



Ararat Rural City

AGENDA

COUNCIL MEETING

Tuesday 27 February 2024

To be held in the Council Chambers, Shire Offices
(Livestreamed)

Commencing at 6.00pm

Council:

Cr Bob Sanders (Mayor)

Cr Gwenda Allgood

Cr Jo Armstrong

Cr Rob Armstrong

Cr Peter Beales

Cr Henry Burridge

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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SECTION 1 – PROCEDURAL MATTERS

1.1 LIVE STREAMING

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

1.2 TRADITIONAL ACKNOWLEDGEMENT/OPENING PRAYER/COUNCILLORS PLEDGE

Traditional acknowledgement

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

Opening Prayer

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

Councillors Pledge

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

1.3 APOLOGIES

RECOMMENDATION (if required)

That the apology of **Cr** be accepted.

1.4 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the Council Meeting held on 30 January 2024 be confirmed.

1.5 DECLARATION OF CONFLICT OF INTEREST

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

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

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

SECTION 2 – PUBLIC PARTICIPATION

2.1 PETITIONS AND JOINT LETTERS

- 1 Unless *Council* determines to consider it as an item of urgent business, no motion (other than a motion to receive the same) may be made on any petition, joint letter, memorial or other like application until the next *Council meeting* after that at which it has been presented.
- 2 It is incumbent on every Councillor presenting a petition or joint letter to acquaint himself or herself with the contents of that petition or joint letter, and to ascertain that it does not contain language disrespectful to *Council*.
- 3 Every Councillor presenting a petition or joint letter to *Council* must:
 - write or otherwise record his or her name at the beginning of the petition or joint letter; and
 - confine himself or herself to a statement of the persons from whom it comes, the number of signatories to it, the material matters expressed in it and the text of the prayer or request.
- 4 Every petition or joint letter presented to *Council* must be in *writing* (other than pencil), typing or printing, contain the request of the petitioners or signatories and be signed by at least 12 people.
- 5 Every petition or joint letter must be signed by the persons whose names are appended to it by their names or marks, and, except in cases of incapacity or sickness, by no one else and the address of every petitioner or signatory must be clearly stated.
- 6 Any signature appearing on a page which does not bear the text of the whole of the petition or request may not be considered by *Council*.
- 7 Every page of a petition or joint letter must be a single page of paper and not be posted, stapled, pinned or otherwise affixed or attached to any piece of paper other than another page of the petition or joint letter.
- 8 If a petition, joint letter, memorial or other like application relates to an operational matter, *Council* must refer it to the *Chief Executive Officer* for consideration.

SECTION 3 – REPORTS REQUIRING COUNCIL DECISION

3.1 DELEGATION FROM COUNCIL TO MEMBERS OF COUNCIL STAFF S6

RESPONSIBLE OFFICER: GOVERNANCE AND RISK LEAD
DEPARTMENT: CEO'S OFFICE
REFERENCE: 14099

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 for Council to consider adoption of the revised Instrument of Delegation form Council to Members of Council Staff

DISCUSSION

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

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

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

- Sections 125 and 149B of the Planning and Environment Act 1987 have been inserted.

There has been an update on a few staff changes which have been updated.

KEY CONSIDERATIONS

Alignment to Council Plan Strategic Objectives

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

- 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 arising from the review of the S6 Instrument of Delegation – Council to Members of Council Staff.

Policy/Relevant Law

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

This report is presented to reflect the changes in legislation and staff.

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

Sustainability Implications

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

Risk Assessment

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

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

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

Stakeholder Collaboration and Community Engagement

The amendments of Instruments of Delegation from Council to Members of Council staff that been updated using the Maddocks Lawyers Delegation Service and RelianSys software.

The delegation service provides tow updates per year and mini up[dates as required when legislation changes

Chief Executive Officer and relevant officers have reviewed then documents.

RECOMMENDATION

That:

In the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, Ararat Rural City Council (Council) resolve 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 Member 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 ser out in the instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopts; and**
- 5. The instrument be signed under the seal of the Council.**

ATTACHMENTS

The Instrument of Delegation from Council to Members of Council Staff S6 is provided as Attachment 3.1

3.2 APPOINTMENT AND AUTHORISATIONS (PLANNING AND ENVIRONMENT ACT 1987) S11A

RESPONSIBLE OFFICER: GOVERNANCE AND RISK LEAD
DEPARTMENT: CEO'S OFFICE
REFERENCE: 14100

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

DISCUSSION

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

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

This report identifies changes since the S11A Instrument of Appointment and Authorisation was adopted on 25 July 2023

A review of current appointments to this Instrument of Appointment and Authorisation has been carried out.

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 not budget implications arising from the Appointment of Authorised Officers

Policy/Relevant Law

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

The power to commence proceedings – Section 313 of the Local Government Act 2020

Sustainability Implications

There are not economic, social or environmental implications in relation to appointment of Authorised Officers.

Risk Assessment

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

Innovation and Continuous Improvement

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

Stakeholder Collaboration and Community Engagement

The Instrument of Appointment and Authorisation has been updated by referencing the Maddocks Lawyers Delegation Services.

RECOMMENDATION

That:

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

- 1. The members of Council staff referred to in the 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.**

ATTACHMENTS

The Instrument of Appointment and Authorisation (Planning and Environment Act 1987) S11A is provided as Attachment 3.2

3.3 NORFOLK ISLAND PINE TREES ON BARKLY STREET, ARARAT

RESPONSIBLE OFFICER: CHIEF EXECUTIVE OFFICER
DEPARTMENT: CEO'S OFFICE
REFERENCE: 14104

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 number of Norfolk Island pine trees along Barkly Street, Ararat, appear to be in poor or very poor condition. They may have been impacted by disease, the overall increased temperatures and reduced rainfall which are less supportive of this species, or they may have reached the end of their lifespan. Trees that are in poor condition or have died may pose a safety risk to the public.

As a result, it is proposed that the Council commence a process of community and stakeholder consultation and engagement to proactively identify suitable replacements, in preparation for when the existing Norfolk Island pine trees come to an end of life.

DISCUSSION

The Ararat Rural City has a very wide diversity of trees in terms of species, age, size and density. Trees are an essential part of the urban and rural landscape, providing economic, social and ecological benefits.

Unlike other community assets, trees are living, biological assets and need to be managed accordingly to maximise their benefits and minimise adverse effects. Trees do not behave evenly over their life and are prone to many factors outside the control of the tree owner, e.g. drought, weather, site conditions, contractor/service provider interference and disease.

Norfolk Island pine trees (*Araucaria heterophylla*) are an evergreen conifer native to Norfolk Island where the annual average rainfall is 1312mm. The highest daily average temperature ever recorded on Norfolk Island was 28.4C on 11th Feb 1996 and the lowest daily average temperature ever recorded was 6.2C on 29th July 1953. For comparison, Ararat has an annual average rainfall of 586.5mm, the highest daily average temperature ever recorded was 44.7C on 7 Feb 2009 and lowest daily average temperature ever recorded was 4.7C on 31 May 1977. (Bureau of Meteorology).

Due to the changing climate, increasing temperatures and reducing rainfall, the climate conditions in Ararat may have become increasingly less favourable for the Norfolk Island pine trees, making them more susceptible to disease and stress. It may be timely to start considering more climate and site appropriate species for Barkly Street, Ararat, in preparation for replacing the pine trees when they reach their end of life.

KEY CONSIDERATIONS

Alignment to Council Plan Strategic Objectives

4.3 Deliver infrastructure outcomes that support economic growth, promote community wellbeing and safety, and align with Council's financial sustainability.

Budget Implications

The community and stakeholder consultation and engagement process will utilise the Council's existing Engage website and human resources, and is expected to have minimal to no budget implications.

Policy/Relevant Law

The Road Authority for Barkly Street, Ararat, where the Norfolk Island pine trees are located is VicRoads.

The Council's Tree Asset Management Plan excludes roadside trees pursuant to Section 107 of the Road Management Act 2004, which states that Council does not have a statutory duty or a common law duty to perform road management functions in respect of a public highway which is not a public road or to maintain, inspect or repair the roadside of any public highway (whether or not a public road).

Sustainability Implications

This recommendation will help prepare for the replacement of trees as they reach their end of life and therefore will have positive environmental outcomes.

Risk Assessment

Being proactive in identifying suitable replacements for ageing trees will support a future reduction in risk from falling branches and other potential hazards associated with trees in poor or very poor condition.

Stakeholder Collaboration and Community Engagement

Community and stakeholder consultation and engagement will commence on adoption of this recommendation.

The Road Authority for Barkly Street, Ararat, where the Norfolk Island pine trees are located is VicRoads and therefore should be consulted as a stakeholder.

RECOMMENDATION

That the:

The CEO has Council staff undertake community and stakeholder consultation and engagement to ascertain the historical significance of the trees and proactively identify suitable replacement tree species for when the existing Norfolk Island pine trees on Barkly Street, Ararat, reach their end of life.

ATTACHMENTS

The Photos of Norfolk Island Pine Trees on Barkly Street, Ararat is provided as Attachment 3.3

3.4 LAKE BOLAC AND SURROUNDS CHILDCARE DEMAND AND FEASIBILITY STUDY

RESPONSIBLE OFFICER: CHIEF EXECUTIVE OFFICER
DEPARTMENT: CEO'S OFFICE
REFERENCE: 14110

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 Ararat Rural City Council has undertaken a childcare demand and feasibility study in Lake Bolac and the surrounding areas. This initiative aimed to:

- Gather information on the likely demand for childcare places, including days and times that care is likely to be needed
- Gauge how much families are able to pay for childcare services, taking into account childcare subsidies.
- This initiative will also look at Outside of School Hours Care services (OSHC), occasional care and school holiday care programs.

The information obtained in this study will be summarised into a report and used to liaise with potential childcare providers on supplying childcare services in Lake Bolac.

Community consultation occurred over December 2023 to January 2024. The responses to the consultation and survey showed a strong demand for childcare in Lake Bolac.

This report seeks Council's endorsement to commence the exploration of options for private sector or not-for-profit investment into childcare services in Lake Bolac.

DISCUSSION

The insufficient number of childcare places in the Lake Bolac area creates significant challenges for families. This has been a very long standing issue which the community has raised with Council on a number of occasions.

Lake Bolac is located 30 minutes from Ararat and Mortlake. The surrounding area includes the townships of Willaura, Mininera, Westmere, Streatham, Nerrin Nerrin, Woorndoo, and Wickliffe. At the 2021 ABS Census, these communities had a population of 83 children aged 0-4, and 159 children aged 5-14. Historically, the nearest childcare centres to Lake Bolac were located in Chatsworth (20 minutes travel time by car, open 2 days per week), Mortlake (30 minutes), or Beaufort (45 minutes).

In 2016, a Family Day Care service was established in the Lake Bolac P-12 College, providing very much needed childcare places within the community. Family Day Care services may care for up to 7 children at any one time, with no more than 4 children under school age. The demand for places at the Family Day Care service far exceeds the allowable supply.

Community consultation occurred over 6 drop in sessions in December 2023 and January 2024 across Lake Bolac, Willaura, Streatham, Mininera and Wickliffe. An online survey was also available from 12 December 2023 to 31 January 2024. A total of 45 survey responses were received with most (42) received online. A total of 71 individual children need childcare, before and after kinder care, or Outside of School Care.

A summary of the demand for childcare places is provided in Table 1 below. Further details are available in the attached Community Consultation Summary Report.

Table 1. Indicative spread of demand for places over the week

Day	Age 0-2 or unclear age	Age 3 to pre-school	Outside of School Hours Care	Minimum Places Needed
Monday	25	9	6	40
Tuesday	28	9 (1 before & after kinder only)	4	41
Wednesday	30	11 (3 before & after kinder only)	6	47
Thursday	26	11 before & 12 after kinder only	4 before, 8 after	42
Friday	24	10 before & 12 after kinder only	6 before, 10 after	46

KEY CONSIDERATIONS

Alignment to Council Plan Strategic Objectives

1. GROWING OUR PLACE

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

2. BUILDING ROBUST LOCAL ECONOMIES

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

Budget Implications

The exploration and engagement with private and not-for-profit sectors on investment in childcare in Lake Bolac will be undertaken by existing Council staff and have minimal to no budget implications.

Policy/Relevant Law

N/A

Sustainability Implications

N/A

Risk Assessment

N/A

Innovation and Continuous Improvement

This initiative allows us to potentially identify innovative solutions to childcare shortages in rural and regional areas.

Stakeholder Collaboration and Community Engagement

Community consultation and engagement has occurred. Collaboration and engagement with the private and not-for-profit sector will occur following adoption of the recommendation.

RECOMMENDATION

That

Council endorses the exploration of options for private sector or not-for-profit investment in childcare services in Lake Bolac.

ATTACHMENTS

The Community Consultation Summary Report is provided as attachment 3.4

No information reports

SECTION 5- COMMITTEE MINUTES/REPORTS

No reports to table.

SECTION 6– INFORMAL MEETINGS

No informal meetings to report

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*.

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*.

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 – EPA Environmental action notices for the Elmhurst, Streatham and Tatyoon Transfer Stations.

CLOSURE OF COUNCIL MEETING TO THE PUBLIC

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

RECOMMENDATION

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

OPEN COUNCIL MEETING RECOMMENCEMENT

RECOMMENDATION

That the Open Council Meeting recommence.

Gallery invited to return to Council Chamber.

LIFTING OF CONFIDENTIALITY OF CLOSED SESSION RESOLUTIONS

RECOMMENDATION

That the confidentiality of the report and decision in relation to 9.1 be lifted on adoption of the motion.