
COUNCIL MEETING MINUTES - 27 JUNE 2023

Vision:

Indigo Shire - leading sustainable growth, community and cultural diversity, and climate action

HELD: Tuesday, 27 June 2023 at 6.30pm

LOCATION: Council Chambers, 2 Kurrajong Way, Beechworth, and livestreamed on Council's website

ATTENDEES:	NAME	TITLE
	Cr Sophie Price	Mayor
	Cr Bernard Gaffney	Deputy Mayor
	Cr Peter Croucher	Councillor
	Cr Larry Goldsworthy	Councillor
	Cr Roberta Horne	Councillor
	Cr Diane Sheppard	Councillor
	Cr Emmerick Teissl	Councillor
	Trevor Ierino	Chief Executive Officer
	Ian Ellett	Director Infrastructure Services
	Greg Pinkerton	Director Planning & Corporate Services
	Sally Rice	Director Community & Economic Development
	Annabel Harding	Governance Coordinator

These Minutes were confirmed at the Council meeting held on 25 July 2023.



Cr Sophie Price
Mayor

These Minutes are not a verbatim transcript of the discussions in the Council meeting; a recording of this meeting can be found on Council's webpage.

Responses given by Councillors and Council Staff are the opinion of the individual responders, and accurate at the time of response, to the best of their knowledge.

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1. WELCOME

The Mayor welcomed all to the meeting of Council and noted that it would be live streamed and recorded, and the voices and images of those participating in the meeting, and in the gallery, captured as part of the recording.

2. ACKNOWLEDGEMENT OF THE TRADITIONAL OWNERS OF THE LAND

The Mayor acknowledged on behalf of the Council the original custodians of these lands. The people of the rivers and the hills have walked these lands for thousands of years as well as today, and we pay respect to the elders of the past and present.

The Mayor noted that Councillors have all taken an oath to carry out their duties in the best interests of the people of Indigo Shire and to do this in a fair and impartial manner. They are all committed to exercising the Council's powers and functions to the best of their skills and judgement.

3. APOLOGIES AND LEAVE OF ABSENCE

Nil

4. DECLARATION OF CONFLICT OF INTEREST

Nil

MOTION

That the following motion be accepted as an item of late business at item 15:

1. That Council adopts the following statement in unequivocal commitment to diversity, inclusion and the right of LGBTIQ+ communities across Indigo Shire Council.
2. That Council advocates for a strong strategic commitment to supporting LGBTIQ+ communities.

Moved: Cr Goldsworthy

Seconded: Cr Shepherd

For: Crs Peter Croucher, Bernard Gaffney, Larry Goldsworthy, Roberta Horne, Sophie Price, Diane Shepherd and Emmerick Teissl

Against: Nil

CARRIED

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5. OPEN FORUM

Questioner: Leonie Williams

Question 1:

Our view of the Planning departments report on this application, clearly shows a negative bias outlook to enhance the recommendation of refusal. What is councils outlook and response to ensure that the planning department provide a more balanced view of the policy details, being reported on?

Responses provided by Greg Pinkerton, Director Planning & Corporate Services:

The Planning team assess applications against the planning scheme, and they make recommendations based on the appropriate use of land. In this case, the application does not meet the planning scheme requirements.

Question 2:

This application sets a best case example of it's type and an opportunity of precedence for limited development within the settlement area of Stanley. With this application in mind, what is Councils future plans for Stanley in regards to planning a sustainable growth of the settlement area of Stanley?

There are some significant hurdles for development in Stanley – it is unsewered, is bushfire prone, and has some of the Shire's best farming land. There is work being done to re-zone the central part of Stanley to a township zone, however this is still underway. There is also work being undertaken on a housing strategy to identify areas that may or may not be appropriate for future housing development.

Question 3:

There has been minimal information provided to us with our application in regards to the proceeds to the decision being handed down. Would Council please advise us what options there may be when we consider the outcome of the decision?

Council doesn't normally advise applicants on the options after an outcome has been decided. Normally this would be discussed with the private planning consultant that has been engaged by the applicants, however we are happy to help the applicants with this outside the Council meeting.

6. COMMUNITY AND COUNCIL ACHIEVEMENTS

Cr Horne recognised the Rotary Club of Rutherglen and the Annual Country Fair, which they have run since 2002. Many local schools and clubs have been supported by the event over the years, with over \$400,000 in funds being raised. The efforts of Jo and Bill Slattery and Rotary Club members were acknowledged.

7. CONDOLENCES

Cr Shepherd acknowledged the recent passing of Pam Crosthwaite. Pam was a much-loved member of the local community, serving as a midwifery and aged care nurse in Yackandandah community for many years, and her role in establishing and expanding nursing and health services in Yackandandah was very significant. In June 2009, Pam was awarded an Order of Australia Medal (OAM) for services to nursing and the community of Yackandandah.

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Pam was an active and committed community member and volunteer with a number of clubs and groups. She was a well-loved and active member of the Yackandandah and Kiewa community and will be sadly missed.

Cr Croucher endorsed the words of Cr Shephard, and Pam's active volunteerism in the Gundowring area.

It was requested by Cr Shephard that a letter of condolence be sent to her husband Donald Crosthwaite and family.

Cr Horne acknowledged the passing of Mrs Jeanette McIntosh on the 7th of June. Jeanette was heavily involved with both the Hockey and Cricket clubs, and she enjoyed serving on numerous school councils and committees. She also volunteered at Rutherglen Visitor Information Centre, Indigo North Health as well the CFA. Jeanette also served on the Rotary Club of Rutherglen as Secretary for the Country Fair.

Cr Horne requested that a letter of condolence be sent to Jeanette's family.

MOTION

That Council brings forward Item 11.7 to deal with the Planning Permit Application PP22-0008 – Lower Nine Mile Road Stanley.

RESOLUTION

That Council brings forward Item 11.7 to deal with the Planning Permit Application PP22-0008 – Lower Nine Mile Road Stanley.

Moved: Cr Gaffney

Seconded: Cr Teissl

For: Crs Peter Croucher, Bernard Gaffney, Larry Goldsworthy, Roberta Horne, Sophie Price, Diane Shephard and Emmerick Teissl

Against: Nil

CARRIED

8. CONFIRMATION OF MINUTES FROM PREVIOUS MEETING(S)

RESOLUTION

That the following Minutes be confirmed:

1. Minutes of the Council Meeting held on 16 May 2023, as published on Council's website; and
2. Confidential Minutes of the Council Meeting held on 16 May 2023, as provided to Councillors under separate cover.

Moved: Cr Shephard

Seconded: Cr Gaffney

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For: Crs Peter Croucher, Bernard Gaffney, Larry Goldsworthy, Roberta Horne, Sophie Price, Diane Shepherd and Emmerick Teissl

Against: Nil

CARRIED

9. BUSINESS ARISING FROM PREVIOUS MINUTES

Nil reports

10. PETITIONS

Nil reports

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11. PLANNING & CORPORATE SERVICES

11.1 MAY FINANCE REPORT 2023

File No: 2023/416

Sharon Phillips - Acting Manager Finance

Planning & Corporate Services

For Information

RECOMMENDATION

That Council accepts the year to date May Finance Report noting the progress against Council's quarter 2 forecast.

RESOLUTION

That Council accepts the year to date May Finance Report noting the progress against Council's quarter 2 forecast.

Moved: Cr Gaffney

Seconded: Cr Croucher

For: Crs Peter Croucher, Bernard Gaffney, Larry Goldsworthy, Roberta Horne, Sophie Price, Diane Shepherd and Emmerick Teissl

Against: Nil

CARRIED

PURPOSE OF REPORT

This finance report covers the year to date position for the first eleven months of the 2022/23 financial year.

The report shows Council's May position against the adopted Quarter 2 forecast, and provides an indication of Council's financial performance of the 2022/23 year.

BACKGROUND

Each month Council reports the year to date (YTD) financial result. The year to date figures contained within this report shows Council's May position against the second quarter forecast.

DISCUSSION

The income statement shows Council's net financial result was a deficit of \$3.769 million which is \$31k favourable to the forecast position of \$3.800 million deficit. Details of the main variances are reported below.

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May 2023 - income statement							
Account Group	Year to Date (YTD)				2022/23 Annual budget	2022/23 Quarter 2 Forecast	2021/22 April YTD Actuals
	YTD actuals	YTD forecast	YTD variance \$	YTD variance %			
Income							
Contributions - developer	87,500	0	87,500	(100%)	21,500	21,500	68,978
Contributions - operating	54,226	55,453	(1,227)	(2%)	51,148	61,818	49,216
Operating grants	4,452,497	4,251,782	200,715	5%	6,496,518	9,889,217	8,504,167
Interest income	417,474	301,541	115,934	38%	217,773	303,273	160,999
Other revenue	1,795,125	1,809,626	(14,501)	(1%)	2,669,414	2,609,516	2,164,613
Rates & charges	18,808,002	18,794,226	13,777	0%	18,777,585	18,794,226	18,259,971
Reimbursements	288,697	262,991	25,706	10%	71,420	291,237	186,954
Statutory fees & fines	987,272	977,571	9,701	1%	1,085,096	1,112,405	1,177,022
User Fees	3,242,759	3,190,783	51,976	2%	3,918,411	4,098,922	2,574,213
Total income	30,133,553	29,643,974	489,579	2%	33,308,865	37,182,115	33,146,132
Expense							
Borrowing costs	45,395	45,510	115	0%	50,926	48,883	49,063
Contract payments	6,611,119	6,401,051	(210,067)	(3%)	6,301,907	9,437,985	5,299,107
Depreciation	6,981,382	6,985,797	4,415	0%	6,497,105	6,636,048	5,676,428
Employee costs	11,832,702	12,089,117	256,415	2%	13,626,090	13,288,261	11,830,981
Materials & consumables	4,554,037	4,370,548	(183,489)	(4%)	4,659,027	4,978,054	3,539,088
Other expenses	3,380,693	3,068,016	(312,677)	(10%)	3,080,944	3,652,269	3,240,029
Utilities	497,657	484,199	(13,458)	(3%)	609,116	606,784	459,676
Total expense	33,902,985	33,444,239	(458,746)	(1%)	34,825,115	38,648,284	30,094,372
Surplus / (deficit)*	(3,769,432)	(3,800,265)	30,833	1%	(1,516,250)	(1,466,169)	3,051,760

* For both actual and budget a positive net result means a favourable contribution to Council, which is referred to as a surplus and a negative net result means a unfavourable contribution to Council, which is referred to as a deficit.

(Red variance) is unfavourable
Black variance is favourable

Income

Developer Contributions

YTD favourable variance of \$87.5k is due to;

- Planning – Open space contributions for various planning works which are matched with “Other expenses” (below) as they are transferred to Council’s financial reserves to be used at a later date.

Operating Grants

YTD favourable variance of \$201k is due to unbudgeted grants received throughout the year;

- \$80k – Tree Management – Naturally Cooler Indigo Project
- \$60k – Planning – Heritage Assessment Study Grant
- \$30k – Early Years Immunisation Program
- \$25k - Young People – YacVic Future Proof “Umbrella project”
- \$7k – Economic Development – Flood Recovery Expo “ Are you bogged “

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Interest Income

YTD favourable variance of \$116k is due to;

- \$88k – Investment income – Interest rate increases on cash investments maintaining a higher than predicted forecast.
- \$27k – Interest on rates – Interest calculated on outstand rate debtors.

User Fees

YTD favourable variance of \$52k is due to transfer station fees, with higher usage than expected. (Beechworth \$23k and Rutherglen \$31k).

Expenditure

Contract Payments

YTD unfavourable variance of (\$210k) is due to;

- (\$144k) – Emergency Management, Natural Disaster costs to be recovered at a later date.
- (\$77k)– Temporary employment costs across multiple service areas, these costs are to be read in tandem with the \$256k of favourable employee costs.
- \$11k favourability in building maintenance compared to forecast.

Employee Costs

YTD favourable variance of \$256k is due to staff vacancies. This is offset by the additional temporary employment costs in contract payments.

Materials and consumables

YTD unfavourable variance of (\$184k) is due to;

- (\$61k) – Software maintenance costs within Information Technology.
- (\$36k) – Additional unbudgeted costs across Roads, Tree Management and Parks and Gardens.
- (\$25k) – Fuel costs increase which have been impacted by the current economic climate.
- (\$26k)– Natural disaster costs to be recovered.
- (\$26k) – Additional material costs in Urban roads.
- (\$10k) – Increase in merchandise purchases across the Rutherglen and Beechworth Visitor Information Centres.

Other expenses

YTD unfavourable variance of (\$313k) is due to;

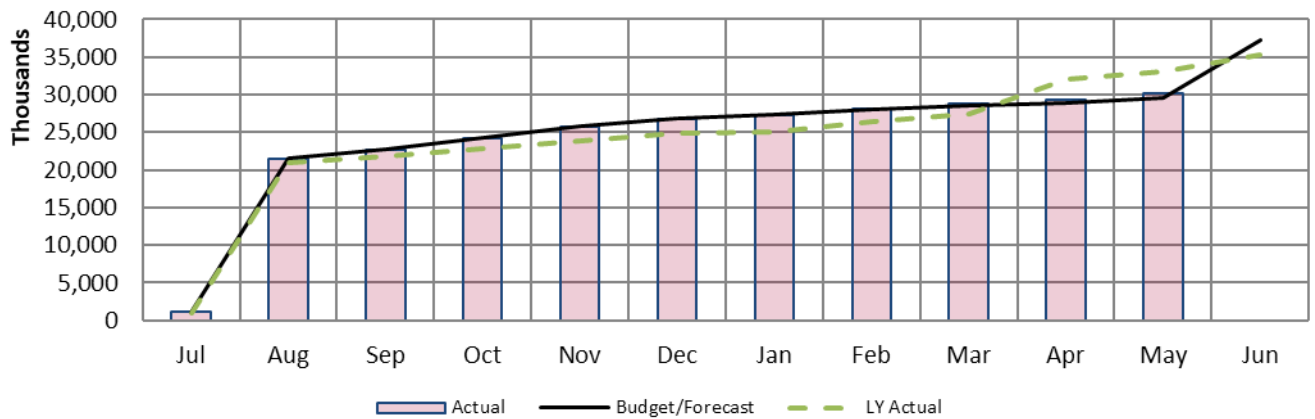
- (\$186k) – Internal and external plant hire with either additional or unbudgeted expenditure including \$44k of Natural Disaster unbudgeted costs, \$108k in both Urban and Rural Roads and \$26k in Waste Management for the Beechworth Transfer Station and \$8k in Tree Management.
- (\$87.5k) – Internal accounting treatment of Developer Contributions transferred to reserve. The offset of this shows the \$87.5k of Developer Contribution income noted

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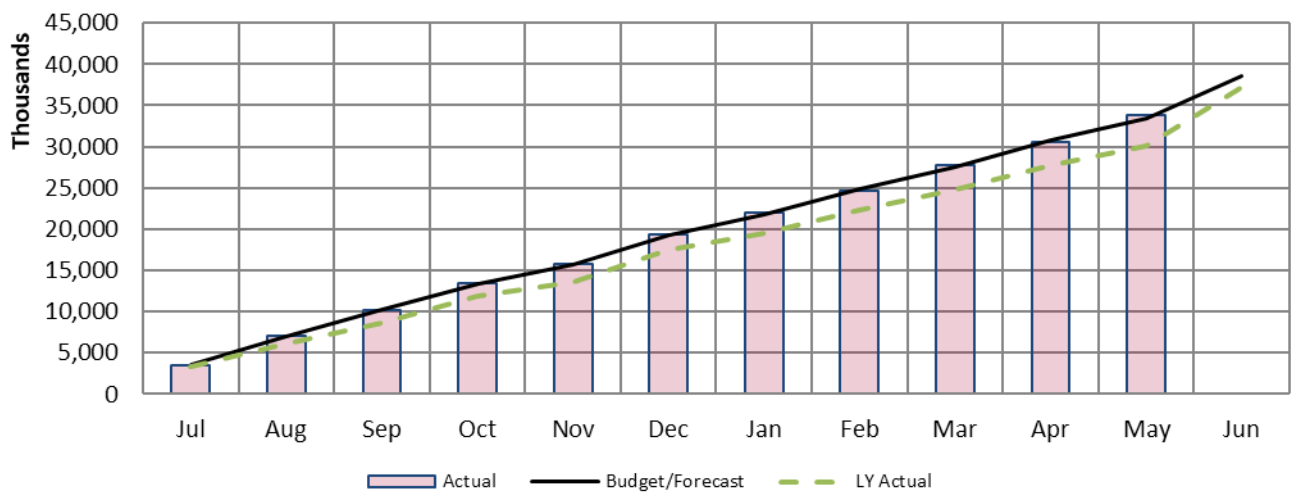
in Developer Contributions income above, this is a nil net effect on the operating budget.

- (\$27k) – Plant and fleet repairs and maintenance.
- (\$10k)– Increase in advertising recruitment costs.

Income (YTD)

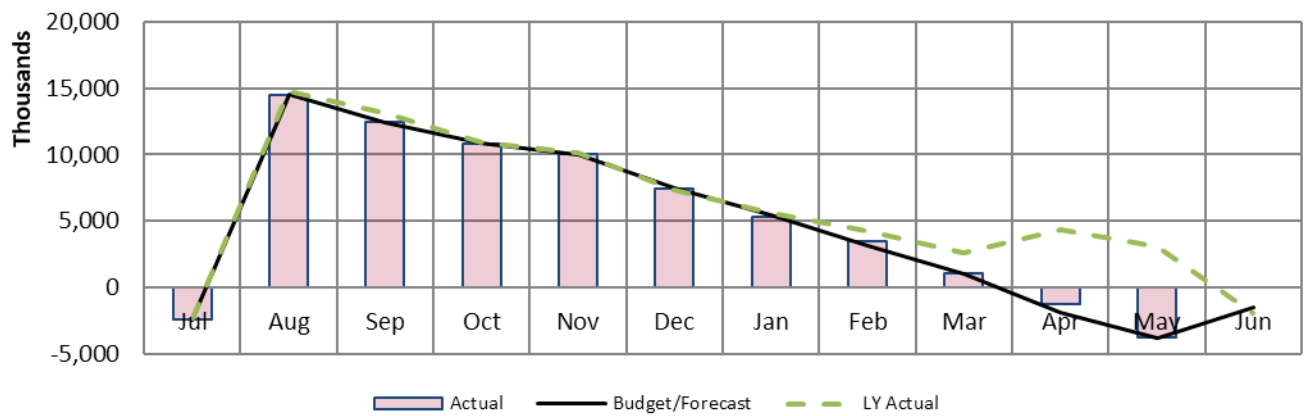


Expense (YTD)



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Net Position (YTD)



CASH

Council's Cash position at the end of May 2023 was \$9,161,652 million. This is lower than the same period last year (\$14,830,551 million) due to the progress of the capital works program and the advance receipt of 22/23 FAGs allocation received in the prior year to date.

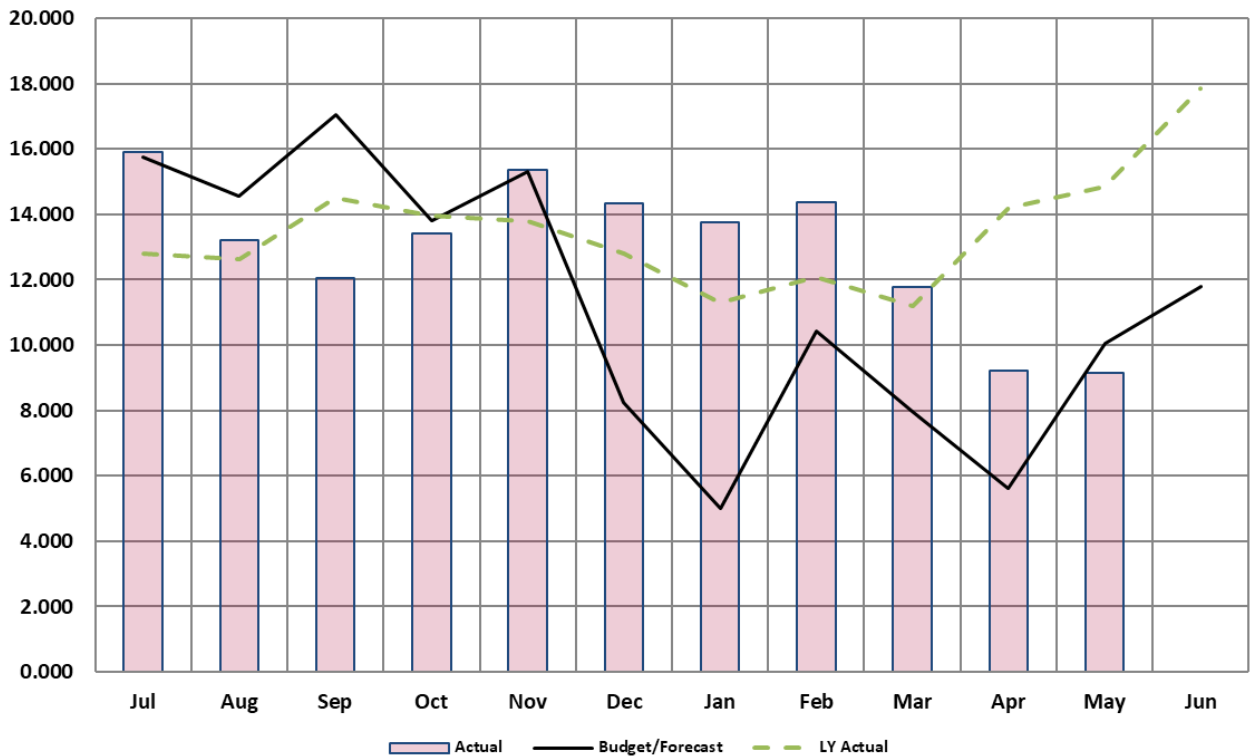
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Indigo Shire Council - Cash & Investment Report as at 31st May 2023

Bank	Term	Rate %	Due Rollover	Amount
WAW	153	3.75	7/09/2023	1,000,000
Hume Bank	184	3.30	5/11/2023	500,000
IMB Bank	123	3.95	6/06/2023	1,000,000
Defence Bank	90	3.50	26/08/2023	1,000,000
Rabobank Bank	153	3.90	4/09/2023	1,000,000
Bank Vic	180	4.45	9/10/2023	1,000,000
Bendigo Bank	152	4.15	10/07/2023	1,000,000
<u>Total of All Investments</u>				6,500,000
Indigo Shire Operating Account		3.25		2,661,539
WAW Credit Union S13		0.01		114
<u>Total Operating Cash Position</u>				<u>2,661,652</u>
<u>Total Cash Position</u>				<u>9,161,652</u>

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Cash (\$ Millions)

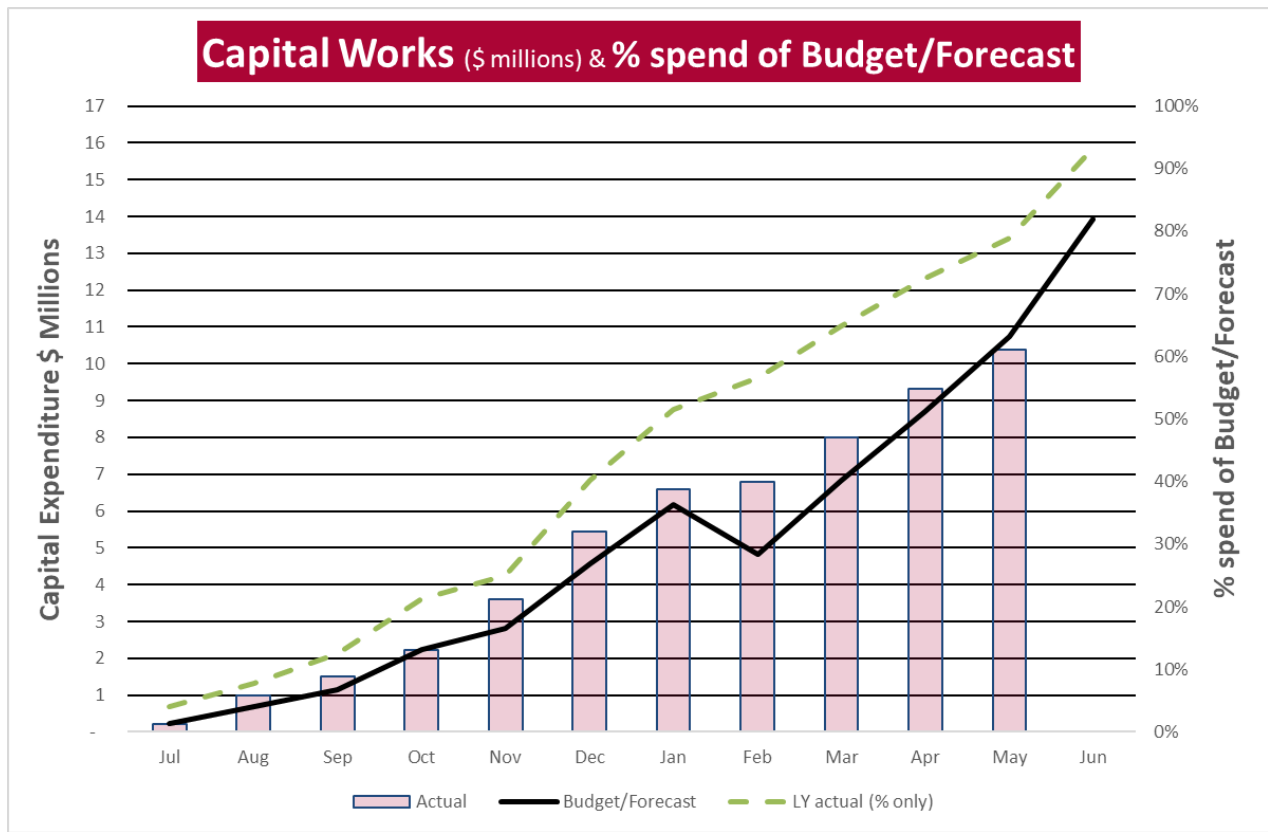


CAPITAL WORKS

The combined YTD project expenditure as at the end of May, across both the Capital Works and Non ISC asset project areas totals \$11,599,327. This total is comprised of \$10,377,066 in capital projects and \$1,222,260 against Non ISC assets.

Capital works expenditure	2021/22			2022/23		
	Qtr2 Forecast	YTD actuals	% Complete	Qtr2 Forecast	YTD actuals	% Complete
Capital works total	11,721,159	9,240,682	78.8%	13,764,605	10,377,067	75.4%

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A more detailed commentary on capital works and non-Council expenditure is provided in the monthly capital report later in the Council meeting agenda.

STRATEGIC CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	5. Accountability
Strategic Objective	5.1 Our financial management is sound, responsible and effective.

SOCIAL/COMMUNITY IMPLICATIONS

This report provides details of Council’s performance across a range of services, works and programs that support and enhance the wellbeing of residents and visitors to Indigo Shire.

ENVIRONMENTAL IMPLICATIONS

In May 2017 Council adopted the following resolution.

That Council:

1. *divests its investments (when they become due) to financial institutions that do not invest in the fossil fuel industry;*
2. *divests future long-term borrowings when they fall due, to financial institutions that do not invest in the fossil fuel industry;*
3. *notes that Council will retain the current (non-divested) transactional banking provider at this time, however Council will advise this bank the intention to move to a divested provider in the future if they continue to support the fossil fuel industry; and*

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4. *writes to Council's current banking providers to advise them of Council's stance on fossil-free financial institutions*

In accordance with this resolution:

- All investments are held with financial institutions that have divested their interests away from fossil fuel companies.

Transactional banking has not been reassessed since the resolution and remains with a non-divested bank.

FINANCIAL IMPLICATIONS

Addressed throughout the report.

LEGISLATIVE IMPLICATIONS

The Local Government Act requires Council to report financial information quarterly. Indigo Shire Council report financials on a monthly basis, as well as a more comprehensive Report at completion of each quarter.

All financial reporting is compliant with the Australian Accounting Standards and audited annually by the Victorian Auditor General Office.

RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
Poor performance against budget/forecast	Possible	Moderate	Medium	Regular monitoring and reporting of financial position
COVID-19 pandemic economic impact exceeds forecast	Possible	Major	High	Regular monitoring and reporting of financial position against budget

The current pandemic does provide uncertainty therefore regular reporting and monitoring is critical in identifying any impacts.

COMMUNITY ENGAGEMENT

Engagement undertaken

Nil

Engagement outcomes

Nil

Engagement proposed

Nil

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CONCLUSION


In summary, at the end of May the bottom line financial position is a small favourability to the Quarter 2 forecast, with one month to go to 30 June Council is working towards the completion of projects and 2022/23 council action plans. It is expected that Council will achieve the EOFY targets set at the Q2 forecast.

DECLARATION OF CONFLICT OF INTEREST

Under section 130(2) of the *Local Government Act 2020* and Governance Rule 24, the following officers declare that they have no interests to disclose in providing this report:

- Greg Pinkerton – Director Planning and Corporate Services
- Sharon Phillips – Acting Manager Finance

Attachments

1.  May Service Plan Statement

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11.2 COUNCIL PLAN 2021-2025 (YEAR 3)

File No: 2023/417

Melinda Collis - Executive Manager Customer Experience & Engagement Executive Management

For Decision

RECOMMENDATION

That Council adopts the Council Plan 2021-2025 (Year 3), noting adjustments to the phasing and rewording of some actions and the updated Municipal Public Health and Wellbeing Action Plan 2021-2025.

RESOLUTION

That Council adopts the Council Plan 2021-2025 (Year 3), noting adjustments to the phasing and rewording of some actions and the updated Municipal Public Health and Wellbeing Action Plan 2021-2025.

Moved: Cr Teissl

Seconded: Cr Shepherd

For: Crs Peter Croucher, Bernard Gaffney, Larry Goldsworthy, Roberta Horne, Sophie Price, Diane Shepherd and Emmerick Teissl

Against: Nil

CARRIED

PURPOSE OF REPORT

To adopt the amended Council Plan 2021-2025, and revised actions therein and the updated Municipal Public Health and Wellbeing Action Plan 2021-2025.

BACKGROUND

The Council Plan 2021-2025 was adopted by Council on 29 June, 2021.

It is a requirement of the *Local Government Act 2020* that a Council must prepare and adopt a Council Plan for a period of at least four financial years after a general election in accordance with its deliberative engagement practices.

The Council Plan sets out the key priorities for Council to focus on over its term and guides decision making and prioritisation through the annual budget. The plan is reviewed annually to help inform capital works planning, service planning as well as budget and resource allocations.

The plan was developed in consultation with the community as well as the following:

- Current priorities identified by Councillors.
- Previous Council priorities and decisions, including adopted plans and strategies.
- Council's 10-Year Financial Plan.
- Opportunities and challenges and other influences.
- State and Federal Government Legislation.

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DISCUSSION

The proposed changes to the Council Plan are detailed in the table below. There have also been updates to the Mayor and CEO Message (added current Mayor's photo and signature), the organisation chart, and Councillor photographs.

Page No.	Action Item	Proposed Change
17	1.1.2 Review way-finding signage, street lighting, seating, shade and pedestrian crossings across the Shire to encourage outdoor gatherings in town centres	Phasing – project to commence 24/25
17	1.1.11 Develop a Master Plan for the Allans Flat Recreation Reserve Precinct	Phasing – project to continue in 23/24
17	1.1.12 Determine the future development of the Beechworth Pool and advocate for funding	Phasing – project to continue in 23/24
17	1.1.13 Review town and Shire entry signage and develop an appropriate Upgrade Action Plan	Phasing – project to commence 24/25
19	1.5.3 Support the development of a signature arts event and spaces	Phasing – project to commence 23/24 Action reworded - Support a variety of creative arts and culture events across the Shire
23	2.3.5 Develop a Public Toilets Improvement Strategy	Phasing – project to continue in 23/24
27	3.1.3 Implement the Better Approvals system to make it easier for businesses to obtain planning and building permits	Phasing – project to continue in 23/24 Action reworded - Improve accessibility to planning and building permit applications for all applicants, including principles from the Better Approvals project.
30	4.1.3 Develop a Tree Canopy Strategy	Phasing – project to continue in 23/24
31	4.4.4 Consider the development of a Dark Skies Policy	Phasing – project to continue 23/24 Action reworded - Include dark skies into planning policy and consider the role of dark skies in the new Tourism Strategy.

Community feedback captured as part of the pre-budget survey was also taken into consideration. There was strong alignment with actions already included in the Council Plan and Municipal Public Health and Wellbeing Plan and therefore no changes have been made to the document based on the feedback received.

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Municipal Public Health and Wellbeing Action Plan

Council's Municipal Public Health and Wellbeing Action Plan is monitored via bi annual health sector partner progress meetings hosted by Council. These meetings include representative from Women's Health Goulburn North East, Indigo North Health, Beechworth Health Service, Yackandandah Health and Department of Health and Human Services. Discussions include how to overcome particular barriers to success for some actions, collaborative project initiatives and evidence-based approaches to improve project outcomes.

Additionally, individual meetings with Council staff and Department health promotion advisers ensures Council is up to date with regional trends and issues. Community engagement on the Action Plan is ongoing as particular actions have a high level of community involvement. The updated action plan, including status updates, is attached to this report.

Submissions

One submission was received (attached with name redacted). The Issues raised are in the table below along with the officers responses. Given the issues have been addressed, there is no change to the Council Plan.

A note about redacted information: the information redacted from the submissions is the personal information of a submitter (such as names, address, email address and phone number), which, under section 3(f) of the *Local Government Act 2020*, would be unreasonable to disclose. This section applies because the information contains personal contact details of a person making a submission to Council. This is an unreasonable disclosure of personal information as their personal information is not relevant to the submission process.

Feedback	Officer comment
<p>Council Officer Vacancies.</p> <p>Firstly, while Council have filled in a number of positions in the Planning department, there remains a backlog of officer vacancies, particularly in Health Officer and Residential Noise Enforcement Officer roles, as well as Governance, and this isn't being addressed by the updates in the Council Plan and Budget.</p> <p>With increased approved planning permits and increased planning head-count, we should expect increases in Council Officers to reflect this new work and responsibilities.</p>	<p>Council is working hard to fill all vacancies. The local laws vacancy doesn't impact high risk enforcement activities.</p>
<p>Items in the PH&W Action Plan need updating.</p> <p>We are into our 3rd year of the Council Plan, however we have not seen updates on a number of items listed in the PH&W Action Plan, particularly in terms of Part 5 "Tobacco and Alcohol harm reduction" - a good portion of the Tourist promotions by Council and North-East Tourism involve Alcohol advertising and work against this</p>	<p>Alcohol and tobacco free messaging is incorporated into Youth Events. Council supported winery campaigns include responsible consumption messaging. Council acknowledges more work is required here and will progress collaboration between Community</p>

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Feedback	Officer comment
<p>action of Council. Also of note is that the backlog of work required at the Councils sport ovals does not Champion Active Living in the Municipality.</p>	<p>Development and Tourism on these actions.</p> <p>Regarding infrastructure improvements required at Council Ovals see action 4.9: Recreation Facility master planning underway at Yackandandah, Coulston Park, Barkly Park and Allans Flat to identify actions. This will include any maintenance requirements at ovals at these facilities.</p>
<p>Digitization of the Planning and Building Register.</p> <p>Section 3.1.3 refers to "Improve accessibility to planning and building permit applications for all applicants, including principles from the Better Approvals project"</p> <p>Applicants already have access to private building surveyors for this function under the Building Act, the Council website doesn't adequately mention this.</p> <p>There is also an existing IT project undertaken for electronic submission of planning applications.</p> <p>What is missing, I feel, is the availability of inspection of the planning register and planning applications on notice, via the same portal.</p>	<p>Current legislation makes it very expensive to convert registers to electronic format and this is not considered to be a project that would have matching benefit for the community. At this stage Council is maintaining the current manual system, but we hope to eventually convert to digital when appropriate.</p>
<p>Lack of clarity regarding "dark skies policy"</p> <p>It's not explained how council arrived to a decision to implement a dark skies policy in the planning policy. For example, I would have thought a report indicating the changes of lumescence or other environmental impacts would be available.</p> <p>Nevertheless, proper considerations should be provided to the use of light for industrial and farm use, in industrial and farm zones that are finding mixed-used with tourism due to Indigo shire's planning scheme.</p>	<p>Council is yet to develop the scope for a Dark Skies Policy and this is among the Council Plan action items that have been moved to next financial year.</p> <p>The development of the policy will include community consultation to better understand the community's interest and to provide opportunity for input.</p>

Options

1. Adopt the updated Council Plan 2021-2025 (Year 3) with the proposed amendments. (recommended)
2. Reject the proposed changes and propose further amendments.
3. Reject the proposed changes and adopt the Council Plan 2021-2025 with no changes.

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STRATEGIC CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	5. Accountability
Strategic Objective	5.5 Our Councillors and organisation are committed to the highest level of governance practices and conduct.
Strategic Action	5.5.1 Develop and deliver an ongoing internal Integrity Program to ensure both staff and Councillors are aware of and carrying out their responsibilities with the highest levels of governance

SOCIAL/COMMUNITY IMPLICATIONS

The Council Plan reflects what the community expressed to Council it wants for Indigo Shire, both in the long term and immediate future. In developing the plan, community input and involvement was strongly encouraged. Through drop-in sessions, online feedback, submissions and surveys, Council received constructive and well considered feedback from almost 250 individuals and organisations which was used to shape the document.

Overwhelmingly, the community expressed the importance of a Shire united by a desire for sustainable living, care for the environment, action to address climate change along with progress, prosperity and community pride, but also for the Shire’s towns and villages to be recognised for their individual character and charm and unique sense of identity.

ENVIRONMENTAL IMPLICATIONS

The Council Plan has a strong focus on addressing climate change. Theme 4 Environment, has a number of strategic objectives and actions that reinforce Council’s commitment to ensuring that it considers mitigation and planning for climate change risks in any decisions that affect the economic, social and environmental sustainability of the Shire.

FINANCIAL IMPLICATIONS

The Council Plan is a central part of Council’s integrated planning framework and the items in the action plan are identified for priority funding in each budget cycle. Year three actions in this plan have been included in the draft 2023/24 budget. Actions that are shown in future years in this plan will be considered in subsequent budget cycles.

LEGISLATIVE IMPLICATIONS

Council Plan

Under section 90 of the *Local Government Act 2020*:

1. *A Council must prepare and adopt a Council Plan for a period of at least the next 4 financial years after a general election in accordance with its deliberative engagement practices.*
2. *A Council Plan must include the following:*
 - a. *the strategic direction of the Council;*
 - b. *strategic objectives for achieving the strategic direction;*
 - c. *strategies for achieving the objectives for a period of at least the next 4 financial years;*
 - d. *strategic indicators for monitoring the achievement of the objectives;*
 - e. *a description of the Council's initiatives and priorities for services, infrastructure and amenity;*

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- f. any other matters prescribed by the regulations.
3. A Council must develop or review the Council Plan in accordance with its deliberative engagement practices and adopt the Council Plan by 31 October in the year following a general election. Authorised by the Chief Parliamentary Counsel
 4. The Council Plan adopted under subsection (3) has effect from 1 July in the year following a general election.

RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
The Council Plan does not reflect the requirements of the Local Government Act	Unlikely	Minor	Low	The plan has been guided by the requirements of the Act

COMMUNITY ENGAGEMENT

Engagement undertaken

Extensive community and stakeholder engagement was undertaken in 2021 to help inform the Council Plan 2021-2025. The updated Council Plan (Year 3) was placed on public exhibition for 14 days from 17 May 2023 and submissions invited. Council received one submission, which has been addressed in this report.

CONCLUSION

The Council Plan reflects both Council and community aspirations and now guides the work Council does over its four-year term. Community feedback has been vital to ensure alignment between the services Council provides for residents and community aspirations.




The changes further strengthen what the community has expressed it wants for the ongoing sustainability of the shire.

DECLARATION OF CONFLICT OF INTEREST

Under section 130(2) of the *Local Government Act 2020* and Governance Rule 24, the following officers declare that they have no interests to disclose in providing this report:

- Trevor Ierino – Chief Executive Officer
- Melinda Collis – Executive Manager Customer Experience and Engagement

Attachments

1.  Council Plan 2021-2025 Year 3 Draft
2.  MPHWB Action Plan - June 2023 updated
3.  Council Plan submission - redacted

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11.3 CONSIDERATION OF 2023/24 BUDGET SUBMISSIONS

File No: 2023/409

Greg Pinkerton - Director Planning & Corporate Services Planning & Corporate Services

For Decision

RECOMMENDATION

That Council;

1. Receives the attached draft budget responses, and thanks submitters for their assistance and feedback;
2. Endorses the management responses detailed in this report in relation to the budget submissions;
3. Endorses any recommended changes to the budget or actions as a result of the submissions (as detailed in the report), noting the addition of \$87k for footpaths and \$70k for drainage; and
4. Directs Council staff to respond to each submitter with a copy of this report and the Council resolution.

Greg Pinkerton, Director Planning & Corporate Services tabled an additional budget submission (redacted) which was inadvertently omitted from the agenda. This submission has been circulated to Councillors over the weekend, prior to the consideration of this report.

RESOLUTION

That Council;

1. Receives the attached draft budget responses, and thanks submitters for their assistance and feedback;
2. Endorses the management responses detailed in this report in relation to the budget submissions;
3. Endorses any recommended changes to the budget or actions as a result of the submissions (as detailed in the report), noting the addition of \$87k for footpaths and \$70k for drainage; and
4. Directs Council staff to respond to each submitter with a copy of this report and the Council resolution.

Moved: Cr Gaffney

Seconded: Cr Shepherd

For: Crs Peter Croucher, Bernard Gaffney, Larry Goldsworthy, Roberta Horne, Sophie Price, Diane Shepherd and Emmerick Teissl

Against: Nil

CARRIED

PURPOSE OF REPORT

The purpose of this report is to present the 2023/24 draft budget submissions, and to provide direction on any actions arising from the consideration of these submissions.

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BACKGROUND

Council uses significant community input to build the annual budget. This input comes in several ways and is used throughout the budget build process;

- Throughout the year service managers note any community feedback that may inform the budget build process. This information is reviewed by all service managers as part of the annual budget planning process.
- Prior to the budget drafting process Council seeks community input into the budget build. This year 315 people provided input into the process. This pre-budget input is the primary consultation for the budget, and is timed to allow staff to consider the suggestions prior to the draft budget being prepared.
- Each service manager reviews the community input into the budget and this helps to inform their annual planning process. Budget managers and Council's executive team review the community feedback in relation to each service.
- The feedback is provided to Councillors prior to the Councillor budget workshops. This is done in two formats;
 - Verbatim – as written by community members, and;
 - Summarised into key themes and feedback.

This early engagement is extremely valuable because it allows time for items to be considered fully and worked into the budget build.

In addition to this early consultation, the draft budget was recently exhibited for three weeks. This is a final chance for any feedback to be given prior to Council considering the adoption of the budget. Whilst this second opportunity is usually too late for Council to consider new additions and major changes, it does give an opportunity for the community to provide any feedback they feel is appropriate prior to Council considering the budget adoption at the June Council meeting.

This year 31 submissions were received. All submissions are attached, with personal details redacted. Each submission has been acknowledged in writing. Copies of the original submissions have already been provided to Councillors as well as the redacted versions being attached to this report.

Council appreciates the time that submitters have taken to provide feedback on the draft budget, and we thank all contributors throughout the full six-month budget build timeframe.

This report presents the attached submissions to Council, and provides commentary on a number of the common themes. This report is not intended to address every point that is raised in the submissions, or answer specific questions. Rather, these submissions summarised in this report and provided to Councillors for their consideration.

A note about redacted information: the information redacted from the budget submissions is the personal information of submitters such as names, addresses, email addresses and phone numbers, which, under section 3(f) of the *Local Government Act 2020*, would be unreasonable to disclose. This section applies because the information contains personal contact details of a person making a submission to Council. This is an unreasonable disclosure of personal information as their personal information is not relevant to the budget process. The details of businesses are not considered personal information and have not been redacted from the submissions.

DISCUSSION

Before addressing the key themes, there were a number of observations made regarding the submissions and the exhibition process. These observations will be used to refine Council's engagement processes for future budgets.

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- Many submissions made requests or provided suggestions that are too late for appropriate consideration in the 2023/24 budget. Capital works projects and large changes to services require early consideration. This is the reason for the change to an early consultation process, however it seems that this change has not encouraged people to propose projects early enough for due consideration. Management will consider ways to encourage earlier engagement from community members wishing to propose new projects. As for this year's proposals, they will be provided to the appropriate service areas to consider.
- Several submissions proposed more spend in a particular area (footpaths, roads, etc.) but did not suggest any particular issue, road, footpath, or problem that needed to be looked at. This, again, has caused management to consider how best to understand the details of any submissions that community members make. It is expected that the engagement process will be altered to understand this earlier in the process.
- Several submissions proposed opposite views and this demonstrates the balance that Council needs to strike between different perspectives and community needs. Expenditure on cycling infrastructure is an example, with some submissions supporting the addition of pump tracks (and requesting more) whilst others argue against their inclusion in the budget.
- Several points raised were based on a misunderstanding of the budget information and/or inadequate explanation within the documents to explain the financials. There appears to be an opportunity to better explain some parts of the budget and the documents. Again, this will be considered as the 2024/25 process commences later in the year.

Overall it is frustrating to both submitters and to Council that many of the submissions cannot be acted on because the suggestions are either too late in the process, not supported by Council strategy, or lack specific detail. This disconnect is despite the engagement process that Council has undertaken for a budget build. It is suggested that the community voice is strong and active, and Council is receptive, however both struggling to connect in a productive way. The community engagement process will be reviewed to try and improve the connection in future budget preparations, with the aim of bridging this gap.

The following discussion considers the key themes that have emerged from the draft budget exhibition. Where appropriate any recommended changes to the budget or process is included in the discussion.

The themes below (and management response that follows each item) constitutes the formal consideration of the budget submissions, and recommended response. Any of the proposed changes to the budget that are outlined below have already been included in the budget documents that are being presented later in this meeting agenda.

Themes identified from the budget submissions are as follows;

1. Consultation effectiveness.
2. Core asset maintenance and upgrade (roads, bridges, footpaths, etc).
3. Flood repair costs.
4. Recovery from Covid and fires.
5. Council expenditure on cycling.
6. Balance of expenditure between different groups, towns, services, or asset types
7. The rate increase.
8. Time taken to complete capital works projects.

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9. Draft document errors.
10. Specific funding requests.

In addition, there were some suggestions for changes or increased spending in services that are not delivered by Council. Some of the suggestions made in relation to non-council facilities (such as the Yackandandah Cemetery, Winery Walkabout branding, health, provision of housing, etc.) will be considered for Council's advocacy program.

Below is a summary of the themes that emerged from the submissions as well as Council management response and recommended changes (where appropriate).

Theme 1: Consultation effectiveness

What we heard

Several responses questioned whether Council had heard, understood, and adequately responded to the community feedback from the initial community engagement. In particular feedback suggested that the budget did not reflect the weight given to core infrastructure such as roads, footpaths and drainage. Funding for core assets is covered in more detail in the section below, whilst this section will discuss the consultation process.

Response and changes made

As detailed earlier in the report, the feedback provided by the community is taken very seriously, and reviewed by several groups (management, service managers, Councillors, etc) throughout the budget build process. This feedback is used to support project bids and budget allocations.

Council has worked within the constraints of the budget to respond to the community feedback. However, the ability to make large changes to Council's service allocations is limited

- Council works on a fixed income that means any increase in one area requires a decrease in another area. Therefore, Council's budget process is one of balance. The community feedback is used to adjust this balance.
- Many of the suggestions for ways to fund more work in core infrastructure (such as roads, footpaths, etc.) offer solutions that do not provide Council with any additional money to do so. One often suggested method is to stop spending money on cycle paths and put the money into roads. This is an example of misunderstanding of the funding for cycle paths (grant funded specifically for that project) and the fact that this funding is non-transferable.
- For the 2023/24 financial year Council had to work hard to bridge the gap between the rate cap (3.5%) and the inflation rate (7.8% at the December Quarter and 7% at the March quarter). This significantly reduced Council's ability to increase expenditure in the 2023/24 financial year.

Therefore, it is not realistic to make significant re-allocations and expenditure increases. Instead, Council uses the feedback to make adjustments and improvements where possible that better align with the community's feedback. This is done in small increments – such as holding some services to very low increases whilst giving others a higher than CPI increase. These changes are subtle, but over the course of time the balance shifts to align with the community feedback.

One example to demonstrate the way that community feedback has been used to change the budget is the increase in the tree maintenance (operating) budget. The budget documents show an increase

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in the allocation from \$502k in 2021/22 to \$546k in 2022/23 and then a proposed budget in 2023/24 of \$592k.

The feedback regarding how the consultation is used in the process will be considered in the preparation for next year's budget to try and improve the communication and information. Council will look at ways to improve the information to provide realistic expectations for the consultation feedback. Council will continue to transparently seek and consider all views as part of the process of setting the budget.

Theme 2: Core asset maintenance and upgrade (roads, bridges, footpaths, etc)

What we heard

Several submissions request a greater focus on the maintenance and upgrade/extension of core assets such as roads, paths, drainage, bridges, parks, etc. Some of these are linked to recent flood damage (discussed below), and some submissions suggest other services that could be reduced in order to fund more roads, bridges, etc.

Response and changes made

Due to the pressures discussed in the previous section, the 2023/24 budget build process was one of austerity and balance, while also working toward the community desires. Unfortunately, when Council makes an increase in one service it must be matched with a decrease in another service and therefore the budget is a balance.

Some of the feedback relates to damage resulting from recent flood events. The rectification of flood damage is discussed in a later section of this report, and it is accepted that this natural disaster work is not easily visible in the draft budget document.

The draft budget contains the following allocations that align with the community feedback to maintain core assets;

- \$4 million for waste management.
- \$976k for parks and gardens.
- \$783k for tree plantings and maintenance.
- \$11.4 million for new capital works projects, including;
 - \$2.7 million to maintain roads, footpaths, bridges and drains.
 - \$700k to improve urban and rural drains
 - \$636k to re-sheet priority gravel roads
 - \$601k to re-seal priority sealed roads
 - \$529k for bridge renewal works
 - \$200k to seal urban roads
 - \$186k for kerb and channel replacement and new works
 - \$100k to upgrade public toilets

In addition to these allocations, funding to Infrastructure has been increased by \$107k since the draft budget was endorsed. This funding became available after the final rates calculation was performed.

This showed that the original rates calculation was \$107k short of the rate capped 3.5%. This additional funding has been allocated to the Infrastructure team and will be used for;

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- Additional “Beechworth Primary School” footpath project. This is an \$87k project with \$37k from Council and \$50k of grant funding.
- Additional \$70k for “priority drainage works”.

This new allocation, combined with the draft budget projects, demonstrates support and expansion of core community assets; and further responds to the community feedback.

Council will continue to prioritise core asset maintenance and ensure that all renewals are fully funded every year. This long-standing practice is a fundamental budget ‘non-negotiable’. In addition, Council’s infrastructure team will continue to prioritise new and upgrade projects to best meet the needs of the community. It is recognised that this cannot meet every need in the desired timeframe, however staff continually strive to understand and meet needs where possible.

Theme 3: Flood repair costs

What we heard

Some feedback expresses concern that Council has not allocated enough money to repair the flood damage that occurred in 2022. Some submissions identify specific allocations and/or projects and point out that Council needs to spend more to bring the assets back up to standard.

Response and changes made

Repairs to assets that are damaged in natural disasters are covered by an agreement with the state government. This is a complex system that funds repairs for most asset types in most natural disasters with very little contribution from Council.

The budget does not specifically highlight this because it is part of the operational budget and mostly funded (i.e. low or no Council contribution).

This limited visibility of this in the budget document should not be taken as being an under-allocation or a lack of effort by Council to repair the damage and return assets to their pre-flood condition. Significant work has already taken place, and continues on these important works.

The one notable exception to this is the remediation of the Indigo Creek bridge. This work is not yet funded and Council is seeking \$1.12M in grant funding for a new bridge on Indigo Creek Road. Council has committed \$280K in the draft budget for this project.

Theme 4: Recovery from Covid and fires.

What we heard

A few submissions mentioned the need for Council to do more to assist the community to recover from Covid and the fires of 2019/20.

Response and changes made

In recent times communities of the Indigo Shire have been impacted by flood, fire and COVID. Some areas have been impacted by all three.

Council is committed to supporting the residents and communities of the Shire to recover from any and all types of emergencies as well as working with communities to develop greater resilience for handling any future events. In addition to this, Council continues to invest in improving its emergency

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management preparedness. This ensures that Council is well placed to provide effective and appropriate support to emergency management agencies and the community.

Councils Community and Economic Development teams provide ongoing support in a range of ways to local residents. This includes a wide variety of community groups, individual businesses and entire sectors. Some examples of specific emergency response activities that will occur within the 2023/24 financial year are:

- With \$580,000 funding through the Commonwealth Governments Black Summer Bushfire Recovery Grants Program (Department of Industry, Science, Energy and Resources) Council has partnered with the CFA to **install solar power generation arrays and battery storage systems on twelve (12) fire stations** in the CFA District 24 Indigo/Alpine catchment region. The purpose of the “Solar Project” is to provide powered emergency service facilities during future natural disasters and technical outages where the aim is to ensure there are adequate facilities to enhance community resilience by providing confidence a nearby emergency service facility can provide support for first responders and a gathering place for community residents if local electricity grid and/or communications are not operating. This project commenced in the 2021/2022 financial year and will be finalised in the 2023/2024 financial year.
- **Community Recovery and Resilience Officer. This is an Emergency Recovery Victoria (ERV) grant for 12 months totaling \$128K.** This grant will provide funding to recruit a full-time Community Recovery and Resilience Officer (CRO) to support the community of Indigo Shire in recovery after the October 2022 flood events. The CRO will also help deliver the Flood Recovery Plan to residents impacted by the 2022 North East Flood event.
- **North East Collaboration Project – Bushfire Safer Together Grant of \$150k.** This is a joint collaboration grant with Alpine, Indigo and Towong Shire. Funding will be used to recruit a 12 month funded band 6 position that will review and formulate joint Emergency Management (EM) procedures and Standard Operating Procedures for Alpine/ Indigo and Towong Shires. This program will also help deliver training for Councils key EM personnel.
- **Hub ERV Grant \$145K** – (Note: this grant has had in-principle funding agreement only/ delivery plan as yet has not been approved by ERV). This grant will help fund a 12-month Hub position (band 5) that will help coordinate and establish Hub safe spaces (minor infrastructure works) within the shire. This grant is also proposed to purchase a recovery and outreach trailer (approx. \$45k) that can be deployed to EM incidents and events. (Note: this grant may be given an additional \$100k for Hub infrastructure works, further details to be advised by end of June 23.)
- **Municipal Emergency Resourcing Program (MERP) funding \$60k** has been forecasted FY 23-24 to be delivered to allow for part funding of the Indigo Shire Emergency Management Coordinator role.

Theme 5: Council expenditure on cycling infrastructure

What we heard

Council spends too much money on cycling infrastructure and should instead focus that time and money on other projects.

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Response and changes made

This appears to be an area of great frustration to some in the community, and an often-misunderstood aspect of what Council does. The reason for Indigo Shire Council spending a significant amount of money on cycling (rail trails and mountain biking) are;

- There is unmet demand for these assets. Both residents and visitors are seeking increases in cycling infrastructure.
- The vast majority of the money spent on rail trails is not Council's/ratepayers money. These projects are funded by grants that recognise the significant return on investment for cycle projects, for example;
 - Beechworth to Yackandandah rail trail: \$7.10 million total project with Council contribution of \$1.90 million.
 - Epic bike trail: \$2.05 million total project with Council contribution of \$1.05 million.
 - Rutherglen Wine Walk Cycle Trail: \$5.1 million total project with Council contribution of \$0.
- The majority of the money spent on rail trails is not available to use in other areas or projects. Grants are for specific purposes and cannot be re-allocated.
- The return on investment for the local business and community is significant. Early indications are that the Epic trail alone has returned Council's investment (to the community) in the first few months of its operation.
- When looking at Council's role in economic development the largest leverage is through tourism projects. Of these, cycle tourism has – to this point – provided an excellent return on investment and is a compelling grant attractor.
- Council does not reduce expenditure in other areas to fund cycle tourism. The long-term financial plan, borrowing strategy (for Epic) and investment in other projects (such as the Kelly Trials Courthouse project, Chiltern land purchase, etc.) are demonstrations that Council balances investment over several areas.

Theme 6: Balance of expenditure between different groups, towns, services, or asset types

What we heard

Several responses to the draft budget make suggestions that Council is ignoring one type of asset, town, service, etc in favour of another. Included in this section are a few that specifically argue that Council spends too much on the tourism service.

The suggestion from each of these submitters is that funding should be re-allocated in a different way to prioritise a different area, service, asset class, etc. that they see as being under-funded by Council.

Response and changes made

The balancing of budget priorities is a difficult task and one of optimisation rather than maximisation. Each submission [asking for a reallocation to a particular area] makes good argument for additional resourcing. And in most cases Council, Councillors, and staff would like to allocate more if it were available.

In reality the creation of a Council budget is a balance that would be struck differently by different people. The draft budget has been built using a sound process that includes strategic thinking from service managers, assessment of risks and opportunities, community feedback, executive review and adjustment, Councillor workshops and now a second round of consultation. This process is

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considered an appropriate mechanism for understanding the needs and wants of each service and the community, and allocating the capped budget across these service areas and projects.

Theme 7: The rate increase

What we heard

Some responses pointed out that current times are difficult for many ratepayers with increasing costs and often a fixed income. This can be difficult to balance for individuals, and any increase in rates is not assisting.

Response and changes made

Council is always concerned about rate affordability, and looks at this each budget cycle, along with measures to ensure that Council is operating as efficiently as possible.

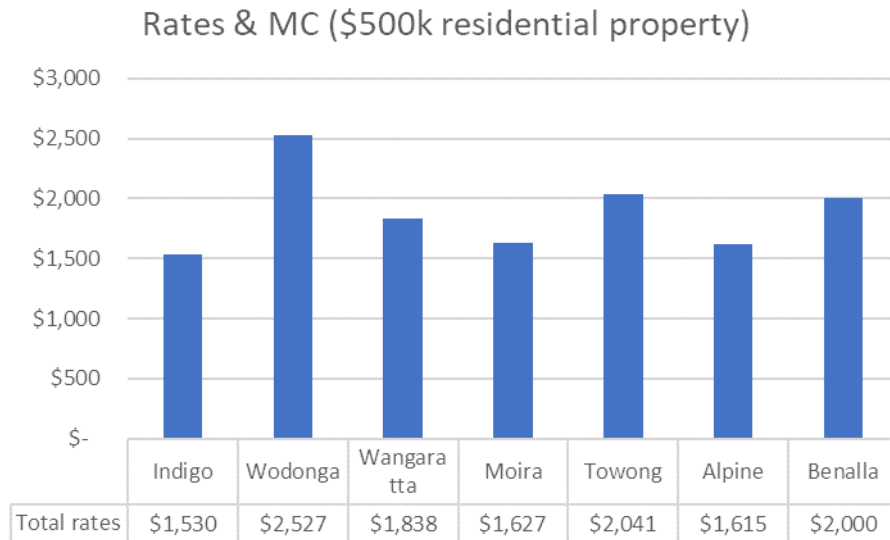
Indigo Shire Council is proposing to comply with the rate cap of 3.5% (as set by the state government in December 2022) despite inflationary pressures of over 7%. As part of the efficiency measures, costs and wage increases have been limited to the rate cap (of 3.5%), or lower.

It is notable that one submitter has suggested a set of calculations that compute Council's wage budget has increased by 17.7%, with individual pay increases of 19%. This is a misunderstanding of the financial statements and is incorrect. This error has been made by comparing the current year actual staff costs (with vacancy savings), with the proposed budget (calculated with full employment). In reality, staff wage increases are 3.5%, which is half the inflation rate.

Council pursues grant funding and other sources of income to reduce the reliance on rates. The result of this is that Indigo's rates are budgeted to be only 46% of total revenue for 2023/24. This is consistently lower than other Council's in NE Victoria, and significantly below the state average of 55%.

The result is a budget that is very tight, however Council has been able to build a budget that delivers all services as well as an ambitious capital works program, while achieving our long-term sustainability goals. Comparison to other Councils indicates that Indigo Shire retains its position of being one of the lowest rating shires in Victoria, and significantly lower than some of the neighbouring shires. The graph below shows comparison Council rates for a number of Councils in NE Victoria for a residential property valued at \$500k.

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Finally, Council recognises that – despite being comfortable that the rate increase is appropriate, the rates bill is still a large cost each year. Pension discounts are available for eligible property owners, as are payment plans, and Council’s hardship policy is important for those experiencing difficulty. Council continues to advocate strongly for increased funding and a greater share of national government funding.

Theme 8: Time taken to complete capital works projects

What we heard

Some responses mentioned the capital works program in relation to;

- The amount of time that capital projects take.
- The amount of work carried forward each year.
- The difficulty in understanding the capital works program – particularly from year to year.

Response and changes made

This is a complex area that Council has worked on in the last few years to explain more fully. Unfortunately, there are a number of areas of complexity that are difficult to explain in a summary document – such as the draft budget.

Key messages are;

- Council undertakes a number of large and complex projects that take several years to complete. These projects are budgeted according to the expected program of works but are acquitted as they are completed. Often there is a difference in the timing due to supplier availability, weather delays, complexity, etc. These differences are normal and are dealt with as part of the usual project management/financial reporting protocols.
- Budget and accounting processes track the expenditure in accordance with Australian Accounting Standards and project management milestones.
- Natural disasters (fire, flood, storms, etc.) are not accommodated in the works program and therefore this work often delays progress on core work.

Council has made changes over the last few years and presented information in different ways to improve transparency. This has assisted some readers, but not others. A review of the budget process and the feedback will be undertaken in July to identify improvements that can be made to

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the 2024/25 budget build. This feedback will be an important part of that work and it is hoped that improvements can be made that will assist with understanding the complex inter-year capital works program.

Theme 9: Draft budget document errors

What we heard

Some errors pointed out in the document.

Response and changes made

Some of the errors are clearly errors (\$4 billion of income from Buller Gas / additional \$500k in the management budget) and have been rectified. Council and staff thank the reviewers for this feedback, and appreciate the time that people have taken to assist in this regard.

Other suggested errors are not in fact errors, but instead part of the way the state government's budget template works. It is difficult to assess some of this feedback because it is not specific, however it is assumed that it relates to the fact that many of the figures in the tables do not add up to the total that is shown. This is because many of the tables are shown in \$,000's and the last three numbers are truncated – but still included behind the scenes. These apparent errors are not in fact wrong, it is simply a result of the formatting and rounding.

In addition, some financials are presented in management view whilst others are presented in statutory view. This is standard practice and correct, but they do take some understanding to reconcile.

Council has fixed the items that are incorrect, but does not propose to change the rounding or accounting treatments.

Calls for improved information will be considered by management as part of the annual review of the budget process. This is important feedback and Council will endeavour to make changes that cover the requests – balanced, of course, with readability considerations.

Theme 10: Specific funding requests

What we heard

A number of submissions related to specific projects and requests for additional funding in the budget, including Chiltern Athenaeum, delay in updating the rating strategy, Traton St. footpath, Foord Street, Kergunyah Hall, Beechworth Pool, etc.

Response and changes made

Council appreciates the information that has been provided by people in their feedback; some of this information is very detailed and clearly the result of significant work. This report does not attempt to answer each of these specific suggestions. Instead, each of these submissions have been passed on to the relevant service area for consideration and action as appropriate. Where further information is required, an update is available, or contact is appropriate, then relevant staff will be in touch with the submitter.

New project requests received in this exhibition stage are far too late in the process to adequately scope and commit to in the 2023/24 budget and therefore will be considered for future allocation.

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Options

This report presents the community feedback to Council’s 2023/24 Budget documents. Council has a number of options in relation to these submissions (mostly relating to possible changes to the budget, and/or requests for projects to be scoped or assessed). The recommendations shown above are presented for Council’s consideration and decision.

STRATEGIC CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	5. Accountability
Strategic Objective	5.1 Our financial management is sound, responsible and effective.

SOCIAL/COMMUNITY IMPLICATIONS

The annual budget provides funding for several programs and services that provide significant social and community benefits throughout Indigo Shire.

ENVIRONMENTAL IMPLICATIONS

The annual budget provides funding for several of Council’s environmental programs and services.

FINANCIAL IMPLICATIONS

Any changes that are recommended in the submission theme commentary have already been included in the budget document that are presented for adoption later in this meeting agenda.

LEGISLATIVE IMPLICATIONS

Council’s budget preparation is governed by the *Local Government Act 2020*. The process being used for the budget build is compliant with the legislated requirements.

RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
Legislative non-compliance with the finance aspects of the <i>Local Government Act 2020</i>	Unlikely	Major	Medium	Budget planning and process documents the legislative requirements of Council.

The Council budget is a large and complex undertaking. Community feedback is an important part of this process and Council’s consideration of the submissions adds value by understanding and considering community perspectives. This reduces the risk of an inappropriate budget being adopted whilst also reducing the risk of reputational damage that may occur if Council was not following a proactive consultative process.

COMMUNITY ENGAGEMENT

Engagement undertaken

An online survey seeking community input into the development of Council’s 2023/24 resulted in over 300 survey results.

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The survey also included a number of open-ended questions, providing respondents with the opportunity to provide more detail. The information gathered through this initial consultation has been used by service managers, executive managers and Councillors to inform the creation of the draft budget that was endorsed by Council at the May meeting.

Following this endorsement, the draft budget was exhibited and submissions invited. Thirty one submissions were received (redacted copies attached to this report).

To assist with the communication of the Draft Budget, Council publicised this process through the usual channels including newspaper advertisements, Council's website and Facebook.

Engagement outcomes

This report to Council summarises the outcomes of the latest round of exhibition and feedback. In addition, all submissions are attached (with personal details redacted). Finally, un-redacted versions have been provided to Councillors for their information.

Engagement proposed

Subject to the adoption of the budget, Council will issue a public notice that the budget has been adopted and details of rate instalment due dates.

The adopted budget will be made available on Council's website.

Following the June Ordinary Council meeting a letter will be sent to each submitter to thank them for their contribution to the budget preparation process. A copy of this report will be included.

CONCLUSION

To ensure that Council has appropriately considered the views of the community it is important to consider the submissions that have been received.




Council sincerely thanks the people who have taken time to contribute to the budget process. This includes the 315 people who responded to the first consultation earlier in the year, as well as the 31 that have responded to this round of draft budget exhibition. This information has been reviewed by management and Councillors and has been valuable in shaping the 2023/2024 budget.

DECLARATION OF CONFLICT OF INTEREST





























Under section 130(2) of the *Local Government Act 2020* and Governance Rule 24, the following officers declare that they have no interests to disclose in providing this report:

- Greg Pinkerton - Director Planning and Corporate Services
- Sharon Phillips – Acting Manager, Finance

Attachments

1.  Budget Submission #1
2.  Budget Submission #2
3.  Budget Submission #3

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4.  Budget Submission #4
5.  Budget Submission #5
6.  Budget Submission #6
7.  Budget Submission #7
8.  Budget Submission #8
9.  Budget Submission #9
10.  Budget Submission #10
11.  Budget Submission #11
12.  Budget Submission #12
13.  Budget Submission #13
14.  Budget Submission #14
15.  Budget Submission #15
16.  Budget Submission #16
17.  Budget Submission #17
18.  Budget Submission #18
19.  Budget Submission #19
20.  Budget Submission #20
21.  Budget Submission #21
22.  Budget Submission #22
23.  Budget Submission #23
24.  Budget Submission #24
25.  Budget Submission #25
26.  Budget Submission #26
27.  Budget Submission #27
28.  Budget Submission #28
29.  Budget Submission #29
30.  Budget Submission #30
31.  Budget Submission #31

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11.4 APPROVAL TO BORROW

File No: 2023/342

Greg Pinkerton - Director Planning & Corporate Services Planning & Corporate Services

For Decision

RECOMMENDATION

That Council borrows \$1 million from WAW, at the interest rate of 6.5%, as approved in the 2022/23 budget.

RESOLUTION

That Council approves borrowings of \$1 million to be taken up using the following process:

1. Borrowings to be procured at a time that Council's cash at bank is projected to fall below \$6 million within the following 2 months;
2. Borrowing institution and interest rate to be decided by the CEO based on three quotes; and
3. This resolution is valid to the end of the 2026/27 financial year.

Moved: Cr Goldsworthy

Seconded: Cr Shephard

For: Crs Peter Croucher, Bernard Gaffney, Larry Goldsworthy, Roberta Horne, Sophie Price, Diane Shephard and Emmerick Teissl

Against: Nil

CARRIED

PURPOSE OF REPORT

The purpose of this report is to seek Council approval to borrow the \$1 million that is identified in the 2022/23 budget, to cover the expenditure on the 2021 purchase of land in Chiltern, and master planning.

BACKGROUND

Council plans for capital expenditure across a 10-year horizon. This planning strikes a balance between different categories of capital expenditure, such as roads, footpaths, drainage, etc.

In December 2021 Council was presented with an opportunity to purchase a significant parcel of land in Chiltern. This created a rare opportunity for Council to facilitate a number of strategic goals for the town, and Council therefore decided to purchase the land. This expenditure was not foreseen in Council's long-term capital program and created a variance to the expected program. After considering a number of options (that included the reduction of planned capital works to fund the land purchase), Council decided to fund the land purchase and master planning by adding \$1 million of borrowing in 2022/23. This means that the purchase of the Chiltern land was additional to – and not at the expense of – planned capital projects across the shire, and other capital projects did not suffer from this additional expenditure.

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DISCUSSION

The *Local Government Act (2020)* states that “A Council cannot borrow money unless the proposed borrowings were included in the budget or a revised budget” (s.104). Therefore, for clean governance, it is proposed that the \$1 million borrowings should be taken up in the 2022/23 financial year.

For a number of reasons (mainly related to the early payment of the Financial Assistance Grant and the rollout of the capital works program) Council has not needed to proceed with the planned \$1 million borrowing earlier in the financial year. Cash balances have been high for the first six months of the year and therefore the planned borrowings were deferred.

As Council’s capital projects are being completed the cash balance is slowly reducing and it is now appropriate for Council to complete the planned \$1 million borrowing prior to the end of the financial year. This will ensure that Council has the appropriate cash reserves that are identified in the Ten-Year Financial Plan.

It is notable that Council has been advised of the early payment again this year of the Financial Assistance Grants. This, combined with a large capital works carry-forward creates a buoyant cash balance. This, however, doesn’t not reduce the need for the planned \$1 m borrowings because the additional cash at bank is allocated for projects. The borrowing is required so that, once the allocated cash has been spent on community services and projects, Council will still meet the cash reserve target that is shown in Council’s Ten-Year Financial Plan.

Attached to this report is a confidential document that contains the quotes received in this process. This is designated as being confidential due to commercial sensitivities.

Options

Council has several options for borrowing.

- The Department of Treasury and Finance does have low interest loans that can be accessed by councils. However, these loans are for specific project types and not applicable to the funding that Council is currently seeking.
- Approve the borrowing. This is the recommended option.
- Choose a different provider. Not recommended.
- Determine to not borrow. Not recommended

STRATEGIC CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	5. Accountability
Strategic Objective	5.1 Our financial management is sound, responsible and effective.
Strategic Action	5.1.2 Maintain a long term financial planning framework and 10-Year Capital Program annually

The recommended borrowing is targeted to replace the cash that was spent on the Chiltern Land purchase and masterplan. This cash came from Council’s reserves and needs to be replenished to ensure that sufficient unrestricted cash is available.

SOCIAL/COMMUNITY IMPLICATIONS

Nil

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ENVIRONMENTAL IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The recommended \$1 million borrowing was approved in June 2022 as part of the 2022/23 Budget.

This borrowing is required to ensure that Council's base cash position is protected (as described in the adopted *10-year Financial Plan*). This base position assumes full completion of capital works and programmed (not early) payment of the Federal Assistance Grant. Whilst this has not been the case in the past few years it is not an appropriate risk strategy to assume continuation of these buffering cash balances.

LEGISLATIVE IMPLICATIONS

Council is required to budget for borrowings and to undertake them in accordance with Council's Borrowing and Investment Policy. The recommended borrowing achieves all legislative and policy requirements.

RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
Risk of inadequate cash balance	Rare	Major	Medium	The recommended borrowings will achieve the required base cash position as described in Council's 10-Year Financial Plan.

COMMUNITY ENGAGEMENT

Engagement undertaken

Extensive community engagement was undertaken ss part of the 2022/23 budget preparation and adoption.

Engagement outcomes

The final 2022/23 budget approved \$1 million in borrowings to fund the unexpected purchase (and master planning) of the Chiltern land.

Engagement proposed

No further engagement is proposed in relation to this borrowing.

CONCLUSION

Council is committed to operating in a financially sustainable manner. The adopted 10-Year Financial Plan explains that a key part of Council's financial risk management is to maintain a cash balance that provides coverage for emergencies, operating capital, and contingencies for some risk events.

This cash balance was used to purchase the Chiltern land in December 2021 and it is necessary to replenish these funds. Council's Borrowing and Investment Policy supports the use of borrowing for intergenerational projects such as the purchase of the Chiltern land.

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With the end of the financial year approaching it is now appropriate to undertake these borrowings and return Council to the correct cash balance.

DECLARATION OF CONFLICT OF INTEREST

Under section 130(2) of the *Local Government Act 2020* and Governance Rule 24, the following officers declare that they have no interests to disclose in providing this report:

- Sharon Phillips – Acting Finance Manager.
- Greg Pinkerton – Director, Planning and Corporate Services.

CONFIDENTIAL ATTACHMENTS

Attachments 1, 2 and 3 are confidential under section 3(g) of the *Local Government Act 2020* because they contain the private commercial information provided by financial institutions that, if released, would unreasonably expose the financial institutions to disadvantage.

- g. private commercial information, being information provided by a business, commercial or financial undertaking that—*
- (i) relates to trade secrets; or*
 - (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage*

This section applies because the information contains details of the rates charged across the business and it would unreasonably expose the business through providing an unfair advantage to their competitors. The confidential attachments have been provided to Councillors under separate cover.

Attachments

1. Borrowing Rates Summary (Confidential)
2. Letter #1 (Confidential)
3. Letter #2 (Confidential)

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11.5 ADOPTION OF INDIGO SHIRE COUNCIL 2023/24 BUDGET

File No: 2023/410

Greg Pinkerton - Director Planning & Corporate Services Planning & Corporate Services

For Decision

RECOMMENDATION

That:

1. Council, having given public notice and having received and considered submissions, adopts the attached 2023/24 Budget, including the Budgeted Financial Statements as defined by the Local Government (Finance and Reporting) Regulations (2014);
2. the Fees and Charges for 2023/24, as listed in the attached 2023/24 Budget, be effective from 1 July 2023;
3. the Chief Executive Officer or delegate gives public notice of this decision to adopt the following:
 - a) 2023/24 Budget in accordance with Section 94 of the Local Government Act 2020, and;
 - b) 2023/24 Ten-year financial plan, and;
 - c) 2023/24 Revenue and Rating Plan.
4. Council records the following reasons for the decision to adopt the 2023/24 Budget:
 - a) It reflects the efficient and effective allocation of resources having regard to the objectives, roles and functions of Council;
 - b) It is appropriate to the priorities of Council having regard to the Council Plan, and Council's Long-Term Financial Strategy;
5. Council notes the attached Income and Expense report that provides additional information regarding each service budget;
6. **Declaration of rates and charges**

6.1 **Amount intended to be raised**

The amount of \$19,575,379 (or such greater amount as is lawfully levied as a consequence of this resolution) be declared as the amount which Council intends to raise by general rates and the waste management charges (described later in this Resolution), which amount is calculated as follows:

- General rates \$13,015,350 (including supplementary valuations)
- Municipal charge \$2,965,430
- Waste management charges \$3,594,600;

6.2 **General rates**

- (a) A general rate be declared in respect of and for the entire duration of the 2023/24 financial year;
- (b) It be further declared that the general rate be raised by the application of differential rates;
- (c) The rate and amount of rates payable in relation to land in each category of differential are:
 - A rate of 0.1993% (0.1993 cents in the dollar of CIV) for all rateable general properties;
 - A rate of 0.3987% (0.3987 cents in the dollar of CIV) for all rateable

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- residential vacant properties;
- A rate of 0.1495% (0.1495 cents in the dollar of CIV) for all rateable rural 1 properties;
- A rate of 0.1794% (0.1794 cents in the dollar of CIV) for all rateable rural 2 properties;
- A rate of 0.2691% (0.2691 cents in the dollar of CIV) for all rateable commercial/industrial properties.

6.3 **Municipal charge**

A municipal charge of \$339.10 be declared in respect of the 2023/24 financial year;

6.4 **Waste management charges**

An annual waste management charge be declared for the collection and disposal of refuse. The annual charge be in the sum of, and be based on the criteria specified below:

Waste management charge for the collection and disposal of refuse for residential land, non-residential land or non-rateable land:

▪ Urban domestic garbage collection 140 litre bin	\$126.90
▪ Urban domestic garbage collection 240 litre bin	\$215.30
▪ Rural domestic garbage collection 240 litre bin	\$215.30
▪ Domestic recycling collection 240 litre bin	\$98.20
▪ Domestic recycling collection 360 litre bin	\$118.80
▪ Domestic organics collection 140 or 240 litre bin	\$180.70
▪ Environmental Management Contribution	\$85.80

7. **Payment options**

Payment of rates and charges can be made by one annual payment - due on or before 30 September;

Or Council issue rate notices and collect all rates via four instalment plan process, with instalments due on:

1st Instalment	-	30 September 2023
2nd Instalment	-	30 November 2023
3rd Instalment	-	28 February 2024
4th Instalment	-	31 May 2024

Where the payment due date falls on a weekend or public holiday, the payment date will be the next business day;

No additional instalment options be declared.

8. **Consequential**

- (a) The Chief Executive Officer or delegate be authorised to levy and recover the general rates, municipal charge and waste management charges in accordance with the *Local Government Act (2020)*;

Council in accordance with Section 120 of the *Local Government Act (2020)* requires any person to pay interest on any amounts of rates and charges which that person is liable to pay, and have not been paid by the date specified for their payment; and

9. **Borrowings**

Council proposes no new borrowings for 2023/24.

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RESOLUTION

That:

1. Council, having given public notice and having received and considered submissions, adopts the attached 2023/24 Budget, including the Budgeted Financial Statements as defined by the Local Government (Finance and Reporting) Regulations (2014);
2. the Fees and Charges for 2023/24, as listed in the attached 2023/24 Budget, be effective from 1 July 2023;
3. the Chief Executive Officer or delegate gives public notice of this decision to adopt the following:
 - a) 2023/24 Budget in accordance with Section 94 of the Local Government Act 2020, and;
 - b) 2023/24 Ten-year financial plan, and;
 - c) 2023/24 Revenue and Rating Plan.
4. Council records the following reasons for the decision to adopt the 2023/24 Budget:
 - a) It reflects the efficient and effective allocation of resources having regard to the objectives, roles and functions of Council;
 - b) It is appropriate to the priorities of Council having regard to the Council Plan, and Council's Long-Term Financial Strategy;
5. Council notes the attached Income and Expense report that provides additional information regarding each service budget;
6. **Declaration of rates and charges**
 - 6.1 **Amount intended to be raised**
 The amount of \$19,575,379 (or such greater amount as is lawfully levied as a consequence of this resolution) be declared as the amount which Council intends to raise by general rates and the waste management charges (described later in this Resolution), which amount is calculated as follows:
 - General rates \$13,015,350 (including supplementary valuations)
 - Municipal charge \$2,965,430
 - Waste management charges \$3,594,600;
 - 6.2 **General rates**
 - (a) A general rate be declared in respect of and for the entire duration of the 2023/24 financial year;
 - (b) It be further declared that the general rate be raised by the application of differential rates;
 - (c) The rate and amount of rates payable in relation to land in each category of differential are:
 - A rate of 0.1993% (0.1993 cents in the dollar of CIV) for all rateable general properties;
 - A rate of 0.3987% (0.3987 cents in the dollar of CIV) for all rateable residential vacant properties;
 - A rate of 0.1495% (0.1495 cents in the dollar of CIV) for all rateable rural 1 properties;
 - A rate of 0.1794% (0.1794 cents in the dollar of CIV) for all rateable rural 2 properties;
 - A rate of 0.2691% (0.2691 cents in the dollar of CIV) for all rateable commercial/industrial properties.

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6.3 **Municipal charge**

A municipal charge of \$339.10 be declared in respect of the 2023/24 financial year;

6.4 **Waste management charges**

An annual waste management charge be declared for the collection and disposal of refuse. The annual charge be in the sum of, and be based on the criteria specified below:

Waste management charge for the collection and disposal of refuse for residential land, non-residential land or non-rateable land:

▪ Urban domestic garbage collection 140 litre bin	\$126.90
▪ Urban domestic garbage collection 240 litre bin	\$215.30
▪ Rural domestic garbage collection 240 litre bin	\$215.30
▪ Domestic recycling collection 240 litre bin	\$98.20
▪ Domestic recycling collection 360 litre bin	\$118.80
▪ Domestic organics collection 140 or 240 litre bin	\$180.70
▪ Environmental Management Contribution	\$85.80

7. **Payment options**

Payment of rates and charges can be made by one annual payment - due on or before 30 September;

Or Council issue rate notices and collect all rates via four instalment plan process, with instalments due on:

1st Instalment	-	30 September 2023
2nd Instalment	-	30 November 2023
3rd Instalment	-	28 February 2024
4th Instalment	-	31 May 2024

Where the payment due date falls on a weekend or public holiday, the payment date will be the next business day;

No additional instalment options be declared.

8. **Consequential**

(a) The Chief Executive Officer or delegate be authorised to levy and recover the general rates, municipal charge and waste management charges in accordance with the *Local Government Act (2020)*;

Council in accordance with Section 120 of the *Local Government Act (2020)* requires any person to pay interest on any amounts of rates and charges which that person is liable to pay, and have not been paid by the date specified for their payment; and

9. **Borrowings**

Council proposes no new borrowings for 2023/24.

Moved: Cr Goldsworthy

Seconded: Cr Teissl

For: Crs Peter Croucher, Bernard Gaffney, Larry Goldsworthy, Sophie Price, Diane Shephard and Emmerick Teissl

Against: Cr Roberta Horne

CARRIED

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PURPOSE OF REPORT

This report presents the 2023/24 budget documents for consideration by Council. This is one of the final steps in the annual budget process and, subject to adoption, ensures that Council meets the budgeting requirements under the Local Government Act.

BACKGROUND

Council, at various meetings over the past six months, has workshopped the draft operating and capital works budgets for the upcoming financial year. The attached budget has been set in accordance with the parameters provided by Councillors and was informed by service managers and community consultation (with 315 submissions being received prior to the draft budget being set).

At a Council Meeting held on 16 May 2023, Council endorsed the draft budget documents in accordance with provisions of the Local Government Act 2020 (LGA), and resolved that the Draft Budget be exhibited for a period of 21 days for the purpose of gathering community comment.

Thirty-one submissions were received during this exhibition period. These submissions are considered in a separate report in this agenda.

DISCUSSION

The attached budget contains a great deal of information about Council's plans and programs for the upcoming financial year. In addition to the budget document, additional documents give further details and greater transparency to the budget. The budget incorporates the required resources to address activities identified in the third year of the current Council's 4-year Council Plan (also included in this Council agenda).

Some of the notable items from the budget are;

- Rate increase at 3.5% in accordance with the State Government's rate capping policy.
- Council has budgeted to deliver Capital works program of \$17.7 million for 2023/24. Being \$11.4 million in new projects and \$6.2 million in projects already funded which are being continued from 2022/23 into 2023/24.
- Capital works projects are detailed in section 4.5 of the attached budget document.

Waste management charges

Based on the legislation, and in the context of the 2018 Ombudsman's review, Indigo Shire Council raises waste management charges to deliver waste management services to the community.

Indigo Shire Council's financial result for the waste management service varies between surplus and deficit from year to year depending on the level of expenditure required in any one year. Over the past 14 years Council has a cumulative deficit in waste management of approximately \$1 million. The proposed 2023/24 budget predicts a deficit of at least \$55k (subject to landfill remediation requirements, the deficit is likely to be significantly higher).

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Changes made to Draft Budget

The attached budget document has been updated from the Draft Budget in the following ways:

Income

- \$107k additional rates income. This is due to the latest valuation figures, combined with an audit on the rates model that indicated that the draft budget had under-calculated the rates total by \$107k.

Expenditure

- The additional \$107 of income allowed Council to further support core infrastructure with;
 - \$37k allocated to the “Beechworth Primary School footpath” project. This is to support a grant of \$50k (total project being \$87k).
 - \$70k additional for “Drainage priorities”.
- These projects will be added to the capital works program in Q1 (once details are clarified) and balanced by this additional income (currently being shown in the Pathways budget).

Other Changes

Minor typographical changes, formatting and rounding corrections to the document. It is notable that some community feedback pointed out that the budget document contains numerous errors in some of the financial tables. This is due to the rounding of the figures (to \$,000’s). The result is that these rounding amounts can skew the calculation to produce a result that seems incorrect. In reality, these tables are drawn from MS Excel tables that all add correctly.

Options

During the budget build process a number of different income and expenditure options were considered. As part of this process a number of Councillor Workshops were held and the community was consulted, resulting in thirty one submissions (considered separately in this meeting agenda). The attached budget documents represent the mix of income, expense, capital works projects and services that are considered optimal for the 2023/24 financial year and allows Council to continue to deliver on the adopted 4-year Council Plan.

STRATEGIC CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	5. Accountability
Strategic Objective	5.1 Our financial management is sound, responsible and effective.

SOCIAL/COMMUNITY IMPLICATIONS

The annual budget provides funding for a wide range of programs and services that provide significant social and community benefits throughout Indigo Shire.

ENVIRONMENTAL IMPLICATIONS

The annual budget provides funding for several of Council’s environmental programs and services.

FINANCIAL IMPLICATIONS

The adoption of Council’s Budget is the most fundamental financial decision that the Council must make on an annual basis. It sets in place the framework by which officers can implement Council’s strategic direction contained within the Council Plan, with Council having allocated appropriate resources.

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In summary, the attached budget document details;

- Total income of \$42.595 million.
- Rates increasing by 3.5% to a total of \$19.710 million.
- Total expenses of \$38.301 million.
- \$17.7 million for 2023/24. Being \$11.4 million in new projects and \$6.2 million in projects already funded which are being continued from 2022/23 into 2023/24.
- Cash at the end of 2022/23 of \$5.430 million.
- No new borrowings.

LEGISLATIVE IMPLICATIONS

Council's budget preparation is governed by a prescriptive process set out in the Local Government Act. This act ensures that Council's budget is provided to the community for a period of time and allows members of the community to make representations to Council on any particular area.

RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
Failure to meet legislative requirements of budget preparation	Unlikely	Minor	Low	The budget is prepared using a set process that complies with the Local Government Act requirements. Council use the standard budget template.
The adopted budget does not anticipate and provide for future demands.	Unlikely	Minor	Low	An extensive process has been used to develop this budget. Council also maintains ample cash reserves for unanticipated expenditure.

Active management of Council's financial performance will include;

- Daily management of receivables and payables.
- Weekly oversight of cash and investments.
- Monthly management oversight at cost centre and account level.
- Reporting to Council's Finance Committee.
- Monthly reporting to Council's Ordinary Meeting.
- Quarterly reporting to Council's Audit Committee.
- Quarterly exception reporting to Council.
- Mid-year budget review and forecasting for 2nd half of the year.
- Annual close process and audit by VAGO.

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COMMUNITY ENGAGEMENT

Engagement undertaken

An online survey seeking community input into the development of Council's 2023-24 draft budget opened in December 2022 and closed in early 2023.

Respondents were asked a series of questions relating to what, where and how they would like Council to prioritise spending over the next 12 months. The survey also included a number of open-ended questions, providing respondents with the opportunity to provide more detail. 315 responses to this engagement were used to shape the draft budget prior to it being adopted at the May Council meeting.

Council's draft budget has been through a further exhibition period with a total of thirty one submissions received.

To assist with the communication of the draft budget, Council publicised this process through the usual channels including newspaper advertisements, Council's website and Facebook page.

Engagement outcomes

Feedback from the survey was collated into themes. Distributed to the Councillors and management teams for review and consideration. Thirty one submissions have been distributed to Councillors and management. Consideration of the submissions resolved as a separate agenda item within this meeting.

Engagement proposed

Following the adoption of the budget, Council will issue a public notice that the budget has been adopted and details of rate instalment due dates.

The adopted budget will be made available on Council's website.

CONCLUSION

This report details and finalises the process by which the 2023/24 Budget, Rating Plan, and 10-Year Financial Plan are prepared and advertised in accordance with the provision of the Local Government Act and recommends that the Budget be adopted.

All appropriate statutory and consultative procedures have been implemented in accordance with the requirement of the LGA, in particular, the advertising and consideration of submissions.

This budget document is the culmination of a great deal of work by Council and Councillors, and sets a clear path for the achievement of Council's objectives in the 2023/24 financial year.





DECLARATION OF CONFLICT OF INTEREST

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Under section 130(2) of the *Local Government Act 2020* and Governance Rule 24, the following officers declare that they have no interests to disclose in providing this report:

- Greg Pinkerton - Director Planning and Corporate Services
- Sharon Phillips - Manager Finance
- Ian Ellett – Director Infrastructure Services

Attachments

1.  Indigo Shire Council Budget 2023-24
2.  Indigo Shire Council Ten-Year Financial Plan 2023-24
3.  Indigo Shire Council Revenue and Rating Plan 2023-24
4.  Indigo Shire Council Income and Expense by Service Area 2023-24

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11.6 PLANNING PERMIT APPLICATION PP22-0075 - 303 SANATORIUM ROAD, ALLANS FLAT

File No: 2023/323

James Turner - Manager Planning & Statutory Services Planning & Corporate Services

For Decision

RECOMMENDATION

That Council resolve to issue a notice of decision to refuse a planning permit for the proposal to use and develop the land for a dwelling in on CA 17 Sec L in TP351328, off Johnson Lane, Allans Flat, on the following grounds:

1. The proposal is not consistent with the following clauses of the Planning Policy Framework:
 - a. 02.03-1 Settlement
 - b. 02.03-2 Environmental risks and amenity
 - c. 02.03-4 Natural resource management
 - d. 11.01-1S Settlement
 - e. 14.01-1S Protection of agricultural land
 - f. 16.01-3S Rural residential land
2. The proposal is not consistent with the purpose and decision guidelines of the Farming Zone.
3. The proposal is inconsistent with the decision guidelines of clause 65.01 including
 - a. The matters set out in section 60 of the Act
 - b. The Municipal Planning Strategy and the Planning Policy Framework.
 - c. The purpose of the zone, overlay or other provision.
 - d. Any matter required to be considered in the zone, overlay or other provision.
 - e. The orderly planning of the area.

RESOLUTION

That Council resolve to issue a notice of decision to refuse a planning permit for the proposal to use and develop the land for a dwelling in on CA 17 Sec L in TP351328, off Johnson Lane, Allans Flat, on the following grounds:

1. The proposal is not consistent with the following clauses of the Planning Policy Framework:
 - a. 02.03-1 Settlement
 - b. 02.03-2 Environmental risks and amenity
 - c. 02.03-4 Natural resource management
 - d. 11.01-1S Settlement

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- e. 14.01-1S Protection of agricultural land
- f. 16.01-3S Rural residential land
- 2. The proposal is not consistent with the purpose and decision guidelines of the Farming Zone.
- 3. The proposal is inconsistent with the decision guidelines of clause 65.01 including
 - a. The matters set out in section 60 of the Act
 - b. The Municipal Planning Strategy and the Planning Policy Framework.
 - c. The purpose of the zone, overlay or other provision.
 - d. Any matter required to be considered in the zone, overlay or other provision.
 - e. The orderly planning of the area.

Moved: Cr Teissl

Seconded: Cr Croucher

For: Crs Peter Croucher, Bernard Gaffney, Larry Goldsworthy, Roberta Horne, Sophie Price, Diane Shepherd and Emmerick Teissl

Against: Nil

CARRIED

SUMMARY

Application No:	PP22-0073
Subject Land:	CA17 Section H Parish of Yackandandah in TP351328 off Johnson Lane, Allans Flat (The lot does not have a street address.)
Proposal:	The proposed application seeks to use and development land in the Farming Zone for the purposes of a dwelling.
Recommendation:	Refusal in accordance with the Recommendation above.

BACKGROUND

Date application lodged:	24/02/2022
Purpose:	Seek approval to use and develop a dwelling on parcel of land in the Farming Zone.
Subject site land area:	5.1ha
Current use of subject site:	Vacant rural land.
Subject land	The subject land is one of 9 separately transferrable parcels that form a holding that is some 97.6 ha in total area. While the land is rated to 55 Smith Road situated in the north

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western corner of the holding, the subject land has legal access to Johnson Lane along the eastern frontage of the lot. The overall holding also has frontage to Sanatorium Road long the southern frontage (Figure 1). The subject land is situated approximately 7km to the north east of the Yackandandah Post Office.

Surrounding land use: The surrounding land uses include a mixture of rural and rural living purposes. Located to the west of the holding is Crown Land. Basin Creek drains easterly through the southern portion of the holding.

Zoning of surrounding land: Properties to the east, north, south east and west are in the Farming Zone (FZ). Properties to the south across Sanatorium Road west are in the Rural Living Zone (RLZ).

Land to the south west is affected by the Bushfire Management Overlay (BMO) while land in the RLZ to the south is affected by the Development Plan Overlay (DPO5).

Aboriginal Cultural Sensitivity: The site is located within an area of cultural heritage sensitivity. The proposal however is not identified as a High Impact Activity. As a consequence, no CHMP required.

Proclaimed Water Supply catchment: The site is not located with a designated water supply catchment.

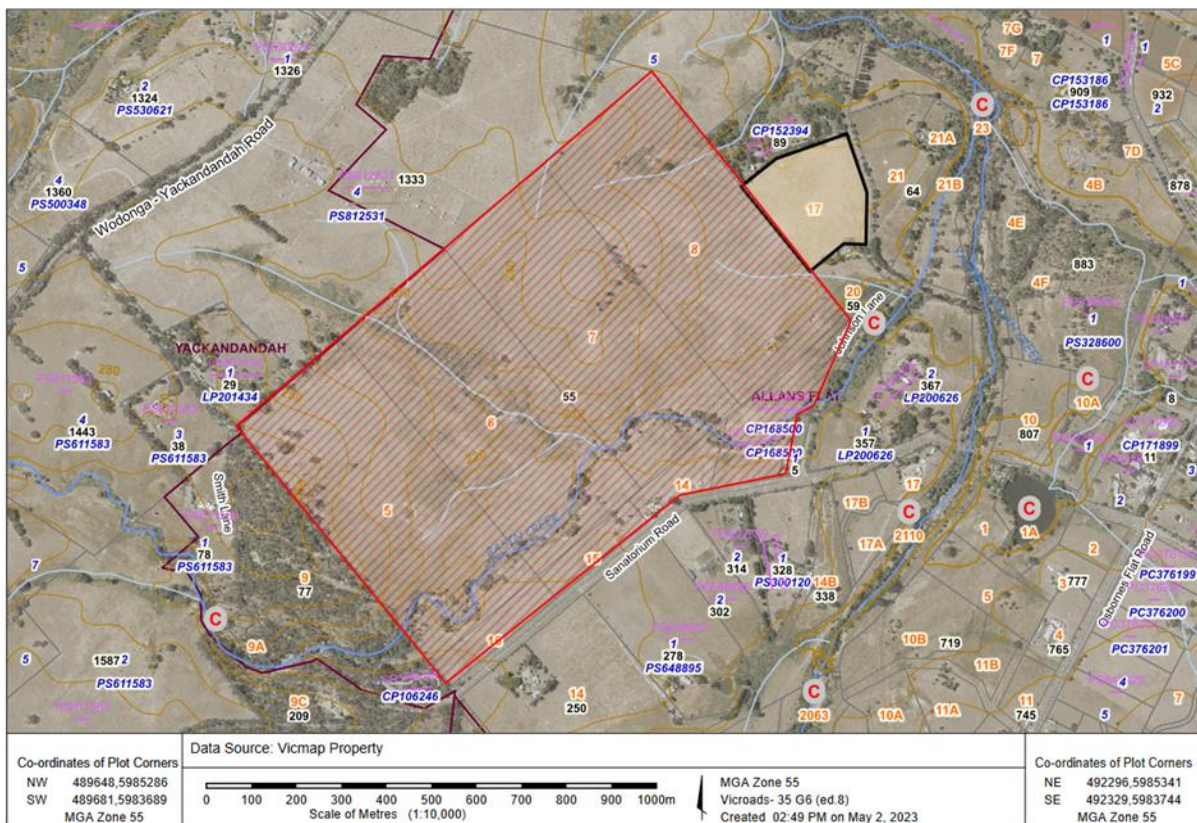


Figure 1: Subject land highlighted. Other land that forms the overall holding is hatched red.

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PROPOSAL

The proposal relates to the use and development of a lot less than 40ha in the Farming Zone for the purposes of a dwelling (Figure 2). The dwelling is proposed to be centrally located within the subject land (Figure 3).

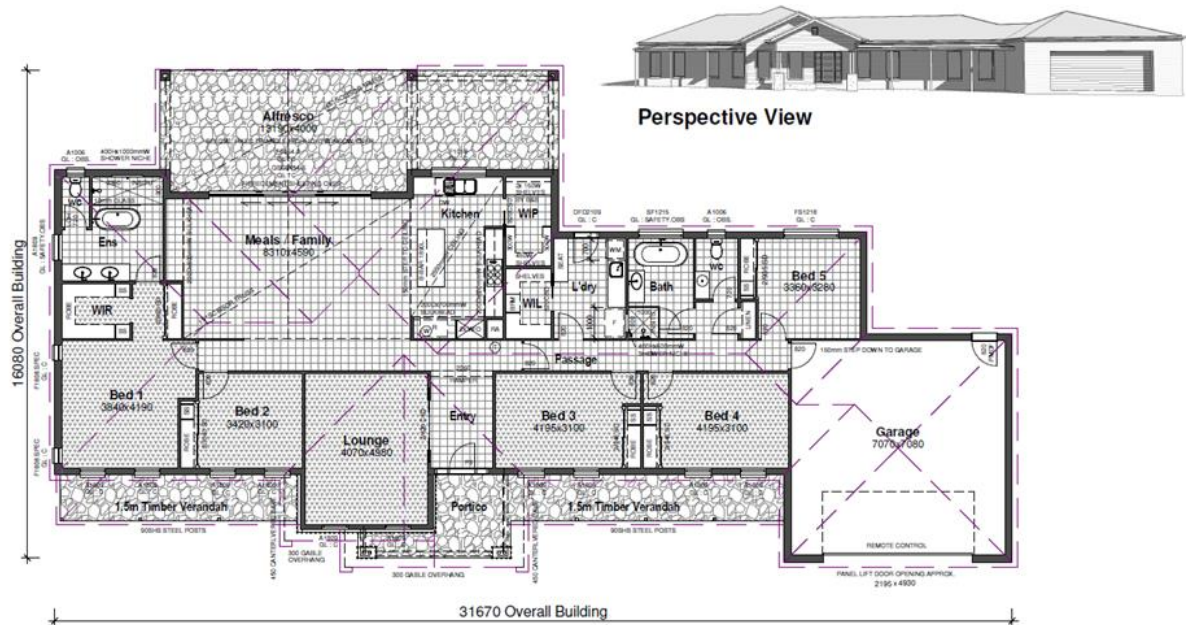


Figure 2. Proposed dwelling sketch plan (Source: Lewis Dickson Homes Pty. Ltd.)

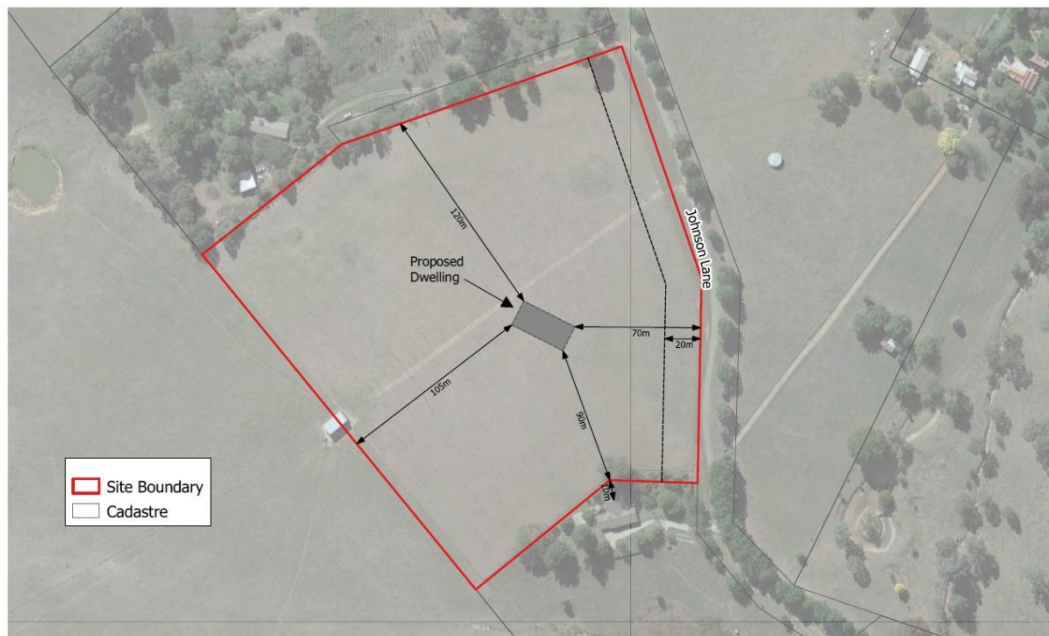


Figure 3. Proposed Site Plan (Source: Habitat Planning)

ZONING AND PLANNING CONTROLS

Zoning: Farming Zone

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Overlay/s: N/A

PERMIT TRIGGERS:

- Pursuant to Clause 35.07-1, a permit is required for a Section 2 land use land, that is for the purposes of a dwelling on a lot less than 40ha.
- Pursuant to Clause 35.07-4, a permit is required for buildings or works associated with a Section 2 land use.

PRELIMINARY ASSESSMENT

The application was initially assessed against the relevant decision guidelines of the FZ as provided for at Clause 35.07-6 and a number of concerns were subsequently raised with the applicant as a consequence. Given the overall holding size at 97.6ha and the number of separately transferrable lots that form the property (ie 9 lots), the applicant was requested to consider a number of alternative outcomes. These options included but were not limited to:

- A dwelling on the subject land if it was also conditional upon consolidation with adjoining lots CA7 and CA8 creating a lot of approximately 46ha.
- A dwelling on this lot conditional upon a S173 agreement that no dwelling shall be built on adjoining lots CA7 and CA8.
- Re-subdivision of the overall holding of 9 lots into two lots with both in excess of 40ha. No permit then required for a dwelling on either lot created.

In response it is understood that the applicant suggested an outcome where it was proposed to resubdivide the four larger parcels namely CAs 5, 6, 7 and 8 into two lots with both in excess of 40ha. The remaining 5 lots would however be maintained as they are currently titled, including the subject land CA17.

To date however there has been no amended application lodged which includes an acceptable consolidation strategy to alleviate concerns regarding a dwelling on a small lot in the zone. As a consequence, there is no alternative but to consider the application as it stands, namely a dwelling on a 5.1ha lot in the Farming Zone.

REFERRAL AUTHORITIES

N/A

PUBLIC NOTICE

N/A

PLANNING AND ENVIRONMENT ACT 1987 - SECT 60

Section 60 of the Act provides that before deciding on an application, the responsible authority must consider:

- (a) the relevant planning scheme; and*
- (b) the objectives of planning in Victoria (which include at Section 4(1)(b) to provide for the protection of natural and man-made resources...); and*
- (c) all objections and other submissions which it has received and which have not been withdrawn; and*
- (d) any decision and comments of a referral authority which it has received; and*
- (e) any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development.*

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Section (1A) of the Act provides that the responsible authority, if the circumstances appear to so require, may consider:

- (a) any significant social and economic effects of the use or development for which the application is made; and...*
- (j) any other relevant matter.*

INDIGO PLANNING SCHEME

MUNICIPAL PLANNING STRATEGY

Clause 02.03-4 of the Indigo Planning Scheme provides the following commentary in respect of Agricultural Land.

Subdivision, new dwellings and other uses not associated with agriculture can undermine the viability of the rural sector through loss of productive agricultural land, use of infrastructure and water that could be used for agricultural production and inflate land values, create demand for community and physical infrastructure that more appropriately located in other suitably zoned areas.

Relevant Strategic Directions include:

- *Protect agricultural land for primary production and discourage incompatible uses and development in rural areas.*
- *Discourage rural subdivision and dwellings for hobby farming and rural residential purposes in the Farming Zone.*
- *Direct dwellings to the Rural Living Zone and the Rural Activity Zone in Rutherglen.*
- *Encourage consolidation of existing isolated small lots in the Farming Zone.*
- *Discourage development of isolated small lots in the Farming Zone for use for single dwellings, rural living, or other incompatible uses.*

PLANNING POLICY FRAMEWORK

The Planning Policy Framework seeks to ensure that the objectives of planning in Victoria are met and encouraged through land use and development. The following policies and clauses are deemed to be relevant to this proposal and have been taken into account in the assessment of this application:

- 02-03-1 Settlement
- 02-03-2 Environmental and landscape values
- 02-03-3 Environmental risks and amenity
- 02-03-4 Natural resource management
- 02-03-6 Housing
- 11.01-1S Settlement
- 11.01-1R Settlement – Hume
- 12.05-1S Environmentally sensitive areas
- 13.02-1S Bushfire planning
- 13.02-1L Bushfire Planning
- 14.01-1S Protection of agricultural land
- 14.02-1S Catchment planning and management

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- 14.02-2S Water quality
- 14.02-2L-02 Effluent disposal and water quality
- 15.01-2S Building design
- 15.01-6S Design for rural areas
- 16.01-3S Rural residential development
- 16.01-3L-1 Rural building siting and design

FARMING ZONE

The subject land is affected by the provisions of the Farming Zone. Relevant purposes of the Zone include:

- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*

Clause 35.07-2 provides that a lot used for a dwelling must meet the following requirements:

- *Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.*
- *Each dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available all wastewater from each dwelling must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017 for an on-site wastewater management system.*
- *The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.*
- *The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.*

Relevant Decision Guidelines at Clause 35.07-6 include, among other things:

- *The capability of the land to accommodate the proposed use or development, including the disposal of effluent.*
- *The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.*
- *The capacity of the site to sustain the agricultural use.*
- *The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.*
- *Whether the dwelling will result in the loss or fragmentation of productive agricultural land.*
- *Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.*
- *Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.*
- *The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.*

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GENERAL PROVISIONS

CLAUSE 65 DECISION GUIDELINES

Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

65.01 Approval of an application or plan

Before deciding on an application or approval of a plan, the responsible authority must consider:

- *The matters set out in section 60 of the Act*
- *Any significant effects the environment, including the contamination of land, may have on the use or development.*
- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the environment, human health and amenity of the area.*
- *The proximity of the land to any public land.*
- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*
- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
- *The extent and character of native vegetation and the likelihood of its destruction.*
- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*
- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*
- *The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*
- *The impact the use or development will have on the current and future development and operation of the transport system.*

DISCUSSION

Notwithstanding submissions on behalf of the applicant that the proposed development:

“... would not undermine the viability of the rural sector, as it will ameliorate amenity impacts, secure, and expand the existing productive agricultural land and will not impact any existing infrastructure that is used by the current farming operation.”

it is considered that insufficient justification has been provided in support of the proposed development on a small lot within the Farming Zone.

It is the case that the planning policy framework strongly discourages residential development in the Farming Zone where the development is unrelated to the ongoing rural use of land. While there are exceptions that will present themselves from time to time in respect of the particular site circumstances, it is considered that this is not the case with the subject land.

While it is acknowledged that the Allans Flat area of the Shire is heavily fragmented and that full time farming has in many respects retreated as the predominate landuse in the immediate locality, it is none the less the case that the land is affected by the provisions of the FZ.

While it is also accepted the lot is too small, in isolation, to allow for a sustainable agricultural enterprise, this particular application actually pays little regard to the real opportunity of

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consolidating the subject land with adjoining land in the same ownership to create a complying lot in excess of 40ha.

Having regard to relevant provisions of the Indigo Planning Scheme it is concluded that the proposed dwelling is contrary to the relevant policy framework and the purpose of the zone, and this forms a significant part of the grounds of refusal.

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

Although VCAT Decisions do not necessarily set any precedent in a legal sense, they nonetheless provide some assistance in the decision-making process. While there are many cases relating to applications for dwellings on small lots in the FZ, the following matters provide some degree of relevance to this particular application:

Mischkulnig v Moyne SC [2013] VCAT 2110

In this case the acceptability of a small lot development was considered. The member stated:

24. *The applicant submitted three propositions in support of the dwelling. Firstly, the area is one that contains many dwellings on lots smaller than 40 ha. In essence, the “horse has bolted” and the area’s proximity to Warrnambool makes it a rural lifestyle precinct that is a satellite “exurb” of that city. Secondly, notwithstanding the transition in the predominant land use in the area, a dwelling is required on this land to enable it to be farmed more intensively. Thirdly, Amendment VCA103 has loosened the nexus between a dwelling and agricultural activity and made the Rural Zone more flexible.*
25. *I am not persuaded by any of these propositions. I do not accept that the “horse has bolted” in this area and there has been a transformation of the predominant land use from agriculture to rural lifestyle. To do so would be tantamount to saying that agricultural activity has vacated this area and is unlikely to return, hence the best remaining land use is rural lifestyle. In fact, in my view, agricultural production remains the dominant land use in this area. Apart from the rural living precinct nearby, the number of dwellings are limited and they are generally subordinate to agriculture.*
26. *Secondly, policy confirms this to be an agricultural area. The planning authority has chosen to apply 40 hectares as the minimum lot size. This suggests that it views the preferred future of this area as comprising farming rather than smaller rural lifestyle lots. The area containing the review site is to continue to be a productive farming area. A dwelling on the land should be secondary to the agricultural activity, necessary only to support that activity rather than a reasonable development expectation. To accept the horse has bolted proposition and grant a permit is to ensure the transition of this area to rural lifestyle contrary to the policy framework.*

Estate of JE Walker v Wangaratta RCC [2021] VCAT 1257

This case highlights that all proposals in the Farming Zone need to have a direct link to agricultural uses. It also highlights that just because a permit can be granted in a zone, the proposal needs to show this link in order to be approved.

O’Brien v Wangaratta RC [2022] VCAT 1355

This case related to a development of a dwelling on a small lot in a Farming Zone, and in refusing the permit highlighted the following:

17. *I find that the general thrust of both state and local planning policy and the zone and overlays applying to this land require careful consideration of a dwelling in this area. The policy setting clearly does not support a dwelling on a small lot where unrelated to agriculture.*

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18. *There was no farm management plan or land management plan proposed, although the applicant did indicate a willingness to make improvements to the land.*
19. *The proposed use would comprise a rural living lot that is at odds with outcomes sought for farming areas. While there are similar sized properties surrounding the review site that are used for rural lifestyle purposes, there are also some larger parcels such as the land to the immediate west of the review site. The location of dwellings in Greta West are somewhat scattered and i am not persuaded that there is a clear settlement character. The evidence of Ms Bohn was that while this individual lot had limited agricultural capacity, it retains value for agriculture when combined with other land as at present.*
20. *An additional dwelling on a small lot in this location will contribute to a concentration of dwellings on small lots that has negative implications for agriculture use of land due to potential amenity expectations and increased land values affecting ability to expand onto existing small lots.*

CONCLUSION

The proposal has not responded appropriately to the planning requirements of the site, and a notice of decision to refuse a planning permit should be issued on the following grounds:

1. The proposal is not consistent with the following clauses of the Planning Policy Framework:
 - a. 02.03-1 Settlement
 - b. 02.03-2 Environmental risks and amenity
 - c. 02.03-4 Natural resource management
 - d. 11.01-1S Settlement
 - e. 14.01-1S Protection of agricultural land
 - f. 16.01-3S Rural residential land
2. The proposal is not consistent with the purpose and decision guidelines of the Farming Zone.
4. The proposal is inconsistent with the decision guidelines of Clause 65.01 including
 - a. The matters set out in section 60 of the Act
 - b. The Municipal Planning Strategy and the Planning Policy Framework.
 - c. The purpose of the zone, overlay or other provision.
 - d. Any matter required to be considered in the zone, overlay or other provision.
 - e. The orderly planning of the area.

Should the applicant wish to continue to pursue a dwelling on the subject land, this will now necessitate a fresh Planning Permit Application which is materially different to the current application. That is such an application will be required to be related to additional land that currently forms a part of the overall landholding, as previously discussed within this report. Such an application would also be required to be accompanied by all relevant supporting documentation commensurate with the requirements of the Indigo Planning Scheme.

DECLARATION OF CONFLICT OF INTEREST

Under section 130(2) of the *Local Government Act 2020* and Governance Rule 24, the following officers declare that they have no interests to disclose in providing this report:

- Greg Pinkerton – Director Planning & Corporate Services
- James Turner – Manager Planning & Statutory Services

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CONFIDENTIAL ATTACHMENT

The following confidential attachment has been provided to Councillors under separate cover. Recent changes to Section 197A of the *Planning and Environment Act 1997* have clarified and tightened the way Councils are able to make certain planning documents available to the public. The Act provides that the confidential document listed below can only be made available for public inspection:

- at Council offices during business hours, or
- electronically via Council's website subject to strict public availability requirements, requiring significant editing of individual documents.

Council currently does not have the resources to provide the document online in line with the public availability requirements of the Act, and so is at this stage unable to publish it in the public agenda online.

Attachments

1. PP22-0075 - Application (Confidential)

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11.7 PLANNING PERMIT APPLICATION PP22-0008 - LOWER NINE MILE ROAD STANLEY

File No: 2023/432

James Turner - Manager Planning & Statutory Services Planning & Corporate Services

For Decision

RECOMMENDATION

That Council resolve to issue a notice of decision to refuse a planning permit for the proposal to use and develop the land for a dwelling in on lot 1 on Title Plan 962100R, Lower Nine Mile Road, Stanley, on the following grounds:

1. The proposal is not consistent with the following clauses of the Planning Policy Framework:
 - a. 02.03-1 Settlement
 - b. 02.03-2 Environmental risks and amenity
 - c. 02.03-4 Natural resource management
 - d. 11.01-1S Settlement
 - e. 11.01-1L-08 Stanley
 - f. 13.02-1S Bushfire planning
 - g. 13.02-1L Bushfire planning
 - h. 14.01-1S Protection of agricultural land
 - i. 16.01-3S Rural residential land
2. The proposal is not consistent with the purpose and decision guidelines of the Farming Zone.
3. The proposal is not consistent with the purpose and decision guidelines of the Bushfire Management Overlay.
4. The proposal is inconsistent with the decision guidelines of clause 65.01.

MOTION

That Council issues a notice of decision to grant a planning permit allowing:

The use and development of a dwelling on a lot of less than 40 h, buildings and works within 20m of a road, buildings and works within 5m of a boundary, buildings and works within 100m of a dwelling not in the same ownership and buildings and works within 100m of a waterway in the Farming Zone. Construct a building and carry out works associated with the use of the land for accommodation in the Bushfire Management Overlay. Construct a building and carry out works in the Environmental Significance Overlay.

Subject to the following conditions:

Layout not altered

1. The layout of the use and development must not be altered from the layout on the approved and endorsed plans without the prior written consent of the responsible authority.

Development must be completed

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2. Once commenced, the development must be completed to the satisfaction of the responsible authority.

General amenity

3. The use and development must be managed so that the amenity of the area is not detrimentally affected, to the satisfaction of the responsible authority, through the:
 - a) transport of materials, goods or commodities to or from the land;
 - b) appearance of any building, works or materials;
 - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - d) presence of vermin;
 - e) traffic; or
 - f) disposal of effluent.

No Human Habitation

4. Any outbuilding or shed must not be used for human habitation purposes.

Vehicle crossing removal

5. Prior to the occupation of the dwelling, all existing disused or redundant vehicle crossings must be removed and the road reserve reinstated to the satisfaction of the Responsible Authority at the cost of the owner.

Non-reflective surfaces

6. The external finishes of the dwelling, including walls and roof materials, must be colour-treated and maintained in muted non-reflective tones to the satisfaction of the Responsible Authority. Zinalume and similar highly reflective surfaces are not permitted.

Neat and Tidy Site

7. The subject land must be kept neat and tidy at all times and its appearance must not, in the opinion of the Responsible Authority, adversely affect the amenity of the locality.

Landscaping Plan

8. Prior to commencement of works, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale and three copies must be provided. The plans must show:
 - a) Buildings, outbuildings and other structural features on the land that influence the landscape design;
 - b) Natural features that influence the landscape design;
 - c) The location of the effluent disposal area and its impact on the landscaping plan;
 - d) Planting within and around the perimeter of the site, including interfaces with surrounding public land;
 - e) Canopy trees;
 - f) The proposed design features such as paths, paving, lawn and finished surfaces;
 - g) A schedule of all proposed vegetation (trees, shrubs and ground covers) which includes botanical names, common names, pot size, mature size and total

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quantities of each plant; and

h) Means of watering the landscaped area.

9. Landscaping in accordance with this approved plan and schedule must be completed before the building is occupied or the use commences and thereafter maintained to the satisfaction of the Responsible Authority.

Erosion and Sediment Control

10. Construction must follow sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991). Specifically, the applicant must ensure:
- Grading, excavation and construction must not proceed during periods of heavy rainfall.
 - Sediment traps must be designed, installed and maintained to maximise the volume of sediment trapped from the site during development and construction.
 - Disturbed areas must be stabilised and revegetated following the completion of works.

Ongoing soil erosion control

11. All works must be undertaken in a manner that minimises soil erosion to greatest extent practicable, and any exposed areas of soil must be stabilised to prevent soil erosion, to the satisfaction of the responsible authority.

Environmental Health

12. Before the development is occupied, an approved onsite wastewater management system must be installed to treat all wastewater generated from the use of the development. The wastewater management system must be designed in accordance with the recommendations of the LCA conducted by Porta Environmental, Report No. LW25062020-1A, dated August 2020, revised 16/11/2021.

All treated wastewater must be disposed of within the curtilage of the property. Effluent must not enter any waterway at any time.

All wastewater must be managed in accordance with part 5.7 of the *Environment Protection Regulations 2021* (as amended, updated or superseded) to minimise the risk of harm to the environment and human health

NOTE: A permit is required from Council's Environmental Health team prior to commencing works on any effluent disposal system.

Assets Conditions

13. Prior to occupation of the dwelling, all stormwater emanating from the development approved by this permit must be disposed of to an approved legal point of discharge. Any concentrated storm water flows due to the development must be dispersed prior to entering natural systems and road drains. Flow dispersal must be employed at the point of discharge of any house drain constructed.
14. Prior to the commencement of works the applicant must reconstruct any required existing vehicle crossing not complying with current standards. A Works within Road Reserve Permit must be obtained from the Responsible Authority prior to the commencement of any works
15. Prior to occupation of the dwelling, the internal access road to the development site must be constructed to a minimum all weather standard of;

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- d) 3m metre pavement width
- e) 100 mm compacted depth of crushed rock or gravel suitable for road construction
- f) Longitudinal roadside drains and culverts as required

Mandatory Bushfire Condition

16. The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

Referral authority conditions

CFA Conditions

Amended Bushfire Management Plan required

17. Before the development starts, a Bushfire Management Plan must be prepared and then submitted to the Responsible Authority for endorsement. Once endorsed the plan must not be altered unless agreed to in writing by the Responsible Authority. The plan must be generally in accordance with the plan prepared by Habitat Planning (Revision B, dated May 2023) but modified as follows:

- g) Include the following text under the heading "Access"
 - i. Access to the water supplies for fire fighting purposes must be provided which meets the following requirements:
 - 1) Curves must have a minimum inner radius of 10m.
 - 2) The average grade must be no more than 1 in 7 (14.4 per cent) (8.1 degrees) with a maximum of no more than 1 in 5 (20 per cent) (11.3 degrees) for no more than 50m.
 - 3) Have a minimum trafficable width of 3.5m of all- weather construction.
 - 4) Be clear of encroachments for at least 0.5m on each side and 4m above the accessway.
 - 5) Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.

Department of Environment, Land, Water and Planning Conditions

- 18. No structures are to encroach upon the adjoining Crown land.
- 19. No effluent or run-off is to be discharged onto Crown land.
- 20. Crown land is not to be utilized as defendable space to satisfy a Bushfire or Wildfire Management Overlay (BMO or WMO).
- 21. Crown land is not to be utilized as an easement or as legal access.
- 22. Crown land is not to be used for temporary access or storage associated with the proposal.

Goulburn Murray Water Conditions

- 23. All construction and ongoing activities must be in accordance with sediment control principles outlined in EPA Publication 275, Construction Techniques for Sediment Pollution Control (May 1991). There must be no transport of sediment or other materials off-site either during or following construction.
- 24. Stormwater run-off from buildings and other impervious surfaces must be dissipated as

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normal unconcentrated overland flow or directed to storage tanks.

25. The dwelling must contain no more than two bedrooms (or rooms that can be used as bedrooms).
26. All wastewater from the dwelling must be treated to a standard of at least 20mg/L BOD and 30mg/L suspended solids using a package treatment plant or equivalent. The system must be an EPA approved system, installed, operated and maintained in accordance with the relevant EPA Code of Practice and Certificate of Conformity.
27. In accordance with the requirements of the current EPA – Code of Practice On-site Wastewater Management, Publication 891.4, July 2016, the wastewater disposal area must meet minimum setback distances of at least 50m from Nine Mile Creek, 20m from any bores and 40m from any drainage lines.
28. The wastewater disposal area must be kept free of buildings, driveways, car parking and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away.

Expiry

29. This permit will expire if one of the following circumstances applies:
 - h) The development is not started within 2 years of the issued date of this permit.
 - i) The development is not completed within 4 years of the issued date of this permit.
 - j) The use does not start within 2 years of completion of the development.
 - k) The land on both lot 1 on TP962100 and lot 3 on TP885825 is not consolidated within two years of both lots being in the same ownership.
 - l) The dwelling is not connected to reticulated sewerage within 2 years of it becoming available to the site.

In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition

Moved: Cr Teissl

Seconded: Cr Croucher

For: Crs Peter Croucher and Emmerick Teissl

Against: Crs Bernard Gaffney, Larry Goldsworthy, Roberta Horne, Sophie Price and Diane Shephard

LOST

RESOLUTION

That Council considers item 11.7 at the next Council Meeting once the matter of an easement is clarified.

Moved: Cr Goldsworthy

Seconded: Cr Horne

For: Crs Peter Croucher, Bernard Gaffney, Larry Goldsworthy, Roberta Horne, Sophie Price, Diane Shephard and Emmerick Teissl

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Against: Nil

CARRIED

SUMMARY

Application No: PP22-0008

Subject Land: Lot 1 on Title Plan 962100R, Lower Nine Mile Road, Stanley. The lot does not have a street address.

Proposal: Use and development of a dwelling in the Farming Zone. Buildings and works within prescribed setbacks in the Farming Zone. Buildings and works in association with accommodation in the Bushfire Management Overlay. Buildings and works in the Environmental Significance Overlay – Schedule 4.

Recommendation: Refusal.

BACKGROUND

Date application lodged: 13th January 2022

Purpose: Seek approval to use and/or develop the subject site for the purposes of a dwelling.

Subject site land area: 2020 sqm

Current use of subject site: Vacant

Site constraints: The land slopes moderately towards the south-east. The proximity to a waterway limits effluent disposal options.

One lot comprising the site is not currently in the ownership of the applicant:



The lot highlighted in yellow is listed as being last transferred in 1876. The applicant is attempting to obtain this land

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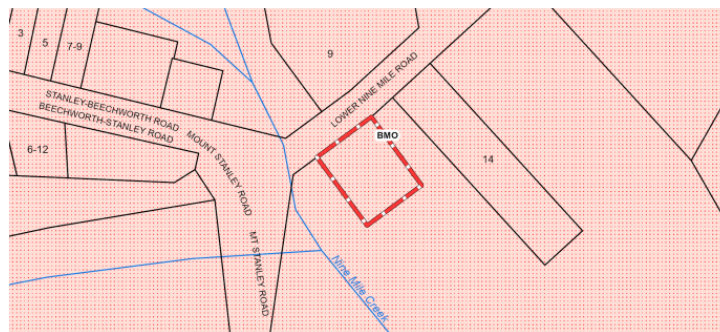
through adverse possession, but this process is only in its early stages.

Surrounding land use: To the south and east, the land is public land maintained for conservation. To the west is the main part of the Stanley township. Land to the north is generally used for agriculture.

Zoning of surrounding land: Publicly owned land is zoned Public Resource and Conservation Zone. Private land is zoned Farming Zone.



[BUSHFIRE MANAGEMENT OVERLAY \(BMO\)](#)



[ENVIRONMENTAL SIGNIFICANCE OVERLAY \(ESO\)](#)

[ENVIRONMENTAL SIGNIFICANCE OVERLAY - SCHEDULE 4 \(ESO4\)](#)



PROPOSAL

The proposal seeks planning permission to construct a single dwelling and associated works in the Farming Zone, Bushfire Management Overlay and Environmental Significance Overlay.

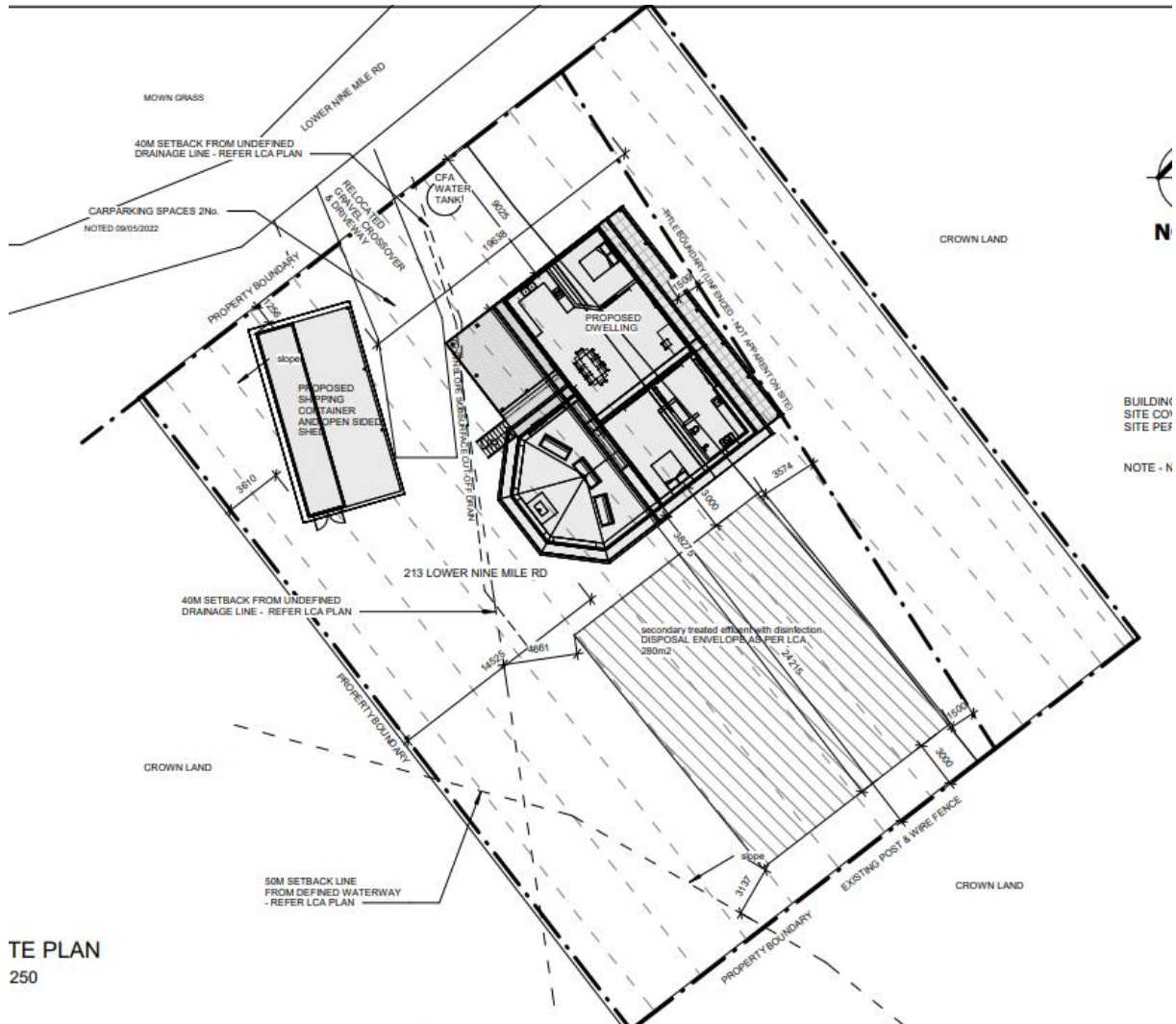
The proposed dwelling contains two bedrooms, one bathroom, and two living areas.

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The proposed dwelling is located near the road frontage of the lot, to allow for an appropriate effluent disposal field. An associated structure, a shed based around a shipping container, is also located near the front of the lot forward of the building line for the proposed dwelling.



ZONING AND PLANNING CONTROLS

Zoning: Farming Zone
 Overlay/s: ESO4 (Stanley Township)
 Bushfire Management Overlay

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Permit Trigger:

Farming Zone

Pursuant to Clauses 35.07-1 Table of Uses and 35.07-4 Buildings and works, a planning permit is required for use of the land for a dwelling and buildings and works associated with a section 2 use.

The exact triggers are:

- Buildings and works associated with a section 2 use;
- Buildings and works within 20m of a road;
- Buildings and works within 5m of a boundary;
- Buildings and works within 100m of a dwelling not in the same ownership; and
- Buildings and works within 100m of a waterway.

Bushfire Management Overlay

Pursuant to clause 44.06-2, a planning permit is required for buildings and works associated with the use of the land for a dwelling.

Environmental Significance Overlay

Pursuant to clause 42.01-2, a planning permit is required to construct a building or construct and carry out works.

Planning and Environment Act 1987 - SECT 60

Section 60 of the Act provides that before deciding on an application, the responsible authority must consider:

- (a) the relevant planning scheme; and
- (b) the objectives of planning in Victoria (which include at Section 4(1)(b) to provide for the protection of natural and man-made resources...); and
- (c) all objections and other submissions which it has received and which have not been withdrawn; and
- (d) any decision and comments of a referral authority which it has received; and
- (e) any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development.

Section (1A) of the Act provides that the responsible authority, if the circumstances appear to so require, may consider:

- (a) any significant social and economic effects of the use or development for which the application is made; and...
- (j) any other relevant matter.

PLANNING POLICY FRAMEWORK

The Planning Policy Framework seeks to ensure that the objectives of planning in Victoria are met and encouraged through land use and development. The following policies and clauses are deemed to be relevant to this proposal and have been taken into account in the assessment of this application:

02-03-1 Settlement

02-03-2 Environmental and landscape values

02-03-3 Environmental risks and amenity

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02-03-4 Natural resource management

02-03-5 Built environment and heritage

02-03-6 Housing

11.01-1S Settlement

11-01-1R Settlement – Hume

11.01-1L-08 Stanley

11.03-6S Regional and local places

12.03-1S River and riparian corridors, waterways, lakes, wetlands and billabongs

12.05-1S Environmentally sensitive areas

13.02-1S Bushfire planning

13.02-1L Bushfire Planning

14.01-1S Protection of agricultural land

14.02-1S Catchment planning and management

14.02-2S Water quality

14.02-2L-02 Effluent disposal and water quality

15.01-2S Building design

15.01-6S Design for rural areas

16.01-3S Rural residential development

16.01-3L-1 Rural building siting and design

19.03-3L Stormwater management

PARTICULAR PROVISIONS

53.02 – Bushfire Planning

GENERAL PROVISIONS

65 Decision Guidelines

Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

65.01 Approval of an application or plan

Before deciding on an application or approval of a plan, the responsible authority must consider:

- The matters set out in section 60 of the Act
- Any significant effects the environment, including the contamination of land, may have on the use or development.
- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the environment, human health and amenity of the area.

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- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.
- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.
- The impact the use or development will have on the current and future development and operation of the transport system.

REFERRAL AUTHORITIES

The application was referred to the following referral authorities in accordance with Section 55 of the Planning and Environment Act 1987 and/or advice was sought from the following:

- CFA;
- North East Water;
- North East Catchment Management Authority (NECMA); and
- Goulburn Murray Water

North East Water did not object, and proposed no conditions. NECMA and Goulburn Murray Water both did not object, subject to conditions.

The CFA initially indicated that they did not consent to the application in its current form. The applicant and the CFA engaged in negotiations, which resulted in an acceptable outcome to both parties. As a result, the CFA has consented, subject to conditions.

PUBLIC NOTICE

Notice of the application was given to adjoining owners and occupiers and other relevant persons in accordance with Section 52 (1) of the Planning and Environment Act 1987.

4 submissions were received in response.

Issues raised include:

- Compromise of downstream water quality, particularly for agriculture;
- Use of Farming Zone land for non-agricultural purpose;
- Sewerage, and in particular inaccuracies in the Land Capability Assessment;
- Bushfire risk; and
- Contrary to local planning policy.

These issues form part of the discussion below.

DISCUSSION

The proposal raises four primary topics of concern:

- Suitability of the proposed effluent disposal arrangements

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The subject site adjoins an unnamed creek to the west. A small buffer of native vegetation is on public land near the creek, however parts of the site are within 30m of the creek, and a large area is within 100m of the creek, both of which act as constraints to any effluent disposal arrangements.

A number of policies in the PPF address the protection of waterways, and the location of the site within the special water supply catchment of the water source for Yackandandah reinforces this importance.

The objections raise a number of concerns regarding the land capability assessment, and assert the assumptions used are inappropriate. The author of the assessment is suitably qualified, and Council is entitled to rely on the advice within. Council's environmental health team and Goulburn Murray Water are satisfied the proposal can deal with effluent, subject to conditions.

- Proposed bushfire arrangements

The applicant has submitted bushfire documents in line with the requirements of the BMO. These documents meet the technical requirements of the scheme and the CFA. The overall landscape risk from bushfire however remains unacceptable, and approval would be contrary to the requirement to prioritise human life above all other considerations.

This forms part of the recommended grounds of refusal.

- Appropriateness of development in the Farming Zone

The planning policy framework strongly discourages residential development in Farming Zones unless strictly necessary for agriculture. This particular site relies on an argument around size and unsuitability for agriculture to overcome these policy directions. The policies do not contain any exemptions regarding size, and it is an explicit aim to encourage the consolidation of small lots into larger agricultural enterprises.

While it is accepted the lot is too small to allow for an independent agricultural enterprise, there is no reason it could not be added to an existing enterprise. The land around Stanley has been identified as having high horticulture values, and adding more land to an existing orchard could increase the viability of an existing orchard.

The argument relating to the existing configuration of the area has been rejected by VCAT. VCAT has found that past mistakes in subdivisions are not a reason to permit a dwelling which should otherwise be refused.

The proposed dwelling is contrary to the relevant policy framework and the purpose of the zone, and this forms part of the grounds of refusal.

- Other issues

A number of minor issues also form part of the assessment, however these could be generally be dealt with by appropriate permit conditions. These include stormwater runoff, environmentally sustainable design issues, landscaping and revegetation of the land.

Various elements of the zone, overlay and planning policy framework highlight these issues, and some deficiencies in the proposal have been identified. These issues are not, on their own, sufficient to justify the refusal of a permit.

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

There are a number of cases in recent years that have some relevance to this particular application and in particular:

Mischkulnig v Moyne SC [2013] VCAT 2110

In this case the acceptability of a small lot development was considered. The member stated:

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24. *The applicant submitted three propositions in support of the dwelling. Firstly, the area is one that contains many dwellings on lots smaller than 40 ha. In essence, the “horse has bolted” and the area’s proximity to Warrnambool makes it a rural lifestyle precinct that is a satellite “exurb” of that city. Secondly, notwithstanding the transition in the predominant land use in the area, a dwelling is required on this land to enable it to be farmed more intensively. Thirdly, Amendment VCA103 has loosened the nexus between a dwelling and agricultural activity and made the Rural Zone more flexible.*
25. *I am not persuaded by any of these propositions. I do not accept that the “horse has bolted” in this area and there has been a transformation of the predominant land use from agriculture to rural lifestyle. To do so would be tantamount to saying that agricultural activity has vacated this area and is unlikely to return, hence the best remaining land use is rural lifestyle. In fact, in my view, agricultural production remains the dominant land use in this area. Apart from the rural living precinct nearby, the number of dwellings are limited and they are generally subordinate to agriculture.*
26. *Secondly, policy confirms this to be an agricultural area. The planning authority has chosen to apply 40 hectares as the minimum lot size. This suggests that it views the preferred future of this area as comprising farming rather than smaller rural lifestyle lots. The area containing the review site is to continue to be a productive farming area. A dwelling on the land should be secondary to the agricultural activity, necessary only to support that activity rather than a reasonable development expectation. To accept the horse has bolted proposition and grant a permit is to ensure the transition of this area to rural lifestyle contrary to the policy framework.*

Estate of JE Walker v Wangaratta RCC [2021] VCAT 1257

This case highlights that all proposals in the Farming Zone need to have a direct link to agricultural uses. It also highlights that just because a permit can be granted in a zone, the proposal needs to show this link in order to be approved.

O’Brien v Wangaratta RC [2022] VCAT 1355

This case related to a development of a dwelling on a small lot in a Farming Zone, and in refusing the permit highlighted the following:

17. *I find that the general thrust of both state and local planning policy and the zone and overlays applying to this land require careful consideration of a dwelling in this area. The policy setting clearly does not support a dwelling on a small lot where unrelated to agriculture.*
18. *There was no farm management plan or land management plan proposed, although the applicant did indicate a willingness to make improvements to the land.*
19. *The proposed use would comprise a rural living lot that is at odds with outcomes sought for farming areas. While there are similar sized properties surrounding the review site that are used for rural lifestyle purposes, there are also some larger parcels such as the land to the immediate west of the review site. The location of dwellings in Greta West are somewhat scattered and i am not persuaded that there is a clear settlement character. The evidence of Ms Bohn was that while this individual lot had limited agricultural capacity, it retains value for agriculture when combined with other land as at present.*
20. *An additional dwelling on a small lot in this location will contribute to a concentration of dwellings on small lots that has negative implications for agriculture use of land due to*

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potential amenity expectations and increased land values affecting ability to expand onto existing small lots.

Bunyip Hollow v Wodonga CC [2018] VCAT 1715

In this case, Council determined to refuse a planning permit on grounds relating to flooding, despite the consent of the relevant referral authority.

53. The applicant discounted the concern of Council relying on the lack of objection from the North East CMA. They also indicated that during flood events, access can be obtained via the Hume Freeway on-ramp which border the site on its southern boundary.

...

56. I agree with the above Tribunal commentary. Policy under Clause 13.03-1S – Floodplain Management and Clause 21.05-1 – Floodplains, both look to protect life and property from the impacts and effects of flooding. In this regard, I agree with Member Wilson’s comment in paragraph 40 that:

It is my view that exposing additional persons to flood risk by allowing an additional dwelling where the only means of access to the property is subject to significant flood hazard is unacceptable and contrary to the Planning Scheme policies and provisions that seek to protect life and property from flood hazard.

57. Flooding in this area is common and allowing additional persons to reside in a location which may become isolated during flood events represents a poor planning outcome.

This case indicates that Council is required to make up its own mind on matters within the expertise of referral authorities, and this is relevant where the CFA has consented to the development despite Council remaining concerned by overall bushfire risk.

CONCLUSION

The proposal has not responded appropriately to the planning requirements of the site, and a notice of decision to refuse a planning permit should be issued on the following grounds:

1. The proposal is not consistent with the following clauses of the Planning Policy Framework:
 - a. 02.03-1 Settlement
 - b. 02.03-2 Environmental risks and amenity
 - c. 02.03-4 Natural resource management
 - d. 11.01-1S Settlement
 - e. 11.01-1L-08 Stanley
 - f. 13.02-1S Bushfire planning
 - g. 13.02-1L Bushfire planning
 - h. 14.01-1S Protection of agricultural land
 - i. 16.01-3S Rural residential land
2. The proposal is not consistent with the purpose and decision guidelines of the Farming Zone.
3. The proposal is not consistent with the purpose and decision guidelines of the Bushfire Management Overlay.
4. The proposal is inconsistent with the decision guidelines of clause 65.01.

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DECLARATION OF CONFLICT OF INTEREST

Under section 130(2) of the *Local Government Act 2020* and Governance Rule 24, the following officers declare that they have no interests to disclose in providing this report:

- Greg Pinkerton – Director Planning and Corporate Services
- James Turner - Manager Planning and Statutory Services
- Steven Hawkins - Coordinator Planning

CONFIDENTIAL ATTACHMENT

The following confidential attachment has been provided to Councillors under separate cover. Recent changes to Section 197A of the *Planning and Environment Act 1997* have clarified and tightened the way Councils are able to make certain planning documents available to the public. The Act provides that the confidential document listed below can only be made available for public inspection:

- at Council offices during business hours, or
- electronically via Council's website subject to strict public availability requirements, requiring significant editing of individual documents.

Council currently does not have the resources to provide the document online in line with the public availability requirements of the Act, and so is at this stage unable to publish it in the public agenda online.

Attachments

1. PP22-0008 - Application (Confidential)

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12. COMMUNITY & ECONOMIC DEVELOPMENT

12.1 CHILTERN DESTINATION PLAYSACE CONCEPT DESIGN REPORT - FINAL DRAFT

File No: 2023/280

Susannah Doyle - Manager Tourism

Community & Economic Development

For Decision

RECOMMENDATION

That Council adopts the Chiltern Destination Playspace Concept Design Report.

RESOLUTION

That Council adopts the Chiltern Destination Playspace Concept Design Report.

Moved: Cr Teissl

Seconded: Cr Shephard

For: Crs Peter Croucher, Bernard Gaffney, Larry Goldsworthy, Sophie Price, Diane Shephard and Emmerick Teissl

Against: Cr Roberta Horne

CARRIED

PURPOSE OF REPORT

For presentation at the June Council meeting this report delivers:

- The submissions received during the Public Exhibition period in December 2022 to February 2023;
- Details the responses and actions by council officers and project consultants Playce, to address the themes raised in submissions;
- Presents the final *Chiltern Pool Needs Assessment Report* and;
- Presents the final *Chiltern Destination Playspace Concept Report* for adoption.

BACKGROUND

The Chiltern Destination Playspace Project was funded by State Government's Investment Fast Track Fund. Council engaged consultants, Playce P/L to deliver the Concept Design Phase of the project. The concept design project (Phase 2) followed the Chiltern Destination Playground Business Case (Phase 1) delivered by Urban Enterprise in 2020.

The Chiltern Destination Playspace project delivers a concept for a landmark, high profile, aesthetically beautiful game changer tourism drawcard for Chiltern and the broader Indigo Shire. Activation and connection of Lake Anderson, Chiltern Goods Shed and connecting to the town centre via Martin Park is the play space footprint. Community and visitors will enjoy a significant, family-friendly tourism attraction for the town, Indigo and the High-Country region more broadly.

The Chiltern Destination Playspace will draw new visitors to Chiltern and inspire visitors to explore and experience Chiltern historic streetscape, retail and hospitality and raise visitation and awareness of the cultural heritage offerings in town and the National Park.

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The Project delivers a costed masterplan with concept designs, planning, community consultation, construction and investment strategy (i.e. staged or whole of project cost) for each individual element that comprises the Chiltern Destination Playspace. This includes a precinct development approach for the Lake Anderson Precinct. All elements of the Playspace will be accessible, family-friendly attractions providing a mix of adventure-based product and outdoor recreation.

The initial design scoping work and survey work identified significant challenges with size, complexity, visibility and connections of the potential playspace sites. The opportunity to reimagine the swimming pool complex as a key component of the Chiltern Destination Playspace became an important consideration, supported by RDV, as part of the project scope. Considerations include year-round operation and community use as well as zero depth splash park and multi-seasonal play experiences. In addition to community aquatic facilities, the pools concept is a visitor destination draw adding significant destination scale and diversification of audience to the playspace facility.

DESIGNS

The Chiltern Destination Playspace designs are inspired by the climate, and feature textures descending from Chiltern Mount Pilot National Park and geology. Tentatively titled *Chiltern Climb-It*, a crafty play on words encapsulating the various elements of our weather systems, as well as the many opportunities for climbing throughout the spaces. The designs also feature nods to Chiltern's heritage and gold history through the intentional use of specific materials and elements, such as lightning strikes replicating ribbons of gold.

Key features of the Draft Concept Designs include:

- Iconic sculpture slide,
- Rainbow and clouds climbing frame and swing,
- Flying fox,
- Sensory storm water play,
- Timber and rope play,
- Year-round recreational pool and thermal hot pools,
- Consolidated skate park and Pump Track, and,
- All ability access play and pool.

The draft designs further develop the scenic drive/road and footpath/boardwalk around Lake Anderson, carrying the road beyond the Bowling Club to the Goods Shed. This will strengthen the connection to the Goods Shed and Gang Camp Land, ultimately encouraging dispersal into Chiltern Mount Pilot National Park. There is provision for a Pump Track located at the existing skate park space, consolidating the space and providing additional skate elements.

The Destination Playspace and pools will be highly visible when entering Chiltern from the Hume Freeway along Main Street, and proposes the realigning of the road which enters the carpark, opening up critical visual cues of the space when entering Chiltern.

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PLAYSPACE LIGHTING

Security level lighting has been included in the costings for this project, as well as feature lighting and 3-phase power. Security level lighting is used to light up main paths of travel which is included for each phase of the project (i.e. paths through the Playspace, circuit around lake and within the swimming pool). If there is a perceived safety issue or significant anticipated night use such as at the skate park or dog walking, other recreational facility lighting may be required. If the space is being activated for events or festivals, specific event lighting should be brought in as needed.

Overall, the amount of safety and feature lighting installed is at Council's discretion which comes down to Council policies, the size of the park and need for lighting. The detailed lighting design is developed by a lighting and electrical consultant, calculating specific requirements for this particular setting during the detailed design phase and taking full consideration of resident and public amenity.

Further security measures such as CCTV can also be included in the project if it is seen as a requirement by Council.

LIGHT AND SOUND ACTIVATION OPPORTUNITY

The proposal is **not** for a nightly lighting and sound show. Frequency, timing, volume and light for such an activation are all subject to detailed design; however, the proposal is for special occasions, events that will be considerate of relevance and associated planning and amenity controls respecting local residents.

The capacity for appropriate special occasion light and/or sound activation presents a multi-sensory experience for children and there is an opportunity to leverage this concept with the Playspace. The climate theme presents a chance to illuminate the clouds, sun, lightning and the rainbow to shimmer with colour.

This activation would add greater engagement for children in the Playspace, provide an event-led activation opportunity and encourage longer stays and greater overnight visitation.

POOL

The Concept Designs reimagine the current, aging, seasonal pool into a year-round facility for community and visitors. It presents multi-seasonal experiences; a heated resort-style pool, toddler pool, lane and learn to swim pool and multiple varied capacity thermal pools. Fully integrated with the playground designs, the revitalisation of the pool precinct would become a benchmark solution for the future of regional, small town, aging pool infrastructure across the country.

The essential need to rethink the approach to aquatic facilities in Australia is backed by key findings from a recent report by *Royal Life Saving Australia*, which states a like-for-like replacement of ageing aquatic facilities is highly unrealistic. \$8 Billion dollars is needed to replace at least 500 aging public pools across Australia, with regional and rural communities most at risk of losing these assets. Many Councils currently struggle to afford to maintain or replace their pools as is, and rising energy costs and labour shortages pose an ongoing serious threat to these facilities. Closing pools indefinitely is an inherently unpopular option. A viable, sustainable pool solution may be a national blueprint.

As part of the design process, Indigo Shire Council and Playce engaged OTIUM Planning Group (OPG) specialist aquatic planning consultants to conduct a *Pool Needs Assessment* and explore the feasibility of developing a reimagined community family pool and thermal pool wellness centre to replace the existing Chiltern Outdoor Pool. This report has been added to the project reporting suite (attached). The assessment provides evidence to support developing new aquatic facilities in

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Chiltern, while also augmenting and supporting the strategic rationale for the Destination Playspace project.

Full Pool feasibility details can be found in the *Chiltern Pool Needs Assessment Report* attached to this report.

DISCUSSION

Indigo Destination Game Changer 2023 Tourism Strategy

The Draft Chiltern Destination Playspace Concept Design masterplans supports Council's economic development and visitor economy objectives, by enhancing Chiltern as a destination township and a 'must-stop' destination for touring families travelling along the Hume Freeway.

Changing Places Facility

Council has secured \$180,000 of grant funding to build a brand-new changing places facility in Chiltern. Redeveloping current amenities in Martin Park is already a proposed element of the Concept Design and precinct Masterplan, so this presents an opportunity to include the funded project in the Destination Playspace Concept Designs.

PUBLIC EXHIBITION

Following in-depth stakeholder engagement during the development of the concept designs, the Draft Chiltern Destination Playspace concept designs were placed on Public Exhibition for 60 days after the December 2022 Council Meeting. The opportunity for submissions closed in February and during this time a total of 54 submissions were received. The sentiment toward the concept designs could be broken down as:

35 – Supportive

10 – Opposed

9 – Constructive / Ambivalent

This is an outstanding and positive engagement response to a Council project which involved strong community advocacy. Prior to placing the draft design on exhibition, Council Officers met with key local stakeholders and discussed the designs, phasing and future funding requirements ahead of release for Public Exhibition. These stakeholders, equipped with knowledge of rationale and answers to their own questions, were active in encouraging community participation in the survey. This proved a particularly effective two-phased engagement model and a template for future project engagements. Community leaders took ownership of the project, self-moderated questions/concerns on social-media and rallied the community to take this opportunity to have their say. The results were an extremely positive and engaged community, who took time to review and provide their support along with constructive feedback for the designs.

Community submissions

From the 54 submissions, 17 clear, recurring themes were identified and have been summarised in the below table. The table presents the issues, the assessment and the action/response. A full version of each submission has been provided to Councillors under separate cover and is confidential under Section 3f of the Local Government Act 2020, because it contains personal information.

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Recurring themes & responses

THEME	DETAIL	CONSULTANT AND COUNCIL RESPONSE/ACTIONS
1. Heritage / Historic ambiance	<ul style="list-style-type: none"> Believes the playground does not fit with Chiltern’s historic nature. Fears of losing the heritage ambience of the township. 	<p>RESPONSE</p> <ul style="list-style-type: none"> The concept design focuses on an approach that is respectful to both indigenous histories and colonial past. The overarching theme of climate looks at the climate, clouds, rain and natural forces as the overarching witness to human settlement and activities. The Playspace also explores the use of local materials and construction vernacular of Chiltern such as corrugated steel and timber to reflect the local area and history. The use of natural materials such as granite and local flora reflects the natural history and landscape unique to Chiltern and surrounding areas, instead of built history. The Playspace aims to interpret and celebrate Chiltern’s historic past without recreating a “faux” representation of historic elements. A destination Playspace by definition attracts visitors to the destination delivering a larger audience to Chiltern’s historic built heritage. <p>ACTION</p> <ul style="list-style-type: none"> Develop Supporting Information section in the report to articulate this rationale.
2. Honeyeater mural	<ul style="list-style-type: none"> Concern about losing the Honeyeater mural on the existing toilet block. 	<p>RESPONSE</p> <ul style="list-style-type: none"> The community’s connection to the Regent Honeyeater mural is acknowledged and preservation/relocation of the mural will be carried out, recognising the need to upgrade the existing toilet block with facilities meeting the needs of current and future users including access for all abilities (for which Changing Places funding has been secured). There will be opportunity on the new pool building external canvas to engage the artist to recreate the iconic Honeyeater mural if preservation of the existing mural is unsuitable. Within the concept designs there is opportunity for additional murals and public art. <p>ACTION</p> <ul style="list-style-type: none"> We will preserve or relocate the Regent Honeyeater mural. This might necessitate re-engagement of the artist. Include this action in the Supporting Information.

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THEME	DETAIL	CONSULTANT AND COUNCIL RESPONSE/ACTIONS
3. Shade and heat retention in play equipment	<ul style="list-style-type: none"> • Maintaining shade in the park should be a priority. • Not enough shade over playground and pool. • Concern for heat retention in playground equipment and usability in summer months. • What materials are being used to reduce heat in playground? 	<p>RESPONSE</p> <ul style="list-style-type: none"> • The Playspace use of materials is carefully considered and materials will be used that minimise heat retention, such as timber, zinc, powder-coating etc. • Use of stone, planted spaces and lawn areas are proposed to decrease heat retention throughout the Playspace that is balanced with carefully chosen pathways that allow accessibility for all. • See Point 4 regarding shade retention. <p>ACTION</p> <ul style="list-style-type: none"> • Playce will provide a Supporting Information page in the final concept report in response to this concern.
4. Tree removal and green space	<ul style="list-style-type: none"> • Concern for mature tree removal in Martin Park and around Lake Anderson. 	<p>RESPONSE</p> <ul style="list-style-type: none"> • Shade structures are located throughout the Playspace and pool areas to provide shaded areas for rest, picnicking and socialising. • The importance of mature trees is recognised for significant shade and cooling properties. All efforts to retain mature trees will be made for this project, however, in order to successfully deliver the new pool facility some trees may need to be removed to make this possible. Any removal of mature trees will be offset with new tree plantings. <p>ACTION</p> <ul style="list-style-type: none"> • The extent of shade structures will be detailed in the playground and pool areas as the detailed design is progressed. Commitment to appropriate shade is recognised in the Supporting Information.

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THEME	DETAIL	CONSULTANT AND COUNCIL RESPONSE/ACTIONS
5. Accessibility	<ul style="list-style-type: none"> • Will the playground be accessible for all abilities? • Questions if a Liberty Swing will be included in the playground (Liberty swing is a large electronic swing for wheelchairs.) 	<p>RESPONSE</p> <ul style="list-style-type: none"> • The Playspace design has many play opportunities that are all-inclusive, such as the water play areas, varied swing types, all – abilities seat on the flying fox, an inclusive spinner and numerous areas accessible with pathways and rubber soft fall. • The Playspace is not an all abilities Playspace, thus a liberty swing has not been included at the moment, as they are best suited in an environment that fully caters to families and children with special needs. A liberty swing will be considered further at the detailed design phase. <i>N.B - Liberty swings in themselves have been labelled as more exclusive as they are fenced, have specific operational requirements and due to the space required are often placed away from the play area creating a sense of exclusion.</i> • Indigo Community Access Committee (ICAC) provided advice at their December 2022 meeting to engage further at detailed design phase. <p>ACTION</p> <ul style="list-style-type: none"> • Accessibility will be explained in the Supporting Information. • Indigo Community Access Committee (ICAC) will be fully engaged at the detailed design phase.
6. New road alignment	<ul style="list-style-type: none"> • Concern for road beside Park/ Pool becoming one way and/ or two way (contradictory concerns). • Road may become a 'race-track' and a safety issue. • Potential for access issues raised by residents of Alliance Street. 	<p>RESPONSE</p> <ul style="list-style-type: none"> • The current concept proposal and masterplan is an early phase concept design. At detailed design phase, traffic engineers will investigate all options and optimal design. • The current proposal aims to increase access, visibility and connection between town, park, pool, lake, railway station and freeway. The road proposal aims to formalise existing dirt roads, and link key existing roads. • The lake access concept includes a boardwalk, slow moving vehicle access, scenic parking and pause point amenities such as picnic spots. • Any new roads will be carefully considered and go through a rigorous design and approvals process to ensure best function for the town's needs, this includes review of best location for bus stop and essential services and amenity. <p>ACTION</p> <ul style="list-style-type: none"> • Preliminary meeting with residents of Alliance Street and members of Council from the Tourism, Assets and Planning teams to ensure resident's insights are recorded and will

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THEME	DETAIL	CONSULTANT AND COUNCIL RESPONSE/ACTIONS
	<ul style="list-style-type: none"> Concern for new proposed road linking Bowls Club to Goods Shed, impacting ambience of lake and walkers. 	<p>inform traffic engineering at the detailed design phase (which will trigger further engagement with residents).</p> <ul style="list-style-type: none"> Provide more information of phase 3 implementation and clearly distinguish the proposed new road and formal boardwalk in concept plans.
7. Lap swimming & Learn to Swim facility	<ul style="list-style-type: none"> Lap swimming, Learn to Swim programs and Primary School Swim Carnivals should be considered. 	<p>RESPONSE</p> <ul style="list-style-type: none"> The swimming pool concept has undergone a separate detailed business case and feasibility assessment which addresses each of these issues, as well as viability and related design. The assessment report is complete and attached. The community's pool usage will be carefully quantified (current and forecast) and this includes investigation of indoor spaces and other wellness and commercial opportunities. The pool business case will carefully balance community requirements, destination attraction and commercial realities. <p>ACTIONS</p> <ul style="list-style-type: none"> Learn to Swim functionality and lap lines are required for the pool redevelopment and have been included in the evolution of the design and addressed in the feasibility study.
8. Playground Practicality	<ul style="list-style-type: none"> Clarification required on exact play components of the playground (e.g. how many swings). 	<p>RESPONSE</p> <ul style="list-style-type: none"> There are many play elements in the Playspace including: <ul style="list-style-type: none"> Quad swings with toddler/all abilities Inclusive spinner Rope play scramble area Waterplay area and creek play Sand play areas Climbable sculptures with high-points Sensory play opportunities, such as interactive sound, music, textures etc within sculptures. Sensory planting and exploration, nature play with balance beams and steppers Slides

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THEME	DETAIL	CONSULTANT AND COUNCIL RESPONSE/ACTIONS
		<ul style="list-style-type: none"> - Rock scramble areas <p>ACTION</p> <ul style="list-style-type: none"> • Include improved visibility of play elements in the report.
9. Seating	<ul style="list-style-type: none"> • Ensure enough seating and bench seats are provided for parents/ carers/ supervisors at playground. 	<p>RESPONSE</p> <ul style="list-style-type: none"> • A number of shaded social spaces are already included in the design. <p>ACTION</p> <ul style="list-style-type: none"> • Additional formal and informal seating will be included in the design.
10. Bowling Club & Goods Shed road connectivity	<ul style="list-style-type: none"> • Concern for new proposed road linking Bowls Club to Goods Shed, impacting ambience of lake and walkers. • Bowling Club expansion aspirations may be impacted by road alignment. 	<p>RESPONSE</p> <ul style="list-style-type: none"> • Please reference responses in Point 6. • The road proposed would be a 'scenic drive' style road. With speed restrictors and traffic calming installations to ensure optimal safety of pedestrians. <p>ACTION</p> <ul style="list-style-type: none"> • Provide more information of Phase 3 implementation and clearly distinguish the proposed new road and formal boardwalk in concept plans. • Bowling Club existing boundaries will be formalised and expansion aspirations quantified to inform required additional land considerations.
11. Light & Sound show	<ul style="list-style-type: none"> • What will light and sound show entail? • Is it loud, gaudy and disruptive to residents? 	<p>RESPONSE</p> <ul style="list-style-type: none"> • Light and sound provide a multi-sensory experience for children. The proposal to include these experiences would activate the Playspace on suitable evenings. Frequency, timing, volume and light are all subject to detail design; however, the proposal is for clear controls respecting local residents. • The light element is intended to play on special occasions and at limited set times. For example, on Saturday evenings for 1 hour at sunset, or local festivals/ significant public holidays for a limited duration. <p>ACTION</p>

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THEME	DETAIL	CONSULTANT AND COUNCIL RESPONSE/ACTIONS
		<ul style="list-style-type: none"> Reframe the light and sound proposal in the plan to be a scheduled activation idea. Clarify the controls to mitigate any potential disruption.
12. Indoor commercial space at pool	<ul style="list-style-type: none"> Suggestion to include a hireable commercial space at the pool facility for services such a yoga, massage, Health providers etc. 	<p>RESPONSE</p> <ul style="list-style-type: none"> The swimming pool concept has undergone a separate detailed business case and feasibility assessment which addresses each of these issues, as well as viability and related design. The assessment report is complete and attached. The community’s pool usage will be carefully quantified (current and forecast) and this includes investigation of indoor spaces and other wellness and commercial opportunities. <p>ACTION</p> <ul style="list-style-type: none"> Supporting information to emphasise the commercial space intention and opportunity.
13. Bus Stop	<ul style="list-style-type: none"> Bus stop is a busy and important part of Chiltern for elderly community and school children. Ensure there is enough space for minimum 2 buses to park and manoeuvre. Ensure there is shade and shelter at bus stop. 	<p>RESPONSE AND ACTION</p> <ul style="list-style-type: none"> Road alignment and traffic engineering will carefully consider optimal function for Chiltern’s public transport needs, current and forecast, including bus stop location, adequate space and shelter.
14. Interactive element of water play	<ul style="list-style-type: none"> Confusion around water play element of Playspace and what 	<p>RESPONSE</p> <ul style="list-style-type: none"> The water play design uses potable water and zero-depth water play elements. The play equipment design has controlled water release for

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THEME	DETAIL	CONSULTANT AND COUNCIL RESPONSE/ACTIONS
	<p>interactive components are included. <i>“Appears to be rivers without any play/ interactive elements”.</i></p>	<p>conserving water.</p> <ul style="list-style-type: none"> • Sprays and misters (cloud and rain) use smart technology that use low volumes of water, for a safe and sustainable experience.
<p>15. Sustainability</p>	<ul style="list-style-type: none"> • Elaborate on specific sustainability initiatives included in Playspace. • Will the pool be heated with solar or another sustainable heating method? 	<p>RESPONSE</p> <ul style="list-style-type: none"> • Renewables and sustainable practises and design are imbedded in this early design phase, but will be defined at the detailed design phase. • At this concept phase, solar energy to heat and run the new pool is proposed as well as sustainable water elements in the Playspace. • Sustainable materials are included (steel can be recycled etc). • Minimised use of concrete where possible to allow runoff to permeate soils, use of natural shade and lawns and planting to reduce heating. • Possibly incorporate rain gardens to filter runoff on site and reintroduce to ground water. • Indigo Sustainability Advisory Committee reviewed draft concept design. <p>ACTION</p> <ul style="list-style-type: none"> • Sustainable initiatives and opportunities will be determined at detailed design phase. • Sustainability imperatives articulated in Supporting Information. • Indigo Sustainability Advisory Committee engagement at detailed design phase.
<p>16. Parking at Pump Track</p>	<ul style="list-style-type: none"> • Appears to be no parking at pump track. Is this going to be included in plans? 	<p>RESPONSE</p> <ul style="list-style-type: none"> • Provision for additional parking is included in the design. The Lake scenic road/ parking is a short walk or ride from/to the pump track. • On-road parking is also available around the pump track and skate park.

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THEME	DETAIL	CONSULTANT AND COUNCIL RESPONSE/ACTIONS
		<p>ACTION</p> <ul style="list-style-type: none"> • Council and community to monitor pump track/ skate park usage growth and assess parking requirements.
<p>17. Flood mitigation & drainage</p>	<ul style="list-style-type: none"> • Martin Park is prone to flooding and drainage issues. • New plans should consider flood mitigation and drainage to reduce likelihood of these things occurring. 	<p>RESPONSE AND ACTION</p> <ul style="list-style-type: none"> • Broader flooding and water management is underway as part of a different project. This work will assist the proposed playground and pool project. • Flood mitigation and drainage will be worked though with engineers in future design phases of the project. This will reference to the broader flooding management project.

SUMMARY OF ACTIONS

Council received many constructive inputs and valuable insights. These have directed revisions and additions to the concept designs. Many inputs raised through the public exhibition period has already been considered in design development, but required greater clarity and visibility in the report. Some inputs have been recorded and will inform the detailed design phase.

To better explain the vision, rationale and intentions for this Playspace, the consultants have responded to the community inputs by making a number of revisions, updates and additions to the concept design, as well as providing Project Delivery and Supporting Information sections in the report to provide additional clarity.

ACTIONS

- Develop Project Delivery and Supporting Information section in the report to articulate rationales.
- We will preserve or relocate the Regent Honeyeater mural. This might necessitate re-engagement of the artist.
- The extent of shade structures will be detailed in the playground and pool areas as the detailed design is progressed. Commitment to appropriate shade is recognised in the Supporting Information.
- Accessibility will be explained in the Supporting Information.

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- Indigo Community Access Committee (ICAC) will be fully engaged at the detailed design phase.
- Preliminary meeting with residents of Alliance Street and members of Council from the Tourism, Assets and Planning teams to ensure resident’s insights are recorded and will inform traffic engineering at the detailed design phase (which will trigger further engagement with residents).
- Provide more information of phase 3 implementation and clearly distinguish the proposed new road and formal boardwalk in concept plans.
- Learn to Swim functionality and lap lines are required for the pool redevelopment and have been included in the evolution of the design and addressed in the feasibility assessment.
- Include improved visibility of play elements in the report.
- Additional formal and informal seating will be included in the design.
- Bowling Club existing boundaries will be formalised and expansion aspirations quantified to inform required additional land considerations.
- Reframe the light and sound proposal in the plan to be a scheduled activation idea. Clarify the controls to mitigate of any potential disruption.
- Supporting information to emphasise the commercial space intention and opportunity.
- Sustainable initiatives and opportunities will be determined at detailed design phase.
- Sustainability imperatives articulated in Supporting Information.
- Indigo Sustainability Advisory Committee engagement at detailed design phase.
- Council and community to monitor pump track/ skate park usage growth and assess parking requirements.

STRATEGIC CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	3. Prosperity
Strategic Objective	3.2 Tourism is a major economic driver, critical to the long term sustainability of the Shire and leading the way in the post COVID-19 recovery phase and beyond
Strategic Action	3.2.1 Progress key priorities from the Indigo Destination Game Changer Tourism Strategy 2023

The Chiltern Destination Playspace project strongly aligns with strategic plans and objectives of Council including:

- Council Plan - Vision, key themes and strategic objectives.
- Indigo Destination Game Changer Tourism Strategy 2018 – 2023
- Indigo Economic Development Strategy

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SOCIAL/COMMUNITY IMPLICATIONS

The Playspace is a community space for all ages. The pool development includes not only learn to swim, lap swimming, toddler swimming and recreation but outdoor and indoor wellness spaces. Improved walking, cycling and vehicle access between town and lake, improves community connectivity.

ENVIRONMENTAL IMPLICATIONS

Sustainability is a guiding principle in the Council Plan. The main sustainability alignment in this project is for potential opportunities for using sustainable materials and renewable energy initiatives in implementation and heating of the thermal hot pools and reflecting climate in the concept design.

FINANCIAL IMPLICATIONS

The cost to develop the Playspace Concept Designs presented in this report is detailed in the following table.

	Approved Budget \$	This Proposal \$	Variance to Approved Budget \$	Comments
Revenue	\$125,000	\$125,000	\$0	
Expense	\$125,000	\$145,650	(\$20,650)	Approved variation for additional site Survey work.
Net Result	\$0	\$0	\$0	

Once the concept is adopted, it positions Council to seek grant funding from various funding programs for future phased implementation. The total cost of the Playspace is estimated at approximately \$15M. The concept design report proposes a phased approach, with each phase deliverable as a project in its own right. There is opportunity to bundle phases together or deliver the project in full if suitable larger funding or grant opportunities arise. Once this project is adopted, officers can begin to seek various grants and funding avenues, if and when they become available.

LEGISLATIVE IMPLICATIONS

N/A

RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
Report is not adopted	Possible	Moderate	Medium	Report process meets (exceeds) due diligence to finalise project appropriately.
Report is adopted but Council fail to secure grant funding to construct, causing community disappointment.	Possible	Moderate	Medium	Council have consistently communicated project fruition relies on grant funding and is a long-term vision.

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Opportunity: Chiltern is situated just 1km off the Hume Hwy between two large high-functioning regional hubs (Wangaratta and Albury/Wodonga). It is also the only town in Indigo with an operational Train Station. The Chiltern Destination Playspace project will be a catalyst for economic growth, employment and infrastructure investment to grow an emerging, sustainable community in the heart of Indigo Shire.

COMMUNITY ENGAGEMENT

Engagement undertaken

Extensive community consultation was undertaken to inform the Playspace Concept Designs. Consultation occurred on-site, in person and online, including:

- Stakeholder meetings with: Chiltern Tourism Development Association, Chiltern Caravan Park lessees, Chiltern Post Office business owners, Heritage and Cycling Representatives.
- Primary School consultation: 35 Students engaged at both Chiltern Primary School and St. Josephs Primary School.
- A series of community drop-in (3) sessions, held morning, afternoon and evening, at Chiltern Senior Citizens Centre.
- Online survey (44 responses)
- Promotion of engagement via invitation, Indigo Weekly Update, Council website and socials, Rutherglen Weekly eNewsletter, RVIC/RWE counter information, key stakeholder organisations' networks.
- Additional key stakeholder consultation pre-public exhibition.
- December 2022 meeting with Indio Community Access Committee (ICAC).
- Draft concept circulated to Indigo Sustainability Advisory Committee.
- General public exhibition process for 60 days from December 2022 – February 2023 where we received 54 submissions.
- Additional onsite meeting with adjacent residents, planning, tourism and infrastructure officers.
- **Advisory Committees review**
 - Indigo Shire Cultural Heritage Advisory Committee – report circulated for advice and comment.
 - One response received from a member of the Advisory Committee in support of the project.
 - Summary of response - Contemporary infrastructure such as this is vital for a place to remain relevant to new generations of residents and visitors. People appreciate heritage, but they are more aware of this when it is juxtaposed with developments that indicate that places grow, develop and change with the times.
 - Whilst it is critical that existing heritage is not compromised (i.e. meeting the planning and heritage overlay requirements), places become richer when the heritage is embedded within a living place, rather than experienced as a 'theme park'.

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- In order to expose audiences to heritage, they must first be attracted to Chiltern. Playspaces are destination attractions (e.g. proven in RBG Melbourne’s Children’s Garden, Canberra Arboretum Playspace and Mukanthi playground and the new Southbank Playspace)
- IndiGrow – report circulated and presentation at IndiGrow meeting 17 April 2023.
 - Motion of support for project – see 17 April 2023 Minutes.
- Community Access Committee – re-engagement at detailed design phase.
- Environment Advisory Committee – re-engagement at detailed design phase.

Engagement outcomes

The project response from public exhibition was strongly supportive. Local primary school students are particularly excited by and supportive of the project. Key insights and inputs have been collated, shared, considered and implemented to inform the final Playspace concept design report.

It is important to emphasise that community response is a critical consideration, however the economic/destination objectives remain the rationale for this project and any subsequent implementation investment.

Council officers presented the final draft report to IndiGrow at their meeting on 17 April 2023 which was very well received. The committee moved a motion of support for the project.

Engagement proposed

Authorised re-engagement of Indigo Community Access Committee (ICAC) and Indigo Environment Advisory Committee (IEAC) at future detailed-design phase, when/ if Council receives funding to progress.

Next steps

This Playspace project presents concept designs only, following on from the project business case completed back in 2020. Once the concept is adopted, it positions Council to then seek grant funding from various funding programs for future phased implementation.

CONCLUSION

The draft Concept Design Report delivers a game-changing concept for Chiltern’s future as a destination in its own right, and for playgrounds and aging regional pool facilities across Australia.

This report provides Councillors with all public exhibition responses, subsequent officer and consultant actions, the *Chiltern Pool Needs Assessment Report* and the final draft *Chiltern Destination Playspace Concept Design Report*.

The final draft Concept Design Report is presented for Council adoption at the June Council Meeting.

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DECLARATION OF CONFLICT OF INTEREST

Under section 130(2) of the *Local Government Act 2020* and Governance Rule 24, the following officers declare that they have no interests to disclose in providing this report:





- Sally Rice – Director Community & Economic Development
- Susannah Doyle – Tourism Manager
- Chloe Powell – Tourism Development Officer - Product Development

CONFIDENTIAL ATTACHMENTS

Attachments 1 and 5 are confidential under section 3(1) of the *Local Government Act 2020* because they contain personal information of residents and groups.

The reason this section applies is because it contains personal information, including the names and contact information of submitters, provided to Council as part of the submission process. If released, this would result in the unreasonable disclosure of information as this is personal information which does not have any impact on the consideration of the Concept Design Report.

Attachments

1. All Combined Public Exhibition Submissions (Confidential)
2.  Summary of All Public Exhibition Submissions
3.  Chiltern Pool Needs Assessment Report - Final
4.  Chiltern Destination Playspace Concept Design Report - Final Draft
5. Chiltern Playspace - Indigo Shire Cultural Heritage Advisory Committee response (Confidential)
6.  CDP Changing Places and Amenities Location

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12.2 SWIMMING POOLS REPORT 2022/2023

File No: 2023/400

Carlene Lamanna - Manager Community
Development

Community & Economic Development

For Decision

RECOMMENDATION

That Council:

1. Receives the 2022/2023 swimming pool season report;
2. Rescinds the motion from the December 2022 meeting to remove the cold weather policy; and
3. Defers to the original contract clause enabling Council officers to develop an appropriate operational process with Belgravia Leisure to manage extreme weather events.

RESOLUTION

That Council:

1. Receives the 2022/2023 swimming pool season report;
2. Rescinds the motion from the December 2022 meeting to remove the cold weather policy; and
3. Defers to the original contract clause enabling Council officers to develop an appropriate operational process with Belgravia Leisure to manage extreme weather events.

Moved: Cr Croucher

Seconded: Cr Teissl

For: Crs Peter Croucher, Bernard Gaffney, Larry Goldsworthy, Roberta Horne, Sophie Price, Diane Shephard and Emmerick Teissl

Against: Nil

CARRIED

PURPOSE OF REPORT

The purpose of this report is to present the key achievements, challenges and opportunities from the 2022/2023 swimming pool season.

This report also makes recommendations in relation to the operation of pools in relation to cold or extreme weather events.

Due to an unseasonably cold and wet start to November the 2022/ 2023 season was delayed by a week. This continued into early December where a cold weather policy was introduced to provide a clear and measurable point (23-degrees) at which pools would be closed to ensure patron safety and enjoyment.

The arrangement with Councils pool operations contractor, Belgravia Leisure, was that any days or hours lost due to activation of the cold weather policy would be recorded ('banked') and made up later in the season if and when the weather was expected to be more favourable.

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The cold weather policy was activated on five occasions before a motion was passed at the December Council meeting to remove it. The ‘banked’ hours were made up across a variety of sites through increased hours of operation and additional programming.

In the absence of a cold weather policy, Belgravia was unable to extend operating hours on warmer days without a contract price variation which was incurred by Council.

This report recommends rescinding the December Council meeting motion and deferring to the original contract clause that provides Belgravia, in consultation with Council, with the discretion to vary opening hours according to extreme weather (storms, cold and heat). A process will be developed between Belgravia and Council to appropriately manage cold weather events. The details of the proposed process are outlined later in this report.

BACKGROUND

Indigo Shire Council owns five outdoor public swimming pools in Beechworth, Chiltern, Rutherglen, Tangambalanga and Yackandandah. The pools are highly valued community assets that enable improved health and social outcomes for residents and visitors.

Belgravia Leisure commenced operational management of the pools for the 2021/2022 season. The contract with Belgravia is a three-year contract, with the option to renew for an additional year. Prior to this contract Indigo Shire Council managed the pools with support from labour hire company Momentum One.

The pools operate on a seasonal basis with the regular season held between November and March. An extended season, that offers early morning swimming only, is held at Beechworth, Rutherglen and Yackandandah in March and April.

DISCUSSION

1. Season dates and times

Hours of operation are set by Council in consultation with Belgravia and based on historical participation figures. Hours of operation can vary from site to site and this information is available on both Council and Belgravia’s website and Google business pages. Belgravia’s annual contract is priced to these hours.

Any changes to the uncontracted hours of operation is negotiated with Belgravia and Council incurs the cost. This means that the only way to accommodate requests for an extension to the pool seasons i.e. during a hot spell in late mid-March to early April (which may also coincide with an early Easter and school holidays) is through a contract variation that Council is required to fund.

Funding for additional or extended pool operating hours has not been allowed for in annual operation budgets and is not proposed in the current Draft 2023 / 2024 Budget.

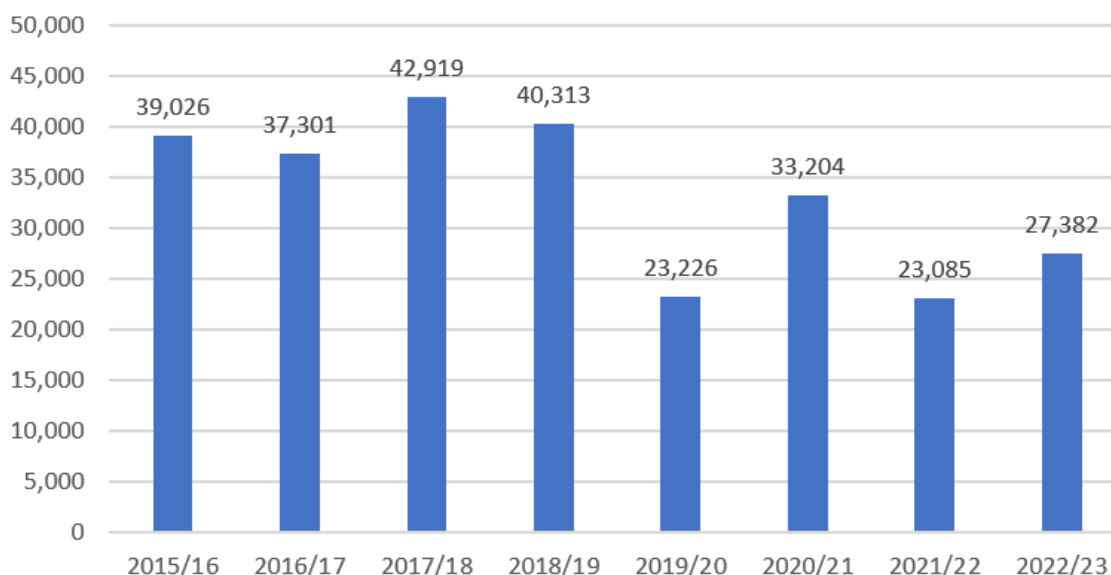
2. Attendance

Pool	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23
Beechworth	12,375	11,679	15,413	10,965	6,232	9,335	8,267	10,384
Chiltern	5,636	5,098	6,328	4,319	2,842	3,794	1,905	3,381
Rutherglen	7,270	9,915	5,411	11,727	4,363	8,356	5,477	5,203
Tangam	5,435	4,117	4,598	5,590	3,495	5,351	2,547	3,530
Yack	8,310	6,489	11,169	7,712	6,294	6,368	4,889	4,884

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Total	39,026	37,301	42,919	40,313	23,226	33,204	23,085	27,382
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Total pool attendance per year



The average attendance across these 8 seasons is 33,307. This season's attendance of 27,382 is a 17.8% decrease on the average attendance.

Attendance has been significantly impacted in recent seasons due to the 2019/2020 bushfires and 2021/2022 pandemic. The 2022/2023 season saw a slight reversal in this trend but overall participation figures remain down when compared to previous seasons.

3. Closures

Due to an unseasonably cold and wet start to November the season was delayed by a week. This continued into early December where a cold weather policy was introduced to provide a clear and measurable point at which pools would be closed to ensure patron safety and enjoyment. The 23-degree trigger point was based on evidence from other Belgravia operated outdoor sites which saw participation significantly reduced at or below this temperature. The arrangement with Belgravia was that any days or hours lost due to activation of the cold weather policy would be recorded ('banked') and made up later in the season if and when the weather was expected to be more favourable.

The cold weather policy was activated on five occasions before a motion was passed at the December Council meeting to remove it. The 'banked' hours were made up across a variety of sites through increased hours of operation and additional programming. Below is a summary of where the hours were made up:

1. Extension of morning swimming at Chiltern: 20 hours
2. Extension of morning swimming at Yackandandah: 30 hours
3. Bush Nippers Program at Lake Sambell: 30 hours
4. Parents and Bubs Program at Beechworth: 10 hours
5. Extreme heat extension of hours (Friday 17 February): 10 hours

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In the absence of a cold weather policy, Belgravia was unable to extend operating hours on warmer days without a contract price variation which was incurred by Council.

Council officers recommend rescinding the December Council meeting motion and deferring to the original contract clause that provides Belgravia, in consultation with Council, with the discretion to vary opening hours according to extreme weather (storms, cold and heat).

Enabling the pools to be closed during cold weather and 'banking' those hours for reuse provides the community greater access to pools during hot weather when it is more conducive for recreational swimming. The banked hours can be used either within a season (opening longer on hot days) or to extend a season (opening later into the year). It is also a more cost-effective way for Council and Belgravia to operate the pools.

A process would be developed between Belgravia and Council to appropriately manage cold weather events. The below aspects will be considered and inform closure decisions:

1. Constant monitoring of the forecast and conditions. Closure will be considered when there are definitive adverse conditions expected that will compromise patron safety and enjoyment. The final decision will be made by the CEO.
2. Apply any closure decision to afternoon swimming only (morning swimming continues regardless of the temperature);
3. Ensure clear, timely (minimum 24 hours' notice) and consistent communication to community regarding closures and the 'banking' of hours for additional operating hours when suitable in the season.

4. Staffing

In contrast to the previous season lifeguard recruitment across all sites was strong. The total number of staff employed in 2022/2023 was 46, up significantly on the 27 employed in 2021/2022. An earlier investment in advertising, largely through social media platforms, targeted schools and university students to good effect.

Free training for lifeguards and swimming teachers was offered by Belgravia to attract a greater number of staff. This model will be reviewed and adjusted in future seasons to ensure it remains a financially sustainable approach.

Belgravia's Operations Manager will not return for the 2023/2024 season. Recruitment to replace this role is currently in progress. This will continue to be a shared resource with Alpine Shire Council.

5. Programming

Belgravia responded to community feedback from the previous season and delivered the following programming opportunities across a range of locations.

5.1 Bush Nippers – With help from Life Saving Victoria a Bush Nippers program, similar to the coastal program, was delivered at Lake Sambell. The program was delivered from Wednesday 11 to Friday 13 January and 74 participants were enrolled. This program focussed on water safety and was extremely well received by the community. This program was so popular a waiting list was needed due to the high demand. The program was subsidised in part by Indigo Shire Council reducing the cost for the program to \$80 per participant.

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This program addresses the increase in drownings in Victoria in inland waterways. In 2022 inland waterway drownings increased to 45% of all drownings across Victoria. This has been steadily increasing over the last few years and has now been identified as a black spot program by the Federal Government.

Over the coming years it is expected that Council will play a lead role in managing the safety of inland swimming locations and increasing the knowledge and capacity of community members when it comes to water safety.

5.2 VicSwim Program – over a 3-week holiday period from January 3 to January 20 the VicSwim Learn to Swim program was delivered at sites in Beechworth, Chiltern, Yackandandah and Rutherglen. This popular program was fully booked.

Unfortunately the Tangambalanga program was cancelled at late notice due to a shortage of qualified swimming teachers. This was common at other sites across the state and not isolated to Indigo Shire.

5.3 Aqua Aerobics Program – Following on from an Active Indigo Grant, an Aqua Aerobics program was delivered at Rutherglen and Yackandandah. The program was delivered in partnership with Indigo North Health and Belgravia Leisure. Trained Aqua Aerobics instructors delivered 2 sessions per week at Yackandandah and Rutherglen pools during February and March. Participation rates were extremely high and positive feedback was received from the community. The average weekly number of participants in the Rutherglen Aqua Aerobics program was 25.

5.4 Parents and Bubs – This pilot program was delivered at Beechworth in partnership with Indigo Shire's Maternal Child Health team and Belgravia to provide new parents an exclusive time slot for a play session with their new babies. It gave new parents the opportunity to familiarise their little ones with the aquatic environment and to socialise with other young families.

The opportunity exists for the 2023/24 season to expand this to further pool locations and to provide more formal and structured infant aquatic classes. The average weekly number of participants in the Parents and Bubs program was 6.

5.5 Learn to Swim – Following on from the success of the VicSwim program Belgravia was able to offer a late season Learn to Swim program at Beechworth and Yackandandah. This program was targeted at a range of swimming abilities and age groups with three time slots available after school. This program was fully booked and the feedback from community is they would like to see this program at all pool locations for the entire swimming season. The total number of participants was 75.

5.6 Movie Night – Belgravia piloted a movie night at the Beechworth pool in January. On a hot summer's evening patrons could watch a movie whilst relaxing and cooling down in the pool. This activation was well received by the community.

6. Maintenance

Maintenance remains an ongoing issue for the ageing pools infrastructure. The Pools Development Plan provides a strategic guide for monitoring and upgrading key equipment but unexpected failures continue to interrupt operations.

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As the Pools Development Plan nears its expiry in 2024 a preventative maintenance program is being explored to improve the monitoring of pool equipment. The ageing infrastructure across all sites require ongoing investment by Council to ensure safe and functional aquatic facilities in line with industry standards.

7. Capital Improvement and Renewal Works

The capital expenditure budget for the 2022/23 season was \$295,000 up significantly on the \$60,000 from the previous season. This decision was informed by Councils Pools Development Plan. The recently awarded works will see significant upgrades to chemical delivery systems across all pool sites to ensure systems run more reliably, are safer to maintain and operate for staff, adhere to guidelines and are sustainable to operate into the future.

Other major investments in pool infrastructure before the 2023/2024 season will be the re-lining of the Beechworth pool.

8. Health and Safety

Across all sites Lifeguards administered first aid on nine occasions and entered the water on two occasions to perform rescues.

STRATEGIC CONTEXT

The Pools Development Plan was adopted by Council at the February 2020 meeting. This plan provides strategic guidance regarding the short- and long-term infrastructure needs across all pool sites. Specific actions relating to the upgrade of the Beechworth Pool are listed in the Active Indigo Recreation Plan.

COUNCIL PLAN 2021 – 2025	
Theme	1. Communities
Strategic Objective	1.1 Our community members have access to support services to help them achieve and sustain physical and emotional health and wellbeing.
Strategic Action	1.1.3 Progress the key priorities of the Active Indigo Plan

SOCIAL/COMMUNITY IMPLICATIONS

The health and wellbeing benefits of public pools for small regional towns are significant. The interest in group-based programming at the pools has indicated community interest in these low impact, health and awareness raising initiatives.

ENVIRONMENTAL IMPLICATIONS

Swimming pools continue to use and turnover large volumes of water, consume harmful chemicals and utilise high levels of electricity to operate. In partnership with Belgravia Council will continue to explore how best to sustainably manage our pools and follow best practice when it comes to chemical management.

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FINANCIAL IMPLICATIONS

Account	YTD Actual	YTD Forecast	YTD Forecast Variance	2021/22 Actuals	2020/21 Actuals	2019/20 Actuals
Contract Payments	449,049	447,985	1,065	445,091	264,021	298,179
Employee Costs	156	156		3,418	29,424	5,356
Materials	1,901	1,901		2,527	54,704	43,502
Utilities	(1,923)	374	2,297	12,513	88,590	87,750
Other expenses	1,455	0	(1,455)	5,972	14,865	4,834
Income					(122,933)	(124,887)
Total	(450,638)	(450,417)	(222)	(473,279)	(328,671)	(314,734)

In addition, Council allocates a Swimming Pool Facilities cyclical maintenance budget.

	YTD Actual	YTD Forecast	YTD Forecast Variance	2021/22 Actuals	2020/21 Actuals	2019/20 Actuals
Pool Cyclical Maintenance	14,359	17,029	2,670	14,521	23,904	16,841

LEGISLATIVE IMPLICATIONS

Compliance with the Guidelines for Safe Pool Operations and obligations within the Public Health and Wellbeing Act.

RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
Loss of life from drowning	Rare	Catastrophic	High	<ul style="list-style-type: none"> Provision of certified lifeguards Facility signage identifying and warning of risks Rescue equipment provided at pools First aid resources at pools
Injury from hazardous substances	Possible	Major	High	<ul style="list-style-type: none"> Provision of PPE for employees OH&S Inspections OH&S Policies Independent inspections Provision of emergency shower and eye wash

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Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
Injury from Electrical Equipment	Possible	Major	High	<ul style="list-style-type: none"> Scheduled Testing & Tagging Increased Induction sessions Standard Operating Procedures Visual Inspections and equipment removed from service
Community criticism in relation to pool operations	Possible	Minor	Low	<ul style="list-style-type: none"> Accurate and timely communications across all available platforms (text, social, web, physical pool signage) to inform community of any changes to hours of operation

COMMUNITY ENGAGEMENT

Community feedback from the previous season suggested that communication improvements were required to make pool information i.e. hours of operation more consistent and accessible for patrons. In response to this Belgravia consolidated five individual pool websites into one and introduced an opt in group text messaging system for live alerts. Council improvements included the addition of Google business pages, sharing social media posts to community pages affected by changes and website upgrades to mirror the information presented on the Belgravia site. The above changes significantly decreased community enquiries relating to pool information and was a significant improvement on the community engagement in relation to pool.

CONCLUSION

The 2022/2023 pools season had some great outcomes for our community including a significant investment in aquatic infrastructure improvements, a broader offering of activations and programming highlighted by the Bush Nippers and Aqua Aerobics programs; and the introduction of improved community engagement processes.

Strategically, local swimming pools are essential in helping drive down the inland waterway drowning statistics. Community pools continue to be a safe place of significant social benefit for our communities.

Sustainability of pool operations will be an area of focus into the longer term. Indigo Shire Council's operating contract nears the end of its 3-year term at the end of the 2023/2024 season. This will require a consideration of the future service delivery options.

The cold weather policy, activated on five occasions early in the season provided an opportunity to reuse those banked hours through increased hours of operation and additional programming across the season. This report recommends rescinding the motion from the December 2022 meeting to remove the cold weather policy and for Council to defers to the original contract clause enabling Council officers to develop an appropriate operational process with Belgravia Leisure to manage extreme weather events.

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DECLARATION OF CONFLICT OF INTEREST

Under section 130(2) of the *Local Government Act 2020* and Governance Rule 24, the following officers declare that they have no interests to disclose in providing this report:

- Sally Rice – Director Community & Economic Development
- Carlene Lamanna – Manager Community Development
- Mark De Campo – Community Development Coordinator
- Jarrod Craven – Active Indigo Officer

Attachments

Nil

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12.3 REVOCATION OF BURKE MUSEUM BEECHWORTH COLLECTION POLICY 2015

File No: 2023/406

Ashleigh Giffney - Acting Manager Burke
Museum & Cultural Heritage

Community & Economic Development

For Decision

RECOMMENDATION

That Council:

1. Notes the revised Burke Museum Collection Policy 2022;
2. Accepts the Burke Museum Collection Policy 2022 will be approved as a CEO Directive;
3. Endorses the revocation of the Burke Museum Beechworth Collection Policy 2015; and
4. Notes that Council will receive an annual briefing detailing the outcome of the annual audit and/or four year revaluation reports associated with the AMaGA accreditation plus the Cultural Heritage Advisory Committees response to those audit/revaluation reports.

RESOLUTION

That Council:

1. Notes the revised Burke Museum Collection Policy 2022;
2. Accepts the Burke Museum Collection Policy 2022 will be approved as a CEO Directive;
3. Endorses the revocation of the Burke Museum Beechworth Collection Policy 2015; and
4. Notes that Council will receive an annual briefing detailing the outcome of the annual audit and/or four year revaluation reports associated with the AMaGA accreditation plus the Cultural Heritage Advisory Committees response to those audit/revaluation reports.

Moved: Cr Shepherd

Seconded: Cr Goldsworthy

For: Crs Peter Croucher, Larry Goldsworthy, Roberta Horne, Sophie Price, Diane Shepherd and Emmerick Teissl

Against: Cr Bernard Gaffney

CARRIED

PURPOSE OF REPORT

The purpose of this report is to seek endorsement from Council to revoke the Burke Museum Beechworth Collection Policy 2015 and accept the Burke Museum Collection policy 2022 as a CEO Directive.

In line with the AMaGA accreditation process the Policy notes the following “the policy is reviewed on an annual basis in August as part of the Burke Museum’s ‘Audit August’ and revaluated every-four years from date of endorsement”. The outcomes of these audits and four-year revaluation will be considered by the Cultural Heritage Advisory Committee and reported to the CEO.

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This report recommends that Council is briefed each year on the outcome of the annual audit and/or four-year revaluation reports associated with the AMaGA accreditation plus the Cultural Heritage Advisory Committees response to those audit/revaluation reports.

BACKGROUND

The 2015 Burke Museum Beechworth Collections Policy has been substantially revised, with the new 2022 Burke Museum Collections Policy forming part of the 2022 Burke Museum Accreditation documentation. The Museums Accreditation Program (MAP) as part of the Australian Museums and Galleries Association (AMaGA) assess the Collections Policy as a key component of accreditation.

MAP/AMaGA acknowledged the 2022 Burke Museum Collections Policy to be a model document and a template for other organisations managing similar collections. The Burke Museum gained reaccreditation in 2022. Council's Burke Museum and the Historic Precinct website is currently undergoing a significant update. The new content will shortly be published and will include the 2022 Policy for the community to access.

Collection Policies are unique to museums and distinct from normal council policies. Collection policies are prepared in response to the museum accreditation process to guide museum practices, such as acquisitions, loans, and conservation. They require specialised knowledge of the materials, artefacts, or assets the museum holds or intends to acquire. From a Local Government perspective Museum Collection Policies are operational.

The Burke Museum Collection Policy is designed to ensure that the museum's collections deliver on its mission and purpose, with a focus on public access, research, education, exhibition, and interpretation. This requires a high level of attention to detail, including ethical considerations and preservation standards, which are specific to the field of museums. Therefore, creating a comprehensive and effective collection policy is vital to safeguarding the integrity and long-term viability of a museum.

DISCUSSION

It is recommended that the Burke Museum Beechworth Collection Policy 2015 be revoked as an Indigo Shire Council Policy and the revised Burke Museum Collection Policy 2022 instead become a CEO directive. By shifting from a Council Policy to a CEO directive, the museum stands to gain numerous benefits. The CEO directive process offers greater flexibility to meet the needs of the Burke Museum and the sector at large. With the need for regular review and revision of policies to keep pace with industry standards, implementing the CEO directive allows for prompt and efficient updates, ensuring that new policies and procedures can be quickly put into effect. This transformation offers internal alignment, adaptability, accountability and efficient application, making it a prudent move for the Burke Museum's growth.

Museum Collection Policies are designed to govern operations being undertaken within the Museum and ensure that collection practices meet industry standards and reflect contemporary priorities and practices. As such, these policies are instrumental in regulating the nature and scope of the Museum's collection, as well as ensuring its continued curation and stewardship. In keeping with this mandate, the Burke Museum updated its collection policy in 2022 to reflect the current National Standards for Museums and Galleries Australia (attached).

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Options

The option is for the collection policy to remain a Council Policy. This is not the recommended option because as mentioned previously, Museum collection Policies are guided by the peak bodies in the museum sector, namely AMaGA and in line with MAP. They are developed according to industry standards and are a key component of museum accreditation. Therefore, Museum Policies are more procedural, and operational, than standard Local Government Policies. The operational nature of the Collections Policy is considered to align better as a CEO policy rather than a Council Policy.

STRATEGIC

CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	2. Liveability
Strategic Objective	2.4 Our heritage and cultural assets are highly valued and protected and we celebrate our unique place in Australia’s rich history.
Strategic Action	2.4.1 Advocate for, and act on opportunities to enhance the preservation of heritage assets

The Burke Museum Collection Policy 2022 serves as a guide to ensure that any decision-making process associated with managing, preserving, and conserving the collection are ensured for future generations to enjoy and celebrate.

SOCIAL/COMMUNITY IMPLICATIONS

The Burke Museum Collection Policy 2022 provides a framework for how collections of materials, including documents, images, and other items, are cultivated and shared. By curating these collections according to local and community interests and needs, the Burke Museum is able to effectively enhance both understanding and appreciation of the histories, cultures, and current events.

ENVIRONMENTAL IMPLICATIONS

The Burke Museum Collection Policy 2022 aligns with environmental policies as it is based on a commitment to sustainability and environmental stewardship. Through its focus on collecting, preserving, and interpreting natural history and cultural significant objects, this document helps to emphasize the importance of community pride and progress by protecting our collective history. This preservation of local culture and knowledge also brings attention to the need for action to address climate change.

FINANCIAL IMPLICATIONS

Noting that Collections Management does not generate revenue. Collections (artefacts and built assets) generate revenue through Curation Management including exhibitions, tours, programs, events and general visitation.

LEGISLATIVE IMPLICATIONS

The Collection Policy has the following legislative requirements:

- Aboriginal Heritage Act 2006 (Victoria)
- Copyright Act 1968
- Firearms Act 1996 (Victoria)
- Dangerous Goods (storage and handling) Act 2000
- Privacy and Data Protection Act 2014 (Victoria)

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RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
Natural disasters	Unlikely	Minor	Low	Emergency preparedness Plan (updates due 2023)
Theft of the collection	Unlikely	Minor	Low	Security measures such as locks, and safety systems (CCTV to be installed 2023)
Loss or damage to the collection	Unlikely	Minor	Low	Preventative care practices employed

Opportunities:

- Links to significant stories – Ned Kelly, Burke and Wills
- Ongoing repatriation program of First Nations objects
- Greater integration with other historic precinct sites is underway
- Partnership with Deakin University continues to strengthen industry networks

COMMUNITY ENGAGEMENT

Engagement undertaken

- Consultation with staff and volunteers of the Beechworth Historic Precinct.
- The Australian Museums and Galleries Association (AMaGA)
- Museums Accreditation Program (MAP)
- Indigo Shire Council Cultural Heritage Advisory Committee

In line with the AMaGA accreditation process the Policy notes the following “the policy is reviewed on an annual basis in August as part of the Burke Museum’s ‘Audit August’ and revaluated every-four years from date of endorsement”. The outcomes of these audits and four-year revaluation will be considered by the Cultural Heritage Advisory Committee and reported to the CEO.

This report recommends that Council is briefed each year on the outcome of the annual audit and /or four-year revaluation reports associated with the AMaGA accreditation plus the Cultural Heritage Advisory Committees response to those audit / revaluation reports.

Engagement outcomes

- Identification of key collection themes, criteria and direction.
- Reaccreditation of the Burke Museum.
- Indigo Shire Council Cultural Heritage Advisory Committee: As per the minutes, REC23/6730.

The Burke Museum Collections Policy 2022 will be publicly available on Councils website.

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CONCLUSION

This report recommends that the Burke Museum Collection Policy be revoked as an Indigo Shire Council Policy. It also recommends that Council accept that the Burked Museum Collection Policy 2022 will be approved as a CEO directive to streamline the Museum's collection practices. This will ensure that the Burke Museum Collection Policy can be updated and adapted quickly to meet industry standards and the specific needs of the Museum. In addition, this change will promote internal alignment, ensuring that all staff, volunteers, and contractors are aware of the Council's intent and direction on collection practices.



The revised Burke Museum Collection Policy 2022 complies with the current National Standards for Museums and Galleries Australia, highlighting the Burke Museum's commitment towards meeting industry standards and reflecting contemporary priorities. It is recommended that Council endorse this collection policy as a CEO Directive.

DECLARATION OF CONFLICT OF INTEREST

Under section 130(2) of the *Local Government Act 2020* and Governance Rule 24, the following officers declare that they have no interests to disclose in providing this report:

- Sally Rice – Director Community & Economic Development
- Susannah Doyle – Tourism Manager
- Ashleigh Giffney – Collections Manager/Acting Burke & Cultural Heritage Manager

Attachments

1.  Burke Museum Collection Policy 2022
2.  Burke Museum Beechworth Collection Policy 2015

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12.4 RECONCILIATION ACTION PLAN PROGRESS REPORT

File No: 2023/408

Carlene Lamanna - Manager Community
Development

Community & Economic Development

For Decision

RECOMMENDATION

That Council:

1. Receives this report noting Indigo Shire Council's Reconciliation Action Plan progress;
2. Endorses the attached updated RAP Action Plan with a 6-month extension to some actions;
and
3. Adopts the attached Terms of Reference (ToR) for the RAP Working Group

RESOLUTION

That Council:

1. Receives this report noting Indigo Shire Council's Reconciliation Action Plan progress;
2. Endorses the attached updated RAP Action Plan with a 6-month extension to some actions;
and
3. Adopts the attached Terms of Reference (ToR) for the RAP Working Group.

Moved: Cr Goldsworthy

Seconded: Cr Teissl

For: Crs Peter Croucher, Bernard Gaffney, Larry Goldsworthy, Roberta Horne, Sophie Price,
Diane Shepherd and Emmerick Teissl

Against: Nil

CARRIED

PURPOSE OF REPORT

Indigo Shire Council adopted the Reflect Reconciliation Action Plan (RAP) in April 2022. This report details the progress against actions and outlines the next phase of deliverables for the RAP.

EXECUTIVE SUMMARY

June 2023 will mark the ISC Reflect RAP 12-month milestone. Since that time a number of important steps have been made, they are:

1. Council has achieved an 85% success rate against actions since commencement with only 13% of actions yet to commence.
2. Through this process and since the RAP's adoption Council has improved its cultural awareness and education.
3. This report highlights how the RAP has helped improve relationship with Aboriginal and Torres Strait Islander groups.

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The report summarises action progress, presents the Working Group ToR for adoption and proposes an extension for several actions not yet commenced.

BACKGROUND

The RAP is Council's guide to strategic engagement with Aboriginal and Torres Straits Islander groups. It was developed in partnership with Reconciliation Australia, internal stakeholders, traditional owner groups and other Aboriginal and Torres Straits Islander stakeholders.

The Reflect RAP was drafted to guide Indigo Shire's work over the 12-18-month period from April 2022. The template for this RAP was provided with pre-populated actions by Reconciliation Australia.

Reconciliation Australia was established in 2001 as the lead body for reconciliation in the nation. It is an independent, not-for-profit organisation that promotes and facilitates reconciliation by building relationships, respect and trust between the wider Australian community and Aboriginal and Torres Strait Islander peoples.

Reconciliation Australia administers the trademarked RAP program, by working in partnership with organisations to develop RAPs, to advance reconciliation in the workplace and beyond. RAPs are practical plans of action based on the three pillars: relationships, respect and opportunities. RAPs help workplaces to build understanding, promote meaningful engagement, increase equality, and create sustainable employment opportunities and other positive outcomes.

There are four different types of RAPs that an organisation can develop: Reflect, Innovate, Stretch and Elevate. Each type of RAP is designed to suit an organisation at different stages of its reconciliation journey. The RAP program provides a structured approach to drive change within organisations, whilst also creating opportunities to collaborate with the RAP community through networks.

Since the Reflect RAP was adopted, the Creative Communities Team in Indigo Shire Council have led the action deliverables, with advice from the RAP Working Group and in consultation with external stakeholders. The action progress is summarised below.

DISCUSSION

1. Reflect RAP Sphere of Influence

Reconciliation Australia states that the purpose of committing to a Reflect RAP means scoping and developing relationships with Aboriginal and Torres Strait Islander stakeholders, deciding on a vision for reconciliation and exploring the organisation's sphere of influence.

The scoping and developing of relationships with Traditional Owner stakeholders are ongoing priorities with both tangible and intangible outcomes. The actions within Council's RAP set key objectives for demonstrating the growth of key relationships however it must be noted that Council is empowering Traditional Owners to inform the organisation on their priorities and what services Council can provide within our delegations and responsibilities.

Through the adoption of Indigo Shire Council's RAP, Council has committed to this vision to reconciliation: *Indigo Shire Council's vision for reconciliation is for a unified, respectful and thriving community that embraces Aboriginal and Torres Strait Islander people for the experiences of the past, their resilience in the present and their aspirations for the future.*

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Council is exploring our sphere of influence by reviewing Council's internal culture and implementing organisational actions which ensure the organisation is building the level of awareness, acceptance and understanding of First Nations issues and concerns. Council is working with education providers, community organisations and commercial businesses to build influence through partnerships and collaboration.

2. Governance

Indigo Shire Council's RAP is driven at an officer level by the Creative Communities Officer, with support from the Creative Communities Coordinator and Manager Community Development.

The Reconciliation Action Plan Working Group currently includes the following roles: Councillor representative (currently Mayor Cr Price and Cr Shepherd), Manager Community Development, Creative Communities Officer, Creative Communities Coordinator, Tourism Manager, Coordinator People and Culture, Manager Burke Museum and Cultural Heritage and Executive Manager Engagement and Communications. This composition has been amended slightly to reflect changes in roles since the RAP's adoption.

This group has met twice since the RAP's adoption. The focus of these meetings has been on action plan implementation, with a particular focus on items which require workshopping as a group such as cultural heritage training, signage and NAIDOC Week / Reconciliation Week activities.

Officers have developed the attached Terms of Reference for the Working Group to guide the next 6 months of RAP implementation.

The RAP has required regular reporting to Reconciliation Australia - the last report was submitted in September 2022.

3. Action Progress

The attached document (RAP Action Progress June 2023) details all 44 actions and provides an update against each of these actions. The Creative Communities Team ensure this document is regularly updated to provide accountability to community and the working group.

3.1 Completed Actions

19 Actions have been designated as complete representing 43% of the actions.

A key success has been the updated stakeholder database with current contact details for groups and individuals.

3.2 Commenced and in progress Actions

13 Actions have been commenced and are in progress, with further work to be undertaken prior to a completion status is designated to these actions. This represents 29% of the actions.

A key success here has been the commenced of the Australia Day Review Working Group including the appointment of 14 community representatives and an external facilitator to support a guided discussion on this topic.

3.3 Commenced and ongoing Actions

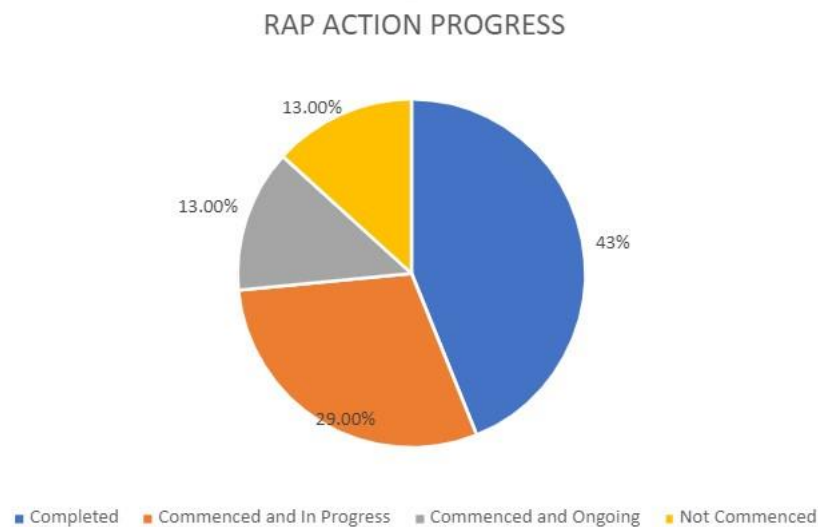
Six actions have commenced and have been designated ongoing. This status indicates that many of these actions have now become business as usual for Council. This represents 13% of the actions.

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A key success here has been Council’s ongoing NAIDOC week and Reconciliation Week events with diverse community offerings available to improve cultural awareness and raise the profile of Reconciliation.

3.4 Not yet commenced Actions

Six actions have not yet commenced, further work is required including the allocation of additional resources and / or officers require external expert advice to progress these. This represents 13% of the actions.



4. Learnings to Date & Highlights

4.1 Relationship Building

Over the past 12 months officers responsible for RAP implementation responsibility have focused primarily on developing relationships with many of the traditional owner groups referenced in the the RAP. These relationships take time to ensure trust is established, communities voices are heard and meaningful and genuine connections are made. This requires regular phone and face to face conversations over a long period of time.

4.2 Traditional owner group priorities

Although the RAP is a clear template with organised priorities and actions for Council to progress, these may not be the priorities of the traditional owner groups we are establishing relationships with. Therefore, Council is required to be agile and flexible in some of the action implementation timelines. Many groups are contacted frequently by agencies requesting consultation and enagement and the resources of these groups are limited to respond to these requests.

4.3 Organisation capacity building and cultural competency

The need to prioritise cultural competency across the organisation has arisen in the last 12 months. Council staff have developed a training plan to address this need, implementing a three phased capacity building approach which includes State Government First Peoples State Relations, Koorie Heritage Trust and individual cultural group representatives from across the region.

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4.4 Staff time and budget limitations

There is currently no dedicated staff resource or budget for the RAP implementation in 2022/ 23. The current full time officer role with RAP responsibility shares this portfolio with the Creative Indigo and Events responsibilities. Staff time is a significant factor to ensure implementation success. The 2023/24 draft budget has included a \$20,000 allocation for RAP deliverables.

5. Next steps

5.1 Governance

The next RAP report due is due to Reconciliation Australia in September 2023. There will be a RAP Working Group Meeting held in July 2023.

Reconciliation Australia have provided the following information regarding extending the RAP (9 May 2023): *“Reconciliation Australia does not offer formal extensions. We want to assure you that it is common for organisations to take some additional time to continue implementing any outstanding RAP deliverables beyond the expiry dates.*

We fully support taking the necessary additional time to action strategies to achieve your outcomes. We advise an additional 6 months for RAP implementation, as any longer and we would consider this the start of a new RAP. “

In light of this advice, and the status of progress to date, the RAP Action Plan has been revised (Attachment 2). This revision has resulted in a recommended (up to six month) extension to some actions. The following table details these actions and renewed timelines.

Not commenced actions	Estimated completion date
5.2 Capture data and measure staff’s current level of knowledge and understanding of Aboriginal and Torres Strait Islander cultures, histories and achievements	30 September 2023
7.5 and 8.2 Install signage articulating an acknowledgement Aboriginal and Torres Strait Islander people at appropriate community facing services	30 December 2023
9.1 Identify best practice recruitment approaches to encourage Aboriginal and Torres Strait Islander employment within the organisation	30 September 2023
9.2 Build understanding of current Aboriginal and Torres Strait Islander staffing to inform future employment and professional development opportunities	30 September 2023
10.2 Develop a business case for procurement from Aboriginal and Torres Strait Islander owned businesses	30 December 2023
Extended timelines	Estimated completion date
1.3 Consult with community regarding changes to Australia Day functions	30 September 2023
1.4 Develop engagement guidelines to ensure Aboriginal and Torres Strait Islander people are appropriately consulted for relevant Council projects	30 December 2023
3.2 Engage with and inform key internal stakeholders of their responsibilities within the RAP	30 December 2023
3.5 Consider other meaningful actions Council could take to advance reconciliation across the shire	30 December 2023
4.1 When reviewing or developing HR policies and procedures, consider best practice in the areas of race relations and antidiscrimination	30 September 2023
4.2 Develop a Diversity and Inclusion Policy	30 September 2023

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Not commenced actions	Estimated completion date
5.1 Conduct a review of cultural awareness training needs within the organisation and deliver appropriate training	30 June 2023
5.3 Increase awareness of Aboriginal and Torres Strait Islander cultures, histories and achievements within the organisation	30 June 2023
7.1 Work with all Aboriginal and Torres Strait Islander people who identify as having connection with the lands and waters of the local area	30 December 2023
7.4 Refine the acknowledgement of Traditional Owners to ensure visibility across all Council facilities, signage and meetings	30 December 2023
8.1 Review Indigo Shire Council's Flag Flying Policy to consider the permanent display of both Aboriginal and Torres Strait Islander flags	30 December 2023
8.3 Develop a process for engaging Aboriginal and Torres Strait Islander artists to design subsequent RAPs	30 August 2023
10.1 Develop an understanding of the mutual benefits of procurement from Aboriginal and Torres Strait Islander owned businesses	30 December 2023
10.3 Investigate Supply Nation Membership and/or Kinaway for Victoria procurement opportunities	30 December 2023
11.1 Maintain a RAP working group (RWG) that is operational to govern Indigo Shire's RAP implementation	30 December 2023
12.1 Define resource needs for RAP implementation	30 December 2023
12.2 Engage senior leaders in the delivery of RAP commitments	30 December 2023
14.1 Liaise with Reconciliation Australia to develop a new RAP based on learnings, challenges and achievements	30 December 2023

5.2 Community engagement

The Creative Communities Team will be partnering in the following community events to improve awareness of Aboriginal and Torres Strait islander culture: NAIDOC Week 2023, Library Programming and the Arts Rutherglen Sculpture Trail.

Options

Council has the option to amend the recommended action plan timeline or the Terms of Reference. Or Council also has the option to let the RAP expire and discontinue commitment to this work.

Given the success of action implementation to date and the public commitment from Council to the community regarding this work, these options are not recommended.

STRATEGIC

CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	1. Communities
Strategic Objective	1.4 Our Aboriginal and Torres Strait Islander people are valued, respected and their contributions recognised and celebrated.
Strategic Action	1.4.3 Adopt and implement the actions of the Reconciliation Action Plan

Indigo Shire Council has prioritised improving engagement, contributing to truth telling and developing meaningful public recognition of Aboriginal and Torres Strait Islander cultures across the Shire.

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Indigo Shire Council's Municipal Public Health and Wellbeing Plan (MPHWP) Action Plan identifies the aim to adopt a RAP (strategic action 6.2) acknowledging the potential to improve health outcomes for marginalised groups such as Aboriginal and Torres Strait Islander communities via the creation of a RAP. Improved appreciation and awareness of Aboriginal culture can foster confidence and resilience, as well as connections and respect across the community.

In addition to the Council Plan and MPHWP, the development of the RAP aligns with Indigo Shire Council's Heritage Strategy 2017-2021. The vision for the Indigo Shire Council Heritage Strategy is as follows: *Indigo Shire is a renowned and proud custodian of its diverse and significant natural beauty, heritage places and preserved historic character of both its Indigenous and post European settlement. Indigo Shire promotes a greater appreciation and understanding of places of heritage significance in the Shire and seeks to protect its heritage places for the benefit of current and future generations.*

The 2021 Draft Beechworth Historic Precinct Masterplan includes a project objective: *"Strives for Reconciliation: The need for reconciliation is recognised and influences the stories and experiences related to the Precinct"*.

The RAP also aligns with the Destination Game Changer 2023 Tourism Strategy which references the need to leverage investment in cultural heritage experiences such as the Hume Aboriginal Cultural Trail.

The Creative Indigo Arts and Culture Strategy outlines Strategy 3: *"Expand opportunities for First Peoples creative practice and the visibility of their living cultures"*. There are 5 actions related to this strategy and significant consultation was undertaken with First Nations representatives. Additionally, the need to support First nations art practice was articulated through survey data generally across the community during the strategy engagement process.

SOCIAL/COMMUNITY IMPLICATIONS

Recent community feedback during the Creative Indigo Arts and Culture Strategy indicated the ongoing importance placed on supporting cultural awareness and celebrating Aboriginal culture and creative endeavours across the shire. The RAP continues to prioritise this, aligning with current community expectations.

ENVIRONMENTAL IMPLICATIONS

Council has recently become aware of the prevalence of scar trees across the Shire. These trees may be significant from a biodiversity perspective; however they also have cultural significance when alive and standing or fallen. Council continues to work with State Government for guidance on this matter.

FINANCIAL IMPLICATIONS

The 23/24 Budget includes \$20,000 allocated to RAP implementation. This will allow Council officers to prioritise cultural heritage training, the commissioning of First Peoples artwork and improve signage with acknowledgements across some Council settings.

Grants may also be sought to support action implementation, particularly event support for NAIDOC and Reconciliation Week.

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LEGISLATIVE IMPLICATIONS

Aboriginal and Torres Strait Islander cultural heritage is protected under various state and federal legislation including but not limited to the Planning and Environment Act 1987 (Vic) and the Heritage Act 2017 (Victoria). Regarding inclusion and diversity and the various protection against discrimination, the relevant legislation is the Racial Discrimination Act 1975 (Commonwealth) and the Equal Opportunity Act 2010 (Victoria).

RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
A percentage of RAP actions are not completed	Possible	Minor	Low	Council officers continue to monitor progress against actions and problem solve collectively where there are difficulties with implementation.
Potential reputational risks and stakeholder management risks associated with the appropriate engagement with various Aboriginal and Torres Strait Islander groups represented in Indigo Shire.	Possible	Moderate	Medium	Council officers continue to contact peak bodies, agencies and state government to ensure Council is well informed regarding traditional owners.

COMMUNITY ENGAGEMENT

Engagement undertaken

The below table indicates the various stakeholders Council has ongoing relationships with to achieve RAP implementation:

Stakeholder	Engagement method
Reconciliation Australia	Telephone
Dhudhuroa Waywurru Nations Aboriginal Corporation	Telephone
Bangerang Aboriginal Corporation	Face to Face/telephone
Murray Lower Darling Rivers Indigenous Nations (MLDRIN)	Email correspondence to date and coordination for phone meeting.
Yorta Yorta Nations	Telephone / Email
Mungabareena Aboriginal Corporation	Face to Face / telephone/ email
Koori Heritage Trust	Face to Face
Bushfire Recovery Victoria (Aboriginal Culture and Healing) – North East Bushfire Recovery Victoria	Telephone
Albury Wodonga Aboriginal Health Service (AWAHS)	Telephone
Dhudhuroa Dargal Local Custodians	Telephone
Dalka Warra Mittung Corp	Email
Waywurru	Telephone/Email

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Stakeholder	Engagement method
Hume Heritage Programs First Peoples – State Relations Group Department of Premier and Cabinet	Face to Face
Murray Arts	Face to Face
Victorian Aboriginal Child Care Agency	In progress
Local Aboriginal and Torres Strait Islander academics and authors	Face to Face

Engagement outcomes

Council officers update an internal and confidential stakeholder database following these conversations. The outcomes of the ongoing engagement include Council understanding various priorities of the above stakeholders and include how and if they would like to be involved in RAP implementation.

Engagement proposed

Council officers will continue to build relationships with the above stakeholders and the RAP implementation will continue to be informed by these ongoing discussions.

CONCLUSION

The RAP Action implementation process is as equally important as the action success rate and detail of deliverables. Relationship development over the past 12 months has improved significantly, testimony to the genuine, respectful approach of Council officers in their engagement. Council officers will continue to prioritise actions which are yet to gain momentum and continue to build an understanding of Aboriginal and Torres Strait islander community issues across North East Victoria.




This report presents to EMT the details of a report that will progress to a future Council meeting. At this Council meeting endorsement for the revised 2023 Action Plan (attachment 2) and adoption of the Terms of Reference (attachment 3) will be recommended.

DECLARATION OF CONFLICT OF INTEREST

Under section 130(2) of the *Local Government Act 2020* and Governance Rule 24, the following officers declare that they have no interests to disclose in providing this report:

- Sally Rice - Director Community and Economic Development
- Carlene Lamanna – Manager Community Development
- Penelope McGufficke – Creative Communities Coordinator

Attachments

1.  RAP Action Progress June 2023
2.  Indigo Shire Council Reflect RAP 2023-2024 - Updated Action Plan Timeline June 2023
3.  RAP Terms of Reference

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12.5 GET ACTIVE INDIGO GRANTS 2023

File No: 2023/411

Carlene Lamanna - Manager Community Development

Community & Economic Development

For Decision

RECOMMENDATION

That Council allocates \$30,000 under the 2022/2023 Indigo Shire Get Active Indigo Grants Program as follows:

Applicant	Project	Grant Amount
Beechworth Swimming Club	Off season training program	\$4,600
Indigo North Health	Guided nature walks	\$2,650
Chiltern Neighbourhood House	Line dancing classes	\$2,250
Beechworth Netball Club	Night netball competition	\$1,000
"Drop In and Take Off"	Skate park workshops	\$5,000
Kiewa Tennis Club	Coaching program	\$4,000
Beechworth Golf Club	Female coaching program	\$5,000
Beechworth Chain Gang	Granite girls program	\$2,000
Rutherglen Swimming Club	Coaching program	\$3,000
Rutherglen Historical Society	Guided historical walks	\$500
	Total	30,000

RESOLUTION

That Council allocates \$30,000 under the 2022/2023 Indigo Shire Get Active Indigo Grants Program as follows:

Applicant	Project	Grant Amount
Beechworth Swimming Club	Off season training program	\$4,600
Indigo North Health	Guided nature walks	\$2,650
Chiltern Neighbourhood House	Line dancing classes	\$2,250
Beechworth Netball Club	Night netball competition	\$1,000
"Drop In and Take Off"	Skate park workshops	\$5,000
Kiewa Tennis Club	Coaching program	\$4,000
Beechworth Golf Club	Female coaching program	\$5,000
Beechworth Chain Gang	Granite girls program	\$2,000
Rutherglen Swimming Club	Coaching program	\$3,000
Rutherglen Historical Society	Guided historical walks	\$500

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	Total	30,000
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Moved: Cr Teissl
Seconded: Cr Croucher

For: Crs Peter Croucher, Bernard Gaffney, Larry Goldsworthy, Roberta Horne, Sophie Price, Diane Shepherd and Emmerick Teissl

Against: Nil

CARRIED

PURPOSE OF REPORT

For Council to consider the distribution of the Get Active Indigo Grants Program funding as recommended by the Get Active Indigo Grants Assessment Panel.

BACKGROUND

As part of the implementation of Indigo Shire Councils Active Indigo Recreation Plan 2018 –2026 a community focussed grants program was established to encourage and enable residents of Indigo Shire to be more active more often.

The grants program aims to:

- Respond to actions in the Indigo Shire Council Plan, Municipal Public Health and Wellbeing Plan and Active Indigo Recreation Plan;
- Provide access to funding for community groups who may be unable to generate their own revenue or secure funding through other grant streams;
- Increase Indigo Shire residents’ participation in physical activity;
- Improve Indigo Shire residents’ access to physical activity opportunities;
- Support local clubs, groups, committees and service providers in their efforts to improve residents’ participation in physical activity;
- Trial innovative and localised project ideas by responding to place-based needs;
- Fund a diverse range of physical activity project ideas across the Shire; and
- Increase residents’ awareness of opportunities to be physically active via targeted communications and promotion.

\$30,000 in funding is available through the Get Active Indigo Grants Program with a maximum grant amount of \$5,000 per application.

Council encourages applications from Indigo Shire based incorporated bodies as well as projects auspiced by an Indigo Shire based incorporated body. Council utilises the Smartygrants software to administer the Get Active Indigo Grants.

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The Get Active Indigo Grants program opened on Monday 20 February 2023 and closed on Monday 20 March 2023 providing interested groups and individuals with a period of 4 weeks to scope projects and prepare applications. A total of 16 applications were received. A comprehensive summary of the applications is contained in the attachment to this report.

Applications were assessed by the Get Active Indigo Grants Panel on Thursday 20 April 2023. A panel discussion was facilitated with consideration given to the project's relationship against the grant guidelines, selection criteria and Active Indigo Strategy. The Get Active Indigo Grants Assessment Panel included one Councilor, one Council Manager and health promotion representatives from Indigo North Health and Beechworth Health Services. Regional Sports Assembly Sport North East were unavailable to participate.

Assessment Panel composition is sought from relevant sectors who provide informed feedback from a community sport, recreation and/or health promotion perspective. The purpose of the Get Active Indigo Grants Assessment Panel is to discuss and assess the merits of each project before providing an independent and objective recommendation to Council on how to distribute the funding available through the Get Active Indigo Grants Program. Conflicts of interest are declared at the start of the meeting and are managed by those with a conflict physically removing themselves from the discussion.

DISCUSSION

The 16 applications represented a total funding request of \$53,359 for projects valued at \$96,567. The average funding request was \$3,500.

The Get Active Indigo Grants Assessment Panel has recommended that Council provide funding to 10 of the 16 applicants. Of the 6 applications not recommended 2 were ineligible against the grant guidelines as they were not incorporated entities and didn't provide an auspice and four were ineligible or did not score well against the assessment criteria. Council officers will work with these grant applicants to seek incorporation or a suitable auspice, alternative funding streams and other supports to progress these project ideas.

Of the ten projects that are recommended for funding six received the requested amount. Three projects are recommended to receive additional funding to enable them to be upscaled for increased participation; these increases are within the operational budget allocation. In the case of one project, the recommended funding is less than what was requested through the removal of one element of the project. It is not anticipated that not funding this element of the project will impact its successful outcomes.

Total Council funding allocated to the ten projects is \$30,000.00 with total projects value equalling \$69,604.

Details of all applications received have been provided to Councillors and are contained in a Confidential Attachment within this Council agenda documentation.

The criteria used to consider and assess applications was adopted by Council and is as follows:

1. How does your project plan to get more people moving more often;
2. Provision of project promotion plan;
3. Project impact and effectiveness review plan;

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4. Age demographics or cohort targeted by your project;
5. Financial contribution to the project.

STRATEGIC	CONTEXT
COUNCIL PLAN 2021 – 2025	
Theme	1. Communities
Strategic Objective	1.1 Our community members have access to support services to help them achieve and sustain physical and emotional health and wellbeing.
Strategic Action	1.1.3 Progress the key priorities of the Active Indigo Plan

SOCIAL/COMMUNITY IMPLICATIONS

The applications received through the Get Active Indigo Grants Program respond to the program’s fundamental aim to get residents more active more often. This assists Council in achieving a number of actions in strategic documents including the Council Plan, Municipal Health and Wellbeing Plan, Active Indigo Recreation Plan and Youth Strategy. Furthermore, the geographical spread and diversity of activities provides broad access for a range of community members across Indigo Shire.

Longer term, resident engagement in physical activity will help to improve health outcomes for residents including the reduction of sedentary behaviour and the improvement of mental wellbeing.

ENVIRONMENTAL IMPLICATIONS

Offering local recreation activities to Indigo Shire residents reduces travel emissions. Additionally, any initiative which offers catering will be encouraged to adhere to Council’s Plastic Wise Policy.

FINANCIAL IMPLICATIONS

	Approved Budget \$	This Proposal \$	Variance to Approved Budget \$	Comments
Revenue				
Expense	30,000	30,000	0	
Net Result	(30,000)	(30,000)	0	

LEGISLATIVE IMPLICATIONS

Liability insurance will be maintained by each group separately to ensure coverage against injury for participants.

RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
Project is not completed by group	Possible	Minor	Low	Council staff provide appropriate levels of support and capacity building where required
Group rejects funding offer	Possible	Minor	Low	Panel reconsiders funding to projects not initially recommended

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Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
Criticism from unsuccessful applicants	Possible	Minor	Low	Unsuccessful letters sent to applicants offering additional feedback, alternative funding sources where appropriate and support if required
Assessment panel conflict of interest	Likely	Minor	Low	Identified and declared before meeting. Panel member leaves meeting when conflicted project assessed

COMMUNITY ENGAGEMENT

Engagement undertaken

The Get Active Indigo Grants Program was promoted through various Council communication platforms including: social media, weekly update, website and electronic direct mail marketing (EDM). Council Officers received a number of enquiries from interested groups requesting additional support with their project scoping and application preparation.

Engagement outcomes

A total of 16 applications were received in 2023 down from 17 in 2022 and up from 12 in 2021.

Engagement proposed

Council Officers will prepare letters to all applicants advising them of the outcome of their applications. Unsuccessful applicants will be offered additional support to identify and source alternative funding streams or provided further assistance to progress their project ideas. Where required successful applicants will also be offered additional support to ensure their projects are delivered on time and to budget. A media release will promote the successful recipients and this information will be updated on the website.

CONCLUSION

The Get Active Indigo Grants Assessment Panel has rigorously assessed applications against the selection criteria and grant guidelines and provided a recommendation to Council on how to distribute the funding available through the Get Active Indigo Grants Program.

The recommended projects represent a strong geographical spread that improves access across the Shire as well as a diverse range of project activities to cater for a range of interests.

DECLARATION OF CONFLICT OF INTEREST

Under section 130(2) of the *Local Government Act 2020* and Governance Rule 24, the following officers declare that they have no interests to disclose in providing this report:

- Sally Rice – Director Community and Economic Development
- Carlene Lamanna – Manager Community Development
- Mark De Campo – Community Development Coordinator

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CONFIDENTIAL ATTACHMENT

The attachment is confidential under section 3(g) of the *Local Government Act 2020* because it contains the private commercial information provided by grant applicants that, if released, would unreasonably expose the financial institutions to disadvantage.

- g. private commercial information, being information provided by a business, commercial or financial undertaking that—*
- (i) relates to trade secrets; or*
 - (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage*

This section applies because the information contains details proposed grant contributions and scoring/comments on applications and it would unreasonably expose the business through providing an unfair advantage to their competitors. The confidential attachment has been provided to Councillors under separate cover.

Attachments

1. Get Active Indigo Grants - Application Summary (Confidential)

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12.6 FEDERAL GOVERNMENT GROWING REGIONS PROGRAM GRANT FUND RECOMMENDATIONS

File No: 2023/414

Susannah Doyle - Manager Tourism

Community & Economic Development

For Decision

RECOMMENDATION

That Council:

1. Supports a Tourism North East application for Indigo Shires *Rutherglen Silo Precinct and Community Arts Hub* project in the Federal Government Growing Regions Program funding round 2023/2024 (noting the required 90/10 cash co-contribution as per the eligibility criteria if successful) via submitting an Expression of Interest; and
2. Pending feedback on the Expression of Interest referred to in point 1 above, proceed with making a full application; and
3. Endorses a Council application for the *Chiltern Destination Playspace* project in the Federal Government Growing Regions Program funding round 2023/2024 (noting the required 90/10 cash co-contribution as per the eligibility criteria if successful) via submitting an Expression of Interest; and
4. Pending feedback on the Expression of Interest referred to in point 3 above, proceed with making a full application.

RESOLUTION

That Council:

1. Supports a Tourism North East application for Indigo Shires *Rutherglen Silo Precinct and Community Arts Hub* project in the Federal Government Growing Regions Program funding round 2023/2024 (noting the required 90/10 cash co-contribution as per the eligibility criteria if successful) via submitting an Expression of Interest; and
2. Pending feedback on the Expression of Interest referred to in point 1 above, proceed with making a full application; and
3. Endorses a Council application for the *Chiltern Destination Playspace* project in the Federal Government Growing Regions Program funding round 2023/2024 (noting the required 90/10 cash co-contribution as per the eligibility criteria if successful) via submitting an Expression of Interest; and
4. Pending feedback on the Expression of Interest referred to in point 3 above, proceed with making a full application.

Moved: Cr Teissl

Seconded: Cr Shepherd

For: Crs Peter Croucher, Bernard Gaffney, Roberta Horne, Sophie Price, Diane Shepherd and Emmerick Teissl

Against: Nil

Abstained: Cr Larry Goldsworthy

CARRIED

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PURPOSE OF REPORT

The purpose of this report is to seek endorsement from Council to progress the application recommendations for the two proposed projects in the 2023/2024 round of the Federal Government's *Growing Regions Program* (GRP) grant fund.

BACKGROUND

On 6 May 2023, the Federal Government announced its two-year \$600M grant funding stream for capital works projects that deliver community and economic infrastructure across regional and rural Australia. There will be \$300M funding available in 2023 and again in the 2024 round.

Individual grants of between \$500,000 and \$15M are available to LGAs and not-for-profit organisations for eligible capital works projects.

There are 3 co-contribution groups:

- **Group 1** – Up to 90/10 ratio – Projects run by First Nations organisations, projects located in 'very remote' locations (as per Bureau of Statistics remoteness structure) or projects in areas impacted by natural disaster from 1 May 2022 onwards.
- **Group 2** – Up to 70/30 ratio – Projects in 'remote' locations (as per Bureau of Statistics remoteness structure) or projects run by specifically outlined 'low-rate based' Councils.
- **Group 3** – Up to 50/50 ratio – All remaining project applicants.

Indigo Shire is identified as a Local Government Area impacted by natural disaster and our proposed funding applications are eligible to seek the 90/10 Group 1 contribution ratio.

The process of application is conducted in stages. In Stage One, applicants will be required to submit Expressions of Interest (EOI), which will be assessed to ensure projects meet eligibility requirements, project readiness and program suitability, and are aligned with regional priorities for the area.

EOI's open on 5 July 2023 at 9.00am and close on 1 August 2023 at 5.00pm.

Eligible activities per the Grant Guidelines outline activities that must directly relate to the project and must include at least one of the following:

- constructing new community infrastructure
- expanding or upgrading existing infrastructure for wider community benefit

Examples of these activities include but not limited to:

- community hubs and centres (youth centres, men's sheds)
- art galleries/libraries/museums/cultural facilities
- aquatic/sports centres
- social and community infrastructure which encourages economic and social liveability

Expressions of Interest that are assessed as meeting these requirements and are approved to proceed will be invited to submit a full application (Stage Two).

Full applications open on 1 November 2023 and close on 12 December 2023.

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Council currently has approximately 19 projects in the pipeline at varying levels of readiness. An internal working group have collated and assessed these projects (attached) and supplied rationale against the grant criteria to determine the project status and which projects are in a position to progress. The next section provides the working group recommendations for projects to proceed to the Expression of Interest stage.

DISCUSSION

The *Growing Regions Program* seeks to drive regional economic prosperity by investing in community-focused infrastructure which revitalises regions and enhances amenity and liveability throughout regional Australia.

The objectives of the program are:

- constructing or upgrading community infrastructure that fills an identified gap or need for community infrastructure,
- contributing to achieving a wide range of community socio-economic outcomes; and
- is strategically aligned with regional priorities.

Council officers have assessed all the project options in the attached Project Pipeline spreadsheet and have determined that six projects meet the guidelines for the Growing Regions Program Grant at this point in time. They are:

- Rutherglen Silo Arts Precinct including Community & Arts Centre Hub
- Chiltern Destination Playspace (Pending adoption at June Council Meeting)
- Beechworth Pool Upgrade
- Rutherglen Winery Experience Centre (includes Rutherglen Visitor Information Centre Tourism Hub)
- Chiltern Recreation Reserve - Clubroom redevelopment
- Butson Park Yackandandah - Clubroom redevelopment

These six options have been further assessed against the grant guidelines, community and economic benefits, current investment and affordability, which eliminated 4 of the 6 options from the 2023 application process.

- **Beechworth Pool Upgrade** – The Federal Government has not demonstrated enthusiasm to fund aging community pool infrastructure. An application submitted for the Building Better Regions Fund (BBRF) in 2022 was unsuccessful, with specific feedback highlighting the weakness of the economic case. The community benefit was clearly articulated, but without the capacity to present a robust economic case any application is unlikely to be successful in this type of funding program. Future sports/aquatics and community wellness funding programs might present a more positive opportunity and Council Officers will continue to seek funding opportunities for this project.
- **Rutherglen Winery Experience Centre (includes Rutherglen Visitor Information Centre Tourism Hub)** – The strongest opportunity will be a joint application from Council/Winemakers of Rutherglen. Two projects in the same town may weaken the application for Rutherglen Silo Arts Precinct and Community Arts Hub, which is the priority project. Council will consider this and other projects for the 2024 funding round.

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- **Chiltern Recreation Reserve** - Clubroom redevelopment. Clear community benefit, but does not present the necessary defined and direct economic benefit. A consultant has been engaged to work with the committee and user groups to complete designs and cost estimates however this is not finalised. Project more suited to a sport and recreation specific grant fund such as SRV. Two projects in the same town may weaken the application for the Chiltern Destination Playspace, which is the priority project for 2023.
- **Butson Park Yackandandah** – Council has received a \$70K SRV Planning Grant in 23/24 to undertake more detailed design and finalise the scope for the Butson Park redevelopment. This piece of work should be completed first before seeking construction funding from suitable funding programs.

The working group presents two application recommendations for the 2023 funding round:

1. Rutherglen Silo Art Precinct and Community Art Hub

Funded by the Investment Fast Track fund, the *Rutherglen Silo Art Precinct* project (business case and concept design) was adopted by Council in February 2023. The Rutherglen Place Plan project took one element of the Rutherglen Silo Art Precinct project and further developed a concept for the *Community & Arts Centre Hub* within the silo precinct.

The project/s deliver the essential elements of a shovel-ready infrastructure project to revitalise and enhance Rutherglen for community and the local economy with a strong focus on community strengthening and a visitor destination/economic driver.

The Silo Art Precinct project encompasses the redevelopment of the Seniors Citizens' Centre building, located within the precinct, into a vibrant Community Arts Hub. As part of the Rutherglen Place Plan additional engagement on the Community and Arts Hub concept designs was undertaken on 21 November 2022 with four representatives of the Rutherglen Senior Citizens Club. Feedback on the concept designs included the following:

- General support regarding the improved look of the building.
- Support for increasing use and improving accessibility.
- Need to ensure existing use (bowls, cards, bingo, club meetings) is maintained.
- Need to ensure the new facility has regular maintenance and up keep of surrounding area (i.e planter boxes etc).
- Further discussions required regarding future name for facility.

The development of the Rutherglen Silo Art Precinct provides substantial opportunity to revitalise a highly strategic public space in central Rutherglen, for community use and gatherings, tourism, events, arts and culture, and recreation to support and grow the tourism economy, improve community wellness and social outcomes and increase economic resilience.

Aligned leverage projects:

The Precinct is positioned at the trail head of the Rutherglen section of the Murray to Mountains Rail Trail and the under-construction and fully funded **Rutherglen Wine Walk Cycle Trail (RWWCT) - \$5.1M**

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The precinct is the Indigo Shire priority ‘**enhancement**’ location for the Murray to Mountains Rail Trail Enhancements Project - \$8.5M of State funding held by Tourism North East, who are facilitating the Enhancement Project. The proposed concept for the enhancement in Rutherglen includes:

- A Sustainable Bike Hub
- Silo Projection Art
- Sculpture/Structure Trail head (Including a high impact sculptural entrance archway and creative road crossing linking the Rutherglen Wine Experience Centre and Silo Art Precinct)

Regional Roads Victoria and Council are in discussions regarding Main Street safety and amenity improvements that may provide funding for linking Silo Precinct parking to main street as well as ‘green corridors’ to better link the spaces.

Winemakers of Rutherglen are progressing two key projects – **Rutherglen Wine Experience Centre/Tourism Hub** at the Visitor Information Centre concept design and business case and 34 **Eco Pods** (accommodation in vineyards along the RWWCT).

The Rutherglen Silo Art Precinct (including the Community Arts Hub) is complete with a ‘shovel-ready’ business case and concept designs. The Place Plan project also delivered initial concept designs for the Senior Citizens Centre building redevelopment. This element is therefore progressed to support this funding applications and is reinforced by both the Silo Arts Precinct Business Case and the Place Plan project.

This project was community-led and a supported strategic priority in the Rutherglen Place Plan and Indigo Destination Gamechanger Tourism Strategy 2018 – 2023, seamlessly integrating community benefits with economic development and tourism outcomes, critical to long-term sustainability. The project has very strong local and wider community and stakeholder support with a vision for an activated community space and key visitor experience activating the main street and a catalyst for driving growth in the night time economy.

The Rutherglen Silo Art Precinct and Community Arts Hub will leverage significant investment already occurring in Rutherglen, such as the \$5.1M *Wine Walk Cycle Trail* and Tourism North East’s \$8.5 *Murray to Mountains Rail Trail Enhancements Project*, for which Rutherglen is a lead proposal.

The estimated cost to deliver this project is \$12.5M.

Indigo is included in the affected LGA’s eligible for the Disaster Recovery Impact group due to the Victorian floods dated 6 October 2022 - 13 January 2023. This positions Council to seek the Group 1 – 90/10 co-contribution ratio for this grant fund.

In addition, the State Government grant of \$8.5M which Tourism North East (TNE) received for Murray to Mountains Rail Trail Enhancements could be leveraged in this fund for the full funding ratio of \$15M.

TNE Chief Executive Officer, Bess Nolan-Cook, is supportive of this approach to maximise the grant opportunity. The proposal is that TNE apply for the full \$15M grant, pitching the Rutherglen Silo Art Precinct/ Community Art Hub Project as its core project, with a second Wangaratta project included in the application.

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This approach, if funding is secured, delivers a fully funded Silo Arts precinct and Community Art Hub with no required Council contribution. Furthermore, the project would be project managed in close association with Council's Capital Projects staff, by a dedicated project manager engaged by and funded by the enhancement projects.

The alternative to a funding application in partnership with TNE would be a Council application that therefore requires a Council contribution of \$1,250,000.

The recommendation is to seek a fully funded project utilised the State Government Enhancement project grant to leverage the Federal grant, delivering the project with no Council contribution required.

2. Chiltern Destination Playspace

The Chiltern Destination Playspace project delivers a concept for a landmark, high profile, aesthetically beautiful game changer and economic drawcard for Chiltern and the Indigo Shire. Activation and connection of Lake Anderson, Chiltern Goods Shed and connecting to the town centre via Martin Park is the play space footprint. Community and visitors will enjoy a significant, family-friendly attraction, benefitting the town, the Shire and the High-Country region more broadly.

The Concept Designs reimagine the current, aging, seasonal pool facility and transform it into a year-round economically viable, beautiful visitor attraction and community facility, featuring a lane and learn to swim pool, heated resort-style pool, toddler pool, thermal hot pools and commercial wellness facilities. Fully integrated with the playground designs, the revitalisation of the pool precinct would become a benchmark solution for the future of regional, small town, aging pool infrastructure across the country.

The draft designs further develop the scenic drive/road and footpath/boardwalk around Lake Anderson, carrying the road beyond the Bowling Club to the Goods Shed. This will strengthen the connection to the Goods Shed and Gang Camp Land, ultimately encouraging dispersal into Chiltern Mount Pilot National Park. There is provision for a Pump Track located at the existing skate park space, consolidating the space and providing additional skate elements for the communities' youth and visitors alike.

The Destination Playspace and pools will be visible and enticing when entering Chiltern from the Hume Freeway along Main Street.

Pending adoption at the June 2023 Council Meeting, the Chiltern Destination Playspace is complete with a 'shovel-ready' business case and concept design report, as well as a detailed pool feasibility assessment report.

The Chiltern Destination Playspace project strongly aligns with strategic plans and objectives of Council including:

- Council Plan - Vision, key themes and strategic objectives
- Indigo Destination Game Changer Tourism Strategy 2018 – 2023
- Indigo Economic Development Strategy

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The Chiltern Destination Playspace delivers a game-changing concept for Chiltern's future as a sustainable and desirable place to live, a visitor destination in its own right, and a benchmark for playgrounds and aging regional pool facilities across Australia. Additionally, it would complement the current investment in Chiltern, a brand-new \$2.5M *Chiltern Hub and Library* facility, incorporate the funded \$180,000 Changing Places facility, and the *Chiltern Land* project, all currently underway. Combined, these projects could position Chiltern's future as a highly desirable destination and residential and investment opportunity.

The project cost is \$15M.

Indigo Shire is included in the affected LGA's eligible for the Disaster Recovery Impact group due to the Victorian floods dated 6 October 2022 - 13 January 2023. This positions Council to seek the Group 1 – 90/10 co-contribution ratio for this grant fund. If we were successful in this application **Council's commitment would be \$1.5M.**

Options

Rutherglen Silo Art Precinct

There is an opportunity for Tourism North East to leverage their \$8.5M state grant to seek the full \$15M Growing Regions Grant, and pitch the Rutherglen Silo Art Precinct Project along with the Rural City of Wangaratta Prosecco Road project. This would be a very collaborative approach to the application however Tourism North East would be the applicant for the Federal funding.

Tourism North East have an undeniable success rate with writing and winning strong grant applications, specifically in recent times, with the \$8.5M M2M Rail Trail enhancement project. Consequently, Council would not have to commit any funding to the potential delivery of this project.

Alternatively, Council could be the applicant. As Indigo is included in the affected LGA's eligible for the Disaster Recovery Impact group due to the Victorian floods: 6 October 2022 - 13 January 2023. This positions Council to seek the Group 1 – 90/10 co-contribution ratio for this grant fund. Council could apply for \$12.5M, and only need to commit \$1.25M to the project.

As there is an opportunity for Rutherglen's projects to proceed with zero financial contribution from Council, that is the preferred option. This positions Council to independently apply for another project, maximising regional outcomes.

Chiltern Destination Playspace

The Chiltern Destination Playspace is a strong contender for this grant program. Given its large capital investment, this fund presents a timely opportunity to seek 90% of the full \$15M needed to deliver the project in its entirety.

Similarly, as above, Council may be able to seek the Group 1 – 90/10 co-contribution ratio for this project. If successful in this application, Council's commitment would be \$1.5M. It would fast-track the proposed phased approach and deliver a game-changing community and visitor attraction for Chiltern and Indigo more broadly, enhancing economic and social liveability.

Apply for funding for one of the other pipeline projects

The working group considered and evaluated 19 pipeline projects against their respective state of readiness and eligibility / alignment to the funding criteria. Based on this process the Rutherglen Silo Precinct including Community Art Hub and Chiltern Destination Playground are considered the most suitable options and hence the other evaluated options are not recommended to progress to the EOI stage.

COUNCIL MEETING MINUTES - 27 JUNE 2023

STRATEGIC CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	3. Prosperity
Strategic Objective	3.2 Tourism is a major economic driver, critical to the long term sustainability of the Shire and leading the way in the post COVID-19 recovery phase and beyond
Strategic Action	3.2.1 Progress key priorities from the Indigo Destination Game Changer Tourism Strategy 2023

Both projects strongly align with strategic plans and objectives of Council including:

- Council Plan - Vision, key themes and strategic objectives.
- Indigo Destination Game Changer Tourism Strategy 2018 – 2023
- Rutherglen Place Plan
- Rutherglen Destination Management Plan
- Indigo Economic Development Strategy

SOCIAL/COMMUNITY IMPLICATIONS

Both projects have strong community support through the comprehensive consultation and public exhibition process. Importantly, these projects were identified for their alignment with creating strong, prosperous and sustainable communities by delivering outcomes which not only have significant community benefit, but ongoing economic benefits, enhancing the amenity and liveability in two important regional towns.

In Rutherglen, the community envision thriving meeting spaces and key visitor experiences activating the village main street and the night time economy. The Community Arts Hub delivers a revitalised multi-functional centre, for intergenerational activity and socialisation, family friendly facilities, facilities for health and wellbeing, education, arts and culture, community participation and engagement, and drop in services.

In Chiltern, the pool development includes not only learn to swim, lap swimming, toddler swimming and recreation but on-trend and in-demand outdoor and indoor wellness spaces. The project delivers improved walking, cycling and vehicle access between the town and lake, improving community connectivity and activation opportunities.

ENVIRONMENTAL IMPLICATIONS

Sustainability is a key theme in the Rutherglen Place Plan, Silo Art Precinct Business Case and Concept Design Report, and Chiltern Destination Playspace in line with the Council Plan.

Rutherglen’s environmental sustainability focus is to increase urban greening; and potential future opportunities for use of recycled materials and renewable energy initiatives in implementation.

For the Chiltern Playspace, the environmentally sustainable opportunities are for using sustainable materials and renewable energy initiatives in implementation and heating of the thermal hot pools and reflecting climate in the concept design.

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FINANCIAL IMPLICATIONS

	Approved Budget \$	This Proposal \$	Variance to Approved Budget \$	Comments
Revenue	\$0	\$13.5M	\$13.5M	Growing Regions Grant - Federal <i>Chiltern Destination Playspace</i>
	\$0	\$10M	\$10M	Growing Regions Grant - Federal <i>Rutherglen Silo Art Precinct</i>
	\$0	\$2.5M	\$2.5M	Regional Tourism Infrastructure Fund - State (Murray to Mountains Rail Trail Enhancements grant contribution leverages Federal grant) <i>Rutherglen Silo Art Precinct</i>
Total Revenue	\$0	\$26M	\$26M	Federal grant + State grant = Total Revenue
Total Expense	\$0	\$27.5M	(\$27.5M)	Grants + Council contribution = Expense
Net Result	\$0	(\$1.5M)	(\$1.5M)	Council contribution dependant on successful Growing Regions Grant application for: <i>Chiltern Destination Playspace</i>

LEGISLATIVE IMPLICATIONS

N/A at this stage.

RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
Risk: Chiltern Destination Playspace does not get adopted at June Council Meeting.	Unlikely	Moderate	Low	An extensive community consultation has occurred and informed the final design. Councillors have been fully briefed, on numerous occasions on all aspects of the Chiltern Playspace project.

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Opportunity: The Growing Regions Program 90/10 co-contribution group for disaster impacted LGA's presents a major opportunity for Indigo to progress significant projects at minimal cost to Council. The two projects proposed have full business case feasibility reports, with a combined valuing-adding economic benefit above \$7.6M in the construction phase alone (*CDP - \$3.1M & RSP - \$4.5M*). The attraction of and additional expenditure from new visitors and residents in both communities will drive ongoing economic output and jobs for the economy. Both projects deliver dual outcomes as community assets and driving visitor economy growth resulting in sustainable, vibrant communities.

COMMUNITY ENGAGEMENT

Engagement undertaken

In 2018 Council adopted the 5-year Indigo Destination Game Changer Tourism Strategy 2023. The strategy contains both Rutherglen and Chiltern specific objectives, projects and strategic directions.

Both projects in Rutherglen (Silo Arts Precinct including Community & Arts Centre Hub) went through robust community consultation processes including: workshops, drop-in sessions, stakeholder meetings, online surveys, public exhibition and meetings with Council advisory committees.

After extensive community consultation, the importance of the Silo Precinct to Rutherglen community was confirmed; it is clearly a community-led project also supported by strategy including the Rutherglen Destination Management Plan.

The Silo Arts Precinct Project is a distinct, stand-alone project; however, the Silo Precinct and its future development was again raised throughout the Rutherglen Place Plan project consultation and subsequently become the priority project in the Place Plan.

Essentially the Silo Arts Precinct underwent two comprehensive streams of consultation; one with the broad community and again with the Place Plan community reference group.

The Chiltern Destination Playspace project also underwent an extensive consultation process. This included a series of community drop-in sessions, an online survey, meetings with key community leaders, engaging workshops with the students from Chiltern's two primary schools, an onsite meeting with residents at Martin Park, circulation and input from Council Advisory Committees including a site visit from the Indigo Community Access Committee, plus an extended 60-day public exhibition period. Key insights and inputs were collated, shared, considered and implemented to inform the final Playspace concept design report.

Engagement outcomes

Both projects are strongly supported by their community. The Silo Arts Precinct has received further endorsement from the Rutherglen Place Plan community reference group.

CONCLUSION

The Rutherglen Silo Precinct and Community Arts Hub and Chiltern Destination Playspace projects are perfectly aligned to this grant fund and readily positioned for the funding round opening July 2023.


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DECLARATION OF CONFLICT OF INTEREST

Under section 130(2) of the *Local Government Act 2020* and Governance Rule 24, the following officers declare that they have no interests to disclose in providing this report:

- Sally Rice – Director Community & Economic Development
- Susannah Doyle – Tourism Manager
- Carlene Lamanna – Community Development Manager
- Chloe Powell – Product Development Officer

Attachments

1.  1. Growing Regions Program - ISC Project Pipeline Assessment

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13. INFRASTRUCTURE SERVICES

13.1 MAY CAPITAL WORKS REPORT

File No: 2023/423

Nathan Mullane - Manager Capital Works and Infrastructure Services
Waste

For Information

RECOMMENDATION

That Council notes the May Capital Works Report and year to date progress in the delivery of the capital works program.

RESOLUTION

That Council notes the May Capital Works Report and year to date progress in the delivery of the capital works program.

Moved: Cr Croucher

Seconded: Cr Teissl

For: Crs Peter Croucher, Bernard Gaffney, Larry Goldsworthy, Roberta Horne, Sophie Price, Diane Shepherd and Emmerick Teissl

Against: Nil

CARRIED

PURPOSE OF THIS REPORT

The purpose of this report is to update Council about progress of the 2022/23 capital works program and to provide details on individual projects.

At the February meeting, Council adopted the Q2 Forecast for the Capital and Non-ISC budgets. The forecast includes a combined \$14.97M of expenditure (\$13.76M capital and \$1.21M Non-ISC) and \$9.78M of income (\$8.55M capital and \$1.23M Non-ISC).

	Budgeted Expenditure			Budgeted Income		
	Capital	Non-ISC	Combined	Capital	Non-ISC	Combined
2022/2023 Adopted Budget	16,797,980	2,670,679	19,468,659	(4,639,902)	(1,126,040)	(5,765,942)
Revised Q1 Adjusted Budget	\$17,816,869	\$2,955,846	\$20,772,715	(\$7,825,790)	(\$1,513,326)	(\$9,339,116)
Revised Q2 Forecast Budget	\$13,764,605	\$1,213,375	\$14,977,980	(\$8,556,353)	(1,229,930)	(\$9,786,283)

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	YTD Expenditure (May)			YTD Income (May)		
	Capital	Non-ISC	Combined	Capital	Non-ISC	Combined
April YTD Actuals	10,377,067	1,222,260	11,599,327	(3,756,567)	(1,133,393)	(4,889,963)

DISCUSSION

The monthly Capital Works Monitor has been updated with May Actuals that have been taken immediately prior to the full close off of the monthly accounts. As a result, figures presented may not correlate exactly with the financial report month end. The updated Capital Works Monitor is provided as an attachment for this report.

Notable highlights across the capital program, since the last reporting period are:

Annual Gravel Road Resheeting

The annual gravel road resheeting program has been completed across the priority identified roads.

Sealed Pavement Rehabilitation

Major works were well progressed this month with the reconstruction of a section of Distillery Road, Wahgunyah advancing rapidly, with the seal to be completed in early June.

Rail Trail Section 7 – Kibell Lane

Works have commenced on the final section of the Rail Trail at Kibell Lane. The contractor is well established on site, and has started with kerb, and rock work through several of the sections of cutting.

Yackandandah Changing Places Facility

Works are nearing completion at Sir Isaac Isaacs Park with the installation of the new toilet and changing places facility well progressed.

Chiltern Hub

Final works have progressed at the Chiltern Hub, with the construction of the car park underway, and site landscaping about to commence.

Barnawartha Cricket Nets

Works are well advanced on the construction of the new cricket nets at the Recreation Reserve.

Current challenges being faced in the capital program, since the last reporting period are;

Chiltern Hub

Budget pressure continues to be a challenge for the completion of the Chiltern Hub. Construction of the carpark has begun, with the base course of rock installed, and kerbing to commence shortly. Minor delays have been experienced due to inclement weather and dealing with contaminated soil from the previously discovered fuel tank. Landscaping along the building frontage will commence on site mid-June. Minor building defects to be rectified by the builder in June. Re-estimating for the anticipated works, indicates that expenditure required to complete the project will exceed to allocated budget.

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Courthouse Kelly Trials Experience

Activities are continuing with the curatorial and design development required for the interpretative experience. Receipt of the approval to the works from Heritage Victoria, has allowed the confirmation of the orders for several major elements.

Pool Liner Installation

The tender for the pool liner replacement at the Beechworth Swimming Pool is to be advertised in early June.

STRATEGIC CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	2. Liveability
Strategic Objective	2.2 Our built environment, streetscapes, facilities, amenities and open spaces are safe, inviting, attractive, well maintained, contributing to a sustainable sense of place and pride.

There is no specific reference in the Council Plan to the broader capital works program, however many of the individual projects and programs are referred to in the Council Plan.

SOCIAL/COMMUNITY IMPLICATIONS

Capital works projects often have a direct positive impact on the community. Project staff engage closely with the community and stakeholders to identify the project scope and ensure expectations align with deliverables.

ENVIRONMENTAL IMPLICATIONS

Project staff continue to consider potential environmental impact in all aspects of their works and to adopted works practices to minimise the impact.

Each project’s environmental impact is assessed by project officers during the planning and implementation of the project. When required an Environmental Management Plan (EMP) is developed to control and minimise potential impacts.

LEGISLATIVE IMPLICATIONS

Council is required to responsibly manage and report on the budget quarterly including capital works. The procurement requirements of the Local Government Act as well as Council’s Procurement Policy are adhered to with all expenditure.

RISK & OPPORTUNITY MANAGEMENT

Every project has unique risks and opportunities. Risk management is conducted at the project level and is embedded as part of the project delivery methodology.

COMMUNITY ENGAGEMENT

Community and other stakeholder engagement is carried out at a project level and varies according to the project deliverables and impacts on the community.

CONCLUSION

To achieve the Q2 forecast end of year position will continue to be challenging, with a shortage of delivery resources in the key construction months having had an impact on the overall delivery of a number of budgeted projects.

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However, progress as at the end of May shows that almost \$11.6 million has been spent so far across both the capital and Non-ISC programs, resulting in an outcome where 2022/23 remains on track to exceed expenditure levels in prior years.

DECLARATION OF CONFLICT OF INTEREST

Under section 130(2) of the *Local Government Act 2020* and Governance Rule 24, the following officers declare that they have no interests to disclose in providing this report:

- Ian Ellett – Director Infrastructure Services
- Nathan Mullane – Manager Capital Works & Waste

Attachments

1.  Capital Works Monitor May 2023

COUNCIL MEETING MINUTES - 27 JUNE 2023

14. EXECUTIVE MANAGEMENT

14.1 COUNCIL EXPENSE & RESOURCES POLICY

File No: 2023/407

Carla Hanlon - Executive Manager People & Governance Executive Management

For Decision

RECOMMENDATION

That Council:

1. Endorses the draft Council Expense & Resources Policy; and
2. Places it on public exhibition for a period of thirty days and invites submissions.

RESOLUTION

That Council:

1. Endorses the draft Council Expense & Resources Policy; and
2. Places it on public exhibition for a period of thirty days and invites submissions.

Moved: Cr Shephard

Seconded: Cr Gaffney

For: Crs Peter Croucher, Bernard Gaffney, Larry Goldsworthy, Roberta Horne, Sophie Price, Diane Shephard and Emmerick Teissl

Against: Nil

CARRIED

PURPOSE OF REPORT

The report presents a review of the Council Expense & Resources Policy.

BACKGROUND

Council is required by section 41 of the *Local Government Act 2020* ('the Act') to adopt and maintain an expenses policy in relation to the reimbursement of out-of-pocket expenses for Councillors and members of delegated committees. Council adopted a policy in August 2020 and it is now due for review.

DISCUSSION

In reviewing the policy, the Governance team has considered a range of issues including:

- Changes to the way Councillor allowances are determined.
- Regular resources which are provided to Councillors but are not currently outlined in the policy.
- Reflections on the Act and advice from the Local Government Inspectorate.

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As a result, a number of items which are provided to Councillors as a matter of course, such as newspaper subscriptions, are included. This provides not only greater transparency about Councillor expenses, but indicates the level of support a prospective Councillor may expect to carry out their role.

In line with the Council’s Policy, Directive and Procedure Framework the policy will be reviewed on the following schedule:

- 23 May - Councillor briefing
- 27 June - Council meeting for community consultation
- 26 September - Council meeting for adoption.

Suggested changes to the policy are as follows:

Section	Change	Comments
Title	Add “and resources”	More clearly states the purpose of the policy which is to outline not just expense processes but the resources provided to Councillors to assist them to carry out their role. Gives a more accurate representation to the community of the resources made available to Councillors.
Purpose	Included overarching governance principles of the Act s 9(2)	Reinforces the governance principles of the Act at a policy level.
Councillor Allowances	Added Remote Area Allowance	Was omitted from current policy but is part of the determination of the Victorian Independent Remuneration Tribunal.
Information Technology	Tightened security and access requirements	Commensurate with growing risks around information technology
Councillor resources	Added from Act about councillor / staff interactions	The Act explicitly gives the CEO the responsibility to put in place policies and procedures to govern Councillor interactions with staff.
Councillor resources	Access to offices described	Articulates the access Councillors can expect to Council buildings.
Councillor resources	Added Personal Accident Insurance	Personal Accident Insurance is applicable to Councillors when carrying out their role.
Councillor resources	Added requirement to notify of an incident that may lead to an insurance claim	A requirement by Council’s insurers.
Wellbeing	Added section	Articulates wellbeing programs available to Councillors.
Traveling expenses	Added Mayor’s vehicle requirement	This is provided to the Mayor and should be included.

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Section	Change	Comments
Traveling expenses	Changed approval to CEO	In the 2020 report from the Local Government Inspectorate <i>Councillor expenses and allowances: equitable treatment and enhanced integrity</i> the Chief Municipal Inspector says “Councillor expenses must be authorised by council employees with the appropriate financial delegation, not the mayor.” The Mayor has no financial delegation and as an individual has no authority under the Act to authorise a payment. Added “in consultation with the Mayor”.
Conferences, professional development and training	Added information about induction	Articulates Council’s commitment to providing Councillors with appropriate resources to assist them in carrying out their role. Also reflects requirement of the Act.
Professional and legal advice	Provides a mechanism for Councillors to seek external advice to assist in carrying out their roles.	Where Councillors need advice additionally to that supplied by the CEO/officers, this articulates their options and provides a budget item to support it.
Memberships and subscriptions	Added subscriptions provided to Councillors.	Provides further information on resources provided already.
Administration process	Added requirement to demonstrate expense as bona fide	Reflects recommendations from 2020 LGI report. The reimbursement claim form has also been updated.
Reporting	Added in reporting requirements	Reflects recommendations from 2020 LGI report. Mandated reporting detail informs members of the public about the transparency requirements.
Review	Added in extra trigger for review	A review should follow any adverse finding by a regulatory body.
Communication	Added in communication inclusions	Ensures people with roles and responsibilities in the policy are informed.
Schedule A	Expense reimbursement limits	Limits have been lifted to reflect the recent rises in hospitality costs.

Options

Councillors may reject the changes. This is not recommended as they reflect the Local Government Act 2020 and advice from the Local Government Inspectorate.

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STRATEGIC CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	5. Accountability
Strategic Objective	5.5 Our Councillors and organisation are committed to the highest level of governance practices and conduct.
Strategic Action	5.5.1 Develop and deliver an ongoing internal Integrity Program to ensure both staff and Councillors are aware of and carrying out their responsibilities with the highest levels of governance

The changes to the policy support the Council’s Public Transparency Policy.

SOCIAL/COMMUNITY IMPLICATIONS

“Councillor expenses and claims for reimbursement often attract public attention. Because councils are publicly funded, their systems for managing expenditure are subject to particular scrutiny. The integrity and transparency of those systems are critical for maintaining public confidence in the important work of local government.” – Chief Municipal Inspector, *Councillor expenses and allowances: equitable treatment and enhanced integrity 2020*.

ENVIRONMENTAL IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

	Approved Budget \$	This Proposal \$	Variance to Approved Budget \$	Comments
Revenue	0	0	0	
Expense	0	5,000	5,000	External professional / legal advice for Councillors
Net Result	0	(5,000)	(5,000)	

LEGISLATIVE IMPLICATIONS

The changes to the policy support the overarching governance principles, particularly section 9(2):

(b) priority is to be given to achieving the best outcomes for the municipal community, including future generations;

....

The transparency of Council decisions, actions and information is to be ensured.

The adoption of this policy supports Council in meeting its obligation to adopt and maintain an expenses policy under Section 41 of the *Local Government Act 2020*.

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RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
Community disapproval of level of expenses / resources	Unlikely	Minor	Low	Articulate purpose of policy and requirements to provide resources.
Inappropriate use of Council expense opportunities and resources	Unlikely	Moderate	Low	Provide induction and ongoing information about appropriate processes for claiming expenses. Update expense claim form. Provide quarterly report to individual Councillors to enable them to self-monitor.

COMMUNITY ENGAGEMENT

Internal engagement

The governance team has consulted with the finance team and the EA to CEO, Mayor and Councillors, to identify the real-world operation of expense claims processes and resources.

Engagement proposed

The draft Council Expense & Resources Policy will be put on public exhibition for 30 days and submissions invited.

CONCLUSION



The changes to the policy provide for a more accurate and transparent account of expenses and resources available to Councillors, and support Councillors to use those resources to support their roles.

DECLARATION OF CONFLICT OF INTEREST

Under section 130(2) of the *Local Government Act 2020* and Governance Rule 24, the following officers declare that they have no interests to disclose in providing this report:

- Carla Hanlon – Executive Manager People and Governance
- Annabel Harding – Governance Coordinator

Attachments

1.  Council Expense & Resources Policy (draft) - clean
2.  Council Expense & Resources Policy (draft) - marked-up

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14.2 ADVISORY COMMITTEE MINUTES

File No: 2023/395

Carla Hanlon - Executive Manager People & Governance

Executive Management

For Decision

RECOMMENDATION

That Council:

1. Receives the attached unconfirmed meeting minutes for the following Advisory Committees and endorses the officer recommendations:
 - a. Indigo Environment Advisory Committee;
 - b. Indigo Community Access Committee;
2. Adopts the updated Terms of Reference for the Indigo Environment Advisory Committee.

RESOLUTION

That Council:

1. Receives the attached unconfirmed meeting minutes for the following Advisory Committees and endorses the officer recommendations:
 - a. Indigo Environment Advisory Committee;
 - b. Indigo Community Access Committee;
2. Adopts the updated Terms of Reference for the Indigo Environment Advisory Committee.

Moved: Cr Teissl

Seconded: Cr Croucher

For: Crs Peter Croucher, Bernard Gaffney, Larry Goldsworthy, Roberta Horne, Sophie Price, Diane Shephard and Emmerick Teissl

Against: Nil

CARRIED

PURPOSE OF REPORT

The report provides the minutes, recommendations and accompanying officer comments from Council's advisory committees for Council noting and endorsement of Management Recommended Actions.

BACKGROUND

Council currently has seven advisory committees. The role of an advisory committee is to provide information and advice on issues relating to the committee's specific area of expertise (i.e. the Environment Committee provides advice on environmental issues).

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Each advisory committee meets regularly (the frequency of which depends on the committee) and records minutes and resolutions for Council decision. Each resolution reported to this month's meeting is highlighted in the table below, and has an accompanying officer comment.

DISCUSSION

COMMITTEE	DATE OF MEETING	RECOMMENDATION	OFFICER RECOMMENDATION
Indigo Environment Advisory Committee	26 April 2023	[IEAC Terms of Reference review] Update 17.2.6 Sustainability Projects Officer, add 17.2.7 Climate Change & Environment Officer, and add 17.28 "Council staff from other Council directorates as required."	These are updates to Environment & Sustainability roles, and the ' <i>Council staff from other Council directorates as required</i> ' allows for other staff to attend the meeting when the agenda requires. The updated Terms of Reference is attached to this report.
Indigo Community Access Advisory Committee	5 May 2023	[In relation to the Chiltern Playspace Concept Design] The ICAC request that the creators of the concept reconsider including a liberty swing and other accessible features. With a Changing Places facility at the site, people with high needs will be travelling to the park specifically to use the facility and will be looking for other accessible tourism opportunities. The inclusion of a Liberty Swing is in keeping with the Playparks Strategy and Council commitment to access and inclusion.	The Ageing Well Officer supports the consideration of a Liberty Swing in the design concept for the Chiltern Destination Playground. This change has been made to the Concept Design at agenda item 12.1

Note: Minutes of Advisory Committee meetings may not be available at the time the agenda is published. Any Minutes not included will be reported in the following month.

STRATEGIC CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	5. Accountability
Strategic Objective	5.5 Our Councillors and organisation are committed to the highest level of governance practices and conduct.

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The provision of advisory committee minutes and resolutions to Council at the monthly meeting ensures that Council considers the advice of the committees. This allows transparent decision-making and highest level of governance practices and conduct.

FINANCIAL IMPLICATIONS

There are no financial implications with this report.

LEGISLATIVE IMPLICATIONS

Council's advisory committees are established by Council but do not have any delegated decision-making powers. Instead they work under terms of reference and provide advice to Council. The advice occurs in a variety of forms, including advice to relevant Council departments, as well as advice contained within resolutions that are reported to Council.

Some advisory committee meetings are open to the public and some are closed, however all minutes are reported to Council (with the exception of the Audit & Risk Committee - these meetings are held 'in camera' and the minutes are not available to the public – reporting to Council occurs as per the requirements under the *Local Government Act 2020*).

RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
That advisory committee minutes and recommendations are not duly reported to Council, and the utility and confidence of the committees are undermined.	Unlikely	Insignificant	Low	Governance team follow up with officer secretariats to ensure that all meetings are reported to Council as soon as practicable.

CONCLUSION




The advisory committee minutes included in this report are presented to Council for noting.

DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130(2) of the *Local Government Act 2020* and *Governance Rule 24*, the following officers declare that they have no interests to disclose in providing this report:

- Carla Hanlon - Executive Manager People and Governance
- Annabel Harding - Governance Coordinator

Attachments

1.  Minutes - Indigo Environment Advisory Committee - 26 April 2023
2.  Terms of Reference - Indigo Environment Advisory Committee
3.  Minutes - Indigo Community Access Advisory Committee - 5 May 2023

COUNCIL MEETING MINUTES - 27 JUNE 2023

14.3 INFORMAL MEETINGS OF COUNCILLORS RECORDS

File No: 2023/394

Carla Hanlon - Executive Manager People & Governance Executive Management

For Decision

RECOMMENDATION

That Council accepts the attached Informal Meetings of Councillors records.

RESOLUTION

That Council accepts the attached Informal Meetings of Councillors records.

Moved: Cr Croucher

Seconded: Cr Teissl

For: Crs Peter Croucher, Bernard Gaffney, Larry Goldsworthy, Roberta Horne, Sophie Price, Diane Shephard and Emmerick Teissl

Against: Nil

CARRIED

This report tables the Informal Meetings of Councillors as required under Council's governance rules. Informal Meetings of Councillors Records are only required for meetings closed to the public.

PURPOSE OF REPORT

The report presents Informal Meetings of Councillors records to Council for recording in the minutes in accordance with Governance Rule 72(b)(iii).

BACKGROUND

Governance Rule 70 defines an Informal Meeting of Councillors as:

1. a meeting of an advisory committee of Council, if at least one Councillor is present, or
2. a planned or scheduled meeting of at least half the Councillors and one member of Council staff which considers matters that are intended or likely to be:
 - a. the subject of a decision of the Council; or
 - b. subject to the exercise of a function, duty or power of the Council that has been delegated to a person or a committee.

The Governance Rules specifically excludes the following meetings:

- Council Meetings
- Delegated Committee Meetings
- Community Asset Committee Meetings

Informal meetings of Councillors do not include meetings which are open to the public.

COUNCIL MEETING MINUTES - 27 JUNE 2023

DISCUSSION

Under Governance Rule 72(b)(iii), the CEO is required to provide a summary of matters discussed at Informal meetings of Councillors, which is to be tabled at the next Scheduled Council meeting and is to be recorded in the minutes.

The attached Informal Meetings of Councillors records are presented to Council for acceptance as summarised in the following table.

MEETING	DATE
Councillor Briefing	2 May 2023
CEO Employment and Remuneration Committee	2 May 2023
Indigo Community Access Advisory Committee (closed session)	8 May 2023
Councillor Briefing	9 May 2023
Planning Site Visit – Sandy Creek	9 May 2023
Planning Site Visit – Lower Nine Mile	9 May 2023
Councillor Briefing	16 May 2023
Councillor Briefing	23 May 2023
Councillor Briefing	30 May 2023
Councillor Briefing	6 June 2023

NOTE:

The timing of the agenda distribution will sometimes make it difficult to provide a complete month. Please note that any items not included will carry forward to the following month.

STRATEGIC CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	5. Accountability
Strategic Objective	5.5 Our Councillors and organisation are committed to the highest level of governance practices and conduct.

An Informal Meeting of Councillors record is a mechanism for Councillors and officers to openly declare and report any conflicts that may have arisen during a defined informal meeting of Councillors. This demonstrates to Council and the community that the meetings are conducted with transparency and good governance.

FINANCIAL IMPLICATIONS

There are no financial implications with this report.

LEGISLATIVE IMPLICATIONS

Informal Meetings of Councillors are dealt with under the Governance Rules.

COUNCIL MEETING MINUTES - 27 JUNE 2023

RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
That a defined Informal Meeting of Councillors is not reported to Council, and public confidence in transparency is undermined.	Likely	Insignificant	Medium	Regular reminders to officers about the requirement to report defined meetings. Follow up of missing records for known meetings.

CONCLUSION











The Informal Meetings of Councillors records attached to this report are a true and accurate record of all defined meetings reported since the last report to Council.

DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130(2) of the *Local Government Act 2020 and Governance Rule 24*, the following officers declare that they have no interests to disclose in providing this report:

- Carla Hanlon – Executive Manager People & Governance
- Annabel Harding - Governance Coordinator

Attachments

1.  Informal Meeting of Councillors Record - Council Briefing - 2 May 2023
2.  Informal Meeting of Councillors Record - CEO Employment & Remuneration Committee - 2 May 2023
3.  Informal Meeting of Councillors Record - Indigo Community Access Advisory Committee - 8 May 2023
4.  Informal Meeting of Councillors Record - Council Briefing - 9 May 2023
5.  Informal Meeting of Councillors Record - Planning Site Visit - Sandy Creek - 9 May 2023
6.  Informal Meeting of Councillors Record - Planning Site Visit - Lower Nine Mile - 9 May 2023
7.  Informal Meeting of Councillors Record - Council Briefing - 16 May 2023
8.  Informal Meeting of Councillors Record - Council Briefing - 23 May 2023
9.  Informal Meeting of Councillors Record - Council Briefing - 30 May 2023
10.  Informal Meeting of Councillors Record - Council Briefing - 6 June 2023

COUNCIL MEETING MINUTES - 27 JUNE 2023

14.4 CONTRACTS AWARDED UNDER CHIEF EXECUTIVE OFFICER DELEGATION - MAY 2023

File No: 2023/420

Trevor Ierino - Chief Executive Officer

Executive Management

For Information

There were no contracts awarded by the CEO under delegation, between the values \$250,000 and \$500,000, for the month of May 2023.

STRATEGIC CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	5. Accountability
Strategic Objective	5.5 Our Councillors and organisation are committed to the highest level of governance practices and conduct.
Strategic Action	5.5.2 Develop and maintain a Governance Schedule to give Council and Community visibility of future legislative requirements

DECLARATION OF CONFLICT OF INTEREST

Under section 130(2) of the *Local Government Act 2020* and Governance Rule 24, the following officers declare that they have no interests to disclose in providing this report:

- Trevor Ierino – Chief Executive Officer
- Kathryn Baldock – Executive Assistant CEO & Councillors

Attachments
Nil

COUNCIL MEETING MINUTES - 27 JUNE 2023

15. LATE BUSINESS

15.1 LGBTIQA+ COMMITMENT

MOTION:

- That Council adopts the following statement in unequivocal commitment to diversity, inclusion and the right of LGBTIQA+ communities across Indigo Shire Council.
- That Council advocates for a strong strategic commitment to supporting LGBTIQA + communities.

RESOLUTION

- That Council adopts the following statement in unequivocal commitment to diversity, inclusion and the right of LGBTIQA+ communities across Indigo Shire Council; and
- That Council advocates for a strong strategic commitment to supporting LGBTIQA + communities.

Indigo Shire Council is unequivocal in our firm commitment to diversity, inclusion and the rights of LGBTIQA+ communities across Indigo Shire Council. Council strongly believes our Shire is healthier, happier, safer and a better place to live when our residents feel a strong sense of belonging and the ability to express their identity freely without fear of discrimination.

The actions and behaviour of those who intend to exclude, intimidate and marginalise others have no place in our society and will not be tolerated by this Council. Council will not reduce our commitment to advocate for and elevate the voices of LGBTIQA+ residents.

Indigo Shire Council is proud to stand with our LGBTIQA+ community and we will continue to show our support to ensure our residents of all ages feel safe, welcomed and loved regardless of gender or sexual orientation.

Indigo Shire Council is a proud signatory of the NEPC MOU. Council advocates for our regional neighbouring Councils to collaborate to demonstrate a shared strategic interest in this essential work for and with LGBTIQA+ residents.

Moved: Cr Goldsworthy

Seconded: Cr Shepherd

For: Crs Peter Croucher, Bernard Gaffney, Larry Goldsworthy, Roberta Horne, Sophie Price, Diane Shepherd and Emmerick Teissl

Against: Nil

CARRIED

16. NOTICES OF MOTION

16.1 NOTICE OF MOTION - REPORT ON CCTV

TAKE NOTICE that at a meeting of Council Meeting to be held on 27 June 2023, I intend to move the following motion:

MOTION

That Council request the CEO to meet with Victoria Police - Local Area Command - and providers of high definition CCTV and provide a report to Council on the viability of Council purchasing CCTV'S for the safety of our communities across Indigo Shire.

COUNCIL MEETING MINUTES - 27 JUNE 2023

RESOLUTION

That Council request the CEO to meet with Victoria Police - Local Area Command - and providers of high definition CCTV and provide a report to Council on the viability of Council purchasing CCTV'S for the safety of our communities across Indigo Shire.

Moved: Cr Gaffney

Seconded: Cr Teissl

For: Crs Peter Croucher, Bernard Gaffney, Roberta Horne, Sophie Price, Diane Shephard and Emmerick Teissl

Against: Nil

Abstained: Cr Goldsworthy

CARRIED

Explanatory comment

There has been overwhelming support from right across the Shire from people supporting this proposal. This initiative of Council would assist in preventing crime and apprehending offenders - including offences of burglary, theft, breach of intervention orders, stalking and harassment, domestic violence and abuse.

Criminal incidents in Indigo Shire have increased by 18.9 % in the twelve months to March this year.

Offenders are often identified by clothing they wear , tattoos, and even their gait, not necessarily facial recognition.

Whilst investigating serious crime investigators are always calling for any person with CCTV or dash cam.

We have a duty of care that our communities are not only safe but feel safe.

Cr Bernard Gaffney

Date received 19 June 2023

Attachments

Nil

COUNCIL MEETING MINUTES - 27 JUNE 2023

16. COUNCILLORS REPORT

16.1 MAYOR'S DIARY - MAY 2023

For Information

Mayor Price attended the following functions/events/meetings in May 2023:

DATE	TIME	FUNCTION / EVENT / MEETING	LOCATION
1 May	10.00am	Meeting with CEO	Beechworth
2 May	1.00pm	CEO Employment and Remuneration Committee	Beechworth
2 May	2.30pm	Council Briefing	Beechworth
4 May	9.00am	Meeting with CEO and Cr Shephard	Beechworth
8 May	10.00am	Meeting with CEO	Beechworth
8 May	1.00pm	Indigo Community Access Committee Meeting	Chiltern
9 May	11.00am	Site Visit – 454 Sandy Creek Road	Sandy Creek
9 May	1.15pm	Site Visit - Lower Nine Mile Road	Stanley
9 May	2.30pm	Council Briefing	Beechworth
10 May	10.30am	Meeting with CEO & Bill Tilley MLA	Wodonga
10 May	4.00pm	Chiltern Athenaeum General Meeting	Chiltern
12 May	10.00am	Local Safety Committee Meeting	Beechworth
15 May	10.00am	Meeting with CEO	Beechworth
15 May	1.00pm	Volunteer Week - Lunch	Chiltern
15 May	2.00pm	Meeting with VLGA	Online
16 May	4.00pm	Council Briefing	Beechworth
16 May	6.30pm	Council Meeting	Beechworth
17 May	10.30am	IDAHOBIT Day Celebrations/Morning Tea	Beechworth
18 May	3.00pm	Volunteer Week - Afternoon Tea	Beechworth
22 May	10.00am	Meeting with CEO	Beechworth
23 May	2.00pm	Meeting with CEO	Beechworth
23 May	2.30pm	Council Briefing	Beechworth
25 May	10.00am	GMCA 2023 Quarterly General Meeting	Online
26 May	9.30am	Meeting with CEO & Matthew Hyde, Wodonga Council	Wodonga
29 May	10.00am	Meeting with CEO	Beechworth
30 May	2.30pm	Council Briefing	Beechworth

Attachments

Nil

COUNCIL MEETING MINUTES - 27 JUNE 2023

17. DECISIONS REGISTER

17.1 DECISIONS REGISTER

File No: 2023/382

Carla Hanlon - Executive Manager People & Governance Executive Management

For Information

The report outlines actions from Council Resolutions as at 31 May 2023, including those not previously listed as completed, but not including resolutions to note a report.

Meeting date	Item	Name	Resolution	Status
28-Mar-23	14.2	Audit and Risk Committee - Performance Survey 2021/2022	That Council: 1. Receives the results of the 2021/2022 Audit and Risk Committee performance survey; and 2. Endorses the Mayor to thank the Audit & Risk Committee for their work, at the next scheduled meeting.	Part 1 – Completed Part 2 – Incomplete (to be completed at the next Audit & Risk Committee meeting, scheduled for 17 July 2023)
16 May-23	7	Condolences	That a letter of condolence be sent under Council Seal to Graeme Gallus' family.	Completed
16 May-23	8	Confirmation of Minutes from Previous Meeting(s)	That the following minutes be confirmed: 1. Minutes of the Council Meeting held on 18 April 2023, as published on Council's website; and 2. Confidential Minutes of the Council Meeting held on 18 April 2023, as provided to Councillors under separate cover.	Completed
16 May-23	11.1	April Finance Report	That Council accepts the YTD April Finance Report noting the progress against Council's quarter 2 forecast.	Completed

COUNCIL MEETING MINUTES - 27 JUNE 2023

Meeting date	Item	Name	Resolution	Status
16 May-23	11.2	Draft Council Plan 2021-2025 (Year 3)	<p>That Council:</p> <ol style="list-style-type: none"> 1. Endorses the updated Draft Council Plan 2021-2025 (Year 3), noting adjustments to the phasing and rewording of some actions; and 2. Places it on public exhibition for 21 days from 17 May 2023 and invites submissions. 	Completed
16 May-23	11.3	2023/24 Draft Budget	<p>That Council;</p> <ol style="list-style-type: none"> 1. endorses the attached documents for public exhibition: <ol style="list-style-type: none"> a. 2023/24 draft Budget for the purposes of Section 94 of the Local Government Act 2020; and b. 2023/24 draft Ten Year Financial Plan; and c. 2023/24 draft Revenue and Rating Plan; and d. 2023/24 draft Operating Income and Expense by Service; and 2. authorises the Chief Executive Officer to give public notice of the preparation of the draft budget, in accordance with Section 96(2) of the Local Government Act 2020; and 3. places the endorsed documents on public exhibition for a period of 21 days from 17 May 2023 to 6 June, 2023; and 4. invites any person wishing to provide feedback on the exhibited documents to do so prior to 5pm, 6 June 2023; and 5. considers a recommendation to adopt the 2023/24 Budget at the June Ordinary Meeting of Council on 27 June 2023. 	<p>Items 1 – 4 Completed</p> <p>Item 5 – Incomplete – to be completed at the 27 June Council meeting</p>

COUNCIL MEETING MINUTES - 27 JUNE 2023

Meeting date	Item	Name	Resolution	Status
16 May-23	11.4	Planning Permit Application PP22-0211 - 454 Sandy Creek Road, Sandy Creek	<p>That Council, having caused notice of Planning Application PP22-0211 to be given under Section 52 of the <i>Planning and Environment Act 1987</i>, and having considered all matters under Section 60 of the <i>Planning and Environment Act 1987</i>, determines to issue a Notice of Decision to Refuse to Grant a Planning Permit for Application PP22-0211, for the use and development of a dwelling on Crown Allotment A4 Section 6 Parish of Tangambalanga, for the following reasons:</p> <ol style="list-style-type: none"> 1. The proposal is inconsistent with the Planning Policy Framework in relation to agricultural land and rural development, specifically Clauses 11.01-1S, 14.01-1S, 14.01-1L-03, 14.01-2S and 16.01-3S, which aim to manage development in rural areas to protect and enhance agriculture and avoid inappropriate rural residential development. The scale of agricultural activity proposed can be reasonably managed without the presence of an on-site dwelling, with the proposed dwelling creating the potential for land use conflict to existing agricultural activities and affecting the operation or expansion of other agricultural activities. 2. The proposal is inconsistent with the Municipal Planning Strategy in relation to agricultural land, specifically Clause 02.03-4, which seeks to avoid fragmentation of productive agricultural land and discourage rural dwellings for hobby farming and rural residential purposes in the Farming Zone. 3. The proposal is inconsistent with the purpose and decision guidelines of the Farming Zone, which seeks to encourage the retention of productive agricultural land and to ensure that non-agricultural uses do not adversely affect the use of land for agriculture. The scale of 	Completed

COUNCIL MEETING MINUTES - 27 JUNE 2023

Meeting date	Item	Name	Resolution	Status
			agricultural activity proposed does not reasonably require a dwelling and the proposal could lead to the concentration and proliferation of dwellings and impacts on existing agricultural activities, contrary to the decision guidelines of the zone.	
16 May-23	11.5	Planning Permit Application PP22-0008 - Lower Nine Mile Road Stanley	That Council defers item 11.5 to allow time for staff to consider the new information provided by the applicant.	Deferred – included in agenda for June Council meeting
16 May-23	11.6	Planning Permit Application PP18-0074 - 12 Kirby Flat Road, Yackandandah	<p>That Council refuses planning permit application (PP22-0088) at 12 Kirby Flat Road, Yackandandah, for a roof over storage containers on the following grounds:</p> <ol style="list-style-type: none"> 1. FAILURE TO RESPOND The applicant has failed to respond to requests for further information required to assess the application in accordance with the requirements of the Low Density Residential Zone (Clause 32.03 – Indigo Planning Scheme) and the Rural Living Zone (Clause 35.03– Indigo Planning Scheme). 	Completed
16 May-23	13.1	Contract for Flood Rehabilitation Works, Western Area	<p>That Council:</p> <ol style="list-style-type: none"> 1. Conditional on the approval of funding from the <i>Department of Justice and Community Safety</i> for these works, awards Contract No. 22/6119 for Flood Rehabilitation works in the West of the Shire to Beechworth Excavations for the lump sum of \$620,696 ex GST; 2. Authorises the CEO to sign the contract documents and affix the Council’s Common Seal; and 	Incomplete – pending the approval of funding from Department of Justice and Community Safety

COUNCIL MEETING MINUTES - 27 JUNE 2023

Meeting date	Item	Name	Resolution	Status
			<ol style="list-style-type: none"> 3. Notes that additional flood rehabilitation works may be required to be undertaken by the same contractor and authorises the CEO financial delegation to approve contract variations up to a total of 50% of the signed contract value. 	
16 May-23	13.2	Contract for Flood Rehabilitation Works, Eastern Area	<p>That Council:</p> <ol style="list-style-type: none"> 1. Conditional on the approval of funding from <i>Department of Justice and Community Safety</i> for these works, awards Contract No. 22/6118 for Flood Rehabilitation works in the East of the Shire to Richardson Earthworks and Maintenance for the lump sum of \$322,505 ex GST; 2. Authorises the CEO to sign the contract documents and affix the Council's Common Seal; and 3. Notes that additional flood rehabilitation works may be required to be undertaken by the same contractor and authorises the CEO financial delegation to approve contract variations up to a total of 50% of the signed contract value. 	Incomplete – pending the approval of funding from Department of Justice and Community Safety
16 May-23	13.1	Tender Evaluation - Barnawartha Netball and Tennis Courts Redevelopment	<p>That Council:</p> <ol style="list-style-type: none"> 1. Awards Contract No. 2223/049-01 for the Barnawartha Netball and Tennis Courts Redevelopment to iDwala Pty Ltd for the lump sum of \$736,277.50 ex GST; 2. Authorises the CEO to sign the contract documents and affix the Council's Common Seal; and 3. Authorises the CEO financial delegation to approve contract variations up to a total of 10% of the signed contract value. 	Completed
16 May-23	13.3	April Capital Works Report	That Council notes the April Capital Works Report and year to date progress in the delivery of the capital works program.	Completed

COUNCIL MEETING MINUTES - 27 JUNE 2023

Meeting date	Item	Name	Resolution	Status
16 May-23	14.1	Advocacy Action Plan 2021-2025 (as at 1 May 2023)	That Council endorses the updated Advocacy Action Plan 2021-2025 (as at 1 May 2023).	Completed
16 May-23	14.2	14.2 Review - Instruments of Delegation	<p>That Council:</p> <ol style="list-style-type: none"> 1. Delegates to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in the attached <i>Instrument of Delegation to the Chief Executive Officer</i>, subject to the conditions and limitations specified in that Instrument; 2. Delegates to the members of Council staff holding, acting in or performing the duties of the positions referred to in the attached <i>Instrument of Delegation to Members of Staff</i> and <i>Instrument of Sub-Delegation to Members of Staff</i>, the powers, duties and functions set out in these instruments, subject to the conditions and limitations specified in these Instruments; 3. Appoints members of Council staff under the <i>Environment Protection Act 2017</i> (the 'Act') and the Instrument of Delegation of the Environment Protection Authority dated 6 December 2022, as set out in the attached <i>Instrument of Appointment & Authorisation</i>; 4. Notes that the delegations and appointments come into force immediately upon this resolution being made; 5. Revokes all previous delegations and appointments to the Chief Executive Officer and to members of staff; 	Completed

COUNCIL MEETING MINUTES - 27 JUNE 2023

Meeting date	Item	Name	Resolution	Status
			<p>6. Notes that the duties and functions set out in the instruments must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt; and</p> <p>7. Notes that:</p> <p>a) the <i>Instrument of Delegation to the Chief Executive Officer</i> includes a power of delegation to the Chief Executive Officer in accordance with section 11(1)(b) of the <i>Local Government Act 2020</i>;</p> <p>b) the <i>Instrument of Delegation to Members of Staff</i> is in accordance with the legislation referred to in the attached instrument of delegation;</p> <p>c) the <i>Instrument of Sub-Delegation to Members of Staff</i> is in accordance with section 437(2) of the <i>Environment Protection Act 2017</i> and the <i>Instrument of Delegation of the Environment Protection Authority</i> dated 6 December 2022; and</p> <p>d) the <i>Instrument of Appointment & Authorisation</i> is in accordance with section 242(2) of the <i>Environment Protection Act 2017</i> and the <i>Instrument of Delegation of the Environment Protection Authority</i> dated 6 December 2022.</p>	
16 May-23	14.3	Instrument of Appointment and Authorisation - Planning and Environment	In the exercise of the powers conferred by Section 224 of the <i>Local Government Act 1989</i> and the other legislation referred to in the attached Instruments of Appointment and Authorisation, Indigo Shire Council resolves that:	Completed

COUNCIL MEETING MINUTES - 27 JUNE 2023

Meeting date	Item	Name	Resolution	Status
		Act 1987	<ol style="list-style-type: none"> 1. The member of Council staff referred to in Attachment 1 be appointed and authorised as set out in the Instrument; and 2. The Instrument in the attachment comes into force immediately upon resolution of Council, and is revoked on the date the officer ceases employment with Council, or until Council determines to vary or revoke it. 	
16 May-23	14.4	Advisory Committee Minutes	<p>That Council:</p> <ol style="list-style-type: none"> 1. Receives the attached unconfirmed meeting minutes for the following Advisory Committees and endorses the officer recommendations: <ol style="list-style-type: none"> a. Finance Committee; b. Indigo Community Access Committee; c. IndiGrow. 	Completed
16 May-23	14.5	Informal Meetings of Councillors Records	That Council accepts the attached Informal Meetings of Councillors records.	Completed
16 May-23	19.1	19.1 Heritage Loan Application - 152 High Street, Rutherglen	That Council has approved a heritage loan for \$20,000 in the Rutherglen area.	Completed

COUNCIL MEETING MINUTES - 27 JUNE 2023

18. GENERAL BUSINESS

Cr Teissl raised the following matters:

- potential contaminants in the soil at Reedy Street, Rutherglen – has Council had looked into this matter? Ian Ellett, Director Infrastructure Services responded that the issue has been raised, and Council is currently seeking legal advice, and there is no further update at this stage.
- Reids Way and deteriorating verges on the road – who is responsible for maintaining this? Ian Ellett responded that Council completes the maintenance, and will be reimbursed by Regional Roads Victoria for the cost of maintenance related to the diversion of the road.
- Chiltern Railway Station – platform signs have been placed the wrong way around, can Council contact the responsible authority to have this remedied? Trevor Ierino, Chief Executive Officer took this matter on notice.

Meeting Concluded: 8:55PM

Next Meeting: Tuesday, 25 July 2023 at 6.30pm