The specific page dedicated to drones on Council's website should note that drones</li> </ul>

		<p>must give way to ALL manned aircraft (which includes gliders), whilst the following links could be provided: • CASA’s drone safety rules • Details on flying near airports • Flying in populous area • Penalties for breaches of rules • CASA’s approved drone safety apps page • How to report a problem to CASA. CASA has rules that apply to all drones and model aircraft and are designed to protect people on the ground and in the air.</p> <ul style="list-style-type: none"> <li>• These rules show that CASA has considered the safety of airborne manned and unmanned aircraft and people and property at ground level.</li> <li>• With Council’s concern about gliders and drones operating near the aerodrome, there are severe penalties for creating a hazard to other aircraft.</li> <li>• Education and information is the key for safety and CASA’s dedicated educational Know Your Drone website is updated regularly and provides an online chat facility, a video on the legal use of drones, a knowledge quiz, as well as the option to sign up for CASA’s notifications and newsletters.</li> <li>• Accreditation of operators and registration of drones being flown for recreational purposes is scheduled to begin on 1 July 2023 with registration required annually.</li> <li>• CASA’s comprehensive registration and accreditation requirement, along with checking and enforcing by the police takes away the need for Council to create a local law when the area is already well covered at a federal legislation level, with the Civil Aviation Safety Regulations 1998 in place and updated regularly as required. Again, Point 2.5 from the Guidelines for Local Laws Manual Identifying (and staying within) the power to make a Local Law Since 1 July 2007, the CASA Office of Airspace Regulation has been the Parliamentary appointed airspace regulator. The use and rules for model aircraft and drones are regulated by CASA. Once a drone is in the air, it comes under CASA’s regulations. The safety rules implemented by CASA are for the protection of the general public.</li> <li>• Council proposes firstly that they may prescribe Council Land where a permit requirement would be required and secondly then make a requirement for a permit to operate from this land. Is there really a problem or has there been a lack of information in the past that has caused several incidents – not taking away that they may have been potentially serious ones, that has brought about the proposed Clause 59? CASA have in the last 18 months or so, substantially increased the amount of advertising they are doing, including print, television, social media, radio and cinema advertising that I’ve seen, to the point that many, many people including those who don’t own or operate a drone are now aware that there are drone rules. Wouldn’t the federal legislator of air safety be the best authority to look after this area so that there isn’t an overlap of existing provisions of legislation should a new local law clause be created? CASA, as the responsible authority for air space, has the power to investigate and fine drone operators who do the wrong thing. There is a link on their website where breaches of the rules can be reported.</li> <li>• In the Guidelines for Local Laws Resource Book, in the section Preparing for Local Laws it states the following: Identifying existing legislative provisions that may be overlapped by a Local Law As I’ve shown in earlier pages, Council is proposing to regulate in an</li> </ul>
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		<p>area that is already regulated at a federal government level by CASA and the drone safety rules simplify the regulations from the Civil Aviation Safety Regulations Part 101 Most Councils do not have a reference to drones or model aircraft in their local laws, however I have sought clarification of each Local Law or Council website's wording so members of our group can do the right thing. Knox City Council updated their website after I contacted them with a query.</p> <ul style="list-style-type: none"> <li>• Pyrenees Council: Local law - Adopted by Council on 19 February 2019, Commencement Date 7 March 2019. I sought to clarify some inconsistencies with their proposed local laws and with the information I provided, Council decided there was no need to include any restrictions on the operations of drones. Ballarat Council made new local laws in December 2017, only to suspend them and then voted to remove the drones regulations from their local laws on 4 April 2018 so that no permits are required. Operators need to abide by the CASA rules and regulations.</li> <li>• Ballarat Council are not the only ones to do a backflip on their local laws when referencing drones. Casey Council updated their local laws, making it a requirement that you needed a permit to fly a drone on private land. The Star News reported on 4/7/18, in part, regarding Casey Council's local laws: Casey's legal advice found it was likely that a court would find that the local law duplicated CASA's regulations, according to a council report in February. "This does not invalidate the Local Law. It simply casts doubt on the enforceability of (the local law) in its current form." After consultation with the community Casey Council have since removed that requirement.</li> <li>• On 9th December 2019, as part of the local law review for City of Boroondara, Councillors voted to accept the officer's recommendations to remove the requirement for a permit to fly a drone.</li> <li>• In August 2020, Strathbogie Shire Council proposed to introduce a permit requirement for drones in their draft local laws. After a significant number of submissions from the public, Council sought legal advice and, recognising that CASA rather than Council is the responsible authority and, that the local law may not be enforceable, removed the permit requirement from the document.</li> <li>• City of Melbourne Council does not require recreational drone flyers to have a permit, only to follow the CASA rules. Email clarification 5/1/21</li> <li>• Borough of Queenscliffe Council also updated their local laws, removing the reference to drones.</li> <li>• Some other points to consider: It is essential that Council are all inclusive of the community. Not everyone has an interest in participating in team sports. The use of drones provides people who are less mobile or with a disability the enjoyment of seeing things they would otherwise be restricted from. Flying of drones provides immense educational options. A member of a drone group that I belong to made this comment, after attending an international drone conference in China in 2019, "drones are now a well-recognised stepping stone towards manned aviation careers and we're on the edge of a severe pilot shortage". In Australia the use of drones and the technology they provide is being used in quite a few industries. CASA is the statutory authority to oversee all these activities. As more industries search for modern, inventive</li> </ul>
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		<p>solutions to issues of sustainability, productivity, and other challenges, drone technology has become more prevalent across a wide range of industries. This prevalence offers a growing catalogue of job opportunities in a variety of fields in need of drones — and pilots to fly them. Chief among these industries is agriculture, where unpredictable weather, irrigation issues, pest control, and even crop disease can have a huge impact on the management and effectiveness of farms across Australia. Whereas traditional methods of managing these issues are still possible, they are expensive, time-consuming, often environmentally harmful, and highly complicated for everyone involved. Drones in agriculture are being used for: Photo capturing technology, data and monitoring, Pesticide and Fertilizer Distribution, Irrigation and Planting, just to name a few. Source: UAV Training Australia Drones using thermal imaging are being used to check that the dripper watering system for a number of vineyards and market gardens are all working correctly and efficiently. Surf Lifesavers are using drones to assist with rescues; and fire fighters are using thermal imaging drones to locate hot spots so they can target their efforts. Many Councils are now using drones to monitor trees and do building inspections within their municipality, making this safer and more efficient. City of Hobart Council even offer drone services (Government only) for photography, videography, inspections and mapping. Police services throughout the country use RPAS (Remotely Piloted Aircraft Systems) for a number of purposes.</p> <ul style="list-style-type: none"> <li>• The Environmental Protection Authority Victoria operates a drone program.</li> <li>• Parks Victoria use drones to monitor pests, movement of animals and check nests. Australian local councils really need to embrace and support the use of drones by adults and for children under supervision to experience drone flying in open spaces. 24   Page Submitted by Anne Preston on behalf of the Victorian Drone Flyers Group 18.04.22 There are endless employment opportunities, but our up-and-coming drone pilots are being restricted by Councils with unnecessary permit requirements. A permit requirement will not negate drones being around as people would launch from other locations such as private property, roads, low tide on the beach etc. Allowing drones on Council land makes it easier and safer for everyone. Many Councils are encouraging residents and visitors to promote their area by contributing their photos for local calendar competitions, often with several drone shots making the final selection. Social media is huge! Both Mt Beauty and Porepunkah airports have Model aircraft clubs that fly from the Airport grounds. Both airports have regular Glider usage. They have never had any incidents, as it's well managed that when a 'Manned' aircraft is taking off or landing, the model aircraft must land and give way. Ararat Rural City Council could adopt something similar to this: <a href="http://www.ymbt.org.au/pilot-info/">http://www.ymbt.org.au/pilot-info/</a> Unmanned traffic management is the next big thing and CASA is consulting with all stakeholders. They are doing lots of forward thinking and planning which is great to see.</li> <li>• The Department of Infrastructure, Transport, Regional Development and Communications (which is a federal agency) is also currently working through drone rule management across all States and Territories of Australia to ensure regulations are uniform across Australia. You might be interested in the information here: <a href="https://www.infrastructure.gov.au/infrastructure-transport-">https://www.infrastructure.gov.au/infrastructure-transport-</a></li> </ul>
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		<p><a href="#">vehicles/aviation/emerging-aviation-technologies/neatpolicy-statement</a></p> <ul style="list-style-type: none"> <li>• Drone deliveries are being trialled in several locations around the country. <a href="https://www.infrastructure.gov.au/infrastructure-transport-vehicles/aviation/emerging-aviationtechnologies/drone-delivery-operations-australia">https://www.infrastructure.gov.au/infrastructure-transport-vehicles/aviation/emerging-aviationtechnologies/drone-delivery-operations-australia</a></li> <li>• My recommendation for the Ararat Rural City Council local law review is to remove the definition "model aircraft" and proposed local Law Clause 59 (1) and (2). Once an aircraft is in the air, it comes under CASA jurisdiction. I also believe that proposed Local Law Clause 59 would be discriminatory. Whilst there are existing laws in place for the use of remotely controlled aircraft and drones, provided people follow CASA's rules, there is no reason why any drone flying member of the public should be required to hold a council permit to use council land. Families and friends getting together, participants in sporting activities such as cricket, soccer, football and netball are groups of persons using public space, but aren't required to obtain a permit to use it. Finally, CASA have the ability to make changes to legislation as required, whereas Council local laws, once set in place, are normally for a 10-year period and could potentially be voided as they may not keep up with the progression in federal legislation.</li> </ul>
6	Individual	<p>Section 59 – Operation of Model Aircraft As a drone pilot of 6 years there is no reason for this local law to be introduced or for any permits to fly a drone within the shire council of Ararat. Like all other councils who are now removing any clauses relating to drone use from their Local Laws when they come up for review citing CASA as the sole regulator.</p> <p>Most drones users use drones for photography and it only encourages tourism through photos being posted on social media such as Instagram and facebook where the council get free promotion of the whole municipal district.</p> <p>The law can't be seen to be hindering the growth of drones being used for all manner of positive things, eg land surveying and mapping, wildlife monitoring, power line inspections, deliveries and the future of unmanned traffic management, just to name a few.</p> <p>The clause is unclear as to whether Ararat Rural City Council would set aside prescribed areas to fly and how would anyone know if they had or not and when?</p> <p>From 1 July 2023 all drones (commercial and recreational) will need to be registered with CASA which will be big fines if they are found to be not registered, most users you will find will do the right thing and CASA has already enforced large fines to drone operators that are not reported by members of the public for not doing the right thing.</p> <p>CASA 's laws can be found here. <a href="https://www.casa.gov.au/knowyourdrone/drone-rules">https://www.casa.gov.au/knowyourdrone/drone-rules</a></p> <p>I would like to see this local law removed for the following reasons as it serves no purpose other than restricting people from pursuing their interest in drone photography and charging some ridiculous fee for a permit that would be unworkable and unable to be enforced.</p>
7	Individual	<p>I would like Council to consider holding some community information sessions in relation to the proposed changes. This would be a good chance for the changes to be outlined and any questions answered. (To be honest, I found it difficult to understand what the proposed changes involve and am probably not the only one). For your consideration.</p>

8	Individual	I would like clarification about how this affects Green Hill Lake. (Clarification was provided to the submitter).
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***Officer response to submissions***

With respect to the submission set out in:

- Item 7 in the above table regarding community information sessions, it is noted; and
- Item 8 in the above table regarding clarification about how Green Hill Lake is affected, Officers have provided an individual response.

Of the other 6 submissions, 5 were made by individuals and 1 was made on behalf of a Victoria-wide organisation of photographers, which includes a number of hobbyist and professional drone users. The concerns raised by these 6 submitters regarding (what was) cl 59 of the proposed Local Law are substantially similar and it is therefore convenient and appropriate to deal with them collectively.

What was cl 59 of the proposed Local Law is reproduced below:

***59. Operation of Model Aircraft***

- (1) ***Council may prescribe Council Land or part of Council Land to be Council Land or part of Council Land on which a person must not operate or allow another person to operate a model aircraft without a permit.***
- (2) ***A person must not, without a permit, operate or allow another person to Operate a model aircraft while on any Council Land or any part of Council Land prescribed under sub-clause (1).***

The term 'model aircraft' was defined in cl 10 of the proposed Local Law in the following way:

*"model aircraft" means any airborne device modelled on an aeroplane or aircraft and which is powered, and includes a drone.*

While some of the submissions relating to (what was) cl 59 of the proposed Local Law are more detailed than others, the concerns shared by the submitters can be broadly summarised in the following way:

- the Civil Aviation Safety Authority (**CASA**), a specialist statutory authority established under the *Civil Aviation Act 1988* (Cth), is better placed than local councils to regulate drone use, particularly in relation to public safety;
- introducing localised restrictions on drone use creates a higher barrier to entry and, given the increased complexity and practical difficulties associated with enforcement, the cost associated with hindering the use of drones in public places would outweigh any perceived benefits; and
- Council does not have the authority to regulate where, and by whom, drones may be operated and a provision of a local law purporting to have such an effect would be inconsistent with the local law requirements and of no effect pursuant to s 72 of the Act.

Having considered the feedback opposing (what was) cl 59 of the proposed Local Law, and considered legal advice relating to its operation, Officers have omitted it from the attached proposed Local Law and recommend that Council does not pursue it any further.

Officers note the following in making this recommendation:

- The intent and effect of (what was) cl 59 of the proposed Local Law was not to create a blanket prohibition on the use of drones on Council land, but to preserve the amenity of Council Land by addressing drone use that may be liable to unreasonably interfere with the quiet enjoyment of Council Land by others;



- It is not a forgone conclusion that (what was) cl 59 of the proposed Local Law is inconsistent with the local law requirements in s 72 of the Act and therefore of no effect – this can only be finally determined by a Court of competent jurisdiction and there is at least an argument that there is space for Council to regulate the use of drones;
- CASA regulations are generally adequate to ensure that drones are used responsibly in public, including by:
  - prohibiting a person from operating a drone in a way that creates a hazard to another person or property;
  - prohibiting a person from operating a drone within 30 metres of another person not directly associated with the operation of the drone;
  - prohibiting a person from flying a drone over or above people or in a populous area (including beaches, parks, events, or sport ovals where there is a game in progress); and
  - prohibiting a person from dropping or discharging any thing from a drone in a way that creates a hazard to person or property;
- As regulation in this area continues to mature (including requiring the registration of recreational drones from mid-2023), it is anticipated that regulations will become more widely known to drone users and the general public and that responsible drone usage will continue to increase as a result; and
- Council does not currently regulate drones and the scale of the problem is not such that there is an immediate need to introduce a provision like (what was) cl 59 – if the need should arise, Council can revisit this issue.

## 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.

### *Budget Implications*

There are no budget implications for the proposed Neighbourhood Amenity Local Law 2022

### *Policy/Relevant Law*

From 1 July 2021, any new Local Laws must be made in accordance with the *Local Government Act 2020*.

Section 73 of the Act sets out the process for making local laws. Council has complied with the statutory process to this point, including publishing notice of its intention to make the proposed Local Law and exhibiting the proposed Local Law during the public consultation period in accordance with its Community Engagement Policy.

Significantly, section 73(6) of the Act permits Council to alter a proposed local law without undertaking a fresh public consultation provided the alteration will not affect the rights or responsibilities of any person. Council officers are satisfied that removing cl 59 from the proposed Local Law will not affect the rights or responsibilities of any person. The General Local Law 2012 does not include an equivalent provision regulating the use of drones in public. So, while intruding cl 59 would clearly affect the responsibilities of a person, not implementing this requirement only has the effect of preserving the status quo and there will, therefore, be no material change to any rights or responsibilities.

On the basis of the above, it is open to Council to make the proposed Local Law in the amended form in Attachment 3.2.1 without conducting a fresh public consultation.

In addition, section 74(1) of the Act states that, before Council makes a Local Law, it must obtain a certificate from a 'qualified person' stating that the person is of the opinion that the proposed local law is consistent with the local law requirements. Section 74(3) requires that the certificate is tabled at the Council meeting at which the proposed local law is to be made.

Council's legal advisors have reviewed the proposed Local Law and certified that it is consistent with the local law requirements set out in s 72 of the Act. The relevant compliance certificate is attached to this Report as Attachment 3.2.3 for tabling by Council.

### ***Sustainability Implications***

Measures within the Local Laws are designed to balance amenity issues for the community with the need to protect the environment.

### ***Risk Assessment***

The adoption of the proposed Local Law will ensure that Council meets its legislative requirements.

### ***Stakeholder Collaboration and Community Engagement***

The proposed Local Law has been on public exhibition from 30 March 2022 to 20 April 2022, with 8 submissions being received. Officers have recommended one change to the proposed Local Law in response to community feedback.

## **RECOMMENDATION**

That Council:

- 1 Having:
  - 1.1 completed the statutory process under Division 3 of Part 4 of the *Local Government Act 2020* for the making of the proposed Neighbourhood Amenity Local Law 2022;
  - 1.2 obtained a certificate from a suitably qualified lawyer stating that, in their opinion, the Neighbourhood Amenity Local Law 2022 is consistent with the local law requirements set out in s 72 of the *Local Government Act 2020*, attached to this Report as Attachment 3.2.3; and
  - 1.3 undertaken community engagement in accordance with Council's Community Engagement Policy in respect of the proposed Neighbourhood Amenity Local Law 2022 and having considered all submissions that were received,
- resolves to make the Neighbourhood Amenity Local Law 2022 in the form attached to this Report as Attachment 3.2.1, which incorporates an amendment made in response to community consultation; and
- 2 Authorises the Chief Executive Officer to publish the required statutory notices.

## **ATTACHMENTS**

- 1 Proposed Neighbourhood Amenity Local Law 2022, as amended provided as Attachment 3.2.1
- 2 Proposed Neighbourhood Amenity Local Law 2022, as advertised for the purposes of public consultation provided as Attachment 3.2.2
- 3 Certificate made under s 74 of the Local Government Act 2020 provided as Attachment 3.2.3

### 3.3 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.

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#### EXECUTIVE SUMMARY

The financial statements and performance indicators have been prepared for the period ended 31 March 2022.

Based on the information provided by responsible officers and managers, Council's overall financial performance is in line with budget.

#### 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 \$23.549 million in revenue and \$20.781 million in expenses to 31 March 2022. This has resulted in an operating surplus of \$2.768 million for the nine months ended 31 March 2022.

##### *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 \$17.264 million has been recognised as income for the nine months ended 31 March 2022.

**User fees** account for 4% of the total budgeted income for 2021/22 and \$0.697 million has been received to 31 March 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, Gum San and the Alexandra Oval Community Centre.

**Recurrent Operating Grants** total \$3.730 million to 31 March 2022, including \$1.500 million from the Victorian Local Government Grants Commission for general purpose grants and \$0.919 million for the local roads grants.

**Non-recurrent Operating Grants** total \$0.915 million to 31 March 2022. Council has been successful in obtaining several grants that had not been budgeted for, including COVID Safe Outdoor Activation funding of \$0.200 million, New Arrivals Settlement program funding of \$0.065 million, Free Public

Wi-Fi Services funding of \$0.156 million and Aradale Economic and Social Development Strategy funding of \$0.150 million

**Non-recurrent Capital Grants** total \$0.364 million to 31 March 2022. Several grants that were budgeted for 2021-22 were received in advance during 2020-21 including \$1.227 million for the Local Roads and Community Infrastructure Program, \$0.326 million for Delacombe Way Road reconstruction works, and \$2.295 million for the Gordon Street Recreation Reserve Redevelopment

#### 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.

1. 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 surplus of \$0.662 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 nine months ended 31 March 2022 Council has incurred \$8.212 million in employee costs.

**Materials and Services** account for approximately 33% of the total budgeted expenditure for 2021/22. For the nine months ended 31 March 2022, Council has incurred \$6.996 million in materials and services costs. There are a number of projects, including those carried forward from 2020/21 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 2021/22. 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 31 March 2022. Comparative figures have been provided as at 30 June 2021.

Council's current assets have decreased by \$6.617 million from \$27.406 million as at 30 June 2021 to \$20.789 million as at 31 March 2022. Cash and cash equivalents have decreased by \$6.933 million from \$23.049 million to \$16.116 million. Trade and other receivables have increased by \$0.340 million from \$4.233 million as at 30 June 2021 to \$4.573 million as at 31 March 2022.

Total liabilities have decreased from \$14.390 million in 2020/21 to \$11.992 million in 2021/22, with a decrease of \$0.349 million in trade and other payables. The trust funds and deposits have increased by \$0.050 million from \$0.455 million in 2020/21 to \$0.505 million in 2021/22.

#### 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 \$6.933 million to \$16.116 million as at 31 March 2022.

Net cash provided by operating activities was \$7.378 million and \$12.162 million was used in investing activities.

Investing activities includes payments for property, plant and equipment, and infrastructure totalling \$12.349 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 in Attachment 4.

Indicator	30/6/2021	30/9/2021	31/12/2021	31/3/2022
<b>Working capital</b> <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	202%	276%	231%	186%
<b>Loans and borrowings</b> <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	15.43%	15.86%	3.88%	3.66%
<b>Indebtedness</b> <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	4.29%	4.74%	4.61%	4.49%
<b>Rates concentration</b> <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	55.31%	89.86%	81.47%	74.53%
<b>Expenditure level</b> <i>Measure - Expenses per property assessment</i>	\$4,049	\$3,971	\$3,943	\$3,844

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				
<b>Indicator - Revenue level</b> <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	\$2,061	\$1,862	\$1,827	\$1,810
<b>Indicator - Percentage of total rates collected</b> 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 March 2022 the outstanding Rates Debtors totalled \$3.197 million compared to \$1.860 million as at 30 June 2021, an increase of \$1.337 million. In percentage terms 70.7% of the rates raised have been collected at 31 March 2022 compared to 18.3% up to 31 December 2021. 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. Outstanding rates are currently charged 10% interest.	86.9%	13.1%	18.3%	70.7%
<b>Indicator - Asset Renewal &amp; Upgrade</b> <i>Measure - Asset renewal &amp; 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.	164.30%	63.25%	251.83%	220.77%

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, with the cash position increasing in the third quarter with many ratepayers electing to pay their rates in full due 15 February 2022 and the third instalment due 28 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 March 2022 be received and adopted.

## ATTACHMENTS

Comprehensive Income Statement, Balance Sheet, Statement of Cash Flows and Financial Performance Indicators are provided as Attachment 3.3.

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.

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

OFFICER DIRECT OR INDIRECT CONFLICT OF INTEREST:  
Under Section 80C of the *Local Government Act 1989* officers providing advice to Council must disclose any interests, including the type of interest.

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

DISCUSSION

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

Approvals by Ararat Rural City Municipal Building Surveyor March 2022

Permit No.	Applica tion Date	Approval Date	Building Address	Description of Building Works or Use of Building		
8491190281042	21/10/2 021	08/03/2022	23 Baird Street, Ararat	Stage 2 – Construction of a new building	\$57194 4	9b

TOTAL VALUE \$571,944



Approvals by private surveyors – March 2022

Permit No.	Date Approved	Notification Received by Council	Building Address	Description of Building Works or Use of Building	Surveyor
9160538910451	03/03/2022	23/11/2021	849 Geddes Road, Lake Bolac	Removal of dwelling	Beaton Building Consultancy Pty Ltd
4470061463024	07/03/2022	07/03/2022	14 Webb Street, Ararat	Removal of Department of Health & Human Services dependent persons unit	Pronto Building Permits
1162082770511	07/03/2022	03/03/2022	CA3A SEC28 McLellan Street, Ararat	Demolition of toilet block	Coast to Country Building Approvals
1934441098656	08/03/2022	02/09/2021	3236 Ararat-Halls Gap Road, Pomonal	Shed	Swift Approvals
7087918170285	09/08/2022	21/02/2022	42 Jacksons Creek Road, Ararat	Shed	Coast to Country Building Approvals
1843181488805	09/03/2022	21/02/2022	63 Banfield Street, Ararat	Garage/Storage Shed	Coast to Country Building Approvals
2613369401196	10/03/2022	08/03/2022	294 Railway Road, Ararat	Swimming pool and safety barrier	Southern Building Approvals
8813066138175	12/03/2022	04/02/2022	24 Dawson Street, Ararat	Construction of dwelling, garage, verandahs and deck	PROVIC Building Approvals
9552289301966	18/03/2022	16/03/2022	CA2A SEC63 Collings Street, Ararat	Demolition of toilet block	Coast to Country Building Approvals
6282915008999	20/03/2022	20/03/2022	25 Ford Street, Ararat	Additions and alterations to dwelling including deck and verandah	PROVIC Building Approvals
1827664249380	21/03/2022	21/03/2022	394 Barkly Street, Ararat	New building – Service Station	SWA Consulting
5709913960427	18/03/2022	15/03/2022	24 Degraeves Street, Ararat	Detached shed	Daville Building Surveying
1972512068265	15/03/2022	03/03/2022	49 High Street, Elmhurst	Stage 2: Completion of building works ONLY - Construction of a new dwelling	Code HQ
9211479500718	28/03/2022	28/03/2022	4 Domain Circuit, Ararat	Proposed garage	VIC Central Building Surveying

**TOTAL VALUE \$4,194,054**

## 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.

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

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

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

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

**DISCUSSION**

Planning permits, certification of subdivision plans and 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 – March 2022

Application No.	Date Lodged	Date of Delegated Approval / Refusal	Applicant	Location	Proposed Use of Development
2622/1	25/02/2022	17/03/2022	Ben Wallace	15 Port Fairy Road, Ararat	Extension of Time Granted for 9 Lot Subdivision (Staged) and create access to road zone
2863	25/01/2022	07/03/2022	Byron Day	8 McNeill Street, Ararat	Extension of Time Granted for 2 Lot Subdivision
3078	23/02/2022	04/03/2022	Tim McDougall for Kaye Poyner	45 Vincent Street, Ararat	Two Business Identification Signs in High Amenity Area
3084	21/02/2022	25/03/2022	Annie Silva	93 Queen Street, Ararat	Keeping of 3 Therapy Dogs
3085	02/12/2022	21/03/2022	Sudhanshu Goel, e2eGrowth	1 Blackie Avenue, Ararat	5 Lot Subdivision

Application No.	Date Lodged	Date of Delegated Approval / Refusal	Applicant	Location	Proposed Use of Development
			Consultants Pty Ltd		
3091	15/12/2021	23/03/2022	Sudhanshu Goel, e2eGrowth Consultants Pty Ltd	41 Queen Street, Ararat	Notice of Decision (NOD) issued for Use and Development of 7 units, 7 Lot Subdivision and Waiver of 8 Car Spaces
3092	16/12/2022	11/03/2022	David Thomson	21 Crebbins Lane, Ararat	Buildings and works for demolition of existing sheds and replacement with single shed
3099	06/01/2022	11/03/2022	Tom Motta, Tom Motta Building Designer	8 Steven Crescent, Ararat	Use and development of 2 dwellings
3102	22/01/2022	21/03/2022	Brenton Hann	8 Blake Street, Ararat	Use and development of 8 dwellings
3104	08/02/2022	23/03/2022	Ferguson Perry Surveying Pty Ltd	66 Blackie Avenue, Ararat	Boundary reconfiguration and reduction from 6 lots to 5 lots

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 scheduled for 30/08/2022

Certification of subdivision plans under delegated authority – March 2022

Application No.	Date Lodged	Date of Decision	Applicant	Location	Procedure
S3016	03/02/2022	24/03/2022	Brayley and Hayes	Narrapumelap Road, Wickliffe	Certification & Statement of Compliance in relation to PS905749T, Version 1

**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.

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#### 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 05 April 2022
Council Briefing held on 12 April 2022

#### Issues discussed at the briefing:

- Future of Ararat CBD/ Hospitality and tourism businesses
- Federal budget outcomes
- Council facilities management/sporting club engagement
- Barkly St Breezeway Project
- Gordon St upgrade update
- Ararat Planning Scheme review
- Waste Management update
- Asset Schema update
- Budget process 2022/2023
- Basketball court discussion

#### 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- Contract No. 500- CH002- Final Extension of Contract
- Item 8.2- Waiver of Rates and Interest
- Item 8.3- Contract No. 671- Gordon Street Recreation Reserve Redevelopment

## 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 report and decision in relation to 8.1, 8.2 and 8.3 not be lifted on adoption of the motion.