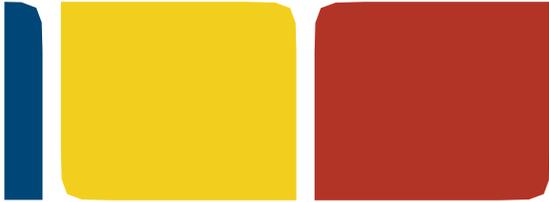




Ararat Rural City



# AGENDA

## ORDINARY MEETING OF COUNCIL

**Tuesday 17 April 2018**

To be held in the  
Council Chamber, Shire Hall,  
233-235 Barkly Street, Ararat  
Commencing at 6.00pm

**Council:**

**Cr Glenda McLean (Mayor)**  
**Cr Gwenda Allgood**  
**Cr Jo Armstrong**  
**Cr Peter Beales**  
**Cr Bill Braithwaite**  
**Cr Darren Ford**  
**Cr David Pettman**

**Our Vision**

Our communities, our opportunities

**Our Mission Statement**

We will demonstrate leadership through social responsibility, openness and transparency by actively working with our community to achieve shared goals.

**Our Values**

**Respect** - Respect for each other and the wider community.

**Excellence** - Striving for ongoing professionalism and organisational excellence.

**Passion** - Passion for our people, community and services.

**A recording of this meeting is being made for the purpose of verifying the accuracy of the minutes of the Council Meeting, Special Council Meeting or Assembly of Councillors.**

**Recordings of Council Meetings and Special Council Meetings (excluding closed sessions) will be made available on Council's website.**

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## SECTION 1 – PROCEDURAL MATTERS

### 1.1 TRADITIONAL ACKNOWLEDGEMENT/OPENING PRAYER/COUNCILLORS PLEDGE

#### *Traditional acknowledgement*

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

#### *Opening Prayer*

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

#### *Councillors Pledge*

We will undertake the duties of the office of Councillor in the best interests of the people of the municipal district of the Ararat Rural City Council and faithfully and impartially carry out the functions, powers, authorities and discretions vested in us under the local government act 1989 or any other act to the best of our skill and judgment.

### 1.2 LIVE STREAMING

Council is keen to engage with members of the community and now live streams the formal Council Meetings to make them accessible. The stream will be available to view on Ararat Active's Facebook page from 6pm and on Council's website, [www.ararat.vic.gov.au](http://www.ararat.vic.gov.au) from Wednesday morning following the Council Meeting.

You do not require a Facebook account to watch the live broadcast, simply enter [www.facebook.com/araratactive](http://www.facebook.com/araratactive) into your address bar.

### 1.3 APOLOGIES

#### RECOMMENDATION (if required)

That the apology of **(Name)** be accepted.

### 1.4 CONFIRMATION OF MINUTES

#### RECOMMENDATION

That the Minutes of the Council Meeting held on 20 March 2018 be confirmed.

## 1.5 DECLARATION OF DISCLOSURE OF INTERESTS

Disclosure of Interests are to be made immediately prior to any relevant item being discussed.

*Local Government Act 1989 Section 79 (2)* A Councillor or member of a special committee who has a conflict of interest and is attending the meeting of the Council or special committee must make a full disclosure of that interest -

- (a) by either -
  - (i) advising the Council or special committee at the meeting of the details required under paragraph (b) and (c) immediately before the matter is considered at the meeting; or
  - (ii) advising the Chief Executive Officer in writing of the details required under paragraphs (b) and (c) before the meeting; and
- (b) classifying the type of interest that has given rise to the conflict as either -
  - (i) a direct interest: or
  - (ii) an indirect interest and specifying the particular kind of indirect interest under section 78, 78A, 78B, 78C, 78D or 78E; and
- (c) describing the nature of the interest; and
- (d) if the Councillor or member advised the Chief Executive Officer of the details under paragraph (a) (ii), the Councillor or member must make a disclosure of the class of interest only to the meeting immediately before the matter is considered at the meeting.

*Local Government Act 1989 Section 80C)* A person who is providing advice or a report to a meeting of the Council or a special committee, and who has a conflict of interest in a matter to which the advice or report relates, must disclose the constituting the conflict of interest when providing the advice or report and before the advice or report is considered by the Council or the committee.

## 1.6 ADMISSION OF URGENT BUSINESS

Items proposed as urgent business must not be submitted to the meeting other than by resolution of the Council and only if it relates to or arises out of a matter which has arisen since distribution of the Agenda or which cannot be reasonably deferred for inclusion in the agenda of the next meeting.

The Urgent Business Item/s admitted will be considered as part of Section 9 Urgent Business.

### **RECOMMENDATION (if required)**

**That Council admits as Urgent Business an item titled "XX" and this matter be considered as part of Section 9 Urgent Business.**

## SECTION 2 – PUBLIC PARTICIPATION

### 2.1 REQUEST TO ADDRESS COUNCIL

Questions to address the Council can be made without notice

The presenter will be allocated a maximum of three (3) minutes to present his or her address to the Council. An extension of time may be granted by a resolution of Council. During the presentation, the presenter may not address questions to Councillors or officers.

Two minutes will be allocated for Councillors to ask questions of the presenter, if required. Following the presentation, Council may request a further report on the matter from officers.

Members of the public gallery are not allowed to communicate with Councillors and officers whilst the meeting is in progress.

### 2.2 DEPUTATIONS / PRESENTATIONS

### 2.3 PETITIONS

Clause 15 of Council's Meeting Procedure states:

- 1 A petition presented to Council must lay on the table until the next Ordinary Meeting of Council and no motion, other than to receive the petition or joint letter may be accepted by the Chair, unless the Council agrees to deal with it earlier.
- 2 Petitions received by Ararat Rural City Council will be tabled under "Petitions" in the Order of Business.
- 3 At the meeting the petition will be formally received by Council and referred to the relevant area of Council for consideration and action which will be reported to the next ordinary meeting of Council for decision if one is required.
- 4 When a petition relates to an item already on the agenda at the meeting at which the petition is tabled, the matter will be dealt with at that meeting.
- 5 Any Councillor presenting a petition will be responsible for ensuring that he or she is familiar with the contents and purpose of the petition and that the petition is not derogatory or defamatory.
- 6 Any person who fraudulently signs a petition or joint letter which is presented to the Council is guilty of an offence.

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## SECTION 3 – REPORTS REQUIRING COUNCIL DECISION

### 3.1 LOCAL GOVERNMENT FUNDING VEHICLE 2018 - ARARAT ARTS PRECINCT

**RESPONSIBLE OFFICER:** MANAGER CORPORT SUPPORT  
**DEPARTMENT:** ASSETS FINANCE AND CORPORATE SERVICES  
**REFERENCE:** 17086274

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

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

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

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#### **PURPOSE**

To approve the Local Government Funding Vehicle (LGFV) as a source of funding to complete the Ararat Arts Precinct upgrade.

#### **EXECUTIVE SUMMARY**

The Local Government Funding Vehicle (“LGFV”) is a public sector pooled financing program that was established to enable Victorian Councils to access debt capital markets funding by aggregating their borrowings. It allows Councils to diversify their funding sources, provides access to wholesale debt market interest cost savings and is considered a best practice debt procurement model.

Following the success of the issuances in November 2014 and June 2016 totaling \$340m with 33 Councils participating, the LGFV is seeking to undertake a further bond issuance on behalf of participating Councils in the second quarter of 2018.

Ernst & Young (“EY”) has been appointed as the LGFV’s financial advisor and Commonwealth Bank of Australia and National Australia Bank Limited have been appointed as joint lead arranger and dealers for the bond issuance.

The key benefits of the LGFV for Councils include significant savings, diversification of funding source, low cost, transparency and best practice borrowing.

At the Council meeting held 15 April 2014 Council resolved to approve the LGFV as a new source of funding for future borrowing requirements. Council participated in the first LGFV bond issuance in July 2014 for an amount of \$2 million to help finance the Alexandra Oval Community Centre. This report seeks Council’s endorsement to participate in the LGFV upcoming issuance in June 2018.

Council’s budget for 2017/18 allows for a loan of \$1 million to help fund the completion of the Ararat Arts Precinct upgrade.

#### **RECOMMENDATION**

##### **That Council:**

- 1 Participate in the LGFV bond issuance in June 2018 for an amount of \$1 million to help finance the Ararat Arts Precinct upgrade;**
- 2 Authorise the use of the Council Seal to execute the associated Council Loan Agreement; and**
- 3 Authorise the use of the Council Seal to execute the associated Security Deed over the rates of the Ararat Rural City Council.**

## **BACKGROUND**

The Vision Super defined benefit funding shortfall was the impetus to undertake an evaluation of Council funding models. Historically, Councils in Victoria relied on bilateral bank financing to fund their ongoing capital works. With around \$1bn in debt in the sector and significant future funding needs, a funding vehicle which enables ongoing access to the capital markets is viewed as an important strategic development for the sector.

### **Aggregated Borrowing**

The key benefits of the LGFV to the Victorian Council sector include:

- Interest Savings: intergenerational interest savings are achievable by cutting out the banks (i.e. access to wholesale pricing). As the LGFV is a highly rated borrower, it is able to obtain cheaper funding than banks.
- Diversification: the LGFV provides an alternative source of debt which reduces funding risk for Councils.
- Simple borrowing process: the LGFV loans mirror existing bank debt terms and there are minimal operational impediments for Councils with the documentation framework in place for future issuances.
- Transparency: the bond book building and allocation process is a wholesale market tender which ensures that the best market price is achieved.
- Best practice: debt funding via the wholesale debt markets is a well-established model used by governments and major corporates.

The LGFV establishment and the associated competitive tension of a new entrant lender resulted in a downward shift in bank market pricing for Councils. This has had a beneficial impact for all Victorian Councils and not just the LGFV participants. However, this benefit is dependent on the ongoing operations of the LGFV and future bond issuances otherwise banks may increase the interest rate margins back to pre-LGFV levels.

## **DISCUSSION**

### **The bond market**

A bond is simply a loan from another source – the wholesale bond market. Cheaper funding is available in the wholesale bond market than from banks for highly rated borrowers such as Councils. The investors (or lenders) in the bond market are institutional investors such as superannuation funds, banks and foreign governments. The bond market is a key source of funding for the Commonwealth Government of Australia, State Governments (e.g. Treasury Corp Victoria) and major corporations. There are numerous examples of local government bonds in other jurisdictions such as New Zealand, USA, Canada and Europe. The LGFV transaction is a market standard structure of “pooling” loans to access the bond market and is considered tried and tested.

### **Inter-generational savings**

The LGFV represents a change in the traditional debt procurement model which “cuts out the middle person” to deliver cheaper funding costs by going direct to the wholesale bond market. Banks currently borrow money from the wholesale bond market and on lend these funds to Councils but in the process add in a profit margin. Access to the wholesale bond market is achieved through the credit strength, collective bargaining, scale and diversification that the LGFV delivers.

### **LGFV loan terms**

Aggregated purchasing arrangements lead to savings where there are standard terms. The bond issue will be on a 10-year basis with a fixed interest rate and repayment of interest only over the term.

Other terms and conditions such as security, conditions precedent, representations and warranties, covenants and undertakings, event of default and reporting requirements will be in line with existing standard terms in the bank market.

### **Borrowing process**

The borrowing process for Councils will be simplified under the LGFV. Councils submit a drawdown notice to the LGFV, with no requirement to undertake a tender to determine best price. Debt is available on an “as needs” basis during the year through a combination of regular bond issuances (annual or more frequently based on demand by Councils) and an ongoing interim finance facility which provides short term funding which will be refinanced through subsequent bond issuances.

**Cost**

A one off LGFV establishment fee of \$4,000 is payable by Councils following confirmation of participation (for new councils joining the LGFV only).

**Governance**

The LGFV Governance board was constituted and established under the terms of the LGFV Program Trust Deed. The board operates autonomously from MAV and its role incorporates a range of responsibilities including: approval of Council participation, strategic decision making regarding bond issuances, instructing the Trust Manager, considering financial market conditions, risk management and management and selection of LGFV service providers

The board comprises representative and skills based members, including Council CEO's or nominees, MAV and independent financial market experts. Current board members are:

- a. Rob Spence (Chairman) – MAV
- b. Allan Holmes - MAV
- c. Steven Lambert - Director City Services, Moonee Valley City Council
- d. Helen Sui – Director Corporate Services, Whittlesea City Council
- e. Shane Marr – Acting Director Corporate & Community Relations, Brimbank City Council

LGFV Third Issuance Term Sheet – June 2018

Borrowing structure	Councils will borrow on an individual and standalone basis (i.e. no cross guarantee)
Lender	Victorian Local Government Funding Vehicle (“LGFV”)
Tenor	10 years
Repayment structure	Interest only
Interest Rate	Fixed interest rate
Fees	A one off LGFV establishment fee of \$4,000 is payable by Councils (for new councils joining the LGFV only)
Documentation	Standardised bilateral loan documentation with common terms and conditions for each individual Council. The terms will be in line with existing customary terms in the bank market.
Security	Security is to comprise a mortgage over the rates of each individual Council
<p><i>The structure has been determined based on bank advice to maximize the probability of a successful issuance and drive an optimal pricing. Increased flexibility is envisaged over time through:</i></p> <ul style="list-style-type: none"> <li><i>i. adjusted terms (e.g. tenor, interest rate)</i></li> <li><i>ii. incorporating debt amortization through various bond maturities</i></li> </ul>	

## KEY CONSIDERATIONS

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

5.1 Good Governance through leadership.

### ***Financial***

A loan for \$1 million has already been factored into the budget for 2017/18. Council paid the once off LGFV establishment fee of \$4,000 in 2014. It is expected there should be a lower interest rate when compared to a tender process undertaken with the banking sector.

### ***Policy/Legal/Statutory***

Section 144 (1) of the Local Government Act provides that "subject to the principles of sound financial management, a Council may borrow money to enable the Council to perform the functions and exercise the powers conferred on the Council under the Act or any other Act".

### ***Risk Assessment***

Low. The alternative to participation in the LGFV is for Councils to solely source funds via a tender process with the major banks on a bilateral basis, as the sector has done historically.

### ***Stakeholder Consultation and Communication***

As this is an internal / administrative matter there is no need for community consultation

## CONCLUSION

The LGFV provides a new source of funding for future Council borrowing requirements in addition to existing bank loans.

The key benefits of the LGFV for Councils include significant savings, diversification of funding source, low cost, transparency and best practice.

This report seeks Council's endorsement to participate in the LGFV as a source of borrowing requirements to help fund the Ararat Arts Precinct Upgrade.

## ATTACHMENTS

There are no attachments relating to this item.

### 3.2 ROAD NAME – RENAMING OF A SECTION OF HILLSIDE ROAD

**RESPONSIBLE OFFICER:** MANAGER CORPORT SUPPORT  
**DEPARTMENT:** ASSETS FINANCE AND CORPORATE SERVICES  
**REFERENCE:** 16079617

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

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

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

#### **PURPOSE**

To consider submissions received from the public on the proposal to rename part of Hillside Road to Colvinsby Road.

#### **EXECUTIVE SUMMARY**

At the Council meeting held 20 February 2018 Council resolved to advertise its' intention to rename the west end of Hillside Road, between the Western Highway and Hillside-Geelong Road, to Colvinsby Road.

The proposal was advertised and submissions closed on 30 March 2018. Council has received two submissions that now must be considered.

Given the receipt of two submissions and the fact that the access to Hillside Road may be altered as a result of the Western Highway Duplication Project it may be appropriate to postpone any renaming proposals until after the project is complete.

#### **RECOMMENDATION**

##### **That Council:**

- 1 Postpone the renaming of the current Hillside Road until after the Western Highway Duplication Project is complete; and**
- 2 Take no action on renaming Hillside Extension Road.**

#### **BACKGROUND**

Correspondence has been received from the Ararat Fire Brigades Group, requesting Council to rename the west end of Hillside Road, from Hillside-Geelong Road.

The Ararat Fire Brigades Group is concerned about the possible confusion in the reporting of an incident to 000 if a member of the public references the location of a fire or incident by "the intersection of Hillside Road and the Western Highway". Given that there are currently two such intersections with this description, which are more than 7 kilometres apart, this could lead to confusion or delays in directing emergency response crews and delays in locating an incident.

#### **DISCUSSION**

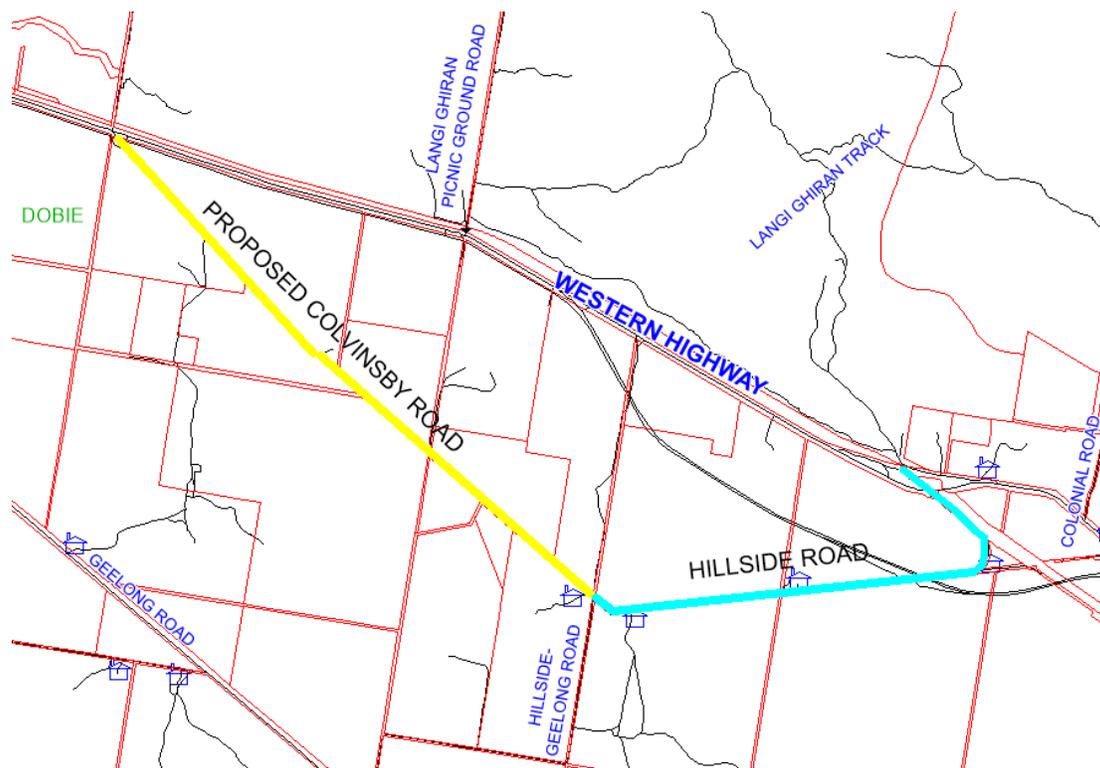
Guidelines have been developed by Geographic Place Names to assist Council in the processes surrounding road names.

The guidelines recommend consulting with the community within the immediate area. Initial discussions held with property owners effected by this name change have identified Colvinsby Road as an appropriate name, as this road was historically known to locals as Colvinsby Lane and is located within the Parish of Colvinsby.

The name Colvinsby Road is considered to be compliant with the "Naming rules for places in Victoria", and has been checked for duplication in the VICNAMES database with no duplicate names identified within a 30km radius.

Council advertised its intention to officially rename the west end of Hillside Road, from Hillside-Geelong Road to Colvinsby Road.

A map showing the advertised proposal was as follows:



Two submissions were received as part of the consultation process. One submission suggested Hillside Road had always been known as Colvinsby Lane. This submission also suggested using east and west to differentiate the road name. Road names guidelines states a prefixed or suffixed extension of the name is not to be used as part of a road name e.g. upper, lower, little, old or new and the cardinal directions north, south, east and west are not to be used. These extensions have been used in the past but cannot be used for new road names.

Both submissions indicated the proposed Colvinsby Road should be renamed to Gorrin Road, and the proposed Hillside Road should be renamed Colvinsby Lane. Gorrin Road was initially suggested by the Buangor Fire Brigade, but was dismissed as Gorrin Cattle Yard Road is situated less than 2 kilometres away from the western end of Hillside Road and this would not comply with the road naming guidelines, on the basis that the similar names would be considered duplicates and would be confusing. To overcome this issue Council could rename Gorrin Cattle Yard Road to Cattle Yard Road.

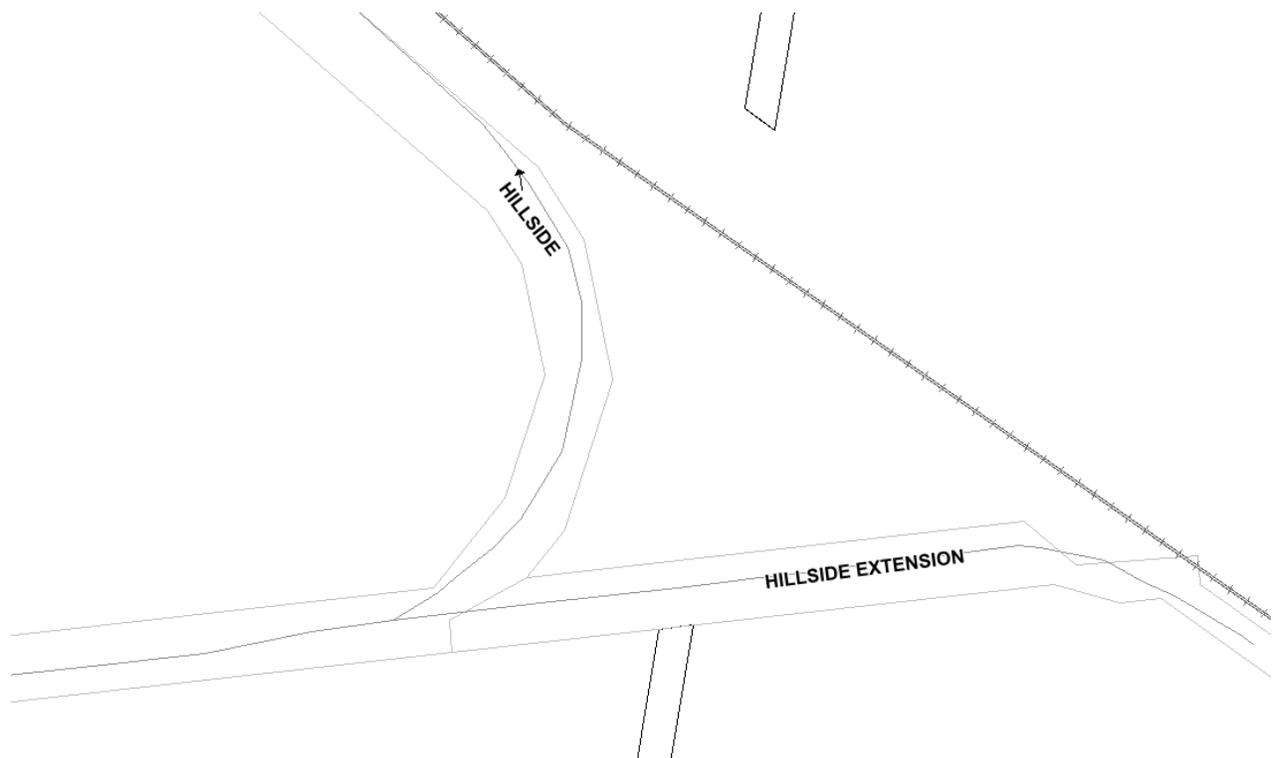
As Hillside Road will be effected by the Western Highway Duplication Project, and road numbers are allocated based on the distance from a major road, it may be appropriate to postpone the renaming of these roads until the project is complete. This would allow new distance based road numbers to be allocated to houses along the existing Hillside Road.

Both submissions also proposed the renaming of Hillside Extension Road to person who recently passed away, suggesting the use of that person's first name.

The guidelines state when considering a commemorative name, the following points must be considered.

- If named after a person, that person should be or have been held in strong regard by the community, with preference given to unofficial names used by the local community.  
When deciding on the assignment of a commemorative name, naming authorities should consider the person's achievements, relevant history and association to the area, and the significance of the family/person to the area/land. For example, a family that has been associated with an area for at least 50 years.
- The names of people who are still alive must be avoided because community attitudes and opinions can change over time.
- A commemorative name applied to a locality or **road should use only the surname of a person, not first or given names.**
- A commemorative name applied to a feature can use the first name and surname of a person; although, it is preferred that only the surname be used. The initials of a given name are not to be used in any instance.

Hillside Extension Road is an unmade/natural surface road that provides access to only one property. It is not sign posted and is a "no through" road with the railway line at the end of the road.



## KEY CONSIDERATIONS

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

5.1 Good Governance through leadership.

### ***Financial***

Costs will not be material.

### ***Policy/Legal/Statutory***

Schedule 10 of the Local Government Act 189 provides Council with the power to name roads. The Geographic Place Names Act makes provision for the naming of places and the registration of place names.

### ***Risk Assessment***

Low risk.

### ***Stakeholder Consultation and Communication***

Renaming the road will assist Emergency Services and the community in finding their properties. Further consultation will be required after the Western Highway Duplication Project is complete.

## CONCLUSION

The public has provided feedback on Council's proposal to rename the roads mentioned in the report. Council must now consider their submissions before making a decision.

## ATTACHMENTS

There are no attachments relating to this item.

### 3.3 QUARTERLY PERFORMANCE REPORT

**RESPONSIBLE OFFICER:** MANAGER CORPORATE SUPPORT  
**DEPARTMENT:** ASSETS, FINANCE & CORPORATE SUPPORT  
**REFERENCE:** 13038999

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

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

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

#### **PURPOSE**

To provide Council with a Performance report for the period ended 31 March 2018

#### **EXECUTIVE SUMMARY**

The financial statements and performance indicators have been prepared for the period ended 31 March 2018. Based on the information provided by responsible officers and managers, Council's overall financial performance is in line with the budget.

#### **RECOMMENDATION**

**That the Comprehensive Income Statement, Balance Sheet, Statement of Cash Flows and Financial Performance Indicators for the period ended 31 March 2018 be received and adopted.**

#### **BACKGROUND**

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

#### **DISCUSSION**

##### **Key Financial information:**

##### **Income Statement**

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

Attachment 1 shows that Council generated \$25.709 million in revenue and \$21.399 million in expenses to 31 March 2018. This has resulted in a surplus of \$4.310 million for the nine months ended 31 March 2018.

##### **Income**

**Rates and charges** account for 54% of the total budgeted income for 2017/18. Rates and charges are recognised when the rates have been raised, not when the income has been received. An amount of \$16.481 million has been recognised as income for the nine months ended 31 March 2018.

**User fees** account for 5% of the total budgeted income for 2017/18 and \$1.023 million has been received to 31 March 2018. The majority of this relates to home care services, parking fees, transfer station fees and landfill gate fees reimbursed from Northern Grampians Shire Council.

**Recurrent Operating Grants** total \$2.881 million to 31 March 2018, including \$1.246 million from the Victorian Grants Commission for general purpose grants and \$0.757 million for the local roads grants.

**Non-recurrent Capital Grants** – Council have been successful in obtaining Local Roads to Market funding of \$0.95 million for road reconstruction works on Tatyoon Road. Council has also been granted \$0.75 million in Federal funding under the Bridge Renewal Programme to undertake reconstruction of the Elmhurst-Landsborough Road Bridge, with the Pyrenees Shire Council contributing half the remaining cost required to complete the works which are estimated to total \$1.5 million. Council has also received \$2.4 million from the State Government and \$0.378 from the Federal Government this financial year to partly fund the Ararat Arts Precinct upgrade.

### **Expenses**

**Employee Costs** account for approximately 41% of the total budgeted expenditure for 2017/18. For the nine months ended 31 March 2018 Council has incurred \$8.713 million in employee costs, which was in line with budget.

**Materials and Services** account for approximately 30% of the total budgeted expenditure for 2017/18. For the nine months ended 31 March 2018, Council has incurred \$6.539 million in materials and services costs. There are a number of projects, including those carried forward from 2016/17 that are expected to be completed before the end of the financial year.

### **Balance Sheet**

The Balance Sheet is one of the main financial statements and it reports Council's assets, liabilities and equity at a given date, in this case 31 March 2018. Comparative figures have been provided as at 30 June 2017.

Council's current assets have increased by \$1.142 million from \$20.757 million as at 30 June 2017 to \$21.899 million as at 31 March 2018. Cash and cash equivalents have decreased \$1.087 million from \$17.963 million to \$16.876 million and trade and other receivables have increased by \$2.286 million from \$2.637 million as at 30 June 2017 to \$4.923 million as at 31 March 2018.

These movements are to be expected because Council raises its rates & charges in the first quarter of the year and Council has now received the lump sum rates due 15 February 201, as well as the instalments due 30 September 2017, 30 November 2017 and 28 February 2018.

Total liabilities have decreased from \$7.119 million to \$5.696 million, with \$1.706 million less in trade and other payables.

### **Statement of Cash Flows**

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

The Cash and Cash Equivalents at the beginning of the financial year of \$17.963 million have decreased by \$1.087 million to \$16.876 million as at 31 March 2018.

Net cash provided by operating activities was \$6.648 million and \$7.700 million was used in investing activities.

Investing activities includes payments for property, plant and equipment, and infrastructure totalling \$7.923 million. This amount also includes capital building works and capital road works.

Based on 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**

The Local Government Performance Reporting Framework requires that Council reports various performance indicators at the end of each financial year.

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

Indicator	30/9/2017	31/12/2017	31/3/2018
<p><b>Working capital</b> <i>Measure - Current assets compared to current liabilities.</i> Expected values in accordance with the Local Government Performance Reporting Framework 100% to 400% Indicator of the broad objective that sufficient working capital is available to pay bills as and when they fall due. High or increasing level of working capital suggests an improvement in liquidity</p>	822%	676%	626%
<p><b>Loans and borrowings</b> <i>Measure - Loans and borrowings compared to rates.</i> Expected values in accordance with the Local Government Performance Reporting Framework – 0% to 70% Indicator of the broad objective that the level of interest bearing loans and borrowings should be appropriate to the size and nature of a council's activities. Low or decreasing level of loans and borrowings suggests an improvement in the capacity to meet long term obligations</p>	12.39%	12.27%	12.14%
<p><b>Indebtedness</b> <i>Measure - Non-current liabilities compared to own source revenue</i> Expected values in accordance with the Local Government Performance Reporting Framework – 2% to 70% Indicator of the broad objective that the level of long term liabilities should be appropriate to the size and nature of a Council's activities. Low or decreasing level of long term liabilities suggests an improvement in the capacity to meet long term obligations</p>	13.28%	12.69%	12.19%
<p><b>Rates concentration</b> <i>Measure - Rates compared to adjusted underlying revenue</i> Expected values in accordance with the Local Government Performance Reporting Framework – 30% to 80% Indicator of the broad objective that revenue should be generated from a range of sources. High or increasing range of revenue sources suggests an improvement in stability</p>	88.84%	80.80%	73.62%
<p><b>Expenditure level</b> <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>	\$4,295	\$4,342	\$4,007
<p><b>Indicator - Revenue level</b> <i>Measure - Average residential rate per residential property assessment</i> Expected values in accordance with the Local Government Performance Reporting Framework - \$700 to \$2,000 Indicator of the broad objective that resources should be used efficiently in the delivery of services. Low or decreasing level of rates suggests an improvement in organisational efficiency</p>	\$1,824	\$1,818	\$1,827

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***

5.1 Good governance through leadership

### ***Financial***

Council's financial performance is in line with expectations. Council's cash position was expected to increase in the third quarter with many ratepayers electing to pay their rate in full due 15 February 2018 and the third instalment due 28 February 2018.

### ***Policy/Legal/Statutory***

Section 137 of the Local Government Act 1989 states a Council must establish and maintain a budgeting and reporting framework that is consistent with the principles of sound financial management.

Section 138 of the Local Government Act 1989 states at least every 3 months, the Chief Executive Officer must ensure that a statement comparing the budgeted revenue and expenditure for the financial year with the actual revenue and expenditure to date is presented to the Council at a meeting which is open to the public.

### ***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

### ***Stakeholder Consultation and Communication***

Council's financial performance reports are published quarterly.

## CONCLUSION

The report for the nine months ended 31 March 2018 has been prepared on an accrual basis and in accordance with accounting practices, including a Comprehensive Income Statement, Balance Sheet and Statement of Cash Flows. Based on the information provided by responsible officers and managers, Council's overall financial performance was in line with the budget.

## ATTACHMENTS

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

### 3.4 CHIEF EXECUTIVE OFFICER EMPLOYMENT AND REMUNERATIONS POLICY

**RESPONSIBLE OFFICER:** CHIEF EXECUTIVE OFFICER  
**DEPARTMENT:** EXECUTIVE SERVICES  
**REFERENCE:** 13040303

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

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

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

#### **PURPOSE**

This report provides advice and recommendations on the process and timing for the appointment of a Chief Executive Officer (CEO) for the Ararat Rural City Council.

#### **EXECUTIVE SUMMARY**

The Council is required to appoint a CEO and currently has an interim CEO engaged until 30 September 2018. Council will need to commence the process soon to engage a CEO for a 5-year period from October 2018. The Local Government Act prescribes the process of recruitment and management of the CEO contract. The report recommends the adoption of a policy and appointment of an advisory committee to assist the Council in its role.

#### **RECOMMENDATION**

##### **That Council:**

- 1 Adopt the Chief Executive Officer Employment and Remuneration Policy;**
- 2 Approve the terms of reference for establishing the Employment and Remuneration Advisory Committee;**
- 3 Appoint the Mayor and 2 Councillors to the Advisory Committee; and**
- 4 Commence the process to appoint an independent member of the Advisory Committee.**

#### **BACKGROUND**

At the 18 July 2017 Council Meeting, Council resolved to establish a Chief Executive Officer Recruitment, Remuneration, Performance and Development Committee, and establish a terms of reference for the Committee.

As part of the review of the Local Government Act, the Local Government Bill Exposure Draft, Clause 44 – Chief Executive Officer Employment and Remuneration Policy, states “A Council must develop, adopt and keep in force a Chief Executive Officer Employment and Remuneration Policy”. The indicative date for this clause to be proclaimed is 1 January 2019.

The Council also needs to appoint a CEO prior to the end of the term of the current interim CEO in September.

#### **DISCUSSION**

The Council currently has an interim CEO whose term must end by 30 September as required by the Local Government Act (LGA). Interim or acting CEOs can be appointed for a maximum of 12 months. CEO appointments longer than this must follow the provisions of the Local Government Act (LGA), which require that the position be advertised.

The LGA (Section 94) requirements for the appointment of a CEO include:

- appointing a CEO once the position is vacant
- advertising the position throughout Victoria
- regulating the appointment under a contract
- limiting the contract to no more than 5 years

- the contract must be performance based (include KPIs)
- the option of inviting the CEO to enter a new contract at the conclusion of the contract

Council will be commencing the recruitment process soon. In order to guide Council through this process, it is recommended that Council establish appropriate policy and an advisory committee to oversee the Council's obligations as they relate to the employment of a CEO. The attached CEO Employment and Remuneration Policy is based on a proposal contained in the revised Local Government Act due to be incorporated in legislation early in 2019. There are presently no legislated requirements to have either a policy or committee. The draft terms of reference for an advisory committee are based on a draft discussed at a Council Assembly in October 2017 and have been modified to reflect the proposed legislation.

The adoption of the proposed policy and establishment of an Employment and Remuneration Advisory Committee will assist the Council in its need to recruit a CEO and in its need to develop a process to support the performance monitoring of its CEO in the future.

## KEY CONSIDERATIONS

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

The Local Government Act requires the Council to appoint a CEO. The position is responsible to the Council for the implementation of the Council Plan and Council Strategies.

### ***Financial***

The only cost associated with the adoption of a policy or the appointment of an advisory committee will be those related to any sitting fees paid to the independent member of the Advisory Committee, estimated to be less than \$5,000 per year.

### ***Policy/Legal/Statutory***

Currently there is no statutory requirement to have a CEO Employment and Remuneration Policy.

As part of the review of the Local Government Act, the Local Government Bill Exposure Draft, Clause 44 – Chief Executive Officer Employment and Remuneration Policy, states “A Council must develop, adopt and keep in force a Chief Executive Officer Employment and Remuneration Policy”. The indicative date for this clause to be proclaimed is 1 January 2019.

### ***Risk Assessment***

The development of policy to guide decision making and appointing a committee to oversee relevant processes will minimise any risks to the Council in fulfilling its obligations in relation to the employment of a CEO.

### ***Stakeholder Consultation and Communication***

Councillors have been briefed on proposed changes to the Local Government Act that affect the employment of CEOs at Assemblies held on 3 April and 10 April 2018.

## CONCLUSION

A Chief Executive Officer Employment and Remuneration Policy and Terms of Reference for an Advisory Committee have been created and are presented to Council for consideration and adoption.

## ATTACHMENTS

The Chief Executive Officer Employment and Remuneration Policy and Chief Executive Officer Employment and Remuneration Advisory Committee Terms of Reference are provided as Attachment 3.4.

### 3.5 DELEGATIONS FROM COUNCIL TO CHIEF EXECUTIVE OFFICER S5

**RESPONSIBLE OFFICER:** MANAGER EXECUTIVE SERVICES AND GOVERNANCE  
**DEPARTMENT:** CORPORATE STRATEGY, RISK AND GOVERNANCE  
**REFERENCE:** 14055779 S5

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

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

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

#### **PURPOSE**

This report is an update on the delegations made by Council to the Chief Executive Officer and proposes amendments to the *Instrument of Delegation from Council to Chief Executive Officer*.

#### **EXECUTIVE SUMMARY**

The Instrument of Delegation to the Chief Executive Officer is one which basically identifies powers not delegated.

#### **RECOMMENDATION**

**That:**

**In the exercise of the powers conferred by section 98(1) of the *Local Government Act 1989* (the Act) and the other legislation referred to in the attached instrument of delegation, Ararat Rural City Council (Council) resolves that -**

- 1 There be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in the attached *Instrument of Delegation to the Chief Executive Officer*, subject to the conditions and limitations specified in that Instrument;**
- 2 The instrument comes into force immediately the common seal of Council is affixed to the instrument;**
- 3 On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked;**
- 4 The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt;**
- 5 It is noted that the instrument includes a power of delegation to members of Council staff, in accordance with section 98(3) of the Act; and**
- 6 The instrument be signed under the seal of the Council.**

#### **DISCUSSION**

Under the Local Government Act 1989 (LGA) Councils have the power to delegate specific functions, powers or duties under any Act to Council officers or Special Committees of Council. Council utilises an instrument of delegation in order to delegate its functions, powers and duties.

Section 98(6) of the Local Government Act requires that the Council must review all delegations within a period of 12 months after a general election.

There are no major changes to the delegation, only a small change to the formatting and wording.

## KEY CONSIDERATIONS

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

5.1 Good governance through leadership

#### ***Financial***

There are no financial implications.

#### ***Policy/Legal/Statutory***

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

#### ***Risk Assessment***

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

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

The Council can amend or revoke any delegated power at any time. Section 98(6) of the Local Government Act requires that the Council must review all delegations within a period of 12 months after a general election.

#### ***Stakeholder Consultation and Communication***

The amendment of the *Instrument of Delegation from Council to Council staff* has been updated using the Maddocks Lawyers Delegations Service and the templates provided by Advent Manager.

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

## CONCLUSION

The Instrument of Delegation from Council to the Chief Executive Officer is presented to Council for consideration.

## ATTACHMENTS

The Instrument of Delegation from Council to the Chief Executive Officer S5 is provided as Attachment 3.5.

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

**RESPONSIBLE OFFICER:** MANAGER EXECUTIVE SERVICES AND GOVERNANCE  
**DEPARTMENT:** CORPORATE STRATEGY, RISK AND GOVERNANCE  
**REFERENCE:** 14055779 S6

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

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

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

#### **PURPOSE**

This report is an update on the delegations made by Council to members of staff (other than the CEO) and proposes amendments to the *Instrument of Delegation from Council to Members of Council Staff*.

#### **EXECUTIVE SUMMARY**

Most statutory bodies have a power of delegation. Delegation is generally considered essential to enable day-to-day decisions to be made.

#### **RECOMMENDATION**

**That:**

**In the exercise of the powers conferred by section 98(1) of the *Local Government Act 1989* (the Act) and the other legislation referred to in the attached instrument of delegation, Ararat Rural City Council (Council) resolves that -**

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

#### **DISCUSSION**

Under the *Local Government Act 1989* (LGA) Councils have the power to delegate specific functions, powers or duties under any Act to Council officers or special committees of Council.

Council utilises an instrument of delegation in order to delegate its functions, powers and duties.

Section 98(6) of the *Local Government Act* requires that the Council must review all delegations within a period of 12 months after a general election.

This report has changes to delegates since the previous document was adopted on 17 October 2017.

## KEY CONSIDERATIONS

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

5.1 Good governance through leadership

#### ***Financial***

There are no financial implications.

#### ***Policy/Legal/Statutory***

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

#### ***Risk Assessment***

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

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

The Council can amend or revoke any delegated power at any time. Section 98(6) of the Local Government Act requires that the Council must review all delegations within a period of 12 months after a general election.

#### ***Stakeholder Consultation and Communication***

The amendment of the *Instrument of Delegation from Council to Members of Council staff* has been updated using the Maddocks Lawyers Delegations Service and the templates provided by Advent Manager.

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

## CONCLUSION

The Instrument of Delegation from Council to Members of Council Staff is presented to Council for consideration.

## ATTACHMENTS

The Instrument of Delegation from Council to Members of Council Staff S6 is provided as Attachment 3.6.

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

**RESPONSIBLE OFFICER:** MANAGER EXECUTIVE SERVICES AND GOVERNANCE  
**DEPARTMENT:** CORPORATE STRATEGY, RISK AND GOVERNANCE  
**REFERENCE:** 14055779 S11A

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

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

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

#### **PURPOSE**

This report submits a schedule on the appointment and authorisation of staff under various legislative provisions under the Planning and Environment Act 1987.

#### **EXECUTIVE SUMMARY**

Earlier reports to this meeting have covered the Council's power to delegate specific functions, powers or duties to Council officers and Appointment and Authorisations under the Local Government Act 1989.

#### **RECOMMENDATION**

**That;**

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

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

#### **DISCUSSION**

Appointments need to be made. The only option is to review the staff members nominated for appointment.

This report has changes to delegates since the previous document was adopted on 17 October 2017.

#### **KEY CONSIDERATIONS**

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

5.1 Good governance through leadership

##### ***Financial***

There are no financial implications.

##### ***Policy/Legal/Statutory***

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

Under Section 98(6) A Council must review within the period of 12 months after a general election all delegations which are in force and have been made by the Council under subsection (1).

***Risk Assessment***

The updating of the Authorised Officer schedule, from time to time, ensures ongoing legislative compliance for Ararat Rural City and that staff are properly empowered to undertake their roles.

***Stakeholder Consultation and Communication***

The list of Authorised Officers has been updated by referencing the Maddocks Lawyers Delegations Service.

**CONCLUSION**

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

The Appointment of Authorised Officers (Planning and Environment Act 1987) is presented to Council for consideration.

**ATTACHMENTS**

The Instrument of Appointment and Authorisation (Planning and Environment Act 1987) S11A is provided as Attachment 3.7.

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## SECTION 4 – INFORMATION REPORTS

### 4.1 COUNCIL WORK PLAN/ACTION PLAN – APRIL 2018

**RESPONSIBLE OFFICER:** CHIEF EXECUTIVE OFFICER  
**DEPARTMENT:** EXECUTIVE SERVICES  
**REFERENCE:** 17085885

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

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

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

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#### **PURPOSE**

The Council Work Plan/Action Plan has been updated and is presented to Council for information.

#### **EXECUTIVE SUMMARY**

In August 2017, the Minister for Local Government wrote to the Mayor outlining the findings and recommendations by the Commission. The Minister under section 218 of the *Local Government Act 1989* provided a list of recommendations Council should take to address the issues identified by the Commission in its report.

#### **RECOMMENDATION**

**That the April 2018 Ararat Rural City Council Work Plan/Action Plan be received.**

#### **DISCUSSION**

Council has developed a Work Plan/Action Plan in response to the Minister for Local Government's recommendations.

The Work Plan/Action Plan will be presented to Council on an ongoing basis.

#### **KEY CONSIDERATIONS**

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

- 1.1 Work with communities to develop and prosper
- 2.1 Community and cultural connectedness
- 4.5 Long term asset management
- 5.1 Good governance through leadership
- 5.2 Services and infrastructure that meets the municipality's existing and future needs
- 5.3 Organisational risk
- 5.4 Professional and skilled staff in a safe and supportive environment
- 5.5 Sustainable, long term financial management

##### ***Financial***

None identified.

##### ***Policy/Legal/Statutory***

Under section 218 of the *Local Government Act 1989* the Minister provided a list of recommendations Council should take to address the issues identified by the Commission in its report.

***Risk Assessment***

Not addressing the Minister's recommendations would result in negative feedback from the Local Government sector.

***Stakeholder Consultation and Communication***

Councillors and Executive Leadership Group have reviewed the attached Work Plan/Action Plan.

The Work Plan/Action Plan is updated on the Council website.

**CONCLUSION**

The Work Plan/Action Plan will be presented to Council and then placed on Council's website.

**ATTACHMENTS**

The Council Work Plan/Action Plan – April 2018 is provided as Attachment 4.1.

**4.2 BUILDING APPROVALS**

**RESPONSIBLE OFFICER:** PLANNING & DEVELOPMENT OFFICER  
**DEPARTMENT:** PLANNING AND PUBLIC HEALTH  
**REFERENCE:** 13038442

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

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

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

**RECOMMENDATION**

**That the Building Approvals Report be received.**

**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 the month March 2018

**Approvals by Ararat Rural City Municipal Building Surveyor. – March 2018**

Permit No.	Application Date	Approval Date	Building Address	Nature of Works	Use of Building
181553/0	13/02/2018	7/03/2018	22 Lot 1, Tuson Street, Ararat	Demolition	Dwelling
181555/1	22/02/2018	5/03/2018	31 Baird Street, Ararat	New Building	Office
181555/2	6/03/2018	6/03/2018	31 Baird Street, Ararat	Part demolition of warehouse / office building	Office
181552/0	13/02/2018	6/03/2018	20 Lot 1, Tuson Street, Ararat	Demolition	Dwelling
181547/0	24/01/2018	1/03/2018	20 Golf Links Road, Ararat	Carport Extension	Carport
181548/0	25/01/2018	6/03/2018	605 Bunjils Cave Road , Black Range	New Building	Dwelling
181554/0	22/02/2018	27/03/2018	900 Helendoite Road, Tatyoon	New Building	Farm Shed
181556/0	6/03/2018	21/03/2018	110 Lambert Street, Ararat	New Building	Swimming Pool ,Swimming Pool Fence
181551/0	9/02/2018	20/03/2018	144 Montgomery Street, Lake Bolac	Garage	Garage
181558/0	13/03/2018	26/03/2018	50 Girdlestone Street, Ararat	Alteration	Other

**TOTAL VALUE \$ 580,500.00**

**Approvals by Private Surveyors – March 2018**

<b>Private Surveyor Approvals</b>					
<b>Permit No.</b>	<b>Date Received by Council</b>	<b>Date Approved</b>	<b>Building Address</b>	<b>Description of Building Works or Use of Building</b>	<b>Surveyor</b>
45971/20180099/0	31/01/2018	06/03/2018	26 Tobin Street, Ararat	Restump of a dwelling	Julie Harris, Lighthouse Building Permits
1543/20180071/0	20/03/2018	21/03/2018	114-116 Barkly Street, Ararat	Restump of a Dwelling	Phil Price, Hendry Building Surveying
42112/20180627/0	20/02/2018	21/03/2018	7507 Mortlake Road, Maroona	Construction of a Shed	Jason Foote, MBA Building Services Pty Ltd
20180164/0	21/03/2018	22/03/2018	4/30 Barkly Street, Ararat	Re-Stumping of Office	David Kors, Daville Building Surveying
1062/20180160/0	29/03/2018	08/03/2018	1 Kneebone Street, Ararat Rural City (Ararat West Primary School)	Demolition of Shed	Brent Williams, BW&A National Building Consultants
15255/009312/2	03/04/2018	27/03/2018	5 Girdlestone Street, Ararat	EGHS – Community Health Centre Upgrade (Building A)	Jo van Loon, BSA Building Surveyors

**TOTAL VALUE \$ 443,383.80**

**KEY CONSIDERATIONS**

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

3.4 Effective and efficient land use planning and building controls.

**ATTACHMENTS**

There are no attachments relating to this item.

**4.3 PLANNING MATTERS APPROVED UNDER DELAGATION**  
**PLANNING PERMITS AND CERTIFICATION OF SUBDIVISION PLANS**

**RESPONSIBLE OFFICER:** PLANNING & DEVELOPMENT OFFICER  
**DEPARTMENT:** PLANNING AND PUBLIC HEALTH  
**REFERENCE:** 13038445

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

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

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

**RECOMMENDATION**

**That the Planning Matters Approved under Delegation – Planning Permits and Certification of Subdivision Plans be received.**

**DISCUSSION**

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

Planning permit approvals under delegated authority – March 2018

<b>ARARAT PLANNING SCHEME</b>					
<b>Application No.</b>	<b>Date Lodged</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposed Use of Development</b>	<b>Date of Delegated Approval</b>
02704	30/10/2017	Rapidfire Constructions Pty Ltd	15A Barkly Street West, Ararat CA 8E SEC J, Parish & Township of Ararat	Two (2) Lot Subdivision	07/03/2018 Delegate: Andrew Bishop
2726	26/02/2018	V/Line	3054 Pyrenees Highway, Elmhurst, L12 LP4975; L12B PS4975; L1 PS716983; L3 PS716983 Parish of Eversley	Native Vegetation Removal	13/03/2018 Delegate: Andrew Bishop
2718	11/01/2108	Fry	1 Barkly Street West, Ararat, CA8 SEC I Parish & Township of Ararat	Creation of access to Road Zone	14/03/2018 Delegate: Andrew Bishop

<b>VCAT</b>				
<b>Application No.</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposed Use of Development</b>	<b>Status</b>
Nil				

Certification of subdivision plans under delegated authority.

<b>CERTIFICATION OF SUBDIVISION PLAN</b>					
<b>Application No.</b>	<b>Date Lodged</b>	<b>Applicant</b>	<b>Location</b>	<b>Procedure</b>	<b>Date of Decision</b>
S01165	28/11/2017	Steele Surveying Pty Ltd	141 Lambert Street, Ararat Lot2 PS807387R, Parish & Township of Ararat	Statement of Compliance issued in relation to PS807387R Version 1	09/03/2018 Delegate: Andrew Bishop
S01170	28/02/2018	Nature Glenelg Trust	3526 Maroona-Glenthompson Road, GlenthompsonCA 1A, 1A1, 1B, 1C, 2A1, 2A2, 3B1, Parish of Bunnugal	Certification and Statement of Compliance issued in relation to PS737901A Version 1	20/03/2018 Delegate: Andrew Bishop

**Liquor License Applications**

<b>LIQUOR LICENCING COMMISSION</b>			
<b>Applicant</b>	<b>Location</b>	<b>Application</b>	<b>Consent</b>
Nil			

**KEY CONSIDERATIONS**

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

3.4 Effective and efficient land use planning and building controls.

**ATTACHMENTS**

There are no attachments relating to this item.

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## SECTION 5 – COMMITTEE MINUTES/REPORTS

### 5.1 SECTION 86 COMMITTEES OF MANAGEMENT

**AUTHOR'S TITLE:** MANAGER EXECUTIVE SERVICES AND GOVERNANCE  
**DEPARTMENT** CORPORATE STRATEGY, RISK AND GOVERNANCE  
**REFERENCE:** 13039110/18093837 Elmhurst/18093834 Streatham

#### **OFFICER'S DECLARATION OF INTEREST**

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

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

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#### **PURPOSE**

Section 86 Special Committees are established to assist Council with executing specific functions or duties. By instrument of delegation,

#### **EXECUTIVE SUMMARY**

Council has delegated to the Special Committees such functions and powers of the Council that it deems appropriate, utilising provisions of the Local Government Act 1989.

#### **RECOMMENDATION**

##### **That Council:**

- 1 Receives the Ordinary Meeting minutes of the Elmhurst Public Hall Committee of Management meeting held on 15 February 2018; and**
- 2 Receives the Ordinary Meeting minutes of the Streatham Memorial Hall Committee of Management meeting held on 1 August 2016 and 30 October 2017.**

#### **BACKGROUND**

Section 86 Special Committees are required to report to Council at intervals determined by the Council. A review of the process of receiving and presenting Section 86 Committees minutes is currently being carried out.

#### **DISCUSSION**

##### **Summary of Committee Meetings**

The following table updates Council on the meetings held by Council's Section 86 Committees since the last Council Meeting.

Please note that due to the timing of meetings some minutes may not have been confirmed at the time they have been presented to Council.

Special Committee	Councillor representative	Councillor Attendance	Current meeting (as presented)	Next proposed meeting/s	Minutes last presented to Council
Alexandra Hall Committee of Management	Cr Allgood		-	10 May 2018	22 February 2018
Buangor Community Sports Centre Committee (including Cobb & Co Building)	Cr Braithwaite		-	Meeting dates not provided	21 November 2017 AGM
Elmhurst Public Hall Committee	Cr Beales	Attended	15 February 2018	12 April 2018	13 December 2017
Lake Bolac Complex Committee	Cr Beales		-	15 November 2017	4 October 2017
Lake Bolac Memorial Hall Committee	Cr Beales		-	Meeting dates not provided	30 September 2014
Maroona Recreation Reserve Committee	Cr Pettman		-	Meeting dates not provided.	22 August 2016
Mininera Recreation Reserve Committee	Cr Beales		-	8 March 2018 12 July 2018 18 October 2018 - Ordinary and AGM	26 October 2017 Ordinary and AGM
Moyston Public Hall Committee	Cr Pettman		-	13 November 2017 22 January 2018 14 May 2018 6 August 2018	5 February 2018
Pomonal Hall & Reserve Committee	Cr Braithwaite		-	7 March 2018	6 December 2017
Streatham Memorial Hall Committee	Cr Armstrong	- Attended	1 August 2016 30 October 2017	Meeting dates not provided	20 May 2016
SMW Community Development Committee (former Streatham Primary School)	-		-	-	-
Tatyon Hall and Recreation Reserve Committee	Cr Beales		-	Meeting dates not provided	5 March 2018
Warrak Public Hall Committee	Cr Allgood		-	Meeting dates not provided	13 February 2018
Westmere Progress Association Committee (Westmere Hall and Recreation Reserve)	Cr Armstrong		-	Meeting dates not provided	17 October 2015
Wickliffe Action Group Wickliffe Common Committee	Cr McLean		-	Advised no formal meetings held	-
Wickliffe Recreation Reserve Committee	Cr McLean		-	Meeting dates not provided	26 June 2012
Willaura Golf Club	Cr Beales		-	Meeting dates not provided	9 November 2016
Willaura Memorial Hall	Cr Beales		-	6 April 2018 7 June 2018 2 August 2018	1 February 2018
Willaura Recreation Reserve	Cr Pettman		-	Meeting dates not provided	21 October 2015
Yalla-Y-Poora Community Centre	Cr Armstrong		-	Meeting dates not provided	8 September 2014

## KEY CONSIDERATIONS

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

5.1 Good governance through leadership

#### ***Financial***

No financial impact for the receiving of minutes.

#### ***Policy/Legal/Statutory***

Council's Section 86 Committee Instrument of Delegation states that Committees must "Adhere to the *Section 86 Committee Governance Manual (Governance)* in relation to all reporting requirements." Section 86 Committee Minutes must be forwarded to Council within 14 days after the meeting.

#### ***Risk Assessment***

Council need to be aware of issues raised in the minutes and take action were required. Not receiving the minutes in a timely manner can lead to delays in implementation of the requests.

#### ***Stakeholder Consultation and Communication***

Councillor representation on Section 86 Committee of Management.

## CONCLUSION

It is a legislative requirement of the *Local Government Act 1989, section 86* for minutes of these committees to be presented to the Council.

## ATTACHMENTS

The two Section 86 Committees minutes as listed above are provided as Attachment 5.1.

**5.2 ADVISORY COMMITTEES**

**AUTHOR'S TITLE:     MANAGER EXECUTIVE SERVICES AND GOVERNANCE**  
**DEPARTMENT         CORPORATE STRATEGY, RISK AND GOVERNANCE**  
**REFERENCE:         13039075**

**OFFICER'S DECLARATION OF INTEREST**

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

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

**PURPOSE**

Council reviews its Committees at the Statutory Meeting each year and the Minutes of these minutes are presented to Council.

**EXECUTIVE SUMMARY**

This report contains the records of Council Committee meetings minutes received since the last Council Meeting.

**RECOMMENDATION**

**That the Council Committees Report be received.**

**DISCUSSION**

The following table outlines the Advisory Committees held since the last Council Meeting.

<b>Committees</b>	<b>Councillor representative</b>	<b>Councillor Attendance</b>	<b>Current meeting (as presented)</b>	<b>Next scheduled meeting/s</b>
<b>Council Committees</b>				
Ararat Regional Art Gallery Advisory Committee	Cr Armstrong		-	22 May 2018
Audit Committee	Mayor and Cr Allgood		-	6 June 2018
Community Engagement Advisory Committee	Cr Armstrong and Cr Pettman		-	To be confirmed
Community Road Safety Steering Committee	Cr Allgood		-	Yearly in August/September
Environmental Sustainability Advisory Group	Cr Pettman		-	June 2018 <i>(date to be confirmed)</i>
Health Promoting Leadership Advisory Group (also known as Ararat Prevention Leadership Group)	Cr Pettman		-	9 May 2018
Municipal Emergency Management Planning Committee	Cr Beales	Apology	7 March 2018	9 May 2018

## KEY CONSIDERATIONS

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

5.1 Good governance through leadership

### ***Financial***

No financial impact for the receiving of minutes.

### ***Policy/Legal/Statutory***

Section 3(1) of the Act defines an Advisory Committee to be any committee established by the council that provides advice to: Council, a Special Committee or a member of staff with a delegated duty, function or power of the Council under Section 98.

### ***Risk Assessment***

Council need to be aware of issues raised in the minutes and take action were required.

### ***Stakeholder Consultation and Communication***

Councillor representation on Council Committees.

## CONCLUSION

The minutes of Council Committees are presented to Council for information.

## ATTACHMENTS

The Municipal Emergency Management Planning Committee minutes as listed above are provided as Attachment 5.2.

## SECTION 6 – ASSEMBLY OF COUNCILLORS

### 6.1 ASSEMBLY OF COUNCILLORS

**AUTHOR'S TITLE:** MANAGER EXECUTIVE SERVICES AND GOVERNANCE  
**DEPARTMENT:** CORPORATE STRATEGY, RISK AND GOVERNANCE  
**REFERENCE:** 13039074

#### **OFFICER'S DECLARATION OF INTEREST**

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

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

#### **PURPOSE**

The *Local Government Act 1989* (Act) (Section 80A) requires that the record of an assembly of Councillors is to be reported to the next practicable Council meeting and be included in the minutes of that meeting.

#### **EXECUTIVE SUMMARY**

As a requirement of the Act, all Assemblies of Councillors held since the last Council Meeting are presented to Council and recorded in the minutes of the Council Meeting.

#### **RECOMMENDATION**

**That the Assembly of Councillors Reports be received.**

#### **BACKGROUND**

Certain types of meetings involving Councillors are defined to be Assemblies of Councillors. Councillors must disclose conflicts of interests at Assemblies of Councillors. Records of Assemblies of Councillors must be reported to Council meetings and recorded in the Council minutes

Section 76AA of the Act defines the following meetings to be Assemblies of Councillors: An Advisory Committee of the Council that includes at least one Councillor; or A planned or scheduled meeting of at least half the Councillors and one staff member.

#### **DISCUSSION**

The following records of meetings of the Assembly of Councillors since the last Council Meeting are attached.  
**Note: Any disclosures of interest, relevant to these items, are recorded in the Assembly of Councillors record.**

<b>Assembly of Councillors</b>
Assembly of Councillors held on 27 March 2018
Assembly of Councillors held on 3 April 2018
Assembly of Councillors held on 10 April 2018

## KEY CONSIDERATIONS

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

5.1 Good governance through leadership

#### ***Financial***

No financial impact for the receiving of Assembly of Councillors records.

#### ***Policy/Legal/Statutory***

As a requirement of the *Act*, a record of Assembly of Councillors must be kept and presented to the next available Council Meeting. Conflict of interest disclosures are noted in the record of Assembly of Councillors.

#### ***Risk Assessment***

Records of Assembly of Councillors are reported regularly and related documentation retained as required by legislation.

#### ***Stakeholder Consultation and Communication***

Council receives delegations from various organisations and individuals throughout the year.

## CONCLUSION

This is a legislative requirement of the *Local Government Act 1989, section 80*. The records of Assemblies of Councillors since the last Council Meeting are presented for information.

## ATTACHMENTS

The three Assembly of Councillor records listed above are provided as Attachment 6.1.

**SECTION 7 – COUNCILLORS REPORTS**

At each Council Meeting, all Councillors will have the opportunity to provide an overview of any meetings attended.

If a Councillor chooses to provide details, the name of the conference/event and the Councillor attending will be noted in the Minutes of the meeting. If a Councillor requires additional information on the conference/event to be included in the Minutes, the Councillor must submit in writing to the Chief Executive Officer by no later than 12pm (noon) the day following the meeting.

**SECTION 8 – NOTICES OF MOTION**

Notices of Motion must be in writing and lodged with the Chief Executive Officer no later than 5pm on the Wednesday which is at least four (4) business days before the meeting at which it is intended to be considered, unless a public holiday falls within that four days, as per Clause 18(4) of the Ararat Rural City Council Meeting Procedure.

**SECTION 9 – URGENT BUSINESS**

Ararat Rural City Council Meeting Procedure, Clause 17 Urgent Business states:

- (1) Items proposed as urgent business must not be submitted to the meeting other than by resolution of the Council and only if it relates to or arises out of a matter which has arisen since distribution of the Agenda or which cannot be reasonably deferred for inclusion in the agenda of the next meeting
- (2) The nature of the urgency must be stated by the Councillor and outlined in the minute of the meeting.

Discussion on Urgent Business Items admitted and accepted by resolution of Council at the commencement of the meeting:

**SECTION 10 – CLOSE SESSION (CONFIDENTIAL)**

**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 to discuss the items listed in the confidential agenda, in accordance with the following provision:

*“89 Meetings to be open to the public*

*(2) A Council or special committee may resolve that the meeting be closed to members of the public if the meeting is discussing any of the following—*

*(d) contractual matters;*

*(e) proposed developments;*

**OPEN COUNCIL MEETING RECOMMENCEMENT**

**RECOMMENDATION**

That the Open Council Meeting recommence.

Gallery invited to return to Council Chamber.

**LIFTING OF CONFIDENTIALITY OF CLOSED SESSION RESOLUTIONS**

**RECOMMENDATION**

That the Confidentiality of the:

1 Report and decision in relation to Items **10.1**, 10.3 and 10.4 of the Confidential Agenda not be lifted; and

2 Decision in relation to Item 10.2 of the Confidential Agenda be lifted.