



Ararat Rural City

# AGENDA

## COUNCIL MEETING

**Tuesday 30 August 2022**

To be held in the Council Chambers, Shire Offices  
(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](http://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 Meetings held on 26 July 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.

## SECTION 3 – REPORTS REQUIRING COUNCIL DECISION

### 3.1 2022/2023 CAPITAL WORKS FIRST STAGE ROLLOUT

RESPONSIBLE OFFICER: CHIEF EXECUTIVE OFFICER  
DEPARTMENT: CEO'S OFFICE  
REFERENCE: 6198

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

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

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

#### EXECUTIVE SUMMARY

Council adopted its 2022/2023 Capital Works Program as a key element of the 2022/2023 Budget. The program is significantly different to previous years in that it is not predominantly made up of larger road and bridge renewal. The 2022/2023 Program is composed of a series of smaller projects, including a focus on renewal and upgrade of community infrastructure.

In order to ensure transparent reporting around the development and implementation of this year's capital works program a process for quarterly reporting, commencing in October 2022, and adoption of works programs in each works area is proposed.

#### DISCUSSION

Council's 2022/2023 Capital Works Program is substantially different to the last few years. The program does not have a number of major road or bridge projects. Council believes that during the period of pricing instability being experienced currently, that it was better to undertake a "small target" capital works program in 2022/2023. The emphasis this year will continue to be on renewal and updating Council assets, undertaking a larger number of smaller projects of lower value in order to avoid the impacts of price volatility in the market. It is hoped that this approach will also provide opportunities to support local employment and engagement of local contractors. The capital works program will also have an emphasis on improvements to urban drainage and support the renewal of community assets.

The 2022/2023 Capital Works Program will consist of the following elements:

Capital Works Program Element	Budget
Helendoite Road bridge replacement	\$ 800,000
Community infrastructure	\$1,500,000
Gravel road resheeting and widening	\$2,100,000
Road reseal program	\$2,100,000
Major patching	\$ 400,000
Urban drainage	\$ 700,000
Footpaths and cycleways	\$ 300,000
Plant and equipment	\$ 810,000
<b>Total</b>	<b>\$8,710,000</b>

Given that the program is made up of a range of smaller projects in 2022/2023, it is important that roll out of the program is reported to Council and community in a clear and transparent way. Detailed programs of works are being developed and will form the basis of progress reporting on a quarterly basis. The programs will be endorsed by Council under a rolling program over the next three months. The preliminary elements of the community infrastructure, urban drainage and gravel road resheeting and widening programs are as follows:

The first tranche of the community infrastructure program is outlined below:

Community Infrastructure Element	Budget
Replacement of existing community BBQs with DDA compliant units	\$ 90,000
Living local regional grant – community playgrounds, Alexandra Gardens and Lake Bolac. Alexandra gardens will be all abilities playgrounds including a liberty swing (co-funded through the Ararat Lions Club). Grant funding sought is \$180,000	\$466,000
Other Playground works, including new playground at Warrak Hall	\$120,000
Senior Citizens hall kitchen renewal	\$ 60,000
Installation of digital scoreboard at Gordon St Recreation Reserve	\$ 65,000
Landscaping on eastern side of Alexandra Oval and renovation of old toilet block	\$175,000
<b>TOTAL</b>	<b>\$976,000</b>
<b>Council Contribution if successful in the Living Local Regional Grant</b>	<b>\$786,000</b>
<b>Council Contribution if <u>not</u> successful in the Living Local Regional Grant</b>	<b>\$966,000</b>
<b>Ararat Lions Club contribution</b>	<b>\$ 10,000</b>

The urban drainage program elements and cost estimates are as follows:

Urban Drainage Program element	Budget
Golf Links Road drainage study*	\$ 50,000
Golf Links Road drainage works*	\$200,000
Downstream drainage improvement works	\$350,000
Works on Council assets to assist in alleviating ongoing inundation of local properties	\$100,000
<b>TOTAL</b>	<b>\$700,000</b>

\*this program was endorsed by Council at the June 2022 meeting.

The preliminary program for the unsealed roads resheeting and widening program are as follows:

Urban Drainage Program element	Budget
Development of three “demonstration” unsealed roads that have been resheeted with suitable materials, widened, gravel reclaimed, vegetation works, and drainage improved. The first of these will be Langi Logan Rd between Tatyoon and Cornhill Rds.	\$300,000
Resheeting works in the “Elmhurst Blitz” project	\$200,000
<b>TOTAL</b>	<b>\$500,000</b>

The remainder of the roads to be resheeted and widened will be identified through engagement with the Rural Roads Group and reference to current asset condition.



## KEY CONSIDERATIONS

### *Alignment to Council Plan Strategic Objectives*

The key financial drivers align strongly with the thrust of the Council Plan 2021-2025, particularly the following:

- 4.1 Ensure that asset development and renewal during the planning period matches that identified in Council's Asset Plan 2021-2031.
- 4.2 Work directly with asset users to manage and develop new and existing assets.
- 4.3 Deliver infrastructure outcomes that support economic growth, promote community wellbeing and safety and align with Council's financial sustainability.
- 6.1 Deliver responsible budget outcomes, linked to strategy, that deliver value, innovation, and rating fairness.

### *Budget Implications*

The 2022/2023 Capital Works Program represents a significant element of Council's 2022/2023 Budget. In the current volatile civil construction market, it is essential that Council manages capital works expenditure carefully to ensure budget outcomes are met.

### *Policy/Relevant Law*

The 2022/2023 Capital Works Program complies with the program funded in the 2022/2023 Budget.

### *Sustainability Implications*

There are no environmental sustainability implications.

### *Risk Assessment*

The 2022/2023 Capital Works Program was developed as a mitigation of the financial risks associated with market volatility currently being experienced in the civil and building construction sectors.

### *Innovation and Continuous Improvement*

Development of the 2022/2023 Capital Works Program represented an agile response to market conditions. A capacity to rework strategy based on a changing environment is a critical element in developing an innovative organisation.

### *Stakeholder Collaboration and Community Engagement*

The 2022/2023 Capital Works Program was developed as an element of the 2022/2023 Budget. There was extensive community engagement undertaken prior to adoption.

## RECOMMENDATION

That Council:

1. Endorses the first tranche of the Community Infrastructure Program, the Urban Drainage Program and the preliminary elements of the Unsealed Roads Resheeting and Widening Program for 2022/2023.

## ATTACHMENTS

The full roads reseal program for 2022/2023 is provided as Attachment 3.1.

### 3.2 FAÇADE IMPROVEMENTS GRANTS SCHEME VARIATION

**RESPONSIBLE OFFICER:** ECONOMIC DEVELOPMENT COORDINATOR  
**DEPARTMENT:** ECONOMIC DEVELOPMENT  
**REFERENCE:** 6199

**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

Successfully delivered over 3 consecutive financial years the Façade Improvements Grants Scheme has provided businesses within the municipality with access to a grant scheme, to improve the façade of their business premises. Variations to the scheme would see the focus shift to supporting new, expanding, or relocating businesses, providing access to a grant of up to \$10,000 at a \$2:\$1 ratio. The total pool of Council funds will be \$78,000 funding from the 2022/23 Council budget.

#### DISCUSSION

First impressions are important and since launching the Façade Improvements Grants Scheme in 2019, Council has supported 47 completed projects with businesses accessing over \$120,000 worth of grant assistance. That is over \$240,000 worth of improvements to our streetscapes with the dollar-for-dollar funding ratio. There are currently existing grants from previous rounds that are still in progress, which will continue to improve our streetscapes.

Recent statistics collected from the Central Business District (CBD) occupancy data indicates a slight increase from 2019 (7.4%) to May 2022 (4.5%). This signifies our CBD is now in a healthy business space which is an amazing accomplishment during battling financial times for many businesses.

Now more vibrant than ever, the streetscape is an attractive destination with many opportunities to continue to attract new and expanding businesses. Local business confidence is increasing and by incentivising investment and creating a nurturing environment for business success, occupancy rates will continue to fall.

SED's 2021 report 'Impacts of COVID-19 on region and regional businesses' recorded that the top 3 issues facing new businesses in our region are; business development, revenue, and cash flow. Focusing Council's support to new and or expanding businesses will enhance the prosperity and sustainability of local business success.

The proposed changes to the Façade Improvements Grants Scheme provide a grant of up to \$10,000 from Council at a \$2:\$1 ratio. For example, a \$15,000 project would be a \$10,000 contribution from Council and \$5,000 from the business. This will continue to improve the retail streetscapes and will encourage and build confidence, encourage tourism, and increase retail spend.

Enhancements to the scheme also see the introduction of extra options such as permanent outdoor heating and cooling, café blinds and awnings, planter boxes and umbrella sleeves that will noticeably improve hospitality and outdoor dining options.

## KEY CONSIDERATIONS

### *Alignment to Council Plan Strategic Objectives*

#### **1 Growing Our Place**

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

- 1.3** Work with other levels of government, business, and not-for-profit to develop programs to increase in-migration to Ararat Rural City to grow our population

#### **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

- 2.3** Engage with Grampians Tourism and local businesses to drive growth in high-yield tourist outcomes

### *Budget Implications*

A total pool of \$78,000 will be provided with grants of up to \$10,000 from Council at a \$2:\$1 ratio. For example, a \$3,000 project would be a Council contribution of \$2,000 and the business \$1,000.

The total pool of Council funds will be \$78,000 budgeted in the 2022/2023 financial year.

### *Policy/Relevant Law*

The following is included in the Façade Improvements Grants Scheme guidelines:

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

### *Application details:*

The scheme provides a grant from Council on a \$2:\$1 basis up to \$10,000 for new or relocating businesses to complete improvements to the building façade.

All new or expanding business establishing or relocating into a commercial area of a town within the Ararat Rural City may be eligible. Eligible businesses that operate from a commercial or industrial premises with street frontage would need to either;

- Provide business plans for expansion
- In the process of relocating to a new commercial premises
- Relocating from a home-based business
- Started a new business after June 30, 2022

### *Risk Assessment*

None identified.

Changes to the Façade Improvements Grants Scheme provides an opportunity for Council to work with proactive businesses to improve the façade of business premises across the municipality. The new \$2:\$1 model will attract new or expanding businesses to our commercial properties giving them a strong foundation to successfully launch into a post-COVID world, while further enhancing the aesthetics of our business centres.

#### RECOMMENDATION

That:

- 1 Council commits to modifying the Façade Improvement Grant Scheme to support only new, expanding, or relocating businesses; and
- 2 The Façade Improvements Grant Scheme funding model to be changed to a \$2:\$1 ratio providing grants up to \$10,000 by Ararat Rural City Council based on the application guidelines

#### ATTACHMENTS

Business Façade Improvement Grants - Application Guidelines 22/23 is provided as Attachment 3.2

### 3.3 APPOINTMENT AND AUTHORISATIONS (PLANNING AND ENVIRONMENT ACT 1987) S11A

RESPONSIBLE OFFICER: GOVERNANCE AND RISK LEAD  
DEPARTMENT: CEO'S OFFICE  
REFERENCE: 6200

#### OFFICERS DECLARATION OF INTEREST:

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

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

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#### EXECUTIVE SUMMARY

This report seeks Council's endorsement of the S11A Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987*.

#### DISCUSSION

The Local Government Act 1989 provides for the appointment of Authorised Officers for the purposes of the administration and enforcement of any Act, regulations or local laws which relate to the functions and powers of the Council.

The Chief Executive Officer, by authority conferred by instrument of delegation from Council makes these appointments. Under the Planning and Environment Act 1987, however, Authorised Officers can only be appointed by Council resolution as the Act prohibits delegation of the power to appoint Authorised Officers under the Act.

This report identifies changes since the S11A Instrument of Appointment and Authorisation was adopted on 21 September 2021

A review of current delegates to this Instrument of Delegation has been carried out.

#### KEY CONSIDERATIONS

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

6 Strong and Effective Governance

##### *Budget implications*

There are no budget implications arising from the Appointment of Authorised Officers.

##### *Policy/Relevant Law*

Section 224 of the *Local Government Act 1989* is a provision that remains in force and continues to be the authorising provision for the S11A Instrument of Appointment and Authorisation.

The power to commence proceedings - section 313 of the Local Government Act 2020.

##### *Sustainability Implications*

There are no economic, social or environmental implications in relation to appointment of Authorised Officers.

##### *Risk Assessment*

The regular updating of the Instrument of Appointment and Authorisation ensures ongoing legislative compliance for Ararat Rural City Council and that staff members are properly empowered to undertake their roles.

*Innovation and Continuous Improvement*

The appointment of Authorised Officers is essential to the effective control and policing of the municipal district.

*Stakeholder Consultation and Communication*

The Instrument of Appointment and Authorisation has been updated by referencing the Maddocks Lawyers Delegations Service.

**RECOMMENDATION**

That:

In the exercise of the powers conferred by section 147(4) of the Planning and Environment Act 1987 (the Act) and the other legislation referred to in the attached instruments of appointment and authorisation (S11A) (the instrument), Ararat Rural City Council (Council) resolves that -

- 1 The members of Council staff referred to in the instruments be appointed and authorised as set out in the instrument;
- 2 The instrument comes into force immediately the common seal of Council is affixed to the instrument, and remains in force until Council determines to vary or revoke it; and
- 3 The instruments be signed under the seal of the Council.

**ATTACHMENTS**

The Instrument of Appointment and Authorisation (Planning and Environment Act 1987) S11A is provided as Attachment 3.3.

### 3.4 S18 INSTRUMENT OF SUB-DELEGATION FROM COUNCIL TO MEMBERS OF COUNCIL STAFF

RESPONSIBLE OFFICER: GOVERNANCE AND RISK LEAD  
DEPARTMENT: CEO'S OFFICE  
REFERENCE: 6201

#### OFFICERS DECLARATION OF INTEREST:

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

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

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#### EXECUTIVE SUMMARY

This report seeks Council's endorsement of the S18 Instrument of Sub-Delegation under the *Environment Protection Act 2017*.

#### DISCUSSION

The Environment Protection Authority (EPA) has given Council the power to appoint officers under the Act and once appointed they can also be delegated some of the EPA's powers.

This report identifies changes since the S18 Instrument of Sub-Delegations was adopted on the 27 July 2021.

A review of current delegates to this Instrument of Delegation has been carried out.

#### KEY CONSIDERATIONS

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

6 Strong and effective governance

##### *Budget implications*

There are no budget implications arising from the review of the S18 Instrument of Sub-delegation – Council to Members of Council Staff.

##### *Policy/Relevant Law*

Section 11(8) of the *Local Government Act 2020* requires that the Council keep a register of delegations. This delegation will be made available to the public.

Section 437 (1) the *Environment Protection Act 2017* states that the Governing Board may be instrument delegate all or any of the Authority's powers and functions under this Act to (b) a Council.

##### *Sustainability Implications*

There are no economic, social or environmental implications in relation to the S18 Instrument of Sub-delegation – Council to Members of Council Staff.

##### *Risk Assessment*

It is essential that the Instruments of Delegation are kept up to date to ensure that the CEO is properly empowered to undertake the role.

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

The *Instrument of Sub-delegation from Council to Members of Council Staff* has been sourced through Council's subscription to the Maddocks Lawyers Delegations Service.

The revocation and consideration of delegations does not require any public consultation; however, Council is required to keep a public register of all delegations.

#### RECOMMENDATION

That:

In the exercise of the powers conferred by the legislation to in the attached Instrument of Sub-delegation, Ararat Rural City Council resolves that -

1. The members of Council staff referred to in the Instrument of sub-delegation under the Environment Protection Act 2017 be appointed and authorised as set out in the instrument;
2. The instrument comes into force immediately the common seal of Council is affixed to the instrument, and remains in force until Council determines to vary or revoke it and;
3. The instrument be signed under the seal of the Council.

#### ATTACHMENTS

S18 Instrument of Sub-delegation – Council to Members of Council Staff is provided as Attachment 3.4



### 3.5 DELEGATIONS FROM COUNCIL TO MEMBERS OF COUNCIL STAFF S6

RESPONSIBLE OFFICER: GOVERNANCE AND RISK LEAD  
DEPARTMENT: CEO'S OFFICE  
REFERENCE: 6202

#### OFFICERS DECLARATION OF INTEREST:

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

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

#### EXECUTIVE SUMMARY

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

#### DISCUSSION

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

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

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

There have been a number of minor changes made to the <i>Cemeteries and Crematoria Act 2003</i> , but these are not applicable to Ararat Rural City Council.
Section 4I of the <i>Planning and Environment Act 1987</i> has been amended to refer to the duty to <u>make a copy</u> of the Victorian Planning Provisions and other documents available in accordance with the public available requirements.
Section 14 of the <i>Planning and Environment Act 1987</i> amendment of a typographical error.
Sections 18, 21(2), 26(2) and 46V(3) of the <i>Planning and Environmental Act 1987</i> have been amended to include a note as to the period the documents must be made available in accordance with the public availability requirements.
Section 22(1) of the <i>Planning and Environment Act 1987</i> has been amended to clarify which submissions must be considered.
Section 22(2) of the <i>Planning and Environment Act 1987</i> has been inserted in two parts, which relate to the power to consider late submissions and the separate duty to consider late submissions.
Section 46V(4), (5) and (6) of the <i>Planning and Environment Act 1987</i> have been included with respect to the Melbourne Airport Environs Strategy Plans but these are not applicable to Ararat Rural City Council.
Section 96J of the <i>Planning and Environment Act 1987</i> has been amended to refer to the duty rather than as a power.
Section 185B of the <i>Planning and Environment Act 1987</i> has been inserted, which related to the duty to comply with a request from the Minister for information.

## KEY CONSIDERATIONS

### *Alignment to Council Plan Strategic Objectives*

6 Strong and Effective Governance

### *Budget implications*

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

### *Policy/Relevant Legislation*

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

This report is presented to reflect several changes to legislation.

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

### *Sustainability Implications*

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

### *Risk Assessment*

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

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

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

### *Stakeholder Collaboration and Community Engagement*

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

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

Chief Executive Officer and relevant officers have reviewed the document.

## RECOMMENDATION

That:

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

- 1 There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *Instrument of Delegation Council to Members of Council Staff (S6)*, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument;
- 2 The instrument comes into force immediately the common seal of Council is affixed to the instrument;
- 3 On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked;

- 4 The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt; and
- 5 The instrument be signed under the seal of the Council.

#### ATTACHMENTS

The Instrument of Delegation from Council to Members of Council Staff S6 is provided as Attachment 3.5.

### 3.6 ELMHURST BLITZ

RESPONSIBLE OFFICER: CHIEF EXECUTIVE OFFICER  
DEPARTMENT: CEO'S OFFICE  
REFERENCE: 6203

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

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

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

#### EXECUTIVE SUMMARY

Following formal and informal community consultation with the Elmhurst community it is recommended that Council undertake an intense two-to-three-week period of works aimed at:

- improving gravel roads
- removal of two to three problem trees
- drainage renewal and maintenance
- tree pruning, debris and noxious weed removal
- signage replacement.

This project will be known as the "Elmhurst Blitz" and it proposed that it commences by mid-late September, utilising at least one grader crew, the drainage team and parks and gardens staff as required.

#### DISCUSSION

Discussions with Elmhurst residents over a period of time have identified a range of longstanding issues that require resolution. In response to this it is proposed that Council undertake an "Elmhurst Blitz". Council will deploy resources intensively into Elmhurst over a two-to-three-week period to undertake a substantial amount of work to remediate some of the issues identified. It is proposed that a grader team, the drainage team and parks and gardens team members for the basis of the personnel required for the "blitz". The budget for this work will be drawn from existing budget items, including Council's Capital Works Program for 2022/2023.

A list of tasks, based on those identified by residents, is as follows. The budgets are indicative, remembering that they will be drawn from existing sources.

Capital Works Program Element	Budget
Gravel road resheeting and widening	\$200,000
Removal of two to three problem trees	\$ 20,000
Drainage renewal and maintenance	\$ 40,000
Tree pruning, noxious weed removal (bridal creeper) and roadside debris clearing	\$ 20,000
Signage replacement	\$ 2,500
<b>TOTAL</b>	<b>\$282,500</b>

It is proposed, following Council endorsement, that the program commence by late September.

#### KEY CONSIDERATIONS

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

The project aligns closely to the Council Plan 2021-2025, particularly the following:

- 4.1 Ensure that asset development and renewal during the planning period matches that identified in Council's Asset Plan 2021-2031.

- 4.2 Work directly with asset users to manage and develop new and existing assets.
- 4.3 Deliver infrastructure outcomes that support economic growth, promote community wellbeing and safety and align with Council’s financial sustainability.
- 6.1 Deliver responsible budget outcomes, linked to strategy, that deliver value, innovation, and rating fairness.

***Budget Implications***

The “Elmhurst Blitz” is funded through existing budget sources, including the 2022/2023 Capital Works Program. It represents an intensive period of work focussing of delivering community outcomes in Elmhurst.

***Policy/Relevant Law***

The “Elmhurst Blitz” represents a response to formal and informal community engagement which is required by the Local Government Act 2020.

***Sustainability Implications***

The project will ensure renewal of Council assets in Elmhurst which meets financial sustainability goals. The work on removal of noxious weeds from road reserves and debris clearing will enhance environmental sustainability outcomes.

***Risk Assessment***

Removal of problem trees, asset improvement and drainage management all serve to reduce risk associated with management of Council assets.

***Innovation and Continuous Improvement***

The intensive deployment of multiple work crews to work in a single location is a novel approach for Ararat Rural City Council. It presents an opportunity to enhance community satisfaction with service delivery while making significant headway on asset renewal and maintenance.

***Stakeholder Collaboration and Community Engagement***

The program was developed on the basis of formal and informal engagement with members of the Elmhurst community. It may form the basis for similar approaches across other rural communities moving forward.

**RECOMMENDATION**

That Council endorses the “Elmhurst Blitz” plan including the following elements with indicative costings:

Capital Works Program Element	Budget
Gravel road resheeting and widening	\$200,000
Removal of two to three problem trees	\$ 20,000
Drainage renewal and maintenance	\$ 40,000
Tree pruning, noxious weed removal (bridal creeper) and roadside debris clearing	\$ 25,000
Signage replacement	\$ 2,500
<b>TOTAL</b>	<b>\$287,500</b>

**ATTACHMENTS**

There are no attachments in relation to this item.

### 3.7 NOXIOUS AND INVASIVE WEED PROGRAM

RESPONSIBLE OFFICER: CHIEF EXECUTIVE OFFICER  
DEPARTMENT: CEO'S OFFICE  
REFERENCE: 6197

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

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

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

#### EXECUTIVE SUMMARY

Informal engagement with community based environmental groups and individuals over time have indicated significant concern over noxious and invasive weeds in a number of locations. Three such locations are Moyston, Pomonal and Elmhurst. It is proposed that Council endorse a Noxious and Invasive Weed program focussing on a single species in each locality in 2022/2023 from existing budget allocations.

If the program is seen as successful, Council may consider a specific allocation to an expanded program in the 2023/2024 Budget.

#### DISCUSSION

Ararat Rural City Council receives annual funding from the Victorian Department of Environment, Land, Water and Planning to undertake works to control noxious weeds on roadsides within the municipality. This is generally inadequate to undertake substantial works and as a result, there are a range of problem weed infestations which go unmanaged.

Based on informal community engagement several significant weed infestations have been identified across the municipality by community organisations with an interest in the environment. It is proposed that Council work with local communities in three locations to assist in undertaking works that will assist in managing the infestations. Over time this program may be expanded by 2023/2024 where direct budget allocations may be made.

The table below provides details of the proposed projects. Following endorsement by Council, Council officers will then refine the projects in discussion with the relevant community organisations. The program will be managed within existing budgets, no additional funds will be required.

Location	Species	Council activity
Moyston	Chilean Needlegrass ( <i>Nassella neesiana</i> )	Spray out at correct time of year on Council controlled land to control infestation. The areas treated will be based on mapping of existing known locations.
Pomonal	Yarra Burgan ( <i>Kunzea leptospermoides</i> )	Slash and spray known infestations along Wildflower Drive and potentially Cassell Court. Jallukar Landcare members will assist with identification and location as required.
Elmhurst	Bridal Creeper ( <i>Asparagus asparagoides</i> )	Infestations along roadsides will be managed as an element of the "Elmhurst Blitz" program.

#### KEY CONSIDERATIONS

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

The project aligns closely to the Council Plan 2021-2025, particularly the following:

3. We will take pragmatic approaches to ensuring that Ararat Rural City Council takes a regional lead in responsible environmental management and engagement with the circular economy.

***Budget Implications***

The noxious and invasive weed program will have no additional budgetary implications. An expansion of the program into 2023/2024 will require Council to consider a discrete budget allocation.

***Policy/Relevant Law***

Under the Catchment and Land Protection Act 1994 (CaLP Act) Council has a responsibility to manage declared noxious weeds on land that it controls. This program steps beyond the CaLP Act to assist in managing invasive weeds.

***Sustainability Implications***

Managing noxious and invasive weeds serves to increase biodiversity outcomes within our municipality. Commencing this project signals Council’s commitment to positive sustainability outcomes.

***Risk Assessment***

There is a need for Council to increase its engagement with community-based environment organisations such as Landcare to mitigate the risk posed by noxious and invasive weeds to environmental sustainability.

***Innovation and Continuous Improvement***

The Noxious and Invasive Weed Program in 2022/2023 represents a commitment from Council to undertake more work around supporting biodiversity management. It is a starting point for what may become a more extensive program into 2023/2024. .

***Stakeholder Collaboration and Community Engagement***

The program was developed based on informal engagement with environmentally focussed community groups and individuals. Further iterations beyond 2023/2024 will be based on similar community engagement.

**RECOMMENDATION**

That Council:

- 1 Endorses the Noxious and Invasive Weed Program for 2022/2023 based on the following approaches in Moyston, Pomonal and Elmhurst:

Location	Species	Council activity
Moyston	Chilean Needlegrass ( <i>Nassella neesiana</i> )	Spray out at correct time of year on Council controlled land to control infestation. The areas treated will be based on mapping of existing known locations.
Pomonal	Yarra Burgan ( <i>Kunzea leptospermoides</i> )	Slash and spray known infestations along Wildflower Drive and potentially Cassell Court. Jallukar Landcare members will assist with identification and location as required.
Elmhurst	Bridal Creeper ( <i>Asparagus asparagoides</i> )	Infestations along roadsides will be managed as an element of the “Elmhurst Blitz” program.

**ATTACHMENTS**

There are no attachments in relation to this item



### 3.8 MOTION FOR CIRCULAR ECONOMY TRANSITION SUPPORT

RESPONSIBLE OFFICER: CHIEF EXECUTIVE OFFICER  
DEPARTMENT: CEO'S OFFICE  
REFERENCE: 6204

#### 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 extremely supportive of the Victorian Governments accelerated transition to a circular economy. Whilst Council strongly supports the reforms such as the transformation of the environment protection regulatory regime and the Recycling Victoria policy, the resourcing and financial impact on Council has been significant.

The two-part funding package outlined in the letter received by MAV President, David Clark, would enable Councils to:

- Contribute to the capital costs of implementation of the household recycling reforms as well as construction, upgrades and improvements of council transfer stations, material aggregation sites and resource recovery centres
- Support councils to prepare, review and update waste and recycling policies, strategies and plans; undertake feasibility studies, risk assessments and audits; engage third party expert advice and assistance; training and professional development

Ararat Rural City Council will express their support towards the new funding support package, by submitting a letter to the Hon. Lily D'Ambrosio MP, Minister for Energy & Minister for Environment and Climate Action.

#### DISCUSSION

MAV and Victorian councils have been strong supporters of the Victorian Governments ambitious and far-reaching reform agenda in relation to waste management and recycling. Particularly supporting the State on the transformation of the environment protection regime and the implementation of the Recycling Victoria policy.

However, whilst supporting these reforms, it is having a substantial resource and financial impact on councils, making it a difficult challenge to roll out the mandated new service requirements.

Council recognises the significant strain that households are already facing due to impacts from COVID, inflation and other cost of living pressures. MAV have established a new circular economy funding support package for councils, to assist councils in minimising cost impacts to our households.

A copy of the letter MAV President David Clark sent to The Hon. Lily D'Ambrosio MP, was forwarded to MAV Reps, Sub Reps, CEOs and Cr Support Officers on the 8 August 2022.

The letter outlined the impact state reforms are having on councils, the importance of minimizing cost impacts on households, and outlined a two-stream funding package to assist councils implement the mandatory changes.



MAV have proposed the following funding package, which consists of two streams, as follows:

Fund name	Purpose	Quantum
Local Government Circular Economy Infrastructure Fund	Contribute to the capital costs of implementation of the household recycling reforms as well as construction, upgrades and improvements of council transfer stations, material aggregation sites and resource recovery centres	\$100 million (over 4 years)
Local Government Circular Economy Capability Fund	Support councils to prepare, review and update waste and recycling policies, strategies and plans; undertake feasibility studies, risk assessments and audits; engage third party expert advice and assistance; training and professional development	\$20 million (over 2 years)

Council will submit a support letter to the Hon. Lily D'Ambrosio MP, highlighting our concerns and endorsing the suggestion of the two-part funding package the MAV have established.

Showing our support for this funding package will enable us to work towards a sustainable and thriving circular economy for our council, as well as Victoria as a whole.

## KEY CONSIDERATIONS

### *Alignment to Council Plan Strategic Objectives*

#### *1 Preserving our environment*

*We will take pragmatic approaches to ensuring that Ararat Rural City Council takes a regional lead in responsible environmental management and engagement with the circular economy.*

### *Budget Implications*

A budget allocation is made to the waste reserve each year to fund works associated with waste management.

### *Policy/Relevant Law*

Legislation set by state and federal government agencies related to the delivery of the waste services. These include acts, regulations, policies and guidelines.

### *Sustainability Implications*

This report does not raise any sustainability implications.

### *Risk Assessment*

None identified.

### *Stakeholder Consultation and Communication*

The Mayor, Councillors and CEO have discussed the importance of this forum and concluded that supporting the formalisation of this group will ensure there is an ongoing structure for Councils on a regional and state-wide level to collaborate on waste management.

#### RECOMMENDATION

That Council submit a letter to the The Hon. Lily D'Ambrosio MP, outlining Councils support for the proposed two-part funding package, which is highlighted in the letter from MAV President, David Clark.

#### ATTACHMENTS

- 1 Letter from MAV President, David Clark, to The Hon. Lily D'Ambrosio MP - Circular economy funding support package for councils; and
- 2 Support letter template to be submitted to The Hon. Lily D'Ambrosio MP are provided as Attachment 3.8.

### 3.9 REVIEW OF DISCRETIONARY COUNCIL RESERVES

RESPONSIBLE OFFICER: CHIEF EXECUTIVE OFFICER  
DEPARTMENT: CEO'S OFFICE  
REFERENCE: 6216

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

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

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

#### EXECUTIVE SUMMARY

A review of Council's discretionary reserves has been undertaken to evaluate whether funds set aside for specific purposes in previous years are still required.

#### DISCUSSION

Council uses reserves to set aside funds from operating and capital incomes, for specific purposes, to meet future funding of projects. From an accounting perspective the value of reserve funds are included in the equity section in the balance sheet.

Council held the following reserves in the previous financial year, as at 30 June 2021:

Reserves	Purpose of Reserve	Type of Reserve	Balance at 30 June 2021
Capital Works and Projects	to fund carried forward works and projects from the previous year	Discretionary	\$13,768,914.00
Plant Replacement	to replace major items of plant and equipment	Discretionary	\$774,423.00
Vehicle Replacement	to replace vehicles	Discretionary	\$343,584.00
Election	to fund election	Discretionary	\$37,303.00
Aerial Imaging	to fund aerial imaging costs	Discretionary	\$8,011.00
Library	to fund library upgrade works	Discretionary	\$235,000.00
Defined Benefits	to fund defined benefit superannuation calls	Discretionary	\$361,000.00
Essential Services	to fund essential services reports and works	Discretionary	\$194,840.00
Recreational Lands	to fund public open space works	Restricted	\$78,209.50
Pit Restoration	to fund works required to reinstate gravel pits	Discretionary	\$0.00
Building Capital	to fund major building capital works	Discretionary	\$3,081,094.00
Environmental Projects	to fund innovative environmental projects	Discretionary	\$94,709.00
Waste Management	to fund works related to the delivery of waste management services	Discretionary	\$1,889,489.00
Asset Management	to fund asset management works	Discretionary	\$164,943.00

Information Technology	to fund information technology works	Discretionary	\$597,000.00
Loan Repayment	to provide for repayment of loans	Discretionary	\$2,000,000.00
Aerodrome	to fund works required at the Ararat Aerodrome	Discretionary	\$45,627.00
			<b>\$23,674,146.50</b>

It is recommended that the following reserves be closed effective from 30 June 2022, with the reserve balances, totalling \$1,987,308, transferred to the Building Capital Reserve, where Council can allocate funds toward future projects when required:

Reserves	Reason for Closure
Vehicle Replacement Reserve	Fund in the Annual Budget
Election Reserve	Fund in the Budget every 4 years
Aerial Imaging Reserve	Fund in the Budget when required
Library Reserve	There is no longer a specific purpose for the use of these funds
Defined Benefits Reserve	Funds have not been required since the reserve was started in 2012/13. Fund in the Budget when required
Essential Services Reserve	There is no longer a specific purpose for the use of these funds. Fund in the Budget when required
Asset Management Reserve	There is no longer a specific purpose for the use of these funds
Information Technology Reserve	There is no longer a specific purpose for the use of these funds
Loan Repayment Reserve	Interest only loan has been repaid
Aerodrome Reserve	There is no longer a specific purpose for the use of these funds. Fund in the Budget when required

## KEY CONSIDERATIONS

### *Alignment to Council Plan Strategic Objectives*

#### 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; and implementation of effective community engagement practices.

### *Budget Implications*

Streamlining the number of reserves provides more accurate reporting and gives greater clarity of funds available, that can be allocated to future projects.

### *Policy/Relevant Law*

Council is required under the Local Government Act 2020 and financial reporting standards to disclose all reserves set aside for specific purposes in its annual financial statements. Transfers to and from reserves, and closure of reserves should be by resolution of Council.

### *Sustainability Implications*

Maintaining reserve funds helps Council achieve financial sustainability, with funds set aside to fund future Council projects.

### *Risk Assessment*

Council reserves provide additional funds set aside for specific purposes and by Council resolution can be used to fund Council projects.

*Innovation and Continuous Improvement*

The review of reserve funds provides greater transparency and improved reporting.

*Stakeholder Collaboration and Community Engagement*

The purpose of each Council reserve has been reviewed by management, leading to the recommendations of this report.

**RECOMMENDATION**

That the following reserves be closed effective from 30 June 2022, with the total balance of \$1,987,308 transferred to the Building Capital Reserve:

- Vehicle Replacement Reserve (\$343,584)
- Election Reserve (\$37,303)
- Aerial Imaging Reserve (\$8,011)
- Library Reserve (\$235,000)
- Defined Benefits Reserve (\$361,000)
- Essential Services Reserve (\$194,840)
- Asset Management Reserve (\$164,943)
- Information Technology Reserve (\$597,000)
- Loan Repayment Reserve (\$0 – loan repaid in 2021/22)
- Aerodrome Reserve (\$45,627)

**ATTACHMENTS**

There are no attachments in relation to this item.

SECTION 4 – INFORMATION REPORTS

Nil.

## 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 16 August 2022
Council Briefing held on 22 August 2022

#### Issues discussed at the briefing:

- Guest: Inspector Jo Janes- Community Policing Model
- Buangor Recreation Reserve kitchen project update
- Road Reseal Program
- Community Infrastructure Projects
- Living Regions Grant
- Gordon St update
- Leisure Centre Stage 0 update
- Garden Gully Rd dog attack
- Greenhill Lake- land management
- Elmhurst blitz
- Noxious weeds- Moyston, Elmhurst, Pomonal
- CFA roadside spraying
- Ararat Jobs & Technology Precinct
- Revised Façade Grants program
- Financial reserves review
- Economic Development strategy

- Capital works plan
- Circular economy update

#### 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.*

### (113) NOTICE OF MOTION: CR PETER BEALES

It is my intention at the ordinary meeting of the Ararat Rural City Council to be held on 30 August 2022, to move the following motion: "That Council commences negotiations with the State Government to return Council's role in the management of Green Hill Lake Reserve to the State Government"

**CR PETER BEALES**

## 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*.