
COUNCIL MEETING MINUTES - 25 JULY 2023

Vision:

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

HELD: Tuesday, 25 July 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 Roberta Horne	Councillor
	Cr Diane Shephard	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 29 August 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.

COUNCIL MEETING MINUTES - 25 JULY 2023

TABLE OF CONTENTS

1.	WELCOME	4
2.	ACKNOWLEDGEMENT OF THE TRADITIONAL OWNERS OF THE LAND	4
3.	APOLOGIES AND LEAVE OF ABSENCE	4
4.	DECLARATION OF CONFLICT OF INTEREST	4
5.	OPEN FORUM	4
6.	COMMUNITY AND COUNCIL ACHIEVEMENTS	5
7.	CONDOLENCES.....	5
8.	CONFIRMATION OF MINUTES FROM PREVIOUS MEETING(S).....	5
9.	BUSINESS ARISING FROM PREVIOUS MINUTES	6
10.	PETITIONS	6
10.1	ORDER OF BUSINESS – ADDITIONAL ITEM - LATE BUSINESS	6
11.	PLANNING & CORPORATE SERVICES	7
11.1	Planning Permit Application PP22-0008 - Lower Nine Mile Road Stanley	7
11.2	Planning Permit Application PP22-0311 - 354 Moodemere Road, Norong.....	20
12.	COMMUNITY & ECONOMIC DEVELOPMENT.....	47
12.1	Council Grants Guidelines and Assessment Criteria - Annual Review	47
12.2	Chiltern Destination Playspace funding application	63
13.	INFRASTRUCTURE SERVICES	68
13.1	Community Sustainability Grant Program - Program Guidelines Annual Review 2023/24.....	68
13.2	Tender Recommendation - Contract 23/6341 Supply of Mobile Maintenance Services on Council's Plant, Equipment and Feet.....	73
13.3	Tender Recommendation - Contract No 23/6473 Kerbside Collection Services	78
14.	EXECUTIVE MANAGEMENT.....	86
14.1	Update - Instrument of Appointment and Authorisation under the Environment Protection Act 2017	86
14.2	Contracts Awarded Under Chief Executive Officer Delegation - May 2023	90
14.3	Informal Meetings of Councillors Records.....	91
14.4	Advisory Committee Minutes	94

COUNCIL MEETING MINUTES - 25 JULY 2023

15. NOTICES OF MOTION	97
16. COUNCILLORS REPORT	98
16.1 Mayor's Diary - June 2023	98
17. DECISIONS REGISTER.....	100
17.1 Decisions Register	100
18. GENERAL BUSINESS.....	111
19. CONFIDENTIAL.....	111
19.1 Indigo Community Access Committee Application.....	111

COUNCIL MEETING MINUTES - 25 JULY 2023

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

Cr Horne declared a material conflict of interest with item 19.1 Indigo Community Access Committee Application (Confidential Agenda), due to having a personal relationship with the applicant.

5. OPEN FORUM

Questioner: Tiffany Ellis

The questioner or a representative was not present at the meeting. Under Governance Rule 35(e), no question may be dealt with unless the questioner (or a nominated representative) is present at the Scheduled Council Meeting at which the question is to be asked.

A response will be provided in writing by the relevant Council officer after the meeting.

Questioner: Kelvin Granger and Dean Hurlston, Council Watch

The questioner or a representative was not present at the meeting. Under Governance Rule 35(e), no question may be dealt with unless the questioner (or a nominated representative) is present at the Scheduled Council Meeting at which the question is to be asked.

A response will be provided in writing by the relevant Council officer after the meeting.

COUNCIL MEETING MINUTES - 25 JULY 2023

6. COMMUNITY AND COUNCIL ACHIEVEMENTS

2023 King's Birthday Honours

John Dermer OAM from Yackandandah has been invited to the meeting to be congratulated on receiving a Medal of the Order of Australia, in recognition for service to the creative arts.

Cr Shepherd welcomed John and congratulated John and Shirley on this award. John has made a considerable contribution to ceramics and pottery over his career spanning over 50 years. John studied at RMIT in Melbourne, was an artist in residence with Wedgewood, before moving to Yackandandah in the 1970s, where he established Kirby's Flat Pottery. John's work can be found in significant Australian buildings such as the new Parliament House, the Federal High Court, the Powerhouse Museum, as well as international buildings in the UK, Europe and USA. His work is also displayed in national, state and regional galleries across Australia.

John Dermer was invited to address the meeting with his response to the award. This award gives acknowledgement to the importance of ceramics and pottery in the mainstream of the Arts.

Cr Price thanked John for his presence at the meeting and contribution to the Arts. Photos were taken of John Dermer and Councillors.

7. CONDOLENCES

Trevor Ierino, Chief Executive Officer asked permission to speak. He acknowledged the recent passing of Ms Ruth Parker. Ruth served as a pharmacist to the community in Beechworth, and was relied upon by the community in many ways. Ruth was friendly, caring, helpful and provided comfort and support for a lot of people. She showed great leadership, particularly during the pandemic when Ruth was integral for raising the number of vaccinations in the local community.

Cr Gaffney also acknowledged Ruth's passing, noting that she was well respected and loved by the community. Ruth was recognised for her exceptional work by the Australian Patients Association and the Pharmacy Guild of Australia last year with an award for the most outstanding pharmacist. Ruth will be sadly missed.

Cr Gaffney requested that a letter of condolence be sent to Ruth's family.

8. CONFIRMATION OF MINUTES FROM PREVIOUS MEETING(S)

RESOLUTION

That the Minutes of the Council Meeting held on 27 June 2023, as published on Council's website, be confirmed.

Moved: Cr Shepherd

Seconded: Cr Gaffney

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

Against: Nil

CARRIED

COUNCIL MEETING MINUTES - 25 JULY 2023

9. BUSINESS ARISING FROM PREVIOUS MINUTES

Nil reports

10. PETITIONS

Nil reports

10.1 ORDER OF BUSINESS – ADDITIONAL ITEM - LATE BUSINESS

Chief Executive Officer, Trevor Ierino requested, under Governance Rule 45(a)(i) that Council accept an item of late business into the agenda, relating to Chiltern Destination Playspace Funding.

MOTION

That:

1. The Chiltern Destination Playspace Funding be admitted to the Council agenda as late business in accordance with Governance Rule 45; and
2. The item be considered after Item number 12.1 in the agenda.

Moved: Cr Gaffney

Seconded: Cr Croucher

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

Against: Nil

CARRIED

COUNCIL MEETING MINUTES - 25 JULY 2023

11. PLANNING & CORPORATE SERVICES

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

File No: 2023/510

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.

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3. The proposal is not consistent with the purpose and decision guidelines of the Bushfire

COUNCIL MEETING MINUTES - 25 JULY 2023

Management Overlay.

4. The proposal is inconsistent with the decision guidelines of clause 65.01.

Moved: Councillor Horne

Seconded: Councillor Shephard

For: Crs Bernard Gaffney, Roberta Horne, Sophie Price and Diane Shephard

Against: Crs Peter Croucher, Emmerick Teissl

CARRIED

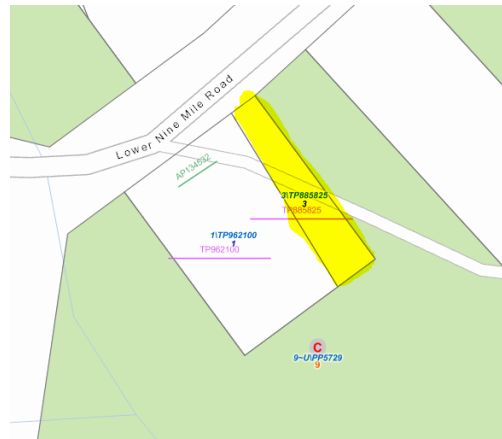
SUMMARY

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:	13 th 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:

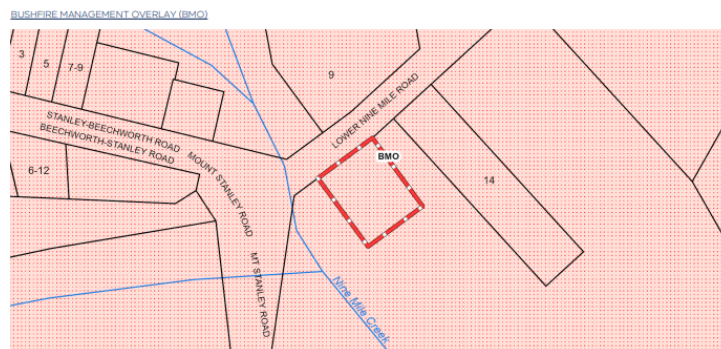
COUNCIL MEETING MINUTES - 25 JULY 2023



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



COUNCIL MEETING MINUTES - 25 JULY 2023

[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.

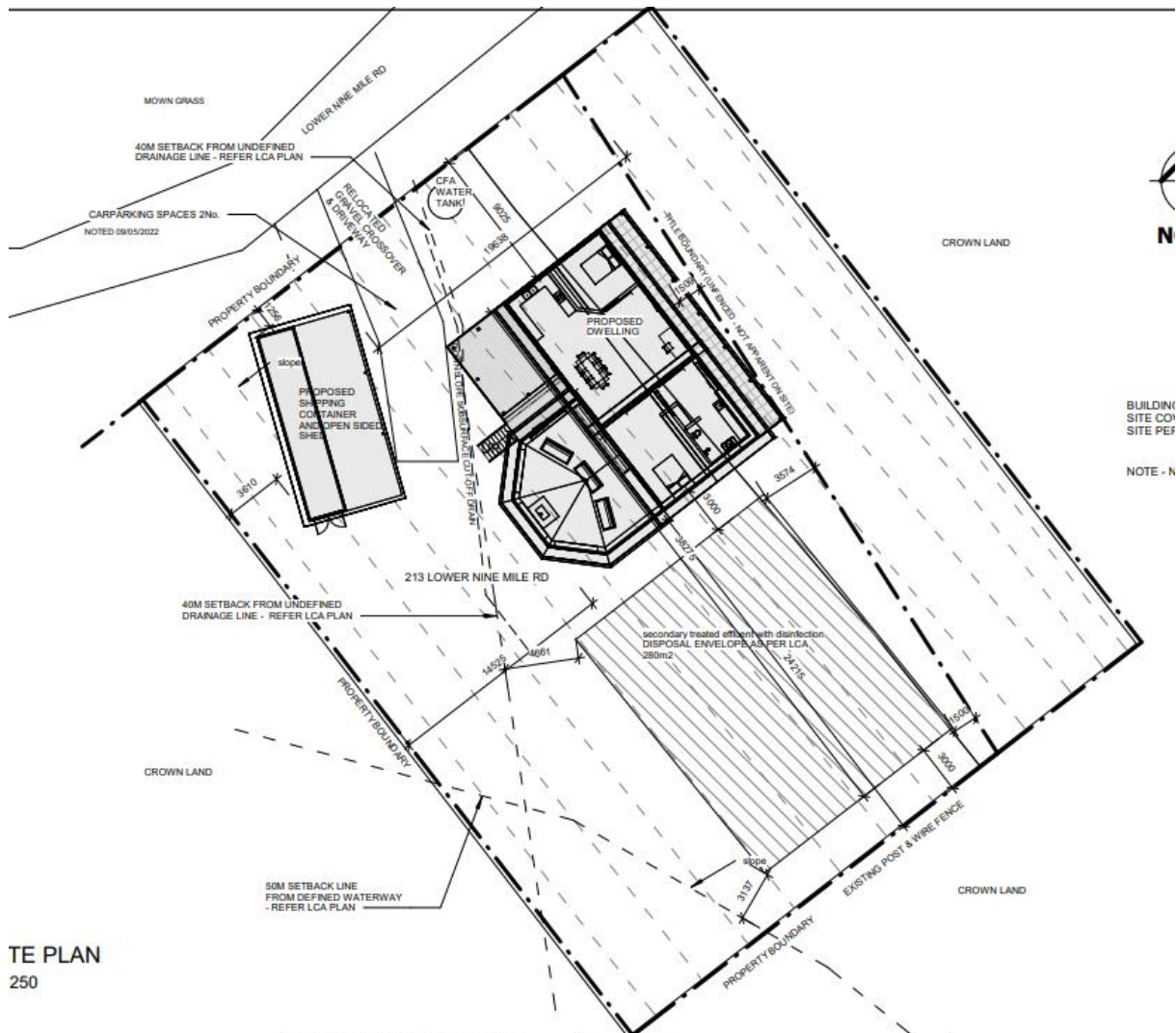


COUNCIL MEETING MINUTES - 25 JULY 2023



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.

COUNCIL MEETING MINUTES - 25 JULY 2023



ZONING AND PLANNING CONTROLS

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

COUNCIL MEETING MINUTES - 25 JULY 2023

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

COUNCIL MEETING MINUTES - 25 JULY 2023

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.

COUNCIL MEETING MINUTES - 25 JULY 2023

- 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

COUNCIL MEETING MINUTES - 25 JULY 2023

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 polices 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.

Council has investigated the status of the purported road crossing the subject site. In reviewing the parish plans, no government road was ever declared on the land. Old aerial imagery from the 1970s shows a driveway providing access to the church site, but does not show connections to any other land, or imply the existence of a road. The site does not appear on Council's road register, and does not appear to meet the common law test for dedication as a public highway. Council officers have concluded the road shown on various mapping systems is an error, and not reflective of the presence of a legal road.

COUNCIL MEETING MINUTES - 25 JULY 2023

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:

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*

COUNCIL MEETING MINUTES - 25 JULY 2023

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.*

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.

COUNCIL MEETING MINUTES - 25 JULY 2023

4. The proposal is inconsistent with the decision guidelines of clause 65.01.

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)

COUNCIL MEETING MINUTES - 25 JULY 2023

11.2 PLANNING PERMIT APPLICATION PP22-0311 - 354 MOODEMERE ROAD, NORONG

File No: 2023/511

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

For Decision

RECOMMENDATION

That Council, having caused notice of Planning Application PP22-0311 to be given under Section 52 of the *Planning and Environment Act 1987*, and having considered all matters under Section 60 of the *Planning and Environment Act 1987*, determines to issue a Notice of Decision to Refuse to Grant a Planning Permit for Planning Permit Application PP22-0311, for the use of the land for a dwelling on Crown Allotment 7 Section D Parish of Norong, for the following reasons:

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 use and development in rural areas to protect and enhance agriculture and avoid inappropriate rural residential development. The application fails to demonstrate that the proposed dwelling is associated with and will support a viable agricultural activity. As a result, the proposal is an example of an inappropriate rural residential land use which does not lead to agricultural benefit.
2. The proposal is inconsistent with the Municipal Planning Strategy in relation to agricultural land, specifically Clause's 02.03-1, 02.03-4 and 02.03-6, which seeks to locate dwellings in appropriately zoned and serviced areas to avoid fragmentation of productive agricultural land and discourage rural dwellings for hobby farming and rural residential purposes in the Farming Zone. The proposal is for a dwelling that is more akin to a hobby farm rather than a viable agricultural undertaking.
3. The proposal is inconsistent with the purpose and decision guidelines of the Farming Zone, which seek 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. Without sufficient evidence demonstrating the proposed dwelling is reasonably required to support a genuine and viable agricultural activity, the proposal will lead to a permanent loss of productive agricultural land, limit the operation and expansion of existing agricultural land uses within the surrounding area and lead to further concentration and proliferation of dwellings, contrary to the decision guidelines of the zone.

COUNCIL MEETING MINUTES - 25 JULY 2023

RESOLUTION

That Council, having caused notice of Planning Application PP22-0311 to be given under Section 52 of the *Planning and Environment Act 1987*, and having considered all matters under Section 60 of the *Planning and Environment Act 1987*, determines to issue a Notice of Decision to Refuse to Grant a Planning Permit for Planning Permit Application PP22-0311, for the use of the land for a dwelling on Crown Allotment 7 Section D Parish of Norong, for the following reasons:

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 use and development in rural areas to protect and enhance agriculture and avoid inappropriate rural residential development. The application fails to demonstrate that the proposed dwelling is associated with and will support a viable agricultural activity. As a result, the proposal is an example of an inappropriate rural residential land use which does not lead to agricultural benefit.
2. The proposal is inconsistent with the Municipal Planning Strategy in relation to agricultural land, specifically Clause's 02.03-1, 02.03-4 and 02.03-6, which seeks to locate dwellings in appropriately zoned and serviced areas to avoid fragmentation of productive agricultural land and discourage rural dwellings for hobby farming and rural residential purposes in the Farming Zone. The proposal is for a dwelling that is more akin to a hobby farm rather than a viable agricultural undertaking.
3. The proposal is inconsistent with the purpose and decision guidelines of the Farming Zone, which seek 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. Without sufficient evidence demonstrating the proposed dwelling is reasonably required to support a genuine and viable agricultural activity, the proposal will lead to a permanent loss of productive agricultural land, limit the operation and expansion of existing agricultural land uses within the surrounding area and lead to further concentration and proliferation of dwellings, contrary to the decision guidelines of the zone.

Moved: Cr Gaffney

Seconded: Cr Teissl

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

Against: Nil

CARRIED

COUNCIL MEETING MINUTES - 25 JULY 2023

SUMMARY

Application No:	PP22-0311
Applicant:	Leah Culhane
Subject Land:	354 Moodemere Road, Norong Crown Allotment 7, Section D Parish of Norong
Proposal:	Use of the land for a dwelling
Recommendation:	Refusal in accordance with the Recommendation above.

BACKGROUND

Date application lodged: 05 December 2022

Purpose: Use of land for a dwelling

Subject site land area: 8.089ha

Current use of subject site: Light grazing

Site constraints: The site is within close proximity of the Murray River and Lake Moodemere to the north east. Reticulated water and sewer services are not available. Native vegetation is located along the Moodemere road frontage. An aerial image of the site and surrounding area is provided below.



COUNCIL MEETING MINUTES - 25 JULY 2023

Surrounding land use:	The surrounding area comprises a combination of agricultural activities and dwellings used both to support agricultural activities and for rural lifestyle purposes.
Zoning of surrounding land:	Farming Zone, Public Conservation and Resource Zone applying to the Murray River and surrounds adjacent to the site to the north east.

PROPOSAL

ZONING AND PLANNING CONTROLS

This application seeks approval for the use of the subject land for the purpose of a dwelling. The application material states that the proposed dwelling is required for efficient site management and the establishment of a small scale cattle feedlot (no more than 100 head and six paddocks). No buildings and works are proposed as part of this application.

The application documents including the Farm Management Plan to support the proposed dwelling is contained within Attachment 1. An extract of site plan showing a building envelope is contained within Figure 1 below.

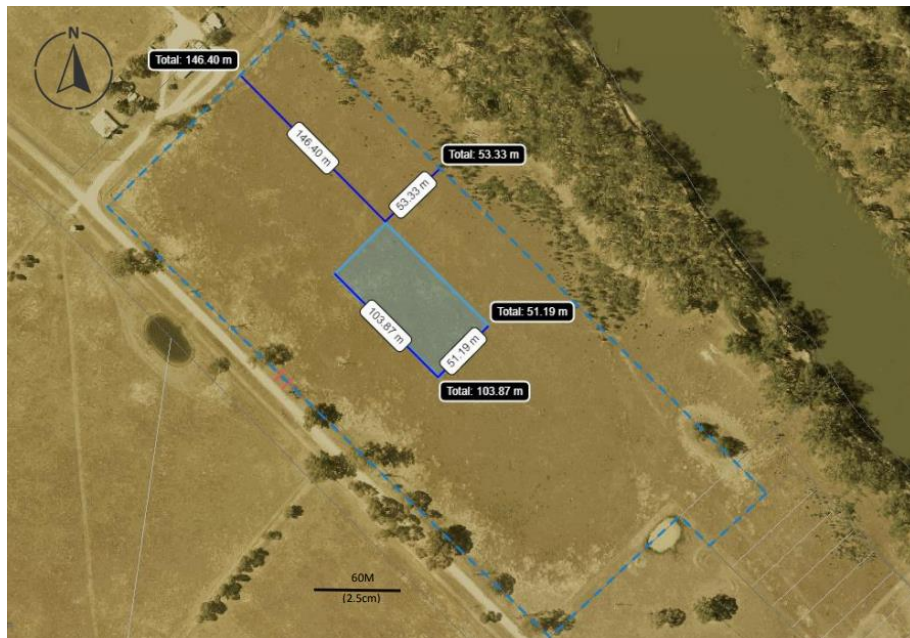


Figure 1: Proposed site plan. Source: Application documents

ZONING AND PLANNING CONTROLS

Zoning:	Clause 35.07 – Farming Zone
Overlay/s:	Clause 42.01 – Environmental Significance Overlay (Schedule 2)

COUNCIL MEETING MINUTES - 25 JULY 2023

PERMIT TRIGGER:

- Clause 35.07-1 – A permit is required to use land for a dwelling, as the Section 1 condition is not met (land less than 40ha in area).

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.

MUNICIPAL PLANNING STRATEGY AND 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. As a result of Planning Scheme Amendment C78indi (gazetted 9 March 2023), the Planning Policy Framework captures all relevant policy at a Local (L) level, Regional (R) level and State (S) level.

The following policies and clauses are deemed to be relevant to this proposal and have been considered in the assessment of this application:

- Clause 02.03-1 – Settlement
- Clause 02.03-2 – Environmental and Landscape Values
- Clause 02.03-4 – Natural resource management
- Clause 02.03-6 – Housing
- Clause 11.01-1S – Settlement
- Clause 11.01-1R – Settlement – Hume
- Clause 12.03-1S - River and riparian corridors, waterways, lakes, wetlands and billabongs
- Clause 13.02-1S – Bushfire planning
- Clause 14.01-1S – Protection of agricultural land
- Clause 14.01-1L-03 – Land use in the Rural Zones
- Clause 14.01-2S – Sustainable agricultural land use
- Clause 14.02-1S – Catchment Planning and Management
- Clause 14.02-2S – Water Quality
- Clause 14.02-2L-01 – Murray River, Lake Hume and Lake Moodemere

COUNCIL MEETING MINUTES - 25 JULY 2023

- Clause 14.02-2L-02 – Effluent Disposal and Water Quality
- Clause 16.01-3S – Rural residential development

PARTICULAR PROVISIONS

No relevant Particular Provisions are identified in relation to this application.

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.
- 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

Pursuant to Section 55 of the *Planning and Environment Act 1987* and Clause 66 of the Indigo Planning Scheme, no external referrals were required.

Advice was sought from the following agencies in accordance with Section 52 of the *Planning and Environment Act 1987*:

- Agriculture Victoria; and
- North East Catchment Management Authority (NECMA).

COUNCIL MEETING MINUTES - 25 JULY 2023

Agriculture Victoria have assessed the Farm Management Plan provided to support the proposed dwelling and raise a number of concerns with the viability of the agricultural venture as well as the proposed dwelling as follows:

- *The application makes the statement that the; Operation of the feedlot will comply with the Victorian Code for Cattle Feedlots – August 1995, but does not address the code, the zone or the requirements of Clause 53.08 Cattle feedlot. Given the constraints of the site a cattle feedlot may not be an appropriate land use.*
- *Despite the statement above, the application states; Rotation of the paddocks will be dependent on pasture growth which suggests a Grazing animal production (GAP) system. Further statements include; An intensive small-scale feedlot operation, total number of cattle on the site at any time and will not exceed 100 head. This is intended to be split between a younger herd being raised to replace an older herd being grown out to approximately 300kg before being sold. This may suggest an Intensive animal production system but the application is lacking in any detail.*
- *If the application intends to operate as a Cattle feedlot, then it must comply with the Code, which involves submitting the relevant documentation to Council to prove compliance.*
- *The proposed stocking rate under GAP would be based on:*
 - *Given the local average annual rainfall of approx. 1025 mm, a carrying capacity of 31 DSE (Dry sheep equivalent) per ha could be expected as sustainable with good pasture and grazing management.*
 - *The area available for cattle grazing is estimated at 7.5 ha but would be further reduced allowing for:*
 - *Driveway access to the domestic building envelope and;*
 - *the land application area appearing outside the domestic building envelope.*
 - *The available area is estimated to be approximately 7.5 ha.*
 - *The total DSE for 7.5 ha equals 232.5 DSE.*
 - *An average mature cow would be estimated at 500 kg @ 50% total numbers = 50 cows @ 15.6 DSE = 780 DSE.*
 - *The grow out herd is noted at 300 kg @ 50% total numbers = 50 steers @ 8.8 DSE = 440 DSE*
 - *This would equate to a stocking rate 1,220 DSE, the capacity of the land is 232.5 DSE.*
 - *The proposed 100 head enterprise would not appear achievable or sustainable, and a more sustainable stocking rate based on a rotational grazing system would be considered 7 mature cows and 13 steers (as an example).*
- *The current agricultural use of grazing animal production will remain unchanged and could be carried out on the site without the need for a permanent onsite presence (dwelling).*
- *The use of the land for grazing animal production would not generally require a dwelling although regular supervision and management is required for animal health and welfare.*
- *Farm security can be maintained without the need for a dwelling on site. Locked gates and security camera systems are available to achieve security.*
- *The proposal does not appear to effectively establish a domestic building envelope to minimise the domestic use impact on the land and, ensure maximising and maintaining the use of the land for agriculture.*

COUNCIL MEETING MINUTES - 25 JULY 2023

- *Without the establishment of a domestic building envelope there is a risk of further loss to available productive land over time.*
- *The approval of a dwelling would have the potential to set a precedent for further dwellings in the surrounding area given the pattern of small lots without dwellings which appear to be currently used for broad scale agriculture, and lead to a proliferation of dwellings in the Farming Zone.*
- *The approval of a dwelling on the currently vacant land would permanently remove the ability of the land to be incorporated into surrounding agricultural enterprises and has the potential to limit the operation and expansion of adjoining and nearby agricultural uses.*

The response also refers to a number of VCAT decisions, which are considered further in this report.

Agriculture Victoria concludes by stating:

Agriculture Victoria considers that the proposed use and development of a dwelling on the land does not meet the strategic objectives of the Indigo Planning Scheme, with particular reference to Clause 14.01-1S Protection of agricultural land and Clause 22.01-6 Rural Land Use Policy. The refusal of the application would appear supported by the VCAT cases cited above

Whilst NECMA have provided consent to the application, they have raised similar concerns with the viability of the supporting feedlot operation as follows:

While not objecting to the dwelling as proposed by the current application, the Authority notes that the application documents propose future establishment of a Cattle Feedlot on the property. Given the small size of the property and immediate proximity to the Murray River, the Authority considers it unlikely that feedlot development would be feasible or practical while demonstrating compliance with the Victorian Code for Cattle Feedlots and other planning requirements, including consideration of the Environmental Significant Overlay.

Internal referrals to the Infrastructure and Environmental Health Departments no concerns were raised from a wastewater, access and stormwater perspective in relation to a future dwelling.

See Attachment 2 for a full copy of referral responses.

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.

No objections were received in relation to the application.

PLANNING ASSESSMENT

PLANNING POLICY

Clause 02.03-1 – Settlement

COUNCIL MEETING MINUTES - 25 JULY 2023

Relevant Strategic Directions:

- *Direct the majority of population growth to townships serviced by reticulated infrastructure and good social infrastructure.*
- *Direct population growth to serviced and zoned land to make efficient use of infrastructure and land.*
- *Accommodate a diverse range of residential, lifestyle and tourism developments whilst protecting agriculture, rural landscapes, rural character, and environmental assets.*
- *Reduce the proportion of new housing development in rural areas.*

Clause 11.01-1S – Settlement

Objective:

- *To promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.*

Relevant Strategies:

- *Develop sustainable communities through a settlement framework offering convenient access to jobs, services, infrastructure and community facilities.*
- *Focus investment and growth in places of state significance in Metropolitan Melbourne and the major regional cities of Ballarat, Bendigo, Geelong, Horsham, Latrobe City, Mildura, Shepparton, Wangaratta, Warrnambool and Wodonga.*
- *Support sustainable development of the regional centres of Ararat, Bacchus Marsh, Bairnsdale, Benalla, Castlemaine, Colac, Echuca, Gisborne, Hamilton, Kyneton, Leongatha, Maryborough, Portland, Sale, Swan Hill, Warragul/Drouin and Wonthaggi.*
- *Create and reinforce settlement boundaries.*
- *Deliver networks of high-quality integrated settlements that have a strong identity and sense of place, are prosperous and are sustainable by:*
 - *Preserving and protecting features of rural land and natural resources and features to enhance their contribution to settlements and landscapes.*
- *Limit urban sprawl and direct growth into existing settlements.*

Comment:

Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.

COUNCIL MEETING MINUTES - 25 JULY 2023

The proposal is considered to be contrary to the provisions of Clause 11 in that:

- The land is not zoned or serviced for residential use.
- It will create an expectation that other lots below 40ha will be able to be developed with dwellings for rural-residential purposes.
- While an agricultural use is put forward within the Farm Management Plan submitted with the application, the document lacks detail. Particularly, an assessment against the *Victorian Code for Cattle Feedlots - August 1995* (herein referred to as the Code) was not provided to demonstrate that the site is capable of accommodating a small-scale feedlot. Concerns were raised by both Agriculture Victoria and NECMA in relation to the viability the feedlot based on the information within the Farm Management plan and whether it would comply with the Code given the proximity to the Murray River and surrounding environs. In the absence of a viable agricultural pursuit that requires a dwelling on this land, the proposal cannot be considered an appropriate use of Farming Zone land.

Clause 02.03-2 - Environmental and landscape values

The Murray River, Lake Hume, and Lake Moodemere are significant water, natural environment, and tourist resources. The development of land abutting these resources needs to be carefully managed. Key waterways include the Murray River, Kiewa River, Indigo Creek, Black Dog Creek and Yackandandah Creek.

Relevant Strategic Directions:

- *Protect and conserve environmentally sensitive areas.*
- *Protect the natural resources of soil, waterways and wetlands, remnant vegetation, threatened flora and fauna and landscapes.*
- *Protect and enhance the health of rivers and their catchments.*

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

Objective

- *To protect and enhance waterway systems including river and riparian corridors, waterways, lakes, wetlands and billabongs.*

COUNCIL MEETING MINUTES - 25 JULY 2023

Relevant Strategies:

- *Protect the environmental, cultural, landscape values of all waterway systems as significant economic, environmental and cultural assets.*
- *Conserve waterway systems and the landscapes and environmental values surrounding them by protecting ecological values, indigenous vegetation, terrestrial and aquatic habitats and encouraging biodiversity.*
- *Sensitively design and site development to maintain and enhance the waterway system and the surrounding landscape setting, environmental assets, and ecological and hydrological systems.*

Comment:

The subject site abuts the Murray River and surrounding environs to the north east. As such, the impact of the proposal on river health and function is an important consideration. The application was referred to NECMA for comment in this regard. Whilst the authority raised no concerns with the proposed dwelling, it made mention that a cattle feed lot is unlikely to be feasible when demonstrating compliance with the Code given the relatively small size of the site and the proximity to the Murray River. Given that the cattle feed lot is required to justify the proposed dwelling, it cannot be said that the proposal will have an acceptable impact on the Murray River and surrounding environs.

Clause 02.03-4 – Natural Resource Management

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:

- *Protect agricultural land for primary production and discourage incompatible uses and development in rural areas.*
- *Encourage land use consistent with sustainable rural land management.*
- *Avoid the fragmentation of productive agricultural land to ensure the productive capacity of land is maintained and to prevent land use conflicts.*
- *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.*

Clause 14.01-1S – Protection of agricultural land

COUNCIL MEETING MINUTES - 25 JULY 2023

Objective:

- *To protect the state's agricultural base by preserving productive farmland.*

Relevant Strategies:

- *Identify areas of productive agricultural land, including land for primary production and intensive agriculture.*
- *Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.*
- *Protect productive farmland that is of strategic significance in the local or regional context.*
- *Protect productive agricultural land from unplanned loss due to permanent changes in land use.*
- *Prevent inappropriately dispersed urban activities in rural areas.*
- *Protect strategically important agricultural and primary production land from incompatible uses.*
- *Limit new housing development in rural areas by:*
 - *Directing housing growth into existing settlements.*
 - *Discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses.*
 - *Encouraging consolidation of existing isolated small lots in rural zones.*
- *In considering a proposal to use, subdivide or develop agricultural land, consider the:*
 - *Desirability and impacts of removing the land from primary production, given its agricultural productivity.*
 - *Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.*
 - *Compatibility between the proposed or likely development and the existing use of the surrounding land.*
 - *The potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.*
 - *Land capability.*

Comment:

Agricultural production is one of the most significant industries in the Indigo Shire (Clause 02.03-4), and as such productive agricultural land should be protected. It is recognised that productive agricultural land is under pressure from incompatible land uses such as dwellings used for hobby farming and rural residential purposes

In considering a proposal to use or develop agricultural land, the following factors listed above must be considered:

COUNCIL MEETING MINUTES - 25 JULY 2023

- *The desirability and impacts of removing the land from primary production, given its agricultural productivity:*

While the proposal does not explicitly claim to remove the land from primary production, ultimately the use of this land for non-agricultural purposes will have this effect. As highlighted by Agriculture Victoria, *'The approval of a dwelling on the currently vacant land would permanently remove the ability of the land to be incorporated into surrounding agricultural enterprises and has the potential to limit the operation and expansion of adjoining and nearby agricultural uses'*. The proposal also has the potential to lead to the loss of the whole site from potential agricultural use and create an expectation that other similar lots in the area (of which there are multiple) could be similarly developed with dwellings.

- *The compatibility between the proposed or likely development and the existing uses of the surrounding land:*

A proliferation of non-agricultural land uses in this area would be incompatible with the existing agricultural land uses surrounding the subject land to the south west, and would limit the expansion of those same agricultural uses.

- *Assessment of the land capability:*

A land capability assessment has been provided in relation to the treatment and retention of wastewater, which has been assessed and supported by Councils Environmental Health Officer. As mentioned previously, the proponents have prepared a Farm Management Plan in support of a small-scale cattle feedlot to justify the proposed dwelling use. Concerns have been raised by Agriculture Victoria in relation to the viability of the cattle feedlot as outlined within the Farm Management Plan, as highlighted below:

- *The application makes the statement that the; Operation of the feedlot will comply with the Victorian Code for Cattle Feedlots – August 1995, but does not address the code, the zone or the requirements of Clause 53.08 Cattle feedlot. Given the constraints of the site a cattle feedlot may not be an appropriate land use.*
- *The proposed stocking rate under GAP would be based on:*
 - *Given the local average annual rainfall of approx. 1025 mm, a carrying capacity of 31 DSE (Dry sheep equivalent) per ha could be expected as sustainable with good pasture and grazing management.*
 - *The area available for cattle grazing is estimated at 7.5 ha but would be further reduced allowing for:*
 - *Driveway access to the domestic building envelope and;*
 - *the land application area appearing outside the domestic building envelope.*
 - *The available area is estimated to be approximately 7.5 ha.*
 - *The total DSE for 7.5 ha equals 232.5 DSE.*
 - *An average mature cow would be estimated at 500 kg @ 50% total numbers = 50 cows @ 15.6 DSE = 780 DSE.*

COUNCIL MEETING MINUTES - 25 JULY 2023

- *The grow out herd is noted at 300 kg @ 50% total numbers = 50 steers @ 8.8 DSE = 440 DSE*
- *This would equate to a stocking rate 1,220 DSE, the capacity of the land is 232.5 DSE.*
- *The proposed 100 head enterprise would not appear achievable or sustainable, and a more sustainable stocking rate based on a rotational grazing system would be considered 7 mature cows and 13 steers (as an example).*

In the absence of documentation demonstrating that the proposed cattle feedlot meets the requirements of the Code and maintains being a viable agriculture venture, it cannot be argued that the site is capable of accommodating the proposed agricultural venture and as a result, there is no justification for the proposed dwelling use .

Based on the above, the application is at odds with the objective and strategies of this clause.

Clause 14.01-1L-03 – Land Use in the Rural Zones

Objective:

- *To ensure the use of land is in conjunction with agricultural production.*
- *To minimise conflict between land uses.*
- *To provide for the residential use of land only where associated with and required to support agriculture.*
- *To encourage consolidation of rural lots.*

Relevant Strategies:

- *Support the ongoing use of land for agriculture.*
- *Encourage sustainable agricultural industries which incorporate best management practice.*
- *Discourage the residential use of existing small lots.*

Comment:

As discussed above, while the proposal is put forward on the basis of an agricultural activity, it is considered that insufficient detail has been provided to demonstrate that the small-scale cattle feedlot would be a viable agricultural undertaking on this land. As such, it cannot be claimed that the proposed dwelling use is associated with and required to support agriculture which goes against the objectives and strategies of this Clause. Even if the agricultural venture was viable, questions as to the necessity of a dwelling to support the agricultural use were raised by Agriculture Victoria as follows:

- *The current agricultural use of grazing animal production will remain unchanged and could be carried out on the site without the need for a permanent onsite presence (dwelling).*

COUNCIL MEETING MINUTES - 25 JULY 2023

- *The use of the land for grazing animal production would not generally require a dwelling although regular supervision and management is required for animal health and welfare.*
- *Farm security can be maintained without the need for a dwelling on site. Locked gates and security camera systems are available to achieve security.*

Policy seeks to discourage residential use of existing small lots and encourage consolidation of rural lots; of which this application does the opposite. Approval of a dwelling on this parcel will likely discourage rural consolidations and instead incentivise the disposal of small rural parcels from agricultural use into separate ownership and development.

Clause 14.01-2S – Sustainable Agricultural land use

Objective:

- *To encourage sustainable agricultural land use.*

Relevant Strategies:

- *Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources.*
- *Support the development of innovative and sustainable approaches to agricultural and associated rural land use practices.*
- *Facilitate ongoing productivity and investment in high value agriculture.*
- *Facilitate the establishment and expansion of cattle feedlots, pig farms, poultry farms and other intensive animal industries in a manner consistent with orderly and proper planning and protection of the environment.*

Comment:

The proposal is considered contrary to the objective and strategies of this clause. The proposal will permit a non-agricultural use of the land at the expense of its agricultural and environmental values. As noted above, it is questionable whether the cattle feedlot put forward to justify the proposed dwelling is feasible given the requirements of the Code, the relatively small size of the subject site and the proximity to the Murray River and surrounding sensitive environs. Furthermore, the subject site is approximately 10km by road to Rutherglen, with insufficient justification provided as to why the agricultural activity could not be managed from residentially zoned land within the township.

The issue of achieving the outcomes demonstrated in the state agricultural policies has been discussed countless times at the Tribunal. A particular case to mention is *Bourke-Finn v Ballarat CC & Anor [2013] VCAT 908*, where Member Potts states:

“State planning policy supports these outcomes by seeking to:

- *Prevent inappropriate dispersal of urban activity by limiting new housing and encouraging consolidation of small lots in rural zones.*

COUNCIL MEETING MINUTES - 25 JULY 2023

- *Protect productive farmland of state or local strategic significance by preventing loss through permanent land use changes.*
- *Address the impact of a non-agricultural development in farming areas that conflict with the productive use of such land.*
- *In short having regard to the first three of the above points, it can be seen that State policy seeks to avoid the use of agricultural/farming land from rural lifestyle living.”*

In the absence of information demonstrating that the proposed dwelling is genuinely required and will result in a long term agricultural benefit, Council cannot reasonably support the application of a dwelling in an agricultural area. It is of particular concern that the activities proposed on the site are all to come after a dwelling has been constructed, where the scale of activity and land remediation works could reasonably occur prior to the commencement of a dwelling use on the site.

Clause 14.02-1S – Catchment Planning and Management

Objective

- *To assist the protection and restoration of catchments, waterways, estuaries, bays, water bodies, groundwater, and the marine environment.*

Relevant Strategies:

- *Ensure that development at or near waterways provide for the protection and enhancement of the environmental qualities of waterways and their instream uses.*
- *Ensure land use and development minimises nutrient contributions to water bodies and the potential for the development of algal blooms.*

Clause 14.02-2S – Water Quality

Objective

- *To protect water quality.*

Relevant Strategies

- *Ensure that land use activities potentially discharging contaminated runoff or wastes to waterways are sited and managed to minimise such discharges and to protect the quality of surface water and groundwater resources, rivers, streams, wetlands, estuaries and marine environments.*

Clause 14.02-2L-01 – Murray River, Lake Hume and Lake Moodemere

Objectives

- *To prevent use and development from degrading water quality.*

COUNCIL MEETING MINUTES - 25 JULY 2023

- *To protect riparian vegetation.*
- *To protect the natural environment from obtrusive development that may spoil undeveloped landscape features.*

Relevant Strategies:

- *Encourage buildings and works to respond to topographic constraints, including access.*
- *Minimise excavation and treat water runoff to prevent soil erosion and siltation.*

Comment:

As mentioned previously, the subject site has an interface with the Murray River and surrounding environs to the north east. Whilst the proposed dwelling may not have a detrimental impact on the waterway, insufficient information has been provided to demonstrate that the cattle feedlot is able to be accommodated on site without impacting the adjacent waterway and surrounding environs. Without this information, it cannot be said that the proposal will protect water quality and riparian vegetation.

Clause 14.02-2L-02 – Effluent Disposal and Water Quality

Objectives

- *To ensure that the density of effluent disposal systems is suitable to the soil type and topography of the locality.*
- *To provide for alternative effluent disposal systems where environmental conditions prevent the treatment of waste by septic tank.*

Relevant Strategies:

- *Support use and development that:*
 - *Demonstrates through topographic plans that areas can be irrigated without discharging wastewater from the site.*
 - *Demonstrates that septic tanks and other forms of wastewater treatment will not increase the peak discharge, volume of discharge or reduce the quality of discharge to a watercourse.*
 - *Demonstrates through a land capability assessment report that the design and location of the effluent disposal system is appropriate to the site and environmental characteristics of the land.*
 - *Outlines a management program that ensures ongoing environmental sustainability and protection of human health.*
 - *Demonstrates that the cumulative effect of the effluent disposal systems within the area will not overload the natural environment with effluent and lead to pollution of watercourses or other properties.*

Comment:

COUNCIL MEETING MINUTES - 25 JULY 2023

A Land Capability Assessment was provided with the application which demonstrates that wastewater from the proposed dwelling can be accommodated on site and is supported by Councils Environmental Health Officer.

Clause 02.03-6 – Housing

Rural residential and rural living development

There is demand for various types of rural residential use and development within the Shire.

Farming Zone land is under pressure from development for rural living.

The potential adverse impacts of unplanned rural living on agriculture, tourism, landscapes, ecological values and the efficiency of infrastructure and service provision is a key issue within the Shire.

Relevant Strategic Directions:

- *Provide for a range of residential and lifestyle opportunities while protecting agriculture, heritage assets and the natural environment.*
- *Direct rural living, rural residential development, and hobby farm development into areas zoned for that purpose.*

Clause 16.01-3S – Rural residential development

Objective:

- *To identify land suitable for rural residential development*

Relevant Strategies:

- *Manage development in rural areas to protect agriculture and avoid inappropriate rural residential development.*
- *Encourage the consolidation of new housing in existing settlements where investment in physical and community infrastructure and services has already been made.*
- *Demonstrate need and identify locations for rural residential development through a housing and settlement strategy.*
- *Ensure planning for rural residential development avoids or significantly reduces adverse economic, social and environmental impacts by:*
 - *Maintaining the long-term sustainable use and management of existing natural resource attributes in activities including agricultural production, water, mineral and energy resources.*
 - *Protecting existing landscape values and environmental qualities such as water quality, native vegetation, biodiversity and habitat.*
 - *Minimising or avoiding property servicing costs carried by local and state governments.*

COUNCIL MEETING MINUTES - 25 JULY 2023

- *Maintaining an adequate buffer distance between rural residential development and animal production.*
- *Ensure land is not zoned for rural residential development if it will encroach on high quality productive agricultural land or adversely impact on waterways or other natural resources.*
- *Discourage development of small lots in rural zones for residential use or other incompatible uses.*
- *Encourage consolidation of existing isolated small lots in rural zones.*

Comment:

The proposal is considered contrary to the objective and strategies of this clause. The subject site and surrounding area are not zoned or serviced for rural residential use, being located outside of residential or rural living areas and in the heart of the Farming Zone. The proposal is for the development of a small lot in the Farming Zone for residential use, contrary to policy, and as discussed is not considered to provide a net agricultural benefit.

FARMING ZONE

The purpose of the Farming Zone, as stated at Clause 35.07 of the Scheme is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*
- *To encourage the retention of employment and population to support rural communities.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*
- *To provide for the use and development of land for the specific purposes identified in a schedule to this zone.*

A planning permit is required under Clause 35.07-1 to use the land for a dwelling as the subject land is less than 40ha in area. There are no buildings and works proposed.

In response to the requirements of Clause 35.07-2, the dwelling has access to an all-weather road with dimensions adequate to accommodate emergency vehicles (Moodemere Road) and reticulated electricity is available. The LCA provided with the application demonstrates that wastewater can be managed on site and water supply can be provided via rainwater tanks.

COUNCIL MEETING MINUTES - 25 JULY 2023

Clause 35.07-6 of the Scheme requires consideration of the following matters:

General issues

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *Any Regional Catchment Strategy and associated plan applying to the land.*
- *The capability of the land to accommodate the proposed use or development, including the disposal of effluent.*
- *How the use or development relates to sustainable land management.*
- *Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.*
- *How the use and development makes use of existing infrastructure and services.*

Agricultural issues and the impacts from non-agricultural uses

- *Whether the use or development will support and enhance agricultural production.*
- *Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.*
- *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.*
- *Any integrated land management plan prepared for the site.*

Accommodation issues

- *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.*

Environmental issues

- *The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.*
- *The impact of the use or development on the flora and fauna on the site and its surrounds.*

COUNCIL MEETING MINUTES - 25 JULY 2023

- *The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.*
- *The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.*

Design and siting issues

- *The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.*
- *Whether the use and development will require traffic management measures.*

Comment:

State and Local Planning Policy emphasises the need to protect agricultural land from loss due to permanent changes in land use, in large part by limiting the use and development of dwellings and other non-agricultural uses in rural areas. This is encapsulated by the above decision guidelines of the Farming Zone and the elevated weight that agricultural factors carry in deciding on an application. The planning scheme is unequivocal in ensuring that productive agricultural land is protected from continued encroachment of non-agricultural uses. Ultimately, these practices around rural planning emphasise the fact that every new dwelling has the potential to undermine genuine agricultural activity.

It is noted that the applicant has made this application on the basis of a proposed agricultural activity (small scale cattle feedlot). However, there are a number of identified issues with this. Firstly, as identified by Agriculture Victoria and NECMA, a cattle feedlot that complies with the Code may not be viable or feasible due to the small size of the allotment and the proximity to the Murray River. Secondly, it is considered that a small scale feedlot could be reasonably managed off-site, with the Rutherglen township only a 10 minute drive. It is acknowledged that arguments were put forward in the Farm Management Plan that the proposed dwelling is required for security purposes and monitoring of breeding cattle. However, as pointed out by Agriculture Victoria, there are other options to address security such as upgraded fencing with lockable gates and camera surveillance. Whilst convenient for property managers to live on site, monitoring of breeding cattle could still be reasonably undertaken whilst living within the Rutherglen township. Thirdly, the proposed dwelling is to be constructed before any other improvements, which creates the potential for a rural-residential land use to occur without agricultural benefit.

Notwithstanding the above, it must be noted and emphasised that the conducting of any form of agricultural activity does not, in and of itself justify the use and development of a dwelling. Each application must be considered on its own merits and whether a dwelling is reasonably required in order to support and enhance agricultural production.

This view has been aptly summarised by the Victorian Civil and Administrative Tribunal (VCAT) in *Bailey v Moyne SC [2010] VCAT 771 (3 May 2010)*, where Member Bennett stated that:

COUNCIL MEETING MINUTES - 25 JULY 2023

*[5] Although it seems harsh to refuse a dwelling on this site, **it is unfortunately true that every new individual dwelling cumulative undermines the agricultural use of land. It may even seem unfair given the dwellings that already exist on lots less than the zone minimum. While some of these predate the current planning controls and policies,** in other cases it is also because Moyne Shire has taken a lenient approach to dwellings on small rural lots...*

*[7] ... **I accept that allowing a single dwelling on this 28ha lot will not, on its own, undermine the long term future of agricultural activities in this part of the Moyne Shire. However it is the cumulative impact of individual approvals that eventually undermines the very attributes that provide Moyne Shire with such a strong agricultural economy.***

[my emphasis]

Whilst it is acknowledged that there are several existing dwellings on allotments fronting the Murray River, they are likely to pre-date current planning controls and are reason to depart from current planning policy. There are still a number of undeveloped smaller lots within the surrounding area and it is considered that this proposal has the potential to lead to further concentration and proliferation of dwellings in the surrounding area. The policy context of such applications requires close analysis to ensure that dwellings are genuinely related to agricultural production and are not proposed to achieve rural lifestyle or other non-agricultural outcomes.

It is a well-accepted fact in rural land use planning that the value of land per acre increases when a dwelling can be or has been built on the land. This inflates land prices beyond their agricultural worth and limits the opportunity for smaller agricultural holdings to be consolidated with other agricultural holdings to increase viability and agricultural growth. Approval of a dwelling in this location would increase the prospect of further rural-residential developments being sought and small lots being sold into separate ownership, undermining the primary agricultural use and development of the area. It is also of concern that the proposed dwelling would precede all activities proposed on the site, creating the prospect that the dwelling will be developed and that no agricultural benefit will result from the activity (which the Tribunal considered in the decision of *Strachan v Latrobe CC*, discussed further in this report).

In relation to environmental issues, it is noted that the proposed dwelling is appropriately setback from waterways and does not necessitate removal of native vegetation. As discussed previously, the proximity of the site to the Murray River is a significant constraint to the viability of a future cattle feedlot on the land. Whilst environmental factors may not necessitate refusal of the application, it does paint a picture that priority has been given to a future dwelling and the agricultural undertaking is just an afterthought.

COUNCIL MEETING MINUTES - 25 JULY 2023

As no buildings and works are proposed, the design and siting considerations are relatively limited. The site plan provided with the application shows a building envelope of approximately 5,253sqm located in the centre of the site. Again, it appears as though no careful thought has been put towards the size and siting of the building envelope to reduce the amount of productive agricultural land lost as a result of the dwelling construction and associated effluent fields and accessways. Not only is the size of the building envelope excessive, its location central to the site creates the need for excessively long internal accessways which will somewhat fragment the site and unnecessarily increase the amount of productive land lost. Should the recommendation of this report not be adopted, Conditions should be included to limit the size of the building envelope as well as relocating it closer to a road frontage.

For these reasons, the proposal is considered to be inconsistent with the purpose and decision guidelines of the Farming Zone.

RELEVANT VCAT DECISIONS

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

- the appropriateness of allowing the use and development of dwellings on small rural lots; and
- the need to consider the strategic intent of the Planning Scheme as a whole rather than focussing on individual policies.

In *Moore v Greater Bendigo CC [2023] VCAT 418 (19 April 2023)*, Senior Member Bennett conveniently set out the major issues that arise with dwelling applications in the Farming Zone:

18. I consider that just because other smaller lots have been used and developed for dwellings it does not justify further approvals which would undermine those policies seeking to avoid construction of dwellings on small rural lots.

19. I do not know the circumstances of those other approvals, whether some predate current planning provisions, and what agricultural activity related to the more recent dwelling approvals. It is not my task to critique or review those decisions. Instead, my task is to assess this particular application having regard to my understanding of the relevant zone and policy provisions.

20. The fact that agricultural land is fragmented into lots smaller than a zone minimum is common across much of the rural areas of Victoria. Such lots, particularly the multitude of crown allotments created in the 19th century, have often been owned and managed as part of a larger farming enterprise. They are in essence 'paper lots' and it is only when they are sought to be developed for dwellings that the number and size of such lots becomes obvious. Although the subject land is not an original crown allotment, the title submitted with application indicates that it was created in 1975 as part of the re-subdivision of crown allotment 12B, Section 3, Parish of Nerring.

COUNCIL MEETING MINUTES - 25 JULY 2023

21. *The review site, despite its relatively small size, may also have been managed as part of a larger farming enterprise before it and surrounding lots were either subdivided or sold off into separate ownership.*
22. *For at least four decades the advice to purchasers wanting to live on vacant rural land is ‘don’t buy without a valid planning permit for a dwelling or a contract of sale that is conditional on obtaining a planning permit for a dwelling’.*
23. *It is my experience that without such guarantees there is a high probability that a planning permit for a dwelling will not be granted on small rural lots across Victoria. I can recall that in the 1970’s the State Government published a booklet which strongly advised prospective landowners not to buy small rural lots unless and until a planning permit for a dwelling had been obtained. That advice is equally relevant today.*
24. *It appears to be the case here where Ms Moore (and Mr Coates) jointly purchased the land in 2017 without a permit to use the land for a dwelling.*

In *Strachan v Latrobe CC [2022] VCAT 35 (14 January 2022)*, Member Halliday found in relation to a dwelling proposed in conjunction with a Farm Management Plan (for small scale agriculture comprising fattening of cattle and vegetable farming) in the Farming Zone:

53. *The Council submits that the FMP concludes that the land is well suited to the breeding and fattening of small beef cattle and producing vegetables once it is rehabilitated in accordance with the recommendations set out in the FMP. The timing of the agricultural undertakings referred to in the FMP is relevant to the question of whether the proposed dwelling is consistent with the purposes of the FZ2, which seek to ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture and which encourage the use and development of land based on comprehensive and sustainable land management practices.*
- 54 *In terms of the timing of the agricultural activities associated with the hobby farm, conditions 7 and 8 in the notice of decision require:*
- a. *the FMP to be endorsed and to form part of a permit, and to be implemented and maintained for five years after the initial occupation of the dwelling (condition 7); and*
 - b. *the owner/occupier to demonstrate commencement of the FMP before occupation of the dwelling (or such other time as approved in writing by the responsible authority) (condition 8).*
- 55 *The FMP contains a ‘loose timeframe’ for each major agricultural undertaking, which includes stock being brought on to the property after the construction of the house is complete and ‘someone is on the property 24/7’ (which I understand to mean permanently living in the dwelling). In a practical sense, this means that it is possible that after the house is constructed, an occupant could live in the dwelling for a period of time that is less than ‘24/7’ and reside somewhere else for some of the time and arguably there would then be no requirement to bring*

COUNCIL MEETING MINUTES - 25 JULY 2023

any stock onto the land at all. Alternatively, permission can be granted by the Council for the extension of the time to demonstrate 'commencement of' the FMP (condition 8).

56 At the hearing during a discussion regarding condition 7, the permit applicants representative indicated that condition 7 could be amended so that it could apply 'in perpetuity' (not just for five years). The Council submitted that condition 7 is not necessary but that it would accept its imposition. Council's position is that five years is acceptable and that the Council does not want to have to monitor compliance with the condition after 5 years.

57 I have not been persuaded by the submissions of the permit applicants or the Council that the requirements at conditions 7 and 8 regarding the FMP will be effective in ensuring the proposed hobby farm associated with the dwelling will be sustained in the long term for the following reasons:

- a. Condition 7 purports to limit the time within which the endorsed FMP is to be maintained and implemented to five years, because the Council does not want to bear the time and costs associated with monitoring and enforcing compliance with condition 7 after five years;*
- b. The FMP does not make it clear what will happen if the agricultural use ceases after the house is constructed. Is the use of the land for a dwelling to cease?;*
- c. I accept the Council's submission that it is not reasonable for the Council to incur the time and expense of monitoring and enforcing compliance with condition 7 if it is required to be implemented on an ongoing basis;*
- d. Even if the permit was granted with a requirement for the FMP to be implemented for five years, the likelihood that the agricultural activities will cease (if they ever commence) increases at the end of the five year period. Although there will be an endorsed FMP under the permit, in my view there is not a great deal of motivation for the agricultural activities to be sustained in the long term if the owner is aware that the Council does not wish to monitor or enforce compliance with condition 7 beyond five years. In that case, the agricultural use may cease.*

58 On this basis, I have not been persuaded that if the hobby farm operation is started, it will sustainably persist in the long term. The FMP makes no provision for what is to occur if the hobby farm operation ceases, after the dwelling is constructed. In my view, once the dwelling is constructed, there is real risk that if the proposed hobby farming activity commences, it will not be sustained. After the five year period referred to in condition 7, there is not a great deal of motivation for the agricultural activities to be sustained in the long term, particularly if a subsequent owner has no interest in rearing cattle. I consider that this is inconsistent with:

- a. the purposes of the FZ2, which seek to ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture and which encourage the use and development of land based on comprehensive and sustainable land management practices;*

COUNCIL MEETING MINUTES - 25 JULY 2023

- b. *Clause 14.01-1S (Protection of agricultural land) which seeks to limit new housing development in rural areas by directing housing growth into existing settlements; discouraging development of isolated small lots in rural zones from use for dwellings;*
- c. *Clause 16.01-3S (Rural residential development) which discourages development of small lots in rural zones for residential use and encourages consolidation of existing isolated small lots in rural areas; and*
- d. *The efficient development of zoned Rural Living estates and established commercial agricultural enterprises, which are issues that are raised in the RLU Strategy.*

The referral response of Agriculture Victoria also highlights a number of Tribunal decisions¹ of relevance where dwellings have been refused due to the potential land use conflicts, loss of agricultural land, proliferation of dwellings and/or not being required to undertake the required agricultural activity. These decisions further reinforce the position that dwellings on agricultural land are only to be permitted in specific circumstances and where it is genuinely demonstrated that:

- The dwelling is required for the activity;
- There will be net agricultural benefit from the activity;
- There will be no impact on other agricultural activities; and
- There will be no proliferation of dwellings as a consequence.

CONCLUSION

This application proposes the use of the land for a dwelling at the site known as Crown Allotment 7 Section D, Parish of Norong (being 354 Moodemere Road, Norong). Having assessed the application against the relevant clauses of the Indigo Planning Scheme, it is considered that the proposal is not supported by relevant state and local agricultural policies; as well as the Farming Zone's purpose and relevant decision guidelines.

While it is accepted that there is an agricultural venture put forward to support the proposed dwelling, there is insufficient information provided to demonstrate that cattle feedlot is a legitimate and viable agricultural pursuit. In the absence of this, it cannot be said that a dwelling is genuinely required to support the agricultural use of the land, as required by applicable planning policy.

¹ Kennedy v Baw Baw SC [2022] VCAT 787, Morabito v Macedon Ranges SC [2018] VCAT 1313, Estate of JE Walker v Wangaratta RCC [2021] VCAT 125

COUNCIL MEETING MINUTES - 25 JULY 2023

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.

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

Attachments

1. Application Documents (Confidential)
2.  Referral Responses

COUNCIL MEETING MINUTES - 25 JULY 2023

12. COMMUNITY & ECONOMIC DEVELOPMENT

12.1 COUNCIL GRANTS GUIDELINES AND ASSESSMENT CRITERIA - ANNUAL REVIEW

File No: 2023/520

Carlene Lamanna - Manager Community
Development

Community & Economic Development

For Decision

RECOMMENDATION

That Council:

1. Adopts the Guidelines and Assessment Criteria as attached to this report for the following grant streams for 2023/2024:
 - a) Community Grants;
 - b) Events Grants; and
 - c) Get Active Indigo Grants.
2. Appoints Councillor representatives and substitute representatives in a non-voting capacity to each of the following grant assessment panels:
 - a) Events Grants:
 - i) Councillor Representative Cr <XXXX>;
 - ii) Substitute Representatiave Cr <XXX>; and
 - b) Get Active Indigo Grants:
 - i) Councillor Representative Cr <XXXX>;
 - ii) Substitute Representatiave Cr <XXX>; and
3. Adopts the amended Grants Governance Policy as attached to this report.

COUNCIL MEETING MINUTES - 25 JULY 2023

RESOLUTION

That Council:

1. Adopts the Guidelines and Assessment Criteria as attached to this report for the following grant streams for 2023/2024:
 - a) Community Grants;
 - b) Events Grants; and
 - c) Get Active Indigo Grants.
2. Appoints Councillor representatives and substitute representatives in a non-voting capacity to each of the following grant assessment panels:
 - a) Events Grants:
 - i) Councillor Representative Cr Peter Croucher;
 - ii) Substitute Representative Cr Bernard Gaffney; and
 - b) Get Active Indigo Grants:
 - i) Councillor Representative Cr Emmerick Teissl;
 - ii) Substitute Representative Cr Roberta Horne; and
3. Adopts the amended Grants Governance Policy as attached to this report.

Moved: Cr Croucher

Seconded: Cr Teissl

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

Against: Nil

CARRIED

PURPOSE OF REPORT

This report presents the Community Development Grants (Community Grants, Events Grants and Get Active Indigo Grants) Guidelines and Assessment Criteria for Council review and adoption in line with the Grants Governance Policy (adopted 14 December 2021).

This report proposes minor changes to the Community Grants and Active Indigo Grants. It also proposes the amalgamation of the Tourism and Community Events Grants into one Event Grant stream.

BACKGROUND

Indigo Shire recognises the value and importance of the role community groups and organisations play in building vibrant, inclusive and healthy communities. Grant programs help support local organisations to meet a demonstrated need in our community. Council is committed to providing a range of community grants efficiently, fairly and ethically. In the interest of fairness, transparency and maintaining community confidence in the integrity of the assessment process, formal assessment processes exist for all competitive grant categories.

COUNCIL MEETING MINUTES - 25 JULY 2023

Council adopted a Grants Governance Policy on 14 December 2021. This policy committed Council to annually reviewing the guidelines associated with the following grant streams:

1. Indigo Shire Council Community Grants
2. Indigo Shire Council Community Event Grants
3. Indigo Shire Council Active Indigo Grants
4. Community Sustainability Grants
5. Tourism Events Grant

The Grants Governance Policy provides consistent governance arrangements for the application, acquittal and management of different grants issued by Council. It also ensures management accountabilities are understood and applied.

This report presents the guidelines and assessment criteria for each stream.

DISCUSSION

In line with the Policy commitment a review of grant guidelines has recently been completed by a panel of Council Officers.

The scope of the review, as detailed in the tables below focused on the objectives, assessment criteria, eligibility, funding available and panel composition as per the requirements of the Grants Policy.

The events guideline review results in some structural changes (principles and aims have been removed and captured in the revised objectives). This is to ensure consistency and alignment with the Grants policy.

This report describes the outcomes of that review and proposes some changes to the guidelines for the Streams identified as numbers 1, 2, 3 and 5 above. Grants identified as streams 1, 2, 3 and 5 are managed by the Community Development Department. The Community Sustainability Grants stream is managed by the Economic Sustainability team who have conducted a review of that grant's guidelines and assessment criteria.

The following tables outline each grant stream, its objective and any proposed changes. Where a change is proposed a comment from the review panel is provided.

Please note: The intention is, that all current conditions remain unless there is a specific comment to add, remove or amend.

1. Community Grants

Indigo Shire Council community grants are assessed by the Indigo Shire Community Grants and Awards Advisory Committee (ISCGAAC). There is an annual amount of \$50,000 allocated for this grant stream. The annual guidelines and assessment criteria have been assessed in collaboration with ISCGAAC.

COUNCIL MEETING MINUTES - 25 JULY 2023

The following table captures any proposed amendments:

COMMUNITY GRANTS	Current	Proposed & Explanation
OBJECTIVES	<p>The objective of the Community Grants Program is to provide an opportunity for community groups and organisations to seek funds for projects and initiatives which align with Council Plan objectives and Municipal Public Health and Wellbeing objectives.</p> <p>These grants aim to support community connections, improve community health and wellbeing and social inclusion opportunities across the Shire.</p>	No change
ELIGIBILITY	<ul style="list-style-type: none"> • Applications will be considered only from locally based groups and organisations or those meeting a demonstrated need within the Shire; • One application per group; • Preference will be given to applications for projects where funding is not available from other sources (ie. State or Federal funding); • The group or organisation must be not for profit and membership must be open to or accessible by Indigo Shire residents; • All applicant organisations must either be incorporated, be auspiced by another group or become incorporated as a condition of funding; • Groups must demonstrate a significant contribution in the form of cash, voluntary service or in-kind support; • The applicant must have appropriate public liability insurance. • Applications will not be considered within the following categories: <ul style="list-style-type: none"> ○ Individuals; ○ Groups already in receipt of significant support from Council; ○ Programs considered the major responsibility of State or Federal Government; ○ Applications by commercial or private organisations; ○ Retrospective funding i.e. projects that have already been started or have been completed. • All funded projects must obtain relevant permits and approvals prior to project commencement; • Applications received from organisations with outstanding acquittals from previous grant rounds will not be considered. 	No change
ASSESSMENT	<ul style="list-style-type: none"> • The project / initiative aligns with Council Plan Priority (Score 0-3). • The project / initiative aligns with Municipal Public Health & Wellbeing Plan (Score 0-3). • The project / initiative benefits the local community (Score 0-3). 	No change
FUNDS	<p>\$50,000</p> <p>In 2023-2024 there was a specifics breakdown for this funding as follows:</p> <ul style="list-style-type: none"> ➤ \$47,500 - 'General' and 'Arts and Culture' projects and initiatives ➤ \$2,500 - 'Youth' projects and initiatives 	<p>\$50,000</p> <p>Panel comment: remove specific amounts designated for 'General', and 'Arts and Culture' and 'Youth' so as not to limit allocations to categories</p>
PANEL	Indigo Shire Community Grants and Awards Advisory Committee	No change

COUNCIL MEETING MINUTES - 25 JULY 2023

2. Get Active Indigo Grants

The Get Active Indigo Grants are assessed by an external panel which includes one Councillor, one Council Manager, health promotion representatives from Indigo North Health and Beechworth Health Services and a representative from the Regional Sports Assembly Sport North East.

\$30,000 is allocated to this grant stream each year. The annual guidelines and assessment criteria have been assessment in collaboration with the assessment panel. The following table captures the proposed amendments:

GET ACTIVE INDIGO GRANTS	Current	Proposed & Explanation
OBJECTIVES	<ul style="list-style-type: none"> • Responds to action in the Indigo Council Plan, Municipal Health and Wellbeing Plan and Active Indigo Recreation Plan. • Provide access to funding for groups who may be unable to secure funding through other grants streams and sources; • 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 get the community more physically active; • Trial local physical activity project ideas by responding to place-based needs; • Fund a diverse range of physical activity project ideas across the Shire; • Increase awareness of opportunities to be physically active via targeted communication and promotion. 	<p>Rewording of first criteria to be: “Get More People active more often”</p> <p>Panel comment: this language improves the communities’ understanding of the grant purpose</p> <p>All additional criteria remain.</p>
ELIGIBILITY	<p>Your project is eligible if:</p> <ul style="list-style-type: none"> • It can respond to one or more of the aforementioned program objectives, specifically to increase physical activity of the residents of Indigo Shire; • Your funding request supports the delivery of an activity. Minor equipment purchases that supports the activity are eligible. <p>To apply you need to:</p> <ul style="list-style-type: none"> • Be an Indigo Shire-based incorporated body or be auspiced by an Indigo Shire-based incorporated body. Organisations from outside Indigo Shire need to be auspiced by an Indigo Shire based body. • Have appropriate public liability insurance. • Demonstrate a contribution to the project in the form of cash, voluntary service or other in-kind support. <p>Projects that won’t be funded:</p> <ul style="list-style-type: none"> • Infrastructure or capital works • Designs or master plans. • Projects that have already started or been completed. • Groups already in receipt of significant Council support. • Application from commercial or private organisations. 	<p>Your project is eligible if: No changes</p> <p>To apply you need to:</p> <p>Addition “For projects that include a coaching element you will need to include supporting documentation of the coaching credentials”. Panel Comments: change following assessment panel concerns regarding quality of coaching funded through grant</p> <p>Projects that won’t be funded:</p> <p>Remove:</p> <ul style="list-style-type: none"> • Infrastructure or capital works • designs or master plans

COUNCIL MEETING MINUTES - 25 JULY 2023

GET ACTIVE INDIGO GRANTS	Current	Proposed & Explanation
		<p>Panel comment: minor infrastructure works should be considered along with designs</p> <p>Add:</p> <ul style="list-style-type: none"> • Projects that are only available to existing sporting club members. • Applications from educational institutions. • Projects that have received funding in previous Indigo Shire Active Indigo grant rounds. <p>Panel comment: Panel felt points 1 and 2 were exclusive and not equitable. Regarding point 3 the Panel felt the need to limit repeat applications</p>
ASSESSMENT	<ul style="list-style-type: none"> • Does your project get more people moving more often • The project promotion plan • Project impact and effectiveness review plan • Age demographics targeted for your project • Financial contribution to the project 	<p>Remove:</p> <ul style="list-style-type: none"> • The project promotion plan • Project impact and effectiveness review plan <p>Panel comments: The promotion plan has very little relationship to the merit of the project. The project impact and effectiveness review is more relevant during the acquittal process; it is difficult for community groups to respond to this during the application stage.</p> <p>Add:</p> <ul style="list-style-type: none"> • An assessment to encourage or ensure broad Community access and inclusion • Scoring added 0-3 for each criteria
FUNDS	\$30,000	No change
PANEL	one Councillor, one Council Manager, health promotion representatives from Indigo North Health and Beechworth Health Services and a representative from the Regional Sports Assembly Sport North East	No change

COUNCIL MEETING MINUTES - 25 JULY 2023

3. Event Grants

Currently, there are two separate event grant streams (Community Events \$15,000 and Tourism \$30,000). Two separate panels have previously assessed these grants. The Community Event Grant panel included representatives from Murray Arts, Beechworth Health Service, Indigo North Health, Yackandandah Health, two Councillors and Sports North East. The Tourism Event Grant panel included representatives from Murray Arts, Tourism North East, as well as relevant Councillor officers.

On 1 July 2022, Council transferred the Tourism Events Grant management responsibilities from Tourism to Community Development; the Creative Communities Team now have responsibility for both Event Grant streams. A 12-month review process has resulted in the proposed changes summarised in this report. This review process has included an assessment of several other Council grant streams and has considered best practice Council event management knowledge, including risk and liability minimising approaches.

It is proposed that the Community Event Grants and Tourism Events Grant streams be combined to create one Events Grant stream. An additional \$15,000 will be added to the stream from the existing logistics budget bringing the total to \$60,000. These funds are already distributed to grant recipients after grant distribution and ensures a more thorough assessment of the logistic funds required by applicants for events. There will be no additional costs to council for this change as this support is provided to event coordinators currently, without appropriate transparency and equity.

The approach of combining these streams improves financial transparency, ensure appropriate adherence to procurement processes, reduces duplication of staff resources, removes confusion in the community and better supports event organisers to streamline the arrangement of logistics. This efficiency improvement will enable the staff time to be utilised to provide advice and advocacy to event organisers. This will improve and develop events to meet the evolving needs and expectations of community and visitor audiences.

The integrated event funding program maintains its emphasis on generating economic growth and attracting tourists by offering genuine and location-specific activities and festivities. It guarantees that local events contribute to the community's social unity, economic prospects, and overall enhancement of recreational and leisure experiences, along with other place-related advantages, both in the short and long term.

COMMUNITY EVENTS	Current	Proposed & Explanation
OBJECTIVES	<p>The objective of the Community Event Grants is to support community groups to ensure all residents are engaged in their community and have access to a range of recreational, social and cultural activities and events.</p> <p>A community event encourages local participation, celebrates the communities of Indigo and focuses on social inclusion and community wellbeing. It is usually small scale. Economic and tourism outcomes are not the main objectives of these events. They predominantly attract residents of Indigo Shire</p>	<p>To support event organisers to ensure Indigo Shire Council residents and visitors have access to a range of recreational, social and cultural activities and events.</p> <p>Indigo Shire Council is committed to working in partnership with event organiser to deliver place-based events which consider:</p> <ul style="list-style-type: none"> • Volunteerism and

COUNCIL MEETING MINUTES - 25 JULY 2023

COMMUNITY EVENTS	Current	Proposed & Explanation
	Council or specific interest groups.	<p>opportunities for participation</p> <ul style="list-style-type: none"> • Economic yield • Township vibrancy • Resilience through connectivity • Building and celebrating place • Creativity and innovation • Inclusion and accessibility • Environmental sustainability <p>Panel comments: Events can now have a focus on both community connection and economic / tourism outcomes. Events will be assessed for their broader value for the Shire</p>
ELIGIBILITY	<ul style="list-style-type: none"> • Applications will be considered only from locally based groups and organisations or those meeting a demonstrated need within the Shire. • One application per group. • Preference will be given to applications for events where funding is not available from other sources (ie. State or Federal funding). • The group or organisation must be open to or accessible by Indigo Shire residents. • All applicant organisations must either be incorporated, be auspiced by another group or become incorporated as a condition of funding. • Groups must demonstrate a significant contribution in the form of cash, voluntary service or in-kind support. • The applicant must have appropriate public liability insurance. <p>Applications will not be considered within the following categories:</p> <ul style="list-style-type: none"> • Individuals. • Groups already in receipt of significant support from Council. 	<p>Remove:</p> <ul style="list-style-type: none"> • Applications will be considered only from locally based groups and organisations or those meeting a demonstrated need within the Shire. <p>Panel comment: panel is supportive of removing this restriction to ensure a broader applicant base may apply.</p> <p>Add:</p> <ul style="list-style-type: none"> • The event is to take place within Indigo Shire. <p>Panel comment: this was an omission from previous grant</p> <p>Amendment:</p> <ul style="list-style-type: none"> • All applicant organisations must either be incorporated, a registered business, be auspiced by another group or become incorporated as a condition of funding. <p>Panel comment: businesses now eligible in line with the existing Tourism events</p> <p>Applications will not be considered within the following categories:</p> <p>Remove:</p> <ul style="list-style-type: none"> • Applications by commercial or

COUNCIL MEETING MINUTES - 25 JULY 2023

COMMUNITY EVENTS	Current	Proposed & Explanation
	<ul style="list-style-type: none"> • Programs considered the major responsibility of State or Federal Government. • Applications by commercial or private organisations. • Retrospective event funding i.e. projects that have already been started or have been completed. • Events supporting causes not aligning with Council values • All funded projects must obtain relevant permits and approvals prior to project commencement. • Applications received from organisations with outstanding acquittals from previous grant rounds will not be considered. • Events delivered by for-profit entities for more than 3 consecutive years. 	<p>private organisations.</p> <p>Panel comments: as above these entities now eligible Applications from commercial businesses will be able to apply for financial investment for up to 3 years. Past this, an event will need to demonstrate significant innovation that satisfies the objectives of the grant program to be eligible. This is in lines with the existing Tourism events.</p> <p>All applicants are now eligible to apply for funds between \$1,000 and \$10,000. Previously the Community Events grants were capped at \$2,000 and the Tourism at \$6,000. This change reflects the combining of the two grant streams plus the potential for funding for logistics.</p>
ASSESSMENT	<ul style="list-style-type: none"> • The benefit the event will have on the community (score 0-3) • The capacity to deliver the event by the applicant (score 0-3) • Environmental Sustainability (including the completion of the Waste Wise Event Toolkit) (score 0-3) 	<p>Delete: Existing three criteria.</p> <p>Add:</p> <ul style="list-style-type: none"> • Alignment with Council Plan Themes of Community, Liveability, Prosperity and Environment (score 0-3 per theme) • The capacity to deliver the event by the applicant (score 0-3). • Evidence of a logical and well supported budget (score 0-5) <p>Panel comments: Applicants must provide a demonstrated need for Councils investment and support.</p> <p>These new criteria streamline applications for applicants and ensure a strong connection between events and Council Plan priorities including community and economic outcomes.</p>
FUNDS	\$15,000	\$60,000 (no increase in costs to council, includes a re-allocation of \$15,000 of the event logistics budget)
PANEL	Murray Arts, Beechworth Health Service, Indigo North Health, Yackandandah Health, two Councillors and Sports North East.	Add: Tourism North East. (To reflect combined grant aims)

COUNCIL MEETING MINUTES - 25 JULY 2023

TOURISM EVENTS	Current	Proposed & Explanation
OBJECTIVES	The objective of this allocated funding is to maximise economic outcomes for Indigo Shire through the attraction and support of new and innovative events.	(Replaced by above combined Event Grants)
ELIGIBILITY	<p>Eligible events:</p> <ul style="list-style-type: none"> • Events that are complementary to Council’s strategic direction. • Events that incorporate one (or more) of Indigo Shire’s identified product strengths. • Events that attract significant positive publicity and boost the profile of the region as a tourist destination. • Events that have regional tourism significance, increase visitation and provide strong economic benefit. • All or part of event to take place within Indigo Shire. • Event is not entirely financially dependent on only Indigo Shire Council support, other avenues for income and funds have been sourced. • Event takes place between 1 July and 31 October. • Be a registered business, including commercial operations, or an incorporated association. If the organisation is not incorporated, then it must be under the auspice of an incorporated association. • Practice equal opportunity and non-discrimination. • Deliver the event within the grant period. • Events that have allowed sufficient timeframes for permits and planning requirements. • Applications seeking retrospective funding but held within the specified dates. <p>Ineligible Events:</p> <ul style="list-style-type: none"> • Events that have a political purpose, or applications made by political organisations. • Events that denigrate, exclude or offend parts of the community. • Applications from organisations linked to contentious issues that may harm the reputation of the Indigo Shire community or Council by association. • Events with the sole purpose of advocating a religious faith or belief. • Events that directly promote anti-social activities such as gaming (excluding regulated gaming events such as horse racing). • Events that are associated with the tobacco or firearms/weapons industry. • Events that do not support responsible serving of alcohol. • Applications seeking retrospective funding outside the specified dates. • Applications not submitted on the correct form. • Applications which do not include all necessary documentation, including a budget and marketing plan. • Events that apply for a Community Grant or Community Events Grant are ineligible. • Applications received after the close date. 	
ASSESSMENT	The evaluation panel will assess how effectively each application addresses the following assessment criteria. All applications will be	

COUNCIL MEETING MINUTES - 25 JULY 2023

TOURISM EVENTS	Current	Proposed & Explanation
	<p>scored out of 100 points and feedback supplied. The potential for a higher demand for grants than Council can resource means that not all applications may be funded, or only partially funded.</p> <p>Applications will need to demonstrate:</p> <ul style="list-style-type: none"> • The event promotes one or more of Indigo Shire’s identified key tourism strengths as identified below. (15 points) <ul style="list-style-type: none"> ○ Arts and Cultural Heritage ○ Food, Wine & Craft Beer ○ Cycle ○ Nature based tourism (including outdoor activities such as walking) • The likely impact of the event on local economy and flow on benefits to local businesses that is directly attributed to the staging of the event. (10 points) • The level to which the event will attract outside visitation to Indigo Shire through either; (10 points) <ul style="list-style-type: none"> ○ Intrastate and/or interstate visitation ○ Increasing overnight stays, midweek visitation or off peak visitation ○ Encouraging repeat visitation ○ Increasing visitor yield • If a recurring event, what plan is in place for the event to; (10 points) <ul style="list-style-type: none"> ○ Grow ○ Become financially self-sustainable • The value added to the existing events calendar with consideration of; (5 points) <ul style="list-style-type: none"> ○ Avoiding scheduling conflicts with other events ○ Adding fresh and innovative events to the calendar, that appeal to growth audience segments • Waste reduction strategies being implemented by your event, 	

COUNCIL MEETING MINUTES - 25 JULY 2023

TOURISM EVENTS	Current	Proposed & Explanation
	<p>through a detailed Event Waste Management Plan. (10 points)</p> <ul style="list-style-type: none"> • Attachment of a detailed budget showing that the event is financially viable. (20 points) • Attachment of an event marketing plan that identifies; (20 points) <ul style="list-style-type: none"> ○ Key objectives of the event. ○ Your target audience. ○ Strategies to reach the target audience. • Ability to obtain necessary permits and approvals from Council or other governing body. (yes or no) 	
FUNDS	\$30,000	
PANEL	Councillor, Council Officer, Murray Arts and Tourism North East.	

Combining the Community Events Grants and Tourism Event Grants streams would necessitate a minor amendment to the Grants Governance Policy to reflect this change. This report recommends adopting this amended policy, which is attached to this report.

Options

The following options are open for Council consideration:

Council could choose not to adopt the proposed updated guidelines and combined event grants stream and to maintain the current grant streams without changes. This is not the preferred option in light of the extensive justification provided for combining streams and implementing panel-supported amendments to the guidelines.

Council could choose to amend any of the guidelines presented here in an alternative way contrary to officer recommendations. This is not the preferred option.

STRATEGIC CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	1. Communities
Strategic Objective	1.2 Our community members have access to the services, activities and infrastructure that make it easy for them to stay connected and get involved in community life.
Strategic Action	1.2.4 Progress the key priorities of and review and update Council’s Ageing Well Strategy, Youth Strategy, Tourism Strategy, Economic Development Strategy, Library Strategy and Early Years Strategy

COUNCIL MEETING MINUTES - 25 JULY 2023

SOCIAL/COMMUNITY IMPLICATIONS

The various Council grant streams are highly valued by the community as they enable projects and events to be delivered. These projects and events are tailored to each community and meet local community needs.

Previous grant recipient outcomes highlight the benefit these small funding opportunities have for Indigo shire communities including increasing opportunities for social connection, celebrating place, skill development and capacity building.

ENVIRONMENTAL IMPLICATIONS

The Event Grants Stream now request applicants demonstrate alignment with the Council Plan theme of Environment. All projects and events must align with Council’s Waste Wise toolkit, Plastic Wise and Local Food Policy to minimise the environmental impact of these funded initiatives.

FINANCIAL IMPLICATIONS

	Approved Budget \$	This Proposal \$	Variance to Approved Budget \$	Comments
Revenue				
Expense	\$140,000	\$140,000	\$0	\$50,000 – Community Grants \$60,000 – Event Grants (Including reallocation of \$15,000 event logistic budget to grant stream to ensure increased transparency) \$30,000 – Get Active Indigo
Net Result	(\$140,000)	(\$140,000)	\$0	

The Creative Communities operational budget currently has an allocation of \$40,000 for logistics. This proposal involves reallocating \$15,000 of this logistics budget to the Events Grant scheme. The remaining \$25,000 in the logistics budget will continue to be used according to previous years practices.

The report recommends combining the Tourism Grants and Community Event Grant to create one Event Grant stream totalling \$60,000, including \$15,000 from the existing logistics budget. This has no additional financial implications for Council.

LEGISLATIVE IMPLICATIONS

Council has financial management, governance and transparency obligations set out in the Local Government Act to ensure best practice oversight of grant distribution to the community.

COUNCIL MEETING MINUTES - 25 JULY 2023

RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
Community dissatisfaction with eligibility, scope of grants, application process, timelines, assessment etc.	Unlikely	Minor	Low	The guidelines presented are similar to previous grant rounds with the exception of the events grants. Community are familiar with the scope and objectives of the various grant streams. Guidelines will be published a broadly promoted to ensure strong community awareness prior to grant closures. Council staff will work closely with applicants to ensure any changes are understood.
Assessment panel members don't comply with the confidential nature of some of the discussions or understand the conflict or interest disclosure requirements.	Unlikely	Minor	Low	Appropriate training and induction for new selection panel members.

COMMUNITY ENGAGEMENT

Engagement undertaken

Previous grant rounds have included strong community engagement via online and face-to-face workshop delivery for prospective applicants. Promotion of the grants have included website and social media content. One-on-one conversations take place with the majority of applicants to support them with their application and to refine their project and event ideas.

Engagement outcomes

Over the years, the grant application process, procedure and guidelines have been refined in response to community feedback. This has resulted recently in an online Smarty Grants application process.

Engagement proposed

For the 2023/24 grant round, Council officers will work with community members to refine grant applications. A community engagement plan will be developed to ensure well planned communications to the community. Promotion of the grants will continue via local media channels, email distribution, word of mouth and social media.

COUNCIL MEETING MINUTES - 25 JULY 2023

The timelines for the 2023/24 Community Grants and Event Grants are listed below:

Friday 18 August 2023	Applications open
Monday 14 August – 2pm to 3:30pm – Beechworth Library Thursday 17 August – 10am to 11:30am – Rutherglen Library Thursday 17 August – 2pm to 3:30pm – Chiltern Library Friday 18 August – 10am to 11:30am – Yackandandah Library Friday 18 August – 2pm to 3:30pm – Tangambalanga Thursday 17 August – 5:30pm to 7pm – Online Thursday 24 August – 5:30pm to 7pm - Online	Drop in sessions
Monday 25 September 2023 at 4pm	Applications close
Monday 2 October 2023	Applications Assessed by Panel / ISCAAG
Tuesday 31 October 2023	Recommendation considered by Council
Early November 2023	Applicants notified
Early November 2023	Payments made via direct debit or cheque
June 30 2024	Acquittal forms due to Council

The timelines for the 2023/24 Get Active Indigo Grants are listed below:

Monday 26 February 2024	Applications Open
Monday 25 March 2024	Applications Close
Monday 8 April 2024	Applications Assessed by Panel
Tuesday 25 June 2024	Recommendation considered by Council
Wednesday 26 June 2024	Applicants Notified
Wednesday 26 June 2024	Payments made via direct debit or cheque
June 2025	Acquittal forms due to Council

COUNCIL MEETING MINUTES - 25 JULY 2023

CONCLUSION

This report recommends revised guidelines to ensure all grant programs offered by Indigo Shire Council aligns with the Grants Governance Policy and is tailored to meet the community's need. The proposed guidelines attached detail how the grant streams adhere to this policy to ensure appropriate transparency and oversight of all grants across Council.

The combined Event Grants represent an increased opportunity for community to apply for funding to support diverse events across the shire including logistical support. The combined Event Grant will also be more efficient to administer therefore enabling staff more time to provide advice and advocacy to event organisers.





Combining the Community Events Grants and Tourism Event Grants streams would necessitate a minor amendment to the Grants Governance Policy to reflect this change. This report recommends adopting this amended policy, which is attached to this report.

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
- Mark De Campo – Coordinator Community Development
- Jarrod Craven – Active Indigo Officer
- Jessica Rule – Creative Communities Officer

Attachments

1.  Draft Community Grants Guidelines and Assessment Criteria 2023-24
2.  Draft Events Grants Guidelines and Assessment Criteria 2023-24
3.  Draft Get Active Indigo Grants Guidelines and Assessment Criteria 2023-24
4.  Grants Governance Policy (amended)

COUNCIL MEETING MINUTES - 25 JULY 2023

12.2 CHILTERN DESTINATION PLAYSPACE FUNDING APPLICATION

File No: 2023/574

Susannah Doyle - Manager Tourism

Community & Economic Development

Sally Rice - Director Community & Economic
Development

Community & Economic Development

For Decision

RECOMMENDATION

That Council:

1. Proceed with supporting a Tourism North East application for the Rutherglen Silo Precinct and Community Arts Hub project in the 2023/24 round of the Federal Government's Growing Regions Program as per the Council resolution 27 June 2023; and
2. Does not submit an EOI with the Federal Government's Growing Regions Program for the Chiltern Destination Playspace project in 2023/24; and
3. Continue to work on the Chiltern Destination Playspace concept including further revision of the project scope and costings with a view to progressing the project through future funding applications.

RESOLUTION

That Council:

1. Proceed with supporting a Tourism North East application for the Rutherglen Silo Precinct and Community Arts Hub project in the 2023/24 round of the Federal Government's Growing Regions Program as per the Council resolution 27 June 2023; and
2. Does not submit an EOI with the Federal Government's Growing Regions Program for the Chiltern Destination Playspace project in 2023/24; and
3. Continue to work on the Chiltern Destination Playspace concept including further revision of the project scope and costings with a view to progressing the project through future funding applications.

Moved: Cr Croucher

Seconded: Cr Shepherd

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

Against: Nil

CARRIED

PURPOSE OF REPORT

In line with a resolution of Council at its 27 June meeting, officers have been progressing applications for two projects for the 2023/24 round of the Federal Government's Growing Region Program (GRP). These projects are the Chiltern Destination Playspace and the Rutherglen Silo Art Precinct.

As a result of this process, new information has come to light that was not available when Council adopted the June resolution.

COUNCIL MEETING MINUTES - 25 JULY 2023

Specifically, this new information places the application for funding for the Chiltern Destination playground in question. This report explains how this new information was discovered; the impact on the 27 June Council resolution and puts forward a new recommendation in relation to projects that Council should apply for in the 2023/24 round of the GRP.

BACKGROUND

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.

The 27 June 2023 resolution of Council was to support an application by Tourism North East for the Rutherglen Silo Precinct and Community Arts Hub. This approach will leverage the State Governments Murray to Mountains Rail Trail Enhancements Project funding therefore delivering a fully funded project that requires no Council contribution.

The Chiltern Destination Playspace is a Game Changer project in the Indigo Destination Game Changer Tourism Strategy 2018-2023 and was proposed by the community during extensive community engagements.

The Chiltern Destination Playspace project Concept Design phase, was funded by the State Government's Investment Fast Track Fund 2021/22. Council engaged consultants, Playce P/L to deliver the Concept Design Phase of the project, building on the Business Case Phase delivered by Urban Enterprise in 2020. Further feasibility work was conducted by Otium to develop the business case for the extended playspace 'pool precinct' concept.

At its meeting of the 27 June 2023 Council resolved the following:

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.*

In relation to the Chiltern Destination Playspace this decision endorsed a funding application for a \$15M project which on the 90/10 ratio represents \$13.5M grant and a \$1.5m contribution from Council.

COUNCIL MEETING MINUTES - 25 JULY 2023

DISCUSSION

In preparing expressions of interest for the Growing Regions Fund (GRF), officers attended two webinars for project proponents with the GRF administration team. These webinars were to provide additional detail to prospective project proponents, adding further information to the funding guidelines. A number of important points were highlighted during the webinars, including:

- strict project delivery timeframes for GRF funded projects (May 2024 – December 2025); and
- that multiple projects in close proximity to each other would not be considered favorably and the GRF administration team strongly advised that project proponents should focus on one project application/EOI within a specific area, rather than applying for more than one project which will therefore compete with one another.

In addition to the webinars, officers carried out further due diligence preparatory works for the Chiltern Destination playspace project including:

- getting updated project costings, and;
- doing an assessment of capacity to delivery within the project timeframes

This has raised critical issues for a 2023/24 funding application for the Chiltern Destination Playspace project.

- the timelines are not tenable for a project of the scale and complexity of the Chiltern Destination Playspace. Even with every element of the project shovel ready and no complicating factors, it could not feasibly be delivered within an 18-month window to meet the funding requirements.
- The Chiltern Destination Playspace project costings (updated) exceed the concept plan costings quite substantially. Council Officers recommend a further detailed assessment and analysis of this project before any funding applications are progressed.
- The Rutherglen Silo Arts Precinct project is the stronger application; and is distinctly more shovel-ready at this time including with current costings that include appropriate risk and contingency factors and the project delivery timeframes are aligned and achievable with funding and delivery requirements.

In light of this new information, this report recommends that Council:

1. proceed with supporting a Tourism North East application for the Rutherglen Silo Precinct and Community Arts Hub project in the 2023/24 round of the Federal Government's Growing Regions Program as per the Council resolution 27 June 2023; and
2. does not submit an EOI with the Federal Government's Growing Regions Program for the Chiltern Destination Playspace project in 2023/24.

If the recommendations of this report are carried, the next steps for the Chiltern Destination Playspace project would be for Council officers to undertake further assessments including a detailed review of the feasibility, scope and phasing of the project and explore future State and Federal grant funding programs

Options

- Council could continue to lodge an EOI for the Chiltern Destination Playspace project as per the 27 June 2023 Council resolution.
Not recommended.

COUNCIL MEETING MINUTES - 25 JULY 2023

- Do not lodge an EOI for the Chiltern Destination Playspace project and conduct the required review and analysis of the project scope, feasibility and options and how this may align with applicable future funding opportunities.
Recommended.

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

FINANCIAL IMPLICATIONS

The decision at the June 2023 Council Meeting assumed the following with regards to the Chiltern Playspace project:

Total Project: \$15m

Funded by:

Grant Program \$13.5m, and

Council Contribution \$1.5m

It was assumed Council’s contribution would be funded from future borrowings with Principal and Interest spread over the next 10 years following project completion.

The financial implication of the application for Chiltern Playspace not proceeding is that future borrowings will not be taken up, for now. This proposal however is that the Chiltern Playspace project will be resubmitted again in the future to a suitable grant program, at which point a revised Council contribution will again need to be considered.

LEGISLATIVE IMPLICATIONS

There are no legislative implications associated with this report.

RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
GRP funding applications lodged for two projects (as per 27 June 2023 Council Resolution) resulting in neither being successful	Almost Certain	Moderate	High	Do not lodge both applications. Submit and EOI for one of the two identified projects.

COUNCIL MEETING MINUTES - 25 JULY 2023

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
A grant funding contract is entered into with insufficient funds and time to deliver the project and meet the contractual obligations.	Almost Certain	Moderate	High	Do not lodge a funding EOI/application in 2023 / 2024 for the Chiltern Destination Playspace. Conduct essential review and analysis to inform the scope and options for the project and future applicable funding options.

COMMUNITY ENGAGEMENT

Engagement proposed

If Council endorses the recommendations of this report, officers will liaise with key stakeholders, who no doubt will be disappointed at this stage. It is important to note however, that the proposal is for the Chiltern Destination Playspace project to be revisited to confirm the concept and associated costings in preparation for a funding application to a future Growing Regions Program round or other suitable grant opportunities.

CONCLUSION

It is recommended that Council:

1. proceed with supporting a Tourism North East application for the Rutherglen Silo Precinct and Community Arts Hub project in the 2023/24 round of the Federal Government's Growing Regions Program as per the Council resolution 27 June 2023; and
2. does not submit an EOI with the Federal Government's Growing Regions Program for the Chiltern Destination Playspace project in 2023/24.

If this recommendation is carried, the next steps for the Chiltern Destination Playspace project is for Council officers to conduct further assessments and review of the Chiltern Destination Playspace project in preparation for future funding applications.

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 – Manager Tourism

Attachments
 Nil

COUNCIL MEETING MINUTES - 25 JULY 2023

13. INFRASTRUCTURE SERVICES

13.1 COMMUNITY SUSTAINABILITY GRANT PROGRAM - PROGRAM GUIDELINES ANNUAL REVIEW 2023/24

File No: 2023/512

Ian Ellett - Director Infrastructure Services

Infrastructure Services

For Decision

RECOMMENDATION

That Council:

1. Adopts the Guidelines for the Community Sustainability Grants Program for 2023/24; and
2. Delegates the Chief Executive Officer to appoint two representatives from the Indigo Environment Advisory Committee (IEAC) to be on the Community Sustainability Grants assessment panel.

RESOLUTION

That Council:

1. Adopts the Guidelines for the Community Sustainability Grants Program for 2023/24; and
2. Delegates the Chief Executive Officer to appoint two representatives from the Indigo Environment Advisory Committee (IEAC) to be on the Community Sustainability Grants assessment panel.

Moved: Cr Teissl

Seconded: Cr Shephard

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

Against: Nil

CARRIED

PURPOSE OF REPORT

Council adopted its Grants Governance Policy on 14 December 2021. This policy commits Council to annually reviewing the guidelines associated with Council's grant programs, including the Community Sustainability Grants Program.

This report presents the draft guidelines for the 2023/24 Community Sustainability Grants stream and also proposes the representatives to make up the Community Sustainability Grants assessment panel alongside any officers to be appointed by the CEO.

COUNCIL MEETING MINUTES - 25 JULY 2023

BACKGROUND

Indigo Shire Council recognises the value and importance of the role community groups and organisations play in building vibrant, inclusive and healthy communities. To that end Council will seek to support projects that reflect demonstrated community need, address priority themes of the Council Plan and Community Vision; and fulfil identified service gaps. Council is committed to providing a range of community grants efficiently, fairly and ethically. In the interest of fairness, transparency and maintaining community confidence in the integrity of the assessment process, formal assessment processes exist for all competitive grant categories.

The Grants Governance Policy provides consistent governance arrangements for the application, acquittal and management of different grants issued by Council, and ensure management accountabilities are understood and applied.

This report presents the Community Sustainability Grants guidelines and assessment criteria for Council consideration.

The following is a summary of the Community Sustainability Grants Program:

- Council has included \$20,850 for the Community Sustainability Grants Program in the draft 2023/24 budget.
- The Program (previously named Community Facilities Energy Upgrade Grants) has been running since 2018/19, and over time has adapted delivery to community response and environmental priorities.
- The Program has to date supported 23 projects across the shire, which include 7 installations of solar PV and/or battery systems (Yackandandah Sports Park, Yackandandah SES, Stanley Soldiers Memorial Hall, Rutherglen Gold Battery), 8 energy efficiency projects (Yackandandah Netball Courts, Yackandandah Tennis Club), and 6 sustainability events.
- To find out more about the program's impact to date, visit <https://climateaction.indigoshire.vic.gov.au/actions/37>.
- The Program provides financial assistance to community groups and organisations to implement and build capacity for renewable energy, energy efficiency, biodiversity and climate change related projects. The Program is eligible to projects within Indigo Shire and applicants must be incorporated community organisations, or auspiced.
- In 2023/24, the Program has been consolidated and consistency added across grant guidelines, application forms, and assessment procedures. The program has also transitioned to completely on-line via the 'Smarty-grants' platform. This has significantly increased efficiencies across the whole grant process, not only for the guideline documentation and application process, but also the evaluation and administration.
- The assessment panel for the 2022/23 round consisted of three Council staff (Coordinator Environment & Sustainability, Climate Change & Environment Officer, Sustainability Projects Officer) and two members of the Indigo Environment Advisory Committee (IEAC). In previous rounds there have been other IEAC members engaged in the evaluation panel.
- Note: In previous years, the Community Sustainability Grants Program has funded sustainability-themed events for up to \$1000. This is no longer the case. Applicants wanting funding to support a sustainability event will be encouraged to apply through Council's other grant programs that specifically support events.

COUNCIL MEETING MINUTES - 25 JULY 2023

DISCUSSION

Council sets the grant objectives, aims, assessment process and timelines for each grant stream annually. The detail set out in each stream’s guidelines ensure a transparent and clear process for grant applications from the community. This aligns with the Indigo Shire Council Grants Governance policy.

The assessment criteria used to evaluate applications under the Community Sustainability Grants Program (included for Council’s endorsement in the attached Program Guidelines) are technical and require objective evaluation. For this reason, the assessment panel has consisted of staff from the Environment & Sustainability unit as well as representatives from IEAC.

Options

As Council committed to updating all guidelines per the Grants Governance policy, there are limited alternatives available. Council could choose to discontinue grants or amend any of the guidelines presented here.

Council could choose to not approve the recommendation of the selection panel and conduct its own assessment and appointment of applicants. This is not recommended as the organisations selected represent a good cross section of community interest in the event grants.

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.

SOCIAL/COMMUNITY IMPLICATIONS

The various Council grant streams are highly valued by the community as they enable small projects and events to be delivered primarily by community run not-for-profit volunteer organisations. These projects and events are tailored to each community and meet local community needs.

ENVIRONMENTAL IMPLICATIONS

The Community Sustainability Grants Program supports the following strategies / policies / plans:

- Climate Change Policy 2019
- Environment Strategy 2019
- Climate Change Strategic Action Plan 2020
- Emissions Reduction Plan 2021

FINANCIAL IMPLICATIONS

There are no financial implications associated with the recommendations in this report.

Council has included an allocation of \$20,850 in the draft 2023/24 budget for the Community Sustainability Grants program. This program is administered by Council’s Sustainability Projects Officer using the SmartyGrants platform.

COUNCIL MEETING MINUTES - 25 JULY 2023

LEGISLATIVE IMPLICATIONS

Council has financial management, governance and transparency obligations set out in the Local Government Act to ensure best practice oversight of grant distribution to the community.

RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
Community dissatisfaction with eligibility, scope of grants, application process, timelines, assessment etc.	Unlikely	Minor	Low	The guidelines presented are similar to previous grant rounds and community are familiar with the scope and objectives of the various grant streams. Guidelines will be published and broadly promoted to ensure strong community awareness prior to grant closures.
Selection panel members don't comply with the confidential nature of some of the discussions or understand the conflict or interest disclosure requirements.	Unlikely	Minor	Low	Appropriate training and induction for new selection panel members.

COMMUNITY ENGAGEMENT

Engagement undertaken

Previous grant rounds have been promoted via Council's website and social media content. Program information has been email directly to Council's database of community / environmental groups. One-on-one conversations take place with the majority of applicants to support them with their application and to refine their project and event ideas.

Engagement outcomes

The Community Sustainability Grants Program's application process, procedure and guidelines have been refined in response to community feedback. The grant process is undertaken on-line through SmartyGrants.

Engagement proposed

For the 2023/24 round of the Community Sustainability Grants Program, Council officers will continue to work with community members to refine their grant applications. Promotion of the grants will continue via local media channels, email distribution, social media and word of mouth.

COUNCIL MEETING MINUTES - 25 JULY 2023

CONCLUSION


This report recommends aligning all grant programs offered by Indigo Shire Council with the Grants Governance Policy. The guidelines attached detail how the Community Sustainability Grants Program adheres to this policy to ensure appropriate transparency and oversight of all grants across Council.

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
- Sam Niedra – Coordinator Environment & Sustainability
- Maureen Rogers – Sustainability Projects Officer

Attachments

1.  Draft Guidelines Community Sustainability Grants Program 2023/24

COUNCIL MEETING MINUTES - 25 JULY 2023

13.2 TENDER RECOMMENDATION - CONTRACT 23/6341 SUPPLY OF MOBILE MAINTENANCE SERVICES ON COUNCIL'S PLANT, EQUIPMENT AND FEET

File No: 2023/514

Adam Kimball - Manager Assets & Property

Infrastructure Services

For Decision

RECOMMENDATION

That Council:

1. Awards the Contract 23/6341 to Spanners & Sparks Supply of mobile maintenance services on Council's Plant, Equipment and Fleet for an initial one-year term and with two optional extensions, each of a further two years, each extension being at the option of Council;
2. Notes the total value of works delivered under the contract varies annually, typically between \$300,000 and \$450,000 p.a.; and
3. Authorises the Chief Executive Officer to sign and seal the contract documents.

RESOLUTION

That Council:

1. Awards the Contract 23/6341 to Spanners & Sparks Supply of mobile maintenance services on Council's Plant, Equipment and Fleet for an initial one-year term and with two optional extensions, each of a further two years, each extension being at the option of Council;
2. Notes the total value of works delivered under the contract varies annually, typically between \$300,000 and \$450,000 p.a.; and
3. Authorises the Chief Executive Officer to sign and seal the contract documents.

Moved: Cr Shepherd

Seconded: Cr Gaffney

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

Against: Nil

CARRIED

PURPOSE OF REPORT

Council owns 35 motor vehicles and a range of heavy plant including graders, backhoes, excavators, trucks, trailers and mowers with a total replacement value of over \$4 million. This equipment is critical in conducting over \$3 million dollars of maintenance work annually and around \$2 million in capital works.

This report provides a recommendation for a mobile maintenance service contract to service and maintain Council's fleet and heavy plant.

COUNCIL MEETING MINUTES - 25 JULY 2023

BACKGROUND

Around \$500,000 is spent annually on regular servicing and periodic repair of Council's plant and equipment of which this contract delivers the major component. The annual expenditure on this contract is around \$370,000 (Including labour, travel, parts and materials).

For at least 15 years, Council's plant equipment and fleet maintenance has been delivered using a fully mobile maintenance contractor and has previously found the model a very effective delivery method. In the current model, the contractor is required to have the means and equipment to carry out maintenance works at all of Council's four depot sites in addition to breakdown responses on the roadside or within a construction site where it is deemed safe.

Council has satisfactory undercover facilities for carrying out maintenance activities at the Yackandandah, Rutherglen and Chiltern sites with limited cover at the current Beechworth facility. The existing service delivery model was considered to better suit Council's needs than the alternatives given the dispersed nature of Council's operations and the better cost and service efficiency outcomes.

DISCUSSION

The tender was advertised through eProcure from 03.05.2023 to 03.06.2023. Contract No. 23/6341 – Supply of Mobile Maintenance Services on Indigo Shire Councils Plant & Equipment Fleet.

The evaluation panel consisted of the Plant and Fleet Coordinator, Manager of Assets and Property, and Manager of Municipal Operations. As the contract is a Schedule of Rates, a typical yearly work schedule was created to estimate the contract cost for purposes of comparison. The comparison included historically-based assumptions of standard time-frames for works carried out, rates for standard/overtime/emergency hours worked, travel costs, travel times, margins on tools/lubricants purchased on behalf of Council. Each contractor was asked to nominate a starting location and/or from where they would start charging travel rates.

To determine the best value for money tender submissions a panel of Indigo Shire Officers assessed the tenders in accordance with the Indigo Shire Procurement Policy. Tenders were assessed on:

- Comparative cost of service delivery: Costs calculated using the information submitted within Schedule 2 and an example works programme which assumes a certain number of hours work each year at Council's different depot sites. (50%)
- Fitness for Purpose - ability to efficiently and safely perform tasks set. (20%)
- Environmental Sustainability - contractors considerations for CO2 emissions, recycling and reusing where necessary, and adhering to green the supply chain. (10%)
- Local Benefit - ability to contribute to the benefit of the shire, including providing new jobs. (10%)
- Local and Social Responsibility - ability to strengthen and support the community wellbeing where able to. (10%)

Spanners & Sparks is the incumbent contractor and has demonstrated the experience of having been with the shire for several years provides evidence of being able to keep up with the maintenance demands. On this basis and based on the rates, overall costings, and evaluations indicated that they were the better choice for the position and the tender Panel recommends that Spanner and Sparks submission represents best outcome for Council for a period of 12 months until an alternate in-house model can be assessed.

COUNCIL MEETING MINUTES - 25 JULY 2023

A detailed tender report is provided as a confidential attachment.

Options

In 2017, alternative models were assessed but deemed unsuitable at the time. Those options are as follows:

- a. Original Equipment Manufacturer - More expensive and increased downtime to get repairs done.
- b. In-House Staff – Initially thought to be just as expensive with consideration to set up cost and paying staff overtime.

This has not been evaluated further in any detail since 2017.

Instead of an initial three-year term as advertised, this report recommends an initial term of one year with the two further options, each of an additional two years. This arrangement will allow staff to evaluate the current model and determine if utilising in-house resources would be a more viable and sustainable alternative.

STRATEGIC CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	5. Accountability
Strategic Objective	2.3 Our built environment, streetscapes, facilities, amenities and open spaces are safe, inviting, attractive and well maintained, contributing to a sustainable sense of place and pride.

This contract plays a crucial role in ensuring that the Council fulfils its requirements to manage its assets sustainably and protect the safety of its staff operating plant, fleet, and equipment.

SOCIAL/COMMUNITY IMPLICATIONS

The contract will utilise local suppliers and contractors. This can have a positive impact on the community by providing employment and contributing to the local economy.

ENVIRONMENTAL IMPLICATIONS

The contact specification requires recycle used lubricants and ensures recycled products and used as much as possible. The kilometres travelled by this contractor in their vehicle will be captured with a view to be included in the Councils carbon accounting platform.

FINANCIAL IMPLICATIONS

	Approved Budget \$	This Proposal* \$	Variance to Approved Budget \$	Comments
Revenue	0	0	0	
Expense	\$370,000	\$370,000	0	Estimated amount per annum including parts and materials
Net Result	(\$370,000)	(\$370,000)	0	

COUNCIL MEETING MINUTES - 25 JULY 2023

All expenditure incurred in the Plant, Equipment and Fleet Maintenance budget is covered by the relevant maintenance and capital budgets associated with the plant & equipment utilisation.

Note that the estimated annual expenditure in the comparative cost analysis in the confidential attachment does not include cost of parts, subcontractors, and materials, only the margin applied to those purchases. So, the annual contract cost amounts above, which are based on invoices from the current contractor, includes approx. \$200k of parts and materials. It is not expected that this will change in future years.

The contract includes a CPI indexation annually based on the anniversary of the contract start date, which will be 1 August 2023.

The total costs for this contract are estimated at approximately \$449,000 over the initial one-year term and over \$2.245 million if extended to the full five years which includes parts and materials.

LEGISLATIVE IMPLICATIONS

The tender has been conducted in accordance with requirements of Council’s Procurement Policy.

The contract has been developed to cover the wide range of potential works and also allow the flexibility for quoting and adding additional works, or using alternative contractors or service providers as suits Council.

As the incumbent contractor is recommended to be awarded the new contract, the ongoing contract management would be almost seamless and existing system and process improvements, including the Plant Equipment and Fleet Management CEO Directive, will continue to operate.

RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
Servicing without a contract in place would likely be unreliable, expensive, (uncertain or ad-hoc)	Likely	Moderate	Medium	Mechanical services contract in place
Unmaintained or non-compliant plant and equipment can cause safety hazards for operational works crews and public.	Likely	Moderate	Medium	Mechanical services contract in place

The contractor is required to adhere to all OH&S conditions as stipulated and a Risk Assessment and maintenance of an OH&S system is required before undertaking the works. Failure of the successful contract to meet all these requirements can result in termination of the contract by Council.

CONCLUSION

The recommendation is to accept the tender submitted by Spanners n Sparks for the one-year contract. This will allow staff to conduct a thorough analysis of an alternative model, which includes evaluating the feasibility of utilising in-house resources. It should be noted that the value of the contract over its potential full term exceeds the approved financial delegation of the CEO.

COUNCIL MEETING MINUTES - 25 JULY 2023

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
- Adam Kimball – Manager Assets & Property
- Brett Direen – Manager Municipal Operations
- Jacqui Garvey – Acting Plant & Fleet Coordinator

CONFIDENTIAL ATTACHMENT

The attachment to this report are confidential under the following sections of the Act:

- *3(a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.*
This section applies because the matter concerns commercial contracts around which negotiations have not been finalised, and it would prejudice the Council's position in the negotiations.
- *3(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 by providing an unfair advantage to their competitors.

Attachments

1. Tender Evaluation Report - Mechanical Services Contract 23/6341 (Confidential)
2. Tender Evaluation Assessment - Mechanical Services Contract (Confidential)

COUNCIL MEETING MINUTES - 25 JULY 2023

13.3 TENDER RECOMMENDATION - CONTRACT NO 23/6473 KERBSIDE COLLECTION SERVICES

File No: 2023/562

Nathan Mullane - Manager Capital Works and Infrastructure Services
Waste

For Decision

RECOMMENDATION

That Council:

1. Notes the changes required to Victoria's waste and recycling system through the ***Circular Economy (Waste Reduction and Recycling) Act 2021*** which includes a new four-stream waste and recycling system (Glass, Food Organics and Garden Organics, Mixed Recyclables, and Household Rubbish) for all households;
2. Notes that the specification for this contract details kerbside collections services for residential properties shire-wide, consisting of the following;
 - Weekly Food Organics Garden Organics (FOGO) Collection (240L green lidded bin)
 - Fortnightly Residual Waste Collection (140L red lidded bin)
 - Fortnightly Recycling Collection (240L yellow lidded bin)
 - Four-weekly Glass Collection from July 2027 (80L purple lidded bin)
3. Notes that a further report will be presented to Council at a later date to consider specific service levels, particularly where the specified service differs from current levels;
4. Notes the recommendations of the Regional Tender Evaluation Team, as detailed in the ***19/04045 Tender Evaluation Summary Report (July 2023)***, provided as a confidential attachment to this report;
5. Notes that the estimated cost of services to be delivered under this contract is approximately \$29.2 million over ten years, but that the actual cost will depend on actual services delivered and that tendered rates are subject to adjustment for CPI;
6. Awards Contract No 23/6473 for Kerbside Collection Service to Cleanaway Pty Ltd for a 10 year period commencing 1 July 2024, inclusive of the following Alternate Options presented as part of the tender response:
 1. Utilisation of existing fleet with rolling replacement (noting that this option is contingent on the decisions of other Councils),
 2. Utilisation of existing Mobile Garbage Bins (MGB's),
 3. Council to be direct-billed for landfill disposal costs, and
 4. Council to pay Organics Processing Facility (OPF) fees based on actual Organics quantities collected and contamination rates;
7. Authorises the Chief Executive Officer to sign and seal the contract documents.

COUNCIL MEETING MINUTES - 25 JULY 2023

RESOLUTION

That Council:

1. Notes the changes required to Victoria's waste and recycling system through the ***Circular Economy (Waste Reduction and Recycling) Act 2021*** which includes a new four-stream waste and recycling system (Glass, Food Organics and Garden Organics, Mixed Recyclables, and Household Rubbish) for all households;
2. Notes that the specification for this contract details kerbside collections services for residential properties shire-wide, consisting of the following;
 - Weekly Food Organics Garden Organics (FOGO) Collection (240L green lidded bin)
 - Fortnightly Residual Waste Collection (140L red lidded bin)
 - Fortnightly Recycling Collection (240L yellow lidded bin)
 - Four-weekly Glass Collection from July 2027 (80L purple lidded bin)
3. Notes that the awarding of this contract does not change current service levels in the short term, and that a further report will be presented to Council at a later date to consider any service level changes;
4. Notes the recommendations of the Regional Tender Evaluation Team, as detailed in the ***19/04045 Tender Evaluation Summary Report (July 2023)***, provided as a confidential attachment to this report;
5. Notes that the estimated cost of services to be delivered under this contract is approximately \$29.2 million over ten years, but that the actual cost will depend on actual services delivered and that tendered rates are subject to adjustment for CPI;
6. Awards Contract No 23/6473 for Kerbside Collection Service to Cleanaway Pty Ltd for a 10 year period commencing 1 July 2024, inclusive of the following Alternate Options presented as part of the tender response:
 1. Utilisation of existing fleet with rolling replacement (noting that this option is contingent on the decisions of other Councils),
 2. Utilisation of existing Mobile Garbage Bins (MGB's),
 3. Council to be direct-billed for landfill disposal costs, and
 4. Council to pay Organics Processing Facility (OPF) fees based on actual Organics quantities collected and contamination rates;
7. Authorises the Chief Executive Officer to sign and seal the contract documents.

Moved: Cr Shepherd

Seconded: Cr Teissl

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

Against: Nil

CARRIED

COUNCIL MEETING MINUTES - 25 JULY 2023

PURPOSE OF REPORT

The purpose of this report is to provide Council with information on the tender submissions received, and the background documentation to support the recommendation to secure a Contractor for the Regional Kerbside Collection Services Contract, due to commence July 1, 2024 for a period of ten years.

BACKGROUND

Victoria's plan for a Circular Economy

The State Government has recently released its plan for a Circular Economy, which sets out systemic change to cut waste and boost recycling and reuse of precious resources.

The ***Circular Economy (Waste Reduction and Recycling) Act 2021*** was enacted on 1 January 2021 and will shift how waste management and resource recovery and re-use are managed in Victoria. It places the responsibility on local councils and residents alike to collectively embrace the circular economy principles. The Act has significant implications, particularly in relation to changes in kerbside services:

- A new **“four-stream waste and recycling system”** for all households across the state for better and more recycling and less waste.
 - i. FOGO
 - ii. Mixed Recyclables
 - iii. Glass
 - iv. Household rubbish
- A **“cash for cans scheme”** that rewards return of used drink cans, cartons and bottles for recycling, and reduces litter
- **New recycling laws and governance** to support best practice waste management, resource use and recycling
- A **statewide ban of single-use plastics** and promotion of reusable items that reduce waste and pollution for a cleaner and healthier environment.

Benefits of these reforms will include increased in the quality and quantity of recycling and re-use of resources, reduction of waste to landfill, and reduced greenhouse gas emissions

Regional Collaborative Request for Tender

The Councils of Albury City, Wodonga, Federation, Indigo and Greater Hume participate in a collaborative agreement to provide Kerbside Municipal Solid Waste, Recycling and Food and Garden Organics (FOGO) Collection Services. The current contract commenced on July 1, 2012 and is due to expire on 30 June 2024.

COUNCIL MEETING MINUTES - 25 JULY 2023

A regional kerbside collection working group was established in 2019, made up of representatives from the five participating Councils, along with the addition of Berrigan Shire, Edward River Council and Leeton Council who had elected to join the collaboration, with the aim to secure kerbside waste services. The joint tender project became known as “RKC8” with Albury City Council taking the lead on behalf of participating councils to project manage the procurement services. The key priorities identified by the working group include:

- a regional approach to procuring kerbside collection services;
- provisions for municipal solid waste, co-mingled recycling, and FOGO (a three-bin service);
- provisions for Kerbside Glass collection (Victorian Councils only);
- support the provision of a Recycling Material Recovery Facility (MRF) within the region;
- support the establishment of a composting plant or similar, within the region for the disposal of Food and Garden Organics material; and
- meet all statutory requirements with attention to probity issues.

Member Councils of the group agreed to adopt the NSW Model Contracts for Kerbside Collection Services, which is a template as provided by NSW EPA for the purpose of Kerbside Collection Service Contracts. All documents were reviewed by key stakeholders, with this including the working group, an internal steering group, legal advisors, probity advisor, and an external independent industry expert.

A Probity Action Plan was developed with the objective to maintain the utmost level of integrity and observe the highest degree of probity, ensuring confidence is preserved in processes and decisions. An independent Probity Advisor was engaged to oversee all stages of the process.

DISCUSSION

With extensive advertising and industry awareness of the tender, the competitive collaborative procurement process has been able to ensure that all responses have been extensive in their consideration and response to the specification requirements. The incumbent provider, recommended in this report, has provided a well-considered response and provided very competitive pricing, with the costs being slightly less than current expenditure for the comparable services, (if all alternative cost reducing options are taken up).

In line with the need to be as consistent within our region as possible, most Councils will be altering and/or adjusting their waste services as part of commencing operations under this contract. For Indigo, there are several significant matters to be considered and decided upon with the roll-out of;

- Implementation of the glass bin/service required within Victoria can be readily delayed until 2027, in alignment with Wodonga Council and following the embedding of the Container Deposit Scheme (CDS).
- Introduction of a FOGO bin to all households which would reduce waste landfill volumes – and associated waste disposal costs.
- Introduction of a uniform three (later four) bin service, with bin sizes, collection frequencies and household waste charges being made consistent across the shire.

COUNCIL MEETING MINUTES - 25 JULY 2023

The contract documentation was drafted on the basis of the above items, and tenderers needed to provide a response that could be readily costed and implemented when Council require it to be.

Decisions regarding the timing of the implementation of service changes will be made by Council, following further consideration of the issues, and a detailed assessment of the applicable costs and charges.

Education and communications are critical to successful waste outcomes. Halve Waste will continue to support all partner councils who participate in the Kerbside Collection Contract - which is funded through a levy at the Albury Waste Management Centre (AWMC). To maintain the low contamination rates in FOGO and also the good recycling rates throughout the shire (and the region more broadly) it is important that partner councils maintain uniformity in service levels and that those services be well communicated to their communities. Halve Waste has proven to be very successful with this educational and promotional aspect.

In considering the four alternative offers made through the preferred tender, projections have been estimated on the likely financial impacts of each;

- **Utilisation of existing fleet with rolling replacement (contingent on each of the 5 grouped Councils taking up this option)**

Whilst the use of new vehicles might provide some immediate reductions in fuel usage and greenhouse emissions, the existing fleet is not considered old, and is appropriate for continued efficient use. The benefits through reduced contract costs are attractive.

- **Utilisation of existing Mobile Garbage Bins (MGB's)**

Keeping the existing bin stock (of which at least 30% are less than 10 years old) may result in an increase of bin failure/damage and replacement. However, this risk and cost is the responsibility of the tenderer, whereas council is responsible for the cost of replacement of stolen bins. A bulk changeover of bins would require disposal of all existing stock, at a significant upfront cost that would be borne by ratepayers via higher costs in the contract. Retention of the existing bin stock is a good value for money approach.

- **Council to be direct-billed for landfill disposal costs**

Direct billing between the landfill operator (i.e. Albury City) and Council will result in a very minor administrative burden on Council, but is expected to result in considerable savings through billing of actual tonnages, rather than the contractor having to allow for averaged rates. This arrangement is in place in the current contract and historic landfill tonnages show that savings are to be expected in taking up this option.

- **Council to pay Organics Processing Facility (OPF) fees based on actual Organics quantities collected and contamination rates**

This option similarly offers for Council to be billed on actual tonnages collected rather than an assumed amount. This arrangement is in place in the current contract. This option also offers a scale of processing fees depending on the contamination rates of FOGO collected. Given an excellent track record in the region of historically low FOGO contamination rates, it is

COUNCIL MEETING MINUTES - 25 JULY 2023

reasonable to assess that this should continue, and to take the savings that comes with reduced fees.

A detailed Tender Evaluation Summary Report which sets out the tendering and evaluation process and which contains details of price modelling and assessment of options is provided as a confidential attachment.

Options

The final Tender Evaluation Summary Report presents the recommendations of the Regional Tender Evaluation Team and also the steering group.

The recommendations in this report support the award of this contract to Cleanaway Pty Ltd and the tender pricing is favourable in comparison to the current contract. The option of not supporting the recommendation would leave Council without a contractor from the expiry of the current contract (30 June 2024).

There are a number of options for consideration that were put forward in Cleanaway’s tender response and which are outlined above. Each of the four alternate options are recommended to be taken up and each are expected to generate cost savings to the ratepayers.

STRATEGIC CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	4. Environment
Strategic Objective	4.5 Waste to landfill is minimised through greater recycling and reuse, and the environment is protected from the effects of landfill.
Strategic Action	4.5.2 Prepare for changes in recycling arrangements associated with State Government directions and for the transition to new kerbside collection contracts

SOCIAL/COMMUNITY IMPLICATIONS

Effective and efficient waste services, helps support the liveability and our communities, whilst ensuring that we obtain value for money in daily waste operations.

ENVIRONMENTAL IMPLICATIONS

The contract specification has been prepared in accordance with Victoria’s waste and recycling reforms and as per the service standards required in the Circular Economy Act.

The rollout of FOGO to the remaining properties in the Shire (timing of rollout for Council decision at a later time) is critical in reducing waste to landfill, which is the primary objective in Council’s **Resource Recovery and Waste Management Strategy 2019-2024**.

Having declared a climate emergency, reducing waste to landfill is a key action to help reduce emissions.

FINANCIAL IMPLICATIONS

The provision of waste services operates on a cost recovery basis, where collected revenue is based on the cost of services.

COUNCIL MEETING MINUTES - 25 JULY 2023

The tender proposal is for a schedule of rates contract, applicable to the number and frequency of services provided, and the volume of materials that are collected and managed by the contractor. The tender assessment has looked at the likely costs of the provision of waste services, over the 10-year life of the contract, given the best available current data.

The annual required budget for provision of kerbside collection services is currently a little under \$3,000,000 per annum (including GST), and this is expected to be very similar to costs under the new contract (in the initial years before glass is introduced). Tendered prices are effective at November 2022 and are subject to CPI increases in accordance with the contract.

LEGISLATIVE IMPLICATIONS

The provision of waste services is a heavily regulated matter. The new contract would ensure that Council is able to respond to recent changes in legislation with the *Circular Economy (Waste Reduction and Recycling) Act 2021*, and the procurement has been conducted in an ethical and appropriate manner under the supervision of a Probity Advisor who was appointed to oversee this complex tender process.

RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
Kerbside waste Services are disrupted due to no contractor in place	Unlikely	Moderate	Medium	Procure new contract in a timely manner
Waste Service costs increase significantly with new contractor	Possible	Moderate	Medium	Run competitive tender process to maintain and ensure lower prices

COMMUNITY ENGAGEMENT

The contract specification has been developed to meet industry and legislative standards going forward and is quite consistent with the current kerbside collection services contract. Hence, there has not been any specific community engagement in relation to the contract development or the procurement of a new contractor.

In the lead up to any changes to any service, there will be a requirement for suitable community engagement.

CONCLUSION

The final Tender Evaluation Summary Report is a comprehensive evaluation report, that has been drafted in line with the views of the working group and also the steering group. This report, along with the Tender Recommendation Report, is included as a confidential attachment, and has strongly informed the decision and recommendations being considered in this council report. The recommendation is that Council appoints Cleanaway, with the adoption of all alternative options, and the cost reduction measures being included.

Cost estimates for the 10-year life of the contract, based on tendered prices, are favourable to costs under the current contract for equivalent services, despite the cost of recycling being in excess of 20% higher than current costs.

COUNCIL MEETING MINUTES - 25 JULY 2023

A further report will be provided to Council at a future meeting to confirm service level decisions prior to the commencement of the contract in mid-2024.

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 Service
- Nathan Mullane, Manger Capital Works & Waste

CONFIDENTIAL ATTACHMENTS

The attachments to this report are confidential under the following sections of the Act:

- *3(a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.*

This section applies because the matter concerns commercial contracts around which negotiations have not been finalised, and it would prejudice the Council's position in the negotiations.

- *3(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 by providing an unfair advantage to their competitors.

Attachments

1. Kerbside Collection Services - Tender Recommendation - Contract 23/6473 (Confidential)
2. Tender Evaluation Summary Report - Kerbside Collection Services (Confidential)

COUNCIL MEETING MINUTES - 25 JULY 2023

14. EXECUTIVE MANAGEMENT

14.1 UPDATE - INSTRUMENT OF APPOINTMENT AND AUTHORISATION UNDER THE ENVIRONMENT PROTECTION ACT 2017

File No: 2023/524

Carla Hanlon - Executive Manager People & Governance Executive Management

For Decision

RECOMMENDATION

That Council:

1. Appoints and authorises the members of Council staff referred to in the instrument attached as set out in the instrument; and
2. Notes that the instrument comes into force immediately upon resolution of Council and remains in force until Council determines to vary or revoke it.

RESOLUTION

That Council:

1. Appoints and authorises the members of Council staff referred to in the instrument attached as set out in the instrument; and
2. Notes that the instrument comes into force immediately upon resolution of Council and remains in force until Council determines to vary or revoke it.

Moved: Cr Croucher

Seconded: Cr Teissl

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

Against: Nil

CARRIED

PURPOSE OF REPORT

To present the updated *Instrument of Appointment & Authorisation Under the Environment Protection Act 2017*.

The attached instrument has been updated to include a new Environmental Health Officer, who has been added to the two existing officers. The appointment will enable the officer to execute powers, duties and functions under the *Environment Protection Act 2017*.

BACKGROUND

The *Environment Protection Act 2017* is the key piece of environment protection legislation used by the Environment Protection Authority (EPA), Councils and other public authorities to prevent and reduce harm from pollution and waste. The Act is supported by the *Environment Protection Regulations 2021* – the subordinate legislation for regulating pollution and waste.

COUNCIL MEETING MINUTES - 25 JULY 2023

Role of councils

Under the environment protection legislation, councils can regulate and enforce:

- residential noise – allows authorised officers to investigate and apply penalties for non-compliance with legislation
- noise from the construction, demolition and removal of residential premises – regulated through the delegation of powers from the EPA
- litter and waste - unlawful deposit of litter and other waste under Part 6.3 of the Act and Part 4.1 of the Regulations
- on-site wastewater management systems (OWMS) - with an actual or design flow rate of less than 5,000 litres per day, including powers to issue permits for construction, installation and alteration of OWMS as well as enforcement and the ongoing operation and maintenance.

The *Instrument of Appointment & Authorisation Under the Planning & Environment Act 2017* (s11b) enables the appointment of officers who are authorised to regulate residential and commercial noise, litter and waste and on-site wastewater management systems. Appointments must be made by Council.

In addition, authorised officers appointed under section 242(2) of the Act have various powers under the Act relating to compliance and enforcement matters such as:

- issue /amend an improvement notice (section 271 of the Act) – requires a person to take action to remedy a situation that has or is likely to cause harm
- issue /amend a prohibition notice (section 272 of the Act) – prohibits a person from engaging in a particular activity that will or may cause harm
- powers of entry and inspection
- issue an infringement notice for breach of obligations under the Act.

DISCUSSION

This instrument was last reviewed and adopted by Council in May 2023.

In July 2023, a new Environmental Health Officer commenced with Council, and requires appointment to perform the duties of their role. Their name has been added to the attached Instrument to enable their appointment. The names of officers who have already been appointed remain on the Instrument.

An identity card for Authorised Officers must be issued and produced for inspection if asked when performing a function or exercising a power under the Act (s243). Identity cards will be arranged when the officer appointments are confirmed. When the officers cease in their role, any Council-appointments will be revoked by Council and the identity cards will be handed to Governance for destruction.

The attached instrument is based on the template provided by Maddocks Lawyers Delegations and Authorisations Service. This legal service provides templates that meet legislative requirements. The use of these model documents will ensure Council has in place compliant authorisations to relevant Council staff.

COUNCIL MEETING MINUTES - 25 JULY 2023

Options

Council may decide to refuse this appointment, however this is not recommended as the officer requires appointment under the Act in order to perform the powers, duties and functions expected of their role.

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.

The appointment of this officer will assist with the achievement of the key strategic objective 5.5 “Our Councillors and organisation are committed to the highest level of governance practices and conduct.”, as set out in the Council Plan 2021-2025, by supporting Council decision-making and ensuring that decisions are well considered, transparent and in the best interests of the whole community.

SOCIAL/COMMUNITY IMPLICATIONS

The updating of the Instrument of appointment & Authorisation under the Environment Protection Act assures the community that Council executes its decision-making processes in line with legislative requirements and within the appropriate roles.

ENVIRONMENTAL IMPLICATIONS

The adoption of the instrument of Appointment and Authorisation to execute powers under the Act will support the protection of our local environment by ensuring that the intentions of the Act to prevent and reduce harm from pollution and waste are carried out.

FINANCIAL IMPLICATIONS

The management of Council’s appointments and authorisations involves an annual subscription to the Maddocks Delegations Service which is funded within the budget.

LEGISLATIVE IMPLICATIONS

Certain powers under the Environment Protection Act 2017 are delegated to Council by the Environment Protection Authority under an Instrument of Direction. These in turn are sub-delegated to officers under section 437(2), and the same officers are appointed to carry out these powers under section 242(2).

RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
If authorisations are not updated the legality of a decision or an action purportedly made on behalf of the council could be questioned.	Possible	Minor	Low	Adopt the revised instrument.

COUNCIL MEETING MINUTES - 25 JULY 2023

COMMUNITY ENGAGEMENT

Engagement undertaken

No public consultation was undertaken. The instruments have been reviewed by the appropriate level of management.

Engagement outcomes

Nil

Engagement proposed

Nil.

CONCLUSION


In accordance with requirements under the *Environment Protection Act 2017* and Council's usual practice of updating appointments and authorisations, the attached instrument has been updated to include new a new officer and will enable the execution of powers, duties and functions under the Act.

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 & Governance
- Annabel Harding - Governance Coordinator

Attachments

1.  Instrument of Appointment & Authorisation - Environment Protection Act 2017 only

COUNCIL MEETING MINUTES - 25 JULY 2023

14.2 CONTRACTS AWARDED UNDER CHIEF EXECUTIVE OFFICER DELEGATION - MAY 2023

File No: 2023/533

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 June 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 - 25 JULY 2023

14.3 INFORMAL MEETINGS OF COUNCILLORS RECORDS

File No: 2023/516

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 Gaffney

Seconded: Cr Teissl

For: Crs Peter Croucher, Bernard Gaffney, 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 - 25 JULY 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
Indigo Community Access Advisory Committee (closed session)	19 June 2023
Finance Committee	20 June 2023
Planning Site Visit – Sanatorium Road	20 June 2023
Councillor Briefing	20 June 2023
Councillor Briefing	27 June 2023
Councillor Briefing	4 July 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.

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.

COUNCIL MEETING MINUTES - 25 JULY 2023

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 - Indigo Community Access Advisory Committee - 19 June 2023
(closed session)
2.  Informal Meeting of Councillors Record - Finance Committee - 20 June 2023
3.  Informal Meeting of Councillors Record - Planning Site Visit - Sanatorium Road - 20 June 2023
4.  Informal Meeting of Councillors Record - Council Briefing - 20 June 2023
5.  Informal Meeting of Councillors Record - Council Briefing - 27 June 2023
6.  Informal Meeting of Councillors Record - Council Briefing - 4 July 2023

COUNCIL MEETING MINUTES - 25 JULY 2023

14.4 ADVISORY COMMITTEE MINUTES

File No: 2023/517

Annabel Harding - Governance Coordinator

Executive Management

For Decision

RECOMMENDATION

That Council receives the attached unconfirmed meeting minutes for the following Advisory Committees and endorses the officer recommendations:

- a) Indigo Environment Advisory Committee;
- b) Indigo Access Advisory Committee;
- c) Finance Committee; and
- d) Indigo Shire Cultural Heritage Advisory Committee.

RESOLUTION

That Council receives the attached unconfirmed meeting minutes for the following Advisory Committees and endorses the officer recommendations:

- a) Indigo Environment Advisory Committee;
- b) Indigo Access Advisory Committee;
- c) Finance Committee; and
- d) Indigo Shire Cultural Heritage Advisory Committee.

Moved: Cr Shephard

Seconded: Cr Horne

For: Crs Peter Croucher, Bernard Gaffney, 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).

COUNCIL MEETING MINUTES - 25 JULY 2023

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	MANAGEMENT RECOMMENDED ACTION
Indigo Environment Advisory Committee	7 June 2023	nil	
Indigo Community Access Advisory Committee	19 June 2023	nil	
Finance Committee	20 June 2023	nil	
Indigo Cultural Heritage Advisory Committee	29 June 2023	The Cultural Heritage Advisory Committee recommends that a report about the current cross-shire program be shared at a Council meeting.	Management recommends that this is an appropriate item for a Council Briefing. To be scheduled in the next three months.
		The Cultural Heritage Advisory Committee recommends that the Burke Museum team meet with Arts, Culture and Events team at the Rural City of Wangaratta Council to start a conversation about reconnecting North-East Victoria local history groups.	Management supports the recommendation. Officers to arrange a meeting to commence these discussions in the next three months.

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.

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.

COUNCIL MEETING MINUTES - 25 JULY 2023

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 - 7 June 2023
2.  Minutes - Indigo Community Access Advisory Committee - 19 June 2023
3.  Minutes - Finance Committee - 20 June 2023
4.  Minutes - Indigo Cultural Heritage Advisory Committee - 29 June 2023

COUNCIL MEETING MINUTES - 25 JULY 2023

15. NOTICES OF MOTION

Nil reports

COUNCIL MEETING MINUTES - 25 JULY 2023

16. COUNCILLORS REPORT

16.1 MAYOR'S DIARY - JUNE 2023

For Information

Mayor Price attended the following functions/events/meetings in June 2023:

DATE	TIME	FUNCTION / EVENT / MEETING	LOCATION
2 June	11.00am	Kinder Kulture Storytime (National Reconciliation Week Activity)	Chiltern
5 June	10.00am	Meeting with CEO	Beechworth
6 June	12.00pm	Site Tour – Chiltern Destination Playspace	Chiltern
6 June	1.30pm	Meeting with CEO and Council Officers	Beechworth
6 June	2.30pm	Council Briefing	Beechworth
11 June	2.00pm	Celebrity Grape Stomp - Roam Rutherglen Winery Walkabout	Rutherglen
13-15 June		Australian Local Government Association (ALGA) Regional Form and 2023 National General Assembly (NGA)	Canberra
13 June		Meeting with CEO and Hon Kristy McBain, Minister for Regional Development, Local Government and Territories	Canberra
14 June		Meeting with CEO, Crs Gaffney and Croucher and Senator the Hon Bridget McKenzie	Canberra
15 June		Meeting with CEO and Dr Helen Haines MP	Canberra
15 June		Meeting with CEO and The Hon Catherine King MP Minister for Infrastructure, Regional Development and Local Government	Canberra
16 June		Australian Council of Local Government (ACLG) Forum	Canberra
19 June	2.30pm	Indigo Community Access Committee Meeting	Online
20 June	12.45pm	Site Visit – 303 Sanitorium Road, Allans Flat	Allans Flat
20 June	2.30pm	Council Briefing	Beechworth
20 June	6.00pm	Finance Committee Meeting	Beechworth
26 June	10.00am	Meeting with CEO	Beechworth
26 June	11.30am	Meeting with CEO and Council Officers	Beechworth
27 June	4.00pm	Council Briefing	Beechworth
27 June	6.30pm	Council Meeting	Beechworth
29 June	4.30pm	Meeting with CEO, Cr Gaffney, Cr Teissl and Ty and Esther Bates from Lake Anderson Caravan	Chiltern

COUNCIL MEETING MINUTES - 25 JULY 2023

DATE	TIME	FUNCTION / EVENT / MEETING	LOCATION
		Park	

Attachments

Nil

COUNCIL MEETING MINUTES - 25 JULY 2023

17. DECISIONS REGISTER

17.1 DECISIONS REGISTER

File No: 2023/508

Carla Hanlon - Executive Manager People & Governance Executive Management

For Information

The report outlines actions from Council Resolutions as at 30 June 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: <ol style="list-style-type: none"> 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)
27 June-23	7	Condolences	That a letter of condolence be sent to Pam Crosthwaite’s family.	Completed
27 June-23	7	Condolences	That a letter of condolence be sent to Jeanette McIntosh’s family.	Completed
27 June 2023	8	Confirmation of Minutes from Previous Meeting(s)	That the following minutes be confirmed: <ol style="list-style-type: none"> 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. 	Completed
27 June 2023	11.1	May Finance Report	That Council accepts the May Finance Report noting the progress against Council’s quarter 2 forecast.	Completed
27 June 2023	11.2	Council Plan 2021-2025 (Year 3)	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.	Completed

COUNCIL MEETING MINUTES - 25 JULY 2023

Meeting date	Item	Name	Resolution	Status
27 June 2023	11.3	Consideration of 2023/24 Budget Submissions	<p>That Council;</p> <ol style="list-style-type: none"> 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. 	Completed
27 June 2023	11.4	Approval to Borrow	<p>That Council approves borrowings of \$1 million to be taken up using the following process:</p> <ol style="list-style-type: none"> 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 <p>This resolution is valid to the end of the 2026/27 financial year.</p>	Completed
27 June 2023	11.5	Adoption of Indigo Shire Council 2023/24 Budget	<p>That:</p> <ol style="list-style-type: none"> 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; 	Completed

COUNCIL MEETING MINUTES - 25 JULY 2023

Meeting date	Item	Name	Resolution	Status
			<p>3. the Chief Executive Officer or delegate gives public notice of this decision to adopt the following:</p> <ul style="list-style-type: none"> 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. <p>4. Council records the following reasons for the decision to adopt the 2023/24 Budget:</p> <ul style="list-style-type: none"> 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; <p>5. Council notes the attached Income and Expense report that provides additional information regarding each service budget;</p> <p>6. Declaration of rates and charges</p> <p>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:</p>	

COUNCIL MEETING MINUTES - 25 JULY 2023

Meeting date	Item	Name	Resolution	Status
			<ul style="list-style-type: none"> ☐ General rates \$13,015,350 (including supplementary valuations) ☐ Municipal charge \$2,965,430 ☐ Waste management charges \$3,594,600; <p>6.2 General rates</p> <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> ☐ 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 	

COUNCIL MEETING MINUTES - 25 JULY 2023

Meeting date	Item	Name	Resolution	Status
			<p style="text-align: right;">properties;</p> <p style="text-align: right;"> <input type="checkbox"/> A rate of 0.2691% (0.2691 cents in the dollar of CIV) for all rateable commercial/industrial properties. </p> <p>6.3 Municipal charge A municipal charge of \$339.10 be declared in respect of the 2023/24 financial year;</p> <p>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:</p> <p style="padding-left: 40px;">Waste management charge for the collection and disposal of refuse for residential land, non-residential land or non-rateable land:</p> <p style="padding-left: 40px;"> <input type="checkbox"/> Urban domestic garbage collection 140 litre bin \$126.90 <input type="checkbox"/> Urban domestic garbage collection 240 litre bin \$215.30 <input type="checkbox"/> Rural domestic garbage collection 240 litre bin \$215.30 <input type="checkbox"/> Domestic recycling collection 240 litre bin \$98.20 <input type="checkbox"/> Domestic recycling collection 360 litre bin \$118.80 <input type="checkbox"/> Domestic organics collection 140 or 240 litre bin \$180.70 </p>	

COUNCIL MEETING MINUTES - 25 JULY 2023

Meeting date	Item	Name	Resolution	Status																
			<p style="text-align: center;">☐ Environmental Management Contribution \$85.80</p> <p>7. Payment options</p> <p>Payment of rates and charges can be made by one annual payment - due on or before 30 September;</p> <p>Or Council issue rate notices and collect all rates via four instalment plan process, with instalments due on:</p> <table style="margin-left: 40px;"> <tr> <td>1st Instalment -</td> <td style="text-align: right;">30</td> </tr> <tr> <td>September 2023</td> <td></td> </tr> <tr> <td>2nd Instalment -</td> <td style="text-align: right;">30</td> </tr> <tr> <td>November 2023</td> <td></td> </tr> <tr> <td>3rd Instalment -</td> <td style="text-align: right;">28</td> </tr> <tr> <td>February 2024</td> <td></td> </tr> <tr> <td>4th Instalment -</td> <td style="text-align: right;">31</td> </tr> <tr> <td>May 2024</td> <td></td> </tr> </table> <p>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.</p> <p>8. Consequential</p> <p>(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 <i>Local Government Act (2020)</i>;</p> <p>Council in accordance with Section 120 of the <i>Local Government Act (2020)</i> 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;</p>	1st Instalment -	30	September 2023		2nd Instalment -	30	November 2023		3rd Instalment -	28	February 2024		4th Instalment -	31	May 2024		
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			and 9. Borrowings Council proposes no new borrowings for 2023/24.	
27 June 2023	11.6	Planning Permit Application PP22-0075 - 303 Sanatorium Road, Allans Flat	<p>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:</p> <ol style="list-style-type: none"> 1. The proposal is not consistent with the following clauses of the Planning Policy Framework: <ol style="list-style-type: none"> 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 <ol style="list-style-type: none"> 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, 	Completed

COUNCIL MEETING MINUTES - 25 JULY 2023

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			<p style="text-align: right;">overlay or other provision.</p> <p style="text-align: center;">e. The orderly planning of the area.</p>	
27 June 2023	11.7	Planning Permit Application PP22-0008 - Lower Nine Mile Road Stanley	That Council considers item 11.7 at the next Council Meeting once the matter of an easement is clarified.	Incomplete – included in agenda for July Council meeting
27 June 2023	12.1	Chiltern Destination Playspace Concept Design Report - Final Draft	That Council adopts the Chiltern Destination Playspace Concept Design Report.	Completed
27 June 2023	12.2	Swimming Pools Report 2022/2023	<p>That Council:</p> <ol style="list-style-type: none"> 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. 	Completed
27 June 2023	12.3	Revocation of Burke Museum Beechworth Collection Policy 2015	<p>That Council:</p> <ol style="list-style-type: none"> 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 	Completed

COUNCIL MEETING MINUTES - 25 JULY 2023

Meeting date	Item	Name	Resolution	Status																					
			reports associated with the AMaGA accreditation plus the Cultural Heritage Advisory Committees response to those audit/revaluation reports.																						
27 June 2023	12.4	Reconciliation Action Plan Progress Report	<p>That Council:</p> <ol style="list-style-type: none"> 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. 	Completed																					
27 June 2023	12.5	Get Active Indigo Grants 2023	<p>That Council allocates \$30,000 under the 2022/2023 Indigo Shire Get Active Indigo Grants Program as follows:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="background-color: #f2f2f2;">Applicant</th> <th style="background-color: #f2f2f2;">Project</th> <th style="background-color: #f2f2f2;">Grant Amount</th> </tr> </thead> <tbody> <tr> <td>Beechworth Swimming Club</td> <td>Off season training program</td> <td style="text-align: right;">\$4,600</td> </tr> <tr> <td>Indigo North Health</td> <td>Guided nature walks</td> <td style="text-align: right;">\$2,650</td> </tr> <tr> <td>Chiltern Neighbourhood House</td> <td>Line dancing classes</td> <td style="text-align: right;">\$2,250</td> </tr> <tr> <td>Beechworth Netball Club</td> <td>Night netball competition</td> <td style="text-align: right;">\$1,000</td> </tr> <tr> <td>"Drop In and Take Off"</td> <td>Skate park workshops</td> <td style="text-align: right;">\$5,000</td> </tr> <tr> <td>Kiewa Tennis Club</td> <td>Coaching program</td> <td style="text-align: right;">\$4,000</td> </tr> </tbody> </table>	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	Completed
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27 June 2023	12.6	Federal Government Growing Regions Program Grant Fund Recommendations	<p>That Council:</p> <ol style="list-style-type: none"> 1. Supports a Tourism North East application for Indigo Shires <i>Rutherglen Silo Precinct and Community Arts Hub</i> 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 <i>Chiltern Destination Playspace</i> 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. 	<p>1 and 3 – Underway</p> <p>2 and 4 – On hold. To be progressed pending the outcome of the EOIs referred to in recommendations 1 and 3.</p>															

COUNCIL MEETING MINUTES - 25 JULY 2023

Meeting date	Item	Name	Resolution	Status
27 June - 23	13.1	May Capital Works Report	That Council notes the May Capital Works Report and year to date progress in the delivery of the capital works program.	Completed
27 June - 23	14.1	Council Expense & Resources Policy	That Council: <ol style="list-style-type: none"> 1. Endorses the draft Council Expense & Resources Policy; and 2. Places it on public exhibition for a period of thirty days and invites submissions 	Completed
27 June- 23	14.2	Advisory Committee Minutes	That Council: <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. Indigo Environment Advisory Committee; b. Indigo Community Access Committee; 2. Adopts the updated Terms of Reference for the Indigo Environment Advisory Committee. 	Completed
27 June- 23	14.3	Informal Meetings of Councillors Records	That Council accepts the attached Informal Meetings of Councillors records.	Completed
27 June- 23	15.1	Notice of Motion - Report on CCTV	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.	In Progress

COUNCIL MEETING MINUTES - 25 JULY 2023

18. GENERAL BUSINESS

- Cr Teissl raised town planning for the future and how to assist people to stay in their own home and age in place – would like to see a strategy to address this in the future.
- Cr Horne requested an update from Regional Roads Victoria on Main St Rutherglen. Ian Ellett, Director Infrastructure Services advised that there is no further update at this stage.

19. CONFIDENTIAL

- Cr Horne declared a material conflict of interest with this item, due to having a personal relationship with the applicant. Cr Horne left the meeting at 7:34PM.

RESOLUTION

That the Council Meeting be closed to the public in accordance with Section 66 of the *Local Government Act 2020*.

Moved: Cr Gaffney

Seconded: Cr Teissl

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

Against: Nil

CARRIED

This meeting moved into Confidential; members of the gallery were asked to leave; recording and live streaming ceased.

19.1 INDIGO COMMUNITY ACCESS COMMITTEE APPLICATION

File No: 2023/519

Carlene Lamanna - Manager Community Development

Community & Economic Development

RESOLUTION

That Council move out of Confidential session.

Moved: Cr Croucher

Seconded: Cr Teissl

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

Against: Nil

CARRIED

- Cr Horne returned to the meeting at 7:39PM

While in the Confidential session, Council voted to release the following statement upon return to the open meeting:

COUNCIL MEETING MINUTES - 25 JULY 2023

“That no appointment has been made, and Council will continue to seek a suitable committee applicant, preferably a young person under 25.”

Meeting Concluded: 7:39PM

Next Meeting: Tuesday, 29 August 2023 at 6.30pm