



Ararat Rural City

MINUTES

COUNCIL MEETING

Tuesday 29 March 2022

Held in the Alexandra Oval Community Centre
1 Waratah Avenue, Ararat
(Livestreamed)

Commenced at 6.01pm

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/araratruralcitycouncil into your address bar.

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

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Ararat Rural City

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PRESENT:

Cr Jo Armstrong (Mayor), Cr Gwenda Allgood, Cr Rob Armstrong, Cr Peter Beales, Cr Henry Burridge, Cr Bob Sanders, Cr Bill Waterston,
Dr Tim Harrison, Chief Executive Officer,
Josie Frawley, Executive Assistant.

SECTION 1 – PROCEDURAL MATTERS

1.1 LIVE STREAMING

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

1.2 TRADITIONAL ACKNOWLEDGEMENT/OPENING PRAYER/COUNCILLORS PLEDGE

Traditional acknowledgement- CR SANDERS

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

Opening Prayer- CR R ARMSTRONG

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

Councillors Pledge- CR WATERSTON

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

1.3 APOLOGIES

There were no apologies.

1.4 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the Council Meeting held on 22 February 2022 be confirmed.

**MOVED CR BURRIDGE
SECONDED CR WATERSTON**

That the Minutes of the Council Meeting held on 22 February 2022 be confirmed.

CARRIED 4581/22

1.5 DECLARATION OF CONFLICT OF INTEREST

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

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

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

The Mayor advised that Cr Sanders had a conflict of interest to declare in relation to Confidential Item 9.5.

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 GOLF LINKS ROAD 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.

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 joint letter has been received from residents of Gold Links Road and Lambert Street, Ararat, in particular the eastern end of Golf Links Road, off the Western Highway. The joint letter is requesting that these areas in particular be considered to include correct drainage, kerbing 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.

DISCUSSION

The joint letter, which consists of 22 signatures, includes 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”

Clause 55.1 of Council's Governance Rules, states:

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.

RECOMMENDATION

That the joint letter requesting Council to consider the inclusion of correct drainage, kerbing and road widening on the eastern end of Golf Links Road, Ararat be received and lay on the table for consideration at the 26 April 2022 Council Meeting.

**MOVED CR WATERSTON
SECONDED CR SANDERS**

That the joint letter requesting Council to consider the inclusion of correct drainage, kerbing and road widening on the eastern end of Golf Links Road, Ararat be received and lay on the table for consideration at the 26 April 2022 Council Meeting.

CARRIED 4582/22

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: Amendment C046Arat

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

Amendment C46arat to the Ararat Planning Scheme seeks to rezone the land on the southwest corner of Queen Street and Moore Street, described as Allotment 4D-12A on Plan of Subdivision 5017 from Public Park and Recreation Zone (PPRZ) to Commercial 1 Zone (C1Z).

The park has been de-commissioned for many years and the Council is working with the state government to bring the land to market to consolidate the commercial centre of the town.

The proposal was advertised from 23 December 2021 to 4 March 2022 and 1 submission was received that has now been resolved.

The rezoning can now be finalised.

DISCUSSION

The amendment rezones a portion of Crown Allotment 4D Section 12A, Township of Ararat from Public Park and Recreation Zone (PPRZ) to Commercial 1 Zone (C1Z). Specifically, the amendment:

- Rezones a portion of Crown Allotment 4D Section 12A, Township of Ararat from PPRZ to C1Z.
- Amends Planning Scheme Map 10.

The amendment rezones an unused portion of Crown land to C1Z which was once used as a public park. This property has a dual zoning with the eastern portion designated PPRZ and the western portion designated C1Z. The property is within the Ararat Town Centre Commercial Core and alongside land zoned C1Z to the north and west.

The Council resolved in December 2019 to rescind the public park use of the land and requested the sale of the land by State Government. Council relinquished its status as committee of management and subsequently removed the park furniture and playground equipment from the site. The land has been declared surplus for State Government needs and will offer the land for public sale once the land has been rezoned from PPRZ.

The Department of Treasury and Finance has indicated support for Council to rezone the PPRZ portion of the land to C1Z to reflect the surrounding zoning and land use pattern and prepare the land for public sale. The C1Z is considered the most appropriate zone, making the land's future use and development consistent with the remainder of the lot designated C1Z and surrounding C1Z lots.

The rezoning allows the whole of the lot and the land alongside it to be used in a more efficient and sustainable way which could support wider uses including larger retail/ commercial development.

Land to which this amendment applies

The property is approximately 2,519m² and the area to be rezoned is approximately 826m² (PPRZ area indicated in Figure 1 below). The property is Crown land and currently has a dual zoning of PPRZ and C1Z. The land to be rezoned is a former park and is currently undeveloped with scattered trees, grassed areas and a pedestrian footpath along the road frontages.



Exhibition Documents

Two exhibition documents were provided that relate to the amendment. These documents are as follows:

- Explanatory Report
- Amended Map 10ZN

The Amendment documents were available for public inspection, free of charge, during office hours at the following places:

- Council's Municipal Offices, cnr Vincent and High Streets, Ararat
- www.ararat.vic.gov.au

The Amendment was also available for inspection, free of charge, at the Department of Environment, Land, Water and Planning website at www.planning.vic.gov.au/public-inspection or by contacting the Department to arrange a time to view the amendment documentation.

Submissions

Any person affected by the amendment was able to make a submission to Council between 23 December 2021 and 4 March 2022.

At the close of the submission period the planning team had one formal submission from:

- EPA – seeking clarification and documentation of the previous uses of the land to ensure there was no risk of land contamination

The EPA outlined its concerns thus:

Whilst the amendment appears to present a low risk to the environment, amenity and human health as a result of pollution or waste, we note that the Explanatory Report does not address Ministerial Direction 19 or Ministerial Direction 1. As the proposed zoning allows sensitive uses, EPA reminds Council of the updated Ministerial Direction 1 introduced on 27 August 2021 which requires the following of planning authorities:

- b) where it has determined that the land is not potentially contaminated, state the determination in the amendment Explanatory Report; and*
- c) where it has determined the land, or parts of the land, are potentially contaminated, must state the determination in the amendment Explanatory Report and satisfy itself that the environmental conditions of that land are or will be suitable for that use.*

EPA recommends the Explanatory Report is updated accordingly to address these Directions.

Provided the above recommendations are met, EPA does not object to Council to the amendment.

During the notice period the Council staff confirmed that the Explanatory Report could not be modified mid-process, but the changes were drafted and provided to EPA for review and the outcome was endorsed as satisfying EPA's concerns.

The amended Explanatory Report is provided as an attachment to this report.

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- Directions hearing: 26 April 2022
- Panel hearing: 23 May 2022

The Planning Panel has been advised that there are no outstanding issues with the amendment so these dates will not be required.

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 Project, costs have predominantly been met by work done to date by Council utilising assistance from consultants on the Council's planning panel.

Policy/Relevant Law

The preparation of this amendment has been undertaken in accordance with the *Planning & Environment Act*. The amendment 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

No sustainability issues have been identified as arising because of this amendment.

Risk Assessment

No risk issues have been identified as arising because of this amendment. The rezoning of the land will facilitate the further development of the site, assuming that at some future point the state agrees to release the land for freehold sale.

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 land had not been used for parkland for many years before the Council relinquished its custodial role. The site did not represent good practice for a play space by modern standards.

Stakeholder Collaboration and Community Engagement

The process to amend the Planning Scheme has included direct engagement with:

- the state government through the Department of Treasury and Finance as well as DELWP
- State Ministers and agencies nominated by the Planning and Environment Act
- First Nations representatives and
- the relevant owner of nearby private land.

Advertising in the local newspaper and Government Gazette on 23 December 2021, 24 December 2021 and 14 January 2022 as well as advice throughout that period on the Council and DELWP web sites.

Furthermore, if the land is to be transferred to freehold in the future this will have its own public engagement process.

RECOMMENDATION

That Council:

1. *Confirm that Amendment C46Arat has been advertised in accordance with the provisions of the Planning & Environment Act and the direction of the Minister for Planning;*
2. *Acknowledge the receipt of the objection from EPA which has been subsequently resolved by minor amendments to the Explanatory Report;*
3. *Endorse the amendments to the Explanatory Report; and*
4. *Adopt the amendment with the minor change to the Explanator Report and request the Minister for Planning approve the proposed rezoning of this land.*

MOVED CR ALLGOOD SECONDED CR SANDERS

That Council:

- 1 **Confirm that Amendment C46Arat has been advertised in accordance with the provisions of the *Planning & Environment Act* and the direction of the Minister for Planning;**
- 2 **Acknowledge the receipt of the objection from EPA which has been subsequently resolved by minor amendments to the Explanatory Report;**
- 3 **Endorse the amendments to the Explanatory Report; and**
- 4 **Adopt the amendment with the minor change to the Explanator Report and request the Minister for Planning approve the proposed rezoning of this land.**

CARRIED 4583/22

Attachments

- 1 Amended Explanatory report for C46 and mapping
- 1 Objection by EPA

Planning and Environment Act 1987

ARARAT PLANNING SCHEME AMENDMENT C46ARAT EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Ararat Rural City Council which is the planning authority for this amendment.

The amendment has been made at the request of the Ararat Rural City Council.

Land affected by the amendment

The amendment applies to a portion of Crown Allotment 4D Section 12A, Township of Ararat, located on the southwest corner of Queen Street and Moore Street, Ararat. The property is approximately 2,519 square metres and the area to be rezoned is approximately 826 square metres (PPRZ area indicated in Figure 1 below).

The property is Crown land and currently has a dual zoning of PPRZ and C1Z. The land to be rezoned is a former park and is currently undeveloped with scattered trees, grassed areas and a pedestrian footpath along the road frontages.



Figure 1: Land affected by the amendment

What the amendment does

The amendment rezones a portion of Crown Allotment 4D Section 12A, Township of Ararat from Public Park and Recreation Zone (PPRZ) to Commercial 1 Zone (C1Z).

Specifically, the amendment:

- Rezones a portion of Crown Allotment 4D Section 12A, Township of Ararat from PPRZ to C1Z.
- Amends Planning Scheme Map 10.

OFFICIAL

Strategic assessment of the amendment

Why is the amendment required?

The amendment rezones an unused portion of Crown land to C1Z which was once used as a public park. This property has a dual zoning with the eastern portion designated PPRZ and the western portion designated C1Z. The property is within the Ararat Town Centre Commercial Core and alongside land zoned C1Z to the north and west.

The Ararat Rural City Council resolved in December 2019 to rescind the public park use of the land and requested the sale of the land by State Government. Council relinquished its status as committee of management and subsequently removed the park furniture and playground equipment from the site. The land has been declared surplus for State Government needs and will offer the land for public sale once the land has been rezoned from PPRZ.

The Department of Treasury and Finance has indicated support for council to rezone the PPRZ portion of the land to C1Z to reflect the surrounding zoning and land use pattern and prepare the land for public sale.

The C1Z is considered the most appropriate zone, making the land's future use and development consistent with the remainder of the lot designated C1Z and surrounding C1Z lots. The rezoning allows the whole of the lot and the land alongside it to be used in a more efficient and sustainable way which could support wider uses including larger retail/ commercial development. The land is not potentially contaminated

How does the amendment implement the objectives of planning in Victoria?

The amendment implements 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.

How does the amendment address any environmental, social and economic effects?

- The amendment supports the economic growth of the Ararat Town Centre by providing land within the town centre that will support a broad range of land uses.
- Provides an opportunity for infill redevelopment and limits urban sprawl by directing growth into an existing settlement.
- Provides the opportunity for goods and services that require larger floor space to be delivered to the community in the Ararat Town Centre by providing commercial zoned land in the Retail Commercial Core.
- Will ensure the future development of the land will be of an appropriate height that does not encroach on flightpaths or create a hazard to aircraft using the Ararat Hospital helicopter landing site, as the DDO5 will be retained.
- Applies to vacant unused land and will therefore have no impact on significant historical, architectural, environmental or cultural values of the land and its surrounds.
- Applies to land which does not fit the definition of potentially contaminated land under Ministerial Direction No. 1 also noting its extended tenure as crown land containing a bluestone drain and its former use as a park.
- Provides an opportunity to allow use and development which would support employment in the Ararat Retail Commercial Core and support the economic wellbeing of the community.

Does the amendment address relevant bushfire risk?

The subject land is not located in an area subject to bushfire risk and there are no implications for bushfire risk as a result of the amendment.

Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?

This explanatory report addresses the requirements of *Ministerial Direction No. 1* which requires that where the land has a proposed zoning which allows sensitive uses that a statement is made about its contamination status explaining how this will be suitable for the uses. This site is not potentially contaminated and is suitable for sensitive uses and this is stated in the explanatory report. This explanatory report addresses the requirements of *Ministerial Direction No. 11 Strategic Assessment of Amendments*. This amendment will follow the set times and steps specified for planning scheme amendments under *Ministerial Direction No. 15 The Planning Scheme Amendment Process*. The amendment is consistent with the *Ministerial Direction – The Form and Content of Planning Schemes*. This explanatory report addresses the requirements of *Ministerial Direction No. 19* which requires that the Planning Authority engage with the EPA. Engagement with the EPA has occurred and the explanatory report has been amended through this engagement.

How does the amendment support or implement the Planning Policy Framework and any adopted State policy?

The Central Highlands Regional Growth Plan (2014) provides strong support for regional cities to be productive, sustainable and support jobs and economic growth. This amendment will support efficient use of the subject land within the Ararat Town Centre that will provide economic support to the community with the benefits from existing services and infrastructure.

The amendment is consistent with the following Planning Policy Framework provisions:

Clause 11 (Settlement)

The policy states that planning is to anticipate and respond to the needs of existing and future communities through the provision of zoned and serviced land for a range of uses. Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns. Planning is to prevent environmental and amenity problems created by siting incompatible land uses close together.

The amendment is consistent with this clause as the land is proposed to be C1Z and the rezoning would reflect the surrounding land use pattern. The rezoning will not create amenity problems or any land use conflict.

The amendment advances the State Settlement policy by:

- Clause 11.01-1R (Settlement – Central Highlands): Supporting the development of Central Highland's regional centre, Ararat, as a key service centre for the region.
- Clause 11.01-1S (Settlement): Providing for an appropriately located supply of commercial land to meet community needs within a planned commercial core area, limiting urban sprawl.
- Clause 11.01-1L (Settlement – Ararat Rural City): Restrict residential development in areas identified for industrial or commercial development (other than for shop top opportunities).
- Clause 11.02-2S (Structure planning): Facilitating the orderly development of the urban area, as the amendment is consistent with the structure planning for the Ararat Town Centre.
- Clause 11.02-1S (Supply of urban land) and 11.03-1S (Activity centres): Implementing policy relating to Activity centres by providing additional supply of appropriately zoned land for commercial use within an existing activity centre, supporting its function and sustainable urban development.
- Clause 11.03-6S (Regional and local places): Considers the distinctive characteristics and needs of regional and local places in planning for future land use and development.

Clause 13.07-1S (Land use compatibility)

The amendment implements this policy as the land is proposed to be rezoned to C1Z, consistent with the surrounding land and consistent with the broad planning for this area as the Ararat Town Centre. The rezoning is not anticipated to result in any land use conflict.

Clause 17 (Economic Development), Clause 17.02-1S (Business) and Clause 17.02-2L (Out-of-centre development – Ararat)

These policies seek to encourage a strong and innovative economy with planning to contribute to the

economic wellbeing of the state and foster economic growth by providing land, facilitating decisions and resolving land use conflicts so each region can build on its strengths and achieve economic potential. The amendment responds to this policy by providing commercial zoned land to support the economic growth of Ararat. It meets the community's needs in relation to retail, office and other commercial services. It facilitates for commercial development inside the Ararat Central Business District.

A competing policy is Clause 15.01-4S (Healthy neighbourhoods) with an objective which seeks to achieve neighbourhoods that foster healthy and active living and community wellbeing and promote conveniently located public spaces for active recreation and leisure. This proposal would change the zoned use of the land from PPRZ to C1Z. The land is a small amount of land which has not been used as a park for some years and as an unused parcel of land it has been reviewed at the regional level by State agencies and it was established that the land was surplus to their needs. There are other more useable parkland areas (Public Use Zone (PUZ) and PPRZ) located nearby and the loss of this small space is not anticipated to have any significant impact with a much higher net community benefit to be achieved by rezoning the land for commercial use and allowing a wider commercial use for the land.

How does the amendment support or implement the Municipal Planning Strategy?

The amendment supports council's strategic directions for commercial development to consolidate retail and commercial uses within the core of Ararat regional centre outlines in Clause 02.03-7 (Economic development).

Does the amendment make proper use of the Victoria Planning Provisions?

The amendment uses the most appropriate Victoria Planning Provisions and is consistent with the *Ministerial Direction - The Form and Content for Planning Schemes*.

The amendment rezones a small section of land from PPRZ to a more appropriate zone (C1Z) to allow for more appropriate and efficient use of the land.

The amendment applies appropriate planning provisions that best reflect the surrounding planning provisions in operation in the Ararat Planning Scheme and the future potential land use.

The amendment proposes to retain the existing overlay which will continue to manage the built form height of future development.

How does the amendment address the views of any relevant agency?

The exhibition of the amendment will provide a formal opportunity for all stakeholders to provide comment on the proposal. The views of the relevant agencies will be sought during this process. The Department of Treasury and Finance has indicated support for the proposed rezoning.

Does the amendment address relevant requirements of the Transport Integration Act 2010?

The amendment is not expected to have any adverse impacts on the transport system. The subject land is located in Ararat Town Centre, where substantial development has already occurred including existing commercial uses.

Resource and administrative costs

The amendment is unlikely to have any adverse implications on the resource and administrative costs of the responsible authority.

Where you may inspect this amendment

The amendment is available for public inspection, free of charge, during office hours at the following places:

- Rural City of Ararat Municipal Offices, Cnr Vincent and High Streets, Ararat

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.delwp.vic.gov.au/public-inspection

Submissions

Any person who may be affected by the amendment may make a submission to the planning authority. Submissions about the amendment must be received by 4 March 2022.

A submission must be sent to:

Ms Veronica Schilling Manager Planning, Community & Compliance
Ararat Rural City Council
GPO Box 246 Ararat Victoria 3377

Or planning@ararat.vic.gov.au

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: 26 April 2022.
- panel hearing: 23 May 2022.

RE: c46 Amendment to Ararat Planning Scheme

Veronica Schilling <vschilling@ararat.vic.gov.au>

Sat 2/12/2022 9:42 AM

To: Nick Kennedy <Nicholas.Kennedy@epa.vic.gov.au>

Cc: Eve-Marie Davie <eve@nicheplanningstudio.com.au>

Hi Nick

Thanks for your input. I am checking with DELWP on whether we can amend an Explanatory report post commencement of advertising and will let you know where this lands.

In relation to the risk of contamination I can confirm that in the process of working with DELWP and DTF to convert the land from Crown to freehold I have led a team doing extensive investigations into the history of this site since white settlement. Pre 1900 maps show the area as a creek line/swamp and it converts from there on the maps to the bluestone drain that remains today. Further its tenure as crown land has made it unlikely to have been used for a range of likely contaminant releasing activities (industry, store, service station). We had the historical tenure and use of the land reviewed by a native title specialist QC and I have that report but can only share it with you through a confidentiality agreement or similar as it is protected by legal privilege at this time.

Is that something that you would entertain or is the advice above sufficient to demonstrate we have at least considered this issue notwithstanding it is not included in the Explanatory Report?

Regards Veronica

Veronica Schilling
Manager Planning, Community & Compliance
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W: <http://www.ararat.vic.gov.au>

*Stronger
Together*

As we navigate our way through the easing of Coronavirus restrictions, it's good to know we're #StrongerTogether.

Council is still here to help - phone us on 5355 0200 or email council@ararat.vic.gov.au



Ararat Rural City

From: Nick Kennedy <Nicholas.Kennedy@epa.vic.gov.au>

Sent: Thursday, 3 February 2022 5:05 PM

To: Veronica Schilling <vschilling@ararat.vic.gov.au>

Cc: Planning <planning@ararat.vic.gov.au>

Subject: RE: c46 Amendment to Ararat Planning Scheme

Good afternoon Veronica,

EPA understands the amendment proposes to rezone a portion of Crown Allotment 4D Section 12A, Township of Ararat from Public Park and Recreation Zone (PPRZ) to Commercial 1 Zone (C1Z).

EPA notes the Explanatory Statement states the land “is a former park and is currently undeveloped with scattered trees, grassed areas and a pedestrian footpath along the road frontages”.

Whilst the amendment appears to present a low risk to the environment, amenity and human health as a result of pollution or waste, we note that the Explanatory Report does not address Ministerial Direction 19 or Ministerial Direction 1. As the proposed zoning allows sensitive uses, EPA reminds Council of the updated Ministerial Direction 1 introduced on 27 August 2021 which requires the following of planning authorities:

- b. where it has determined that the land is not potentially contaminated, state the determination in the amendment Explanatory Report; and
- c. where it has determined the land, or parts of the land, are potentially contaminated, must state the determination in the amendment Explanatory Report and satisfy itself that the environmental conditions of that land are or will be suitable for that use.

EPA recommends the Explanatory Report is updated accordingly to address these Directions.

Provided the above recommendations are met, EPA does not object to Council to the amendment.

If our assessment is not aligned with your view of the environmental risk, or if the proposal is amended, please contact me to discuss further on (03) 9695 2892.

Many thanks,

—
Nick Kennedy

Planning Advisor

Please note I work Monday - Friday Full Time

Environment Protection Authority Victoria

200 Victoria St, Carlton

☎ 1300 372 842 (1300 EPA VIC) | M

E nicholas.kennedy@epa.vic.gov.au | www.epa.vic.gov.au

From: Veronica Schilling <vschilling@ararat.vic.gov.au>

Sent: Thursday, 23 December 2021 4:05 PM

To: Strategic Planning <Stratplan@epa.vic.gov.au>

Cc: Planning <planning@ararat.vic.gov.au>

Subject: c46 Amendment to Ararat Planning Scheme

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Team – my deepest apologies for being one of those people moving things from my desk to yours on the cusp of the holiday season. The good news is this job doesn't need a response until the 4 March 2021 so there is time to review it on return. If like me you are working throughout then we can have a chat then.

I wish you all the best for the next few weeks – stay safe and well!

Best Wishes
Veronica

Veronica Schilling
Manager Planning, Community & Compliance
Ararat Rural City Council
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	<p>As we navigate our way through the easing of Coronavirus restrictions, it's good to know we're #StrongerTogether.</p> <p>Council is still here to help - phone us on 5355 0200 or email council@ararat.vic.gov.au</p>	 <p>Ararat Rural City</p>
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3.2 OPERATION OF THE WASTE RESERVE POLICY

RESPONSIBLE OFFICER: CHIEF EXECUTIVE OFFICER
DEPARTMENT: CEO'S OFFICE
REFERENCE: 5006

OFFICER DIRECT OR INDIRECT CONFLICT OF INTEREST:

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

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

EXECUTIVE SUMMARY

The Operation of the Waste Reserve Policy has been created to establish the framework for the operation of the Waste Reserve and the annual financial allocation to the water.

This policy is presented to Council for consideration.

DISCUSSION

The Audit and Risk Committee recently suggested that Council should have in place a policy that identifies how Council manages its waste reserves.

The purpose of this policy is to ensure that Council meets its legislative obligations regarding the raising of waste fees and charges. It will also ensure that sufficient funds are available to meet waste service capital infrastructure requirements as documented in Council's 10-year capital works plan.

KEY CONSIDERATIONS

Alignment to Council Plan Strategic Objectives

6 Strong and Effective Governance

Budget Implications

This policy establishes a framework for the operation of the Waste Reserve. 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

There are no economic, social or environmental implications in relation to adopting the Operation of Waste Reserve Policy.

Risk Assessment

The development of the Operation of the Waste Reserve Policy will address the potential shortfall in Council's future risk management processes.

Stakeholder Consultation and Communication

The Operation of the Waste Reserve Policy was discussed at the Audit and Risk Committee on 1 March 2022.

The Chief Executive Officer will ensure that all Councillors and Officers have access to the policy once adopted.

RECOMMENDATION

That Council adopt the Operation of the Waste Reserve Policy.

**MOVED CR BEALES
SECONDED CR BURRIDGE**

That Council adopt the Operation of the Waste Reserve Policy.

CARRIED 4584/22

ATTACHMENTS

Operation of the Waste Reserve Policy.



Operation of the Waste Reserve Policy

DOCUMENT CONTROL

Category Type: Policy
Type: Council
Responsible Officer: Chief Executive Officer

Last Review Date: N/A
Date Approved: 29 March 2022
Next Review Date: March 2024

Revision No: New

Stakeholder Engagement:
Audit and Risk Committee
Councillors
Chief Executive Officer

Operation of the Waste Reserve Policy



1 PURPOSE

This policy establishes the framework for the operation of the waste reserve and the annual financial allocation to the waste reserve.

The purpose of this policy is to ensure that Ararat Rural City Council ('Council') meets its legislative obligations regarding the raising of waste fees and charges to ensure that sufficient funds are available to meet waste service capital infrastructure requirements as documented in Council's 10-year capital works plan.

2 POLICY

The waste reserve is an important funding source for waste related requirements that arise given the dynamic nature of waste management and the changing regulatory framework.

The waste reserve is funded through fees and charges raised for the provision of the waste service.

A budget allocation is made to the waste reserve each year to fund works associated with waste management. These works ensure that Council meets changing and evolving legislative requirements, ensures waste infrastructure is at current best practice and assists in diverting greater volumes of waste from landfill.

Business cases for initiatives/projects will be presented to the Chief Executive Officer for consideration prior to preparation of the annual budget.

The identified initiatives/projects are assessed annually as regulations change or new information becomes available and a projected 10-year capital works plan outlining the expenditure from the waste reserve over the coming years is then presented to Council.

Funds raised through fees and charges and allocated to the waste reserve can only be used for waste capital infrastructure.

When setting waste fees and charges in the annual budget Council must ensure that:

- The full cost of performing waste and resource recovery services are met.
- There are sufficient funds raised annually to ensure an allocation is made to the waste reserve that aligns with the 10-year capital works plan.
- The waste reserve has sufficient funds allocated to deliver the activities identified in the capital works plan for the follow year and must give consideration to the identified requirements of subsequent years.

3 EXCLUSIONS

Funding of non-waste related services and infrastructure.

Operation of the Waste Reserve Policy



4 DEFINITIONS

Term	Definition
Waste	Unwanted household and commercial items such as residual waste, comingled recyclables, and food and garden organics
Waste Fees and Charges	Annual charges levied on each property's rates for waste, recycling and food and garden organics services. Gate fees collected at transfer stations.
10 Year Capital Plan	Outlines infrastructure projects required to deliver the service.
Legislative Obligations	Legislation set by state and federal government agencies related to the delivery of the waste services. These include acts, regulations, policies and guidelines.
Waste Infrastructure	Capital items such as equipment, buildings, civil works for example transfer stations, landfill rehabilitations, bin fleets.

5 ADMINISTRATIVE UPDATES

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made administratively. Examples include a change to the name of a Council department or officer and minor updates to legislation which do not have a material impact. However, any change or update which materially alters this document must be by resolution of Council.

6 RELATED LEGISLATION

Essential Services Commission
Local Government Act 2020

7 RELATED DOCUMENTS

Waste Resource and Recovery Strategy
Council's Annual Operational and Capital Works Budget
10-Year Capital Works Plan

3.3 FUTURE DIRECTIONS OF COMMONWEALTH HOME SUPPORT PROGRAM & HOME AND COMMUNITY CARE

RESPONSIBLE OFFICER: DEPUTY CEO
DEPARTMENT: CEO's OFFICE
REFERENCE: 5028

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

As part of the in-principle decision taken by Council at its last meeting, on its future role as a provider of services under the Commonwealth Home Support Program (CHSP) and Home and Community Care (HACC), it was to undertake further formal discussions with proposed providers including East Grampians Health Service.

Ararat Rural City Council has been a long-term provider of aged and disability services for the community. With significant Commonwealth reforms having been implemented in the past decade and with these changes to the funding and operating environment have now resulted in Council not being able to play a key role as a provider of services. It is therefore recommended that Council proceed to confirm that it will commence a well-managed transition out of all funded home based and community-based services for older residents and ensure that all obligations to clients, families and staff are recognised and respected.

DISCUSSION

The current Commonwealth Home Support Program (CHSP) transitions to the new Support at Home program after 30 June 2023 and Council has concluded that it is in the best interests of the community that it transitions out of the service delivery function. Council has had formal discussions with East Grampians Health to align the services being provided to build local service system capacity and improve access and outcomes for older residents. Council has assured all stakeholders that it will respect all service agreements and industrial obligations. In taking this decision Council understands it has responsibilities to clients and families, staff and the broader community to manage the transition effectively and to anticipate and mitigate risk

Ararat Rural City Council has provided long term home and community care to assist older people and those recovering from acute care to continue to live independently in the community. The current contract with the Commonwealth is to cease on 30 June, 2022 and all Victorian Councils have been given an option to extend the contract to June 2023, however the contract extension requires significant change to the current service delivery arrangements.

Council services are funded under two main programs:

- CHSP is a national program that provides entry level support for older people over 65 who need some help to stay at home. Service providers work with them to maintain their independence. Support can include help with daily tasks, home modifications, transport, social support and nursing care.
- HACCPYP is a state-based program that provides services for people under the age of 65 who need assistance with daily activities, including personal care, dressing, preparing meals, house cleaning, property maintenance, community access and using public transport

The implemented changes will see Council not able to play a key role as a provider of services under the future 'Support from Home' program and that it is in the broader community interest that it transitions out of direct service delivery. If Council were to continue to support the new Support from Home Program it will require to extend its suite of programs beyond its current capacity of entry level services into home care packages, allied health, nursing and extra complex personal care. This will then require a higher standard of support adding to extra costs for Council.

Qualified direct care workers are in high demand and Council are continuing to advertise for carers on a constant basis. The chronic shortage of qualified workers has meant that Council has not been able to meet the service delivery targets which has resulted in the Commonwealth funding objectives not being met. Local Government are not equipped to effectively operate under the market conditions being provided by the Government. The current block funded and supply driven system will move to a demand driven funding system and ensure consistent services are delivered to where they are needed rather than what areas of funding is allocated.

Support at Home Program

The 'Support at Home' program will be a new integrated program commencing 1 July 2023 that will combine CHSP, Home Care Packages, Residential Respite and Short-term Restorative Care. This integrated model will most likely be client directed, offer a range of providers and require that providers offer a suite of services across in-home, personal, nursing and allied health.

The Commonwealth has advised that the 2022/2023 extension period for CHSP will be based on 'payment in arrears. CHSP providers will invoice at the end of the month for actual services delivered rather than Council being paid in advance each quarter, with any unspent funds being recouped through the end of year acquittal.

The commonwealth has identified four benefits of this approach:

- Alignment with future reforms – the Support at Home program will support availability of services through funding following the individual client in most cases, payment in arrears facilitates this process and ensures a consistent consumer experience across all levels of care.
- Better consumer choice – payment in arrears encourages a more direct relationship between services that are available and what consumers want, and access services in a timely manner.
- Accountability – paying for services that have been delivered is a more accurate and accountable use of Government funds.
- Reducing unspent funds – payment in arrears reduces the unspent funds and allow reallocation of funding to where it is most needed.

The Commonwealth released a program overview on 6 January 2022 that provides the architecture of the future Support at Home program. This overview confirms previous advice to Council that the proposed program will be different from the existing CHSP program and will include:

- Individualised support plans for clients linked to funding that is based on assessed need
- A new integrated assessment tool that controls access to all aged care services, from home-based to residential-care services
- An increased reliance on technology and digital services for clients, business systems, and payment platforms
- A service list that will better define the outputs and allow flexibility for clients
- Clients being allowed choice and control over the time and place services are provided;
- The end of block funding and transition to payment for units of service delivered, a completely different business model to the current funded model.
- Introduction of regulated competition between providers

This information released from the Commonwealth confirms that Council would not be able to effectively operate under the new Support at Home program without significant investment in changes to its operating model.

The National Aged Care Reforms

Australia's integrated national aged care program has been undergoing significant reforms over the past 10 years following Commonwealth agreement to take full responsibility for aged care in August 2011 and establishment of the National Disability Insurance Scheme at around the same time.

The key drivers for the aged care reforms included:

- the number of people in Australia requiring aged care would increase by 350% between 2011 and 2050
- significant system weaknesses (difficult navigation, limited services, variable quality, and no consumer choice) and inefficiencies (duplication of effort, no competition, and high-cost structures) that needed to be eradicated, and
- real concern that the cost of providing adequate care for older people in future would be unaffordable as a nation.

Attributes of the current aged care model include:

- CHSP - 'entry level' basic home support and community-based services such as domestic assistance, personal care, shopping, etc. – this program provides services to 839,400 older Australians nationally
- Home Care - four levels of 'packaged care' funded from basic to high care to maintain independence – services were provided to 175,000 older Australians
- Residential Care - funded residential aged care (respite and permanent) – 310,000 older Australians nationally

In 2019/20 the total Commonwealth aged care budget for 2020/21 was \$21.5 billion or \$5,063 per older person; this comprised Residential Care \$13.64 billion and Home Care and Home Support \$6.7 billion.

Design principles for the aged care reforms have remained very consistent since initiation, these include:

- Consumer Choice and Control – funding is provided directly to the clients based on assessed need to support choice and control; the client purchases services from a range of providers. This has a strong human rights and philosophical basis but introduces competition and signals the end of 'block funding' certainty for providers in most circumstances.
- A Simplified Gateway – My Aged Care is the single point of entry for all Australians to access aged care services. The 2017 Legislated Review of Aged Care has recommended merging of the RAS (Home Support) and Aged Care Assessment Teams (ACAT) (Residential Aged Care) into a streamlined national assessment service.
- Demand Driven System – the current 'block funded' and supply driven system will progressively move to a 'demand driven' funding system to ensure consistent services are delivered to where they are needed rather than what areas funding is allocated.
- Competition Policy – there is a renewed national focus on competition policy to drive economic growth, productivity, and efficiency in service delivery. It is more likely than not that future program design will be based on market and competition principles meaning that Local Government will face direct market exposure and ratepayer subsidy will be in effect prohibited.
- Monopoly Market – the current protected market arrangements are being completely dismantled to facilitate open competition and improved efficiency. Local Government is not equipped to effectively operate under market conditions
- Market Efficiencies – the Commonwealth is seeking to reduce transaction costs by having fewer contracts with larger organisations who can operate across large geographic areas. It is unclear whether there will be direct contracts between the Commonwealth and individual Local Governments after June 2023.

- Client Contribution – the Commonwealth expects that all Australians will make a consistent contribution to care depending on their capacity and capability.

Recent reform decisions have reinforced the direction of the Commonwealth, the May 2021 Federal Budget announced a significant response to the Aged Care Royal Commission in its May budget, and this included:

The reforms will provide better, fairer aged care, and deliver respect, care and dignity to our senior Australians.

The government’s plan for aged care builds on recent aged care quality reforms, including those announced throughout the Royal Commission’s enquiry, COVID-19 pandemic, and in immediate response to the release of the final report.

The aged care reforms build on five pillars over five years:

- home care – supporting senior Australians who choose to remain in their own home
- residential aged care services and sustainability – improving and simplifying residential aged care services and access
- residential aged care quality and safety – improving residential aged care quality and safety
- workforce – supporting and growing a better skilled care workforce
- governance – new legislation and stronger workforce.

\$17.7 billion
5 pillars over 5 years

Pillar 1: Home care	Pillar 2: Residential aged care services and sustainability	Pillar 3: Residential aged care quality and safety	Pillar 4: Workforce	Pillar 5: Governance
<p>2021</p> <ul style="list-style-type: none"> • 40,000 more home care packages. • Senior Australians able to access assistance and information about aged care through 145 Services Australia Service Centres, and aged care specialists in 70 Service Australia centres. • Extra support for informal carers. <p>2022</p> <ul style="list-style-type: none"> • 40,000 more home care packages. • Inpatient services for 8,400 additional clients every year. <p>2023</p> <ul style="list-style-type: none"> • 500 local Community Care Finders provide targeted, specialist face-to-face support to vulnerable senior Australians to help them access aged care and connect with other health and social supports. • Senior Australians can access a new support at home program. • Single assessment workforce will expand to the new support at home program. <p>2024</p> <ul style="list-style-type: none"> • New support at home program supports senior Australians to stay in their homes and keep connected to their communities. • Single assessment workforce will continue assessments for the new support at home program. 	<p>2021</p> <ul style="list-style-type: none"> • Supplement of \$0 per resident per day. • Continuation of the increases to the homeless and stability supplements. • New prudential monitoring, compliance and intervention to help providers build financial sustainability, capability and resilience. • Independent Hospital and Aged Care Pricing Authority established, extending role of existing hospital pricing authority to include aged care advisory function. <p>2022</p> <ul style="list-style-type: none"> • New funding model to improve quality of care for 200,000 people using residential care and 67,000 people using residential respite care each year. • Average care minutes for each resident increased to 200 minutes per day, including 40 minutes of registered nurse time. • Registered nurse on site for a minimum of 36 hours per day. • Structural Adjustment Program delivers increased provider viability and a strengthened aged care market. • Better reporting, including through Star Ratings, to help senior Australians make easier comparisons and improve choice of care. <p>2023</p> <ul style="list-style-type: none"> • Minimum care time becomes mandatory. • Annual funding increases and price setting take into account advice from the new Independent Hospital and Aged Care Pricing Authority. <p>2024</p> <ul style="list-style-type: none"> • Increased choice for senior Australians receiving residential care with care packages assigned to consumers, not providers. • New residential aged care accommodation framework gives senior Australians more choice and improves accessibility and dementia-friendly accommodation. • Aged Care Approval Round discontinued. <p>2025</p> <ul style="list-style-type: none"> • Improved service suitability that ensures the care needs and preferences of senior Australians in residential aged care are met. 	<p>2021</p> <ul style="list-style-type: none"> • Immediate improvements to the quality of care in dementia, diversity, food and nutrition services. • Stronger clinical care standards developed by the Australian Commission on Safety and Quality in Health Care. • Up to 120,000 additional GP services through boosted Aged Care Access Incentive. • Increasing dementia care capability delivers better outcomes for people living with dementia. <p>2022</p> <ul style="list-style-type: none"> • Palliative care services expanded to support end-of-life care at home. • Residents access improved care through Primary Health Networks facilitating telehealth and out-of-hours triage services. • Expansion of the Serious Incident Response Scheme gives 1 million senior Australians receiving home and community care greater protection. • Stronger presence of Aged Care Quality and Safety Commission in facilities with an extra 1,500 site audits. • Providers to report regularly to residents and families on care and commencement of Star Rating system. <p>2023</p> <ul style="list-style-type: none"> • Improved support and training in dementia care and minimising restraint (restrictive practices). <p>2024</p> <ul style="list-style-type: none"> • National Aged Care Data Strategy improves the information that is available to senior Australians about the quality in aged care. • New independent regulatory authority established following review of the Aged Care Quality and Safety Commission. <p>2025</p> <ul style="list-style-type: none"> • Senior Australians receive high quality, compassionate care. • Confidence in aged care is rebuilt. 	<p>2021</p> <ul style="list-style-type: none"> • Up to 6,000 new personal care workers in workplaces. • Surge in workforce capacity in regional and rural locations. • Improved training in dementia care and minimising restraint (restrictive practices). <p>2022</p> <ul style="list-style-type: none"> • Up to 7,000 new personal care workers in workplaces. • 33,800 additional training places rolled out over two years for personal care workers to attain a Certificate III in Individual Support (Ageing). • More registered nurses in workplaces due to surge incentive and financial support schemes. • Single assessment workforce in place to conduct assessments across residential and home care. <p>2023</p> <ul style="list-style-type: none"> • Additional training places for personal care workers to attain a Certificate III in Individual Support (Ageing). <p>2024</p> <ul style="list-style-type: none"> • Continued growth of the aged care workforce and a demonstrable increase in registered nurses choosing aged care as their career. <p>2025</p> <ul style="list-style-type: none"> • Tangible improvements seen in staffing levels, skill mix and training of the care workforce. • Workforce continues to meet the demand for aged care services, particularly in home care. 	<p>2021</p> <ul style="list-style-type: none"> • Initial rollout of expanded regional network to improve local planning and understanding of needs. • Council of Elders established to provide a direct voice to Government. • National Aged Care Advisory Council established to provide expert advice to Government. • Expanded capital infrastructure grants available to improve access to better quality aged care services for First Nations people and those in rural and remote locations, or who are homeless or at risk of homelessness. • Improved services and health outcomes for people in remote and Indigenous communities as a result of additional aged care funding. <p>2022</p> <ul style="list-style-type: none"> • New workforce of trusted First Nations people to assist Older First Nations people navigate and access aged and disability care. <p>2023</p> <ul style="list-style-type: none"> • Introduction of a new, values based Aged Care Act. <p>2025</p> <ul style="list-style-type: none"> • Strong and effective governance of aged care is in place with senior Australians at the centre and improved care outcomes consistently delivered.

Key Budget initiatives

The key initiatives in the government’s aged care reforms package include:

- \$6.5 billion for an additional 80,000 Home Care Packages
- \$3.9 billion to increase front line care for senior Australians living in residential aged care

- \$3.2 billion to support providers to deliver better care and services through a new Government Basic Daily Fee supplement and continue increases in the homeless and viability supplements
- \$630.2 million to improve service delivery for vulnerable groups of senior Australians, including First Nations people, people who are experiencing homelessness or at risk, and people living in rural, regional and remote Australia
- \$365.7 million to better support senior Australians transitioning between aged and health care settings, and to improve medication management in residential care settings
- \$231.9 million to strengthen the Aged Care Quality and Safety Commission with additional resources
- \$135.6 million to provide additional financial support for registered nurses working for the same aged care provider over a 12 month period, and those working in rural and remote areas, or holding additional qualifications or training responsibilities
- \$49.4 million to enhance training for aged care workers, particularly in dementia care
- \$21.1 million to strengthen governance arrangements, including establishing a National Aged Care Advisory Council, Council of Elders and an Inspector-General of Aged Care
- \$13.4 million to create a local network of Department of Health staff to ensure national planning and policy is informed by local needs and build provider capacity.

The budget included an announcement of an extension of the CHSP program to 30 June 2023 to enable the design and roll-out of the new 'Support at Home' program. The original reform timing was for completion by 30 June 2018, and this has been subject of four extensions: one to 2019, then to 2020, again to 2022 and now to 2023.

The Regional Assessment Service that undertakes intake and assessment for the CHSP and HACCPYP programs was on a pathway to a national streamlined model by 1 July 2020. This initial plan was delayed pending the outcomes of the Aged Care Royal Commission and the Commonwealth announced in May 2021 that that it will initiate a unified assessment model in 2022 and this new program will have responsibility for the new 'Support at Home' program from July 2023

KEY CONSIDERATIONS

Alignment to Council Plan Strategic Objectives

Enhancing Community Life - We will work with the communities of Ararat Rural City to maintain social cohesion, support community activity and cultural life, and enhance safety.

Budget Implications

Council will commit resources to support an effective transition process, this is estimated to be around \$190,000 over the next 12 to 18 months. Industrial obligations to staff in the form of redundancy payments have been incorporated into long-term financial planning. By Council transitioning out of the service the ongoing subsidy (estimated at between \$300,000 and \$350,000) will no longer be able to subsidise the delivery of Commonwealth policy objectives.

Policy/Relevant Law

The Commonwealth have taken responsibility for an integrated aged care program in 2011 and has proceeded to implement a range of reforms based on very consistent design principles. The commonwealth is seeking to deliver nationally consistent consumer centered, integrated and flexible aged care system that meets the needs of all older Australians.

The National Competition Policy was Australia's landmark reform program. A key principle of the program was that competitive markets will generally best serve the interests of consumers and the wider community; this would therefore apply to local government operations.

Council's Community Home Support Service operates within the parameters of the Aged Care Quality Standards, the Victorian Home and Community Care Program guidelines and the Commonwealth Home Support Program guidelines.

Sustainability Implications

Diverse Economy and opportunities – It is in the interests of the Commonwealth to have a diverse range of home support and aged care providers servicing regional needs, this transition will see the community benefit from a more broadened suite of programs with the introduction of Support from Home Program.

Risk Assessment

A comprehensive risk assessment will need to be undertaken to align with any transition of services and requirements. Including future costs of services, the current estimated cost to council for the Home Support Services of approx. \$600k is based on block funding and a consistent demand for service. With increase of demand the future cost of service will increase. Choosing to transition out of the service delivery, Council will avoid significant risks including commercial risk and business continuity risk.

Innovation and Continuous Improvement

If Council seeks to remain as a provider of services post 2023 it will need significant investment to support the new operational model of the Support from Home Program. Requirement of renegotiation of industrial arrangements, working capital (payment in arrears) and the capability to increase operations.

Stakeholder Collaboration and Community Engagement

Council staff have engaged with Commonwealth and Victorian government agencies to provide notice of intention to transition and the decision-making process that is currently being undertaken through Council.

Council by taking this decision will commence a comprehensive communication and consultation process and this will include:

- Staff will be informed and will be provided with key internal contact to obtain information as requested or to raise concerns during the process.
- Client and families will be informed that Council is commencing a transition process and will also be provided with key contact for further information or to raise concerns during the process.
- Australian Services Union will be advised of Council's decision with a clear communication strategy implemented throughout the process
- A proactive media engagement strategy to explain the rationale for Council's decision, the intended process and long-term benefits for the community.

RECOMMENDATION

That the:

1. *Council agrees to withdraw from its agreement to deliver Commonwealth Home Support Program services and all Victorian Home and Community Care services from 30 June, 2022. This will involve Council transitioning out of direct service delivery roles of:*
 - a) *All funded Commonwealth Home Support Programme services*
 - (i) *Domestic Assistance*
 - (ii) *Personal Care*
 - (iii) *Flexible Respite*
 - (iv) *Centre Based Respite*
 - (v) *Social Support – Group*
 - (vi) *Social Support – Individual*
 - (vii) *Home and Property Maintenance*
 - (viii) *Home Modifications*
 - (ix) *Delivered Meals*
 - (x) *Occupational Therapy*

- (xi) Sector Support & Development
- b) All funded HACC-PYP services
- (i) Domestic Assistance
- (ii) Personal Care
- (iii) Social Support Group
- (iv) Centre Based Respite
- (v) Home and Property Maintenance
- (vi) Delivered Meals
- (vii) Occupational Therapy
- (viii) Volunteer Coordination
- c) Regional Assessment Services (RAS)
- 2. Council commits to working with the Commonwealth and Victorian governments to negotiate timing and transition processes that will protect the interests of clients, families and staff; and
- 3. Council commits to working with all proposed providers including East Grampians Health Service to ensure continuity of high-quality service delivery to the community.

MOVED CR BEALES
SECONDED CR SANDERS

That the:

- 1 Council agrees to withdraw from its agreement to deliver Commonwealth Home Support Program services and all Victorian Home and Community Care services from 30 June, 2022. This will involve Council transitioning out of direct service delivery roles of:
 - i) All funded Commonwealth Home Support Programme services
 - ii) Domestic Assistance
 - iii) Personal Care
 - iv) Flexible Respite
 - v) Centre Based Respite
 - vi) Social Support – Group
 - vii) Social Support – Individual
 - viii) Home and Property Maintenance
 - ix) Home Modifications
 - x) Delivered Meals
 - xi) Occupational Therapy
 - xii) Sector Support & Development
- b) All funded HACC-PYP services
- (viii) Domestic Assistance
- (ix) Personal Care
- (x) Social Support Group
- (xi) Centre Based Respite
- (xii) Home and Property Maintenance
- (xiii) Delivered Meals
- (xiv) Occupational Therapy
- (viii) Volunteer Coordination
- c) Regional Assessment Services (RAS)
- 2 Council commits to working with the Commonwealth and Victorian governments to negotiate timing and transition processes that will protect the interests of clients, families and staff; and
- 3 Council commits to working with all proposed providers including East Grampians Health Service to ensure continuity of high-quality service delivery to the community.

CARRIED 4585/22

ATTACHMENTS

There are no attachments in relation to this item.

3.4 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.

EXECUTIVE SUMMARY

The purpose of this report is to present the proposed Neighbourhood Amenity Local Law 2022 to Council to commence the community engagement process to make the Local Law.

The proposed Local Law will replace the General Local Law 2012.

DISCUSSION

The current General Local Law 2012 is due for review in April 2022 and it is now proposed to replace it with the Neighbourhood Amenity Local Law 2022. A formal community engagement process will be undertaken as part of the Local Law review.

The proposed Neighbourhood Amenity Local Law 2022 has been prepared following internal discussions about issue commonly encountered by the Community Safety Team. The proposed Local Law has also been reviewed by Council's lawyers.

The form that has been proposed seeks to collate related issues together, separate the legal requirements from the procedural steps and simplify the use of the document.

A comprehensive cross-check has also been done to ensure no content regularly relied upon has been lost.

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.

The attached proposed Local Law has been colour coded to identify changes in the document:

- New sections in the document are shown in blue
- Existing controls are shown in black.

Other changes are:

Clauses deleted from the document	Alternate legislative power
Clause 25 – Chimneys	Environmental Health under Public Health and Wellbeing Act
Clause 30 – Noise in a public place	Police under various legislative options
Clause 33 – Temporary Dwelling	Planning Scheme and Building Code of Australia cover
Clause 39 – Unleashed dogs	Domestic Animals Act
Clause 45 – Transportation of Waste	Environmental Protection Act
Clause 46 and 49 – Use of a Resource Recovery Centre and Scavenging at same	Environmental Protection Act
Clause 88 – Resident parking scheme	Local Government Act 2020
Clause 89 - Heavy vehicle parking in residential zones	Road Safety Road Rules 2017.

Another change has been to roll the controls currently set out for Green Hill Lake into the broader management of Council's municipal reserves.

The table below shows the current components of these controls and where they now exist in the document. Whilst the Green Hill Lake reserve is a unique one in terms of the environment and recreational opportunities it presents, the management issues to preserve the amenity and environment are not themselves unique. The approach to apply the same rules to all reserves seeks to add clarity about what is permitted where, for how long and consistency.

Existing Clauses in relation to Green Hill Lake	New Clauses in Proposed Local Law
Clause 32 - Camping	Clause – Camping prohibited on Council land
Clause 51 - Behaviour in Municipal Places	Clause – Behaviour in Municipal Place - Prohibitions
Clause 52 – Control of Activities	<p>Clause – Wholesale Review part 6 Council land (including Municipal Places, Parks and Council Buildings)</p> <p>This change streamlines the management of all Council Reserves and provides consistency in relation to camping.</p>
Clause 53 – Green Hill Lake	
(1) In addition to clauses (32), (51) and (52), within Green Hill Lake Reserve, no person may;	
a. drive or ride any motorcar, motorcycle, bicycle or other vehicle except in areas that may be set aside for that purpose or for the parking of vehicles and then only subject to the observance of such terms and conditions and the payment of such fees as may be prescribed by the Council from time to time.	
b. allow any cat or dog under their control into the Reserve unless adequately restrained in accordance with posted signage or so as not to cause annoyance or danger to any person or animal, or be potentially damaging to any property.	
c. bring glass bottles into designated beach areas or boat ramp areas of the Reserve as defined.	
d. drive, ride or operate any motorised vehicle within the Reserve at a speed in excess of any displayed speed sign.	
e. remove, alter, damage or shift any bouys, lakeside markers, floats or lines secured within the lake.	
Clause 53(2) Green Hill Lake Reserve is a designated area where horses are permitted provided they are kept under effective control and cause no nuisance.	
Clause 53(3) All provisions of the Marine Safety Act 2010 and its Regulations shall apply to the waters of Green Hill Lake.	

New Clauses	Description
Clause 21 – Shipping Containers	This will integrate shipping containers in with planning controls.
Clause 23 and 24 – Planting of Trees in Public Places	To respond to inappropriate planting on public land.
Clause 29 – Feeding of Birds on Private Property	Gives Council the ability to respond where this action creates a nuisance.
Clause 63 - Operation of Model Aircraft	This will cover model airplanes and drones on Council land.

Neighbourhood Amenity Local Law 2022 Guidelines

The Neighbourhood Amenity Local Law 2022 makes reference to the Local Law Guidelines, these guidelines will be developed once the Local Law is made. These Guidelines will be subject to a separate community engagement process and once adopted by Council regularly reviewed.

Community Engagement:

In line with the Local Government Act 2020 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.

Key Timeframes for the review of the Neighbourhood Amenity Local Law 2022:

Report to Council to commence the community engagement process	29 March 2022
Notice on Council's Engage Ararat website	30 March 2022
Community Engagement – Invite submissions	30 March 2022 to 19 April 2022
Copy of proposed Local Law available from Municipal Officers, 59 Vincent Street, Ararat	30 March 2022 to 19 April 2022
Report to Council to consider submissions and adoption of the proposed Neighbourhood Amenity Local Law 2022	26 April 2022

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

Section 73 of the Local Government Act) states that Council:

- Must make a Local Law in accordance with its Community Engagement Policy.
- Must public a notice stating:
 - (a) the objectives of the proposed local law; and
 - (b) the intended effect of the proposed local law; and
 - (c) that a copy of the proposed local law is available for inspection—
 - (i) at the Council's office; and
 - (ii) on the Council's Internet site
- Must ensure that a copy of the proposed Local Law is available for inspection at the Council's office and on Council's internet site.

Section 74(1) states that before a Council makes a Local Law, a Council 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.

Sustainability Implications

No economic, social or environmental implications were identified as part of this report.

Risk Assessment

The proposed Neighbourhood Amenity Local Law 2022 will ensure that Council meets it legislative requirements.

Stakeholder Collaboration and Community Engagement

The proposed Neighbourhood Amenity Local Law 2022 has been reviewed by Council's lawyers.

Council's Governance, Planning and Community Safety teams have been consulted in relation to the Local Law.

RECOMMENDATION

That Council:

- 1 *Receives the proposed Neighbourhood Amenity Local Law 2022 (proposed Local Law);*
- 2 *Gives notice, in accordance with sections 73(3) and (4) of the Local Government Act 2020, on Council's website;*
 - 2.1 *stating the objectives of the proposed Local Law;*
 - 2.2 *stating the intended effect of the proposed Local Law;*

- 2.3 *stating that a copy of the proposed Local Law can be obtained from Council's website and from Council's Offices; and*
- 2.4 *describing the community engagement process that applies under Council's Community Engagement Policy, including inviting submissions;*
- 3 *Considers all submissions, and hears from submitters wishing to be heard, at the Council Meeting to be held on 26 April 2022, or such later Council meeting as the Chief Executive may determine;*
- 4 *Considers whether to make the proposed Local Law at the Council Meeting referred to in paragraph 3 of this resolution; and*
- 5 *Authorises the Chief Executive Officer to take such steps as are necessary to give effect to this Resolution.*

**MOVED CR BURRIDGE
SECONDED CR BEALES**

That Council:

- 1 **Receives the proposed Neighbourhood Amenity Local Law 2022 (proposed Local Law);**
- 2 **Gives notice, in accordance with sections 73(3) and (4) of the *Local Government Act 2020*, on Council's website;**
- 2.1 **stating the objectives of the proposed Local Law;**
- 2.2 **stating the intended effect of the proposed Local Law;**
- 2.3 **stating that a copy of the proposed Local Law can be obtained from Council's website and from Council's Offices; and**
- 2.4 **describing the community engagement process that applies under Council's Community Engagement Policy, including inviting submissions;**
- 3 **Considers all submissions, and hears from submitters wishing to be heard, at the Council Meeting to be held on 26 April 2022, or such later Council meeting as the Chief Executive may determine;**
- 4 **Considers whether to make the proposed Local Law at the Council Meeting referred to in paragraph 3 of this resolution; and**
- 5 **Authorises the Chief Executive Officer to take such steps as are necessary to give effect to this Resolution.**

CARRIED 4586/22

ATTACHMENTS

The Proposed Neighbourhood Amenity Local Law 2022 is provided as Attachment 3.4.



Ararat Rural City

Neighbourhood Amenity Local Law 2022

DOCUMENT CONTROL

Category Type: Local Law
Type: Council
Responsible Officer: Title

Last Review Date: March 2012
Date Approved: TBA
Next Review Date: April 2032

Revision No: 4

Stakeholder Engagement:
Councillors
Chief Executive Officer
Manager Planning, Community and Compliance
Community Safety Officers
Governance and Administration Coordinator

Neighbourhood Amenity Local Law 2022



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Neighbourhood Amenity Local Law 2022



ARARAT RURAL CITY COUNCIL NEIGHBOURHOOD AMENITY LOCAL LAW 2022

PART 1 – PRELIMINARY

1. Title of this Local Law

This Local Law is the Neighbourhood Amenity Local Law 2022.

2. Purposes of this Local Law

The purposes of this Local Law are to:

- (1) protect community safety and neighbourhood amenity;
- (2) protect public assets and infrastructure, and the built and natural environment;
- (3) enhance the use, access and enjoyment of public places for the community's benefit.
- (4) provide for the administration of **Council's** powers and functions; and
- (5) revoke **Council's** General Local Law 2012 (as amended) made in April 2012.

3. Power to Make this Local Law

Council's power to make this Local Law is contained in section 71 of the *Local Government Act 2020* and section 42 of the *Domestic Animals Act 1994*.

4. Commencement of this Local Law

This Local Law commences operation on the day after it is made.

5. Revocation Date of this Local Law

Unless sooner revoked, this Local Law ceases to operate 10 years after the date on which it commenced.

6. Revocation of Earlier Local Law

Council's General Local Law 2012 (as amended), made in April 2012, is revoked.

7. Area of Operation of this Local Law

This Local Law applies throughout the whole of the **municipal district**.

8. Interpretation of this Local Law

- (1) In this Local Law, unless the contrary intention appears, a reference to:
 - (a) a clause is a reference to a clause in this Local Law;
 - (b) a sub-clause is a reference to a sub-clause of the clause in which the reference is made;
 - (c) a paragraph is a reference to a paragraph of the sub-clause in which the reference is made;

Neighbourhood Amenity Local Law 2022



- (d) a Part is a reference to a Part of this Local Law;
 - (e) a Division is a reference to a Division in a Part of this Local Law; and
 - (f) the singular also refers to the plural.
- (2) Where this Local Law prohibits any activity or other thing or provides that such activity can only take place or other thing can only be done or exist with a **permit**, that prohibition or provision will not apply if the activity can lawfully take place or the other thing can lawfully be done or exist by reason of the express permission of the Ararat Planning Scheme or another legislative instrument.

9. Local Law Guidelines

- (1) **Council** may from time to time make Guidelines for the purposes of this Local Law.
- (2) Any Guidelines made under sub-clause (1):
- (a) may be amended from time to time;
 - (b) must be published on **Council's** website and be available for inspection at **Council's** principal office; and
 - (c) are incorporated into this Local Law.

10. Definitions

Explanatory Note – *In this Local Law definitions are shown in bold type.*

In this Local Law, unless express or implied to the contrary:

"abandoned" means a **vehicle** which:

- (a) has no number plates;
- (b) is unroadworthy; or
- (c) has not been moved from the **road** or **Council Land** on which it stands for 60 days or more;

"Act" means the Local Government Act 2020;

"advertising sign" means any board, notice, structure, banner or other similar device, including a mobile billboard, used for the purpose of:

- (a) soliciting sales or support; or
- (b) promoting the presence of an adjacent property or other address, whether real, internet-based or otherwise electronic, where goods or services may be obtained;

"animals" excludes **persons** but is not limited to any of the species or groups listed in the first column of the table in clause 22;

"applicant" means a **person** who applies for a **permit** under this Local Law;

"appropriate fee" means the fee determined by **Council**;

Neighbourhood Amenity Local Law 2022



“**Asset Protection Permit**” means a written **permit** issued by **Council** for the protection of public assets and infrastructure during **building works**;

“**Authorised Officer**” means an authorised officer appointed under section 224 of the *Local Government Act 1989*;

“**barbecue**” means a device used for the cooking of food outdoors, whether constructed or manufactured and whether powered by gas, electricity, liquid or solid fuel or any combination of them, and includes a device for spit roasting when used outdoors;

“**builder**” means the **person** who is nominated as the builder in a building permit issued under the *Building Act 1993* in respect of **building works** or a **person** in charge of a **building site**;

“**building**” includes any building or structure whether temporary or permanent, or any part of a building or structure;

“**building site**” means any property on which **building works** are being carried out;

“**building works**” means work for or in connection with the construction, demolition or removal of a **building** in respect of which a building permit is required under the *Building Act 1993*;

“**bulk rubbish container**” means a bin, container or other structure designed or used for holding a substantial quantity of rubbish and which is unlikely to be lifted without mechanical assistance but excludes a container used in connection with **Council’s** regular waste collections;

“**camping area**” means land that has been **prescribed** by **Council** to be a ‘camping area’ for the purposes of this Local Law;

“**Chief Executive Officer**” means the **person** appointed by **Council** to be its Chief Executive Officer and any **person** acting in that position;

“**child**” means any **person** under the age of 18 years;

“**Council**” means Ararat Rural City Council;

“**Council Land**” means any land vested in or under the control of **Council** including a reserve, watercourse, reservation and the like but excluding a **road**;

“**Delegated Officer**” means a member of **Council** staff delegated by **Council** to perform a duty or function or exercise a power conferred by this Local Law, whether by direct delegation or by sub-delegation from the **Chief Executive Officer**;

“**domestic bird**” means a small bird such as a canary, finch, budgerigar and the like but excludes a **noisy bird** capable of causing disturbance and discomfort to neighbours;

“**dwelling**” means any structure that is designed to be used for human habitation and that is capable of being so used;

“**filming**” means the recording of a single image or series of images for any commercial purpose and/or television broadcasting purpose by a camera or other device equipped with a one or more light sensitive lenses, capable of capturing and/or transmitting those images to any form of recording media and/or to any commercial and/or television broadcasting equipment, including any form of digital storage media in any location but excludes television news and any private non-commercial community and/or social media purposes;

“**Film Friendly Principles**” has the same meaning as in the *Filming Approval Act 2014*.

Neighbourhood Amenity Local Law 2022



"Fire Ban or Code Red (Catastrophic) Fire Danger Rating Day" means a day declared as either a partial or Total Fire Ban Day in accordance with the *Country Fire Authority Act 1958* and/or a declared Code Red (Catastrophic) Fire Danger Rating Day (declared by the Bureau of Meteorology in consultation with the Country Fire Authority, Fire Reserve Victoria and any relevant Victorian Government department);

"fire hazard" means any materials, substances or conditions that might cause a fire to start or that might increase the size or intensity of any fire;

"footpath" means an area open to the public that is designated for, or has as one of its main uses, use by pedestrians;

"GVM" means the maximum loaded mass of a **vehicle**:

- (a) as specified by the **vehicle's** manufacturer; or
- (b) as specified by the Department of Transport if:
 - (i) the manufacturer has not specified a maximum loaded mass; or
 - (ii) the manufacturer cannot be identified; or
 - (iii) the **vehicle** has been modified to the extent that the manufacturer's specification is no longer appropriate (as in the *Road Safety Act 1986*);

"heavy vehicle" means a motor **vehicle** or trailer that has a **GVM** greater than 4.5 tonnes, and includes:

- (a) any other **vehicle** that is physically connected to the heavy **vehicle** (even if that other **vehicle** is not a heavy **vehicle**); and
- (b) a bus that is used, or that is intended to be used, to carry passengers for reward or in the course of a business (as in the *Road Safety Act 1986*);

"incinerator" means a structure, device or contraption (not enclosed in a **building**) which is:

- (a) used or intended, adapted or designed to be used or capable of being used for the purpose of burning any matter, material or substance;
- (b) not licensed or otherwise subject to control under the provisions of any Act; and
- (c) not a **barbecue**;

"infringement notice" means an infringement notice issued by **Council** or an **Authorised Officer** under this Local Law;

"large and/or noisy bird" means, in relation to keeping **animals**, any large and/or noisy bird capable of causing disturbance and discomfort to neighbours particularly by noise, such as a cockatoo, **goose**, **macaw**, **peacock**, other parrot, **pheasant**, **rooster**, **turkey**, other similar sized bird and any other noisy birds regardless of size but excludes **poultry**, a pigeon and any small non-noisy bird;

"licensed premises" means premises licensed under the *Liquor Control Reform Act 1998* to sell or serve alcohol, including service under a BYO licence;

"litter device" means, in relation to animal excrement, an apparatus designed for the purpose of removing animal excrement and includes a paper, plastic or biodegradable bag;

Neighbourhood Amenity Local Law 2022



“**liquor**” means a beverage intended for human consumption with an alcoholic content greater than 0.5 per cent by volume at a temperature of 20 degrees Celsius;

“**Local Law Guidelines**” means any guidelines made by **Council** from time to time under clause 9;

“**long vehicle**” means a **vehicle** that, together with any load or projection, is at least 7.5 metres;

“**Manager**” means the **person** or **persons** from time to time appointed by **Council** to manage any **municipal building**, **municipal reserve** or **municipal place**;

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

“**motor bike**” and “**other motorised recreational vehicle**” means a motor **vehicle**, whether registered or unregistered, used for recreational purposes on **private property** or **Council Land**, including but not limited to the following **vehicles**:

- (a) a 2-wheeled motor **vehicle** with or without a sidecar attached that is supported by a third wheel;
- (b) a motor **vehicle** with three (3) wheels that is ridden in the same way as a motor **vehicle** with two (2) wheels; and
- (c) any other motorised recreational **vehicle**, such as, but not limited to, trail bikes, motorised scooters, motorised go-carts and quad bikes;

“**municipal building**” means any **building** (and its grounds) owned, occupied, controlled and/or managed by **Council** which has some or all areas designated for public or community access but may also have some or all areas designated for employee or staff only access;

“**municipal district**” means the district of **Council**;

“**municipal place**” means any place within the **municipal district** which is owned or occupied by **Council** or in respect of which **Council** has the control or management, to which the public may or may not have access (whether an admission fee is required or not), and includes a **municipal reserve**, library, **municipal building**, **footpath** and **road**;

“**municipal reserve**” means any land owned, controlled and/or managed by **Council** and used as a reserve or place of recreation but excludes a **road** and any area leased to other parties;

“**nature strip**” means the area of **road** reserve between a property boundary and the back of kerb or gutter of a carriageway, excluding any formed **footpath**;

“**notice to comply**” means a Notice to Comply issued by **Council** or an **Authorised Officer** or a **Delegated Officer** under this Local Law;

“**noxious weed**” has the meaning ascribed to it by section 3 of *the Catchment and Land Protection Act 1994*, being a:

- (a) state prohibited weed; or
- (b) regionally prohibited weed; or
- (c) regionally controlled weed; or
- (d) restricted weed;

Neighbourhood Amenity Local Law 2022



"**open air**" means any place other than within a permanent structure;

"**outdoor eating facility**" means any tables and/or chairs located out of doors at which food or drinks are served and may be consumed;

"**penalty unit**" means a penalty unit under *the Sentencing Act 1991*;

"**permit**" means a permit issued by **Council** under this Local Law;

"**permit holder**" is a **person** to whom a **permit** has been issued under this Local Law;

"**person**" includes a legal entity, whether a corporation, incorporated association or otherwise but excludes **Council**;

"**poultry**" means fowls, bantams and ducks but does not include roosters, geese or turkeys;

"**prescribed**" means determined by resolution and published on **Council's** website and in a newspaper generally circulating within the **municipal district**;

"**private property**" means land other than **Council Land** and land occupied, managed or controlled by a public authority;

"**procession**" means an organised group of people along a **road** or gathering for a ceremony or function and includes a fun run and bicycle event;

"**recyclable material**" means any recyclable material in respect of which a separate **Council** or **Council** authorised or approved collection service applies;

"**road**" has the meaning ascribed to it in section 3 of the *Local Government Act 1989*, so that it includes:

- (a) a street;
- (b) a right of way;
- (c) any land reserved or proclaimed as a street or road under the *Crown Land (Reserves) Act 1978* or the *Land Act 1958*;
- (d) a public road under the *Road Management Act 2004*;
- (e) a passage;
- (f) a cul de sac;
- (g) a by-pass;
- (h) a bridge or ford;
- (i) a **footpath**, bicycle path or **nature strip**; and
- (j) any culvert or kerbing or other land or works forming part of the **road**;

"**rural area**" means any part of the municipality included in a Rural Zone, other than the Rural Living zone in the Ararat Planning Scheme

Neighbourhood Amenity Local Law 2022



“**service authority**” means an entity (whether publicly or privately owned) which provides or intends to provide water, sewerage, drainage, gas, electricity, telephone, telecommunications or like services under the authority of an Act of the Victorian or Commonwealth Parliament;

“**smoke**” means:

- (a) smoke, hold or otherwise have control over an ignited or heated tobacco product, a shisha pipe or similar object; or
- (b) use an e-cigarette to generate or release an aerosol or vapour;

“**smoke free area**” means an area of or in any **municipal place** which has been **prescribed** as a “smoke free” or “no smoking” area and has smoke free area signage erected and maintained within or near it;

“**street festival**” means an organised recreational, cultural, commercial or social gathering of people that is held on a **road**;

“**street party**” means an organised social gathering of people from one or several adjacent **roads** that is held on a **road**;

“**traffic**” means the movement of people by foot or in or on **vehicles** along, across or within a **road**;

“**tree**” means any perennial plant having one or more permanent, woody, self-supporting **trunks** and with branches forming a crown, and includes all parts of the plant whether above or below ground;

“**urban zone**” means any part of the municipality included in a Residential, Commercial, Industrial, Public Land, Rural Living or Special Use Zone in the Ararat Planning Scheme

“**vehicle**” means a conveyance that is designed to be propelled or drawn by any means, whether or not capable of being so propelled or drawn, and includes:

- (a) a motor vehicle, trailer, tram and **motorised recreational vehicle**;
- (b) a bicycle;
- (c) an air-cushion vehicle; and
- (d) a **wheeled non-motorised recreational device** and a **wheeled child’s toy**,

but excludes a train;

“**wheeled non-motorised recreational device**” means a wheeled device, built to transport a **person** propelled by human power or gravity, and ordinarily used for recreation or play and:

- (a) includes in-line wheeled skates, roller-skates, skateboards, and similar wheeled devices; but
- (b) excludes a golf buggy, pram, stroller or trolley, or a bicycle, wheelchair or **wheeled child’s toy**; and

“**wheeled child’s toy**” means a **child’s** pedal car, scooter or tricycle or similar toy but only when it is being used solely by a **child** who is under 12 years old.

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PART 2 – YOUR PROPERTY, TREES AND PETS

DIVISION 1 – YOUR PROPERTY

11. Property Numbers

- (1) **Council** may allocate a number to each property.
- (2) The owner of a **property** to which a number has been allocated by **Council** must ensure that:
 - (a) the **property** is marked with such number; and
 - (b) the number is of sufficient size, is in such a position, is made of such material and is kept in such a state of repair as to be clearly visible from the nearest **road** under normal lighting conditions.

12. Unightly and Dangerous Properties

- (1) An owner or occupier of **private property** must ensure that the **private property** and any **building** or other structure on the **private property**:
 - (a) is not a danger to health of any **person** or **animal** or property or likely to become a danger to health of any **person** or **animal** or property;
 - (b) does not constitute a **fire hazard**;
 - (c) does not contain undergrowth, scrub, bracken, stubble, grass or weeds, whether dead or alive, in excess of 300mm in height and whether standing or not standing (but excluding the natural height of Australian grasses cultivated in a planned or landscaped garden as well as **Municipal Reserves** maintained under an approved management plan);
 - (d) is not unsightly, or detrimental to the general amenity of adjoining land or the neighbourhood, including through the presence of:
 - (i) stored unregistered or derelict **vehicles** or machinery or any parts of them;
 - (ii) storage containers;
 - (iii) scrap metal, timber, building materials or building refuse;
 - (iv) waste paper, cardboard, bottles or other refuse;
 - (v) soil or similar materials;
 - (vi) overgrown vegetation; or
 - (vii) **buildings** on the land which have been damaged; and
 - (e) is not used in any manner or left in any state that may cause a nuisance or become detrimental to the amenity of the immediate area.
- (2) An owner or occupier of **private property** must not allow any **building** or other structure on that **private property** to become dilapidated.
- (3) An owner or occupier of **private property** must take reasonable steps to prevent the movement of soil, sediment and other substances from the **private property** to the adjoining **road**.

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- (4) Without limiting the generality of clause 75, a **notice to comply** issued by an **Authorised Officer** or a **Delegated Officer** with respect to an offence against this clause 12 may include a direction that the **private property, building** or structure be:
- (a) cleared of any substance, material or equipment;
 - (b) suitably fenced, screened or otherwise enclosed in the manner specified in the **notice to comply**;
 - (c) boarded up or otherwise secured to prevent access or otherwise alleviate the danger, unsightliness, nuisance, detriment to general amenity or offending condition; and/or
 - (d) protected by warning signs or barriers to alert members of the public to the presence on the **private property** of a danger to **persons** entering the **private property**.

13. Waste Collection

The occupier of every **dwelling** and other property to which **Council** provides a waste collection service (including a service for the collection of domestic waste, recyclables and organics) must comply with the **Local Law Guidelines**.

14. Removing Waste Without Authority

- (1) A **person** must not remove or interfere with any waste (including recyclables) left out for collection on a **road**.
- (2) Sub-clause (1) does not apply to:
- (a) the **person** who left the waste on the **road** for collection or any agent of such **person**;
 - (b) any **person** authorised by **Council** to remove such waste or any agent of such a **person** acting in the course of their employment; or
 - (c) an **Authorised Officer** or a **Delegated Officer** acting in the course of their employment.

15. Burning of Materials

- (1) A **person** must not burn or cause or allow to be burned any substance that is likely to cause a risk of fire to the area surrounding the fire or to endanger the safety of any **person**.
- (2) A **person** must not, without a **permit**, light a fire on **private property** in the **open air**, or allow a fire to be lit or remain alight on **private property** in the **open air**, unless the fire is attended and lit:
- (a) in a purpose-built or constructed **barbeque**, grill, pizza oven, chiminea, brazier or similar appliance for the purpose of cooking food, but only while it is being used for that purpose;
 - (b) in a brazier, chiminea or purpose built or portable fire pit constructed of fire resistant materials for the purpose of creating heat outdoors, but only while it is being used for that purpose; or
 - (c) for the purpose of the **person** enjoying their culture or practising their religion.
- (3) An owner or occupier of **private property** must not, without a **permit**, use an **incinerator** or allow an **incinerator** to be used on that **private property**.

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- (4) An owner or occupier of **private property** on which a fire has been lit in breach of this Local Law, or a **person** who has lit a fire in breach of this Local Law, must immediately take all steps necessary to extinguish the fire:
- (a) on becoming aware of such a fire; or
 - (b) on being directed to extinguish the fire by:
 - (i) an **Authorised Officer** or a **Delegated Officer**;
 - (ii) a member of Victoria Police; or
 - (iii) an authorised member of Country Fire Authority.

16. Trees and Plants Not To Obstruct Or Obscure

An owner or occupier of **private property** must not, without a **permit**, allow any **tree** or plant on that **private property** to obstruct or interfere with the passage of **traffic** by:

- (1) overhanging any **footpath** at a height lower than 2.4 metres;
- (2) overhanging any **road** at a height lower than 4.5 metres; or
- (3) otherwise extending, obstructing or obscuring in any other way that **Council**, an **Authorised Officer** or **Delegated Officer** determines is dangerous, unsafe or adverse to public safety, including if the **tree** or **plant** obscures **traffic**, obstructs the view of **road** users at an intersection or obscures street lighting.

17. Fire Hazards

An owner or occupier of **private property** must ensure that all necessary steps are taken to prevent fires on that property and to minimise the possibility of the spread of fire from that property to another property.

18. Camping on Private Property

- (1) A **person** must not, without a **permit**, camp on **private property** in a:
- (a) campervan;
 - (b) caravan; or
 - (c) other temporary or makeshift structure,
- unless such **person** is within a licensed caravan park or an area **prescribed** by **Council** as being available for camping.
- (2) Sub-clause (1) does not apply to occupation of a:
- (a) campervan;
 - (b) caravan; or
 - (c) other temporary or makeshift structure

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on **private property** for a period of up to 28 days total in any year provided that sanitation and laundry facilities of a **dwelling** on the **private property** are available to the occupier of that temporary or makeshift structure, campervan or caravan.

19. Shipping Containers

A **person** must not without a **permit** keep, store, repair or otherwise use any shipping container on any road, **Council Land** or **private property**.

DIVISION 2 – YOUR TREES

20. Trees or Plants Causing Damage To A Municipal Place

- (1) An owner or occupier of **private property** must not allow any **tree** or plant on that **private property** to cause damage to, or interference with, any fixture, **building** or other erection in a **municipal place** or drain vested in, or under the control of, **Council**.
- (2) No offence will be committed under sub-clause (1) unless a **notice to comply** has been issued and the owner or occupier (as the case may be) has failed to comply with the **notice to comply**.

21. Vegetation on Nature Strips

A **person** must not, without a **permit**:

- (1) plant, or allow to be planted, any seedling;
- (2) cultivate, or allow to be cultivated, any vegetation; or
- (3) maintain vegetation and associated areas,

on a **nature strip** other than in accordance with the **Local Law Guidelines**.

DIVISION 3 – YOUR PETS

22. Keeping Animals

- (1) An owner or occupier of **private property** must not, without a **permit**, keep or allow to be kept on that **private property** at any one time more than:
 - (a) six (6) different types of **animals**; and
 - (b) the maximum number for each type of **animal** than is set out in the following table:

Type of animal	Maximum number of each type of animal permitted	
	Urban area	Rural Area
Cats	2	4
Cattle	Zero	No maximum limit
Dogs	2	6
Domestic Birds (excluding Noisy Birds)	20	No maximum limit
Domestic Fish	No maximum limit	No maximum limit
Domestic Mice/Rats	10	No maximum limit
Domestic Rabbits/Ferrets	4	10

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Type of animal	Maximum number of each type of animal permitted	
Domestic Turtles, Tortoises, Frogs and the like	No maximum limit	No maximum limit
Goats	Zero	No maximum limit
Guinea Pigs	4	No maximum limit
Horses/Donkeys and the like	Zero	1 horse per 2ha
Large Birds and/or Noisy Birds	Zero	10
Pigeons	20	100
Pigs	Zero	No maximum limit
Poultry	10	No maximum limit
Sheep	Zero	No maximum limit
Any other agricultural animals	Zero	No maximum limit

- (2) Sub-clause (1) does not apply to temporary grazing of no more than 6 sheep in an **urban area** for a continuous period, or any combined periods, not exceeding 4 weeks in any calendar year.
- (3) Unless otherwise authorised by or under an Act, a **person** must not, without a **permit**, keep or allow to be kept any exotic, wild, dangerous or large **animal** not listed in sub-clause (1).
- (4) For the purpose of calculating the numbers of **animals** kept under sub-clause (1), the progeny of any dog or cat lawfully kept will be counted from 12 weeks after their birth.

23. Animal Accommodation

The owner or occupier of any **private property** on which **animals** are kept must provide accommodation in accordance with the **Local Law Guidelines**.

24. Animal Excrement and Conduct

- (1) A **person** in charge of any **animal** must not allow:
 - (a) any part of the **animal's** excrement to remain on any **road** or **Council Land**; or
 - (b) the **animal** to dig any part of **Council Land**.
- (2) A **person** in charge of any **animal** on any **road** or **Council Land** must carry a **litter device** suitable to clean up any excrement left by the **animal** while under the **person's** charge and must produce such **litter device** upon request of any **Authorised Officer** or **Delegated Officer**.

25. Wasp Nest(s) To Be Removed

An owner or occupier of **private property** must, within seven (7) days of becoming aware of the existence of a wasp's nest or nests on that **private property**, take steps to cause that nest or those nests to be removed.

26. Feeding of Birds on Private Property

An occupier of **private property** must not feed, or allow or cause to be fed, any bird on that **private property** if:

- (1) that bird is not ordinarily kept on the **private property**; and

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- (2) the circumstances in which the bird is fed interfere with, or are likely interfere with, the material comfort of any other **person** or the enjoyment by any other **person** of their **private property**.

PART 3 – VEHICLES AND ROADS

27. Placing Bulk Rubbish Containers

A **person** must not, without a **permit**, place or cause or allow another **person** to place a **bulk rubbish container** on a **road**.

28. Motor Bikes and Motorised Recreational Vehicles

- (1) A **person** must not, without a **permit**, ride or otherwise use a **motor bike** or **other motorised recreational vehicle** on any part of **Council Land**, unless the part of **Council Land** has been **prescribed** for that purpose.
- (2) A **person** must not ride or otherwise use any **motor bike** or **other motorised recreational vehicle** on **Council Land prescribed** for that purpose on any day of **Fire Ban or Code Red (Catastrophic) Fire Danger Rating Day**.
- (3) A **person** must not, without a **permit**, ride or otherwise use a **motor bike** or **other motorised recreational vehicle** on any **private property** in an **urban area** other than for the purpose of directly accessing or leaving that **private property**.

29. Repair of Vehicles is Prohibited

A **person** must not dismantle, paint, carry out maintenance on or repair a **vehicle** on a **road**, or allow or authorise another **person** to do so, except in an emergency or for the purpose of removing the **vehicle** from the **road**.

30. Derelict, Abandoned and Unregistered Vehicles

A **person** must not, without a **permit**, leave any derelict, **abandoned** or unregistered **vehicle** on any **road** or **Council Land**, whether temporarily or permanently.

31. Heavy or Long Vehicles: Parking on a Road or Private Property

A **person** must not, without a **permit**, park or authorise the parking of any **heavy vehicle** or **long vehicle** on any **road** for which **Council** is the Responsible Road Authority for the purposes of the *Road Management Act 2004*, or on any other property (whether **private property** or **Council Land**), for more than two hours, unless otherwise indicated by approved **road** signage or unless the **person** or another **person** on their behalf is actively engaged in loading or unloading.

32. Storing Vehicles

A **person** must not, without a **permit**:

- (1) keep or store any **heavy vehicle** or **long vehicle** upon any **road** or on any other property (whether **private property** or **Council Land**); or
- (2) occupy any **road** or **Council Land** by storing on it any boat, trailer or caravan for a continuous period of 28 days or more or for more than 56 days in a period of three consecutive months.

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33. Street Parties & Street Festivals: Permits

- (1) A **person** must not, without a **permit**, hold a **street party, street festival or procession** on a **road**.
- (2) An application to conduct an event described in sub-clause (1) must be made no later than 21 days before the event is to take place.

PART 4 – BUSINESS AND ASSET PROTECTION

DIVISION 1 – BUSINESS

34. Roadside Trading or Performing

- (1) A **person** must not, without a **permit**, erect or place on any **road** or **Council Land** a **vehicle, caravan, trailer, table, stall** or other similar structure for the purpose of selling or offering for sale any goods or services.
- (2) A **person** must not, without a **permit**, on any **road** or **Council Land** sing to the public or play any musical instrument or use any sound amplification equipment.
- (3) Sub-clauses (1) and (2) do not include short-term outdoor community events on **Council Land**.
- (4) Sub-clause (2) does not apply to:
 - (a) sounds within a motor **vehicle** which cannot be heard outside that motor **vehicle**; or
 - (b) sound conveyed through any headphones which sound or noise is not audible to a **person** other than the wearer of the headphones.

35. Regulation of Trading Sites

- (1) If **Council** has entered into an agreement (by way of **permit, lease, licence** or otherwise) in relation to trading from a particular site, a second **person** other than the **person** with whom **Council** has the agreement must not trade from that site whether or not that second **person** has a **permit** for another site or no particular site.
- (2) In addition to any other power which it has, **Council** may, by resolution, determine a fee, charge, fare or rent in relation to the selling or offering for sale of any goods or services from any **private property** or **Council Land** adjacent to a **road** or to any **person** who is on that **road** or adjacent **private property** or **Council Land**.

36. Displaying Goods for Sale

A **person** must not, without a **permit**, place or display any goods for sale or cause or allow another **person** under their control to do so on any **road** or **Council Land**.

37. Using Council Land for Outdoor Eating Facilities

- (1) A **person** must not, without a **permit**, place any **outdoor eating facility** on a **road** or **Council Land** for the purposes of outside dining, whether or not **liquor** consumption is intended.
- (2) A **person** must not place any **outdoor eating facility** on a **road** or **Council Land** for the purposes of facilitating **liquor** consumption unless:

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- (a) the **person** has obtained a **permit** authorising the use of the **outdoor eating facility**; and
- (b) the **outdoor eating facility** is placed by **licensed premises** in an area in which the consumption of **liquor** is permitted in accordance with a licence granted under the *Liquor Control Reform Act 1998*.

38. Removing the Facility

The **permit holder** must move or remove the **outdoor eating facility** to which the **permit** relates when requested to do so by an **Authorised Officer** or a **Delegated Officer** or a member of the Victoria Police or another emergency service or a **service authority**.

39. Advertising Signs

- (1) A **person** must not, without a **permit**, erect, place or display an **advertising sign** on any part of a **road** or **Council Land**, or cause or in any way authorise another **person** to do so.
- (2) Sub-clause (1) does not apply to an **advertising sign** erected, placed or displayed within a **municipal reserve** in accordance with a **Council** approval, including under a lease, licence or other agreement.
- (3) Without limiting the generality of sub-clause (1) a **person** must not, without a **permit**, display for sale any **vehicle**, trailer, boat or other equipment on any **road** or **Council Land**.

40. Shopping Trolleys

The proprietor of any business that makes a shopping trolley available for use must ensure that no shopping trolley of that business is left on any **road** or **Council Land** unless it is in an area on the **footpath** or **Council Land** which **Council** has set aside for that purpose.

41. Collections

- (1) A **person** must not, without a **permit**:
 - (a) solicit or collect any waste materials, gifts of money or subscriptions; or
 - (b) distribute any handbills,

on or from **Council Land** or a **road** or from house to house adjacent to any **road** (except hand delivering printed matter only to street-side letterboxes) or cause or authorise another **person** to do so.
- (2) Sub-clause (1) does not apply to any solicitation or distribution of printed electoral material or to the collection of signatures for a petition.
- (3) Sub-clause (1) includes the distribution of information brochures, books and solicitation of anything from members of the general public in any **municipal place**.

42. Trade or Commercial Waste Bins and Waste Hoppers (Including all Trade Recycling Bins)

- (1) An occupier of **private property** may arrange for the collection of trade or commercial waste from, or for the placement of a waste hopper or recycling bin on, that land subject to compliance with the **Local Law Guidelines**.

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- (2) A **person** must not place any waste or material in a trade or commercial waste bin, waste hopper or recycling bin contrary to any notice on the trade or commercial waste bin, waste hopper or recycling bin.
- (3) A **person** must place any waste or material in a trade or commercial waste bin, waste hopper or recycling bin in compliance with the **Local Law Guidelines**.
- (4) All trade and commercial waste and waste hoppers, including recycling bins, must be kept on the property of the **person** on which the waste is generated, except for the period from twelve (12) hours before to (4) four hours following collection.

DIVISION 2 – ASSET PROTECTION

43. Drainage Tapping and Discharging Groundwater

A **person** must not, without a **permit**:

- (1) tap into or interfere with any drain under the control of **Council**; or
- (2) discharge groundwater into any drain under the control of **Council** or into or onto any **road** or **Council Land**.

44. A Vehicle Crossing is Required

- (1) An owner of **private property** must ensure that each point of **vehicle** access from a **road** to the **private property** has a properly constructed **vehicle** crossing between the **road** and the boundary of such **private property** abutting the **road**.
- (2) Any **vehicle** crossing must be properly constructed at the cost of the property owner and in accordance with **Council's** specifications.
- (3) For the purposes of sub-clause (2), a **vehicle** crossing is properly constructed if:
 - (a) it was constructed by or in accordance with the terms of an approval given by **Council**; or
 - (b) **Council** has approved in writing the method of construction of the particular **vehicle** crossing.
- (4) An owner of **private property** must, at their own cost, ensure that the **vehicle** crossing between the **road** and the boundary of such **private property** is maintained.

45. Constructing Vehicle Crossing

- (1) A **person** must not, without a **permit**, construct, install, remove or alter a **vehicle** crossing, whether temporarily or permanently.
- (2) A **person** must not, without a **permit**, remove, prune or damage any **tree** located on the **nature strip** in connection with, or for the purpose of, constructing, installing, removing or altering a **vehicle** crossing.

46. Removing Redundant Vehicle Crossings

If directed to do so by an **Authorised Officer** or a **Delegated Officer**, an owner or occupier of **private property** must remove any **vehicle** crossing which an **authorised officer** or **delegated officer** has determined is redundant.

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47. Temporary Vehicle Crossings

- (1) A **builder** must ensure **vehicle** access to the **building site** is via a **vehicle** crossing or, if there is no **vehicle** crossing providing access to the **building site**, via a temporary **vehicle** crossing constructed in accordance with this clause 47.
- (2) If there is no **vehicle** crossing providing **vehicle** access to a **building site**, the owner of the **building site** or the **builder** must:
 - (a) obtain a **permit** for the construction of a temporary **vehicle** crossing;
 - (b) pay any inspection fees associated with the **permit** application or construction of the **vehicle** crossing;
 - (c) construct the temporary **vehicle** crossing to the satisfaction of an **Authorised Officer** or **Delegated Officer**;
 - (d) ensure that for the duration of the **building work** the temporary **vehicle** crossing is maintained in a clean and safe manner for **vehicles** and pedestrians;
 - (e) remove the temporary **vehicle** crossing when the **building work** is complete; and
 - (f) minimise the damage caused by **vehicles** entering and leaving the **building site** to any **Council** assets or infrastructure, including adequately protecting the kerb, drains, street **trees**, **footpaths**, **nature strip** and any other part of the **road**.
- (3) If an **Authorised Officer** or a **Delegated Officer** determines that an existing driveway crossing, **footpath**, kerb, drain, street **tree** or other part of the **road** has been damaged as a result of, or arising out of, any **building works**, the owner of the property on which the **building works** have been carried out must, at their cost, repair the damage to the satisfaction of the **Authorised Officer** or **Delegated Officer** or, if requested to do so by an **Authorised Officer** or a **Delegated Officer**, reimburse **Council** for the cost and expense of the repair of such damage.
- (4) The amount of reimbursement for such repairs under sub-clause (3) must be proportionate to the cost of repairing any damage.

48. Asset Protection Generally

- (1) A:
 - (a) **builder** must not carry out or allow to be carried out **building works** in respect of a **private property**; and
 - (b) **person** who is the owner or occupier of a **private property** must not carry out or allow to be carried out **building works** in respect of that **private property**,unless **Council** has issued an **Asset Protection Permit** in respect of that **private property**.
- (2) Without limiting **Council's** powers under this Division, an **Asset Protection Permit** may be subject to such conditions as **Council** determines including:
 - (a) requiring protection works to be done;
 - (b) requiring the payment of a security bond;
 - (c) requiring the erection of temporary fencing to the satisfaction of **Council**;

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- (d) requiring that any or all public assets or infrastructure damage be repaired, replaced or re-instated within a specified time; or
 - (e) requiring a temporary **vehicle** crossing to be installed to **Council's** specification before commencement of any **building works** or delivery of any equipment or materials to the **private property**.
- (3) Where **Council** or a **Delegated Officer** so determines, it may agree to accept an alternative form of security to a security bond.
- (4) The amount of any security bond required under any **Asset Protection Permit** is to be proportionate to the likely costs of repairing any potential damage to any existing **road** (including carriageway), channel, drain, **vehicle** crossing or other public asset or infrastructure arising from the **building works**. Nothing in this clause prevents **Council** or a **Delegated Officer** from setting a lower amount if it considers it is appropriate to do so.
- (5) For the purpose of this clause the completion of **building works** includes abandonment of a **building site**.
- (6) A security bond may be refunded by **Council** upon:
- (a) an application for a refund of the security bond by the **person** who lodged it, made within 6 months of the date of completion of the **building works**; and
 - (b) **Council** being satisfied that no damage has been caused, or that any damage caused has been repaired by, or on behalf of, that **person** to **Council's** satisfaction.
- (7) An application for a refund of the security bond may be refused by **Council**, and the security bond retained and applied by **Council**, to offset the costs incurred, or anticipated to be incurred by **Council**, in carrying out any repairs to public assets which are required as a result of, or associated with, the **building works**.
- (8) If a security bond is or any surplus funds are not required to be retained by **Council** for repairs in accordance with sub-clause (7) but are not claimed within 12 months of completion of the **building works**, the security bond or surplus funds will be forwarded by **Council** to the Registrar of Unclaimed Money, in accordance with the requirements of the *Unclaimed Money Act 2008*.

49. Managing Amenity on Building sites

- (1) The **builder** must ensure that the **building site** is developed and managed to minimise the risks of stormwater pollution, through the contamination of run-off by chemicals, sediments, **animal** wastes or gross pollutants in accordance with currently accepted best practice by adopting measures to:
- (a) minimise the amount of mud, dirt, sand, soil or stones deposited on the abutting **roads** or **Council Land** or washed into the stormwater system; and
 - (b) prevent **building** cleanup, wash down or other wastes being discharged offsite or allowed to enter the stormwater system.
- (2) Where any **building works** (other than minor **building works**) are being carried out on any land, the **builder** must:
- (a) provide a refuse facility for the purpose of disposal of **builder's** refuse, and, provided the facility contains all **builder's** refuse on the land to the satisfaction of **Council**, its size, design and construction will be at the discretion of the **builder**;

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- (b) place the refuse facility on the land and keep it in place (except for such periods as are necessary to empty the refuse facility) for the construction period;
 - (c) not place the refuse facility on any **road** or **Council Land** without a **permit**; and
 - (d) empty the refuse facility whenever full, and, if necessary, provide a replacement refuse facility during the emptying process.
- (3) During **building works**, the **builder** must ensure that:
- (a) all **builder's** refuse which requires containment is placed in the refuse facility referred to in sub-clause (2);
 - (b) the **builder's** refuse is not deposited in or on any land other than in accordance with sub-clause (2); and
 - (c) the **builder's** refuse is not deposited in or over any part of the stormwater system.
- (4) On any land where **building works** are being, or has been, carried out, the **builder** must remove and lawfully dispose of all **builder's** refuse on the land, including, without limiting the generality of the above, the **builder's** refuse in the refuse facility referred to in sub-clause (2), within seven (7) days of completion of the construction period or issue of an occupancy permit, whichever occurs last.
- (5) A **person** who delivers materials to a **building site** or collects materials or waste from a **building site** must do so without causing damage to any adjoining land or any public assets or infrastructure.
- (6) If **Council** identifies any damage which appears to result from non-compliance with this Local Law, an **Authorised Officer** or a **Delegated Officer**:
- (a) may direct the responsible party to reinstate the damage within a specified time, in which case the responsible party must comply with such direction; and
 - (b) must issue the responsible party with a **notice to comply** requiring the damage to be reinstated, either at the time of the inspection or within a reasonable timeframe.
- (7) The **builder** must, at its cost, repair to the satisfaction of **Council** any damage to **Council** assets and infrastructure caused by, or connected with, **building works** the subject of an **Asset Protection Permit**, including damage to a **road** (including carriageway), channel, drain, **vehicle crossing** or other asset in the vicinity of the **building site**, or that may be impacted by the **building works**.
- (8) If **Council** considers that **building works** have caused damage to **Council** assets it may repair the damage itself and deduct the cost of repairs from any security bond that has been paid in accordance with sub-clause (7).
- (9) If the amount of the security bond is insufficient to cover the costs of repairs or if a security bond was not required to be paid, **Council** may give a notice under section 117 of the Act and recover the costs of repairs in accordance with that section.
- (10) Subject to sub-clause (8), any money from the security bond that has not been used in covering the costs of repairs may be refunded to the **person** who lodged it in accordance with clauses 48(6), 48(7) and 48(8).

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50. Occupation of Roads

- (1) A **person** must not, without written consent under section 63(1) of the *Road Management Act 2004* or a **permit**, occupy (whether wholly or partially) a **road**, including by:
 - (a) fencing off part of a **road**;
 - (b) erecting a hoarding, scaffolding or overhead protective awning;
 - (c) using a mobile crane or travel tower for any **building works**;
 - (d) making a hole or excavation;
 - (e) reinstating a hole or excavation;
 - (f) leaving or storing any **building**, paving or other construction materials or any tools, machinery, plant or equipment; or
 - (g) for any other non-**road** purpose not authorised under this Local Law.
- (2) The requirement to obtain a **permit** does not apply to the works of a **service authority**:
 - (a) in an emergency or urgent circumstances; or
 - (b) when works are being carried out in accordance with the *Road Management Act 2004*.
- (3) The requirement to obtain a **permit** does not apply:
 - (a) to the works of contractors undertaking any works within a **road** or **road** related area for or on behalf of **Council**; or
 - (b) if a **person** has been granted a **permit** under another provision of this Local Law which permits that **person** to occupy a **road** or structure or thing on a **road**.
- (4) Nothing in sub-clause (2) or (3) exempts a **person** from an obligation to notify **Council** of the location of the works prior to them beginning or, in an emergency or urgent circumstances, on the next working day following the works beginning.

PART 5 – SMOKING AND LIQUOR

51. Consumption and Possession of Liquor on Roads

Unless exempted under clause 53, a **person** must not while on a **road**:

- (1) consume any **liquor**; or
- (2) have in their possession or control any **liquor** other than in a container with an unbroken seal.

52. Consumption and Possession of Liquor on Municipal Reserves

- (1) Unless exempted under clause 53, a **person** must not while in or on any **municipal reserve** :
 - (a) consume any **liquor**; or

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- (b) have in their possession or control any **liquor** other than **liquor** in a container with an unbroken seal
- between 11pm and 7am the next day).
- (2) **Council** may by resolution prescribe an area of the **municipal district** to be an area within which a **person** must not, during the **prescribed** time:
 - (a) consume any **liquor**; or
 - (b) have in their possession or control any **liquor** other than **liquor** in a container with an unbroken seal.
 - (3) Unless exempted under clause 53, a **person** must not, in an area during the period **prescribed** by **Council** under sub-clause (2):
 - (a) consume any **liquor**; or
 - (b) have in their possession or control any **liquor** other than **liquor** in a container with an unbroken seal.

53. Exemption

A **person** who consumes **liquor** or has in their possession **liquor** in an unsealed container does not commit an offence under this Local Law if:

- (1) they are taking part in a **procession**, function, **street party** or other activity on a **road** or on or in a **municipal reserve** in respect of which **Council** has granted permission and in accordance with any other **permit** or licence required under any Act; or
- (2) they are in one of the following nominated reserves:

Municipal Reserves as nominated for sub-clause (2)	
Alexandra Oval Recreation Reserve	Pomonal Recreation Reserve
Westmere Recreation Reserve	Westmere Recreation Reserve
Buangor Recreation Reserve	Wickliffe Recreation Reserve
Centenary Park Recreation Reserve	Willaura Recreation Reserve
Kokoda Park Recreation Reserve	Yalla-y-Poora Recreation Reserve
Lake Bolac Recreation Reserve	Tatyoon Recreation Reserve
Maroona Recreation Reserve	Hadland Street Reserve
Mininera Recreation Reserve	
The municipal reserve area bound by Barkly Street to the south, High Street to the north, Vincent Street to the west and Queen Street to the east.	

- (3) they are in or on **licensed premises** or an extension of **licensed premises** in respect of which consumption and possession of **liquor** in unsealed containers is permitted and in accordance with any other **permit** or licence required under any Act.

54. Smoking in Municipal Places (including Reserves)

- (1) **Council** may prescribe a **municipal place** or part of a **municipal place** to be a **smoke free area**.
- (2) **Council** must erect and maintain or cause to be erected and maintained signs in any **municipal place** or part of a **municipal place** that has been **prescribed** to be a **smoke free area**.

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- (3) A **person** must not **smoke** in or on any **municipal place** or part of a **municipal place** that has been **prescribed** to be a **smoke free area** by **Council** to be a **smoke free area** and has a **smoke free area** sign erected and maintained.

PART 6 – COUNCIL LAND (INCLUDING MUNICIPAL PLACES, PARKS AND COUNCIL BUILDINGS)

DIVISION 1 – MUNICIPAL PLACES AND OTHER COUNCIL LAND

55. Behaviour in a Municipal Place – Prohibitions

A **person** must not, while in a **municipal place**, behave in a manner that endangers others or unreasonably interferes with the quiet enjoyment of the **municipal place** by any other **person**.

56. Damaging/Defacing a Municipal Place

A **person** must not, unless employed, authorised or contracted by **Council** for the purpose, do the following in or on a **municipal place**:

- (1) destroy, damage or interfere with a **municipal place**;
- (2) destroy, damage, remove or interfere with any **trees** or plants on or within a **municipal place**;
- (3) remove anything belonging to **Council** from any **municipal place**; or
- (4) destroy, damage or interfere with any property or assets owned or managed by **Council**.

57. Interference with a Watercourse and Other Areas

A **person** must not, without a **permit** or unless employed or contracted by **Council** for the purpose, destroy, damage or interfere with a watercourse, lake, ditch, creek, gutter, drain, tunnel, bridge, levee, culvert, or any directly adjoining fence, vested in or under the control of **Council**.

58. Obstructions on Council Land

A **person** must not place or leave a rubbish container, clothing recycling bin, movable structure, device or material or other object on any **road** or **Council Land** so as to:

- (1) cause an obstruction;
- (2) constitute a danger to **person**; or
- (3) be in the way of or likely to obstruct **traffic**.

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).

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DIVISION 2 – PARKS

60. Behaviour within a Municipal Reserve – Prohibitions

A **person** must not, while in a **municipal reserve**, behave in a manner that endangers others or unreasonably interferes with the quiet enjoyment of the **municipal reserve** by any other **person**.

61. Activity within a Municipal Reserve – Permitted Activities

A **person** must not, without a **permit**, while present on any **municipal reserve**:

- (1) camp or pitch, erect or occupy any tent or temporary shelter;
- (2) sell any **liquor** or bring any drinks in glass bottles;
- (3) hold any event (whether public or private and whether a circus, fair, carnival, festival, market, wedding or other similar celebration or gathering) or cause fireworks to be activated;
- (4) organise, hold or attend any rally, **procession**, demonstration or like gathering;
- (5) use any amplifier, musical equipment, public address system or sound broadcasting equipment that may interfere with the use and enjoyment of any other **person** in the **municipal reserve**;
- (6) erect, fix or place any **advertising sign** unless that **advertising sign** is permitted under a licence or other occupancy agreement to which **Council** and the **person** are parties;
- (7) conduct, organise or participate in any competitive game of sport unless the game or sport:
 - (a) involves a small social group and the game or sport does not unreasonably interfere with the use and enjoyment of **municipal reserve** by any other **person**; or
 - (b) is authorised by a licence or other occupancy agreement to which **Council** and the **person** are parties;
- (8) sell or expose or offer for sale any article of food or drink or any other article;
- (9) cause to be operated any amusement for which a charge is made or make a collection of money for any purpose;
- (10) ride a horse or bicycle, **wheeled non-motorised recreational device** or **wheeled child's toy** or drive any **vehicle** unless:
 - (a) in the case of a bicycle or **vehicle** the bicycle or **vehicle** is being parked in a parking area set aside for that purpose by **Council**;
 - (b) it involves the wheeling of a bicycle, pram, wheelchair, **child** or baby carriage or children's toy;
 - (c) the riding of the bicycle, **wheeled non-motorised recreational device** or **wheeled child's toy** does not interfere with the use and enjoyment of the **municipal reserve** by any other **person**;
 - (d) it involves an **Authorised Officer** or **Delegated Officer** acting in the course of their employment; or

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- (e) it involves a designated roadway or bicycle pathway being used in the manner for which it was intended;
- (11) allow any **animal**:
 - (a) that is a domestic **animal**, companion **animal** or other small **animal** that is reasonably capable of being effectively controlled of which they are in charge to be present in the **municipal reserve**, unless the animal is under the effective control of a **person**;
 - (b) that is an exotic, wild, dangerous or large **animal**, riding **animal**, or grazing **animal**, of which they are in charge to be present in the **municipal reserve**, unless the **animal** is permitted by signage erected by **Council** to be present in the **municipal reserve** and the **person** observes any conditions, restrictions or other safety directions or measures as signed or indicated;
- (12) enter or remain within or upon the playing area of a **municipal reserve** during the progress of a sports match or sports gathering unless such **person** is a player, competitor or official;
- (13) enter any area set aside for planting or growing of vegetation unless the **person** is authorised by **Council**;
- (14) swim in, wade through or enter for recreational purposes or fish in any lake, pond or other watercourse within the **municipal reserve** unless designated by **Council** for such use and where such use is permitted, the **person** must observe any restrictions or other safety directions or measures as signed or marked;
- (15) install or allow to be installed a gateway or other means of access to from the **municipal reserve**;
or
- (16) undertake any activity for commercial gain.

62. Access to Municipal Reserves

- (1) Except as determined otherwise by **Council** or an **Authorised Officer** or a **Delegated Officer**, all **municipal reserves** are open to the public from 7am to 11pm free of charge on any day.
- (2) **Council** or an **Authorised Officer** or a **Delegated Officer** may, in the case of any **municipal reserve**, set aside days and times upon which charges or entrance fees may be made for the use of the **municipal reserve**.
- (3) **Council** or an **Authorised Officer** or a **Delegated Officer** may restrict access to any part of a **municipal reserve**, whether for temporary works, for long or short- term lease use or any other purpose, and public access to such restricted areas may be non-existent, limited by condition or subject to a fee or donation.
- (4) A **person** must not enter any **municipal reserve**, whether open to the public or subject to restricted access, other than via designated access points (where applicable), during hours of opening and subject to any conditions, fee or donation imposed, unless directed otherwise by a member of **Council** staff or authorised contractor in the course of their employment.

63. Camping Prohibited on Council Land

- (1) A **person** must not camp on **Council Land** in a **vehicle**, tent, caravan, **campervan** or other temporary or makeshift structure unless such **person** is within a licensed caravan park or an area determined to be available for camping purposes by **Council**.

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- (2) Where camping is permitted on **Council land**, the maximum allowed time is 5 days without a **permit**. A **permit** issued under this clause 63 is for a maximum of 28 days in any given calendar year.

64. Lighting Fires

- (1) A **person** must not, without a **permit**, light or cause to be lit any fire on or in any **municipal place** or **municipal reserve**.
- (2) A **person** who lit or caused to be lit any fire, or a **person** who assisted in or has been party to the preparation for the lighting of a fire by another on or in a **municipal place** or **municipal reserve**, must not allow that fire to remain alight.
- (3) A member of **Council** staff or a **person** contracted or authorised by **Council** for the purpose may, without a **permit**, undertake controlled burning off as part of normal scheduled parks maintenance on any **Council Land**.
- (4) This clause 64 does not apply to a fire lit in a **barbecue** or similar appliance provided or installed by **Council** for use by members of the public to prepare food, while the **barbecue** or similar appliance is being used for that purpose.

65. Filming on Council Land

- (1) A **person** must not, without a **permit**, undertake any **filming** on any **road** or **Council Land**.
- (2) In addition to the requirement to obtain a **permit** for **filming** on any **road** or **Council Land**, a **permit-holder** must comply with any policy or protocol adopted by **Council** that is relevant to that activity.
- (3) In addition to the requirements of Part 8 in respect of **permits**, any **permit** issued under this clause 65 must be consistent with the Film Friendly Principles.

66. Parking on Municipal Reserves

- (1) A **person** must not, without a **permit**, park any motor car, motor cycle or other motor **vehicle** on any part of any **municipal reserve** other than in any parking area set aside for that purpose by **Council** or agreed to by **Council** or an **Authorised Officer** or a **Delegated Officer**.
- (2) Sub-clause (1) does not include any employee or contractor of **Council** acting in the course of their duties.

67. Use of Wheeled Non-Motorised Recreational Devices and Wheeled Child's Toys

- (1) **Council** may prescribe areas in which **wheeled non-motorised recreational devices** and/or **wheeled child's toys** must not be used.
- (2) If **Council** prescribes areas in which **wheeled non-motorised recreational devices** and/or **wheeled child's toys** must not be used, it must cause signs to be erected in or on the areas **prescribed** by it, clearly indicating the location and extent of the area in which **wheeled non-motorised recreational devices** or **wheeled child's toys** (as the case may be) must not be used.
- (3) A **person** must not use a **wheeled non-motorised recreational device** and/or **wheeled child's toy** in an area **prescribed** by **Council** as an area in which the use of such is prohibited.
- (4) Where **Council** fails to erect and maintain signs as required under sub-clause (2), no **person** may be prosecuted for an offence against sub-clause (3).

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DIVISION 3 – COUNCIL BUILDINGS

68. Behaviour in a Municipal Building – Prohibitions

A **person** must not, while in a **municipal building**, behave in a manner that endangers others or unreasonably interferes with the quiet enjoyment of the **municipal building** by any other **person**.

69. Availability and Hire

- (1) A **person** must not hold any event in a **municipal building** without the consent of **Council**.
- (2) During any period for which a **municipal building** or any part of it has been hired out, the **Manager** may refuse admission to it to any **person** who is not connected with the hiring purpose.

PART 7 – FEES AND CHARGES

70. Setting Fees and Charges

Council may determine the fees, charges, bank guarantee or bond to apply under this Local Law, which may include an administrative or processing fee or charge.

71. Waiver of Fees and Charges

- (1) **Council**, an **Authorised Officer** or a **Delegated Officer** may waive the whole or part of any fee or charge otherwise payable under this Local Law if it is in the public interest to do so.
- (2) A **service authority** is not liable to pay any fee or charge otherwise payable under this Local Law.

PART 8 – PERMITS

72. Applications and Grant of Permits

- (1) In determining whether to grant a **permit** under this Local Law, **Council**, an **Authorised Officer** or a **Delegated Officer** must have regard to:
 - (a) anything said in support of or opposition to the application for a **permit**;
 - (b) the amenity of the **municipal district**, to the extent to which it is relevant;
 - (c) any policy relevant to the application for a **permit**; and
 - (d) all other relevant considerations.
- (2) An application for a **permit** must be:
 - (a) made in writing and include the following particulars:
 - (i) the name and address of the **applicant**;
 - (ii) the capacity in which the **applicant** makes the application;
 - (iii) a statement of the purpose for which the **permit** is sought;

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- (iv) the location of the proposed activity;
 - (v) the day and the time when the proposed activity is to take place and its expected duration;
 - (vi) the signature of the **applicant** or a **person** authorised to sign for and on behalf of the **applicant**; and
 - (vii) such other particulars as **Council** may require;
- (b) true and correct; and
- (c) forwarded to the **person** or office described on the application form with the fee, if any, payable to **Council** and in the amount as is fixed by **Council** from time to time.
- (3) If required by **Council**, an **Authorised Officer** or a **Delegated Officer**, an **applicant** must provide such additional information as may be specified before the application for a **permit** will be processed and determined.
- (4) If required by **Council**, an **Authorised Officer** or a **Delegated Officer**, an **applicant** for a **permit** must give such notice of that application, or invite any **person** to make a submission, or do both, as may be specified.
- (5) Wherever in this Local Law a **permit** is required, **Council**, an **Authorised Officer** or a **Delegated Officer** may:
- (a) grant the **permit**;
 - (b) refuse to grant the **permit**;
 - (c) grant the **permit** subject to conditions; or
 - (d) determine that no **permit** is required.
- (6) **Council**, an **Authorised Officer** or a **Delegated Officer** may correct a **permit** if the **permit** contains:
- (a) a clerical mistake or an error arising from any accident, slip or omission; or
 - (b) a material miscalculation of figures or a material mistake in the description of any **person**, premises, thing or property referred to in the **permit**.
- (7) **Council**, an **Authorised Officer** or a **Delegated Officer** may cancel, suspend or amend any **permit** at any time if:
- (a) it is requested to do so by the **permit**-holder; or
 - (b) it considers that there has been:
 - (i) a material misrepresentation or concealment of fact in relation to the application for the **permit**;
 - (ii) any material mistake in relation to the grant of the **permit**; or
 - (iii) any material change of circumstances which has occurred since the grant of the **permit**; or

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- (iv) the **permit**-holder or their agent for the **permit** defaults in a payment in respect of the **permit**.
- (8) **Council**, an **Authorised Officer** or a **Delegated Officer** may cancel or suspend a **permit** at any time if **Council**, the **Authorised Officer** or the **Delegated Officer** is satisfied that there has been a substantial failure to comply with a:
 - (a) **permit** condition; or
 - (b) **notice to comply** relating to the premises, item or activity to which the **permit** relates.
- (9) **Council**, an **Authorised Officer** or a **Delegated Officer** may cancel or suspend a **permit** at any time where **Council**, the **Authorised Officer** or the **Delegated Officer** determines that the **permit** may result in a hazard, danger or inconvenience to any other **person**, premises, thing or property.

73. Scope of Permits

- (1) The holding of a **permit** or compliance with a condition included in a **permit** does not of itself relieve the **permit-holder** from:
 - (a) compliance with any other legislation with respect to the subject matter of the **permit**; or
 - (b) liability for any damage sustained by any **person** as a result of an activity undertaken by or on behalf of the **permit-holder** pursuant to the **permit**.
- (2) A **person** applying for a **permit** or amendment of a **permit** must not make or allow to be made any false representation or declaration in or in relation to that application or **permit**.
- (3) A **person** who:
 - (a) makes a false representation or declaration (whether oral or in writing) or allows such a representation or declaration to be made in or in relation to an application under this Local Law;
 - (b) omits or allows to be omitted relevant information from an application for a **permit** or exemption; or
 - (c) falsifies or tampers or allows to be falsified or tampered with any **permit**,is guilty of an offence.

PART 9 – ENFORCEMENT

74. Exemptions

- (1) **Council**, an **Authorised Officer** or a **Delegated Officer** may exempt a **person** or class of **persons** from the operation of any provision of this Local Law if it is in the public interest to do so.
- (2) Any exemption under sub-clause (1):
 - (a) must be in writing; and
 - (b) may be subject to such reasonable conditions that **Council**, an **Authorised Officer** or a **Delegated Officer** sees fit.

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75. Power of Authorised Officers or Delegated Officers to issue a Notice to Comply

- (1) If an **Authorised Officer** or a **Delegated Officer** reasonably suspects that a **person** has contravened this Local Law they may serve a **notice to comply** on that **person**.
- (2) A **notice to comply** must:
 - (a) specify the act, matter or thing that must be done or cease to be done;
 - (b) specify the time within which the **person** on whom the **notice to comply** is served is required to do or cease to do the act, matter or thing;
 - (c) be signed by an **Authorised Officer** or a **Delegated Officer**, and
 - (d) be served on the **person** named therein.
- (3) The time to comply specified in a **notice to comply** must be reasonable in the circumstances.

76. Failure to adhere to a Notice to Comply

Any **person** who fails to remedy a situation or do any act required to be done in accordance with a **notice to comply**:

- (1) is guilty of an offence and is liable to the penalty of 20 **penalty units**; and
- (2) is liable to pay to **Council** all costs incurred by **Council** (including administration costs) in complying with a **notice to comply** in accordance with section 117 of the **Act**.

77. Impounding

- (1) **Council** or an **Authorised Officer** or a **Delegated Officer** may seize and impound any **animal** or thing (including **vehicle**) which is, has been or is being used or possessed in contravention of this Local Law.
- (2) Nothing in sub-clause (1) authorises **Council** or an **Authorised Officer** or **Delegated Officer** to seize or impound any **animal**:
 - (a) in respect of which excrement has been allowed to remain on a **road** or **Council Land** contrary to clause Part 224(1)(a);
 - (b) which has been allowed to dig any part of **Council Land** contrary to clause Part 224(1)(b); or
 - (c) in respect of which a **person** in charge who is on a **road** or **Council Land** is not carrying or has not carried a **litter device** or produce a **litter device** upon request, contrary to clause Part 224(2).
- (3) If an **Authorised Officer** or a **Delegated Officer** impounds any **animal** or thing in accordance with this Local Law, **Council** may refuse to release it until the **appropriate fee** or charge for its release has been paid.
- (4) As soon as possible after impounding, the **Authorised Officer** or **Delegated Officer** must, if practicable, serve a notice in writing on the owner or **person** responsible for the **animal** or thing which has been impounded setting out the fees and charges payable and the time by which the **animal** or thing must be collected.

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- (5) If, after the time required in the notice, an impounded **animal** or thing is not collected, an **Authorised Officer** or a **Delegated Officer** may take action to dispose of or destroy the impounded **animal** or thing.
- (6) When the identity or whereabouts of the owner or **person** responsible for the impounded **animal** or thing is unknown, an **Authorised Officer** or a **Delegated Officer** must take reasonable steps to ascertain the identity or whereabouts of that **person** and contact that **person**, after which the **Authorised Officer** or **Delegated Officer** may proceed to dispose of or destroy the impounded **animal** or thing in accordance with sub-clause (5) if the **Authorised Officer** or **Delegated Officer** is satisfied that all reasonable efforts have been made to contact the owner or **person** responsible for the impounded **animal** or thing.
- (7) Any proceeds from the disposal of any impounded **animal** or thing, except for all reasonable costs, charges and expenses properly incurred by **Council** in and incidental to the sale or any attempted sale or otherwise, may be claimed by the owner within one (1) year of sale.
- (8) An impounded **animal** or thing must be surrendered to its owner, or a **person** acting on behalf of its owner as soon as practicable after receiving:
 - (a) evidence to the satisfaction of the **Authorised Officer** or **Delegated Officer** of the owner's right to the **animal** or thing; and
 - (b) payment of the applicable fee.

78. Recovery of Expenses

Any expense incurred by **Council** in consequence of a breach of this Local Law or in the execution of work directed pursuant to this Local Law to be executed by any **person** and not executed by the **person** must be paid immediately on demand to **Council** by the **person** committing such breach or failing to execute such work.

79. Appeals

An **applicant** who is aggrieved by a decision to refuse to grant a **permit** or to issue a **notice to comply** may apply to **Council** to be heard and may make a written submission for consideration by **Council**. An application for review under this clause 79 will not in any way remove that **person's** obligation to act in accordance with any decision, direction or notice given or made.

80. Urgent Powers

An **Authorised Officer** or a **Delegated Officer** may, in urgent circumstances arising from a failure to comply with this Local Law or a **permit**, take action to remove, remedy or rectify a situation, without the necessity to serve a **notice to comply** provided:

- (1) they consider the circumstances or situation to be sufficiently urgent and that the time involved or difficulties associated with the serving of a **notice to comply**, may place a **person**, **animal**, premises or thing at risk or in danger;
- (2) details of the circumstances and remedying action are, as soon as possible, forwarded to the **person** on whose behalf the action was taken; and
- (3) the action taken does not extend beyond what is necessary to cause the immediate abatement of or to minimise the risk or danger involved.

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81. Power to Issue a Direction

- (1) **Council** or an **Authorised Officer** or a **Delegated Officer** may, by serving a direction, request any owner or occupier of property or other **person** to remedy any situation that constitutes a breach of this Local Law.
- (2) A direction may be verbal or written.
- (3) An owner or occupier of property or other **person** to whom a direction is issued must comply with that direction.

PART 10 – OFFENCES, PENALTIES, INFRINGEMENT NOTICES AND OFFICIAL WARNINGS

82. Offences and Penalties

- (1) A **person** is guilty of an offence if the **person**:
 - (a) does something which a provision of this Local Law prohibits to be done or makes an offence;
 - (b) fails to do something which a provision of this Local Law requires to be done;
 - (c) engages in an activity without a **permit** where a provision of this Local Law requires that **person** to obtain a **permit** before engaging in that activity;
 - (d) breaches or fails to comply with a condition of a **permit** issued or an exemption given under this Local Law; or
 - (e) fails to comply with a **notice to comply** or a direction of **Council** under this Local Law, and is liable to a penalty not exceeding 20 **penalty units**.
- (2) The **penalty units** indicated in this Local Law are maximum penalties which may apply if the offence is found proven by a Court.

83. Infringement Notices

- (1) As an alternative to prosecution, an **Authorised Officer** or a **Delegated Officer** may serve an **infringement notice** on a **person** who has contravened this Local Law.
- (2) **Infringement notices** are administered in accordance with the *Infringements Act 2006*, including warnings, issuing **infringement notices** and appeals.
- (3) The penalties fixed for **infringement notices** served under this Local Law are set out in Schedule 1.

If no penalty is set out in Schedule 1 in respect of an offence the penalty fixed for an **infringement notice** served under this Local Law in respect of that offence is 5 **penalty units**.

Neighbourhood Amenity Local Law 2022

Schedule 1 Infringement Penalties

Clause	Abbreviated Description of Offence	Infringement Notice Penalty Units
11(2)	Failure to provide a suitable property number	2
12(1)	Permitting a property to be dangerous or unsightly	5
12(2)	Allowing any building or other structure to become dilapidated	5
12(3)	Failing to take reasonable steps to prevent the movement of soil, sediment and other substances from private property to an adjoining road	2
14(1)	Removing or interfering with waste	2
15(1)	Burning of materials	4
15(2)	Lighting a fire, or allowing a fire to remain alight, in the open air without a permit	5
15(3)	Using, or allowing to be use, an incinerator on property private	5
15(4)	Failing to take all necessary steps to extinguish a fire which has been lit in breach of this Local Law	5
16	Allowing trees or plants to obstruct or obscure	2
17	Failure to keep land free from fire hazards	5
18(1)	Camping on private property without a permit	2
19	Keeping a shipping container on road, Council Land or private property without a permit	5
20(1)	Allowing trees or plants to cause damage	5
22(1)	Keeping animals contrary to Local Law	2
23	Failure to provide adequate animal shelter	2
24(1)	Allowing animal excrement to remain on, or allowing an animal to dig or otherwise disturb, any Council Land	2
24(2)	Failure to carry a suitable animal litter device	2
25	Failure to remove wasp nest within 7 days	2
26	Feeding of birds on private land contrary to Local Law	2
27	Bulk rubbish containers on a road without a permit	5
28(1)	Ride or use motor bike or other motorised recreational vehicle on Council Land	2
28(2)	Ride or use motor bike or other motorised recreational vehicle on Council Land prescribed for that purpose on any day of Fire Ban or Code Red (Catastrophic) Fire Danger Rating Day	2
28(3)	Ride or use of motor bike or other motorised recreational vehicle on private property in an urban area	2
29	Repair of vehicles on roads	2
30	Leave a derelict, abandoned or unregistered vehicle on Council Land	5
31	Parking a heavy vehicle on a road or private property	2

Neighbourhood Amenity Local Law 2022

Clause	Abbreviated Description of Offence	Infringement Notice Penalty Units
32	Storing vehicle on a road	2
33(1)	Holding a street party , street festival or procession	5
34(1)	Erecting a structure for the purpose of roadside trading without a permit	5
34(2)	Roadside performance (busking) without a permit	2
35(1)	Roadside trading on another's pre-allocated site	5
36	Displaying goods for sale on a road or Council Land without a permit	5
37(1)	Using a road or Council Land for an outdoor eating facility without a permit	5
37(2)	Using a road or Council Land for an outdoor eating facility where liquor will be consumed without the necessary licences	5
38	Failing to remove the outdoor eating facility	5
39(1)	Advertising sign on Council Land without a permit	5
39(3)	Displaying for sale any vehicle , trailer, boat or other equipment on a road or Council Land without a permit	2
40	Allowing a shopping trolley to be left on any road or Council Land	2
41(1)	Collecting money or subscriptions without a permit	2
42(1)	Collection/placement of trade waste bins contrary to Local Law	2
42(2)and 42(3)	Placing of trade waste contrary to requirements	2
42(4)	Failure to store waste container on property as required	2
43	Tap into or interfere with a drain under the control of Council or discharge groundwater into a drain under the control of Council or onto any road or Council Land	5
44(1)	Failure to provide a properly constructed vehicle crossing	5
44(4)	Failure to maintain a vehicle crossing	5
45(1)	Construct, install, remove or alter a vehicle crossing without first obtaining a permit to do so	5
45(2)	Removing, pruning or damaging street tree from works on vehicle crossing	5
46	Failing to comply with a direction to remove any redundant vehicle crossing	5
47(1)	Failure to ensure access to a building site is by way of a vehicle crossing, or to provide a temporary vehicle crossing where there is none	5

Neighbourhood Amenity Local Law 2022

Clause	Abbreviated Description of Offence	Infringement Notice Penalty Units
47(2)	Failure to obtain a permit to construct a temporary vehicle crossing and to do the things required by clause 47(2) in connection with that temporary vehicle crossing	5
47(3)	Failure to repair any damage caused to Council assets by conduct of building works	5
48(1)	Failure to obtain an Asset Protection Permit	5
49(1)	Failure to manage building site to minimise the risks of stormwater pollution	5
49(2), 49(3) and 49(4)	Failure to deal with refuse as required by clause 49(2), 49(3) or 49(4)	5
49(5)	Causing damage when delivering materials to, or removing materials from, a building site	5
49(7)	Failure to repair any damage caused to Council assets by conduct of building works	5
50(1)	Occupying a road without a permit	5
51	Consumption and possession of liquor on roads	2
52(1)	Consumption and possession of liquor on municipal reserves	2
52(3)	Consumption and possession of liquor in prescribed area	5
54(3)	Smoking in municipal places contrary to signs	2
55	Behaving in a prohibited manner in a municipal place	2
56	Damaging/defacing a municipal place	5
57	Interference with watercourse	5
58	Obstructions on road or Council Land	5
59(2)	Operation of Model Aircraft on Council Land without a permit	2
60	Behaving in a prohibited manner in a municipal reserve	2
61	Engaging in restricted activity without a permit in a municipal reserve	5
62(4)	Unauthorised access of municipal reserve	2
63(1)	Camping on Council Land that is not a licensed caravan park or an area determined to be available for camping purposes by Council	2
63(2)	Camping on Council Land that is a licensed caravan park or an area determined to be available for camping purposes by Council for longer than 5 days, or 28 days in total in a calendar year	2
64(1)	Lighting a fire in a municipal place or municipal reserve	5
64(2)	Allowing a fire to remain alight in a municipal place or municipal reserve	5
65	Filming on road or Council Land without a permit or contrary to relevant Council policies and protocols or the Film Friendly Principles	5

Neighbourhood Amenity Local Law 2022

Clause	Abbreviated Description of Offence	Infringement Notice Penalty Units
66(1)	Parking on municipal reserve	2
67(3)	Using a wheeled non-motorised recreational device or wheeled child's toy in a prescribed area	2
68	Behaving in a prohibited manner in a municipal building	2
69(1)	Holding an event in a municipal building without consent of Council	2
73(2)	Make a false representations or declarations in or in relation to an application for a permit	5
73(3)(b)	Omit relevant information from application for a permit	5
73(3)(c)	Falsify, tamper with, or allow to be falsified or tampered with, a permit	5
76	Failure to act in accordance with a notice to comply	5
81(3)	Failing to comply with direction	5

SECTION 4 – INFORMATION REPORTS

4.1 BUILDING APPROVALS

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

OFFICER DIRECT OR INDIRECT CONFLICT OF INTEREST:

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

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

DISCUSSION

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

Approvals by Ararat Rural City Municipal Building Surveyor February 2022

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

TOTAL VALUE \$ Nil

Approvals by private surveyors – February 2022

Permit No.	Date Approved	Notification Received by Council	Building Address	Description of Building Works or Use of Building	Surveyor
5728629693172	08/02/2022	03/02/2022	497 Tunnel Road, Pomonal	Construction of shed	PROVIC Building Approvals
9520013271316	02/02/2022	25/11/2021	CA7D, Sec19 Queen Street S Ararat	Shed	Coast to Country Building Approvals
4612658682118	07/02/2022	09/11/2021	405 Spittle Road, Willaura	Yard cover	Coast to Country Building Approvals
3196876575330	10/02/2022	10/01/2022	15 Best Street, Ararat	Garage	Coast to Country Building Approvals
1873952714949	11/02/2022	10/01/2022	20 Albert Street, Ararat	Storage shed	Coast to Country Building Approvals
7009237285925	11/02/2022	10/01/2022	248 Western Highway Ararat	Carport	Coast to Country Building Approvals
1793923279849	12/02/2022	09/02/2022	Lot 82, Warranooke Street Willaura	Shade Sail Structures x 2	Southern Building Approvals
3918545379433	11/02/2022	10/01/2022	65 Queen Street, Ararat	Storage shed	Coast to Country Building Approvals
4318394641828	14/02/2022	25/10/2021	142 Lennox Springs Road, Moyston	Construction of a detached dwelling	C&M Building Surveyors
7382286725609	14/02/2022	12/02/2022	3377 Ararat-Halls Gap Road Pomonal	Shade sail structure	Southern Building Approvals
597862798086	15/02/2022	22/11/2021	5558 Pyrenees Highway, Ararat	Farm shed	Coast to Country Building Approvals
4277506358285	15/02/2022	08/12/2021	945 Moyston-Willaura Road, Willaura North	Proposed Swimming Pool, Safety Barrier and Deck	VIC Central Building Surveying
9179448700315	18/02/2022	24/01/2022	6 Caledonian Court, Ararat	Construction of a workshop (Class 8) (SHED 2)	PROVIC Building Approvals
4441009378575	23/02/2022	24/02/2022	77-89 Barkly Street, Ararat	Construction of alterations	RBS Building Surveyors

TOTAL VALUE \$1,216,659

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.

MOVED CR SANDERS SECONDED CR ALLGOOD

That the Building Approvals Report be received.

CARRIED 4587/22

ATTACHMENTS

There are no attachments relating to this item.

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

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

OFFICER DIRECT OR INDIRECT CONFLICT OF INTEREST:

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

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

DISCUSSION

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

Planning permit approvals under delegated authority – February 2022

Application No.	Date Lodged	Date of Delegated Approval / Refusal	Applicant	Location	Proposed Use of Development
2661	08/02/2022	15/02/2022	Designplus Consulting Group	22 Banfield Street, Ararat	Extension of Time granted to Construct 2 additional dwellings and 3 lot subdivision
2704	21/02/2022	24/02/2022	Gloria Saunders	15a Barkly Street West, Ararat	Extension of Time for a 2 Lot Subdivision
2819	14/02/2022	15/02/2022	Ryan Adamson for Gibson	1939 Astons Road, Narrapumelap South	Secondary Consent issued on plans for Use and Development: Construction of a Dwelling
3042	02/08/2022	11/02/2022	Inception Planning	137-139 Grano Street, Ararat	Construction of 46 dwellings on a lot, staged multi lot subdivision and an associated reduction in car parking requirements
3066	08/10/2022	03/03/2022	Danny Drake	63 Banfield Street, Ararat	Construction of 2 single storey dwellings and subdivision into 3 parcels of land
3070	11/10/2021	03/02/2022	Sudhanshu Goel, e2eGrowth Consultants P/L	65 Banfield Street, Ararat	Use and Development for 5 Units and 5 Lot Subdivision
3085	02/12/2022	17/02/2022	Sudhanshu Goel, e2eGrowth Consultants P/L	1 Blackie Avenue, Ararat	Notice of Decision Issued to grant a permit for 5 Lot Subdivision
3089	23/12/2021	23/02/2022	Lisa Brockley	53 Lambert Street, Ararat	New access from Lambert Street being Transport 2 Zone

Application No.	Date Lodged	Date of Delegated Approval / Refusal	Applicant	Location	Proposed Use of Development
3095	30/12/2021	04/02/2022	Hotondo for Woods	9 Rhymney Road, Cathcart	The use and development for a second dwelling, outbuilding, driveway and associated services
3096	22/12/2021	04/02/2022	Inception Planning for Spalding	17 Picnic Road, Ararat	Development of a dwelling and associated outbuilding in the Bushfire Management Overlay and outside the designated area specified in the Section 173 agreement
3107	14/02/2022	25/02/2022	Leanne Stewart	653 Back Bushy Creek Road, Narrapumelap South	2 Lot Subdivision
VS2022028	08/02/2022	24/05/2022	Wolf Sebastian	111 Barkly Street, Ararat	Building and Works, display two signs and externally paint the building

VCAT				
Application No.	Applicant	Location	Proposed Use or Development	Status
3048	A Lacey for Peatt	Government Road, Warrak	Use and development of a dwelling	Hearing 30/08/2022

Certification of subdivision plans under delegated authority – February 2022

Application No.	Date Lodged	Date of Decision	Applicant	Location	Procedure
S1225	18/11/2021	11/02/2022	Ararat Survey Pty Ltd for Hinchliffe	368 Tatyoon Road, Ararat	Certification & Statement of Compliance Issued in relation to Plan of Consolidation PC379320E

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.

**MOVED CR ALLGOOD
SECONDED CR SANDERS**

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

CARRIED 4588/22

ATTACHMENTS

There are no attachments in relation to this item.

4.3 COUNCIL PLAN 2021-2025 YEAR 1 ACTION PLAN UPDATE

RESPONSIBLE OFFICER: CHIEF EXECUTIVE OFFICER
DEPARTMENT: CEO'S OFFICE
REFERENCE: 5008

OFFICER DIRECT OR INDIRECT CONFLICT OF INTEREST:

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

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

EXECUTIVE SUMMARY

The Council Plan Action report is presented to Council updating the progress of actions identified against the strategic objectives in the Council Plan 2021-2025 for Year 1.

The Council Plan 2021-2025 contains actions to be undertaken during the 2021-2022 financial year under the pillars and foundation of Growing Out Place, Building Robust Local Economies, Preserving our Environment, Developing and maintaining key enabling infrastructure, Enhancing our Community and Strong and Effective Governance.

DISCUSSION

This report outlines the progress of the actions listed in the Council Plan for Year 1 (2021/2022) as at 24 March 2022.

The Council Plan for 2021/2022 contain 55 actions, which the following table outlines the results in relation to these actions:

Progress	Number
Ongoing	7
0-50% completed	19
51%-99 completed	14
Completed	12
Not started	3
TOTAL	55

The following tables details the Council Plan Actions for 2021/2022 in full.

Council Plan Objective	Action	Progress	Officers Update
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	Commence consultation and implementation of new Planning Scheme	In progress 0-50%	Review of current scheme is complete to be received at the April 2022 Council meeting. Work on environmental review due to commence in early April 2022. The fire study will go to tender in early April and consultant appointed by late April.

Council Plan Objective	Action	Progress	Officers Update
1.2 Support innovative housing models that work to overcome market failure and create the capacity to increase the population of Ararat Rural City.	Development of a Transitional Worker Housing project	In progress 0-50%	Project partners identified and Heads of Agreement for a rental guarantee has been negotiated. Another funding option from the State Government is currently being explored.
	Develop a potential Public Private Partnership (PPP) model for development of affordable housing	In progress 51-99%	A Heads of Agreement has been negotiated with a private investor. More detailed financial modelling is being undertaken and business structures are being explored.
	Explore feasibility of development of state-owned land with Development Victoria	In progress 51-99%	Discussions and planning well advanced. The project has stalled over complexities associated with transfer of state-owned land.
	Develop an alternate access to the Ararat East Development Zone based on successful State Government funding	In progress 51-99%	State funding secured through the Workforce Pilot Program. Design and other preliminaries complete. Contract documents are being finalised for project tender process.
	Seek funding support from Victorian State Government for key trunk infrastructure to assist in de-risking private sector housing development	Complete	Trunk road and drainage infrastructure gained through the State Government Workforce Pilot Program (\$950,000). An additional fund was provided to support Transitional Worker Housing projects (\$300,000).
1.3 Work with other levels of government, business, and not-for-for profits to develop programs to increase in-migration to Ararat Rural City to grow our population.	Seek funding from the Victorian State Government to support a significant in-migration project to support population growth.	Complete	Funding was received under the Workforce Pilot project to support a project with the Wyndham Community Education Centre to support in-migration to support population growth (\$650,000).
	Seek funding for a workforce pilot program to support employment attraction initiatives	Complete	Funding received under the Workforce Pilot project to support employment attraction (\$281,000). Carmel Goulding appointed as Workforce Pilot Lead.
2.1 Partner with Federation University Australia to deliver the Ararat Jobs and Technology Precinct.	Ararat Jobs and Technology Precinct established with 4 PhD scholars appointed in 2021/2022	In progress 51-99%	Ararat Jobs and Technology Precinct established. 3 PhD and 2 Masters by research Scholarships have been funded through the Destination Australia Scheme. An additional scholarship will be funded by Council to support the Municipal Public Health and Wellbeing Plan. A scholarship has been negotiated to support the development of Council's new

Council Plan Objective	Action	Progress	Officers Update
			planning scheme. Scholarships have been advertised and roles will be filled by the end of April 2022. Refurbishment of the Laby St site will commence in May 2022.
	Develop a community digital hub and co-working space	Complete	Project complete. Digital Hub and Coworking space opened by 30/11/2021.
2.2 Work with other levels of government, local business, and private investors to develop a business park within Ararat Rural City, focused on agricultural value adding and advanced manufacturing, potentially leveraging “behind the meter” power.	Commence consultation with stakeholders to the develop the concept of a Business Park in the municipality.	In progress 0-50%	Business Park identified as a key advocacy project by Council for the 2022 Federal and State Elections. Collateral being developed. Discussions have been held with potential investors and tenants.
	Continue to support the development of biomass power facility	Ongoing	The biomass power facility is progressing well. It has successfully completed FEL1 design and is progressing to FEL2. Over 140,000 tonnes of straw have been committed to provide feedstock.
2.3 Engage with Grampians Tourism and local businesses to drive growth in high yield tourist outcomes.	Implement new funding model Grampians Tourism	Complete	A new MOU has been developed, including new funding model, and adopted by Council.
	Continuation of business facade program	Complete	2021/2022 Façade Grant program rolled out.
3.1 Position Ararat Rural City Council as a prime mover in driving circular economy policy in waste management, including local processing and management of recyclables, and in use of renewable energy for Council purposes.	Fully implemented new Waste Management Plan, aligned with circular economy outcomes by 30 June 2022.	In progress 0-50%	Council has agreed to Waste Management Plan. Implementation is progressing well.
	Council adopts Waste Management Pathway Plan at the October 2021 Council Meeting	Complete	Plan adopted by Council at the October 2021 Council meeting.
3.2 Develop innovative energy solutions utilising locally produced waste.	Continue to support the development of biomass power facility	Ongoing	The biomass power facility is progressing well. It has successfully completed FEL1 design and is progressing to FEL2. over 140,000 tonnes of straw have been committed to provide feedstock.
	Work with Pomonal Power and BREAZE to undertake a feasibility study for an innovative local power solution	Ongoing	Working to assist Pomonal power and Breaze to conduct the feasibility study.
3.3 Partner with local organisations and scientific experts to	Establish Environment Working Group comprising scientific/technical and community membership	In progress 51-99%	Second EoI has gone out for community representatives. A number were received and a

Council Plan Objective	Action	Progress	Officers Update
develop an appropriate and pragmatic local government Environment Strategy, focussed on the circular economy, emission reduction through renewable energy and management of Council assets.			process of selecting community representatives is underway.
	Environment Working Group, working with consultants, develops Environment Strategy 2021-2031.	Not started	This project will commence once the Environment Working Group forms and commences work.
	Implementation of Environment Strategy	Not started	Implementation of the ARCC Environment Strategy will commence once it is developed by the Environment Working Group.
4.1 Ensure that asset development and renewal during the planning period matches that identified in Council's Asset Plan 2021-2031	Undertake complete review of assets management, including systems, physical asset management, valuation and financial models.	In progress 51-99%	Asset Project team established, comprising membership from engineering, operations, finance and executive to undertake full asset review in line with the Asset Management Schema adopted by Council at the November 2021 Council Meeting. Complete review of road and bridge assets progressing very well.
	Commence planning and negotiation with Regional Roads Victoria to develop a north– south heavy vehicle route for the Pyrenees Hwy	In progress 0-50%	Initial discussions and route planning have commenced with Regional Roads Victoria. This project is a key element of Council's election advocacy strategy for 2022.
	Complete 2020-2022 Roads Capital Works Plan	In progress 51-99%	The Capital works program is progressing well with most rural roads finished. Works on Dean St and Baird St have also been completed.
	Implement sealed road shoulder maintenance program	In progress 0-50%	Works have commenced and will be completed by 30 June 2022. 50 kms of shoulders will be graded by the end of 2021/2022.
	Undertake the 2021/2022 footpath and cycleway maintenance program	In progress 0-50%	Planning has commenced and the program will be completed by 30 June 2022. Condition assessment will be completed as an element of the asset review.
	Plan and undertake the drainage renewal program	In progress 0-50%	Planning has commenced and the program will be completed by 30 June 2022. Learning for the extreme weather events on the 6 & 7 January 2022 will form part of the planning piece.

Council Plan Objective	Action	Progress	Officers Update
4.2 Work directly with asset users to manage and develop new and existing assets.	Planning and funding models for rural roads "spine" developed and endorsed by Rural Roads Group	In progress 0-50%	Planning underway and funding models being explored and negotiated with government. Reconstruction of a significant length of Mt William Road near Lakaput Bulk Storage Facility is a key element of this work. A meeting of the Rural Roads Group will occur in early April to progress this work further. DoT and Central Highlands Regional Partnership have funded a grains transport logistics study which will provide valuable input into makeup of the road's spine.
	Policy and framework developed for sealing urban gravel roads and significant urban laneways	In progress 51-99%	Policy development is well underway. A draft policy for consideration will be presented to the April 2022 Council Meeting.
	Undertake a feasibility study for redevelopment of McDonald Centre (jointly with Grampians Community Health)	In progress 0-50%	Discussions have commenced with Grampians Community Health. This project is a key element of Council's advocacy plan in the lead up to the 2022 State and Federal elections.
	Work with the Lake Bolac Hall Committee to complete preliminary design for Lake Bolac Hall refurbishment	Not started	Discussion with the Lake Bolac Hall Committee to commence in first half of 2022.
	Undertake the Ararat Fitness Centre Feasibility Study Implementation of key infrastructure projects from the Asset Plan 2021-2031 during the planning period.	In progress 51-99%	Work is nearly completed on the study. Community consultation is complete, concept designs are being costed and it will be presented to the May 2022 Council meeting
4.3 Deliver infrastructure outcomes that support economic growth, promote community wellbeing and safety, and align with Council's financial sustainability.	Implementation of key infrastructure projects from the Asset Plan 2021-2031 during the planning period.	Complete	Key infrastructure projects have been identified for the Asset Strategy. The majority of work in 2021/2022 will be in the planning and funding space.
	Provide free public WiFi services Ararat	In progress 51-99%	This project has commenced and due for completion in 2022.
	Implement Pomonal Tunnel Track Linkage Plan	In progress 0-50%	Work has commenced on planning of the site requirements.
	Implement Gordon Street Recreation Reserve Redevelopment	In progress 0-50%	Work has commenced on site, milestone tender requirements have now been extended out to 31.03.2022 to obtain costings that adhere to the budget.

Council Plan Objective	Action	Progress	Officers Update
	Undertake renovation and extension of the Buangor Recreation Reserve kitchen	In progress 0-50%	Three design proposals have been developed for community consideration.
	Undertake renovation of the Lake Bolac Complex kitchen	In progress 0-50%	The "complex" kitchen is now managed by the Lake Bolac Golf Club under a lease agreement with Council. Discussions have commenced around kitchen design to meet the Golf Club's needs.
5.1 Open up Council's arts and culture assets to greater community participation, ownership and engagement in decision-making.	Work with the Friends of Gum San to explore a model for improving the viability of Gum San.	Complete	An MoU has been negotiated with Friends of Gum San for management of the site. Final handover will occur in late January 2022.
	Develop the Ararat Regional Library Strategy	Complete	5-year Strategy complete and action plan currently being formed for implementation.
	Establish a Town Hall Users Group to provide advice on issues relating to the operations of the Town Hall	In progress 0-50%	Town Hall user group established, will hold first meeting in early 2022.
	Establish a TAMA Gallery Reference Group to provide advice on the operations of TAMA	In progress 0-50%	Work on establishing the TAMA Gallery reference group will commenced in late January 2022.
5.2 Develop models of volunteering that recognise, support and properly utilise the skills that community volunteers bring to community life.	Promote the benefits and achievements of volunteers to encourage participation.	Ongoing	This project will be implemented in the first half of 2022. Council has supported volunteers to promote the work of Langi Morgala and Gum San.
	Facilitate networks/partnerships with community groups	Ongoing	Council will continue to increase its level of involvement with and support for community groups across the municipality. Council's Community grants need to be better publicised across ARCC.
5.3 Partner with community groups, not-for-profits, and traditional owner organisations to develop Ararat Rural City as a more inclusive and diverse community.	Review the Access and Inclusion Policy	In progress 0-50%	This policy is being reviewed during the first half of 2022.
	Develop a Gender Equality Policy	In progress 51-99%	Extensive work has been done to develop Council's Gender Equity Plan. This has been supported by Women's Health Grampians.
	Commence a process of establishing respectful and productive relationships with traditional owner organisations	In progress 0-50%	Council will develop an engagement model in consultation with external experts and traditional owner groups in the first half of 2022.

Council Plan Objective	Action	Progress	Officers Update
6.1 Deliver responsible budget outcomes, linked to strategy, that deliver value, innovation and rating fairness.	Council budgets continue to deliver public value and return dividends where appropriate	Ongoing	Council budgets will continue to be framed to deliver public value across all services. Focus of core business and financial sustainability will underpin financial decision making. The 2022/2023 Budget will be framed to ensure that Council has the option to deliver a zero percent rate rise.
	Council develop and implement a performance dashboard providing reporting to the CEO, Council and Community	In progress 51-99%	Performance dashboard in place and currently being used for Budget management and monitoring. KPIs developed across services and being refined through sense checking activity and regular meetings with service leaders.
	Undertake key data quality improvement projects during 2021/2022	In progress 51-99%	Key data projects are being developed and delivered around KPI, financial and asset data.
6.2 Ensure appropriate risk management is applied to Council and organisational decisions. Council's internal function is applied to areas of perceived risk.	Council Review the Business Continuity Plan and Disaster Recovery Plan	In progress 51-99%	Emergency Management and Risk Management staff have commenced a review of BCP and DRP. This has been assisted through work with Council's Internal Auditors.
	Review Council's Risk Management Policy and Framework	Complete	Risk Management Policy and Risk Management Framework reviewed. Presented to Audit and Risk Committee on 7 September 2021, and adopted by Council at the Council meeting held on 21 September 2021
	Develop a Risk Management training program	In progress 0-50%	Basic Risk Training Session to be conducted by Council's Risk Service Provider on 2 March 2022 for all Managers, Coordinators, Supervisors and Team Leaders.
	Implement a Risk Assessment Process and Building Inspection Program for all Council assets	Complete	Building Inspection Checklist developed and utilised by Depot and Asset staff.
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.	Implement the Community Engagement Policy to support and development Council's strategies and projects.	Ongoing	Council's Community Engagement Policy will be rolled out further during the first half of 2022. This will include utilising the Policy in development of Council's 2022/2023 Budget and Annual Plan.

KEY CONSIDERATIONS

Alignment to Council Plan Strategic Objectives

The actions support all the strategic objectives of the Council Plan 2021-2025 including:

1. Growing our Place
2. Building Robust Local Economies
3. Preserving our Environment
4. Developing and Maintaining Key Enabling Infrastructure
5. Enhancing Community Life
6. Strong and Effective Governance

Budget Implications

Initiatives and projects listed in the Council Plan Action Plan have an allocation in the 2021/2022 Budget.

Policy/Relevant Law

The Local Government Performance Reporting Framework – Governance and Management Checklist No 17 – Council Plan Reporting - Report reviewing the performance of the Council against the Council Plan including the results in relation to the strategic indicators for the first six months of the financial year.

Where Council has a report, it must also provide details of the report, where Council has no report, it must provide a reason.

In relation to funding projects, all State Government funding milestone requirements have been met.

Sustainability Implications

None identified for this report.

Risk Assessment

Not meeting the requirements of the Local Government Performance Reporting Framework will result in negative feedback on the Know Your Council website.

Innovation and Continuous Improvement

The list presented to Council shows the innovation and continuous improvement that Council is providing both the organisation and the community.

Stakeholder Collaboration and Community Engagement

The Chief Executive Officer along with relevant officers have worked to ensure that Council Plan actions have met expected milestones and timeframes where possible.

RECOMMENDATION

That the Council Plan 2021-2025 Year 1 Update Report be received.

MOVED CR SANDERS SECONDED CR ALLGOOD

That the Council Plan 2021-2025 Year 1 Update Report be received.

CARRIED 4589/22

ATTACHMENTS

There are no attachments relating to this item.

4.4 MAYORS, DEPUTY MAYORS AND COUNCILLORS ALLOWANCES

RESPONSIBLE OFFICER: CHIEF EXECUTIVE OFFICER
DEPARTMENT: CEO'S OFFICE
REFERENCE: 5005

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 change to Councillor Allowances under the Local Government Act 2020 is the transfer of responsibilities in determining Mayoral, Deputy Mayor and Councillor allowances to the Victorian Independent Remunerations Tribunal (VIRT).

On 7 March 2022 the VIRT made the Allowances payable to Mayors, Deputy Mayors and Councillors (Victoria) Determination No 01/2022. The determination takes effect from 18 December 2021.

The purpose of this report is to provide a summary of the Mayor's, Deputy Mayor's and Councillors Allowance as determined by the VIRT.

DISCUSSION

The VIRT Determination sets a base allowance for each Council member, which is based the role and the Council allowance category. Ararat Rural City Council falls under Category 1.

The VIRT decided to phase-in the increases over five years for Mayors. An 8% increase applies from 18 December 2021, with a 12% increased applying in four equal portions on 18 December 2022, 2023, 2024, 2025. The Deputy Mayors base allowance are set to be equal to half of the Mayors base allowance, and also phased-in over five years.

The Councillors allowances will be phased in over 3 years, with a 4% increase applying from 18 December 2021 and a 6% increase to apply in two equal portions on 18 December 2022 and 2023.

In the VIRT determination the annual allowance and payment in lieu of superannuation are combined into a base rate. Below are the amounts as determined:

Council Allowance Category	Value of Mayor base allowance (\$ per annum) from 18 December 2021					
	Current	2021	2022	2023	2024	2025
Category 1	69,172	74,706	74,781	78,857	80,932	83,007

Council Allowance Category	Value of Deputy Mayor base allowance (\$ per annum) from 18 December 2021					
	Current	2021	2022	2023	2024	2025
Category 1	23,154	37,353	38,391	39,428	40,466	41,503

Council Allowance Category	Value of Councillor base allowance (\$ per annum) from 18 December 2021			
	Current	2021	2022	2023
Category 1	23,154	24,080	24,775	25,469

A Mayor, Deputy Mayor or Councillor may elect to —

- (a) to receive the entire allowance to which they are entitled; or
- (b) to receive a specified part of the allowance to which they are entitled; or
- (c) to receive no allowance.

Previous Allowances

The previous Mayor and Councillors Allowances were Mayors - \$62,884 and Councillors - \$21,049. In addition to the allowance Mayors and Councillors were entitled to an additional payment of 10% which was equivalent to the superannuation guarantee contribution. There was no separate allowance for Deputy Mayor prior to the VIRT Determination.

Remove Area Travel Allowance

The VIRT determined to set a remote area travel allowance for a Councillors who normally resides more than 50km by the shortest practicable road distance from the location or locations specified for the conduct of ordinary, unscheduled or committee meetings of the Council, or any municipal or community functions which have been authorised by Council resolution for the Council member to attend.

The remote area travel allowance has been set at \$44 per day up to a maximum of \$5,500. The previous remote area travel allowance was \$40.

A full copy of the Victorian Independent Remuneration Tribunal report can be downloaded from <https://www.vic.gov.au/allowances-mayors-deputy-mayors-and-councillors>.

KEY CONSIDERATIONS

Alignment to Council Plan Strategic Objectives

6 Strong and Effective Governance

Budget Implications

Mayor's, Deputy Mayor's and Councillors Allowances are allocated in the 2021/2022 budget.

Policy/Relevant Law

The Local Government Act 2020:

Section 39(1) states that a Mayor or a Deputy Mayor is entitled to receive from the Council an allowance as a Mayor or a Deputy Mayor in accordance with a Determination of the Victorian Independent Remuneration Tribunal under the Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019; and

Section 39(2) states a Councillor is entitled to receive from the Council an allowance as a Councillor in accordance with a Determination of the Victorian Independent Remuneration Tribunal under the Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019; and

Section 39(5) states that a Mayor, Deputy Mayor or Councillor may elect —

- (a) to receive the entire allowance to which they are entitled; or
- (b) to receive a specified part of the allowance to which they are entitled; or
- (c) to receive no allowance.

Sustainability Implications

There are no economic, social or environmental implications in relation to Mayors, Deputy Mayors and Councillors Allowances.

Risk Assessment

Council is obliged to comply with this process under the various provisions of the Local Government Act 2020.

Stakeholder Collaboration and Community Engagement

The Chief Executive Officer briefed Councillors on the VIRT's Allowance payable to Mayors, Deputy Mayors and Councillors (Victoria) Determination No 01/2022 at the Councillor briefing held on Tuesday 15 March 2022

RECOMMENDATION

That the Mayors, Deputy Mayors and Councillor Allowance Report be received.

**MOVED CR BURRIDGE
SECONDED CR BEALES**

That the Mayors, Deputy Mayors and Councillor Allowance Report be received.

CARRIED 4590/22

ATTACHMENTS

There are no attachments in relation to this item.

SECTION 5- COMMITTEE MINUTES/REPORTS

5.1 AUDIT AND RISK COMMITTEE MEETING

AUTHOR'S TITLE: CHIEF EXECUTIVE OFFICER
DEPARTMENT: CEO'S OFFICE
REFERENCE: 5009

OFFICER DIRECT OR INDIRECT CONFLICT OF INTEREST:

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

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

EXECUTIVE SUMMARY

This report contains the minutes of the Audit and Risk Committee meeting held on 01 March 2022.

DISCUSSION

Minutes of Audit and Risk Committee meetings are provided to Council at the first available opportunity after clearance by the Audit and Risk Committee Chairperson. The report contains the Audit and Risk Committee Meeting held on 01 March 2022.

Council Committees	Councillor representative	Current meeting (as presented)	Next scheduled meeting/s
Audit and Risk Committee	Cr Jo Armstrong & Cr Burrige	01 March 2022	07 June 2022

KEY CONSIDERATIONS

Alignment to Council Plan Strategic Objectives

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

6 Strong and Effective Governance

Budget Implications

No budget impact for the receiving of minutes.

Policy/Legal/Statutory

Section 53 of the *Local Government Act 2020* states that Council must establish an Audit and Risk Committee.

Section 6.1 of the *Audit and Risk Committee Charter* states that minutes of Committee meetings will be provided to Council at the first available opportunity after clearance by the Committee Chairperson following each Committee meeting.

Risk Assessment

Council needs to be aware of issues raised in the minutes.

Stakeholder Consultation and Communication

Audit and Risk Committee members.

Councillor representation on Council Committees.

Chief Executive Officer and relevant Council officers.

RECOMMENDATION

That the Audit and Risk Committee Meetings minutes of 01 March 2022 be received.

**MOVED CR BEALES
SECONDED CR BURRIDGE**

That the Audit and Risk Committee Meetings minutes of 01 March 2022 be received.

CARRIED 4591/22

ATTACHMENTS

The Audit and Risk Committee minutes as listed above are provided as Attachment 5.1.



MINUTES

Audit and Risk Committee

Tuesday 1 March 2022

Held in the Green Room, Town Hall, Ararat

Commenced at 1:01 pm

Audit and Risk Committee:

Cr Jo Armstrong (Mayor)
Cr Henry Burridge
Ms Jessica Adler
Mr Robert Tommasini
Mr Brian Keane

In attendance:

Dr Tim Harrison
Mr Brad Ead
Ms Cassandra Gravenall
Ms Karissa Hogan
Mrs Jenny Woolcock
Ms Josie Frawley

01 MARCH 2022
AUDIT AND RISK COMMITTEE MINUTES
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AUDIT AND RISK COMMITTEE
MINUTES

PRESENT:

Chair Brian Keane, Cr Jo Armstrong, Cr Henry Burridge, Dr Tim Harrison, Robert Tommasini, Jessica Adler, Jenny Woolcock, Karissa Hogan and Josie Frawley

Via Microsoft Teams: Brad Ead, Cassandra Gravenall, Jessica Pay

SECTION 1 – PROCEDURAL MATTERS

1.1 APOLOGIES

There were no apologies.

1.2 DECLARATION OF DISCLOSURE OF INTERESTS

There were no Disclosures of Interest received.

1.3 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the Internal Audit and Risk Committee Meeting held on 07 December 2021 be confirmed.

**MOVED ROBERT TOMMASINI
SECONDED CR JO ARMSTRONG**

That the Minutes of the Internal Audit and Risk Committee Meeting held on 07 December 2021 be confirmed.

CARRIED

Note: Distribute Minutes from previous meeting, held 07 December 2021

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AUDIT AND RISK COMMITTEE
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SECTION 2- CEO UPDATE

2.1 CEO UPDATE – CONFIDENTIAL

The CEO presented his confidential report to the Audit and Risk Committee.

RECOMMENDATION

That the CEO's update report be received.

**MOVED CR HENRY BURRIDGE
SECONDED JESSICA ADLER**

That the CEO's update report be received.

CARRIED

ATTACHMENTS

There are no attachments in relation to this item.

Note: VAGO Sexual Harassment review to be presented at the June 2022 meeting

SECTION 3- FINANCE AND PERFORMANCE REPORTING

3.1 REVIEW THE APPROPRIATENESS OF THE FORMAT AND CONTENT OF PERIODIC MANAGEMENT FINANCIAL REPORTS AND PERFORMANCE STATEMENTS

3.1.1 QUARTERLY PERFORMANCE REPORT

OFFICER DIRECT OR INDIRECT CONFLICT OF INTEREST:

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

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

EXECUTIVE SUMMARY

The financial statements and performance indicators have been prepared for the period ended 31 December 2021.

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

DISCUSSION

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

Key Financial information:

Income Statement (Attachment 1)

The Income Statement measures how well Council has performed from an operating nature. It reports revenues and expenditure from the activities and functions undertaken, with the net effect being a surplus or deficit. Capital expenditure is excluded from this statement, as it is reflected in the Balance Sheet.

Attachment 1 shows that Council generated \$21.363 million in revenue and \$14.191 million in expenses to 31 December 2021. This has resulted in an operating surplus of \$7.172 million for the six months ended 31 December 2021.

Income

Rates and charges account for 47% of the total budgeted income for 2021/22. Rates and charges are recognised when the rates have been raised, not when the income has been received. An amount of \$17.183 million has been recognised as income for the six months ended 31 December 2021.

User fees account for 4% of the total budgeted income for 2021/22 and \$0.419 million has been received to 31 December 2021. The majority of this relates to home care services, transfer station fees and fitness centre income. Income has been lower than budgeted due to several Council facilities being closed at times and decreased service levels due to Covid-19, including the Town Hall, Ararat Fitness Centre, Gum San and the Alexandra Oval Community Centre.

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

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

Non-recurrent Capital Grants total \$0.260 million to 31 December 2021. Several grants that were budgeted for 2021-22 were received in advance during 2020-21 including \$1.227 million for the Local Roads and Community Infrastructure Program and \$0.326 million for Delacombe Way Road reconstruction works.

Note

It is important to note the following:

1. The Grants Operating (recurrent) figure in the Original Budget was \$7.817 million and in the Current Budget is recorded as \$4.543 million, as \$3.274 million was paid to Council in 2020/21 by the Victorian Local Government Grants Commission (VLGGC) for the 2021/22 financial year. Council has still received the expected VLGGC income, to be spent in 2021/22, however it will be reported over two financial years.
2. This change in the budget, plus the note reported under expenses, create a change in the reported surplus position from a projected surplus of \$8.865 million to a surplus of \$5.222 million for 2021/22. The year to date variance is a deficit of \$1.506 million when the actual year to date expenses are compared to the year to date budget.

Expenses

Employee Costs account for approximately 40% of the total budgeted expenditure for 2021/22. For the six months ended 31 December 2021 Council has incurred \$5.829 million in employee costs.

Materials and Services account for approximately 33% of the total budgeted expenditure for 2021/22. For the six months ended 31 December 2021, Council has incurred \$4.640 million in materials and services costs. There are a number of projects, including those carried forward from 2020/21 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 December 2021. Comparative figures have been provided as at 30 June 2021.

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

Total liabilities have decreased from \$14.390 million in 2020/21 to \$12.410 million in 2021/22, with an increase of \$0.320 million in trade and other payables. The trust funds and deposits have decreased by \$0.231 million from \$0.455 million in 2020/21 to \$0.224 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.

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The Cash and Cash Equivalents at the beginning of the financial year of \$23.049 million have decreased by \$10.270 million to \$12.779 million as at 31 December 2021.

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

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

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

Financial Performance Indicators (Attachment 4)

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

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

Indicator	30/6/2021	30/9/2021	31/12/2021
<p>Working capital <i>Measure - Current assets compared to current liabilities.</i> Expected values in accordance with the Local Government Performance Reporting Framework 100% to 400% Indicator of the broad objective that sufficient working capital is available to pay bills as and when they fall due. High or increasing level of working capital suggests an improvement in liquidity</p>	202%	276%	231%
<p>Loans and borrowings <i>Measure - Loans and borrowings compared to rates.</i> Expected values in accordance with the Local Government Performance Reporting Framework – 0% to 70% Indicator of the broad objective that the level of interest-bearing loans and borrowings should be appropriate to the size and nature of a council's activities. Low or decreasing level of loans and borrowings suggests an improvement in the capacity to meet long term obligations</p>	15.43%	15.86%	3.88%
<p>Indebtedness <i>Measure - Non-current liabilities compared to own source revenue</i> Expected values in accordance with the Local Government Performance Reporting Framework – 2% to 70% Indicator of the broad objective that the level of long-term liabilities should be appropriate to the size and nature of a Council's activities. Low or decreasing level of long-term liabilities suggests an improvement in the capacity to meet long term obligations</p>	4.29%	4.74%	4.61%
<p>Rates concentration <i>Measure - Rates compared to adjusted underlying revenue</i> Expected values in accordance with the Local Government Performance Reporting Framework – 30% to 80% Indicator of the broad objective that revenue should be generated from a range of sources. High or increasing range of revenue sources suggests an improvement in stability</p>	55.31%	89.86%	81.47%

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Indicator	30/6/2021	30/9/2021	31/12/2021
<p>Expenditure level <i>Measure - Expenses per property assessment</i> Expected values in accordance with the Local Government Performance Reporting Framework \$2,000 to \$10,000 Indicator of the broad objective that resources should be used efficiently in the delivery of services. Low or decreasing level of expenditure suggests an improvement in organisational efficiency</p>	\$4,049	\$3,971	\$3,943
<p>Indicator - Revenue level <i>Measure - Average residential rate per residential property assessment</i> Expected values in accordance with the Local Government Performance Reporting Framework - \$700 to \$2,000 Indicator of the broad objective that resources should be used efficiently in the delivery of services. Low or decreasing level of rates suggests an improvement in organisational efficiency</p>	\$2,061	\$1,862	\$1,827
<p>Indicator – Percentage of total rates collected The internal audit conducted in 2019 on Rates Revenue and Rate Debtor Management found no routine or regular reporting of large and long outstanding rates debtors. The outstanding Rates Debtors is reported in the Annual Financial report. As at 31 December 2021 the outstanding Rates Debtors totalled \$12.181 million compared to \$1.860 million as at 30 June 2021, an increase of \$10.321 million. In percentage terms 18.3% of the rates raised have been collected at 31 December 2021 compared to 20.0% up to 31 December 2020. Council issues approximately 7,500 rate notices. Last year there were 2,601 assessments paying by instalments compared with 2,606 assessments in 2020/21. Outstanding rates are currently charged 10% interest.</p>	86.9%	13.1%	18.3%
<p>Indicator – Asset Renewal & Upgrade <i>Measure - Asset renewal & Upgrade compared to depreciation</i> Expected range in accordance with the Local Government Performance Reporting Framework – 40% to 130% Assessment of whether council assets are being renewed or upgraded as planned. It compares the rate of spending on existing assets through renewing, restoring, replacing or upgrading existing assets with depreciation. Ratios higher than 1.0 indicate there is a lesser risk of insufficient spending on Council's asset base.</p>	164.30%	63.25%	251.83%

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

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

KEY CONSIDERATIONS

Alignment to Council Plan Strategic Objectives

6 **Strong and effective governance**

01 MARCH 2022
AUDIT AND RISK COMMITTEE
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We will work hard to build models of governance that place delivering public value at the centre through effective financial management; well measured risk management; and implementation of effective community engagement practices.

- 6.1 *Deliver responsible budget outcomes, linked to strategy, that deliver value, innovation and rating fairness.*
- 6.2 *Ensure appropriate risk management is applied to Council and organisational decisions. Council's internal function is applied to areas of perceived risk.*

Budget Implications

Council's financial performance is in line with expectations. Council's cash position was expected to reduce in the first half of the year to pay for the outstanding accounts at year end and the capital works program. Lump sum payment of rates are due on 15 February 2022.

Policy/Relevant Law

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

- 1 As soon as practicable after the end of each quarter of the financial year, the Chief Executive Officer must ensure that a quarterly budget report is presented to the Council at a Council meeting which is open to the public.
- 2 A quarterly budget report must include—
 - (a) a comparison of the actual and budgeted results to date; and
 - (b) an explanation of any material variations; and
 - (c) any other matters prescribed by the regulations.
- 3 In addition, the second quarterly report of a financial year must include a statement by the Chief Executive Officer as to whether a revised budget is, or may be, required.

Sustainability Implications

This report does not raise any sustainability implications.

Risk Assessment

Council is required to establish and maintain a budgeting and reporting framework that is consistent with the principles of sound management and this report assists Council in meeting that requirement.

Innovation and Continuous Improvement

The content of the Quarterly report is continually reviewed to ensure meaningful data is provided.

Stakeholder Collaboration and Community Engagement

Council's financial performance reports are published quarterly.

RECOMMENDATION

That the:

Comprehensive Income Statement, Balance Sheet, Statement of Cash Flows and Financial Performance Indicators for the period ended 31 December 2021 be received.

MOVED CR JO ARMSTRONG

SECONDED CR HENRY BURRIDGE

That the:

Comprehensive Income Statement, Balance Sheet, Statement of Cash Flows and Financial Performance Indicators for the period ended 31 December 2021 be received.

01 MARCH 2022
AUDIT AND RISK COMMITTEE
MINUTES

CARRIED

ATTACHMENTS

Quarterly performance report: Income Statement, Balance Sheet, Statement of Cash Flows and Financial Performance Indicators are provided as Attachment 3.1.1.

SECTION 4 – INTERNAL CONTROLS

4.1 ENSURE THAT A PROGRAM IS IN PLACE TO TEST COMPLIANCE WITH SYSTEMS AND CONTROLS

Nil.

4.2 ASSESS WHETHER THE CONTROL ENVIRONMENT IS CONSISTENT WITH COUNCIL'S GOVERNANCE PRINCIPLES

Nil.

SECTION 5- RISK MANAGEMENT

5.1 STRATEGIC RISK REGISTER REVIEW AND UPDATE

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.

BACKGROUND

Council's Strategic Risk Register is reviewed by the Chief Executive Officer on a regular basis and is presented to the Audit and Risk Committee.

DISCUSSION

The Chief Executive Officer ensures that strategic risks are identified and assessed, treatment options are prioritised and implemented, actions are assigned; and performance is monitored and reviewed.

At the Audit and Risk Committee meeting held on 7 December 2021, it was agreed to include more information in the Strategic Risk Register.

On 14 December 2021, the Governance and Administration Coordinator met with Audit and Risk Committee member, Robert Tommasini (via Teams) to review the Strategic Risk Register. Changes made to the register included:

Insertion of "Causes" column
Control Measures column changed to "Existing Control Measures"
Inclusion of the "Consequence Level" and "Consequence Risk Level" column
Inclusion of "Maximum Risk Appetite" column
Rename Actions/Controls in Place column to "Actions / Additional Controls"

The revised Strategic Risk Register as at 24 February 2022 is provided in the following pages. Audit and Risk Committee members have been provided with an A3 copy of the Strategic Risk Register.

Review of Strategic Risk Register

Reviews for each risk identified in the Strategic Risk Register will be conducted over a 12-month period, with the current schedule set as:

March 2022	Fraud and Corruption; and Cyber Attack	September 2022	Business Continuity
April 2023	Asset Management	October 2022	Workforce planning
May 2022	Governance	November 2022	Procurement; and Emergency Management
June 2022	Waste Management; and Occupational Health and Safety	December 2022	Climate Change; and Records Management
July 2022	Legislative Compliance	January 2023	Strategic Leadership and Advocacy
August 2022	It Infrastructure	February 2023	Financial Sustainability

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No	Risk Description (and impact)	Impacts	Causes	Existing Control Measures	Overall Risk Level	Likelihood	Conseq. Area	Conseq. Level	Conseq. Risk Level	Max. Risk Appetite	Annual Review Date	Actions/ Additional Controls
1	Procurement - Unable to successfully procure goods and services to assist in the delivery of council projects and services or failure to appropriately manage contracts Risk Owner: Contracts and Procurement Coordinator	Ineffective project management. Contract overruns. Financial losses. Legal action. Contract timeframes interrupted. Provider fails to maintain agreed service level.	Inexperienced contractors. Lack of staff training in procurement Procurement undertaken outside of Council policy/procedures requirements. Fraudulent and corrupt activities. Undisclosed conflicts. Failure of contractor to maintain agreed service level resulting in interruptions. Insider knowledge impacting tendering process. Poor financial knowledge by budget owners.	Clear communication of Council's expectations to Contractors. Induction for contractors carried out prior to commencing work. Council Procurement Policy reviewed and updated as per legislative requirements. Collaborative procurement. Purchasing limits Review of Contractor Register and Preferred Suppliers. Any new staff commencing with ARCC are provided with a one- hour procurement session.	Low	Unlikely	Finance Govern. Service Delivery	Minor Minor Insignif.	Low Low Low	Low Moderate Low	Nov 2022	Procurement Policy to be reviewed in June 2023.

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No	Risk Description (and impact)	Impacts	Causes	Existing Control Measures	Overall Risk Level	Likelihood	Conseq. Area	Conseq. Level	Conseq. Risk Level	Max. Risk Appetite	Annual Review Date	Actions/ Additional Controls
				Procurement Policy was presented to Audit and Risk Committee in December 2021 and adopted by Council on 25 January 2022.								
2	Emergency Management – Insufficient preparation on emergency situations that could affect the community from large incidents, such as bushfires to smaller incidents such as a community event. Risk Owner: Emergency Management Coordinator	Loss of life and property damage Disruption to essential services Loss of essential communications, access and service delivery.	Lack training for relevant staff in Emergency Management. No scheduled training exercises carried out. Lack of up-to-date Emergency Management manual/ procedures. Lack of planning	MEMO and MMR staff appointment to create Emergency Management Team Municipal Emergency Management Plan Municipal Fire Prevention Plan Emergency Animal Welfare Plan Municipal Heatwave Plan Influenza Pandemic Plan Business Continuity Plan Disaster Recovery Plan Pandemic Committee created.	Low	Unlikely	Reput. Service Delivery	Minor Minor	Low Low	Low Low	Nov 2022	Council now has a full EMT, with 3 MEMO's and 3 MRM's to cover full emergencies. Ongoing meetings held with Emergency Management external stakeholders from the Grampians region. Organisational and Regional COVID Meetings held on a regular basis. Develop and implement a program of emergency exercises for staff and in conjunction with external parties.

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No	Risk Description (and impact)	Impacts	Causes	Existing Control Measures	Overall Risk Level	Likelihood	Conseq. Area	Conseq. Level	Conseq. Risk Level	Max. Risk Appetite	Annual Review Date	Actions/ Additional Controls
3	Fraud and Corruption – Failure to detect and prevent occurrences of fraud and corruption risks Risk Owner: Governance and Administration Coordinator	Increase in incidents of fraud and error. Reputational damage. Financial loss Legal action.	Lack of background checks when recruiting staff, volunteers and contractors. Non-compliance by staff of Council policy and procedures Inefficient monitoring of financial processes. Collusion between staff and external suppliers.	Fraud and Corruption Control Policy and Plan reviewed regularly. Staff compliance training – Fraud and Corruption module Council Procurement Policy reviewed and updated. Councillor Code of Conduct Staff Code of Conduct Public Interest Disclosure Procedure	Mod	Possible	Finance Govern. Service Delivery	Medium Minor Medium	Moderate Moderate Moderate	Low Moderate Low	March 2022	Fraud and Corruption Policy and Plan reviewed and adopted in March 2021 Compulsory training every two year for all staff to complete, which includes a unit on Fraud and Corruption. Councillor and Staff Code of Conducts are current and have dedicated sections on Fraud and Corruption
4	Workforce Planning – Lack of workforce planning in the face of an ageing workforce and changing demographics of staff Risk Owner: Human Resources Business Partner	Poor retention of staff. Increase in financial cost of recruiting Loss of knowledge, skills and experience Loss of continuity and services. Impact on performance.	Inability to recruit resulting in loss of, or delay in services. Lack of performance management. Insufficient skills to meet performance targets No succession planning not in place.	Workforce Plan developed as part of the LGA 2020 implementation. Succession planning Flexible working arrangements. Phased in retirement. Recruitment Plan developed.	Mod	Possible	Finance OH&S Service Delivery	Medium Minor Medium	Moderate Moderate Moderate	Low Low Low	Oct 2022	Annual Performance Plans updated in June each year. Develop an action plan to support the objectives of the Workforce Plan. Review recruitment practices in line with the Gender

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No	Risk Description (and impact)	Impacts	Causes	Existing Control Measures	Overall Risk Level	Likelihood	Conseq. Area	Conseq. Level	Conseq. Risk Level	Max. Risk Appetite	Annual Review Date	Actions/ Additional Controls
			Poor organisational morale.	Annual Performance Plans reviewed. Employee Assistance Program. Staff Code of Conduct Health and Wellbeing Program Workforce Plan developed and in force. Annual Performance Plans updated in June each year.								Equality Act requirements.
5	Governance – Failure to manage a governance framework which embraces good governance practices and ensures the delivery of customer focused services. Risk Owner: Governance and Administration Coordinator	Unlawful or inappropriate decisions. Incorrect advice provided Reputational damage to Council and the organisation Breaches of Code of Conduct (Council or staff) May lead to legal liabilities as result of breaches.	Poor decision making Unresolved conflict/s at Council or organisational level. Appropriate policies and procedures not in place. Undisclosed conflicts.	Monitoring changes in legislation. Councillor Code of Conduct Staff Code of Conduct Councillor Induction Program Staff delegation and authorisations Policies and Procedures, including Public	Mod	Possible	Govern. Reput.	Medium Minor	Moderate Moderate	Medium Low	May 2022	Continuing to monitor updates from LGV. Continuing to update Council policies, delegation and authorisations, and Personal Interests Returns as per legislative requirements.

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No	Risk Description (and impact)	Impacts	Causes	Existing Control Measures	Overall Risk Level	Likelihood	Conseq. Area	Conseq. Level	Conseq. Risk Level	Max. Risk Appetite	Annual Review Date	Actions/ Additional Controls
				Transparency Policy Governance Rules Personal Interests Returns Council policies, delegation and authorisations, and Personal Interests Returns reviewed and updated as per legislative requirements. Councillor induction program completed.								
6	Legislative Compliance – Failing to ensure compliance with Council’s policies and legislative requirements. Risk Owner: Governance and Administration Coordinator	Breach of privacy, confidentiality or other legislation. Reputational harm and loss of confidence in the Council.	Not having regular training on the obligations of the Act/s. No process in place to monitor and report breaches of organisational policies/ procedures No process for monitoring legislative changes and updates	Monitoring changes in legislation. Councillor Code of Conduct Staff Code of Conduct Councillor Induction Program Access to legal advice Privacy procedures	Mod	Possible	Govern. Reput.	Medium Minor	Moderate Moderate	Moderate Low	July 2022	Continual monitoring of changes to legislations. Continue to review policies

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No	Risk Description (and impact)	Impacts	Causes	Existing Control Measures	Overall Risk Level	Likelihood	Conseq. Area	Conseq. Level	Conseq. Risk Level	Max. Risk Appetite	Annual Review Date	Actions/ Additional Controls
				Councillor induction program completed.								
7	Business Continuity – Failure to plan adequately for the impacts of a disruption to Council's normal operating environment Risk Owner: Governance and Administration Coordinator	Disruption to services for prolonged periods Breakdown of community networks. Loss of Council information. Reputational damage. Loss of access to key systems. Costs to rectify disruptions.	COVID-19 Pandemic. No review of the BCP undertaken. No exercises to test the BCP. Lack of skills in the organisation to adequately implement emergency plans in response to any given event. Loss of key business systems due to power or system failure. Council offices/Depots not available due to emergency events.	BCP reviewed and updated in order to identify critical service requirements. Annual simulation testing exercises. Emergency Management Plan Insured risk. Disaster Recovery Plan Access to support services.	Mod	Possible	Service Delivery	Medium	Moderate	Low	Sept 2022	Business Continuity Plan currently under review. Implement regular BCP exercises.
8	Climate Change – Failure to have sufficient financial resources, knowledge and flexibility to address climate change challenges Risk Owner:	Poor planning decisions. Increased cost of services. Reactive solutions to environmental issues.	Poor planning decisions. Reactive solutions to environmental issues. Lack of understanding by Councillors and staff.	Liaison with partners/advice to residents on energy saving, reduction in carbon emission, wellbeing etc. Preparation of Climate Action Plan.	Mod	Possible	Env Resp. Finance Service Delivery	Medium Minor Minor	Moderate Moderate Moderate	Moderate Low Low	Dec 2022	Environmental Working Group members have been appointed and first meeting will be held in March/April 2022.

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No	Risk Description (and impact)	Impacts	Causes	Existing Control Measures	Overall Risk Level	Likelihood	Conseq. Area	Conseq. Level	Conseq. Risk Level	Max. Risk Appetite	Annual Review Date	Actions/ Additional Controls
	Manager Planning, Community and Compliance	Potential legal action. Loss of reputation.	Non acceptance of Climate Change as a risk.	Waste and Resource Recovery Strategy adopted February 2021 Municipal Emergency Management Plan Asset Management Plan 2021-2031 developed Environmental Working Group.								
9	Occupational Health and Safety Failure to comply with Occupational Health and Safety regulations and risk management to ensure the safety of people. Risk Owner: Human Resources Business Partner Governance and Administration Coordinator	Death, injury or illness. Increased absences. Council non-compliance with legislative requirements. Increased costs and insurance premiums. Increase in preventable accidents and injuries.	Confusion around roles and responsibilities in relation to OH&S Council non-compliance with legislative requirements. Lack of understanding of OH&S legislative requires and Council policy. Lack of risk culture in the organisation.	Staff Induction and training protocols Ensure policies and procedures are in place to monitor, report and minimise health and safety risks in the workplace. Safety Committee Meetings Incident and hazard assessments and reporting. Toolbox meetings to discuss WHS matters.	Mod	Possible	OH&S	Medium	Moderate	Low	June 2022	All policies and procedures in relation to OHS are reviewed on an ongoing basis. Safety Committee meet every month to discuss relevant issues. Implement findings of WorkSafe Audits. Facilitate By-Stander training in 2022.

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				Regular maintenance schedules.								
10	Records Management – Insufficiently maintained records management, including corporate information not being appropriately recorded, managed or maintained in inefficiencies, breach of legislation, loss of information and inappropriate disposal. Risk Owner: Organisational Transformation	Loss of records and data. Breaches of privacy. Cost of restoring records. Reputational damage. Legal action.	Lack of training in records management, including archiving. Lack of knowledge of Records Management processes.	Continuous training and auditing to be undertaken. Maintaining up to date IT systems. Ongoing use of appropriate Records storage system. Induction Session on Records Management.	Mod	Possible	Govern. Reput. Service Delivery	Medium Insignif. Medium	Moderate Low Moderate	Moderate Low Low	Dec 2022	SharePoint is now Council's document management and storage platform integrating with Microsoft Office 365 and compliant with PROVERS. SharePoint platform being enhanced through the implementation of AvePoint for document sentencing purposes and cloud back up. Any new staff commencing with ARCC to be provided with a records Management induction session. Continuous training and auditing to be undertaken.

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												Audit/Survey of system users currently being carried out to determine future records management requirements.
11	IT Infrastructure – Failure to keep up with technology trends and to provide efficient, reliable, secure technology systems to support the delivery of council services Risk Owner: Coordinator Strategic Asset Management and IT	Ineffective administration operations. Inability to access data, records and systems. Disruption to services. Loss of business continuity Unauthorised use of information.	Poor infrastructure and systems. Lack of skilled staff. Lack of IT Management strategies. Inappropriate use of organisational IT infrastructure.	Organisation has transitioned to use of cloud infrastructure instead of on premises infrastructure. Continuous monitoring of advances in technology and upgrading programmes to meet the Council's requirements. Information Technology Policy reviewed on a regular basis Protective Data Security Plan reviewed as per legislation Induction Session on IT.	Mod	Possible	Service Delivery	Medium	Moderate	Low	August 2022	Any new staff commencing with ARCC to be provided with an IT induction session. Implement multi factor authentication Migrate systems to cloud
12	Waste Management – Failure to plan and resource a suitable	Ineffective waste service.	Lack of planning	Waste and Resource Recovery Strategy	Mod	Possible	Env. Resp. Finance	Minor Minor	Moderate Moderate	Moderate Low	June 2022	Waste and Resource Recovery Strategy –

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	waste management program or facilities which are sustainable, reduce environmental degradation, improve public safety and complies with regulatory requirements. Risk Owner: Manager Planning, Community and Compliance	Loss of community confidence. Potential legal action for breaches.	Lack of developed policies/procedures Lack of monitoring and reporting on waste services. Lack of financial resources.	adopted February 2021. Review of Waste Management Services underway.			Reput. Service Delivery	Insignif. Medium	Low Moderate	Low Low		actions identified, and implementation commenced. Confidential review of Council's waste management services underway.
13	Strategic Leadership and Advocacy – Failure to have strategic leadership and Advocacy. (Ineffective or weakened relationships with Government, Council's stakeholders and the community to develop projects, support industry and provide opportunities.) Risk Owner: Chief Executive Officer	Diminished community Trust Poor decision making Missed opportunities Reputational damage	Lack of understanding of community needs. Not engaging with stakeholders. Poor community engagement and lack of training in communication processes.	Advocacy Program adopted by Council for 2021/2022. Community Satisfaction Survey results increase. Community Engagement Policy implemented. Regular external stakeholder meeting with Councils, Ministers and Government bodies.	Mod	Possible	Govern. Reput.	Medium Insignif.	Moderate low	Moderate Low	January 2023	Monitor the Community Satisfaction Survey results. Advocate for priorities as outlined in the Advocacy Program and the Council Plan Strategic Objectives. Meet with relevant stakeholders including State and Federal Government regarding funding for identified projects.

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No	Risk Description (and impact)	Impacts	Causes	Existing Control Measures	Overall Risk Level	Likelihood	Conseq. Area	Conseq. Level	Conseq. Risk Level	Max. Risk Appetite	Annual Review Date	Actions/ Additional Controls
				Engage Ararat Platform created and Council website Mayora/Councillor column published weekly in local newspaper. Public Transparency Policy Customer focused approach in every daily interaction Staff have shifted their thinking to a customer focus, which is a priority of the CEO.								
14	Asset Management – Failure to manage and implement a Council wide framework for sustainable Asset Management which provides the desired level of services to the community Risk Owner: Coordinator Strategic Asset Management and IT	Failure of infrastructure assets due to lack of maintenance Inefficient work practices. Reduced ability to provide services. Assets that don't meet community expectations. Loss of essential communications,	Inefficient work practices. Inadequate budget allocation to maintain Council assets to required service levels. Asset management registers not accurately maintained. Ageing assets.	Asset Plans reviewed Annual building reviews undertaken by Assets to identify defects and remedial action Maintenance program. Recreation Reserve review. Regular building, bridge, road and footpath	Mod	Possible	Finance Reput. Service Delivery	Medium Insignif. Medium	Moderate Low Moderate	Low Low Low	April 2022	Asset Management Plans currently being reviewed. Asset Management framework review to be completed by 31 March 2022. Annual building reviews and maintenance program to be incorporated into review of

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No	Risk Description (and impact)	Impacts	Causes	Existing Control Measures	Overall Risk Level	Likelihood	Conseq. Area	Conseq. Level	Conseq. Risk Level	Max. Risk Appetite	Annual Review Date	Actions/ Additional Controls
		access and service delivery. Emergency response capability inhibited. Loss of assets		inspections carried out.								Asset Management. Investigate other income sources to supplement asset renewal and upgrading.
15	Financial Sustainability – Inadequate financial planning and management significantly impacting service delivery, and financial sustainability to meet projects and strategic objectives in Council Plan Risk Owner: Chief Executive Officer	Loss of, or reduction in services. Hold up, theft, misappropriation Damage to Council's reputation. Key objectives of the Council Plan not met. Budget overruns	Fraud Hold up, theft, misappropriation Lack of formal monitoring of budgets. Reduction in grant funding available. Failure to deliver Council Plan strategic outcomes. Not delivering key services.	Council Plan developed with focus on key objectives. Financial Plan 2021-2031 developed Revenue and Rating Strategy 2021-2025 developed. Long Term Financial Plan Monthly financial reports to Council Dual authorisations. Duress button, security. Staff training in security protocols. Insurance Policy	Mod	Possible	Finance Service Delivery	Medium Medium	Moderate Moderate	Low Low	Feb 2023	New performance platform established with regular reporting to Council commencing in 2022.

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No	Risk Description (and impact)	Impacts	Causes	Existing Control Measures	Overall Risk Level	Likelihood	Conseq. Area	Conseq. Level	Conseq. Risk Level	Max. Risk Appetite	Annual Review Date	Actions/ Additional Controls
				All legislative requirements have been met with the Council Plan, Financial Plan, Revenue and Rating Strategy developed. New performance platform established with regular reporting to Council commencing soon.								
16	Cyber Attack – Failure to repel or recover from a Cyber-attack including targeted ransomware, malware, and Distributed Denial of Service (DDoS) attacks. Risk Owner: Coordinator Strategic Asset Management and IT	Unauthorised access to programs and data Data held for ransom Significant financial loss Loss of IT services and/or data for periods of time Reputational damage.	Inadequate cyber security mechanisms / policy. The move to home working has increased the vulnerability to malware issues. Poor understanding of current and emerging cyber threats to systems. Technical failure to protect IT systems.	Security and ICT usage policies in place and regularly updated. Cyber insurance Cyber risk training. IT Policy updated on 26 April 2021. IT department alert staff on any suspected spam attacks and these are dealt with immediately Council maintains its firewall and end point protection with industry standards.	Mod	Possible	Finance Reput. Service Delivery	Medium Insignif. Medium	Moderate Low Moderate	Low Low Low	March 2022	IT staff to be updated on the current issues from our Risk Management providers. They also provide training on cyber related matters. Council continues to maintain its firewall and end point protection with industry standards. Council to look at Penetration testing.

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For information, the following matrixes has been applied to the Strategic Risks. These matrixes can also be found in the Risk Management Policy.

Likelihood Level:

Likelihood Rating	
Name	Description
Almost certain	The event is expected to occur in most circumstances or at least twice a year.
Likely	Expect this event at least annually.
Possible	The event might occur at some time over an extended period.
Unlikely	The event could occur at some time but is not usually experienced.
Rare	The event may occur only in exceptional circumstances.

Risk Categories:

Category	Type
Governance	This risk category incorporates: Council Plan, Council Policies and Procedures, Compliance (Laws/Acts/Local Laws), Audit, Legal, Business Continuity, Fraud and Risk, Liability and Insurance, Media, Lease and Committee Management.
Finance	This risk category incorporates: Council Budget, Forecasting and Strategic Resource Plan, Loans, Ownership / Title, Contract Management and Procurement, Accounts Payable, Accounts Receivable, Investment, Debt Management.
Service Delivery	This risk category incorporates: Human Resources, Customer Service, Information Systems, Planning, Asset Management, Human Resources, Operational Services, Project Management, Information Technology, Records Management, Waste Management, Animal Control, Parking
Environmental	This risk category incorporates: Sustainability, Pollution, Cultural Heritage, Native Vegetation,
Reputation	This risk category incorporates: Political, Public Relations, Promotion and Marketing, Events
Occupational Health and Safety	This risk category incorporates: OH&S Management System, Injury Management and Response, Incident Management

Consequence:

CONSEQUENCE RATING	CONSEQUENCE					
	Environmental Responsibility	Finance	Governance	Occupational Health and Safety	Reputation	Service Delivery
Catastrophic	Uncontained damage with major impact/major fine/public reaction	Cannot be managed within Council budget (<\$1,000,000)	Widespread policy/ legislative/ compliance non-compliance/ failure	Loss of life probable and serious injury inevitable	Public media outrage, official public investigation, public criticism of Council and its operations	Critical operational service failure or loss of delivery (>5 days)
Major	Major breach or impact/fines	Major rework of Council budget	Systematic policy/legislati	Loss of life possible and	Loss of community	Major operational service failure or

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		(\$250,000 - \$1,000,000)	ve non-compliance	serious injury probable	confidence in Council and/or intense local media concern/national media coverage or formal inquiry	loss of service delivery (>1 day)
Moderate	Moderate breach, impact or complaint	Significant departmental rework of budget or minor rework of Council budget (\$50,000 - \$250,000)	Frequent policy/legislative non-compliance	Loss of life unlikely, but serious injury possible	Concerns raised by community and/or broad adverse media coverage	Moderate operational service failure or loss of service delivery (>3 hours)
Minor	Minor breach, impact or complaint	Some rework of budget required (\$2,000 - \$50,000)	Isolated policy/legislative non-compliance	Serious injury unlikely, but minor injury possible	Minor or isolated concerns raised by community, customers or suppliers and/or adverse local media	Loss of operational service delivery (> 1 hour)
Insignificant	Negligible breach, impact or complaint	Financial impact easily managed within budget (<\$2,000)	No policy/legislative non-compliance	Would cause minor injuries that are able to be treated	No inconvenience to the community or organisation	No loss of operational service delivery

Risk Rating:

Risk Rating	Action Required
Extreme	Management is to be involved in developing a detailed plan for understanding, managing and reducing the risk. Management will monitor the status of these risks.
High	Management oversight is needed and responsibility given to operational management to apply specific procedures to research the risk, implement specific procedures and/or monitor the risk.
Moderate	Operational management to apply specific procedures to monitor the risk and to implement specific response procedures.
Low	Managed by routine procedures and is unlikely to need specific application of resources. Status is to be monitored by responsible team members reporting to their managers.

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Likelihood vs Consequences Matrix

LIKELIHOOD	CONSEQUENCES				
	1: Insignificant	2: Minor	3: Moderate	4: Major	5: Catastrophic
Almost Certain: The event is expected to occur in most circumstances or at least twice a year	Moderate	High	High	Extreme	Extreme
Likely: Expect this event at least annually	Moderate	Moderate	High	High	Extreme
Possible: The event might occur at some time over an extended period	Low	Moderate	Moderate	High	High
Unlikely: The event could occur at some time but is not usually experienced	Low	Low	Moderate	Moderate	High
Rare: The event may occur in exceptional circumstances	Low	Low	Moderate	Moderate	High

Risk Appetite

	Low	Moderate	High	Extreme
Environmental Responsibility	Accept Notify to: Risk Owner	Accept Notify to: Risk Owner	Reject Notify to: Risk Owner	Reject Notify to: Risk Owner
Finance	Accept Notify to: Risk Owner	Reject Notify to: Risk Owner	Reject Notify to: Risk Owner	Reject Notify to: Risk Owner
Governance	Accept Notify to: Risk Owner	Accept Notify to: Risk Owner	Reject Notify to: Risk Owner	Reject Notify to: Risk Owner
Occupational Health and Safety	Accept Notify to: Risk Owner	Reject Notify to: Risk Owner	Reject Notify to: Risk Owner	Reject Notify to: Risk Owner
Reputation	Accept Notify to: Risk Owner	Reject Notify to: Risk Owner	Reject Notify to: Risk Owner	Reject Notify to: Risk Owner
Service Delivery	Accept Notify to: Risk Owner	Reject Notify to: Risk Owner	Reject Notify to: Risk Owner	Reject Notify to: Risk Owner

RECOMMENDATION

That the Strategic Risk Review and Update Report be received.

**MOVED ROBERT TOMMASINI
SECONDED JESSICA ADLER**

That the Strategic Risk Review and Update Report be received.

CARRIED

ATTACHMENTS

There are no attachments relating to this item.

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Note:

- Robert Tommasini would like to note the excellent work that has been undertaken by Jenny Woolcock, in continuing to evolve the Risk Register document.
- Strategic Risk Register to include inherent and residual risks at June 2022 Audit & Risk Committee Meeting.

SECTION 6- FRAUD PREVENTION

6.1 REVIEW COUNCIL'S FRAUD PREVENTION POLICIES AND CONTROLS INCLUDING THE FRAUD CONTROL PLAN AND FRAUD AWARENESS PROGRAMS

6.1.1 COUNCIL POLICY REVIEW FRAUD AND CORRUPTION CONTROL POLICY and FRAUD AND CORRUPTION CONTROL PLAN

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.

BACKGROUND

Council policies are reviewed on an ongoing policy and procedure review process.

This report outlines the review of the Fraud and Corruption Control Policy and Fraud and Corruption Control Plan.

DISCUSSION

Council has committed to reviewing policies through a review process to ensure that all Council policies meet legislative requirements and established internal processes

The Fraud and Corruption Control Policy and Fraud and Corruption Control Plan were last reviewed in March 2021. The documents have been identified for an annual review.

A review of the Fraud and Corruption Control Policy and Fraud and Corruption Plan have been undertaken and no major changes have been made to the documents.

RECOMMENDATION

That the Fraud and Corruption Control Policy and Fraud and Corruption Control Plan be received.

MOVED ROBERT TOMMASINI SECONDED CR JO ARMSTRONG

That the Fraud and Corruption Control Policy and Fraud and Corruption Control Plan be received.

CARRIED

ATTACHMENTS

Copies of the Fraud and Corruption Control Policy and Fraud and Corruption Control Plan are provided as Attachment 6.1.1.

Note: Add definition of Relevant Officer in the definitions table
Add further emphasis on data and the importance of protecting this data/Cross reference this policy with other relating policies.

SECTION 7- INTERNAL AUDIT

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7.1 REVIEW REPORTS ON INTERNAL AUDIT REVIEWS, INCLUDING RECOMMENDATIONS FOR IMPROVEMENT ARISING FROM THOSE REVIEWS

7.1.1 STRATEGIC INTERNAL AUDIT PROGRAM STATUS UPDATE

BACKGROUND

AFS & Associates (AFS) are Council's Internal Auditors. This report outlines the audit program that AFS will undertake over the next three years.

DISCUSSION

AFS & Associates have provided the current status of the Internal Audit Program. AFS completed the Depot Operations Audit and Past Issues Audit in May 2021, the Management Report for both of these audits were presented to the September Audit & Risk Committee meeting.

Two audits were conducted in October 2021 in relation to Asset Management - Road Assets and Building Services Unit. A Final Internal Audit Report for both topics have been issued to management. The outcomes of the Asset Management - Road Assets and Building Services Unit audit are included in Item 7.1.2 and 7.1.3.

There are currently two reports in progress: Business Continuity Planning & Disaster Recovery Planning and Operational Review HACC. Audits for each of these were undertaken in January & February 2022. These reports will be presented to the June 2022 Audit & Risk Council Meeting.

RECOMMENDATION

That the Strategic Internal Audit Program Status Update report be received.

**MOVED CR HENRY BURRIDGE
SECONDED JESSICA ADLER**

That the Strategic Internal Audit Program Status Update report be received.

CARRIED

ATTACHMENTS

The Strategic Internal Audit Program Status Update report is provided as Attachment 7.1.1.

Note: Bring forward the Information Technology Governance & Cyber Security Audit, and swap with the Fraud and Corruption Audit. Information Technology Governance & Cyber Security Audit to now be completed 14-18 November 2022.

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7.1.2 INTERNAL AUDIT- ASSET MANAGEMENT - ROAD ASSETS

BACKGROUND

AFS & Associates are Council's Internal Auditors and have recently conducted an audit on Ararat Rural City Councils Asset Management - Road Assets. This audit was undertaken in October 2021 and the final report was received in February 2022.

DISCUSSION

The objective was to confirm Ararat Rural City Council's management of road assets is effective, in order to minimise risks.

The audit concluded there were 3 areas of strength. 5 areas rated as moderate risks and 2 areas rated as minor risks. The definition of a moderate risk is medium likelihood and/or consequence – requires attention over six months. The definition of a minor risk is low likelihood and/or consequence – attention within 12 months. Recommendations from and responses to the Asset Management - Road Assets audit are included in Item 7.1.4 - Internal Audit - Audit Review Outcomes Update.

RECOMMENDATION

The Audit and Risk Committee recommends management adopt the 18 recommendations from the Asset Management - Road Assets report.

**MOVED ROBERT TOMMASINI
SECONDED CR HENRY BURRIDGE**

The Audit and Risk Committee recommends management adopt the 18 recommendations from the Asset Management - Road Assets report.

CARRIED

ATTACHMENTS

The Asset Management - Road Assets report is provided as Attachment 7.1.2

Note: Amend Management Comment for recommendation 3.3 & 3.4. Refer to management's comments on Pg 10 of the report, as 3.3 & 3.4 are addressed there.

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7.1.3 INTERNAL AUDIT- BUILDING SERVICES UNIT

BACKGROUND

AFS & Associates are Council's Internal Auditors and have recently conducted an audit on Ararat Rural City Council's Building Services Unit. This audit was undertaken in October 2021 and the final report was received in February 2022.

DISCUSSION

The objective was to review the framework in place to ensure:

- Compliance with prescribed standards set by the *Buildings Act 1993*
- Risks are being effectively managed
- The service is being delivered to appropriate standards.

The audit concluded there were 5 areas of strength, 2 areas rated as moderate risks, 4 areas rated as minor risks and 1 area of opportunity identified. The definition of a moderate risk is medium likelihood and/or consequence – requires attention over six months. The definition of a minor risk is low likelihood and/or consequence – attention within 12 months. Recommendations from and responses to the Building Services Unit audit are included in Item 7.1.4 - Internal Audit - Audit Review Outcomes Update.

RECOMMENDATION

The Audit and Risk Committee recommends management adopt the 12 recommendations from the Building Services Unit report.

MOVED CR JO ARMSTRONG SECONDED JESSICA ADLER

The Audit and Risk Committee recommends management adopt the 12 recommendations from the Building Services Unit report.

CARRIED

ATTACHMENTS

The Building Services Unit report is provided as Attachment 7.1.3

Note: Add more context to recommendation 6.1

7.1.4 INTERNAL AUDIT - AUDIT REVIEW OUTCOMES UPDATE

BACKGROUND

Council appointed AFS & Associates from Bendigo as Council's Internal Auditors. Council has reviewed the recommendations made by the Internal Auditor in relation to the internal audit reviews and these are presented as an attachment to this report.

DISCUSSION

An Audit Review Outcomes Action Plan was developed to capture the recommendations highlighted in the various internal audits conducted by AFS.

As per the 2021-07 Past Issues Report, 14 recommendations have now been removed from the excel spreadsheet, as they have been approved as 'complete'.

The Audit Review Outcome Action Plan lists the recommendations and subsequent outcomes and projected completion dates.

RECOMMENDATION

That the Audit Review Outcomes Update report be received.

MOVED CR HENRY BURRIDGE SECONDED CR JO ARMSTRONG

That the Audit Review Outcomes Update report be received.

CARRIED

ATTACHMENTS

The Audit Review Outcomes Update report is included as Attachment 7.1.4

Note: Include Cash Handling Audit recommendations back onto spreadsheet

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7.2 MONITOR ACTION BY MANAGEMENT ON INTERNAL AUDIT FINDINGS AND RECOMMENDATIONS

7.2.1 2021-07 PAST ISSUES REVIEW REPORT

BACKGROUND

AFS & Associates (AFS) are Ararat Rural City Council's Internal Auditors.

DISCUSSION

AFS have recently completed a Past Issues Report. The report includes the outcomes of the previous conducted review from May 2021.

Of the 15 recommendations suggested to Council, 14 are now considered satisfactorily addressed and have been marked complete. There is one recommendation that has been deemed partially complete and requires additional work, to be marked complete.

The 14 recommendations now deemed complete, are from the following areas of Council:

Environmental Health Officer/ Public Health - October 2018

- Lack of policies and procedures
- Review of food premises registration files

Risk Management

- Risk Register

Environmental Sustainability Strategy - May 2020

- Environmental Sustainability Strategy

Library Facilities- November 2020

- The future of libraries
- Risks associated with offering library services
- Service Plans
- Key Performance Indicators

Depot Operations - May 2021

- Asbestos
- Chemical/paint storage security issues and inefficiencies
- Minor equipment
- Vehicle pre-use checks
- Material Safety Data Sheets
- Key register

The one recommendation that remains partially complete includes:

Environmental Management and Sustainability - May 2020

- Understanding of Climate Change implications

"We recommend performing Climate Change and Environmental Sustainability Risk Assessments in key operational areas, such as:

- a. Infrastructure Planning*
- b. community services*
- c. statutory planning*
- d. private property obligations*
- e. organisational financial sustainability"*

RECOMMENDATION

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That the 2021-07 Past Issues Report be received.

**MOVED ROBERT TOMMASINI
SECONDED CR HENRY BURRIDGE**

That the Audit Review Outcomes Update report be received.

CARRIED

ATTACHMENTS

The 2021-07 Past Issues report is included as Attachment 7.2.1.

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7.3 REVIEW THE AUDIT & RISK CHARTER

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.

BACKGROUND

Council policies are currently reviewed on an ongoing policy and procedure review process.

This report outlines the review that will take place for the Audit and Risk Committee Charter in June 2022, to be presented to the June Audit & Risk Committee Meeting.

DISCUSSION

Council has committed to reviewing policies through a review process to ensure that all Council policies meet legislative requirements and established internal processes.

The Audit & Risk Committee Charter was last reviewed in July 2020. It is due to be reviewed again on 21 July 2022. A review of this Charter will be conducted prior to the June Audit & Risk Committee Meeting and presented to the committee on 06 June 2022.

RECOMMENDATION

That:

1. *The Audit & Risk Committee Charter report be received*
2. *Council presents the reviewed Audit & Risk Committee Charter to the June 2022 Audit & Risk Committee Meeting.*

Carried over to be presented at the June 2022 Audit & Risk Meeting

ATTACHMENTS

There are no attachments in relation to this item.

SECTION 8- EXTERNAL AUDIT

8.1 ANNUALLY REVIEW AND APPROVE THE EXTERNAL AUDIT SCOPE AND PLAN PROPOSED BY THE EXTERNAL AUDITOR

8.1.1 EXTERNAL AUDIT - AUDIT STRATEGY FOR THE FINANCIAL YEAR ENDING 30 JUNE 2022

BACKGROUND

The Victoria Auditor General appoints a service provider to undertake the annual financial audit. Ms Cassandra Gravenall of Crowe Australasia has been appointed by the Victoria Auditor-General's office to undertake the annual financial audit for the year ending 30 June 2022.

DISCUSSION

An audit strategy is prepared to communicate to Council the proposed approach to the audit of its Financial Report and Performance Statement for the year ending 30 June 2022.

The Audit Act 1994 requires the Auditor-General to form an opinion on Council's Financial Report and Performance Statement.

When undertaking the financial audit, Section 3A of the Audit Act 1994 requires the Auditor-General to also consider the issues of waste, probity, and the prudent use of public resources.

The Performance Statement contains financial and non-financial data. Financial systems are predominantly established to capture financial data. Part of the audit is to review the systems that Council has in place to capture the financial data and non-financial data to ensure compliance with legislative requirements.

At the time of preparing this agenda Crowe Australasia was still compiling the audit strategy document, which will be distributed as soon as it becomes available. Ms Gravenall will be available via Zoom to present the Audit Strategy.

RECOMMENDATION

That the Audit Strategy Report for the Financial Year Ended 30 June 2022 be received.

MOVED CR JO ARMSTRONG SECONDER ROBERT TOMMASINI

That the Audit Strategy Report for the Financial Year Ended 30 June 2022 be received.

CARRIED

SECTION 9- COMPLIANCE

9.1 REVIEW THE SYSTEMS AND PROCESSES IMPLEMENTED BY COUNCIL FOR MONITORING COMPLIANCE WITH RELEVANT LEGISLATION AND REGULATIONS

9.1.1 LEGISLATIVE OBLIGATIONS FRAMEWORK

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.

BACKGROUND

This report provides an update on the new Legislative Obligations Framework

DISCUSSION

The Legislative Obligations Framework has been created to ensure that there is a structured set of guidelines to deliver effective compliance with all legislation that applies to Council services.

The framework will ensure legislative compliance is achieved through:

- Identifying and documenting legislative compliance requirements that are applicable to Council services;
- Allocate accountability and responsibility to relevant officers;
- Monitoring and review of legislation to ensure they are up to date;
- Reporting and investigating matter of non-compliance; and
- Providing information and communication to staff to build knowledge across Council.

Council has subscribed to the Reliansys Compliance Module, which will be implemented over the next year to ensure that all relevant officers are aware of their legislative obligations. This will be done in conjunction with the Reliansys Delegations Module which staff with delegated powers have access to.

The Legislative Obligations Framework is an administrative document and will be reviewed every four years or as required by the Chief Executive Officer.

RECOMMENDATION

That the Legislative Obligations Framework be received.

MOVED ROBERT TOMMASINI SECONDED JESSICA ADLER

That the Legislative Obligations Framework be received.

CARRIED

ATTACHMENTS

The Legislative Obligations Framework is provided in Attachment 9.1.1
Note: Consider including consequences for staff if they are not complying with the policy

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9.1.2 REVIEW THE PROCESSES FOR COMMUNICATING COUNCIL'S EMPLOYEE CODE OF CONDUCT TO EMPLOYEES AND CONTRACTORS AND FOR MONITORING COMPLIANCE WITH THE CODE

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.

BACKGROUND

As part of the implementation of the new *Local Government Act 2020* Council were required, within six months of the commencement of Clause 49, to develop and implement a Code of Conduct for staff.

The new Local Government Act 2020 has strict provisions pertaining to what must be included in the Code of Conduct. These inclusions were:

- A gift policy that contains –
 - A requirement for members of Council staff to disclose all gifts above a specified level, and
 - Provisions providing for disclosed gifts to be recorded in a gift register.
- Procedures for dealing with alleged and actual breaches of conflict of interest under the Act, and
- Provisions for the CEO to take disciplinary action against a member of staff.

Council have maintained a Staff Code of Conduct for many years, which is a fundamental component of all staff members employment contract.

DISCUSSION

Communication

The Staff Code of Conduct was reviewed by Council's Human Resources Business Partner, as is the case with most employee related policies.

Consultation is a core requirement of Council's enterprise agreement, as such the recently reviewed Staff Code of Conduct was distributed to members of the Staff Consultative Committee in draft form to disseminate to the broader organisation.

Organisational feedback and commentary are gathered by the Consultative Committee over a two-week period, then returned to the Human Resource Business Partner for consideration, inclusion if relevant and endorsement.

Once finalised, the document is given to the CEO for approval.

The approved is made available in the electronic Policy Manual. The document is also placed in hard copy manuals, located in the upstairs lunchroom and the depot lunchroom. Further to this, an email is sent to 'everyone' (this is an email address that all employees are included in) advising them of the new/reviewed policy with a link.

To date, this process has proved the most successful method with all staff having access to the document either electronically or as a printed version.

Compliance

All staff position descriptions have, as a key requirement of the position, a requirement to comply with all policies and procedures of Council.

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On commencement of employment, new staff are given an extensive induction which requires them to sign off in acknowledgement of the Staff Code of Conduct.

Further to the initial induction, as part of the staff annual review process, all staff are required to sign off in acknowledgement of having read and understood the Staff Code of Conduct and agree to act in a way that does not breach the Code.

It is then the responsibility of supervisors, with the support of Human Resources, to ensure that their staff do not behave in a way detrimental to the Code.

RECOMMENDATION

The Audit and Risk Committee recommends Council continue to communicate and ensure compliance using the methods currently utilised in relation to the Staff Code of Conduct.

**MOVED ROBERT TOMMASINI
SECONDED CR HENRY BURRIDGE**

The Audit and Risk Committee recommends Council continue to communicate and ensure compliance using the methods currently utilised in relation to the Staff Code of Conduct.

CARRIED

ATTACHMENTS

There are no attachments in relation to this item.

Note: Code of Conduct to be presented to the June 2022 Audit & Risk Committee meeting
Change the review timeframe to 2 years on the Code of Conduct

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9.1.3 VAGO REPORT- MAINTAINING LOCAL ROADS

BACKGROUND

The Victorian Auditor-General's Office (VAGO) conduct audits on Local Government on various topics throughout the year. In March 2021 VAGO presented its report on Maintaining Local Roads.

DISCUSSION

VAGO issued a report in March 2021 to ensure that roads are safe and functional and being maintained in a cost efficient and financially sustainable way.

The report assessed whether councils use asset data, budget information and community feedback to inform their planning for road maintenance. VAGO also looked at whether councils are finding and implementing ways to achieve value for money and their ability to maintain roads in timely manner.

The audit recommended that all Victorian Councils adopt the following:

- 5 recommendations about improving the information used for road maintenance planning;
- 3 recommendations relating to collecting and reporting accurate performance data; and
- 2 recommendations about assessing council performance on road management plans.

Management have developed an action plan to address the recommendations made from the VAGO report, which is included as an attachment.

Majority of the items remaining incomplete are currently being worked on and will be complete as Council approach the new valuation cycle (start of the new financial year).

A full copy of the VAGO audit report is available at <https://www.audit.vic.gov.au/report/maintaining-local-roads?section=>

RECOMMENDATION

That the VAGO – Maintaining Local Roads report be received.

**MOVED CR HENRY BURRIDGE
SECONDED CR JO ARMSTRONG**

That the VAGO – Maintaining Local Roads report be received.

CARRIED

ATTACHMENTS

The VAGO Maintaining Local Roads Report Recommendations Action Plan is provided as Attachment 9.1.3.

Note: Final Report to be presented to the June 2022 Audit and Risk Committee Meeting

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SECTION 10- GENERAL BUSINESS

10.1 2021/2022 CAPITAL WORKS

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.

BACKGROUND

This report details the current status of Council's Capital works program to the end of February 2022.

DISCUSSION

The capital works program is progressing well with approximately 80% of the roads budget expended to 28 February 2022. Internal road, bridge and drainage maintenance works are progressing well with the bulk of the works expected to be completed after harvest and into Autumn. The operations depot will commence urban street construction works in the new year.

There are a number of continual improvement strategies being implemented into the new year to assist with quality and operator efficiency in the works area.

The road reseal program is 64% complete and progressing well. Works will be completed by mid-April within our contracted window with Inroads.

All externally contracted road construction works are complete, with the Chatsworth Wickliffe Road being completed in the past weeks.

Works are progressing at the Gordon Street Oval with the majority of planning and site works completed and the results of the tender expected by the end of March 2022. The Buangor Recreation Reserve is currently in the detailed design stage with the Architect after community consultation and agreement on design options occurred in early February 2022.

A full list of current Capital Works is included as an attachment and details the status and projects costs to date.

RECOMMENDATION

That the 2021/2022 Capital Works report be received.

MOVED CR JO ARMSTRONG

SECONDED ROBERT TOMMASINI

That the 2021/2022 Capital Works report be received.

CARRIED

ATTACHMENTS

2021/2022 Capital Works Summary provided in Attachment 10.1.

10.2 INDUSTRY UPDATE- RECENT REPORTS AND PUBLICATIONS OF INTEREST

BACKGROUND

AFS & Associates (AFS) are Council's Internal Auditors. AFS have provided an Industry Update report to be included in the agenda. The Industry Update report lists recent reports and publications that may be of interest to Ararat Rural City Council.

DISCUSSION

The Industry Update report lists 11 recent articles and reports, covering a range of different topics from: procurement, auditing, management practices, risks associated with council equipment and general information.

The report includes a column outlining the '*Implications for clients*', which outlines how the publication is applicable to Council.

RECOMMENDATION

That the Industry Update report be received.

MOVED CR JO ARMSTRONG SECONDED JESSICA ADLER

That the Industry Update report be received.

CARRIED

ATTACHMENTS

The Industry Update report is provided as Attachment 10.2.

10.3 COUNCIL POLICY REVIEW – DISPOSAL AND PURCHASE OF MATERIALS AT TRANSFER STATIONS POLICY

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.

BACKGROUND

Council policies are reviewed on an ongoing policy and procedure review process.

This report outlines the review of the Disposal and Purchase of Materials at Transfer Stations Policy.

DISCUSSION

Council has committed to reviewing policies through a review process to ensure that all Council policies meet legislative requirements and established internal processes

A review of the Disposal and Purchase of Materials at Transfer Stations Policy has been undertaken. The policy has been renamed Disposal and Sale of Items at Transfer Stations Policy.

The table below outlines the main changes made to the policy:

Policy title change to Disposal and Sale of Items at Transfer Stations Policy
Deletion of line in relation to copy of Council Policy being available, as this is a double up in the document.

RECOMMENDATION

That the Disposal and Sale of Items at Transfer Stations Policy be received.

**MOVED CR JO ARMSTRONG
SECONDED JESSICA ADLER**

That the Disposal and Sale of Items at Transfer Stations Policy be received.

CARRIED

ATTACHMENTS

Copies of the Disposal and Sale of Items at Transfer Stations Policy is provided in Attachment 10.3.

10.4 COUNCIL POLICY REVIEW – OPERATION OF WASTE RESERVE POLICY

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.

BACKGROUND

This report provides an update on the new Operation of Waste Reserve Policy.

DISCUSSION

Council has committed to reviewing policies through a review process to ensure that all Council policies meet legislative requirements and established internal processes. It has been identified that Council should ensure it has a policy to meet its legislative obligations in relation to waste fees and charges.

The newly created Operation of Waste Reserve Policy will sit alongside the Council's 10-year capital works plan and ensure that sufficient funds are available to meet capital infrastructure requirements.

RECOMMENDATION

That the Operation of Waste Reserve Policy be received.

**MOVED CR JO ARMSTRONG
SECONDED JESSICA ADLER**

That the Operation of Waste Reserve Policy be received.

CARRIED

ATTACHMENTS

The Operation of Waste Reserve Policy is provided in Attachment 10.4.

10.5 COUNCIL POLICY REVIEW – ESSENTIAL SAFETY MEASURES POLICY

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.

BACKGROUND

Council policies are reviewed on an ongoing policy and procedure review process.

This report outlines the review of the Essential Safety Measures Policy.

DISCUSSION

Council has committed to reviewing policies through a review process to ensure that all Council policies meet legislative requirements and established internal processes

A review of the Essential Safety Measures Policy has been undertaken.

No changes were made to the document other than noting review and setting next review date for 2024.

RECOMMENDATION

That the Essential Safety Measures Policy be received.

MOVED CR JO ARMSTRONG

SECONDED JESSICA ADLER

That the Essential Safety Measures Policy be received.

CARRIED

ATTACHMENTS

The Essential Safety Measures Policy is provided in Attachment 10.5.

SECTION 11 – FUTURE MEETINGS

11.1 FUTURE MEETING DATES

Future meetings of the Audit and Risk Committee are scheduled as follows:

- Tuesday 7 June 2022 at 1pm
- Tuesday 6 September 2022 at 1pm
- Tuesday 6 December 2022 at 1pm

Meeting closed at 2:25pm

ALIGNMENT WITH AUDIT & RISK COMMITTEE CHARTER

MARCH 2022		Item in Agenda
Ref.	Item in Charter	
5.10	Ensure that a program is in place to test compliance with systems and controls	Nil.
5.11	Assess whether the control environment is consistent with Council's Governance Principles	Nil.
5.18	Review Council's Fraud Prevention policies and controls, including the Fraud Control Plan and fraud awareness programs	6.1
5.21	Review the Internal Audit Charter regularly	7.3
5.22	Review and approve the three-year strategic internal audit plan, the annual internal audit plan	7.1.1
5.25	Review reports on internal audit reviews, including recommendations for improvement arising from those reviews	7.1.1
5.27	Monitor action by management on internal audit findings and recommendations	7.1.4
5.31	Annually review and approve the external audit scope and plan proposed by the external auditor	8.1
5.37	Review the systems and processes implemented by Council for monitoring compliance with relevant legislation and regulations	9.1.1
5.38	Review the processes for communicating Council's Employee Code of Conduct to employees and contractors and for monitoring compliance with the Code	9.1.2
5.39	Obtain briefings on any significant compliance matters	CEO Report
5.40	Receive reports from management on the findings of any examinations by regulatory or integrity agencies	CEO Report

SECTION 12- NEXT MEETING/CHARTER ITEMS

JUNE 2022	
Ref.	Item in Charter
5.12	Review annually the effectiveness of Council's risk management framework
5.13	Review Council's risk appetite statement and the degree of alignment with Council's risk profile
5.14	Review Council's risk profile and the changes occurring in the profile from meeting to meeting
5.15	Review Council's treatment plans for significant risks
5.16	Review the insurance program annually prior to renewal
5.17	Review the approach to business continuity planning arrangements
5.23	Review progress on delivery of annual internal audit plan
5.25	Review reports on internal audit reviews, including recommendations for improvement arising from those reviews
5.26	Meet with the leader of the internal audit function at least annually in the absence of management
5.27	Monitor action by management on internal audit findings and recommendations
5.28	Review the effectiveness of the internal audit function and ensure that it has appropriate authority within Council and has no unjustified limitations on its work

SECTION 6 – INFORMAL MEETINGS

6.1 INFORMAL MEETINGS

AUTHOR'S TITLE: CHIEF EXECUTIVE OFFICER
DEPARTMENT: CEO'S OFFICE
REFERENCE: 13039074

OFFICER'S DECLARATION OF INTEREST

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

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

EXECUTIVE SUMMARY

The Governance Rules state that if there is a meeting of Councillors that:

- 1 is scheduled or planned for the purpose of discussing the business of *Council* or briefing Councillors;
- 2 is attended by at least one member of Council staff; and
- 3 is not a *Council meeting*, *Delegated Committee meeting* or *Community Asset Committee meeting*, the *Chief Executive Officer* must ensure that a summary of the matters discussed at the meeting are:
 - a) tabled at the next convenient *Council meeting*; and
 - b) recorded in the minutes of that *Council meeting*.

DISCUSSION

As a requirement of the Governance Rules, a summary of matters discussed at the Council Briefings held since the last Council Meeting are presented to Council and will be recorded in the minutes.

INFORMAL MEETINGS
Council Briefing held on 01 March 2022
Council Briefing held on 15 March 2022

Issues discussed at the briefings:

- Enterprise Bargaining Agreement
- Planning issues
- 41 Queen St and 6-8 Dawson St developments
- Extent of medium density housing in Ararat
- Childcare survey
- Budget preliminaries- Councillor perspectives
- Tourism investment priorities
- Lease update
- Rating
- Young people's mental health
- Mayors, Deputy Mayors and Councillors Allowance Determination
- Organisation strategy

KEY CONSIDERATIONS

Alignment to Council Plan Strategic Objectives

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

- 6.3 Continuously improve Council's community engagement process and practices in line with deliberative engagement practices, while acknowledging the need for a range of different techniques to ensure effective engagement.

Financial

There are no financial impacts for the receiving of Informal Meetings of Councillors.

Policy/Relevant Law

Reporting of Informal Meetings is in line with the requirements of the Governance Rules.

Risk Assessment

Following the requirements of the Governance Rules will ensure that Council meets its legislative requirements.

Stakeholder Collaboration and Community Engagement

A summary of matters discussed at the Council Briefings are presented for community information.

RECOMMENDATION

That the Informal Meetings of Councillors Report be received.

MOVED CR SANDERS

SECONDED CR WATERSTON

That the Informal Meetings of Councillors Report be received.

CARRIED 4592/22

ATTACHMENTS

The Summary of Council Briefings are provided as Attachment 6.1.

SECTION 7 – NOTICES OF MOTION

A notice of motion must be in writing signed by a Councillor and be lodged with or sent to the *Chief Executive Officer* no later than 12.00pm (noon) and at least six (6) days prior to the Council Meeting to allow sufficient time for the *Chief Executive Officer* to include the *notice of motion* in agenda papers for a *Council meeting*.

There were no Notices of Motion received.

SECTION 8– URGENT BUSINESS

Items cannot be admitted as urgent business other than by resolution of *Council* and only then if it:

- 1 relates to or arises out of a matter which has arisen since distribution of the *agenda*; and
- 2 cannot safely or conveniently be deferred until the next *Council meeting*.

There were no Urgent Business Items received.

SECTION 9 – CLOSE SESSION (CONFIDENTIAL)

In accordance with section 66(2)(a), 3(1) *Confidential Information* (a) of the Local Government Act 2020, the following agenda items are listed for consideration in the confidential section:

- Item 9.1- CEO Employment and Remuneration Committee Update
- Item 9.2- Contract No. 675- Gordon St Recreation Reserve- Lighting Upgrade Infrastructure (A&B)
- Item 9.3- Contract No. 675- Gordon St Recreation Reserve- Lighting Upgrade Infrastructure (C)
- Item 9.4- Contract No. 670- Panel Supply Tender
- Item 9.5- Contract No. 672- Panel Supply Tender
- Item 9.6- Contract No. 669- Panel Supply Tender
- Item 9.7- Research and Development- Organic Waste Management

6:30 PM CLOSURE OF COUNCIL MEETING TO THE PUBLIC

The Open Council Meeting will now be closed, but members of the public are welcome to rejoin the Council Meeting following the recommencement of the meeting.

RECOMMENDATION

That the meeting be closed to members of the public pursuant to section 66(2)(a) of the Local Government Act 2020 to consider confidential reports.

MOVED CR BURRIDGE SECONDED CR BEALES

That the meeting be closed to members of the public pursuant to section 66(2)(a) of the Local Government Act 2020 to consider confidential reports.

CARRIED 4593/22

7:17 PM OPEN COUNCIL MEETING RECOMMENCEMENT

RECOMMENDATION

That the Open Council Meeting recommence.

MOVED CR SANDERS SECONDED CR ALLGOOD

That the Open Council Meeting recommence.

CARRIED 4601/22

Gallery invited to return to Council Chamber.

LIFTING OF CONFIDENTIALITY OF CLOSED SESSION RESOLUTIONS

RECOMMENDATION

That the Confidentiality of the:

- *Decision in relation to Confidential Agenda Item 9.2, 9.3, 9.4, 9.5 and 9.6 be lifted;*
- *Report of Confidential Agenda Item 9.2, 9.3, 9.4, 9.5 and 9.6 not be lifted.*
- *The confidentiality of the report and decision in relation to 9.1 and 9.7 not be lifted on adoption of the motion*

MOVED CR SANDERS SECONDED CR R ARMSTRONG

That the Confidentiality of the:

- **Decision in relation to Confidential Agenda Item 9.2, 9.3, 9.4, 9.5 and 9.6 be lifted;**
- **Report of Confidential Agenda Item 9.2, 9.3, 9.4, 9.5 and 9.6 not be lifted.**
- **The confidentiality of the report and decision in relation to 9.1 and 9.7 not be lifted on adoption of the motion**

CARRIED 4602/22

9.2 CONTRACT No. 675 (A & B) – GORDON STREET RECREATION RESERVE – LIGHTING UPGRADE INFRASTRUCTURE

MOVED CRBURRIDGE SECONDED CR BEALES

That:

- 1 Council award the contract for the supply and delivery of luminaires for Gordon Street Sports Lighting (Contract No. 675a) to Q Industries Pty Ltd for the contract amount of \$215,644 excluding GST;
- 2 Council award the contract for the supply and delivery of light poles for Gordon Street Sports Lighting (Contract No. 675b) to Ingal Pty Ltd for the contract amount of \$103,250 excluding GST;
- 3 The Chief Executive Officer sign the contract deed when the documents are ready; and
- 4 The confidentiality of the decision be lifted.

CARRIED 4595/22

9.3 CONTRACT No. 675(C) – GORDON STREET RECREATION RESERVE - LIGHTING UPGRADE INSTALLATION

MOVED CR R ARMSTRONG SECONDED CR ALLGOOD

That:

- 1 Council award the contract for the Installation of sports lighting at the Gordon Street Recreation Reserve (Contract No. 675c) to CHS Electrical Pty Ltd for the contract amount of \$193,965 excluding GST;
- 2 The Chief Executive Officer sign the contract deed; and
- 3 The confidentiality of the decision be lifted.

CARRIED 4596/22

9.4 CONTRACT No. 670 – PANEL SUPPLY TENDER – PROVISION OF ROADSIDE VEGETATION MANAGEMENT SERVICES

**MOVED CR R ARMSTRONG
SECONDED CR WATERSTON**

That:

1 Council award the contract for the Panel Supply Contract – Provision of Roadside Vegetation Management Services (Contract No. 670) to the following contractors:

- TMC Enviro
- A1 Tree Solutions
- Carters Tree Services
- ENSPEC Pty Ltd
- S.H.A.E Enterprises Pty Ltd
- Tree Top Tower Hire
- Bill's Tree Lopping Service

for the schedule of rates amounts tendered;

- 1 The Chief Executive Officer sign the contract deed; and**
- 2 The confidentiality of the decision be lifted.**

CARRIED 4597/22

9.5 CONTRACT No. 672 – PANEL SUPPLY TENDER – MECHANIC SERVICES

**MOVED CR BEALES
SECONDED CR R ARMSTRONG**

That:

1 Council award the contract for the Panel Supply Contract – Provision of Mechanic Services (Contract No. 672) to the following contractors:

- East Grampians Diesel
- Graeme McKay Earthworks
- Wazzas Mobile Maintenance
- Tanbet Pty Ltd t/as Ararat Auto & Ag
- Kings Cars
- Harris Automotive
- Nezbody t/as Grampian Ford

for the schedule of rates amounts tendered;

- 2 The Chief Executive Officer sign the contract deed; and**
- 3 The confidentiality of the decision be lifted.**

CARRIED 4598/22

9.6 CONTRACT No. 669 – PANEL SUPPLY TENDER – PROBITY AUDIT SERVICES

MOVED CR BURRIDGE
SECONDED CR ARMSTRONG

That:

1 Council award the contract for the Panel Supply Contract – Provision of Probity Audit Services (Contract No. 669) to the following contractors:

- GippsAudit Pty Ltd
- O'Connor Marsden & Associates
- AFS & Associates
- Anaiwan Advisory
- Griffin Legal Pty Ltd
- Landell Consulting

for the schedule of rates amounts tendered;

- 1 The Chief Executive Officer sign the contract deed; and
- 2 The confidentiality of the decision be lifted.

CARRIED 4599/22

Meeting closed at 7:17pm

I HEREBY CERTIFY THAT PAGES 4343 TO 4496 INCLUDING PAGES 296 TO 336 OF THE CLOSED SESSION ARE CONFIRMED AND ARE A TRUE AND CORRECT RECORD.

MAYOR – CR JO ARMSTRONG