



Ararat Rural City

# AGENDA

## COUNCIL MEETING

**Tuesday 26 September 2023**

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

Commencing at 6.00pm

Council:

Cr Jo Armstrong (Mayor)

Cr Gwenda Allgood

Cr Rob Armstrong

Cr Peter Beales

Cr Henry Burridge

Cr Bob Sanders

Cr Bill Waterston



Ararat Rural City

A recording of this meeting is being made for the purpose of verifying the accuracy of the minutes of the Council Meeting.

The recording is being streamed live via Facebook, to improve transparency between council and the community and give more people the opportunity to view what decisions are being made. You do not require a Facebook account to watch the live broadcast, simply enter [www.facebook.com/aratruralcitycouncil](https://www.facebook.com/aratruralcitycouncil) into your address bar.

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

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## SECTION 1 – PROCEDURAL MATTERS

### 1.1 LIVE STREAMING

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

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

#### *Traditional acknowledgement*

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

#### *Opening Prayer*

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

#### *Councillors Pledge*

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

### 1.3 APOLOGIES

#### RECOMMENDATION (if required)

That the apology of Cr be accepted.

### 1.4 CONFIRMATION OF MINUTES

#### RECOMMENDATION

That the Minutes of the Council Meetings held on 29 August 2023 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 CHANGES TO MEETING DATE 2023

RESPONSIBLE OFFICER: EXECUTIVE OFFICER  
DEPARTMENT: CEO'S OFFICE  
REFERENCE: 11732

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

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

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

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#### EXECUTIVE SUMMARY

At the Statutory Meeting held on 8 November 2022, Council resolved that the Council Meetings be held on the last Tuesday of each month.

This report outlines a proposed change to the meeting date of the November 2023 Statutory Council Meeting, due to Melbourne Cup falling on the first Tuesday of the month.

#### DISCUSSION

In line with the change in scheduling from the last Tuesday to the second last Tuesday of the month, it is now proposed to change the date of the November 2023 Statutory Council Meeting, as it falls on Melbourne Cup Day, which is a national public holiday.

Proposed changes to the current schedule are as follows:

- 7 November 2023 Statutory Council Meeting will be set one week later to 14 November 2023.

The new date will be advertised on the following platforms:

- Council website
- Local papers
- Councils Facebook page

#### KEY CONSIDERATIONS

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

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

##### **6 Strong and effective governance**

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*

Advertising of Council Meeting dates is allocated in the Annual Budget 2023/2024.

##### *Policy/Relevant Law*

Schedule set for Council Meetings, meetings advertised and placed on Council website as required under the Governance Rules.



*Risk Assessment*

None identified.

*Stakeholder Collaboration and Community Engagement*

The change of Council Meeting dates was discussed with Councillors.

Following adoption of this report an advertisement will be placed in local newspapers and on Council's website advising the community of the changes to Council Meeting schedule for 2023.

**RECOMMENDATION**

That Council:

- 1 Adopts the revised Council Meeting dates for 2023 as follows:  
6.00pm - Tuesday 14 November 2023; and
- 2 Advertises the new date and time of the Council Meeting dates for 2023 in the local newspapers and on Council's website.

**ATTACHMENTS**

There are no attachments in relation to this item.

### 3.2 TREE ASSET MANAGEMENT PLAN

**RESPONSIBLE OFFICER:** CONTRACTS & PROCUREMENT LEAD  
**DEPARTMENT:** CEO'S OFFICE  
**REFERENCE:** 11733

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

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

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

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#### **EXECUTIVE SUMMARY**

Asset plans as referred to in the Local Government Act 2020, are community facing documents that show how Council assets will be managed and maintained, while meeting the community's needs and interests.

Assets managed by Local Government include an extensive network of local roads and other assets such as land, buildings, parks, and recreation facilities. Good asset management is critical to the asset intensive nature of Local Government, particularly for rural councils with higher operating costs of assets, it is important to consider the needs, demands and expectations of communities and to deliver services from infrastructure assets in a sustainable and affordable way.

#### **DISCUSSION**

The fundamental purpose of the Tree Asset Management Plan is to improve Council's long term strategic management of its tree assets. This plan communicates the actions required for the responsible management of assets and the associated services provided, compliance with regulatory requirements and funding needed to provide the required levels of service to the community.

The intent of the document is to outline the approach used by Ararat Rural City Council (Council) in managing its Tree assets. This plan covers the entire lifecycle of managing the tree assets including but not limited to:

- Construction and Capital Works.
- Maintenance.
- Inspection and Health Assessment.
- Asset Register and Data.
- End of life/Renewal.
- Valuation.
- Incident Management.
- Reporting.

Council will execute the management of its Tree assets in alignment with the approach outlined in this plan.

The plan is structured into components representing operational areas of the council called services. The responsibilities that exist within those services combine towards a whole of organisation approach to asset management.

Council service lines included in this plan are:

- Asset Management
- Depot Operations
- Finance
- Engineering
- Procurement
- Customer Services

- Governance
- Occupational Risk and Safety
- Organisational Transformation

## KEY CONSIDERATIONS

### *Alignment to Council Plan Strategic Objectives*

#### **4 Developing and Maintaining Key Enabling Infrastructure**

We will ensure that we plan, fund and develop new infrastructure in ways that delivers strong public value. Existing infrastructure will be managed, renewed, and maintained to ensure that it continues to serve identified public needs.

#### **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*

The costs associate with reviewing the Asset Management Plans are allocated in the current budget.

### *Policy/Relevant Law*

Ararat Rural City Council – Local Laws  
Ararat Rural City Council - Planning Scheme  
Flora and Fauna Guarantee Act 1988  
Environment Protection and Biodiversity Conservation Act 1999  
Aboriginal Heritage Act 2006  
Aboriginal Heritage Amendment Act 2016  
Local Government Act 2020 & 1989  
Ararat Rural City Council Road Management Plan  
Ararat Rural City Council Plan 2021 – 2025  
Ararat Rural City Council Financial Plan 2021-2031  
Ararat Rural City Council Asset Plan 2021-2031  
Ararat Rural City Council Road Register

### *Sustainability Implications*

The asset management plan is considered within the following future impacts in mind:

Climate change  
Service delivery  
Demographic change  
Emerging technologies and practices  
Political environments  
Asset volume (including duplication, redundancy and scarcity)  
Asset condition  
Financial capacity

### *Risk Assessment*

The Tree Asset Management Plan is one of the risk management measures in relation to the management of tree assets. There is no significant risk in application of the plan. Council officers will ensure that the Plan is implemented across the organisation.

### *Innovation and Continuous Improvement*

The introduction of strategic planning principles, and the integrated approach to planning, monitoring and performance reporting allows for continuous improvement and innovation opportunities to be utilised through the life cycle of Council's assets.

### *Stakeholder Collaboration and Community Engagement*

The review of the Tree Asset Management Plan has been carried out through internal consultation with relevant officers.

## RECOMMENDATION

That:

- 1 Council adopt the Tree Asset Management Plan; and
- 2 The Tree Asset Management Plan be placed on Council's website.

## ATTACHMENTS

The Tree Asset Management Plan is provided as Attachment 3.2.

### 3.3 DRAINAGE ASSET MANAGEMENT PLAN

RESPONSIBLE OFFICER:       CONTRACTS & PROCUREMENT LEAD  
DEPARTMENT:                CEO'S OFFICE  
REFERENCE:                   11750

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

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

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

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#### EXECUTIVE SUMMARY

Asset plans as referred to in the Local Government Act 2020, are community facing documents that show how Council assets will be managed and maintained, while meeting the community's needs and interests.

Assets managed by Local Government include an extensive network of local roads and other assets such as land, buildings, parks, and recreation facilities. Good asset management is critical to the asset intensive nature of Local Government, particularly for rural councils with higher operating costs of assets, it is important to consider the needs, demands and expectations of communities and to deliver services from infrastructure assets in a sustainable and affordable way.

#### DISCUSSION

The fundamental purpose of the Drainage Asset Management Plan is to improve Council's long term strategic management of its drainage assets. This plan communicates the actions required for the responsible management of assets and the associated services provided, compliance with regulatory requirements and funding needed to provide the required levels of service to the community.

The intent of the document is to outline the approach used by Ararat Rural City Council (Council) in managing its drainage network. This plan covers the entire lifecycle of managing the drainage network including but not limited to:

- Construction and Capital Works
- Maintenance
- Inspection and Health Assessment
- Asset Register and Data
- End of life/Renewal
- Valuation
- Incident Management
- Reporting

Council will execute the management of its drainage assets in alignment with the approach outlined in this plan.

The plan is structured into components representing operational areas of the council called 'services'. The responsibilities that exist within those services combine towards a whole of organisation approach to asset management.

Council service lines included in this plan are:

- Asset Management
- Depot Operations
- Finance
- Engineering
- Procurement

- Customer Services
- Governance
- Occupational Risk and Safety
- Organisational Transformation

## KEY CONSIDERATIONS

### *Alignment to Council Plan Strategic Objectives*

#### **4 Developing and Maintaining Key Enabling Infrastructure**

We will ensure that we plan, fund and develop new infrastructure in ways that delivers strong public value. Existing infrastructure will be managed, renewed, and maintained to ensure that it continues to serve identified public needs.

#### **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*

The costs associate with reviewing the Asset Management Plans are allocated in the current budget.

### *Policy/Relevant Law*

- AS 4058 – 2007 Precast Concrete Pipes
- AS 3725 – 2007 Design for Installation of Buried Concrete Pipe
- AS 4130 Installation of polyethylene pipe for pressure applications
- AS 5065 Polyethylene and polypropylene pipes and fittings for drainage and sewerage applications
- AS 2032 Installation of PVC pipe system
- Infrastructure design manual
- Local Government Act 2020 & 1989
- Ararat Rural City Council Road Management Plan
- Ararat Rural City Council Plan 2021 – 2025
- Ararat Rural City Council Financial Plan 2021-2031
- Ararat Rural City Council Asset Plan 2021-2031
- Ararat Rural City Council Road Register

### *Sustainability Implications*

The asset management plan is considered within the following future impacts in mind:

- Climate change
- Service delivery
- Demographic change
- Emerging technologies and practices
- Political environments
- Asset volume (including duplication, redundancy, and scarcity)
- Asset condition
- Financial capacity

### *Risk Assessment*

The Drainage Asset Management Plan is one of the risk management measures in relation to the management of drainage assets. There is no significant risk in application of the plan. Council officers will ensure that the Plan is implemented across the organisation.

### *Innovation and Continuous Improvement*

The introduction of strategic planning principles, and the integrated approach to planning, monitoring and performance reporting allows for continuous improvement and innovation opportunities to be utilised through the life cycle of Council's assets.

*Stakeholder Collaboration and Community Engagement*

The review of the Drainage Asset Management Plan has been carried out through internal consultation with relevant officers.

**RECOMMENDATION**

That:

- 1 Council adopts the Drainage Asset Management Plan; and
- 2 The Drainage Asset Management Plan be placed on Council's website.

**ATTACHMENTS**

The Drainage Asset Management Plan is provided as Attachment 3.3.

### 3.4 REFRAMING THE PLANNING SCHEME

RESPONSIBLE OFFICER: CHIEF EXECUTIVE OFFICER  
DEPARTMENT: CEO'S OFFICE  
REFERENCE: 11744

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

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

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

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#### EXECUTIVE SUMMARY

At the July 2023 Council meeting Council resolved to exclude land rezoning from *Reframing the Planning Scheme project* outcomes and for the CEO to provide a revised project plan to complete the project to the September 2023 Council Meeting.

This report provides a simplified project plan aimed at restarting the work of *the Reframing the Planning Scheme project*, including a revised budget and details of the engagement process.

The exclusion of rezoning as an element of the plan has led to a substantial simplification of the process focussing on undertaking:

- key studies in environment, bushfire, and flooding
- a complete planning study for the implementation of the Aradale Development Strategy
- development of Council policies in relation to agricultural land, settlement and housing, and economic development / innovation
- an assessment of trunk infrastructure requirements to support future growth and development of the municipality

The aim of this process is to provide a planning environment in the Ararat Rural City that provides a higher degree of certainty over permitted land use, identifies future need and demand, and makes provision for it, and ensures a planning mechanism that ensures issues related to the environment and climate adaption are appropriately managed.

#### DISCUSSION

In July 2022 Council adopted a project entitled *Reframing the Planning Scheme* with an aim to undertake a complete revision of the current planning scheme to provide land use certainty, rezoning of land to ensure sustainable growth of the municipality and incorporate the recommendations of a Planning Scheme Review adopted by Council in April 2022.

The project has been delayed for a range of reasons, the most critical of these is the potential economic impact of Windfall Gains Tax on property owners, for whom land rezoning will result in an economic uplift in land value. As a result, Council resolved at its July 2023 Meeting to exclude rezoning from the Reframing the Planning Scheme project and move forward with a somewhat reduced scope. The elements of the revised project are outlined below.

#### Key Studies

The revised project will consist of three key studies aimed at increasing strategic understandings of land use across the municipality. These studies each reflect a significant environmental impact. The key studies are as follows:

- **Environmental study:** This study is currently being undertaken by a team led by Professor Peter Gell with an aim to map all significant biodiversity across the municipality and then undertake a sense checking exercise against existing environmental overlays. This will serve to update



environmental data and establish appropriate environmental overlays that more accurately locate and identify areas of significant biodiversity. It is anticipated that this study will be completed by 31 December 2023. The cost of this element has been \$150,000 budgeted in 2022/2023. An additional \$30,000 may be required to manage possible planning scheme changes to environmental overlays.

- **Flood study:** A major flood study was undertaken in 2017 with an aim to run a planning scheme amendment to incorporate the findings into the planning scheme. The process of undertaking the planning scheme amendment is currently underway with the Department of Transport and Planning (DTP) and relevant Catchment Management Authorities. DTP will provide up to \$50,000 to assist in completing the process. It is anticipated that this element of the study will be completed in Quarter 2 of 2024 (study completion by Quarter 4 2024). Council funding required to complete the amendment is of the order of \$20,000.
- **Bushfire Study:** This study will provide for a review of existing Bushfire Management Overlays (BMOs) within the current planning scheme and look to establish an updated and current understanding the impact of bushfire risk on land use. This study will be undertaken by an external expert and a budget will be set at \$50,000 to undertake the work. It will be completed by 31 March 2024

### Council planning policies

There is a need to develop a number of Council planning policies to provide clarity around significant factors influencing growth and development of the municipality. While they will not directly form part of the planning scheme, they will provide clear statements of policy to guide Council decision making, Council officers working under delegation, landowners and developers, and the broader community.

The policies will be developed jointly by Council officers and external expert in conjunction with Council and following substantial community engagement. It is proposed that each policy will be completed in draft form for community engagement by 30 June 2023.

The following policies will be developed under this model:

- **Agricultural Land Use:** a policy will be developed that provides very clear approaches to development of agricultural land, makes provision for a range of new and emerging agricultural uses, and supports retention of high value agricultural land for agricultural use. It is proposed that the policy be supported by external experts with a budget of \$40,000.
- **Settlement and housing:** It is proposed that a settlement and housing policy be developed to ensure that Council has in place a clear strategic approach to provision of housing to support growth and development across the municipality. This policy will support the drivers of population growth established in the ARCC Council Plan 2021-2025. It will provide a basis for establishing medium- and long-term residential land demand. This policy represents a substantial piece of work that will require external resources to a budget of \$50,000.
- **Economic Development / Innovation:** This policy will provide a basis for economic development and innovation in the municipality. It will largely be developed in house with a small amount of external assistance, which will be budgeted at \$20,000.

Council is currently working with a group of scientific and community representatives to develop a ten-year environment strategy for the municipality. It is anticipated that this will be completed by 31 March 2024 and will significantly inform the planning policy space.

### Trunk Infrastructure Assessment

A significant assessment of medium- to long term truck infrastructure needs will be undertaken to ensure future growth and development is adequately supported. Council will work with key regional partners such as GWM Water, Powercorp, the DTP to develop a strategic model for provision of roads, water, wastewater, electricity, and gas. This work will largely be undertaken in house by Council officers with assistance from key infrastructure partners. Use of external experts will be budgeted at \$25,000. It is anticipated that the assessment will be completed by 30 June 2024.

### Implementation of the Aradale Development Strategy

Council is has commenced working with a range of key partners including Department of Environment, Energy and Climate Action (DEECA), Regional Development Victoria (RDV), Department of Education and Training (DET), Robert Luxmore Project Management and Tract Consulting to bring together a plan to prepare the Aradale site for conservation and development. The project will work to engage the Eastern Maar Aboriginal Corporation as key project partners.

The Aradale Development Strategy: Concept Master Plan and Feasibility Report was completed in 2022 and identifies a significant amount of planning work required to cultural heritage, heritage conservation and development opportunities are managed on the site. It is proposed that an application for the Commonwealth Government's Regional Precincts and Partnerships Program in prepared to fund the complete planning process.

Council has existing funding allocated to the Aradale project in the 2023/2024 Budget which may be required to support lobbying to secure the funding. The timeframes for the Aradale project are likely to place its completion beyond the scope of the *Reframing the Planning Scheme* project. Given the importance of the Aradale site it is important to include it withing the project framework.

### Project outcomes

The *Reframing the Planning Scheme* project will yield a series of key studies and policies, some of which will form amendments to the existing planning scheme and others will represent key policy to inform Council direction and decision making. These elements will provide an important strategic framework to support better strategic planning outcomes and effectively manage the often-competing interests of growth and development. The project will provide a strong basis for the community to engage in guiding strategic land use planning.

Unfortunately, the project will not achieve the original aim of providing a new planning scheme for the municipality. AS described in detail in the report to the July 2023 Council Meeting, the unintended impacts of the Windfall Gains Tax, make rezoning of land undesirable due to impacts on existing landowners. It has been decided to propose to Council a model which does not stop just short of rezoning and identify land for future rezoning as it may lead to speculative investment which may also have consequential negative impacts on adjoining landowners. Amendments tot eh current planning scheme and adoption of significant policies will provide greater clarity over land use and guide future Council's around rezoning decisions.

## KEY CONSIDERATIONS

### *Alignment to Council Plan Strategic Objectives*

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

- 1 **Growing Our Place**  
We will create the settings to support growth across our municipality through an improved planning scheme, actively pursuing new housing options and exploring models for in-migration.
  - 1.1 Develop a new planning scheme for Ararat Rural City that is clear in its intention, supports growth and builds confidence and certainty around land use.
  - 1.2 Work directly with asset users to manage and develop new and existing assets.
- 2 **Building Robust Local Economies**  
We will develop strong relationships to build and strengthen a diverse local economy, focused on creating jobs and wealth through adding value to existing strengths in agriculture, manufacturing, tourism and hospitality.
- 3 **Preserving Our Environment**  
We will take pragmatic approaches to ensuring that Ararat Rural City Council takes a regional lead in responsible environmental management and engagement with the circular economy.
- 4 **Developing and Maintaining Key Enabling Infrastructure**  
We will ensure that we plan, fund, and develop new infrastructure in ways that delivers strong public value. Existing infrastructure will be managed, renewed, and maintained to ensure that it continues to serve identified public needs.
  - 4.3 Deliver infrastructure outcomes that support economic growth, promote community wellbeing and safety, and align with Council's financial sustainability.

## 6 Strong and Effective Governance

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

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

#### ***Budget Implications***

The original budget for the *Reframing the Planning Scheme* project was \$700,000 over the 2021/2022 and 2022/ 2023 Budgets. OF this approximately \$150,000 has been expended on the environmental study. The additional budget required to complete the studies and policy work is \$235,000. The community engagement process will require a budget of \$25,000. The revised total budget for the project is \$410,000, yielding a saving of \$290,000 on the initial budget. The \$235,000 for studies and policy develop and \$25,000 for engagement will be funded from Council reserve.

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

The *Planning & Environment Act* sets out objectives in Section 4. The proposed approach supports the objectives to:

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

#### ***Sustainability Implications***

The review has highlighted that financial, social, and environmental sustainability are not adequately managed through the current planning process. The development and implementation of the *Reframing the Planning Scheme* project act to overcome these challenges.

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

As outlined above, the planning scheme review has identified a range of thematic, as well as individual risks, in the designation of zones, overlays and other policy controls. The proposed approach seeks to work from current data and include a cross section of the community in the process for developing the new scheme to ensure it reflects more than the voices of technical staff and state agencies that do not have a direct interest in the outcome.

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

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

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

It is proposed that a Project Advisory Committee be established to advise on roll out of the project. IT will meet quarterly and comprise the following membership:

- ARCC CEO (Chair)
- ARCC Manager Planning and Development
- 1 representative of the Barengi Gadgin Land Council Aboriginal Corporation (BGLCAC) – nominated by BGLCAC
- 1 representative of the Eastern Maar Aboriginal Corporation (EMAC) – nominated by EMAC
- 4 Community representatives – selected through and expression of interest process
- 1 DTP representative – nominated by DTP

A series of community focus groups will be established through an expression of interest process to represent geographic community interests and industry interests during the engagement and implementation phase. Engagement will also take place through Engage Ararat.

#### RECOMMENDATION

That:

- 1 Council endorses the revised project plan for the *Reframing the Planning Scheme project including:*
  - key studies in environment, bushfire, and flooding
  - a complete planning study for the implementation of the Aradale Development Strategy
  - development of Council policies in relation to agricultural land, settlement and housing, and economic development/innovation
  - an assessment of trunk infrastructure requirements to support future growth and development of the municipality; and
- 2 Council endorses the revised budget for completion of the project as \$235,000 for studies and policy develop and \$25,000 for engagement and that this will be funded from Council reserve.

#### ATTACHMENTS

The Reframing the Planning Scheme project timeframe is provided as Attachment 3.4.

### 3.5 RATES ARREARS

RESPONSIBLE OFFICER: CHIEF EXECUTIVE OFFICER  
DEPARTMENT: CEO'S OFFICE  
REFERENCE: 11743

#### 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

Recent work undertaken by Council officers has identified that there is \$2,456,653 of rates in arrears owed by 496 ratepayers. Of this amount 50 individual ratepayers account for 44% of the total.

It is proposed that Council begin to take action to resolve the issue of rates in arrears by commencing with the following steps:

1. The CEO write to the top 50 ratepayers in arrears requesting that they take steps to meet their rating obligations
2. Issue media releases identifying the issue and indicating Council's willingness to work with individual ratepayer to manage individual rates issues
3. Instituting quarterly reporting on rates arrears in the Council Meeting agenda commencing in 2024
4. Including measures relating to rates arrears in the CEO and Councillor data dashboards

#### DISCUSSION

Council officers have recently undertaken a review of rates arrears and yielded an interesting outcome. Ararat Rural City Council ratepayers owe a total of \$2,456,653 in rates arrears. The rates arrears are owed by a total of 496 ratepayers. The table below provides a breakdown based on rating sector. It is important to understand that this is not rates in arrears from the 2022/2023 financial year alone, rather a cumulative impact over several years.

| Rate category | No.        | Arrears (\$)     |
|---------------|------------|------------------|
| General       | 434        | 2,079,116        |
| Commercial    | 21         | 100,809          |
| Industrial    | 6          | 37,457           |
| Farm          | 34         | 238,124          |
| <b>TOTAL</b>  | <b>496</b> | <b>2,456,653</b> |

The table below provides a breakdown of rates arrears buy rating sector:

| Rate category | No. arrears | Total properties | % in arrears | Average arrears (\$) |
|---------------|-------------|------------------|--------------|----------------------|
| General       | 434         | 5231             | 8%           | 4,790                |
| Commercial    | 21          | 327              | 6%           | 4,800                |
| Industrial    | 6           | 100              | 6%           | 6,242                |
| Farm          | 34          | 1569             | 2%           | 7,003                |
| <b>TOTAL</b>  | <b>496</b>  | <b>7227</b>      | <b>7%</b>    | <b>4,952</b>         |

It is very important to note that there is not an even distribution of rates in arrears among ratepayers. The table below shows that the 25 individual ratepayers who owe the most in arrears account for almost a quarter of all rates in arrears. The ratepayer owing the most in arrears currently owes \$73,570.

| Top ratepayers in arrears | n | Total arrears (\$) | % of total arrears | Average for each ratepayer (\$) |
|---------------------------|---|--------------------|--------------------|---------------------------------|
| 25                        |   | 589,224            | 24%                | 23,569                          |
| 50                        |   | 1,084,186          | 44%                | 21,684                          |
| 75                        |   | 1,333,787          | 54%                | 17,784                          |
| 100                       |   | 1,592,097          | 65%                | 15,921                          |
| 200                       |   | 2,078,048          | 85%                | 10,390                          |

At the other end of the scale, it is important to note that the remaining 296 ratepayers with rates in arrears account for 15% of total arrears at an average of \$1,279 per ratepayer. It is reasonable to assume that many of these ratepayers have experienced some form of financial hardship over the past year or so which has caused them to fall behind in rates payments.

### Council's Approach

Council has for a long period of time taken a reasonably liberal approach to pursuit of rates in arrears. Generally, Council has not pursued rates through aggressive debt collection or through the courts, as some other Councils have done. Council has typically worked to arrange payment plans to recover rates in arrears over time. Council has also instituted flexible models for payment of rates, including early adoption of fortnightly payments through BPay.

This approach taken is consistent with Council's desire to build positive and proactive relationships with our community. In addition to this, Council has been working to build organisational efficiency to deliver a dividend to the community. This is currently in the form of a zero percent average rate increase in six years.

In general ratepayers respond very well to this approach with a very significant majority paying rates in a timely fashion or negotiating a payment plan.

### Legislative Approaches

In 2022 the State Government enacted the Local Government Legislative Amendment (Rating Reform and Other Matters) Act 2022 which, among other things, makes provision for the Minister for Local Government to:

- providing the Minister with the power, in consultation with the Essential Services Commission, to issue guidance on how councils deal with ratepayers experiencing financial hardship
- empowering the Minister, in consultation with the Essential Services Commission, to set a maximum amount of interest that may be levied on unpaid rates and charges (currently set at 10 per cent)
- limiting councils' use of Magistrate's Court orders for recovering unpaid rates in situations where rates or charges have not been paid for two years or more
- formalising payment plans for ratepayers to pay their outstanding rates and charges as an alternative to the four instalments currently prescribed.

Council's longer-term approach is consistent with the regulated changes around rating reform adopted by the State Government.

### A way forward

It is important that Council establishes a fair and equitable model for managing rates arrears that is consistent with State regulation and Council's previous approach. It is clearly not the time to institute a general policy of "get tough on rates arrears". It is time however to provide clear messaging to the 50 ratepayers who have significant arrears that they need to meet their obligation and make arrangements to pay their rates. It is also important that all ratepayers are aware that Council is happy to assist those in financial hardship to make a payment arrangement that assists in managing payment of rates.



As a preliminary step it is suggested that the following steps be taken:

- The CEO write to the top 50 ratepayers in arrears, clearly indicating the amount that they owe in arrears and that they need to contact Council to make arrangements to pay
- Media releases are developed identifying the issue of rates arrears in Ararat Rural City and indicating Council's willingness to work with individual ratepayer to manage individual rates issues
- Council institute quarterly reporting on rates arrears in the Council Meeting agenda commencing in 2024, in order to maintain public visibility and Council accountability around the issue
- The CEO include measures relating to rates areas in the CEO and Councillor data dashboards to ensure internal focus on the issue.

## KEY CONSIDERATIONS

### *Alignment to Council Plan Strategic Objectives*

The issue of managing rates arrears relates to the following objectives and strategies in the Council Plan 2021-2025:

#### **6 Strong and Effective Governance**

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

**6.1** Deliver responsible budget outcomes, linked to strategy that delivery value, innovation, and rating fairness.

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

### *Budget Implications*

The rates arrears issue does not adversely affect Council's budget to a significant degree. Council is in a relatively good cash position meaning it can carry the arrears. If Council were in a different cash position the issue would be more critical. There is a minor financial benefit to Council through imposition of interest on rates arrears. The rate arrears will ultimately be collected when property is sold and transferred to new ownership.

### *Policy/Relevant Law*

Councils derive the power to impose rates and charges from the Local Government Act 1989. It is unlawful to refuse or fail to pay rates or charges except in accordance with the provisions in the Act, or the determination of a Court.

The Local Government Legislative Amendment (Rating Reform and Other Matters) Act 2022 made provisions relating to financial hardship, payment plans and setting leviable interest for rates arrears.

### *Sustainability Implications*

Nil

### *Risk Assessment*

The level of organisational risk that Council is currently exposed to in relation rates arrears is relatively low given its reasonably strong cash position. If there were to be significant increase in rates arrears beyond the current level it would represent an increased risk to Council's financial position. There is an element of reputational risk associated with failure to collect rates from some ratepayer while the majority are paying within appropriate timeframes.

### *Innovation and Continuous Improvement*

There is a need for Council seek innovative solutions to the rates arrears issue within the local government legislative framework. This will involve establishing a strong engagement model, managing issues of hardship and building more flexible models to support payment options. A number of service sector organisations find that providing more ways for customers to make payment results in increased on time payment.

### *Stakeholder Collaboration and Community Engagement*

Community engagement is a key element in managing the rates arrears issue. It is important that three issues are communicated to the community:

- Council appreciates that most ratepayers do the right thing and meet their legal responsibility to pay rates
- Council is very happy to work with people to assist them to pay their rates through payment plans and creation of flexible ways to pay
- Council is serious about managing the rates arrears issue and ensure that ratepayers who have large and long-term arrears will be required to make arrangements to meet their obligations.

### RECOMMENDATION

That:

1. The CEO write to the top 50 ratepayers in arrears, clearly indicating the amount that they owe in arrears and that they need to contact Council to make arrangements to pay their rates obligation;
2. The CEO ensure that media releases are developed identifying the issue of rates arrears in Ararat Rural City and indicating Council's willingness to work with individual ratepayers to manage their rates issues;
3. Council institute quarterly reporting on rates arrears in the Council Meeting Agenda as of 2024; and
4. The CEO ensure that measures relating to rates arrears are built into CEO and Councillor data dashboards.

### ATTACHMENTS

Local Government Rating fact sheets are provided as Attachment 3.5.



### 3.6 PERFORMANCE AND FINANCIAL STATEMENTS

**RESPONSIBLE OFFICER:** CHIEF EXECUTIVE OFFICER  
**DEPARTMENT:** CEO'S OFFICE  
**REFERENCE:** 11748

#### **OFFICER DECLARATION OF INTEREST:**

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

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

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#### **EXECUTIVE SUMMARY**

The Financial Statements and Performance Statement (the statements) have been prepared for the period ended 30 June 2023. The Victorian Auditor-General is required to audit the statements but cannot issue his report unless Council approves the statements.

The Audit and Risk Committee reviewed the statements on 5 September 2023 and recommended that Council authorises Councillor Jo Armstrong, Councillor Henry Burridge and Dr Tim Harrison to certify the Financial Statements and the Performance Statement in their final form.

#### **DISCUSSION**

Pursuant to the Local Government Act 2020 (the Act) Council is required to give "in principle approval" to the 2022/23 Financial Statements and Performance Statement and submit the statements to the auditor for reporting on the audit.

The Act recognises that further changes may be made to the statements and therefore Council must authorise two Councillors to certify the Financial Statements and Performance Statement in their final form after any changes recommended by the auditor have been made.

The Auditor-General's agent conducted the offsite audit during August and September 2023.

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

##### **Financial Statements – Income Statement**

The Comprehensive 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. Depreciation is included in this statement, as depreciation is the accounting method of allocating the cost of an asset over its useful life.

The draft Comprehensive Income Statement shows total income in 2023 of \$38.445 million compared with \$36.620 million in 2022. Rates & Charges income increased by \$0.180 million, Government Grants for operations increased by \$2.365 million, and Government Grants for capital works decreased by \$1.657 million.

Total income from rates increased by 1.03%. The increased income is derived from development within the municipality and small increase in interest on rates and charges applied through the year.

Total expenses in 2023 were \$33.682 million compared with \$29.264 million in 2022, an increase of \$4.418 million. A breakdown of expenses reveals an increase in employee costs of \$0.228 million which can be largely attributed to a 2.5% wage increase under Council's Enterprise bargaining Agreement.

There has been an increase of \$2.974 million in materials and services to deliver the outcomes for the additional operating grants and to complete projects carried forward from the previous financial year.

Depreciation expenses have increased by \$1.216 million as a result of developing more accurate asset valuation models and mechanisms for managing accounting for depreciation.

The surplus for 2023 was therefore \$4.763 million compared with a surplus of \$7.356 million in 2022. The revaluation of property and infrastructure assets at 30 June 2022 has resulted in an increase in value of \$14.518 million.

### **Financial Statements – 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 30 June 2023. Comparative figures have been provided as at 30 June 2022.

Council's current assets have decreased by \$1.457 million, from \$25.514 million as at 30 June 2022 to \$24.057 million as at 30 June 2023. Cash and cash equivalents have decreased by \$10.058 million, which was offset by an increase in Other financial assets of \$8,002 million in the form of transfer of cash to term deposits, to increase interest earnings.

Total liabilities have decreased by \$3.399 million from \$11.995 million in 2022 to \$7.475 million in 2023, this is largely due to a decrease in unearned income represented by timing of grant income.

### **Financial Statements – Cash Flows**

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

The Cash Flow Statement shows a net decrease in cash and cash equivalents of \$10.058 million compared with a decrease of \$1.534 million in 2022. The decrease in 2023 includes \$8 million which Council has transferred into a term deposit for a six-month term and these funds are no longer included in the cash and cash equivalents balance.

The Cash Flow Statement shows net cash provided by operating activities was \$8.919 million in 2023 compared with \$15.137 million in 2022, representing a decrease of \$6.218 million. This is largely due to a decrease in capital grants of \$5.252 million and an increase in materials and services expenditure of \$1.924 million.

Net cash used in investing activities (payments for property, infrastructure, plant and equipment) was \$19.598 million in 2023 compared with \$14.479 million in 2022, representing a increase of \$5.119 million. Council has invested \$8 million into a term deposit, as well as a \$0.500 million contribution to its joint venture, Ararat Housing Enterprise Pty Ltd.

### **Financial Statements – Capital works**

The Statement of Capital Works details the capital works completed during 2023. It shows \$11.586 million invested in 2023 compared with \$14.664 million in 2022, a decrease of \$3.078 million. The decrease in capital works spending can be attributed to a decrease in capital grant funding during 2022/2023, Council's more conservative investment strategy due to market volatility and project delays due to unforeseen weather events from October 2022.

### **Performance Statement**

The Victorian Government has introduced a mandatory system of performance reporting which prescribes performance information to be included on Council's annual reports.

*“Councils must describe the prescribed indicators and measures in the performance statement so it is clear to the audience what is being measured. In addition, the performance statement must include the results achieved in relation to the prescribed service performance outcome, financial performance and sustainable capacity for the financial year and three preceding years”.*

For the financial performance indicators and measures, the performance statement must also include the forecast results for four years based on the financial statements included in Council’s budget.

Reporting trend information helps the reader understand changes in Council performance over time and acts as a point of reference for results. The regulations require that Councils must also provide an explanation of any material variations in the results between the current year and other years disclosed, to enable the reader to form an understanding of the reason for the variation”.

The performance reporting framework requires Councils to load the indicators included in this performance statement, as well as a number of other indicators that are required to be included in the report of operations, onto the “Know your Council” website - <https://knowyourcouncil.vic.gov.au/>, which will allow the community to compare the performance result of Councils across Victoria.

Part of the performance reporting framework includes the State Government setting expected ranges for each indicator. Based on the draft financial statement and performance statement, Council is within the expected range for most indicators. The reasons for the material variations are included in the performance statement.

#### **Audit and Risk Committee Review**

The draft Financial Statements and Performance Statement were considered by the Audit and Risk Committee on 5 September 2023. Mr Ryan Schischka – Johnsons MME presented the draft Auditors Closing Report at that meeting, answering any issues raised by the Audit and Risk Committee members. Further changes may be required after the Victorian Auditor General’s Office has reviewed the statements and before the nominated Councillors certify the accounts in their final form.

### **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***

Approving the Statements does not have any budget implications.

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

Section 99 (2) of the Local Government Act 2020 states that: “the Council, after passing a resolution giving its approval in principle to the performance statement and financial statements, must submit the statements to the auditor for reporting on the audit”.

Section 99 (3) of the Local Government Act 2020 states that: “The Council must ensure that the performance statement and financial statements, in their final form after any changes recommended or agreed by the auditor have been made, are certified in accordance with the regulations by—

- (a) 2 Councillors authorised by the Council for the purposes of this subsection; and
- (b) any other persons prescribed by the regulations for the purposes of this subsection.”

Section 99 (5) of the Local Government Act 2020 states that: “the auditor must not sign a report under subsection (4) or under Part 3 of the Audit Act 1994 unless the performance statement or the financial statements (as applicable) have been certified under subsection (3).”

***Sustainability Implications***

This report does not raise any sustainability implications.

***Risk Assessment***

Council is required to approve the statements before the Auditor-General can issue the audit report.

***Innovation and Continuous Improvement***

The Financial Statements and Performance Statement are primary documents used to report on Council's achievements in continuous improvements. For example, introducing organisational efficiencies leads to a reduction in operating expenses and investing more in infrastructure spending leads to an improvement in the satisfaction rating for sealed roads.

***Stakeholder Consultation and Communication***

Various Council officers have been involved with the preparation of the statements. The statements will be included in the Annual Report that will be made available to the community.

**RECOMMENDATION**

That:

- 1 Pursuant to Section 99 of the Local Government Act 2020, Council gives approval in principle to the Financial Statements and Performance Statements for the year ended 30 June 2023; and
- 2 Pursuant to Section 99 of the Local Government Act 2020, Council authorises the Chief Executive Officer, Councillor Jo Armstrong and Councillor Henry Burrige to certify the 2022/23 Financial Statements and Performance Statement in their final form

**ATTACHMENTS**

The Financial Statements and Performance Statement are provided Attachment 3.6.

### 3.7 ALEXANDRA OVAL RESURFACING

RESPONSIBLE OFFICER: EXECUTIVE OFFICER  
DEPARTMENT: CEO'S OFFICE  
REFERENCE: 11749

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

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

The officer identifies a direct, but unavoidable Conflict of Interest in preparation of this report.

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#### EXECUTIVE SUMMARY

Sport and recreation are an essential part of community life. It provides an opportunity for people of all ages and abilities to build social networks, develop new skills and enjoy the health benefits derived from participation.

Alexandra Oval playing surface has not had any major works done since the early to mid-1980s, this has resulted in the playing surface building up unevenly by as much as 250mm which has negatively impacted the levels, and in turn, the capacity of the drainage to keep the surface at the standard that community groups expect.

Council will commence works to resurface Alexandra Oval in October. This will ensure that the ground remains a regional showcase ground, prior to the 2024 football/netball season.

Works will be completed in-house by Council staff. Council have allocated resources/staff to maintain and care for the new turf to ensure that we do not reach a point where the oval is being overused in the future.

#### DISCUSSION

Public open space and sport and recreation facilities provide the essential settings that allow for communities to participate and enjoy the benefits of their participation. It is important then that sport and recreation facilities are able to accommodate a broad range of needs and allow for wide community access.

Alexandra Oval Reserve precinct is home to a number of sporting and community activities. It is a highly utilised sport and recreation facility that caters for football, netball, tennis, athletics, and also provides an important community space for a number of events and community activities to be held.

Alexandra Oval playing surface has not had any major works done since the early-to-mid 1980's. Council staff have recently undertaken survey work of the oval and have found that there are serious problems with the drainage and irrigation systems, which need to be rectified to uphold the status of the oval.

The surveying work indicated difficulties in the "shape" of the existing surface which leads to uneven water flow, making the surface very swampy and creates unideal conditions for community use.

It has been established that there is a need to undertake resurfacing works at the oval as soon as possible to ensure the facility is in prime condition prior to commencement of the 2024 football/netball season.

Similar works which have been undertaken by nearby Councils have seen costs of approximately \$1 million. However, council officers have proposed a model using in-house resources to undertake the works that will cost approximately \$200,000.

Work on the Alexandra Oval redevelopment will commence in early October and is expected to be completed by February 2024. Council has reallocated resources to designate specific staff who will maintain and care for the new turf.

The cricket pitch will be removed permanently as there are no longer sufficient Cricket teams competing to justify the cost of maintaining 2 turf wickets. The Gordon Street redevelopment will soon be completed and will have a brand-new high-quality turf pitch which will enable teams (both junior and senior) to play on an A Grade surface throughout the summer with no impact on preparing Alexandra Oval for heavy use during the football season. The CEO and Executive Officer will meet with the President of the Grampians Association Cricket in the next few weeks to discuss arrangements for the 2023/2024 season.

As part of the redevelopment process Council will be renegotiating User Agreements with local sporting clubs that use the facility to ensure Council staff are able to manage the playing surfaces to ensure that we do not 'overuse the surface'.

This will guarantee Ararat continues to remain as a regionally recognised facility that clubs and associations will be very keen to utilise for local and regional competitions.

Alexandra Oval is a major sporting facility for the wider Ararat Rural City community and is considered by many to be the premier sporting oval for the municipality. The planned upgrade of the reserve specifically focuses on complementing the overall provision of regional sports infrastructure for the community and will provide a better playing surface for community groups, which will in turn bring both economic and social benefits to the Ararat community.

## KEY CONSIDERATIONS

### *Alignment to Council Plan Strategic Objectives*

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

#### **4 Developing and Maintaining Key Enabling Infrastructure**

We will ensure that we plan, fund and develop new infrastructure in ways that delivers strong public value. Existing infrastructure will be managed, renewed, and maintained to ensure that it continues to serve identified public needs.

#### **4.2** Work directly with asset users to manage and develop new and existing assets.

#### **5 Enhancing Community Life**

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

### *Budget Implications*

The project will be managed within the current 2023/2024 Budget. A project estimate of \$200,000 has been made to the major earthworks, drainage and irrigation refurbishing.

### *Policy/Relevant Law*

None identified.

### *Risk Assessment*

Failure to undertake the works at Alexandra Oval will impact the high demand for use Council currently receive, which in turn will have negative social and economic impacts on Ararat.

Resurfacing the oval back to a high-quality standard will improve the safety for players and user groups amongst the community. If the works to resurface the oval aren't completed as soon as possible, costs to restore the oval back to a high standard will significantly increase the more time that passes by without any action.

*Stakeholder Collaboration and Community Engagement*

The Chief Executive Officer briefed Councillors on the plan at the Council Briefing held on 05 September 2023.

As part of the redevelopment process Council will be renegotiating User Agreements with clubs that use the facilities.

**RECOMMENDATION**

That:

- 1 Council endorse the plan to resurface the Alexandra Oval prior to the commencement of the 2024 Football season; and
- 2 Council endorse the removal of the turf cricket wicket from Alexandra Oval given that a new turf wicket will be established at the Gordon Street Recreation Reserve and the CEO meet with the President of the Grampians Cricket Association to discuss arrangements for the 2023/2024 season.

**ATTACHMENTS**

There are no attachments in relation to this item.



### 3.8 PEDESTRIAN CROSSING ASSESSMENTS

**RESPONSIBLE OFFICER:** CHIEF EXECUTIVE OFFICER  
**DEPARTMENT:** CEO'S OFFICE  
**REFERENCE:** 11756

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

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

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

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#### **EXECUTIVE SUMMARY**

In March 2023 Ararat Early Learning presented a joint letter to Council proposing five pedestrian crossings be installed across Ararat's CBD. Preliminary engineering assessments have been undertaken and the assessments have identified a range of complexities including management of State controlled roads, potential traffic banking, Heavy Vehicle Routes and potential cost of traffic signalling that need to be considered around these proposals

As a result, it is proposed that detailed design is undertaken in preparation for future works on a crossing of Ingor St between the Post Office and the bus shelter. In addition to this it is proposed that site selection for various crossing locations that will provide safe pedestrian access for students from St Mary's and Ararat Primary Schools walking into the centre of town be undertaken.

#### **DISCUSSION**

Council received a joint from educators at Ararat Early Learning Centre, which was first presented at the 28 March 2023 Council Meeting. The joint letter was requesting additional designated, signposted pedestrian crossings at various locations, which are outlined in detail below. The joint letter, which consists of 21 signatures states that the inclusion of additional crossings will increase the safety of our community who choose an active mode of transport.

At the 18 April 2023 Council Meeting it was decided that the CEO would work with the Department of Transport to seek cost effective and safe solutions to address the road safety concerns of the signatories on the joint letter.

The CEO has briefed Council on the Ararat On the Move: Active Transport and Lifestyle Strategy 2021-2025 since the April meeting and pedestrian safety works on George Rd are currently being undertaken by Council.

The CEO has commenced preliminary communication with the Department of Transport and Planning (DTP), it became clear that there was some need to undertake some preliminary local assessment. This has been completed and forms the basis for this report. The following is a list of locations Ararat Early Learning Centre would like to see Council install designated, signposted pedestrian crossings:

- At the Moore Street/Princes Street intersection (between St Mary's and Marian College)
- Barkly Street at the Marian College median crossing
- Barkly Street, crossing Kings Street at Christians Buses
- On Queen Street outside the Langi Morgala Museum, crossing to the library
- Barkly Street, crossing Ingor Street from the bus stop to the Post Office

Ararat Early Learning Centre believe that the installation of these crossings would benefit not only their organisation, but all of Ararat Rural City residents, making it a safer environment for active forms of transport.



Additional work has been undertaken by Council officers in relation to the feasibility of pedestrian crossings at the identified locations. A summary of the work is contained below:

### Barkly Street, crossing Ingor Street from the bus stop to the Post Office



The width of the road would allow for a refuge to help cross the 11.5m width road. It would also assist in preventing vehicles cutting the corner and turn properly onto Ingor from Barkly

There are no existing services in place that would complicate works.

May need some consultation with DTP as connect to a state-controlled road (Barkly St).

### Barkly Street at the Marian College median crossing



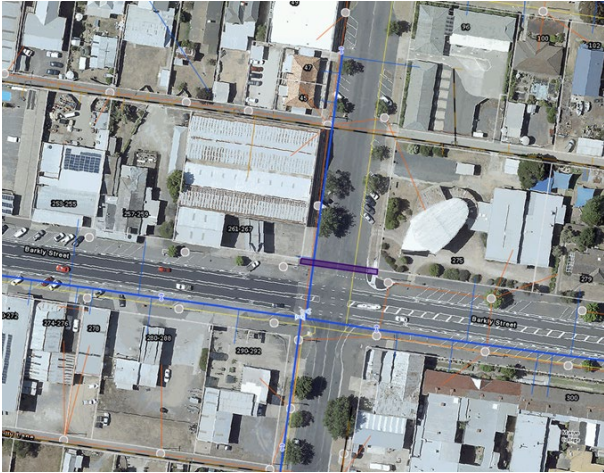
The creation of a median with pedestrian crossing would require DTP approval as it is a state-controlled road.

A pedestrian crossing would cause a loss of parking on either side of Barkley St.

The crossing would probably need to be signalized and this would add a significant amount to the cost. Crossing delays would also need to be investigated.

Pedestrian safety works were undertaken along this route in 2018/2019.

### Barkly Street, crossing Kings Street at Christians Buses



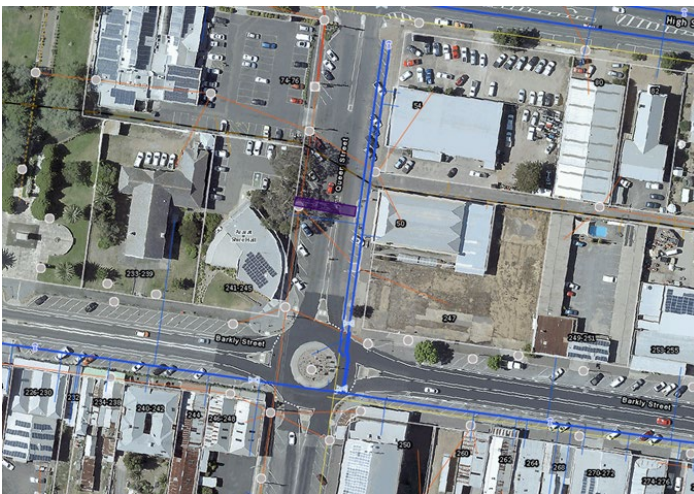
There is no pedestrian ramp on the west side at the corner of Christian buses. There is room for pedestrian refuge median crossing the 21m road width.

However, buses pull out from the depot and there would not be enough room to right turn out onto King St towards Barkly St.

There will need to be consultation with the bus company regarding safe bus access and egress.

Consultation and approval will be required with DTP as it impacts on safe vehicle access to Barkly St.

### On Queen Street outside the Langi Morgala Museum, crossing to the Library



There is an existing mid-block crossing including a pedestrian refuge.

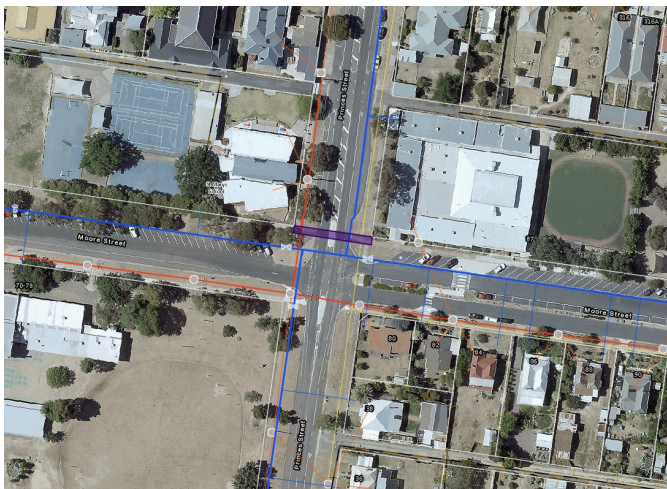
The crossing could have some zebra crossing line marking to make the crossing more visible as parked cars cover the site of entrance.

It is a Heavy Vehicle Route, so signalised crossing would need to be investigated further due to the large vehicles could bank up. This would greatly increase the complexity and cost of the project.

Impacts on a nearby laneway needs to be considered.



**At the Moore Street/Princes Street intersection (between St Mary's and Marian College)**



There is already a crossing on both sides of Princes St with refuges to help cross.

Traffic and pedestrian counts for this area would need to be undertaken to identify a treatment for this location.

It is a heavy vehicle route so any crossings in this area will need to be designed for the turning movements of 26m length Heavy Vehicles.

As can be seen there are a number of complexities relating to management of State controlled roads, potential traffic banking, Heavy Vehicle Routes and potential cost of traffic signaling that need to be considered around these proposals. The element which can be considered for works in the short term is Barkly Street, crossing Ingor Street from the bus stop to the Post Office. Council engineers are able to commence detailed design and discussion with colleagues at DTP to undertake this project.

The CEO had a follow up discussion with a representative of the authors of the joint letter to discuss progress. When asked for a sense of priority projects the Ingor St crossing and a safe pedestrian route for students from St Mary's and Ararat Primary Schools to walk into the town centre was identified.

## KEY CONSIDERATIONS

### *Alignment to Council Plan Strategic Objectives*

#### **4 Developing and Maintaining Key Enabling Infrastructure**

We will ensure that we plan, fund and develop new infrastructure in ways that delivers strong public value. Existing infrastructure will be managed, renewed, and maintained to ensure that it continues to serve identified public needs.

#### **5 Enhancing Community Life**

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

### *Budget Implications*

The solution proposed by residents would have a significant impact on budget. Provision of signalling for example would have a prohibitive impact on project cost. The cost benefit of each project would need to be carefully considered within the context of future year budgets.

It is possible to fund the works identified for the Ingor St crossing within the 2023/2024 Budget, providing more detailed design does not yield any additional significant cost. Similarly, it is possible that a crossing to support safe pedestrian access by St Mary's and Ararat Primary School students to the centre of town could be constructed in 2023/2024 if a suitable design can be developed.

### *Policy/Relevant Law*

N/A

### *Sustainability Implications*

There are no significant impacts identified on native vegetation, cultural heritage, and catchment management at this stage.

***Risk Assessment***

This report is based on concerns raised by the Ararat Early Learning Centre, and the perceived risk to the community and road users. There is a need to mitigate the perceived risk in a cost-effective and in a way that causes minimal disruption. Council will work with the DPT to seek approaches to reduce the risk.

***Innovation and Continuous Improvement***

N/A

***Stakeholder Collaboration and Community Engagement***

This report has been generated based on the joint letter from the educators at Ararat Early Learning Centre.

Further collaboration and community engagement will occur with the educators that signed the joint letter, Councillors and the community once work with Department of Transport has commenced.

**RECOMMENDATION**

That:

- 1 The CEO has Council engineers undertake further assessment of the viability of the crossings identified;
- 2 The CEO has detailed design undertaken for a pedestrian crossing in Ingor St in proximity to the Post Office and the bus stop, and if financially viable undertake construction of the crossing; and
- 3 The CEO has site selection and preliminary design undertaken for a crossing location that will provide safe pedestrian access for students from St Mary's and Ararat Primary Schools walking into the centre of town.

**ATTACHMENTS**

There are no attachments relating to this item.

## SECTION 4 – INFORMATION REPORTS

### 4.1 2023/2024 CAPITAL WORKS PROGRAM – SEPTEMBER 2023

RESPONSIBLE OFFICER: CHIEF EXECUTIVE OFFICER  
DEPARTMENT: CEO'S OFFICE  
REFERENCE: 9655

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

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

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

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#### EXECUTIVE SUMMARY

Council adopted its 2023/2024 Capital Works Program as a key element of the 2023/2024 Budget. The 2023/24 budget has a strong focus on infrastructure with a \$9.5 million investment in capital works.

Major works including the following:

- Stage one of the Ararat Leisure Centre, urban gravel to seal road upgrades, and maintaining and repairing rural and urban roads and drainage.

#### DISCUSSION

Council's 2023/2024 Capital Works Program continues to be substantially different to previous years, the program does not have a number of major road and bridge construction and will continue to undertake a "small targeted" capital works program.

The emphasis for 2023/2024 is on renewal and updating Council assets, undertaking a larger number of smaller projects of lower value to avoid the impacts of price volatility in the market. Using this approach will also provide opportunities to leverage in-house capability, support local employment and engagement of local contractors.

The capital works program has had an emphasis on the following areas:

- An enhanced road reseal program
- Improvement to urban drainage
- Upgrades to the footpath network
- A major urban road gravel to seal program
- Commencement of Mt William Road Reconstruction works
- Stage One of the Ararat Leisure Centre Upgrades

The capital work budget is currently 25% spent to 18 September 2023. This is achieving our quarterly target with end of month invoices still to be provided. This has taken a whole team effort to achieve this result. The first quarter of the 2023/2024 financial years has seen significant works in road resheeting being undertaken with almost 35% of the available budget being expended and the small property capital projects having expended 46% of the current budget.

|   | Budget             | Committed/<br>Contracted | Complete        | Notes   |
|---|--------------------|--------------------------|-----------------|---|
| <b>PROPERTY - CAPITAL</b>                   | <b>\$400,000</b>   |                          |                 |   |
| Property Capital                            |                    | \$119,632                | \$65,911        | These works are made up of a series of smaller projects. Projects include upgrade of the town hall square lighting and power, Willaura Memorial Hall Kitchen installation and bluestone works at the Alexandra Gardens Fernery.   |
| Ararat Fitness Centre Stage 1               | <b>\$950,000</b>   | \$158,085                |                 | Work has commenced with the Architect to commence detailed design of stage one of the Ararat Fitness Centre redevelopment.  |
| <b>TOTAL PROPERTY</b>                       |                    | <b>\$277,717</b>         | <b>\$65,911</b> |   |
| <b>PLANT &amp; EQUIPMENT</b>                | <b>\$40,000</b>    |                          |                 |   |
| Plant and Vehicles                          |                    |                          | \$72,909        |   |
| Book stock - Library Book Replacement       |                    |                          | \$13,702.41     | Quarter 1 Bookstock payment has been made.  |
| <b>TOTAL PLANT &amp; EQUIPMENT</b>          |                    |                          | <b>\$86,611</b> |   |
| Gravel Road Sheeting & Gravel Road Widening | <b>\$2,800,000</b> | \$74,812                 | \$902,147       | The 23/24 Resheeting and Road Widening program has commenced well even with the wet weather conditions. These works will continue over the financial year.  |
| Reseal Program                              | <b>\$1,000,000</b> | \$534,490                |                 | Feature survey and native flora and fauna reporting is being undertaken for road widening on Rhymney Rd and Buangor Ben Nevis Rd. Road reseal program will commence in October 2023, the full extent of this years program is expected to be complete before Christmas. |
| Mt William Road                             | <b>\$1,000,000</b> | \$97,740                 |                 | Documentation is being prepared for the first section of Mt William Road Reconstruction. Stone has been ordered for works.  |
| Urban Road Gravel to Seal                   | <b>\$2,200,000</b> | \$48,310                 |                 | Feature surveys have been completed and design works are commencing for roads nominated in this years program. Ironbark Lane is due to start in the coming month.   |
| Major Patching                              |                    |                          | \$4571          | Major patching works are commencing the inspection phase.   |
| Footpath Renewal Program                    | <b>\$400,000</b>   | \$101,493                | \$16,820        | Works have been awarded for the George Road Pedestrian Refuge adjacent  |

|                             |                  |             |             |  |
|-----------------------------|------------------|-------------|-------------|--|
|                             |                  |             |             | to the Ararat West Primary School, these works will be completed in the September school holidays. Works have commenced for new footpath in Main Street, Willaura adjacent to the railway station back to Delacombe Way. Works have been approved for new footpath in Albert Street, Ararat. Footpath connections and condition assessments are being completed inhouse. |
| <b>Urban Drainage Works</b> | <b>\$750,000</b> | \$131,602   | \$2161      | Works have commenced in in Golf Links Road, Ararat and Thompson and Kneale Street, Ararat – works are expected to commence in October 2023.  |
|                             |                  |             |             |  |
| <b>TOTAL INFRASTRUCTURE</b> |                  | \$988,447   | \$925,699   |  |
|                             |                  |             |             |  |
| <b>TOTAL CAPITAL WORKS</b>  |                  | \$1,266,164 | \$1,078,221 |  |

There are also recreation facilities projects that were funded in the 2021/2022 budget that have extended beyond the single financial year. The committed expenditure includes contracts entered for construction of various elements of the projects. The table below provides a summary of these projects:

| Capital Work Element                         | Committed expenditure | % complete | Notes  |
|--|-----------------------|------------|--|
| Gordon St Recreation Reserve                 | \$4,590,641           | 97%        | The project is running on time and very close to budget. The alterations to the fields are being completed inhouse.  |
| Buangor Recreation Reserve Kitchen Extension | \$40,520              | 15%        | Project halted due to huge variations in construction pricing. The project has been out to the market and came in with a significant price difference between the cost plan and the pricing received from the tenderers. This project will be withdrawn. |
| Lake Bolac Golf Club Kitchen                 | \$197,520             | 91%        | Works are being undertaken by Build Forth, from Ballarat, works are expected to be complete in October 2023.   |

## KEY CONSIDERATIONS

### *Alignment to Council Plan Strategic Objectives*

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

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

***Budget Implications***

The 2023/2024 Capital Works Program represents a significant element of Council's 2023/2024 Budget. In the current civil construction market, it is essential that Council manages capital works expenditure carefully to ensure budget outcomes are met.

***Policy/Relevant Law***

The 2023/2024 Capital Works Program complies with the program funded in the 2023/2024 Budget.

***Sustainability Implications***

There are no environmental sustainability implications. Council is mindful of considering new innovative approaches to improve its sustainability and environmental footprint as a part of the Capital Works program.

***Risk Assessment***

The 2023/2024 Capital Works Program was developed as a mitigation of the financial risks associated with market volatility currently being experienced in the civil and building construction sectors.

***Innovation and Continuous Improvement***

Development of the 2023/2024 Capital Works Program represented an agile response to market conditions. A capacity to rework strategy based on a changing environment is a critical element in developing an innovative organisation.

***Stakeholder Collaboration and Community Engagement***

The 2023/2024 Capital Works Program has been developed as an element of the 2023/2024 Budget. There was extensive community engagement undertaken prior to adoption.

**RECOMMENDATION**

**That the 2023/2024 Capital Works Program - September 2023 report be received.**

**ATTACHMENTS**

There are no attachments in relation to this item.



## SECTION 5- COMMITTEE MINUTES/REPORTS

### 5.1 AUDIT AND RISK COMMITTEE MEETING

**AUTHOR'S TITLE:** CHIEF EXECUTIVE OFFICER  
**DEPARTMENT:** CEO'S OFFICE  
**REFERENCE:** 11734

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

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

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

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#### **EXECUTIVE SUMMARY**

This report contains the minutes of the Audit and Risk Committee meeting held on 05 September 2023.

#### **DISCUSSION**

Minutes of Audit and Risk Committee meetings are provided to Council at the first available opportunity after clearance by the Audit and Risk Committee Chairperson. The report contains the Audit and Risk Committee Meeting held on 05 September 2023.

| Council Committees       | Councillor representative | Current meeting (as presented) | Next scheduled meeting/s |
|--------------------------|---------------------------|--------------------------------|--------------------------|
| Audit and Risk Committee | Cr Jo Armstrong           | 05 September 2023              | 05 December 2023         |
| Audit and Risk Committee | Cr Henry Burridge         | 05 September 2023              | 05 December 2023         |

#### **KEY CONSIDERATIONS**

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

The report supports the strategic objective of the Council Plan 2021-2025:  
6 Strong and Effective Governance

##### ***Budget Implications***

No budget impact for the receiving of minutes.

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

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

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

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

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

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

Audit and Risk Committee members.  
Councillor representation on Council Committees.  
Chief Executive Officer and relevant Council officers.

**RECOMMENDATION**

That the Audit and Risk Committee Meetings minutes of 05 September 2023 be received.

**ATTACHMENTS**

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

## SECTION 6– INFORMAL MEETINGS

### 6.1 INFORMAL MEETINGS

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

#### OFFICER'S DECLARATION OF INTEREST

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

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

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#### EXECUTIVE SUMMARY

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

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

are:

- a) tabled at the next convenient *Council meeting*; and
- b) recorded in the minutes of that *Council meeting*.

#### DISCUSSION

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

| INFORMAL MEETINGS                          |
|--|
| Council Briefing held on 5 September 2023  |
| Council Briefing held on 12 September 2023 |

#### Issues discussed at the briefing:

- Annual Accounts 2022/2023
- Performance Statement 2022/203
- External Audit outcome
- Emergency Management arrangements – Summer 2023/2024
- Council Watch
- Alexandra Oval works
- Barkly St pop-up shops
- Rates arrears
- Planning Scheme plan and budget
- Tatyoon Recreation Reserve social rooms
- Green Hill Lake Development Board
- Alexandra strategic plan and orchid house redevelopment
- Ararat Regional Biolinks Network changes
- Walking tracks and cycle paths development
- Monthly building and planning reports
- Economic Development update

## KEY CONSIDERATIONS

### *Alignment to Council Plan Strategic Objectives*

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

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

### *Financial*

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

### *Policy/Relevant Law*

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

### *Risk Assessment*

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

### *Stakeholder Collaboration and Community Engagement*

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

## RECOMMENDATION

**That the Informal Meetings of Councillors Report be received.**

## ATTACHMENTS

The Summary of Council Briefings are provided as Attachment 6.1.

## SECTION 7 – NOTICES OF MOTION

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

## 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 – Councillor – Request for Leave of Absence
- Item 9.2 – CEO Employment and Remuneration Committee update

## 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

That the confidentiality of the report and decision in relation to 9.1 and 9.2 not be lifted on adoption of the motion.