

## COUNCIL MEETING MINUTES - 26 MARCH 2024

### ***Vision:***

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

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**HELD:** Tuesday, 26 March 2024 at 6.30pm

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

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<b>ATTENDEES:</b>	<b>NAME</b>	<b>TITLE</b>
	Cr Sophie Price	Mayor
	Cr Bernard Gaffney	Deputy Mayor
	Cr Peter Croucher	Councillor
	Cr Sue Gold	Councillor (left after item 11.3 at approximately 7.13pm)
	Cr Roberta Horne	Councillor (via Online)
	Cr Diane Shephard	Councillor
	Cr Emmerick Teissl	Councillor
	Trevor Ierino	Chief Executive Officer
	Nathan Mullane	Manager Capital Works and Waste
	Greg Pinkerton	Director Planning & Corporate Services
	Sally Rice	Director Community & Economic Development
	Carla Hanlon	Executive Manager People and Governance

**These Minutes were confirmed at the Council meeting held on 23 April 2024.**



**Cr Sophie Price**  
**Mayor**

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

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

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## **COUNCIL MEETING MINUTES - 26 MARCH 2024**

### **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**

Ian Ellett – Director Infrastructure Services

### **4. DECLARATION OF CONFLICT OF INTEREST**

Nil

### **5. OPEN FORUM**

Questioner: Dean Hurlston

Mayor Price acknowledged an email was received with questions from Dean Hurlston. Dean Hurlston was not present and therefore, as per the Governance Rules, a written response will be provided by Director Planning and Corporate Services.

Questioner: Robin McLiesh

Questions to Council were received by Robin McLiesh. Mayor Price read Mr McLiesh's questions, that were:

1. Council's 2022/2023 Annual Report states that the auditors used by Council; the Audit and Risk committee, the internal auditors and the Victorian Auditor General cost us in excess of \$80,000 last year. Did any of these auditors express concern regarding the cost shifting between General Rates and Special Charges, when community responses to the draft budget had made council aware of the problem for the last 3 years?

An answer was provided by CEO – Trevor Ierino. The CEO explained that the auditors did not express any concern.

2. Introductory statement: Scaling factors have been an on-going problem for the Council. The recent Annual Report is no exception. Where is the note to the accounts that explains why a councillor was paid \$350,000 to entertain our Senior Citizens.

An answer was provided by CEO – Trevor Ierino. The CEO explained that there was a scaling issues and confirmed that the correct amount was \$350.

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3. Introductory statement: Government grants for the Murray to the Mountains Rail Trail Enhancement project for \$8.5 million and the Rutherglen Silo Arts project for \$11.5 million have been prepared, submitted and will be managed by Tourism North East. Requests to Council and TNE for copies of the grant applications have been refused and members of the shire community have no information as to the future expenses that will be imposed on them. Why has council continued to side with TNE and refuse the information requested and why is this information not being released?

An answer was provided by CEO – Trevor Ierino. The CEO explained Tourism North East are a separate agency and it is incumbent on them to assess and determine what is released.

### 6. COMMUNITY AND COUNCIL ACHIEVEMENTS

Cr Croucher acknowledged and congratulated the Kiewa Cricket Club for winning the Cricket Victoria Community Award for Community Club of the year (23/24). This is a prestigious award and the club is now in the running for the National Community Club of the Year award. The club has been recognised for many attributes including inclusivity, resilience, growth and good governance. Cr Croucher wished the club good luck for the upcoming National Awards.

Cr Gaffney thanked and acknowledged the Police Officers of Indigo Shire as the 2023 Crime statistics were released and Indigo Shire was the only Shire in North East Victoria that recorded a decrease.

Cr Shepherd acknowledged the local community and volunteers that managed two successful events in the Shire – Yackandandah Folk Festival and Beechworth Country Hops Festival. Congratulations to those involved.

### 7. CONDOLENCES

Nil

### 8. CONFIRMATION OF MINUTES FROM PREVIOUS MEETING(S)

#### RESOLUTION

That the Minutes of the Council Meeting held on 27 February 2024, as published on Council's website, be confirmed.

**Moved: Cr Gold**

**Seconded: Cr Teissl**

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

**Against:** Nil

**CARRIED**

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### 9. BUSINESS ARISING FROM PREVIOUS MINUTES

Nil

### 10. Petitions

#### 10.1 PETITION - CHILTERN SWIMMING POOL OPENING HOURS

File No: 2024/178

Sally Rice - Director Community & Economic  
Development

Community & Economic Development

#### For Decision

#### RECOMMENDATION

That Council resolves to note the petition.

#### Resolution

That Council resolves to note the petition.

**Moved: Cr Shephard**

**Seconded: Cr Gold**

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

**Against:** Nil

**Carried**

**CARRIED**

### 1. SUMMARY

A petition was received on 5 March 2024 from members of the Chiltern community regarding the operating season of swimming pool within Indigo Shire and in particular in the Chiltern Pool. The Officers understanding of the intent of the petition, as described in both the cover letter and headline statement, are summarised as requesting:

- 1) that Council seriously consider an extension to the closing date of all swimming pools in the Shire until after the Easter period at least; and
- 2) people to please sign this petition if you believe that all residents of Indigo Shire should have equal opportunity to enjoy their local public pools throughout the entire swimming season.

The petition is attached, with names and addresses redacted, in accordance with Governance Rule 40(c). An unredacted copy has been provided to Councillors.

According to the Governance Rules the petition is not compliant because it does not “state the action or remedy sought from Council on every page”. In its entirety the petition included:

- a cover page which referred to the information included in point 1) above with no names, addresses and signatures included;
- 1 page of 30 names, addresses and signatures which were headlined with the statement included in point 2) above; and
- a further 12 pages of 330 names, addresses and signatures.

The non-compliant petition was accepted and this report recommends that Council note the petition.

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### GOVERNANCE RULES - PETITIONS

Under Governance Rules 40(d)(iii) in acknowledging a compliant petition at a Council meeting, Council may pass a resolution to:

- require the CEO to provide a response to the petition in accordance with Council's protocols for written communication, or;
- require the CEO to provide a response to the petition at a future Council meeting, or;
- note the petition, or;
- require any other action that is appropriate to the petition, and within the powers of Council.

### 2. OFFICER'S COMMENT

Council acknowledges the enjoyment and benefit that pools offer residents and visitors in the form of respite from the heat and the outcomes that come from being physically and socially active. Council is also aware of the changing nature of weather patterns that are often resulting in warmer weather into the Autumn months.

In 2021 Indigo Shire Council entered into a three-year contract with Belgravia Leisure to operate five outdoor seasonal swimming pools. These pools are in Beechworth, Chiltern, Rutherglen, Tangambalanga and Yackandandah. Hours of operation were fixed at the time of contract execution in line with the allocated budget as well as historical participation rates. The current contracted hours of operation are as follows:

Facility	Dates	Hours
Tangambalanga	<b>Low Season</b> 11 November to 17 December	<b>Low and Late Seasons</b> Mon – Fri: 3pm - 7pm Sat – Sun: 1pm - 7:30pm  <b>Peak Season</b> Mon – Fri: 1pm - 7:30pm Sat – Sun: 12pm - 7:30pm
	<b>Peak Season</b> 18 December 2021 to 28 January	
	<b>Late Season</b> 29 January to 11 March	
Chiltern	<b>Low Season</b> 11 November to 17 December	<b>Low and Late Seasons</b> Mon – Fri: 3pm - 7pm Sat – Sun: 1pm - 7:30pm  <b>Peak Season</b> Mon – Fri: 1pm - 7:30pm Sat – Sun: 12pm - 7:30pm
	<b>Peak Season</b> 18 December 2021 to 28 January	
	<b>Late Season</b> 29 January to 11 March	

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Facility	Dates	Hours
<b>Yackandandah</b>	<b>Low Season</b> 11 November to 17 December  <b>Peak Season</b> 18 December to 28 January  <b>Late Season</b> 29 January to 11 March  <b>Autumn Swimming</b> 12 March to 5 April	<b>Low and Late Seasons</b> Mon, Wed, Fri: 6:30am – 8:30am Mon – Fri: 3pm - 7pm Sat – Sun: 1pm - 7:30pm  <b>Peak Season</b> Mon, Wed, Fri: 6:30am – 8:30am Mon – Fri: 1pm - 7:30pm Sat – Sun: 12pm - 7:30pm  <b>Autumn swimming</b> Mon, Wed, Fri: 6:30am – 8:30am
<b>Rutherglen</b>	<b>Spring Season</b> 16 October to 10 November  <b>Low Season</b> 11 November to 17 December  <b>Peak Season</b> 18 December to 28 January  <b>Late Season</b> 29 January to 11 March  <b>Autumn Season</b> 12 March to 5 April	<b>Spring Season</b> Mon, Wed, Fri: 6:30am – 7:30am  <b>Low and Late Seasons</b> Mon – Fri: 6:30am – 7:30am and 3pm - 7pm Sat – Sun: 1pm - 7:30pm  <b>Peak Season</b> Mon – Fri: 6:30am – 7:30am and 1pm - 7:30pm Sat – Sun: 12pm - 7:30pm <b>Autumn Season</b> Mon, Wed, Fri: 6:30am – 8:30am
<b>Beechworth</b>	<b>Low Season</b> 11 November to 17 December  <b>Peak Season</b> 18 December to 28 January  <b>Late Season</b> 29 January to 11 March  <b>Autumn Swimming</b> 12 March to 5 April	<b>Low and Late Seasons</b> Mon – Fri: 6:00am – 7:30am and 3pm - 7pm Sat – Sun: 1pm - 7:30pm  <b>Peak Season</b> Mon – Fri: 6:00am – 7:30am and 1pm - 7:30pm Sat – Sun: 12pm - 7:30pm  <b>Autumn Swimming</b> Mon – Fri: 6:00am – 7:30am

Any changes to the above operating hours are at the discretion of the operator, therefore any additional hours are a significant additional and unbudgeted cost to Council.


The current contract with Belgravia Leisure is due to expire at the conclusion of the 2023/24 pool season. Therefore, Council will be undertaking a tender process to secure a new operating contract for the coming seasons. During this process both the hours of operation and the pool season will be among a number of considerations that will be reviewed and analysed to inform the future contracts operating

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requirements. This petition will be used to contribute to this review. This petition will also be referenced in the swimming pool season report which is presented to Council in a meeting agenda around June each year.

As mentioned earlier in this report Council acknowledges the enjoyment and benefit that pools offer residents and visitors and continually seeks to find the balance between ensuring that pool operations are both financially viable and continue to meet the needs of residents.

### Attachments

1. Petition - Chiltern Swimming Pool Opening Hours (full version) (Confidential)
2.  Petition - Chiltern Swimming Pool Opening Hours (redacted)

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### 11. PLANNING & CORPORATE SERVICES

#### 11.1 2023/24 - QUARTER 2 FINANCIAL FORECAST

File No: 2024/195

Sharon Phillips - Acting Manager Finance

Planning & Corporate Services

#### **For Decision**

*Greg Pinkerton - Director Planning and Corporate Services Councillors explained that since the agenda was published we have discovered that some of the figures in the Q2 capital works attachment did not calculate through to the total row. Therefore I would like to table a new version of the Q2 capital works monitor. This has been emailed to Councillors today and will be included in the meeting minutes. The key change is the increase of the proposed carry forward from \$11,391,688 to \$11,589,710. This is simply a timing adjustment and not an extra cost to Council.*

#### **RECOMMENDATION**

That Council:

1. Adopts the quarter 2 (Q2) full-year forecast figures for both operating (as shown in the operating statement below) and capital (as shown in the attached Capital Works monitor); and
2. Directs the CEO to report against these forecast figures for the remainder of the financial year.

#### **Resolution**

That Council:

1. Refers to the tabled capital works report;
2. Adopts the tabled quarter 2 (Q2) full-year forecast figures for both operating (as shown in the operating statement below) and capital (as shown in the attached Capital Works monitor); and
3. Directs the CEO to report against these forecast figures for the remainder of the financial year.

**Moved: Cr Gaffney**

**Seconded: Cr Teissl**

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

**Against:** Nil

**CARRIED**

#### PURPOSE OF REPORT

The purpose of this report is to present Council with a revised 2023/24 financial forecast and seek endorsement of this updated forecast, including the changes outlined in this report.

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### BACKGROUND

Performance against the adopted budget is reported at each monthly Council meeting with variance explanations. In addition, each quarter Council is presented with a more expansive report that includes detailed variance explanations.

These quarterly reports are an ideal opportunity for Council to consider adjusting the forecast figures to reflect new information. By doing this, Council is able to use a more accurate and transparent benchmark against which performance can be measured. The forecast was not updated at quarter 1 and this quarter 2 (Q2) forecast is the first adjustment for the financial year. This gives an opportunity to include any significant new information that wasn't available at the time of the budget adoption (such as carry-forward projects and new grant announcements).

The quarter 2 forecast is traditionally the most important forecast adjustment and an opportunity to update the targets for the remainder of the year. This re-forecast is also of particular interest, given that half the financial year has been completed and this gives a strong indication of the financial performance for the 2023/24 financial year. The timing of this review allows for adjustments to be made prior to the end of the financial year.

The process required for the Q2 forecast is an extensive one in which budget managers review all expenses in their budgets and adjust for any savings, changes in plans, or new projects. This data is then reviewed by Council's executive team where further adjustments and efficiencies are made. The figures and revised forecast numbers are then reviewed by Councils Finance Committee on the way to being presented to a Council meeting for consideration. Once adopted, the Q2 forecast becomes the basis for future management reporting so that variances are clean and easy to understand (i.e. not clouded by large variances that often occur in the first half of the financial year due to grant timing and carry-forwards).

### DISCUSSION

The net overall result of the Q2 forecast is for a deficit of \$7.944m at the end of the financial year. This is \$4.776 more than the originally budgeted deficit of \$3.169.

It is important to note that a large influence on Council's YTD operational financial result is the early payment of 100% (\$5.55m) of the Financial Assistance Grants (FAGS) Funding in June of 2023 (rather than throughout the 2023/24 financial year). This is a benefit to Council because, rather than receiving the \$5.55 million in quarterly instalments in 2023/24, the cash was in the bank before the financial year started. This helps with Council's investment interest income, and ensures cash availability. However, when reporting on the 2023/24 financial year this timing variance shows a large deficit in the current financial year because the budgeted quarterly payments will not be received. For this reason, the financial statements for the current financial year look quite unfavourable, but the overall position (after taking into account the early payment of the \$5.55 million) is favourable to the adopted budget.

The other large variances are priority projects and storm/flood damage remediation. The natural disaster expenditure is expected to be recouped by grants and natural disaster reimbursements. In some cases, income will follow the rectification work and in other cases Council has already received income. These timing variances have caused large variances in comparison to the 2023/24 adopted budget and have now been adjusted in the Q2 forecast.

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To aid in readability, the remainder of this section is discussed in three sections:

1. Operating Budget
2. Capital works
3. Combined Organisational Position

### 1. Operating Budget

The Quarter 2 operating budget forecast (excluding capital works and non-ISC) shows a forecast full-year operating deficit of \$7.94m million compared to budget of \$3.16m. This is reduction of \$4.78m and is mainly due to the early receipt of the \$5.55 million of FAGS funding.

Details of the main variance results are shown below:

Indigo Shire Council 2023-24 - Quarter2 Income Statement				
Account Group	Quarter 2 Forecast	Annual Budget	Q2 Forecast vs Annual Budget	2022/23 Actuals
<b>Income</b>				
Contributions - Developer	80,321	31,213	49,108	82,298
Contributions - Operating	128,608	37,083	91,525	54,810
Operating Grants	5,098,746	7,067,189	(1,968,443)	9,533,477
Interest Income	547,216	590,200	(42,984)	540,065
Other Revenue	2,512,918	2,463,677	49,241	2,264,519
Rates & charges	19,749,353	19,710,441	38,912	18,808,002
Reimbursements	137,246	71,916	65,330	308,998
Statutory Fees & Fines	1,261,511	1,312,326	(50,815)	1,063,998
User Charges	3,554,949	4,545,841	(990,891)	4,331,228
<b>Total Income</b>	<b>33,070,868</b>	<b>35,829,886</b>	<b>(2,759,018)</b>	<b>36,987,397</b>
<b>Expense</b>				
Borrowing Costs	31,769	31,079	(690)	62,627
Contract Payments	10,122,013	7,399,223	(2,722,790)	7,628,248
Depreciation	6,953,280	7,579,686	626,406	8,415,539
Employee Costs	14,605,442	14,602,772	(2,670)	13,413,870
Materials & Consumables	5,120,858	5,491,840	370,982	5,373,709
Other Expenses	3,614,947	3,271,032	(343,915)	1,772,708
Utilities	567,266	623,060	55,794	580,249
<b>Total Expense</b>	<b>41,015,574</b>	<b>38,998,692</b>	<b>(2,016,882)</b>	<b>37,246,951</b>
<b>Surplus / (Deficit)*</b>	<b>(7,944,706)</b>	<b>(3,168,806)</b>	<b>(4,775,900)</b>	<b>(259,554)</b>
* For both actual and budget a positive net result means a favourable contribution to Council, which is referred to as a Surplus and a negative net result means a unfavourable contribution to Council, which is referred to as a Deficit.				
(Red variance) is unfavourable				
Black variance is favourable				

There are a number of notable items in this re-forecast and these are discussed below.

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### Income

#### **Operating Contributions**

- \$91k contribution for the “North East Collaboration Officer” in Emergency Management Co-ordination

#### **Operating Grants**

The unfavourable variance of (\$1.968m) is a combination of;

- (\$5.551m) of Financial Assistance Grant Funding (FAGS) - The total funding, whilst budgeted in the 2023/24 budget was received in June of 2022/23 financial year. There was extra funding announced to be received from 2023/24 allocation of \$270k. The quarter 2 forecast reflects this reduction.
- \$3.494m of state non-recurring grant funding main highlights being;
  - \$1.637m natural disaster relief funding. This is for reimbursement/recovery funding that has been received, or is expected to be received by the end of the financial year. This income is matched to the additional expenditure for rectification of natural disaster damage. This matching cost is usually seen in the Contractor section of the expense category.
  - \$671k – Carried forward grant for the Greenlight Project within Information Technology
  - \$348k – Carried forward grant for CFA Bogong solar project in Economic Development Services
  - \$160k – Carried forward grant for Heritage Assessment Study in Planning
  - \$678k Other grants are spread across the organisation with the above grants having offset expenditure budgeted to be spent this financial year

#### **User Fees**

The main adverse variance relates to revenue from Mt Buller which was forecasted at \$3.9M in 2023/24 annual budget and dropped to \$3.08M in Q2 resulting in a net unfavourable variance of \$903K. This negative variance is partly offset by the relative reduction in expenditure on bulk gas purchases (under ‘materials and consumables’). This was caused by a very poor 2023 snow season, and the resulting reduction in gas sales for the first part of the financial year.

It is not expected that this lost income can be recouped in the remaining months of 2023/24, and therefore the full year net forecast for Buller Gas has been reduced from \$640,526 to \$578,925; a reduction of \$52,601.

### Expense

#### **Contract Payments**

Contract payments are forecast to increase from \$7.1M to \$10.1M (net increase of \$2.9M). This is spread across a number of areas, with the main items being:

- \$1.1M of additional expenditure on natural disaster, including under the Flood Support Fund – VCFA

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- \$637K expenditure on 2022 October floods
- \$418K expenditure on Bogong Group Bushfire Resilience Project
- Additional contract and temp staff to fill for staff vacancies (\$156k).
- Provision of in-house and online training of \$105K in Q2 (an increase of \$24K over Q1)
- Expenditure on other contract services including Vic Health VLGP project and maintenance of public toilets

### **Depreciation**

Council re-values assets on a regular basis which has a direct impact on the resultant depreciation. The reduction in depreciation of \$626K relates to revaluations on roads (formation, kerb & channel, sealed & unsealed) which affected the underlying depreciation for Q2. This is a non-cash item that has been added into the mid-year financial forecast to provide notice of projected changes to depreciation expense.

### **Employee Costs**

Council budgets for all of the roles required to run the services, and deliver community projects and infrastructure. The employee cost saving of \$207K is the net result of reduced cost due to staff vacancies, offset by increased use of casuals to cover some of the gaps.

### **Materials and Consumables**

The cost of Council's inputs is forecast to decrease from \$5.4M to \$5.1M (net reduction of \$371K). The main elements of this increase are;

- \$808K reduction in Mt Buller gas purchases compared to Q1 as a result of corresponding reduction in gas sales.
- A fresh forecasted expenditure of \$166K on contracted services (parts) carried out in Q2.

### **Other Expenses**

Other expenses are forecast to increase from \$3.271 M to \$3.614 M (net increase of \$344K). While there were many line items that had relatively moderate movements between Q1 and Q2, the main factors that affected the result were:

- Increase of \$106K on licencing costs
- Increase of \$167K on external plant hire
- Decrease of \$157K on plant & fleet repairs

## **2. Capital Works**

Significant effort has gone in to completing the Q2 Capital Forecast adjustments, using the best available current information. This report and the Capital Works Monitor (attached) detail forecasts for the end of the 2023/24 financial year.

### **Summary**

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### Limited market competition and scarcity of delivery resources

The construction industry within north east Victoria has a restricted pool of supply and engineering resources that support our capital works delivery. Often the effects of this are felt more so in the building sector rather than in our civil works, however, more recently these impacts are being felt equally so in all our works projects.

Council has experienced fewer contractors pricing works – often getting zero, or limited tender responses when advertising works. This, together with increased labour and material costs, and extended delivery timeframes, is impacting on the delivery of projects to the community.

The combined forecast expenditure for Capital Works, across both ISC and Non-ISC assets is now projected to be \$12,872,695 (\$11.68 million Capital and \$1.19 million Non-ISC).

The 'Additional funding announced or approved' Expenditure and Income columns in the capital works monitor, identify new grant funded projects.

The 'Q2 Forecast' Expenditure and Income columns are the projected end of year position. Where the Q2 Forecast is different to the 2023/24 Budget it is noted as either a **Budget Variance** or a **Timing Variance** and included in the Proposed Carry Forward column. The Budget Variance column shows actual cost variances (project savings or additional budget requirements) and the Timing Variance column is simply a movement between financial years (no actual increase or decrease in budget).

### Notable new funds

- **Chiltern kindergarten playground and external works (\$183,823 ex gst grant amount)**

Council has been successful in obtaining a grant for the completion of a playground and landscaping works for the Chiltern Long Day Care facility at the Hub. The new equipment and space will support children and educators to interact in an inspiring, safe, and interesting environment, ensuring that the outdoor space compliments the new building works. The grant requires that a council co-contribution of \$15,985 be made towards the works.

- **Peach Drive Shared Path (\$51,075).**

Council made a late addition to the 2023/24 budget, with the notification from DTP of a successful grant application for the construction of a shared path along Peach Drive. The Council proposed budget in conjunction with the grant, had contributions occurring over two financial years, however with works now underway, it is planned to bring forward funds from 2024/25, to safely complete all of the works as a part of the current construction activities.

- **Kergunyah Hall Upgrade (\$69,152)**

This project is jointly funded by Council, Emergency Recovery Victoria (ERV), and the Hall Committee to bring about an upgrade to the historic hall facilities at this non-ISC asset. Works are underway onsite, after significant delays were experienced in the planning and procurement stages of the project. Project costs have increased significantly due to material costs increases, design changes, and additional project management needs. ERV have recently advised of successful additional grant funding of \$69,152 to help offset some of these increased costs, that were reported to Council at the time it awarded the contract (Sept 2023).

- **Lake Sambell Caravan Park Cabin (\$179,506)**

## COUNCIL MEETING MINUTES - 26 MARCH 2024

An Insurance payout has been provided for the replacement of a flood damaged cabin at the Lake Sambell Caravan Park. The insurance payment for \$179,506 will not cover all of the replacement costs, with council forecast to contribute \$30,000 to fund the remainder of the project.

### **Notable Forecast Timing Variations**

The Q2 Forecast estimates the level of capital works expected to be completed by the end of the financial year. Many projects span multiple financial years so when a funded project cannot be completed in one financial year, the funding is carried forward to the next, to allow the project to continue uninterrupted.

The attached capital works monitor identifies the projected carry forward amounts for the 2023/24 financial year. These figures will be included and shown as carry forward capital works in the development of the 2024-25 capital works budget.

The key projects listed below have varied from the initially intended delivery program and will be carried forward to next financial year. A full list can be viewed in the attached Capital Works Monitor:

- Changing Places facility, Chiltern \$165,000. Council went out to tender for a contract package for the design and construction of the new changing places facility, that unfortunately failed to attract any submissions. As a result, an altered delivery plan is being developed, requiring the completion of additional design and planning activities, and pushing back project completion.
- Rutherglen Memorial Town Hall Roof \$450,000. This project has been reforecast due to challenges with having suitable project delivery resources. It was assessed that a delay in the works would not significantly impact the integrity of the Memorial Hall.
- Chiltern Tennis Courts \$200,000. A contract has been awarded for the project, and works are underway on site. Contractor progress has been slowed by inclement weather in the initial weeks on site, and also through the identification of poor sub-grade conditions that needed to be addressed. The project is anticipated to be completed in the first quarter of 2024/25.
- Fleet and Plant Replacement. The supply chain effects of COVID and other global impacts continue to significantly disrupt overseas imports into Australia, especially for the automotive and heavy equipment industries. Consequently, a combined carry forward amount of \$1,100,000 has been proposed due to delays in obtaining orders.
- A number of Computer and Telecommunications related budgets have experienced project resource and scope challenges. This, along with the upkeep of the organisation IT systems, has impacted on the delivery of some major IT upgrade projects. Significant planning and development has been invested, however expenditure is not incurred until implemented which is now programmed for future years. As part of Q2, \$842,300 is proposed to be moved out from the revised available budget (inclusive of carry forwards) of \$1,257,300.
- The replacement of the Indigo Creek Bridge, has been pushed out, following a late announcement of being successful in obtaining Federal funding for the completion of the works. It is planned to advertise and award a construction contract in mid 2024, with construction to get underway in the first quarter of 2024-25. As a result, \$1,250,000 has been moved from the budget.

## COUNCIL MEETING MINUTES - 26 MARCH 2024

- Bridge Renewal budget carry forward of \$328,600 is planned. This is a result of being unsuccessful in obtaining Federal funding, which has necessitated a change to the identified project priorities being required. Several key bridges across the Shire have had level 2 and 3 assessments completed and Project officers are reviewing and prioritising the works. The carry forward funding will largely be used to leverage grant funding to undertake larger scale priority works.
- The Beechworth – Yackandandah Rail Trail is nearing completion, with some of the final works taking slightly more time to complete and close out than originally estimated. \$100,000 has been moved out as a result.
- Rutherglen Loops Cycle Trail has commenced construction on the in-town section, with works soon to commence of three other construction packages. Extended timeframes for obtaining planning approvals and authority consent to the placement of the trail in the road reserve, has resulted in a forecast lower expenditure. \$3,464,641 has been moved out of the budget as a result.
- The design development of the Twist Creek Road sealing works has been delayed due to resource constraints, with \$94,942 moved out. Construction is planned for mid next FY.
- Sealed Pavement Rehabilitation received addition budget from the Federal LRCI Phase 4 Part B program. This has resulted in the program being far greater than originally planned, and additional geotechnical investigations are necessary for the significant scope of works on the Kergunyah Road. As a result, \$514,313 has been moved out of the budget.
- Some of the sealed network extension program including Taylor and Gordon Streets for a combined value of \$46,000 is unlikely to progress into construction this FY due to a shortage of delivery resources and identified deficiencies in the project budgets for the required scope.
- The Urban Drainage Improvement project continues to progress well with many discrete flood damage, remediation, and mitigation projects across the Shire. There has also been strong progress in the design of some significant stormwater drainage works. The completion of \$100,000 of works have been moved out.
- The Kiewa River Land access project has commenced on site with some early works completed. Further development of the site is programmed for next year, with \$113,586 moved out.
- The Rutherglen skate park is underway, with significant progress being made on site. Completion of the funding agreement is due December 2024, with \$65,255 moved out as works will continue later into the year.
- Baarmutha Park Cricket Nets have experienced delays with finalising a design. The preliminary design for the proposed works is being refined following significant work to address user needs, governing body requirements, vegetation impacts, and project budget estimates. Detail design is still to be resolved and the majority of the project expenditure (\$340,000) has been moved out.
- The Tangambalanga and Wahgunyah Pump Tracks, are both underway, with a contractor engaged and detailed design being completed \$200,000 across the two projects has been moved out due to delays with commencing on site with the works.
- Baarmutha Park Lighting contract has been awarded with a revised design bringing the price as low as possible, but still more than \$70,000 in excess of budget. As previously reported, over-budget expenditure has been kept to \$50k through a further financial contribution of \$22,779 being made by the Beechworth Football Netball Club. Site works will be completed this year, and some installation completed, however with delays likely to be experienced with

## COUNCIL MEETING MINUTES - 26 MARCH 2024

the delivery of the large light towers, resulting in \$72,779 being moved out into next financial year.

- The Kergunyah Hall is well into the construction stage of the work, after experiencing significant planning and procurement delays. The works are now progressing well. Additional budget has been obtained from ERV which will offset some cost overrun, and \$164,030 has been moved out of the budget as a result of some site delays.
- The Yackandandah golf club facility improvements project is still in the very early stages of project development. Resources have been able to be allocated to the project, with project scoping and preliminary design underway. The majority of the expenditure (\$514,285) will not occur until the 2024-25 FY.
- The Barkly Park Female change rooms upgrade project is in the early stage of project development. A resource has been assigned to the project, with the completion of the masterplan now allowing project development to move ahead. \$340,000 from the current budget has been forecast to not be expended until next financial year.

### Notable Budget Variations

When the capital budget is developed individual projects are scoped and costed to the best available information at the time. During the delivery of the capital works program, and the development of the project specifics and construction details, the estimated project cost may increase or decrease across the life of the project. As has been reported over recent months, the following projects have a proposed budgetary adjustment that will have an impact on the overall capital budget.

- **Chiltern Community Hub (\$200,000).** This amount is sought to be allocated through this mid-year budget review to fund the completion of the library and adjacent carpark. The construction contract had a number of significant cost increases, and variation claims.
- **Chiltern Athenaeum (\$80,000).** This long running project has faced a number of challenges associated with its completion. The scope of works, associated with the restoration of such an old and historic building, has been complex and is difficult to accurately estimate and work to a fixed price due to the unknown conditions that are likely to be encountered. The heritage builder has progressed through a number of issues on site, and project costs are now firming up.
- **Beechworth Court House Experience (\$388,215).** The challenge of installing a new experience, into a heritage building has been significant. The team have adjusted and changed materials and scope where they can, without any significant impact to the project outcomes. The discovery of asbestos in the ceiling space, has also had a cost impact on the project budget, and completion times.
- **Beechworth Pool Liner Installation (\$150,000).** Costs for the completion of these works are far higher than the budget estimate. Officers went to tender twice in order to assess the market response, without any savings being identified. The replacement of the liner is an important part of ensuring the ongoing operation of the pool. A specialist pool engineer's report identified the risk of failure, in persisting with the existing liner, to the safe and reliable operation of the swimming pools.
- **Baarmutha Park Lighting (\$50,000).** This important project has experienced a change in scope to increase the light output from the funding agreement levels, and to also future proof the upgrade as far as practicable. These changes have been carefully managed, along with the

## COUNCIL MEETING MINUTES - 26 MARCH 2024

challenges of significant price increases for electrical cabling, and steel polls. Additional funds have been provided by the BFNC in conjunction with council’s contribution.

In summary, the capital works program is progressing and adapting to the new and changed project conditions. As reported over the last few months there are a number of changes and additions that require a readjustment in timing and/or budget. This is normal practice for large projects that often span multiple financial years.

The attached capital works monitor shows that the new capital (including non-indigo assets) forecast for 2023/24 is \$12,872,695, with a proposed carry forward to the next financial year of \$11,391.688 and a budget variance of (\$879,824).

### 3. Combined Organisational Position

The overall result of the Q2 forecast is the combination of the Operating budget result (\$4,775,899 unfavourable), and the Capital and NON ISC Owned Assets combined budget result (\$879,824 unfavourable). The net result is a projected unfavourable position of \$5,655,723 unfavourable at the end of the financial year.

It is important to note that this overall unfavourable result is driven mainly by the timing for the \$5.55 million of FAGS income as well as additional capital works spending on essential projects and storm damage. Some of the capital adjustment is expected to be recouped by the increase to the LRCI funding (as explained above). Unfortunately, at the time of writing, there is insufficient detail to enable this to be quantified in detail in the forward projections.

It is therefore recommended that Council adopt the Q2 forecast and keep a watching brief on grant income (specifically the LRCI and natural disaster reimbursement). As further clarification of this funding is announced it will be reported to Council. Importantly, Council is committed to the targets that have been adopted in the Long-Term Financial plan and any overspend in one year is balanced by reductions in future years. Therefore, Council can have confidence that – even though the final funding details are not yet known – the result over two years will be balanced and meet the LTFP cash target. It is expected that these details will be clearer in the next few months as funding details are clarified and the 2024/25 draft budget is produced.

#### Options

Council has a several options.

1. Accept the forecast. This is the recommended option.
2. Accept the forecast and take the prima-face deficit from the 2024/254 budget. This is not recommended because the underlying deficit is not yet clear and will rely on announcements that are expected in the coming months.

#### STRATEGIC CONTEXT

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

## COUNCIL MEETING MINUTES - 26 MARCH 2024

### SOCIAL/COMMUNITY IMPLICATIONS

Close budget management allows Council to understand the financial performance of the organisation and manage service levels in a way that is efficient and effective. This translates into improved service outcomes for the community. This report provides details of Council's performance across a range of services, works and programs that support and enhance the wellbeing of residents and visitors to Indigo Shire.

### ENVIRONMENTAL IMPLICATIONS

Not applicable.

### FINANCIAL IMPLICATIONS

As described in this report.

### LEGISLATIVE IMPLICATIONS

There are no legislative implications relating to Council's decision to adopt a re-forecast.

### RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
Poor performance against budget	Possible	Moderate	Medium	Regular monitoring and reporting of financial position

There is, of course, the risk that the impacts of unknown events may have on the economy and on Indigo Shire Council. The proposed forecast takes into account the best information known at this time and it is believed that this is an accurate projection of Council's full year result.

Should further shocks or circumstances arise then there is a risk that the financial situation may deteriorate further. This risk is assessed as a medium risk to Council and management will continue to closely monitor the financial position as the second half of the financial year unfolds.

### COMMUNITY ENGAGEMENT

#### **Engagement undertaken**

No external consultation has been performed in preparing this report.

Communication of the details of this re-forecast is achieved by the publication of this report in the Council agenda. If adopted, the re-forecast will become the comparison data that will be used for future financial reports. The use of the quarter 2 forecast will be made clear in these financial statements.

#### **Engagement outcomes**

Nil

#### **Engagement proposed**

Nil

## COUNCIL MEETING MINUTES - 26 MARCH 2024

### CONCLUSION

The 2023/24 financial year has seen relative volatility in both revenue and expenditure movements in comparison to budget with notable fluctuations recorded on operating grants, Buller Gas sales and contract costs. Indigo Shire has been impacted by several storm and flood events, as well as additional costs from the unusually wet weather. These impacts have changed many of the financial projections that were previously made and this forecast adjustment is an appropriate opportunity to reflect on these changes.



The quarter 2 forecast indicates an unfavourable end of year operating result against the original budget due to a large timing variance in a \$5.55 million grant, as well as an increased capital works program that is expected to be part-funded by a combination of grants, reimbursements, or adjustment to the 2024/25 budget. This allows for services to be maximised and projects to be delivered to the community, whilst also maintaining the 2024/25 EOFY target that is set in Council's Long Term Financial Plan

### 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
- Deep Fernando – Manager Finance
- Ian Ellett – Director Infrastructure Services
- Nathan Mullhane – Manager Capital Works and Waste

### **Attachments**

1.  Quarter 2 - Service Plan Statement
2.  Capital Works Monitor - February 2024

## COUNCIL MEETING MINUTES - 26 MARCH 2024

### 11.2 FINANCE REPORT - FEBRUARY 2024

File No: 2024/190

Sharon Phillips - Acting Manager Finance

Planning & Corporate Services

#### For Decision

#### RECOMMENDATION

That Council accepts the YTD February Finance Report noting the progress against Council's Quarter 2 forecast.

#### Resolution

That Council accepts the YTD February Finance Report noting the progress against Council's Quarter 2 forecast.

**Moved: Cr Croucher**

**Seconded: Cr Gold**

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

**Against:** Nil

**CARRIED**

#### PURPOSE OF REPORT

The purpose of this report is to provide a consolidated view of Council's performance in the first eight months of the 2023/24 financial year.

The following report shows Council's February position against the Quarter 2 forecast, and provides an indication of Council's financial performance of the 2023/24 year.

#### BACKGROUND

Each month Council reports operating and capital year to date (YTD) financial results. The year to date figures contained within this report shows Council's February position against forecast.

#### DISCUSSION

This financial report provides Council with a Borrowings report and its financial position as at 29 February 2024 including comparison to quarter 2 forecast with regards to:

- Income Statement
- Treasury (cash management)
- Capital Works
- Borrowings

The reported year to date position as at the end of February 2024 is a \$175k favourable on a year to date basis compared to the 2023/24 quarter 2 forecast. Details of the main variances are reported below. Capital position is shown further on in this report.

## COUNCIL MEETING MINUTES - 26 MARCH 2024

Income Statement - 29 February 2024							
Account Group	YTD Actuals	YTD Qtr2 Forecast	YTD Variance \$	YTD Variance %	2023/24 Annual Budget	Quarter 2 Forecast	February YTD 2022/23 Actual
<b>Income</b>							
Contributions - Developer	67,000	67,000	0	0%	31,213	80,321	8,750
Contributions - Operating	126,507	126,584	(77)	(0%)	37,083	128,608	50,601
Operating Grants	3,160,272	3,021,156	139,116	5%	7,067,189	5,098,746	3,735,561
Interest Income	403,449	391,460	11,989	3%	590,200	547,216	298,311
Other Revenue	1,552,355	1,542,871	9,485	1%	2,463,677	2,512,918	1,343,264
Rates & charges	19,699,049	19,699,048	0	0%	19,710,441	19,749,353	18,795,896
Reimbursements	120,074	109,359	10,715	10%	71,916	137,246	255,306
Statutory Fees & Fines	739,344	716,973	22,372	3%	1,312,326	1,261,511	695,880
User Charges	2,153,937	2,152,881	1,055	0%	4,545,841	3,554,949	2,923,373
<b>Total Income</b>	<b>28,021,987</b>	<b>27,827,332</b>	<b>194,655</b>	<b>1%</b>	<b>35,829,886</b>	<b>33,070,868</b>	<b>28,106,943</b>
<b>Expense</b>							
Borrowing Costs	23,215	23,068	(147)	(1%)	31,079	31,769	34,392
Contract Payments	5,865,216	5,653,669	(211,547)	(4%)	7,399,223	10,122,013	4,566,275
Depreciation	4,638,555	4,635,713	(2,843)	(0%)	7,579,686	6,953,280	5,080,080
Employee Costs	9,086,262	9,293,145	206,883	2%	14,602,772	14,605,442	8,089,244
Materials & Consumables	3,704,183	3,783,856	79,673	2%	5,491,840	5,120,858	4,028,313
Other Expenses	2,800,858	2,720,815	(80,043)	(3%)	3,271,032	3,614,947	2,482,932
Utilities	378,087	366,795	(11,292)	(3%)	623,060	567,266	334,499
<b>Total Expense</b>	<b>26,496,377</b>	<b>26,477,061</b>	<b>(19,315)</b>	<b>(0%)</b>	<b>38,998,692</b>	<b>41,015,574</b>	<b>24,615,736</b>
<b>Surplus / (Deficit)*</b>	<b>1,525,610</b>	<b>1,350,271</b>	<b>175,339</b>	<b>13%</b>	<b>(3,168,806)</b>	<b>(7,944,706)</b>	<b>3,491,207</b>
<p>* For both actual and budget a positive net result means a favourable contribution to Council, which is referred to as a Surplus and a negative net result means a unfavourable contribution to Council, which is referred to as a Deficit.</p> <p>(Red variance) is unfavourable Black variance is favourable</p>							

### Income

#### Operating Grants

YTD favourable variance of **\$139k** is a combination of

- \$65k – State Library funding yet to be transferred to Capital Works for the purchase of book stock.
- \$60k – additional unbudgeted funding for the COVID RATS Program
- \$14k – Other minor grants across different service areas

#### Expenditure

#### Contract Payments

YTD unfavourable variance of **\$211k** is due to;

- \$190k expenditure relating to the January Natural Disaster Flood event, with the expenditure to be recovered when works completed
- \$22k in Building control services for the provision of contract staff

## COUNCIL MEETING MINUTES - 26 MARCH 2024

### Employee Costs

YTD favourable variance of **\$207k** is due predominately to staff vacancies as we work our way through the recruitment process. This favourability is expected to align as we work our way to year end.

### Materials and consumables

YTD favourable variance of **\$80k** is a combination of

- \$181k – favourability in the Quarries with phasing of expenditure not aligning with the actual expenditure which will occur closer to year end
- \$36k – of material costs across Drainage, Parks and Gardens and Roads and Maintenance service areas

With other unfavourable offsets across the organisation

- \$28 – Plant Service area higher than budgeted fuel and oils costs
- \$32k – Software subscription costs
- \$12k – Customer Experience - Minor purchase costs which are offset by the COVID RATs program income
- \$8k – Risk Management with higher than budgeted annual insurance costs

### Other Expenses

YTD unfavourable variance of **\$80k** is due to

- \$59k – Internal and External plant hire costs
- \$11k – in Risk Management with the cost of Internal Audits not phased with the expenditure allocation
- \$10k – other minor offsets

## COUNCIL MEETING MINUTES - 26 MARCH 2024

### Income (YTD)



### Expense (YTD)



### Net Position (YTD)



## COUNCIL MEETING MINUTES - 26 MARCH 2024

### Treasury

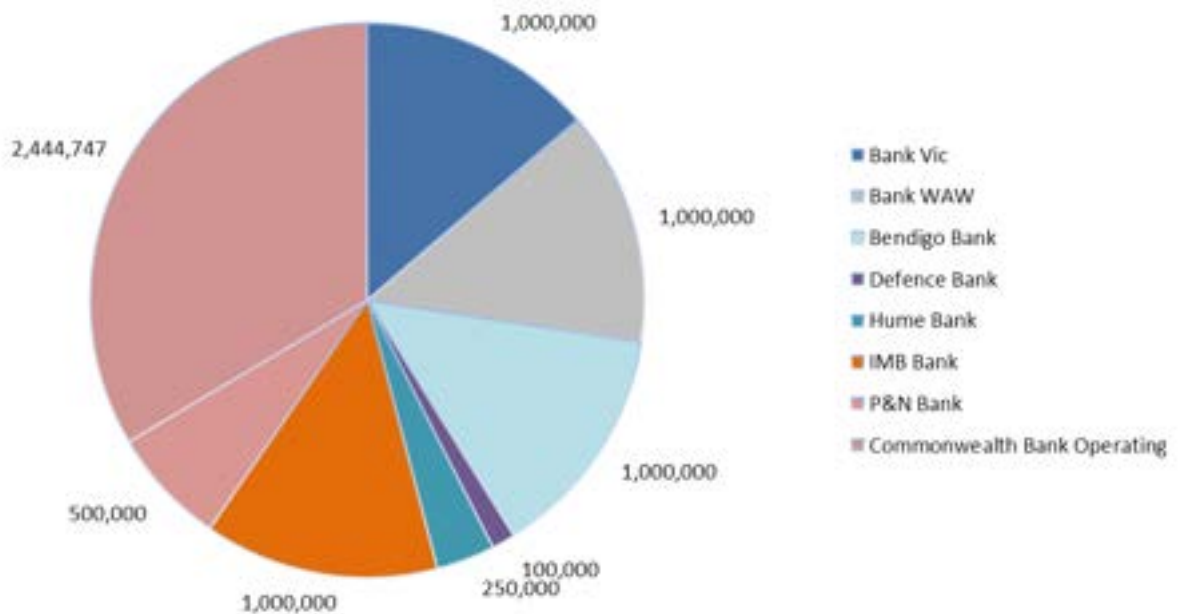
#### Cash Position

Council's Cash and investment holdings total \$7.29m as of 29 February 2024

Cash at Bank	2,444,747
Term deposit under 90 days	4,850,000
Term deposit over 90 days	-
<b>Total</b>	<b>7,294,747</b>

The average current interest rate on the term-deposits held is 4.47% (*this excludes the operating account*)

**Cash & Investments as at 29 February 2024**



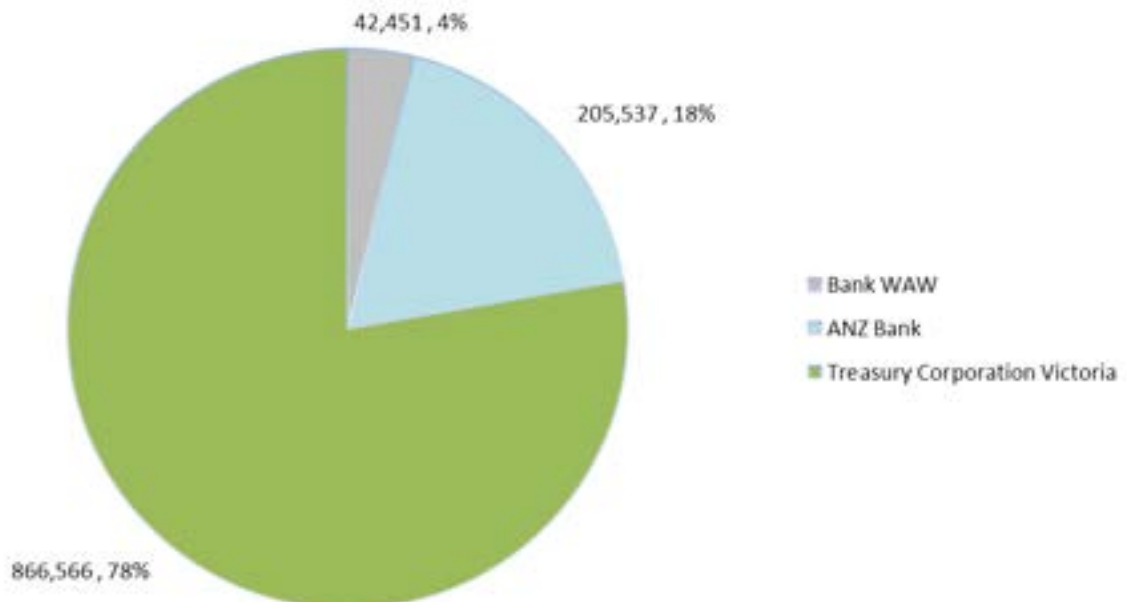
## COUNCIL MEETING MINUTES - 26 MARCH 2024

### Borrowings

Below is a summary of all Council's borrowings. The table shows original loans borrowed, term of loans, rates & maturity with outstanding balances at the end of February 2024 of \$1,114,554.

Indigo Shire Council - Borrowing Report as at 29 February 2024						
Bank	Term - Years	Rate %	Date of Maturity	Original loan amount		Balance owed
WAW	10	5.25	28/06/2024	1,000,000		42,451
ANZ	10	3.78	29/04/2025	1,500,000		205,537
TCV	10	2.08	27/06/2032	1,000,000		866,566
<b>Total of All Borrowings</b>				<b>3,500,000</b>		<b>1,114,554</b>

**Borrowings as at 29 February 2024**



## COUNCIL MEETING MINUTES - 26 MARCH 2024

### ***Capital Works***

The combined YTD project expenditure as at the end of February 2024, across both the Capital Works and Non ISC asset project areas totals \$7,005,125m. This total is comprised of \$6,011,501 in capital projects and \$993,625 against Non ISC assets. This represents 33.9% of the capital works budgeted program.

## COUNCIL MEETING MINUTES - 26 MARCH 2024

### Summary Capital Works Income & Expenditure As at 29 February 2024

	Income	Expenditure	Adopted Capital Budget 2023-24 Excl Carry forwards
<b>Property</b>			
Land improvements	-	-	-
Land improvements	-	-	-
<b>Total land</b>	-	-	-
Buildings	354,350	448,188	230,000
Heritage buildings	79	494,174	545,000
<b>Total buildings</b>	<b>433,460</b>	<b>942,362</b>	<b>775,000</b>
<b>Total property</b>	<b>433,460</b>	<b>942,362</b>	<b>775,000</b>
<b>Plant and equipment</b>			
Plant, machinery and equipment	43,746	625,671	682,000
Fixtures, fittings and furniture	-	-	87,000
Computers and telecommunications	-	-	665,000
Library books	186	37,366	89,000
<b>Total plant and equipment</b>	<b>43,932</b>	<b>663,037</b>	<b>1,523,000</b>
<b>Infrastructure</b>			
Roads	698,067	1,365,656	1,862,000
Bridges	-	111,433	1,670,000
Footpaths and cycleways	209,782	1,755,125	4,660,000
Drainage	-	249,261	306,000
Recreational, leisure and community facilities	179,508	816,819	320,000
Parks, open space and streetscapes	911,553	107,808	318,000
<b>Total infrastructure</b>	<b>1,998,910</b>	<b>4,406,102</b>	<b>9,136,000</b>
<b>Total Capital Works</b>	<b>2,476,302</b>	<b>6,011,501</b>	<b>11,434,000</b>

### Summary NON ISC Income & Expenditure As at 29 February 2024

	Income	Expenditure	Adopted Annual Budget 2023-24 Excl Carry forwards
Kergunyah Hall	285,173	229,402	-
Kiewa Memorial Park	-	7,537	-
Chiltern Recreation Reserve	2,500	75	-
Butson Park Football oval	-	201	-
Barnawartha Netball/Tennis Courts	424,508	699,506	-
Yackandandah Golf Club Facility	223,286	9,383	-
Carlyle Drainage Works	-	-	-
Barnawartha Cricket Nets	15,000	43,688	-
Barkly Park Upgrade Female Change Room	-	3,833	-
<b>Total Projects</b>	<b>950,467</b>	<b>993,625</b>	<b>-</b>
<b>Total NON ISC Owned Assets</b>	<b>950,467</b>	<b>993,625</b>	<b>-</b>

The above statement of Capital Works & NON ISC Owned Assets should be read in conjunction with the Capital Works Monitor

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

#### STRATEGIC CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	5. Accountability

## COUNCIL MEETING MINUTES - 26 MARCH 2024

<b>Strategic Objective</b>	<b>5.1 Our financial management is sound, responsible and effective.</b>
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### SOCIAL/COMMUNITY IMPLICATIONS

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

### ENVIRONMENTAL IMPLICATIONS

In May 2017 Council adopted the following resolution.

*That Council:*

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

In accordance with this resolution:

- All investments are held with financial institutions that have divested their interests away from fossil fuel companies.
- Transactional banking has not been reassessed since the resolution and remains with a non-divested bank.

### FINANCIAL IMPLICATIONS

Addressed throughout the report.

### LEGISLATIVE IMPLICATIONS

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

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

### RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
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## COUNCIL MEETING MINUTES - 26 MARCH 2024

Poor performance against budget	Possible	Moderate	Medium	Regular monitoring and reporting of financial position
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### COMMUNITY ENGAGEMENT

#### CONSULTATION/COMMUNICATION UNDERTAKEN

Nil

#### CONSULTATION/COMMUNICATION PROPOSED

Nil

### CONCLUSION

The result for the February YTD or first eight months for the 2023/24 financial year is showing a favourable position compared to the budget forecast. This is falling more into alignment as we work towards the end of year.

### 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
- Deep Fernando – Finance Manager

### **Attachments**

1.  February Service Plan Statement

## COUNCIL MEETING MINUTES - 26 MARCH 2024

### 11.3 PLANNING PERMIT APPLICATION - PP23-0127 - FLOATING SAUNA ON LAKE SAMBELL, BEECHWORTH

File No: 2023/1099

James Turner - Manager Planning & Statutory Services

Planning & Corporate Services

#### For Decision

#### RECOMMENDATION

That Council issue a Notice of Decision for the refusal of Planning Permit Application 23-0127 (Lake Sambell, Lake Kerferd Road, Beechworth) for buildings and works, and use of the land for a floating Sauna in the Public Park and Recreation Zone and Heritage Overlay, on the following grounds:

1. The proposal is inconsistent with the Municipal Planning Strategy and Planning Policy Framework of the *Indigo Planning Scheme*, particularly clauses:
  - a. 02.03-1 Settlement;
  - b. 02-03-2 Environmental and landscape values;
  - c. 02-03-4 Natural resource management;
  - d. 02-03-5 Built environment and heritage;
  - e. 02.03-7 Economic development;
  - f. 11.03-6S Regional and local places;
  - g. 12.03-1S Water bodies and wetlands;
  - h. 13.01-1S Natural hazards and climate change;
  - i. 13.05-1S Noise management;
  - j. 13.07-1S Land use compatibility;
  - k. 14.02-2S Water quality;
  - l. 15.03-1S Heritage conservation;
  - m. 15.03-1L Heritage;
  - n. 17.04-1S Facilitating tourism; and
  - o. 17.04-1L Tourism development.
2. The proposal is inconsistent with the purpose of the Public Park and Recreation Zone, particularly:
  - a. The use is not an appropriate commercial use;
3. The proposal is inconsistent with the decision guidelines of the Public Park and Recreation Zone, particularly:
  - a. The proposed development is not approximately located and designed.
4. The proposal is inconsistent with the purpose of the Heritage Overlay, particularly:
  - a. The proposal fails to conserve and enhance heritage places of natural and cultural significance;

## COUNCIL MEETING MINUTES - 26 MARCH 2024

- b. The proposal fails to conserve and enhance those elements which contribute to the significance of the heritage place; and
  - c. The proposal adversely affects the significance of the heritage place;
- 5. The proposal is inconsistent with the decision guidelines of the Heritage Overlay, particularly:
  - a. The proposal adversely affects the natural and cultural significance of the heritage place;
  - b. The proposal is inconsistent with the statement of significance for the heritage place; and
  - c. The location, bulk and form of the proposal will adversely affect the significance of the heritage place.
- 6. The proposal is inconsistent with the following adopted Council documents:
  - a. Lake Sambell Master Plan (adopted 2015); and
  - b. Lakes and Waterways Activation Plan (adopted 2020).
- 7. The proposed development does not adequately provide the infrastructure required for a use of this nature.
- 8. The proposal is inconsistent with the decision guidelines at clause 65 of the *Indigo Planning Scheme*, particularly:
  - a. The proposal is not orderly planning;
  - b. The proposal has potentially unacceptable impacts on the environment, human health and the amenity of the area;
  - c. The impacts of the proposal on public land;
  - d. The proposal is likely to reduce water quality; and
  - e. The proposed loading and unloading facilities for the proposal are inadequate for both goods and people.

### RESOLUTION

The Council issues a notice of decision to approve Planning Application PP23-0127 (Lake Sambell, Lake Kerferd Road, Beechworth) for buildings and works, and use of the land for a floating sauna in the public Park and Recreation Zone and Heritage Overlay, subject to the following conditions:

#### PLANS REQUIRED

1. Prior to the commencement of works, plans must be approved and endorsed by the responsible authority. The plans must be drawn to scale, submitted in electronic format and show the following:

- a. a revised materials schedule in compliance with Condition 11.
- b. the proposed location pick-up and drop-off area for sauna patrons.
- c. the proposed location of the staff car park, in compliance with Condition 17.

to the satisfaction of the responsible authority.

#### ENDORSED PLANS

## COUNCIL MEETING MINUTES - 26 MARCH 2024

2. At all times what the permit allows must be carried out in accordance with the requirements of any plans or documents approved under this permit to the satisfaction of the responsible authority.

### LICENCE AGREEMENT

3. Prior to the commencement of construction, the applicant must enter into a licence agreement with the Responsible Authority, for the occupation and use of the public space. The licence agreement must include;

- a. conditions for the use of the site,
- b. maintenance and replacement responsibilities,
- c. operational and complaint responsibilities,
- d. annual fee charges.

4. Prior to licence agreement approval, an advertising process must be undertaken informing of Councils intention to enter into a licence on the terms and conditions negotiated. Final approval is granted by Council with consent of DEECA.

### HOURS OF OPERATION

5. The use must only operate between the following times, except with the prior written consent of the responsible authority:

- a) 8 am and 9 pm, Victorian Daylight Savings Time.
- b) 8 am and 6 pm, Victorian Standard Time.

### PATRON NUMBERS

6. No more than 5 patrons may use the sauna at any time.

### DELIVERIES

7. Deliveries to and from the site (including waste collection) must only take place between the following times, except with the prior written consent of the responsible authority:

- a. 8 am and 5 pm Monday to Friday.
- b. 9 am and 4 pm Saturday to Sunday.

### AMENITY

8. The amenity of the area must not be detrimentally affected by the use or development through any of the following:

- a. The transport of materials, goods and commodities to or from the land.
- b. The appearance of any buildings, works or materials.
- c. The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, waste water, waste products, grit or oil.
- d. The presence of vermin.

To the satisfaction of the Responsible Authority.

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

10. All goods, refuse and packaging material associated with the development must be stored within the premises at all times unless the Responsible Authority has approved, in writing, alternative arrangements.

## COUNCIL MEETING MINUTES - 26 MARCH 2024

11. All lighting used to externally illuminate buildings, works and uses shall be fitted with cut-off luminaries.

### MATERIALS

12. The roof and cladding colour or colours of the buildings hereby approved, and the finished colours of any aboveground water storage tanks must be non-reflective (i.e not "zincalume"). Neutral "earthy" colours are to be used (eg "greens", "greys" or "browns") so as to blend all new buildings in with the landscape and preserve the visual amenity of the area to the satisfaction of the Responsible Authority. Colours not supported include black shades (eg 'Night Sky' and 'Monument') and white shades (eg 'Surfmist'), or colours from the metallic Colorbond range.

### GOULBURN MURRAY WATER

13. All construction and ongoing activities must be in accordance with EPA Publication 1834.1 Civil Construction, Building and Demolition Guide (September 2023).

14. There must be no discharge of any form of wastewater from the floating sauna into Lake Sambell. Any wastewater must be removed from the facility and disposed of appropriately at an approved waste disposal facility.

15. Any water taken from Lake Sambell may require a take and use licence from Goulburn-Murray Water. Any water supplied by GMW is not suitable for human consumption (including sauna use) without first being properly treated.

### ENVIRONMENTAL HEALTH

16. Any cleaning activities associated with the operation of the sauna must not impact the water quality of Lake Sambell.

### ENGINEERING

17. Location and design of floating sauna must not adversely impact upon dam outlet control structures.

18. No car parking of patrons or staff permitted on gravel road shoulder at sauna location.

### EXPIRY

19. This permit will expire if one of the following circumstances applies:

- a) The development is not started within 2 years of the issued date of this permit.
- b) The development is not completed within 4 years of the issued date of this permit.
- c) The use does not start within 2 years of completion of the development.
- d) Once commenced, the use ceases for a period of 2 years.
- e) A land licence agreement from the relevant public land manager is not entered into within 2 years of the issue date of this permit, or if the licence agreement lapses.
- f) 10 years after the date of the permit.

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

**Moved: Cr Gaffney**

**Seconded: Cr Teissl**

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

**Against:** Crs Sue Gold, Roberta Horne and Diane Shephard

## COUNCIL MEETING MINUTES - 26 MARCH 2024

CARRIED

### SUMMARY

<b>Application No:</b>	<b>PP23-0127</b>
<b>Subject Land:</b>	<b>Lake Sambell Reserve, Lake Kerferd Road, Beechworth (20~H2\PP5061)</b>
<b>Proposal:</b>	<b>The proposed application seeks a planning permit for buildings and works to construct and operate a floating Sauna on Lake Sambell.</b>
<b>Recommendation:</b>	<b>Refusal in accordance with the recommendation above.</b>

### BACKGROUND

Date application lodged:	21/07/2023
Purpose:	Seek approval to use and develop the subject site for the purposes of floating sauna.
Subject site land area:	27.198 hectares.
Current use of subject site:	Public park and recreation reserve.
Site constraints:	Bushfire Prone surroundings
Surrounding land use:	Residential and public land
Zoning of surrounding land:	General Residential Zone 1

### PROPOSAL

#### **Development:**

The applicant proposes a floating pontoon, anchored to the western shore of the lake by an accessway. On the pontoon will be two buildings containing a wood-fired sauna, office, and a changeroom. The buildings will be solar powered with panels to be located on the roof. The applicant states that no liquid waste will be generated by the use, therefore the proposed development is not connected to reticulated sewer or effluent system. No works are proposed by the applicant to increase or improve car parking, or formalise a loading zone.

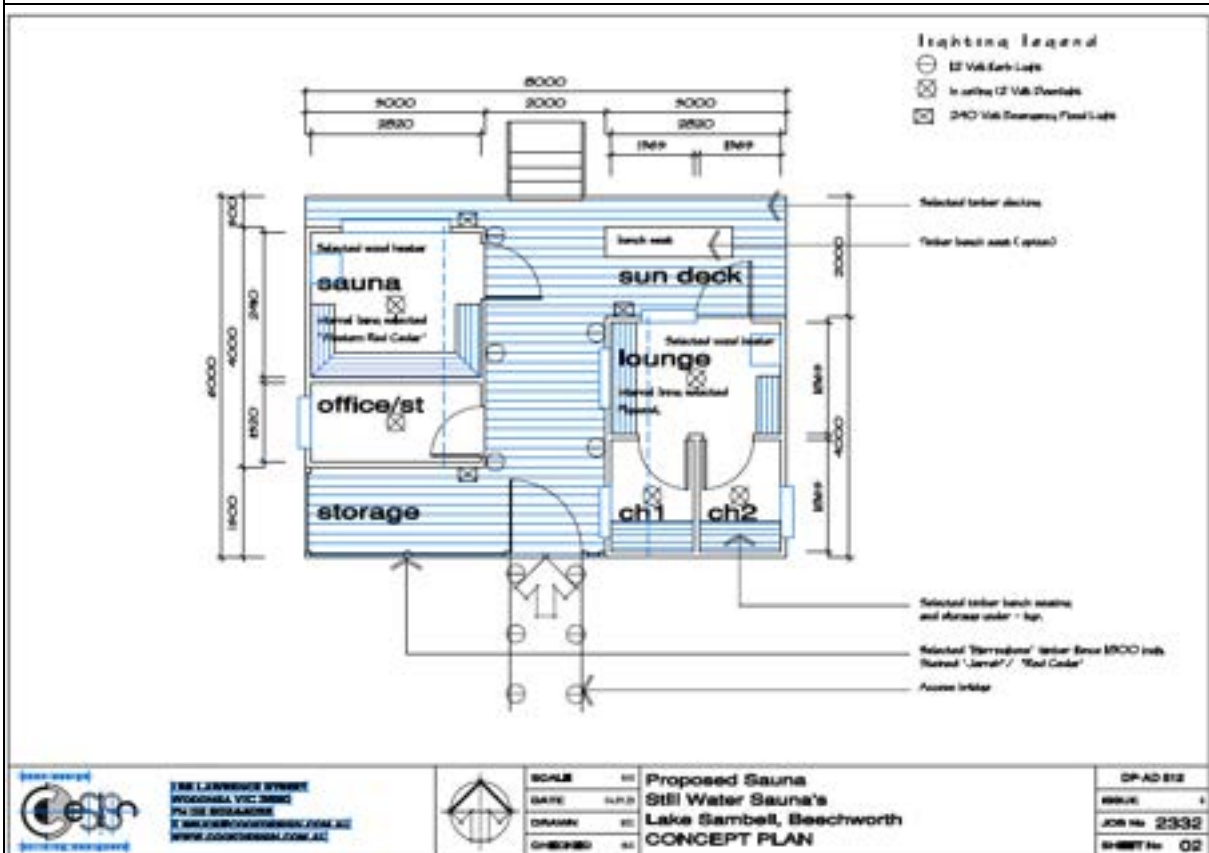
#### **Use:**

The applicant proposes that the use of the Sauna will operate throughout the year (all seasons) in perpetuity. The Sauna will be staffed by an operating attendant. The applicant proposes operating hours of 8am to 9pm in Summer and 8am to 6pm in Winter. A maximum of 5 patrons will have use of the sauna per session, each session is 1 hour long. The applicant states that 6,000kg of wood will be used per-annum to run the sauna heater and auxiliary heater in the changeroom. 20 Kgs of firewood will be delivered daily to the sauna by ute. The submitted plans show a storage area adjacent to the office for wood storage. Patrons will be provided with robes and towels for use at the sauna, these will need to be collected and dropped off as they get laundered.

## COUNCIL MEETING MINUTES - 26 MARCH 2024

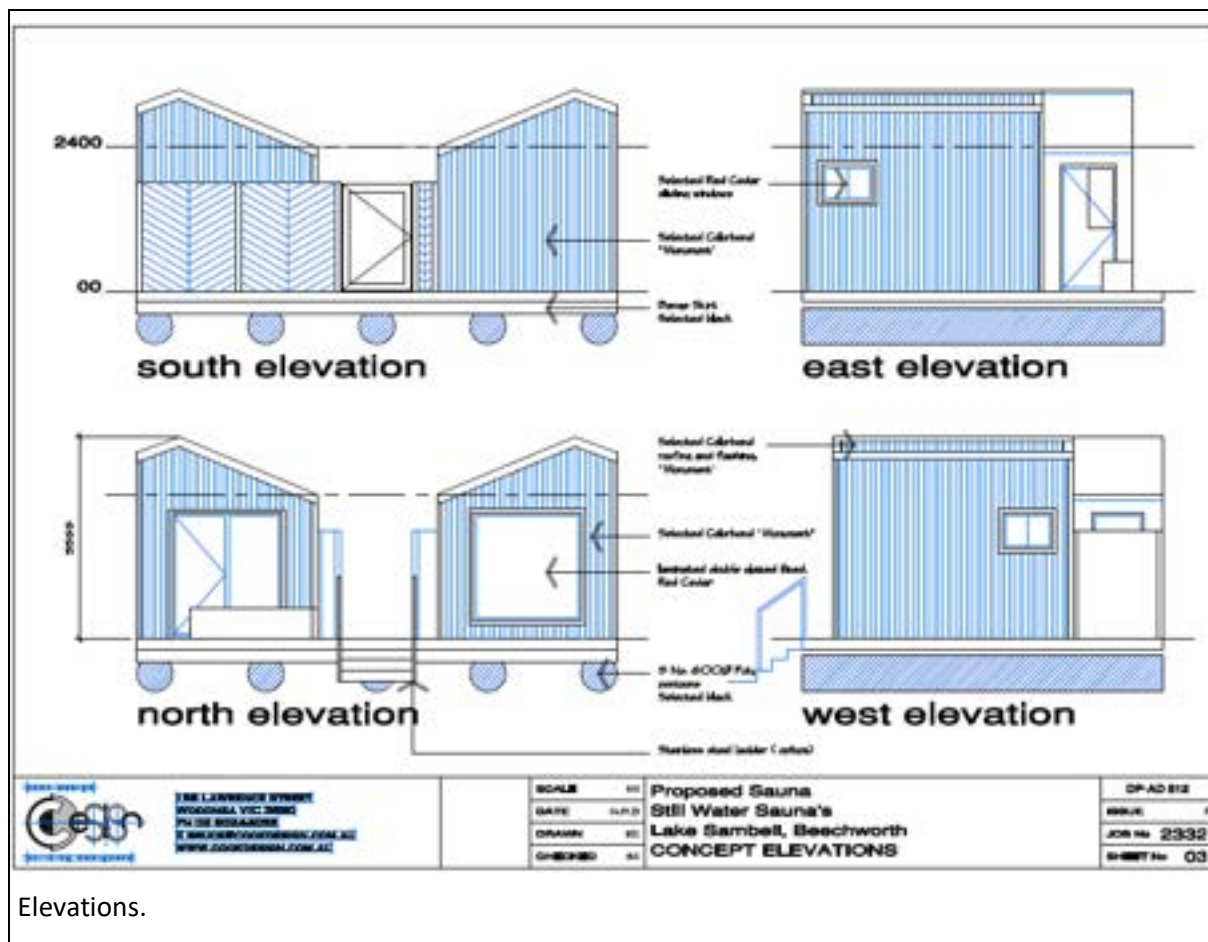


Yellow dot denotes proposed development site (approx.).



Floor plan.

## COUNCIL MEETING MINUTES - 26 MARCH 2024



Elevations.

### ZONING AND PLANNING CONTROLS

Zoning:

**Public Park and Recreation Zone**

Overlay/s:

**Heritage Overlay (HO247 & HO248)**

Permit Trigger:

Public Park and Recreation Zone (PPRZ)

Pursuant to **Clause 36.02-2**, a planning permit is required to construct a building or construct or carry out work.

Heritage Overlay (HO247 & HO248)

Pursuant to **Clause 43.01-1**, a planning permit is required to construct a building or construct or 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:

- the relevant planning scheme; and
- 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

## COUNCIL MEETING MINUTES - 26 MARCH 2024

- (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.

### STATE PLANNING POLICY

#### **Introduction, Goal and Principles**

The purpose of State policy in planning schemes is to inform planning authorities and responsible authorities of those aspects of State level planning policy which they are to consider and give effect to in planning and administering their respective areas. It is the State Government's expectation that planning and responsible authorities will endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development. Planning and responsible authorities must take account of and give effect to both the general principles and the specific policies applicable to issues before them to ensure integrated decision-making.

Society has various needs and expectations such as land for settlement, protection of the environment, economic well-being, various social needs, proper management of resources and infrastructure. Planning aims to meet these by addressing aspects of economic, environmental and social well-being affected by land use and development.

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. Planning is to recognise the need for, and as far as practicable contribute towards:

- Health and safety.
- Diversity of choice.
- Adaptation in response to changing technology.
- Economic viability.
- A high standard of urban design and amenity.
- Energy efficiency.
- Prevention of pollution to land, water and air.
- Protection of environmentally sensitive areas and natural resources.
- Accessibility.
- Land use and transport integration.

## **COUNCIL MEETING MINUTES - 26 MARCH 2024**

The State 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 considered in the assessment of this application:

### **Settlement**

- 11.01-1S – Settlement
- 11.01-1R – Settlement - Hume
- 11.01-1L-01 – Beechworth
- 11.03-6S – Regional and local places

### **Environment**

- 12.03-1S – Water Bodies and Wetlands

### **Environmental Risks**

- 13.01-1S – Natural hazards and climate change
- 13.02-1L – Bushfire Planning
- 13.05-1S – Noise management
- 13.07-S – Land use compatibility

### **Natural Resource Management**

- 14.02-02S – Water quality

### **Built Environment and Heritage**

- 15.03-1S – Heritage Conservation
- 15.03-1L – Heritage Local
- 15.03-2S – Aboriginal Cultural Heritage

### **Economic Development**

- 17.04-1S – Facilitating Tourism
- 17.04-1L – Tourism Development

### **LOCAL PLANNING POLICY FRAMEWORK**

The Municipal Planning Strategy (MPS) provides relevant discussion in relation to land use and development in the Shire. The following policies and clauses are deemed to be relevant to this proposal and have been considered in the assessment of this application:

- 02.02 – Vision
- 02.03-1 – Settlement
- 02.03-2 – Environmental and Landscape Values
- 02.03-3 – Environmental Risks and Amenity
- 02.03-4 – Natural Resource Management Catchment Management
- 02.03-5 – Built Environment and Heritage

## COUNCIL MEETING MINUTES - 26 MARCH 2024

02.03-7 – Economic Development

### PARTICULAR PROVISIONS

52.06 Carparking

### 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

The application was referred to the following referral authorities in accordance with Section 52 of the Planning and Environment Act 1987 and/or advice was sought from the following:

- **Health (effluent disposal)**

## COUNCIL MEETING MINUTES - 26 MARCH 2024

- No objections, provided that chemicals or processes used to clean and sanitise the sauna do not impact the water quality of the lake. Waste water must not enter the lake.
- **Heritage Advisor**
  - Objection, proposal not supported.
- **North East Catchment Management Authority (NECMA)**
  - No objection, NECMA references the wall and spillway as important for mitigating potential floods.
- **North East Water (NERWA)**
  - No objection, the proposal does not impact North East Water assets or infrastructure.
- **Goulburn Murray Water (GMW)**
  - No objection with conditions:
    - All construction and ongoing activities must be in accordance with EPA Publication 1834.1 Civil Construction, Building and Demolition Guide (September 2023).
    - There must be no discharge of any form of wastewater from the floating sauna into Lake Sambell. Any wastewater must be removed from the facility and disposed of appropriately at an approved waste disposal facility.
    - Any water taken from Lake Sambell may require a take and use licence from Goulburn-Murray Water. Any water supplied by GMW is not suitable for human consumption (including sauna use) without first being properly treated.
- **Infrastructure**
  - No objection with conditions:
    - Prior to the commencement of construction, the applicant must enter into a licence agreement with the Responsible Authority, for the occupation and use of the public space.
    - Prior to licence agreement approval, an advertising process must be undertaken informing of Councils intention to enter into a licence on the terms and conditions negotiated. Final approval is granted by Council with consent of DEECA.
    - The licence agreement will include; conditions for the use of the site, maintenance and replacement responsibilities, operational and complaint responsibilities, and annual fee charges
    - No car parking of patrons or staff permitted on gravel road shoulder at sauna location.
    - Location and design of floating sauna must not adversely impact upon dam outlet control structures.
- **Economic Development**

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- No objection.

### 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.

14 submissions were received in response. The submissions were comprised of 13 objections and 1 letter of support for the proposal.

Issues raised include:

- Noise
- Increased traffic
- Environmental impacts, including smoke emissions
- Commercialisation of the reserve
- Visual Impacts

### DISCUSSION

The recommendation for refusal of the proposed floating sauna is based on concerns surrounding heritage, commercialisation of public land, lack of connection to services. The reasons are mirrored by the public objections to the proposal.

#### **Heritage Concerns**

During assessment of this proposal it was found that the site, scale, form, and materiality of the development would adversely impact the heritage values of the site. The proposed development was found to be inconsistent with the following policies:

- 02.03-5 – Build environment and heritage
- 15.03-1S – Heritage conservation
- 15.03-1L – Heritage policy application
- 43.01-8 – Heritage decision guidelines

Consultation with the Shire Heritage advisor identified and confirmed the key elements of historical significance within the reserve, which are:

- View lines from the lake shore to remnant mining features, which are located around the edge of the lake.
- Historical and present community connection to the site.

The proposed development is situated off the end of a small point on the western shore of the lake. The site is highly visible from most of Lake Sambell's foreshore, but will be most disruptive to a primary view line from the walking track and road on the western shore across remnant mining landscape. The materiality and form of the structure do not reflect the characteristics of the site. Nor does the form minimise the visual impact of the structure on the view lines to the historical landscape features. The cladding and roofing material proposed for the structure is Colorbond® in 'Monument', which is not supported for use in significant landscapes. 'Monument' contrasts with surrounding colours of the landscape rather than complimenting them as other muted Colorbond® colours do.

Further, the establishment, and use, of Lake Sambell for community purposes is an important heritage and cultural artefact of the site. Lake Sambell was established with funds won in the 1927 'Ideal Town' competition. The money gave the community the opportunity to repurposes a former (significant) mining site into a picturesque public reserve with a lake. As such, the use of the lake reserve for private

## COUNCIL MEETING MINUTES - 26 MARCH 2024

commercial interests does not align with the intent of the reserve, which the community understand to be for the public good. Particularly as the proposed commercial operation relies on the public infrastructure within the reserve to operate.

### Commercialisation of the Reserve

Whilst one purpose of the public Park and Recreation Zone is to recognise areas for public recreation and open space and protect and conserve areas of significance where appropriate, it also permit some commercial uses where 'appropriate'. During assessment of the application it was found that the proposal was inconsistent with the purpose of the zone for the following reasons:

- The proposal (or similar concept) is not consistent with the Lake Sambell Master Plan and is contrary to the community feedback within the report regarding commercial operations within the reserve. The proposal cannot be considered 'appropriate' when the key policy document for the reserve is unsupportive of such a proposal.
- The proposal received multiple objections, 11 of the 13 objections were based on concern over the commercialisation of the reserve. The proposal cannot be considered appropriate in accordance with purpose of the zone as the zoning specifically covers public land.
- The proposal overly relies on the use of public infrastructure to operate.

The Lake Sambell Masterplan was adopted by Council in 2015 to provide direction for the future development, use and management of Lake Sambell and the Lake Sambell Reserve. Community feedback received during the community consultation phase noted reluctance to increased commercial ventures within the reserve. Markets, cultural performances, and family activities (such as paddleboats) were considered preferential commercial activities. The commercialisation of reserve was a common theme (11 of 13 objections) throughout the objections received to this proposal.

The Lakes and Waterways Activation Strategy (Activation Strategy) was adopted by Council in 2020 to provide a Shire-wide recreation strategy for the use of key lakes and waterways. The Activation Strategy is not a management plan for the identified lakes and waterways. Lake Sambell is identified by and included in the Activation Strategy. The Activation Strategy has five strategic objectives as listed below:

- 5.2.1 Activation: Increasing recreational use through provision of programs and activities that encourage more people to be active on and around lakes and waterways.
- 5.2.2 Infrastructure: Provide appropriate facilities and accessible infrastructure to enable greater and more sustainable recreation and tourism use.
- 5.2.3 Management: Manage activity and investment in recreation in a coordinated way that integrates the needs of multiple land managers and user groups.
- 5.2.4 Awareness: A coordinated approach will market, inform and promote the recreation opportunities available on lakes and waterways, the values of each location, and reinforces the differences in allowable use.
- 5.2.5 Environment and Culture: Recreation use will be managed sustainably across a diversity of sites and managing agencies.

### Lack of connection to services

The reliance on public infrastructure within the reserve to support the operation of the private venture was considered inappropriate when assessed against the purpose of the zone, which states that commercial uses should only be provided where appropriate. The applicant is seeking planning

## COUNCIL MEETING MINUTES - 26 MARCH 2024

permission to operate the use on the land in perpetuity. As the proposed use will be allowed to remain whilst the planning permit conditions continue to be met. The proposed structure is designed to be 'off-grid' and will not be connected to mains power, reticulated sewer or reticulated water. The lack of connection to water and sewer are a particular concern as the patrons will not have access to toilet and shower facilities whilst using the sauna. Similarly, of concern is how waste-water generated through routine cleaning will be disposed of, and if chemicals from this process could reduce the water quality in the lake? The Environmental Health referral notes that necessity for the regular cleaning of the facility, due to the nature of the use. The referral comment notes that chemicals must not enter the lake.

The applicant proposes that patrons will use the public toilet facilities located adjacent to Kraus Lane. However, these facilities are located approximately 150 metres from the sauna, which would require (potentially robed) patrons to leave the sauna facility and walk down McConville Avenue. The proposal lacks the provision of adequate parking and unloading areas. The sauna will require daily deliveries of consumables including firewood, filtered water, laundered robes, yet no formal loading zone is proposed as part of the development. It is likely that delivery of these consumables will occur on the gravel shoulder of McConville Avenue in front of the sauna site. The increased and consistent use may lead to degradation of the road shoulder. As such, the proposal is inconsistent with the following policies:

- 02.03-2 - Environmental and landscape values
- 02.03-4 - Natural Resource Management
- 12.03-1S - Water Bodies and Wetlands
- 13.07 - Amenity, Human Health and Safety
- 14.02-2S - Water Quality
- 36.02 - Public Park and Recreation Zone

### 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:

- *Food Desire Pty Ltd v Port Phillip* [2004] VCAT 2448
- *Byrnes v Greater Geelong CC* [2010] VCAT533
- *Luther v Yarra Ranges SC* [2008] VCAT 1499

For instance:

In the matter of *Food Desire Pty Ltd v Port Phillip* [2004] VCAT 2448 the Tribunal ultimately granted a permit allowing a restaurant and function centre to operate within a Public Park and Recreation Zone. However, the Member noted particularly that the buildings and structures proposed for the restaurant and function centre already existed; and, that the masterplan for the site identified these existing buildings and structures for commercial use. It is considered that these determining factors could not be applied similarly to this matter as the proposed sauna is not proposed to occupy an existing building or structure. Further, the Lake Sambell Master Plan does not support the commercialisation of the reserve, unlike the masterplan applicable to site in *Food Desire Pty Ltd v Port Phillip* [2004] (VCAT 2448).

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In the matter of *Byrnes v Greater Geelong CC* [2010] VCAT 533, the Tribunal assessed an application for a Ferris Wheel within the Public Park and Recreation and Heritage Overlay. The Tribunal found that the proposal was acceptable as:

- the masterplan for Eastern Beach Reserve supported the use of the land for tourist attractions,
- the development did not impact on primary view lines, and;
- the development is only proposed for a fixed period of time.

Again, these determining factors cannot be applied similarly to the proposed floating sauna as the use is not supported by the Lake Sambell Reserve Masterplan. Further, the proposed development impacts primary view lines within the site. Finally, the proposed use and development does not have a fixed period of time at the site. Rather, the floating sauna could remain indefinitely (provide the lease permits this).

### CONCLUSION

In summary, the proposal should not be supported by Council for the following reasons:

- The proposal is inconsistent with the purpose and objectives of the Public Park and Recreation Zone.
- The proposal is inconsistent with the purpose and objectives of the Heritage Overlay.
- The proposal development does not adequately provide the required infrastructure for the proposed use

### 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
- Steven Hawkins, Coordinator Planning

## COUNCIL MEETING MINUTES - 26 MARCH 2024

- Joshua Bellette, Planning Officer

### Attachments

1.  PP23-0127 - Plans
2. PP23-0127 - Planning Application (Confidential)

## COUNCIL MEETING MINUTES - 26 MARCH 2024

### 12. COMMUNITY & ECONOMIC DEVELOPMENT

#### 12.1 ENABLING TOURISM FUND PROJECTS: INDIGO GOLD TRAIL 2.0 AND RUTHERGLEN WINE EXPERIENCE CENTRE

File No: 2024/157

Susannah Doyle - Manager Tourism

Community & Economic Development

For Decision

#### RECOMMENDATION

That subject to confirmation by the CEO before the lodgement date that funding is available in the draft 2024/2025 Budget, Council:

1. Endorses applications for the following projects to the Victorian Government, Department of Jobs, Skills, Industry and Regions' Enabling Tourism Fund 2024:
  - Indigo Gold Trail 2.0;
  - Rutherglen Wine Experience Centre (to be submitted by Winemakers of Rutherglen); and
2. Notes that, pending successful application outcome/s, Council's contribution in future budget 2024/25 will be:
  - \$70K for the Indigo Gold Trail 2.0 project; and
  - \$25K contribution to the Rutherglen Wine Experience Centre project (equal contribution from Winemakers of Rutherglen).

#### Resolution

That subject to confirmation by the CEO before the lodgement date that funding is available in the draft 2024/2025 Budget, Council:

1. Endorses applications for the following projects to the Victorian Government, Department of Jobs, Skills, Industry and Regions' Enabling Tourism Fund 2024:
  - Indigo Gold Trail 2.0;
  - Rutherglen Wine Experience Centre (to be submitted by Winemakers of Rutherglen); and
2. Notes that, pending successful application outcome/s, Council's contribution in future budget 2024/25 will be:
  - \$70K for the Indigo Gold Trail 2.0 project; and
  - \$25K contribution to the Rutherglen Wine Experience Centre project (equal contribution from Winemakers of Rutherglen).

**Moved:** Cr Teissl

**Seconded:** Cr Croucher

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

**Against:** Nil

## COUNCIL MEETING MINUTES - 26 MARCH 2024

CARRIED

### PURPOSE OF REPORT

The State Governments Enabling Tourism Fund (ETF) grant program is currently open. Funding applications are being proposed for two projects.

The purpose of this report is to provide information about the ETF and strategic context, project details and rationale for the two proposed grant applications. The report seeks Council support for the two funding applications including future contribution commitment, if the applications are successful and funding is secured.

The report recommends

“That subject to confirmation by the CEO before the lodgement date that funding is available in the draft 2024/2025 Budget, Council:

1. Endorses applications for the following projects to the Victorian Government, Department of Jobs, Skills, Industry and Regions’ Enabling Tourism Fund 2024:
  - a. Indigo Gold Trail 2.0
  - b. Rutherglen Wine Experience Centre (to be submitted by Winemakers of Rutherglen)
2. Notes that, pending successful application outcome/s, Council’s contribution in future budget 2024/25 will be:
  - a. \$70K for the Indigo Gold Trail 2.0 project
  - b. \$25K contribution to the Rutherglen Wine Experience Centre project (equal contribution from Winemakers of Rutherglen)”

### BACKGROUND

#### **ENABLING TOURISM FUND 2024 (ETF)**

The Enabling Tourism Fund 2024 is a new Victorian Government grant program, open to:

- Local and State Government entities, based in Victoria
- State or Local Government owned entities
- Private sector proponents
- Not-for-profit organisations, including community groups that are an incorporated body, cooperative or association or
- Traditional Owner Corporations, organisations and groups, and Aboriginal-owned businesses.

The funding program will invest in high-potential tourism initiatives from the market-testing phase, through to the planning and design phases, towards investment-ready status.

The objectives of the ETF are:

- Build a strong pipeline of demand-driving public and private tourism infrastructure projects and progress them towards investment-ready status
- Develop strategic tourism infrastructure projects that will increase visitation, improve quality of customer experience, and increase visitor yield and length of stay
- Develop projects that broaden Victoria’s tourism offering, and support and encourage year-round visitation and dispersal across regional Victoria

## COUNCIL MEETING MINUTES - 26 MARCH 2024

- Leverage and facilitate private sector investment, including through strengthening public tourism infrastructure.

Outcomes of the ETF reflects the Victorian Government’s commitment to strengthening the visitor experience in Regional Victoria.

The ETF will invest in proposals that can demonstrate commitment to the following outcomes:

- Regional Victoria has a strengthened pipeline of experience products and accommodation
- Regions are developing a more compelling visitor offering
- Regional accommodation is more attractive to visitors
- Regional accommodation is more accessible.

Activities funded through the ETF must support the delivery of the outcomes identified in *Experience Victoria 2033*, which has seven outcome metrics:

- Driving economic growth – Victoria’s visitor economy attracts more visitors to our state who stay longer, produce higher yield, and be more likely to return.
- Innovative and outstanding – Victoria pushes the boundaries and transforms original ideas into brilliant businesses, exciting products and events and ultimately, a richer experience for visitors.
- Sustainable and regenerative – Victoria’s visitor economy creates experiences that stand the test of time by protecting and enhancing our extraordinary landscapes and biodiversity.
- Inclusive and welcoming – Victoria’s visitor economy delivers meaningful experiences and employment for people of all identities, cultures and abilities.
- First Peoples focused – Victoria’s First Peoples are self-determining their priorities for tourism development, creating wealth and contributing to positive outcomes for their communities and Country.
- Valuable for our communities – Our tourism investments align with the plans and aspirations of local communities and generate positive benefits for local communities.
- Unique to place – Our tourism products build on the different signature personalities of our suburbs, towns, cities and regions.

The program timelines are:

- Applications Open - 19 January 2024
- Applications Close - 28 March 2024
- Outcomes Announced - Mid 2024
- Grant Agreements Executed - July 2024 onward

The funding streams are:

ETF FUNDING STREAM	APPLICATIONS	RATIO	MINIMUM GRANT	MAXIMUM GRANT
<b>Stream 1 - Testing the Concept</b> Project types eligible under Stream 1 include: <ul style="list-style-type: none"> <li>• Business case development</li> <li>• Feasibility studies</li> <li>• Master planning including concept design</li> <li>• Market testing and assessments</li> <li>• Site analysis</li> </ul>	1 x application per entity  (applicants cannot submit more than one application across both streams)	Victorian Government = \$4  LGA Partner = \$1	\$20,000	\$500,000
<b>Stream 2 – Preparing for Investment</b>			\$20,000	\$500,000

## COUNCIL MEETING MINUTES - 26 MARCH 2024

<p>Project types eligible under Stream 2 include a combination of the following that delivers a project ready for infrastructure investment:</p> <ul style="list-style-type: none"> <li>• Detailed design package</li> <li>• Quantity Surveying Report</li> <li>• Relevant technical investigations, plans and reports to progress the project for example; universal design, environmental and sustainability plans, Cultural Heritage Management Plans, quantity surveying, traffic management</li> <li>• Stakeholder and community engagement plan and implementation</li> <li>• Operational viability studies</li> <li>• Investment Prospectus development</li> <li>• Developing a funding strategy</li> </ul>				
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## COUNCIL MEETING MINUTES - 26 MARCH 2024

### PROJECTS

#### 1. VICTORIAN GOLDFIELDS WORLD HERITAGE LISTING - INDIGO GOLD TRAIL 2.0 – THE GOLD STANDARD EXPERIENCE

Indigo Gold Trail is an existing tourism touring route product, developed by Council in 2009 with further website and content development supported by State Government *Local Skills Partnerships Program* funding in 2011/2012.

The Trail is comprised of 40 locations across Indigo Shire. The aim of the Indigo Gold Trail is to celebrate Indigo's rich gold history and to drive dispersal of visitors across the Shire.

Locations include a variety of different signage types and markers including Council/heritage style interpretation panels and branded granite plinths. Additional collateral included a dedicated website (decommissioned following Council's website renewal some years ago) and printed brochures and maps (not currently in circulation). All content and creative assets are securely stored; however, the experiences/locations are not all accessible, the physical site experiences have deteriorated and considered mediocre to poor. Written content, brand and imagery is dated.

In January 2024 Council Officers conducted an audit of the trail locations. The overall quality of the location experience was poor. Many sites are overgrown, poorly accessible, difficult to locate and present safety concerns. Additionally, signage and branding across the trail is not cohesive and some signs and markers have significantly deteriorated. The current visitor experience is not optimal and marketing Indigo Gold Trail at this time is not considered beneficial, until a program of phased upgrades is funded.

#### 2. RUTHERGLEN WINE EXPERIENCE CENTRE (RWEC)

Wine is the major economic driver in Rutherglen, accounting for approximately 50% of visitors. The redevelopment of the building and wine experience, will put "wine" and "experience" back into the Wine Experience Centre. Presently, the Wine Experience Centre lacks experiential wine elements; wine sales, tastings and contemporary interpretations of the rich and unique wine story. The display is outdated, static and lacks cohesion and integration between the visitor information and wine experience elements.

In 2022/23 Winemakers of Rutherglen presented a contemporary wine experience concept to Council. In 2023/24 Winemakers of Rutherglen progressed their early concept ideas by engaging Urban Enterprise and Public Realm Lab to prepare a Feasibility Report and Concept Design.

These agencies were engaged by Winemakers of Rutherglen recognising their depth of local engagement and understanding following their roles in Council's Rutherglen Place Plan and Rutherglen Silo Arts Precinct projects. The project work took a holistic approach to deliver an integrated concept for the Visitor Information Centre and Wine Experience Centre and Tourism Industry Hub, to optimise **visitor**, **wine** visitor and tourism **industry** engagement into the future.

### DISCUSSION

## COUNCIL MEETING MINUTES - 26 MARCH 2024

### 1. INDIGO GOLD TRAIL 2.0 – PROJECT SCOPE

#### **Stream 2 – Preparing for Investment - Enabling Tourism Fund**

The grant will fund the development of a comprehensive plan to develop a Victorian Goldfields benchmark experience and Shire-wide cultural heritage product:

PROJECT SCOPE	TITLE	DETAILS	BUDGET
PART 1	Content Development	<b>Develop and Deliver</b> <ul style="list-style-type: none"><li>Conduct audit and review of existing, ageing Indigo Gold Trail website content, printed collateral, sites, signage and infrastructure, accessibility and safety</li><li>Research and develop contemporary historical content, update branded content for web, print, merchandise, signage (including First Nations considerations and opportunity), digital integration and World Heritage Listing strategic alignment</li></ul>	\$50,000
PART 2	Experience Development	<b>Scope and Plan</b> <ul style="list-style-type: none"><li>Research and develop walk and site visitor experiences, based on audience and experience priorities, accessibility and cultural significance, including mapping and map/app scoping options</li></ul>	\$45,000
PART 3	Product Development	<b>Infrastructure Scope and Plan</b> <ul style="list-style-type: none"><li>Project Plan, with QS costings, for required physical infrastructure elements (walking paths/upgrades, signage, site markers etc.); including alignment to 3 audience segments and works prioritisation for:<ul style="list-style-type: none"><li><b>Niche</b>/specific interest audience (geotourism, goldrush/other academics) – high cultural significance, lower general experience</li><li><b>General</b> walking; destination visitors and all community – varied significance, motivational experiences</li><li><b>Hero</b>/visitation driver – <b>3 ‘hero’ (brand leading) heritage walk experiences</b> across Indigo, to be identified and developed; including feasibility reports and preliminary scope of concepts.</li></ul></li></ul>	\$55,000
		The scope includes the hero <b>Beechworth Gorge Walk</b> (including Powder Magazine) with costed detailed concept design for a brand leading experience, including optimal all ability accessibility.	\$200,000
TOTAL PROJECT BUDGET			\$350,000

## COUNCIL MEETING MINUTES - 26 MARCH 2024

### INDIGO GOLD TRAIL 2.0 - RATIONALE AND OUTCOMES

A shire-wide best practice cultural heritage product development plan with Phase 1 delivered and Phase 2 and Phase 3 Plans and Scoping work completed, that will:

- Leverage the UNESCO status of the Victorian Goldfields (due 2026/27), by delivering a robust and investment-ready plan that will;
  - Position Council to successfully secure funding to deliver Phase 3 infrastructure Hero Experience projects;
  - Support funding and delivery of **THE** gold standard experience of the Victorian Goldfields World Heritage listed sites;
  - Bring the ageing Indigo Gold Trail content, experiences and activation to a World Heritage Listed Victorian Goldfields experience benchmark; and
  - Deliver a shovel-ready project, ready for funding and phased project delivery with all documentation required for successful, future funding applications to implement all aspects of the project progressively

### 2. RUTHERGLEN WINE EXPERIENCE CENTRE - PROJECT SCOPE

#### **Stream 2 – Preparing for Investment - Enabling Tourism Fund**

The fund will deliver the development of a comprehensive Detailed Design Package; taking the project from concept (completed), to infrastructure-investment-ready status.

Rutherglen Wine Experience Centre (RWECC) will offer a contemporary regional visitor experience that showcases the innovative history of the Rutherglen Wine Region, its produce and experiences.

A completely refurbished and modernised centre will provide wine tastings and sales, wine region interpretive content, visitor servicing, non-wine retail and destination interpretation from the heart of Rutherglen's historic village. It will serve as a key dispersal point for visitors to explore the region and act as an industry engagement hub for the wine and tourism industry and destination management stakeholders.

PROJECT SCOPE	TITLE	DETAILS	BUDGET
PHASE 1 <i>Completed</i>	<i>Concept testing and design</i>	<ul style="list-style-type: none"> <li>• Phase 1 of the reimagined RWECC project is complete.</li> <li>• This preliminary work consisted of concept designs, a staging plan, an alteration and additions package, and a business case confirming the economic viability of the project.</li> <li>• The RWECC is now positioned to progress to Detailed Design planning.</li> </ul>	<i>Completed 2022/23</i>
PHASE 2 <i>This project</i>	<i>Detailed Design &amp; Project Plan</i>	<ul style="list-style-type: none"> <li>• Application submitted by Winemakers of Rutherglen.</li> <li>• Development of an investment-ready suite of tourism infrastructure documentation in a package.</li> <li>• This includes:               <ul style="list-style-type: none"> <li>○ Consultation with community, member wineries and RWECC stakeholders.</li> </ul> </li> </ul>	<b>50/50 contribution from Council and Winemakers of Rutherglen</b>

## COUNCIL MEETING MINUTES - 26 MARCH 2024

		<ul style="list-style-type: none"> <li>○ Schematic and Detailed Design including conservation, interpretation, and future-fitting of the building.</li> <li>○ Due Diligence including but not limited to technical investigations, building surveys, geotechnical assessments, cultural heritage and environmental assessments, site surveys, and planning requirements.</li> <li>○ Detailed quantity surveying reports/costings.</li> <li>○ Tender-ready documentation and strategy.</li> </ul>	<b>\$25,000 WoR</b> <b>\$25,000 Council</b> <b>\$200,000 ETF</b>
<b>TOTAL PROJECT BUDGET</b>			<b>\$250,000</b>

### RWEC

#### RATIONALE AND OUTCOMES

The project has a range of qualitative benefits beyond the economic gains outlined in the business case. These include:

- The revitalisation of an aging asset, to ensure conservation and that it is future fit;
- Improved liveability and cohesion through shared, publicly accessible and activated spaces;
- The creation of a leading wine experience centre, comparable to other leading centres in South Australia's wine regions;
- Greater opportunities for visitor dispersal across the region;
- Enhanced in-region visitor servicing to both visitors and industry while improving the facility's role within its immediate environment;
- Enhanced utilisation of the space for the wine industry and tourism industry, creating opportunities for meetings, engagement, and collaboration;
- Keeping up with changing consumer behaviours and preferences, particularly in an increasingly digital age, there is a need to offer more than just visitor information services from the centre;
- Greater revenue generation opportunity; and
- An infrastructure-investment ready suite of documentation prepared for future implementation funding rounds.

#### Options

As part of the consideration of this grant opportunity, a number of Council projects have been reviewed from locations across the shire. These projects have been assessed against the Enabling Tourism Fund application guidelines.

The Indigo Gold Trail 2.0 and RWEC are Council's strongest contenders for funding due to their alignment with local, state, regional and national priorities for tourism experiences as well as the upcoming National Heritage listing of the Beechworth Historic Precinct, Victorian Goldfields UNESCO World Heritage listing bid and strong connection to jobs and economic growth.

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For the RWEK project the pending Silo Precinct project funding and confirmed Enhancement project as well as the Rutherglen Loops project under construction, delivers strong strategic alignment and leverage opportunity.

### STRATEGIC CONTEXT

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

The Enabling Tourism Fund application for the **Indigo Gold Trail 2.0** supports the strategic themes of the following:

Destination Game Changer 2023 Tourism Strategy:

- Maximising existing heritage assets
- Nature based tourism development.

Beechworth Historic Precinct Masterplan:

- Preserving cultural heritage
- Telling authentic stories through engaging experiences
- Supporting a prosperous economy
- Encouraging connection between community and visitors, spaces and places

The Enabling Tourism Fund application for the **RWEK** supports the strategic themes of the following:

Destination Game Changer 2023 Tourism Strategy:

- Wine is the key product focus for the Rutherglen region, with relevant foundation products including a vibrant town centre/retail.
- Creating motivating experiences including food, wine and craft beer, nature/water and cycling.

Rutherglen Destination Management plan:

- Reinvigoration of the RWEK as a priority catalyst project.
- Supports growing visitation and yield through creation of innovative, contemporary experiences.
- Supports the positioning of Rutherglen as the Muscat capital of the world and its market-leading position to this type of fortified wine.

## COUNCIL MEETING MINUTES - 26 MARCH 2024

### SOCIAL/COMMUNITY IMPLICATIONS

#### **INDIGO GOLD TRAIL 2.0**

The reinvigoration of the Indigo Gold Trail will create a benchmark cultural heritage product and experience that spans shire-wide, promoting increased dispersal of visitors and greater diversity of tourism products on offer, in turn creating a reason for visitors to stay longer and increased visitor spend across more locations within Indigo Shire.

Creating a gold standard tourism experience will increase community pride in the shire's tourism offerings and care and conservation of local cultural heritage.

#### **RUTHERGLEN WINE EXPERIENCE CENTRE**

Rutherglen is fast positioning itself as a revitalised, vibrant, world-class food and wine destination. The existing RWECC does not adequately showcase the region or the quality of experience. The current fit out does not optimise the growing needs of visitors and the industry.

Reinvigorating the RWECC will address these gaps and improve the quality of customer experience, encourage dispersal around Rutherglen and increase visitor yield and length of stay. The outcome will be a sustainable and prosperous future for the RWECC for the benefit of visitors, community, and industry stakeholders.

### ENVIRONMENTAL IMPLICATIONS

During Phase 2 'Experience Development' of the Indigo Gold Trail 2.0 project, walks and site visitor experiences will be researched, developed and mapped. Council's climate change policy and adaptation plan will be taken in to account at this point, to ensure alignment and positive environmental impact.

### FINANCIAL IMPLICATIONS

#### **INDIGO GOLD TRAIL 2.0:**

	Approved Budget \$	This Proposal \$	Variance to Approved Budget \$	Comments
Revenue	0	\$280,000	\$280,000	Grants from State Government Enabling Tourism Fund 2024
Expense	0	\$350,000	\$350,000	Total project budget
Net Result	0	\$70,000	\$70,000	Total expense to Council

#### **RUTHERGLEN WINE EXPERIENCE CENTER:**

	Approved Budget \$	This Proposal \$	Variance to Approved Budget \$	Comments
Revenue	0	\$200,000	\$200,000	Grants from State Government Enabling Tourism Fund 2024
Other income	0	\$25,000	\$25,000	Winemakers of Rutherglen
Expense	0	\$250,000	\$250,000	Total project budget
Net Result	0	\$25,000	\$25,000	Total expense to Council

## COUNCIL MEETING MINUTES - 26 MARCH 2024

Council must work closely with Land Owners/Managers including Parks Victoria to prepare for future maintenance of Indigo Gold Trail sites and access to support the gold standard visitor experience into the future.

Ongoing maintenance costs and responsibilities would be developed in Phase 3 Product Development – Infrastructure Scope and Plan.

Council's 2024/2025 budget is currently in the process of being developed hence the inclusion of the statement "that subject to confirmation by the CEO before the lodgement date that funding is available in the draft 2025/2025 Budget".

### RISK & OPPORTUNITY MANAGEMENT

#### INDIGO GOLD TRAIL 2.0

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
Project relies on 20% Council contribution via 2024/25 Budget New Initiative bid, with contribution subject to a successful grant application.	<ul style="list-style-type: none"> <li>Unlikely</li> </ul>	Moderate	Medium	No control in place. Treatment options moving forward: 1. Cease the project 2. Consider funding co-contribution via operational budget.

#### RUTHERGLEN WINE EXPERIENCE CENTRE

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
Project relies on 20% co-contribution. As this is a joint venture with Winemakers of Rutherglen, Council contribution required is only 10%.  Seeking contribution via 2024/25 Budget New Initiative bid, with contribution subject to a successful grant application.	Unlikely	Moderate	Medium	Treatment options moving forward: 1. Cease the project 2. Consider funding co-contribution via operational budget. 3. Seek future design and development grants.

The Indigo Gold Trail 2.0 project strengthens Indigo Shire's contribution to the Victorian Goldfields World Heritage listing.

Importantly, the two proposed Enabling Tourism Fund applications feed key projects into the funding pipeline for compelling tourism products and experiences, ensuring continued growth, momentum and positive contribution to Indigo Shire's visitor economy. The Indigo Gold Trail 2.0 and RWEC projects will ensure Council is prepared to seek future investment-ready funding, as and when it becomes available.

### COMMUNITY ENGAGEMENT

#### **Engagement proposed**

Stakeholder and community consultation are a critical element of the detailed design phase, to ensure the product aligns with community expectations.

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Stakeholder engagement will include: Parks Victoria, Department of Energy, Environment and Climate Action, Yorta Yorta Nation, Regional Development Victoria, Tourism North East, Chiltern Tourism and Development Inc, Yackandandah Chamber of Commerce, Beechworth Inc, Beechworth History and Heritage Society, Friends of the Burke Museum, Geo Tourism Australia, Winemakers of Rutherglen, Destination Rutherglen, commercial businesses and private landholders. In addition, Council's Advisory Committees will provide further insights and direction.

### CONCLUSION

The Enabling Tourism Fund 2024 is a significant funding source for local government projects, and its objectives align well with Council's key policies and strategies. Of the projects that Council has in strategic plans, the Indigo Gold Trail 2.0 and RWECC are the most likely to be funded and can be commenced in the required timeframe.

Therefore, this report recommends "That subject to confirmation by the CEO before the lodgement date that funding is available in the draft 2024/2025 Budget, Council:

1. Endorses applications for the following projects to the Victorian Government, Department of Jobs, Skills, Industry and Regions' Enabling Tourism Fund 2024:
  - Indigo Gold Trail 2.0
  - Rutherglen Wine Experience Centre (to be submitted by Winemakers of Rutherglen)
2. Notes that, pending successful application outcome/s, Council's contribution in future budget 2024/25 will be:
  - \$70K for the Indigo Gold Trail 2.0 project
  - \$25K contribution to the Rutherglen Wine Experience Centre project (equal contribution from Winemakers of Rutherglen)"

### 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 of Community & Economic Development
- Susannah Doyle – Manager Tourism
- Chloe Powell – Tourism Development Officer
- Jess O'Brien-Church – Tourism Development Officer

**Attachments**  
Nil

## COUNCIL MEETING MINUTES - 26 MARCH 2024

### 12.2 REGIONAL COMMUNITY SPORTS INFRASTRUCTURE FUND

File No: 2024/251

Sally Rice - Director Community & Economic  
Development

Community & Economic Development

#### For Decision

#### RECOMMENDATION

That Council:

1. Endorses an application for the following project to Sport and Recreation Victoria's Regional Community Sports Infrastructure Fund:
  - Yackandandah Netball Club change rooms upgrade; and
2. Notes that pending a successful application outcome Councils financial contribution in future budgets will be:
  - \$225,000 - Yackandandah Netball Club change rooms upgrade.

#### Resolution

That Council:

1. Endorses an application for the following project to Sport and Recreation Victoria's Regional Community Sports Infrastructure Fund:
  - Yackandandah Netball Club change rooms upgrade; and
2. Notes that pending a successful application outcome Councils financial contribution in future budgets will be:
  - \$225,000 - Yackandandah Netball Club change rooms upgrade.

**Moved: Cr Croucher**

**Seconded: Cr Shephard**

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

**Against:** Nil

**CARRIED**

### PURPOSE OF REPORT

The Community Development team are working on an application for the current round of Sport and Recreation Victoria's (SRV) Regional Community Sports Infrastructure Fund (RCSIF). This report provides an overview of the RCSIF and details of the project recommended for a funding application.

### BACKGROUND

The Regional Community Sports Infrastructure Fund (RCSIF) is a new Victorian Government investment program, open to Victorian rural and regional Local Government Authorities and Alpine Resorts Victoria only.

## COUNCIL MEETING MINUTES - 26 MARCH 2024

Made possible by funds originally allocated to the Regional Victoria Commonwealth Games, the fund will likely be short term in nature and won't replace any of the existing SRV grant programs i.e. Local Sports Infrastructure Fund, Country Football and Netball Program and Community Cricket Program.

The RCSIF offers strong maximum grant amounts and favourable funding ratios not seen in previous grants programs.

Delivered over two rounds the fund aims to deliver new and upgraded community sports infrastructure across the following 4 streams:

Stream	Number of Applications	Maximum grant	Ratio
Indoor Stadiums and Aquatic Facilities	One application per LGA for a single project	Up to \$3 million	3:1
Community Facilities	Unlimited applications seeking a total of up to \$1 million per LGA	Up to \$1 million	4:1
Women and Girls Facilities	Unlimited applications seeking a total of up to \$1 million per LGA	Up to \$1 million	4:1
All abilities infrastructure	Unlimited applications seeking a total of up to \$1 million per LGA	Up to \$1 million	4:1

Applications for Round 1 of the RCSIF opened on December 2023 and close 27 March 2024.

Applications for Round 2 of the RCSIF are proposed to open in November 2024 and close in March 2025. Maximum grant amounts and funding ratios have not been confirmed for Round 2 and may differ from Round 1.

### DISCUSSION

Indigo Shire Councils Infrastructure Assessment Tool (IAT) is used by Council Officers to assess the merit and feasibility of community sport and recreation infrastructure projects across 9 scoring categories.

Informed by the IAT against the available funding streams, the following project is recommended for an application in Round 1:

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Stream	Project	Total Cost	Project Contributions	IAT rating
Women and Girls Facilities	Yackandandah Netball Club change rooms	\$1.25 million	SRV: \$1,000,000 ISC: \$225,000 Club: \$25,000	4 of 64

Additional details about the recommended project is provided below:

### 1. Yackandandah Netball Club change rooms upgrade

- DEECA owned and managed site;
- Recipient of a Sport and Recreation Victoria Planning Grant in 2022 to prepare a preliminary design package;
- Scope: Upgrade of the Netball change rooms to Netball Victoria preferred facility guidelines;
- Designs supported by State Sporting Association, Netball Victoria
- Existing facilities, retro fitted public toilet, are of a poor standard and don't meet preferred facility guidelines.

### Options

- Capitalise on the strong maximum grant amounts offered through the RCSIF and apply for the recommended project noting that these funding conditions are unlikely to be repeated. This option is recommended.
- Submit alternative project applications that have not been recommended in this report. This option is not recommended.
- Don't submit applications. Therefore, the community facility will not be progressed at this stage. This option is not recommended.

### STRATEGIC CONTEXT

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

### SOCIAL/COMMUNITY IMPLICATIONS

Recreation reserves are vital to the liveability and sustainability of regional communities. They are places where residents of all ages and abilities can come together to be more physically and socially active in their community. Providing facilities that are safe, compliant, comfortable and accessible enhances the experience for users and creates community pride.

### ENVIRONMENTAL IMPLICATIONS

## COUNCIL MEETING MINUTES - 26 MARCH 2024

Environment and sustainability reports are mandatory application supporting documents. These reports ensure that environmental and sustainability considerations i.e. tree protection zone, native vegetation removal, energy consumption etc are considered in project scoping.

### FINANCIAL IMPLICATIONS

Project	Total Project Cost	SRV Grant	Club contribution	ISC contribution
Yackandandah Netball Club change rooms	\$1.25 million	\$1,000,000	\$25,000	\$225,000

Details of expenditure and staging are to be confirmed and may be reflective of approximately \$75,000 in the 2024/2025 Financial Year and the balance in the 2025/2026 Financial Year.

### RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
Disappointment from other clubs who have projects requiring funding	Possible	Minor	Low	Honest and timely communication to club regarding the status of their project.
Unsuccessful grant applications	Possible	Minor	Low	Thorough grant applications submitted. Feedback requested from grants program to strengthen future applications.

### COMMUNITY ENGAGEMENT

#### **Engagement undertaken**

Council Officers have been working with the Yackandandah Football and Netball Club on designing this project since mid-2023.

#### **Engagement outcomes**

Detailed designs and costings have been prepared along with a QS reports. The project has in principle support from the committee, user groups, members, state sporting associations and Sport and Recreation Victoria.

#### **Engagement proposed**

Pending a successful grant application a project control group will be established comprising representatives from Council, Sport and Recreation Victoria, user groups and committees to ensure community needs are realised.

### CONCLUSION

The RCSIF is a rare opportunity for Council to leverage significant State Government funding to deliver strategic infrastructure upgrades that will benefit the Yackandandah community. The recommended

## COUNCIL MEETING MINUTES - 26 MARCH 2024

project has scored highly through the IAT, is supported by the State Sporting Association and the user groups can justify the upgrades through strong current participation and projected participation levels.

### 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
- Mark De Campo – Community Development Coordinator

### **Attachments**

Nil

## COUNCIL MEETING MINUTES - 26 MARCH 2024

### 13. INFRASTRUCTURE SERVICES

#### **13.1 EXPRESSIONS OF INTEREST FOR OCCUPANCY OF BEECHWORTH PLATELAYERS COTTAGE AND FORMER BEECHWORTH RAILWAY STATION**

File No: 2024/215

Adam Kimball - Manager Assets & Property

Infrastructure Services

#### **For Decision**

#### **RECOMMENDATION**

That Council:

1. Supports an Expressions of Interest being advertised for occupancy of the Beechworth Platelayers Cottage in Harper Avenue and the former Beechworth Railway Station, each for a maximum term of 5 years;
2. Notes that the preference is for community use and endorses the assessment criteria set out in this report for the expression of interest processes; and
3. Notes that decisions on the leases will be made under delegation by the CEO and Directors.

#### **Resolution**

That Council:

1. Supports an Expressions of Interest being advertised for occupancy of the Beechworth Platelayers Cottage in Harper Avenue and the former Beechworth Railway Station, each for a maximum term of 5 years;
2. Notes that the preference is for community use and endorses the assessment criteria set out in this report for the expression of interest processes; and
3. Notes that decisions on the leases will be made by Council.

**Moved: Cr Gaffney**

**Seconded: Cr Shephard**

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

**Against:** Nil

**Carried**

**CARRIED**

#### **PURPOSE OF REPORT**

Indigo Shire Council is the appointed Manager by the Department of Energy, Environment and Climate Action (DEECA) for Allotment 4 Sec W2 Township in Beechworth which is crown land. Both the Platelayers Cottage and the Railway Station buildings are on this parcel.

Council currently leases the former Railway Station Building to **Indigo University of the Third Age Incorporated (Indigo U3A Inc)**. The lease commenced in 2022 and is due to expire on 31 March 2024 and a new short term lease will be offered to extend Indigo U3A Inc's occupancy to later in 2024.

## COUNCIL MEETING MINUTES - 26 MARCH 2024

After extensive restoration works led by efforts from the Beechworth Lions Club the former Platelayers Cottage is now complete and ready for occupancy.

The purpose of this report is to seek Council's endorsement to commence an EOI process for the future use of both buildings and to establish the assessment criteria.

### BACKGROUND

#### ***Former Railway Station Building***

In November 2017 Council undertook an EOI campaign for a lease of up to 3 years for the former Beechworth Railway Station Building. Following this campaign 4 submissions were received and after assessment, Council awarded a lease of one year with two further terms of one year each to Beechworth Food Coop as lead tenant and Indigo U3A Inc and Beechworth Yoga as sub tenants at a rental of \$6240.00 pa.

Normally, for any commercial tenants a full commercial rental would be charged, and for community groups peppercorn rental is typically offered. The rental for the Food Coop lease was set at a "semi commercial rate" reflecting that the Food Coop was a commercial entity but operated as a not-for-profit organisation.

On expiry of the 3 terms, Beechworth Food Coop gave notice of their intention to vacate the premises. Subsequently, Indigo U3A Inc was granted a one-year lease with an option of one year for the entire building at a peppercorn rental, but without having to go through a new EOI process.

Indigo U3A Inc is responsible for payment of utilities and receives an Asset Maintenance Grant to assist with maintenance costs.

Indigo U3A recently wrote to Council seeking a new 5-year lease.

As there was no public process for the granting of a lease with U3A as lead tenant, it is suggested that Council undertakes a public process to enable the building to continue to be leased but offering the wider community the opportunity to also be considered for this space.

#### ***Platelayers Cottage***

In October 2019 Council supported the Beechworth Lion's Club in obtaining grant funding for the restoration of the Beechworth Platelayers Cottage. Council provided further financial assistance to enable this restoration to be delivered to completion.

It was made clear to the Lions Club from the outset that its role in helping restore the building would not guarantee it occupancy of the building once it was habitable. The Club fully understands this and is looking forward to the EOI process to enable it to put in a submission.

### DISCUSSION

It is not a statutory requirement that a public Expression of Interest process be carried out. But it is considered to be good practice to provide opportunities as they arise to the wider public. The current occupants of the former Railway Station have not been through this process and whilst they have been very good tenants it is considered appropriate that a public EOI process is conducted.

The Platelayers Cottage has not been occupied in recent times and is now ready for occupation.

## COUNCIL MEETING MINUTES - 26 MARCH 2024

In order to maximise the benefit to the Community it is proposed to inquire of each Applicant if they would be willing to consider a “Co-Tenancy” with other interested Applicants.

It is suggested that the preferred use of the buildings would be for community groups, but this would not prevent commercial entities from expressing an interest.

For the purpose of assessing applications, it is suggested that the following assessment criteria be endorsed:

### ***Mandatory Requirements***

1. Any proposed use would need to be in accordance with the purpose of the crown land reservation and Council’s Planning Scheme. The land is zoned PPRZ (Public Park & Recreation Zone).
2. All outgoings such as utilities, garbage charges, contents insurance and minor maintenance costs to be met in full by the tenants. Note that Council insures the building, and is responsible for major maintenance and renewal works.

Rental is recommended to be set at a peppercorn value for “community use” and at market value (established through an independent process) for interested commercial tenants. In the event that more than one group or individual share the space, suitable arrangements will need to be put in place to ensure that costs to cover outgoings can be simply and fairly apportioned.

### ***Assessment Criteria***

3. Type of Use & Community Benefit  
Applicants will be required to describe their proposed use for the building, or part of the building, and how that use will benefit the community. Applications will be assessed against how they will benefit the community, address a service gap, complement the youth, recreation or rail trail use of the precinct or provide an economic benefit. Weighting (40%)
4. Enhanced use of the Facility  
Proposals that contribute to optimising the use of the facility. Smaller groups or individuals will be given the opportunity, following the initial expression of interest, to contact other interested parties for this purpose. Weighting (60%)

### **Options**

## COUNCIL MEETING MINUTES - 26 MARCH 2024

The option to an Expression of Interest Campaign would be for Council to negotiate a new lease with Indigo U3A Inc in the case of the former Beechworth Railway Station as the sitting tenant and advertise our intention for a period of 30 days to enter into a new lease unless there are any objections.

In the case of the Platelayers Cottage a lease could be negotiated with Beechworth Lions Club Inc who have undertaken all of the work for a lease and then advertise our intention for a period of 30 days to enter into this lease unless there are any objections.

In both of the above cases should there be objections a public expression of interest campaign would be required before a Council decision is made. By going straight to a public campaign, the potential time delay is removed.

### STRATEGIC CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	2. Liveability
Strategic Objective	2.3 Our infrastructure is renewed using sound asset management practices and expanded to meet the changing needs of our communities and the impact of climate change.
Strategic Action	2.3.2 Support the use of Council owned facilities, including Senior Citizen Centres, for a broad range of community activities, and opportunities for intergenerational events

The conducting of an Expression of Interest campaign for the occupation of both the former Beechworth Railway Station and Beechworth Platelayers Cottage will encourage the use of Council owned facilities to offer a broad range of activities and opportunities.

### SOCIAL/COMMUNITY IMPLICATIONS

It will be a condition of occupancy of these buildings that there is a benefit to the Community. The assessment criteria will be weighted to reflect this.

### ENVIRONMENTAL IMPLICATIONS

It would be a requirement of any occupancy that the Occupant signs up for renewable energy. This can be accommodated by accessing Council's Power Purchase Agreement.

### FINANCIAL IMPLICATIONS

It is assumed that a peppercorn rental would apply to any Community Group that is successful and that outgoings and minor maintenance costs would be met by the Occupant. The only financial consideration would be the decision between a commercial and non-commercial occupants.

### LEGISLATIVE IMPLICATIONS

Sections 115 and 116 of the Local Government Act 2020 set out the requirements relating to Leasing of Land.

Any new Leases would require the consent of DEECA and would be Crown Leases.

### RISK & OPPORTUNITY MANAGEMENT

## COUNCIL MEETING MINUTES - 26 MARCH 2024

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
An applicant in unsuccessful in their application for either of the facilities and this is received negatively by the community.	Possible	Minor	Low	The conducting of an open and fair process gives everyone the opportunity to submit an Expression of Interest

### COMMUNITY ENGAGEMENT

#### **Engagement proposed**

The Expression of Interest process would be a public campaign providing Community Groups and other members of the public the opportunity to express an interest in occupying two of Council's buildings within Beechworth.

### CONCLUSION

The conducting of expression of interest campaigns for the former Beechworth Railway Station and Beechworth Platelayers Cottage will enable Council to offer a public opportunity for groups to occupy either of these buildings.

It is recommended that these campaigns be run separately but concurrently.

The inclusion of the assessment criteria identified above and the weighting therein will ensure that the occupancy of these two Buildings will provide the maximum benefit to the Community.

It is therefore recommended that a public expression of interest campaign be conducted for the leasing of these two properties for a maximum term of 5 years.

### DECLARATION OF CONFLICT OF INTEREST

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

- Ian Ellett – Director Infrastructure Services
- Adam Kimball – Manager Assets & Property
- Darryn Arnold – Building & Property Officer

**Attachments**  
 Nil

## COUNCIL MEETING MINUTES - 26 MARCH 2024

### 13.2 RUTHERGLEN CARAVAN PARK - PROPOSED LEASE

File No: 2024/133

Adam Kimball - Manager Assets & Property

Infrastructure Services

#### For Decision

#### RECOMMENDATION

That Council:

1. endorses its intention to negotiate a lease for the Rutherglen Caravan Park with the following terms:
  - a) A 21-year lease term with a suitably experienced Caravan Park operator;
  - b) The annual rental amount payable will be based on a percentage of the Caravan Park's annual turnover (amount to be determined by a competitive EOI process);
  - c) The lessee will be required to invest into developing the park in line with the adopted Masterplan; and
  - d) Council will similarly be required to commit to funding its share of upgrades required in the Masterplan;
2. notes that a Public Notice advising of the proposed lease arrangements be placed and that submission be received for period of 14 days in accordance with Council's Community Engagement Policy; and
3. notes that a further report will be presented to Council at a future meeting for a final decision in relation to the proposed Lease.

#### Resolution

That Council:

1. endorses its intention to negotiate a lease for the Rutherglen Caravan Park with the following terms:
  - a) A 21-year lease term with a suitably experienced Caravan Park operator;
  - b) The annual rental amount payable will be based on a percentage of the Caravan Park's annual turnover (amount to be determined by a competitive EOI process);
  - c) The lessee will be required to invest into developing the park in line with the adopted Masterplan; and
  - d) Council will similarly be required to commit to funding its share of upgrades required in the Masterplan;
2. notes that a Public Notice advising of the proposed lease arrangements be placed and that submission be received for period of 14 days in accordance with Council's Community Engagement Policy; and
3. notes that a further report will be presented to Council at a future meeting for a final decision in relation to the proposed Lease.

**Moved: Cr Teissl**

**Seconded: Cr Shephard**

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

**Against:** Nil

**CARRIED**

### PURPOSE OF REPORT

The purpose of this report is for Council to endorse the terms of a proposed lease for the Rutherglen Caravan Park and to note that a public notice is required to be placed advising of the proposed lease before any final decision is made.

### BACKGROUND

Indigo Shire is currently the land manager for 4 Crown Land caravan parks that are situated in Rutherglen, Yackandandah, Beechworth and Chiltern.

The Rutherglen Caravan Park lease is due to expire on 30 June 2024. An Expression of Interest (EOI) process to appoint a new lessee has been initiated by council officers as per Department of Energy Environment and Climate Action (DEECA) guidelines.

On 13 December 2022, Council adopted the Caravan Park Masterplan which included a 10-year aspirational plan and identified opportunities and options for the management, infrastructure, investment and economic/tourism for each of the parks.

### DISCUSSION

As a part of the competitive EOI process, applicants have been asked to nominate a percentage of the annual turnover they propose to pay as rent for the lease, and the proposed investment to develop the park in accordance with the Masterplan required by both the park operator and Council.

### 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	3.2.4 Develop and implement the Caravan Park Masterplan

### SOCIAL/COMMUNITY IMPLICATIONS

A focus of the EOI process is to attract an operator that will work with local businesses, the tourism sector and local community to maximise the benefits to the local economy.

### FINANCIAL IMPLICATIONS

The Masterplan aligns with Council's economic and visitor economy goals, optimising assets for long-term returns and maximising contributions to the local economy. This strategic approach ensures financial benefits for the Council and supports sustainable park management.

### LEGISLATIVE IMPLICATIONS

Terms of the lease will be checked by Legal representatives of both parties and submitted to DEECA for their approval before being signed.

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### RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
Inability to secure a lessee for the Park	Unlikely	Moderate	Medium	Conduct an EOI process and enter into a 21-year lease with a commercial operator to manage the park.
This is a significant opportunity to see investment in the Rutherglen Caravan Park and to boost economic benefits				

### COMMUNITY ENGAGEMENT

#### **Engagement undertaken**

The process in developing the Caravan Park Masterplans involved significant community engagement. Through this process, residents, stakeholders, and interested parties were provided with a platform to voice their opinions, concerns, and ideas, ensuring a comprehensive understanding of the diverse needs of the community.

#### **Engagement proposed**

Prior to presenting the caravan park lease for Council's approval, a public notice is required to be placed informing the community of the intention to enter into a new lease. In accordance with Council's community engagement policy, submission's will be received a period of 14 days before a further report is presented to Council.

### CONCLUSION

It is recommended that Council endorse the terms of a proposed lease and notice that a public notice will be placed in relation to a lease for the Rutherglen Caravan Park.

### 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 and Property

**Attachments**  
Nil

## COUNCIL MEETING MINUTES - 26 MARCH 2024

### 13.3 FEBRUARY CAPITAL WORKS REPORT

File No: 2024/152

Nathan Mullane - Manager Capital Works & Waste

Infrastructure Services

For Decision

#### RECOMMENDATION

That Council notes the February Capital Works Report and year to date progress in the delivery of the Capital Works Program

#### Resolution

That Council notes the February Capital Works Report and year to date progress in the delivery of the Capital Works Program.

**Moved: Cr Croucher**

**Seconded: Cr Shephard**

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

**Against: Nil**

**CARRIED**

#### PURPOSE OF THIS REPORT

The purpose of this report is to update Council about progress of the 2023/24 capital works program and to provide details on some individual projects.

At the June Council meeting, Council adopted the 2023/2024 annual budget and capital works program which included an allocation of \$19.931 million total budget (\$17.732m Capital, \$2.199m Non-ISC).

	Budgeted Expenditure			Budgeted Income		
	Capital	Non-ISC	Combined	Capital	Non-ISC	Combined
2023/24 Adopted Budget	17,732,000	2,199,000	19,931,700	(8,940,000)	(584,000)	(9,524,000)

	YTD Expenditure (Feb)			YTD Income (Feb)		
	Capital	Non-ISC	Combined	Capital	Non-ISC	Combined
February YTD Actuals	5,986,568	986,088	6,972,655	(2,476,302)	(950,467)	(3,426,769)

#### DISCUSSION

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Details of individual project year-to-date expenditure and income are included in the February Capital Works Monitor which is attached to the 2023/24 Quarter 2 Financial Forecast, appearing in the agenda at Item 11.1.

### Capital Works activities of note for this period

#### **Beechworth to Yackandandah Rail Trail**

Works are nearing completion on this significant project. A shared road treatment is currently being trialled on Kibell Lane, with line markings and signage installed for an on road trail. Full trail signage has also been installed along the previously completed sections. February YTD expenditure is currently at \$472,207, following \$72,311 for February.

#### **Rutherglen Loops (Wine Walk Cycle Trail)**

Construction works have been completed on the concrete shared path around Rutherglen, with the path completed along Murray Street. February YTD expenditure is currently at \$930,684, following \$216,189 for February.

#### **Urban Drainage Improvements**

Drainage upgrade works have been occurring across the shire with projects completed in Beechworth and Rutherglen this month. February YTD expenditure is currently at \$208,116, following \$64,364 for February.

#### **Rutherglen Skatepark**

Construction activities are nearing completion with the upgrades to the Rutherglen Skatepark. The contractor has made great progress with the concreting works, with just the installation of a shelter and path, and final landscaping to be finished off. The second round of the north east skate series was held in Rutherglen on 16<sup>th</sup> March. February YTD expenditure is currently at \$110,453, following \$100,891 for February.

#### **Kergunyah Hall Upgrade**

The redevelopment works on the hall are well advanced. The contractor has completed the extension, along with the external walling and roofing. New flooring has been installed, ahead of the finishing touches for full fit out of the kitchen, and internal and external painting. February YTD expenditure is currently at \$229,403.

#### **Barnawartha Netball and Tennis Courts**

The Contractor has made significant progress with the works on the redevelopment of the Barnawartha Netball and Tennis Courts. The majority of the significant construction activities are now complete, with the contract likely to be completed in coming weeks. February YTD expenditure is currently at \$699,506.

### STRATEGIC CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	2. Liveability
Strategic Objective	2.2 Our built environment, streetscapes, facilities, amenities and open spaces are safe, inviting, attractive, well maintained, contributing to a sustainable sense of place and pride.

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There is no specific reference in the Council Plan about the broader capital works program, however many of the individual projects and programs are referred to specifically in the Council Plan.

### SOCIAL/COMMUNITY IMPLICATIONS

Capital works projects often have a direct positive impact on the community. Project staff engage closely with the community and stakeholders to identify the project scope and ensure expectations align with deliverables.

### ENVIRONMENTAL IMPLICATIONS

Project staff continue to consider potential environmental impact in all aspects of their works and to adopted works practices to minimise the impact.

Each discrete project's environmental impact is assessed by project officers during the planning and implementation of the project. When required an Environmental Management Plan (EMP) is developed to control and minimise the potential impact.

### FINANCIAL IMPLICATIONS

Details of expenditure and income are set out in the Finance Report.

This report details the progress of key elements of the capital works program.

### LEGISLATIVE IMPLICATIONS

Council is required to responsibly manage and report on the budget quarterly including capital works.

The procurement requirements of the Local Government Act and Council's Procurement Policy are adhered to with all expenditure.

### RISK & OPPORTUNITY MANAGEMENT

Every project has unique risks and opportunities. Risk management is conducted at the project level and is embedded as part of the project delivery methodology.

### COMMUNITY ENGAGEMENT

Community and other stakeholder engagement is done on a project level and varies according to the project deliverables and impacts on the community.

### CONCLUSION

The 2023/24 Capital Works program is well advanced. A number of projects are nearing completion, with many others now underway, and making good progress.

### DECLARATION OF CONFLICT OF INTEREST

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

- Ian Ellett – Director Infrastructure Services
- Nathan Mullane –Manager Capital Works & Waste

**Attachments**  
Nil



## COUNCIL MEETING MINUTES - 26 MARCH 2024

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### 14. EXECUTIVE MANAGEMENT

#### 14.1 RISK APPETITE STATEMENT

File No: 2024/184

Carla Hanlon - Executive Manager People & Governance

Executive Management

For Decision

#### RECOMMENDATION

That Council adopts the Risk Appetite Statement.

#### Resolution

That Council adopts the Risk Appetite Statement.

**Moved: Cr Gaffney**

**Seconded: Cr Teissl**

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

**Against: Nil**

**Carried**

**CARRIED**

#### PURPOSE OF REPORT

To present the Risk Appetite Statement (as a Policy) as a supporting document to the Risk Management Policy. The Risk Appetite Statement has been revised to align with the format recommended by our internal auditors when they last audited the Risk Management Framework.

#### BACKGROUND

When the Risk Management Policy (the Policy) was revised in February 2023 the Risk Appetite Statement, Risk Rating Matrix and Likelihood and Consequence descriptions were removed.

When the Policy was revised a commitment was made to Councillors that a separate Risk Appetite Statement would be tabled for endorsement (with supporting documentation) at a Council Briefing.

When presented for endorsement, Councillors requested that the Risk Appetite Statement become a Policy document for adoption by Council.

#### DISCUSSION

Risk Appetite is defined as *"The amount and type of risk that Council is willing to take in relation to achieving objectives. It can also be described as an organisation's risk capacity, or the maximum amount of risk it will accept after controls and other measures have been put in place."*

The Risk Appetite Statement, as attached, recognises that risks are uncertain and can have a negative impact, i.e. be a threat, or a positive impact, i.e. be an opportunity.

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The Risk Appetite Statement is intended to guide decision making when determining which risks should be prioritised for treatment and therefore has been presented as a relatively simple and easy to understand graphic.

The Risk Appetite Statement is not intended to guide what reporting and monitoring will be done for risks as this is determined by the acceptability and current risk rating of a risk.

### Future review of the Risk Appetite Statement

It is expected that as risk management maturity increases within Council the Risk Appetite Statement will become a more comprehensive document.

### STRATEGIC CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	5. Accountability
Strategic Objective	5.1 Our financial management is sound, responsible and effective.
Strategic Action	5.1.4 Maintain sound financial practices by completing the Annual Financial Statements and receive audit clearance by the legislated timeframe each year

The proposed Risk Appetite Statement will enable positive steps towards achieving aspects of Strategic Action 5.5.3.

### SOCIAL/COMMUNITY IMPLICATIONS

The proposed Risk Appetite Statement is intended to enable the community to understand the stance of Council in relation to key risk areas. It will also assist Council staff when making decisions that impact on the community.

### ENVIRONMENTAL IMPLICATIONS

The proposed Risk Appetite Statement is intended to enable the community to understand the stance of Council in relation to environmental risks. It will also assist Council staff when making decisions that impact on the environment.

### FINANCIAL IMPLICATIONS

The proposed Risk Appetite Statement is intended to enable the community to understand the stance of Council in relation to financial risks. It will also assist Council staff when making decisions that have financial implications.

### LEGISLATIVE IMPLICATIONS

The proposed Risk Management Framework supports the requirements of the *Local Government Act 2020* in the management of risk, and the Act's overarching governance principles.

The proposed Risk Appetite Statement is intended to enable the community to understand the stance of Council in relation to legislative risks. It will also assist Council staff when making decisions that have legislative implications.

### RISK & OPPORTUNITY MANAGEMENT

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Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
Risk Appetite Statement is too simple and doesn't provide enough guidance for decision making	Unlikely	Minor	Low	<ul style="list-style-type: none"> <li>• Risk acceptability in Risk Management Policy</li> <li>• Risk Management Framework including risk management process and risk reporting</li> <li>• Risk Management Training</li> </ul>
Setting unachievable expectations in relation to acceptability of risks	Possible	Minor	Medium	<ul style="list-style-type: none"> <li>• Risk Management Framework including risk management process and risk reporting</li> <li>• Risk management process allows for multiple decision-making points on how to prioritise the treatment of risks</li> </ul>

### CONCLUSION

The Risk Appetite Statement provides Council with an opportunity to set expectations on how different types of risks will be managed.

### DECLARATION OF CONFLICT OF INTEREST

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

- Carla Hanlon – Executive Manager People and Governance
- Nicky Jarvis – People, Culture and Risk Coordinator
- Sarie Los – Risk and Safety Advisor

### **Attachments**

1.  Risk Appetite Statement - DRAFT 2024

## COUNCIL MEETING MINUTES - 26 MARCH 2024

### 14.2 PRIVACY POLICY REVIEW 2024

File No: 2024/159

Carla Hanlon - Executive Manager People & Governance

Executive Management

#### For Decision

#### RECOMMENDATION

1. That Council endorses the draft Privacy Policy for public exhibition for a period of 30 days, from 27 March to 26 April 2024;
2. If no submissions are received during the public exhibition period, the policy is adopted from 27 April 2024; and
3. If submissions are received during consultation, the policy is to be brought to a future Council meeting for adoption.

#### Resolution

1. That Council endorses the draft Privacy Policy for public exhibition for a period of 30 days, from 27 March to 26 April 2024;
2. If no submissions are received during the public exhibition period, the policy is adopted from 27 April 2024; and
3. If submissions are received during consultation, the policy is to be brought to a future Council meeting for adoption.

**Moved: Cr Teissl**

**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 presents the proposed reviewed Privacy Policy (the Policy) for endorsement for public exhibition.

### BACKGROUND

The *Privacy and Data Protection Act 2014* (the PDP Act) requires that all organisations within the Victorian Public Sector, including councils, collect, disseminate and use any personal information in accordance with a set of prescribed Information Privacy Principles (IPPs). The IPPs describe how personal and sensitive information is to be managed, and are organised as follows:

IPP1 – Collection

IPP2 – Use and Disclosure

IPP3 – Data Quality

IPP4 – Data Security

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IPP5 – Openness  
 IPP6 – Access and Correction  
 IPP7 – Unique Identifiers  
 IPP8 – Anonymity  
 IPP9 – Trans-border Data Flows  
 IPP10 – Sensitive Information  
 IPPs 10 and 11 – Health Records Act

The Policy guides and support the management of personal and health information collected by Council with regard to its obligations under all relevant legislation.

The policy includes a version control table as recommended by the Local Government Inspectorate during a review of Governance policies for all Victorian councils. EMT are asked to consider whether this table can be inserted in the policy template and included in all policies.

The Policy is due to be reviewed and re-adopted by May 2024.

The timeline for the Policy review is:

Public exhibition opens: 27 March 2024  
 Public exhibition closes: 26 April 2024

If no submissions received during public exhibition, policy is adopted on 27 April 2024.

If public submissions are received, they will be considered and the policy will return to Council for adoption to the 25 June 2024 meeting.

### DISCUSSION

The Policy has been reviewed against the guidance provided by the Office of the Victorian Information Commissioner (OVIC) on implementing the IPPs, and other council's Privacy Policies.

When the policy review is complete, its release will be accompanied by staff and Councillor training as part of the Integrity Program delivered by the Governance Team. As a matter of best practice, OVIC suggests organisations schedule a review of their privacy policies at least once every 12 months. However, with resourcing constraints, it is reasonable to review every two years to coincide with further training provided to all staff at this interval.

The proposed reviewed Policy is attached. The table of changes below summarises the changes:

*Table of changes*

Section	Change	Comments
Scope	Added volunteers	Council volunteers are obliged to work within privacy legislation.
Policy Statement	Moved last paragraph to start of section	Better at start as it is a strong statement on Council's commitment to privacy
Privacy Officer	Changed role title from Senior Governance Advisor to Governance Coordinator	Due to change in role title.

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Section	Change	Comments
IPP1	Add examples of times when and purposes for the collection of information by Council	Puts examples in plain English to communicate more directly and clearly to the reader of the policy
IPP2	Added circumstances when Council may disclose info to other parties	To assist officers to comply, and to make explicit to the public.
IPP4	Added reference to the Public Records Act Vic and PROV retention /disposal authorities	Council must comply with these obligations when retaining/destroying info/records.
IPP6	Re-worded section to improve expression.	It is important that the public and officers understand that a request to access and amend a record must be taken as a FOI request. No charge applies. Included reference to FOI information on Council's website.
IPP8	Added sentences about anonymity and how this can limit Council performing it's functions and, in this circumstance Council does not have to take further action to resolve the matter.	Important to advise the public that waiving anonymity can have some impact on services in some circumstances.
IPP9	Re-wrote section to acknowledge and detail the impact of new technologies and how this impacts trans-border data flows.	Modernises the policy. Commits Council to transferring data out Victoria only within obligations under Victorian law, and that contractual arrangements and hosts are subject to the same obligations.
Complaints	Improved formatting on where to send complaints to at Council	Improves readability
Complaints	Added OVIC's contact details and how to make a complaint with them.	Promotes a person's right to make a complaint to external agency if not satisfied with Council's response to their complaint.
Related Policies	Added 3 new/updated information management directives.	
Definitions – personal information	Added examples of the types of information which are personal	This demonstrates what personal information actually is.
Definitions – sensitive information	Added a few words to keep definition consistent with the Act	
Definitions – health Information	Moved section to after personal and sensitive information sections	Personal and sensitive information are the more common types of information readers would seek definition on.

## COUNCIL MEETING MINUTES - 26 MARCH 2024

Section	Change	Comments
Version Control	Section existed in previous policy, this has been updated to add section for summary of changes	The LG inspectorate have recommended that councils include a version control table including a summary of changes. Table has been updated to reflect this.

### Options

Councillors may choose to not endorse the attached draft policy for public exhibition, however adoption of the attached reviewed document is recommended as it meets legislative requirements and has improved readability on the previous version.

### STRATEGIC CONTEXT

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

The draft Policy supports the:

- Information Management CEO Directives
- Transparency Policy

### SOCIAL/COMMUNITY IMPLICATIONS

A sound Privacy Policy gives comfort to members of the community that their information will be treated with respect and in consideration of their rights under the PDP Act.

### ENVIRONMENTAL IMPLICATIONS

Nil

### FINANCIAL IMPLICATIONS

Nil

### LEGISLATIVE IMPLICATIONS

The Policy supports Council in meeting its obligations under the PDP Act, the FOI Act, and the *Local Government Act 2020*.

### RISK & OPPORTUNITY MANAGEMENT

## COUNCIL MEETING MINUTES - 26 MARCH 2024

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
The Privacy policy does not appropriately address the IPPs, leading to privacy breaches	1. Possible	Moderate	Medium	The Privacy Policy is structured around the IPPs and informed by the guidance notes and commentary from OVIC
Officers do not adequately understand and apply the policy, resulting in privacy breaches	Likely	Moderate		Privacy training will be provided to all staff every two years, and as part of induction for all new staff and Councillors.

### COMMUNITY ENGAGEMENT

#### **Engagement proposed**

The draft Policy will be exhibited on Council's website for 30 days between 27 March and 26 April 2024.

If submissions are received during exhibition, these will be considered and the policy will be brought to a future Council meeting for adoption.

### CONCLUSION

The thorough review of the policy by staff, Councillors and community will enable it to best meet the requirements of the Act in a way which is workable for Council and provides reassurance to the community that people's information is managed appropriately.

### 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 & Culture
- Annabel Harding – Governance Coordinator

#### **Attachments**

1.  Draft Privacy Policy 2024

## COUNCIL MEETING MINUTES - 26 MARCH 2024

### 14.3 ADVISORY COMMITTEE MINUTES

File No: 2024/155

Carla Hanlon - Executive Manager People & Governance

Executive Management

#### For Decision

#### RECOMMENDATION

That Council receives the attached unconfirmed meeting minutes for the following Advisory Committee:

- a) Indigo Environment Advisory Committee
- b) Indigo Community Access Committee

#### Resolution

That Council receives the attached unconfirmed meeting minutes for the following Advisory Committee:

- a) Indigo Environment Advisory Committee
- b) Indigo Community Access Committee

**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

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).

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.

## COUNCIL MEETING MINUTES - 26 MARCH 2024

### DISCUSSION

COMMITTEE	DATE OF MEETING	RECOMMENDATION	MANAGEMENT RECOMMENDED ACTION
Indigo Environment Advisory Committee	7 February 2024	1. Nil	2.
Indigo Community Access Committee	26 February 2024	3. Nil	4.

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.

### FINANCIAL IMPLICATIONS

There are no financial implications with this report.

### LEGISLATIVE IMPLICATIONS

## COUNCIL MEETING MINUTES - 26 MARCH 2024

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 (apart from 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.	1. 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
- Emma O’Donnell – Governance Officer

### **Attachments**

1.  Indigo Environment Advisory Committee - 07 February 2024
2.  Indigo Community Access Committee - 26 February 2024

## COUNCIL MEETING MINUTES - 26 MARCH 2024

### 14.4 INFORMAL MEETINGS OF COUNCILLORS RECORDS

File No: 2024/156

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 Shephard**

**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.

#### DISCUSSION

## COUNCIL MEETING MINUTES - 26 MARCH 2024

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.

## COUNCIL MEETING MINUTES - 26 MARCH 2024

MEETING	DATE
Indigo Community Access Committee	26 February 2024
Finance Committee	20 February 2024
Council Briefing	20 February 2024
Council Briefing	13 February 2024
Planning Site Visit - Kerferd Road - Beechworth	13 February 2024
Planning Site Visit - 11 Albert Road - Beechworth	13 February 2024
Indigo Environment Advisory Committee	07 February 2024
Planning Site Visit - 1627 Murray Valley Highway - Huon	06 February 2024

### 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.

### 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.









## COUNCIL MEETING MINUTES - 26 MARCH 2024

### 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
- Emma O'Donnell – Governance Officer

### **Attachments**

1.  Informal Meeting of Councillors - Indigo Community Access Committee - 26 February 2024
2.  Informal Meeting of Councillors - Finance Committee - 20 February 2024
3.  Informal Meeting of Councillors - Council Briefing -20 February 2024
4.  Informal Meeting of Councillors - Council Briefing -13 February 2024
5.  Informal Meeting of Councillors - Planning Site Visit - Kerferd Road - Beechworth - 13 February 2024
6.  Informal Meeting of Councillors - Planning Site Visit - 11 Albert Road - Beechworth - 13 February 2024
7.  Informal Meeting of Councillors - Indigo Environment Advisory Committee - 07 February 2024
8.  Informal Meeting of Councillors - Planning Site Visit -1627 Murray Valley Highway - Huon - 06 February 2024

## COUNCIL MEETING MINUTES - 26 MARCH 2024

### 14.5 CONTRACTS AWARDED UNDER CHIEF EXECUTIVE OFFICER DELEGATION - FEBRUARY 2024

File No: 2024/161

Trevor Ierino - Chief Executive Officer

Executive Management

#### For Information

The following contract was awarded by the CEO under delegation, between the values \$250,000 and \$500,000, for the month of February 2024.

Date	Tenderer	Title	Project	Amount
07/02/2024	Excell Gray Bruni Pty Ltd	Construction of Rutherglen Loops Trail - Main Street West/Jacks Road	Rutherglen Loops Project	\$345,475.00 (ex GST)

### 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 - 26 MARCH 2024**

### **15. NOTICES OF MOTION**

Nil reports

## COUNCIL MEETING MINUTES - 26 MARCH 2024

### 16. COUNCILLORS REPORT

#### 16.1 MAYOR'S DIARY - FEBRUARY 2024

##### For Information

Mayor Price attended the following functions/events/meetings in February 2024.

DATE	TIME	FUNCTION / EVENT / MEETING	LOCATION
5 February	10.00am	Meeting with CEO	Beechworth
6 February	11.30am	Site Visit – 1627 Murray Valley Highway, Huon	Huon
6 February	2.00pm	Councillor Workshop – Good Governance and Culture	Beechworth
9 February	10.00am	Local Safety Committee Meeting	Beechworth
12 February	10.00am	Meeting with CEO	Beechworth
13 February	11.00am	Reconciliation Action Plan Working Group	Beechworth
13 February	12.30pm	Site Visit – 11 Albert Road, Beechworth	Beechworth
13 February	1.05pm	Site Visit – Lake Sambell, McConville Avenue, Beechworth	Beechworth
13 February	2.30pm	Council Briefing	Beechworth
16 February	10.00am	Meeting with Member of Victorian Men's Shed Association Board	Via phone
16 February	2.00pm	Rural Councils Victoria Committee Meeting	Online
19 February	10.00am	Meeting with CEO	Beechworth
20 February	2.30pm	Council Briefing	Beechworth
20 February	6.00pm	Finance Committee Meeting	Beechworth
22 February	11.00am	Goulburn Murray Climate Alliance Meeting	Online
26 February	10.00am	Meeting with CEO, Cr Gaffney and a Mungabareena Aboriginal Corporation representative	Beechworth
26 February	11.00am	Meeting with CEO	Beechworth
26 February	1.00pm	Indigo Community Access Committee Meeting	Rutherglen
27 February	2.00pm	Meeting with CEO, Executive Manager People & Governance and Consultant from Mediation Resolutions	Beechworth
27 February	4.00pm	Council Briefing	Beechworth
27 February	6.30pm	Council Meeting	Beechworth

**Attachments**

Nil



## COUNCIL MEETING MINUTES - 26 MARCH 2024

## COUNCIL MEETING MINUTES - 26 MARCH 2024

### 17. DECISIONS REGISTER

#### 17.1 DECISIONS REGISTER

File No: 2024/158

Trevor Ierino - Chief Executive Officer

Executive Management

#### For Information

Do not delete this line

The report outlines actions from Council Resolutions as at 27 February 2024, including those not previously listed as completed, but not including resolutions to note a report.

Meeting date	Item	Name	Resolution	Status
27 June 2023	12.6	Federal Government Growing Regions Program Grant Fund Recommendations	That Council: 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.	Part 1 completed  Part 2 – Completed  Tourism North East (TNE) received an invitation to submit a full application. TNE and Council staff worked together to prepare the full application which was submitted in December 2023.  Parts 3 & 4 - revoked in July meeting
28 Nov 23	12.4	Closed Circuit Television (CCTV) - Indigo Shire	That Indigo Shire Council purchase two CCTV cameras in the 2024/2025 budget at a cost of no more than \$5,000 per camera. These cameras will be available for installation by Victoria Police	Not yet able to be implemented. Hold in register until 24/25 Budget

## COUNCIL MEETING MINUTES - 26 MARCH 2024

Meeting date	Item	Name	Resolution	Status
			Local Area Command across the Shire to keep our communities safe.	submitted to May 2024 Council meeting
27 Feb 2024	8	Confirmation of Minutes from Previous Meeting(s)	<p>That the following Minutes be confirmed:</p> <ol style="list-style-type: none"> <li>Minutes of the Council Meeting held on 12 December 2023, as published on Council's website; and</li> <li>Confidential Minutes of the Council Meeting held on 12 December 2023, as provided to Councillors under separate cover.</li> </ol>	Completed
27 Feb 2024	10.1	Petition - Wahgunyah Footpath	<p>That Council:</p> <ol style="list-style-type: none"> <li>Notes the petition signed by 156 people from the Wahgunyah community seeking a footpath on the south side of Blanche Street Wahgunyah between Frederick and Foord Streets; and</li> <li>Notes that the matter will be investigated as an operational matter and will be considered against other Footpath priorities as part of the future capital works program.</li> </ol>	Completed
27 Feb 2024	10.2	Petition - Tangambalanga-Kiewa Men's Shed	<p>That Council:</p> <ol style="list-style-type: none"> <li>Support the Tangambalanga-Kiewa Men's Shed group to secure a suitable temporary space to operate from while the</li> </ol>	Completed

## COUNCIL MEETING MINUTES - 26 MARCH 2024

Meeting date	Item	Name	Resolution	Status
			<p>grant funded works are completed;</p> <ol style="list-style-type: none"> <li>2. Seek opportunities to secure further grant funding to build a 'fit for purpose' long term space for the Tangambalanga-Kiewa Men's Shed group to operate from; and</li> <li>3. Endorse the continuation of the grant funded works on the site which includes removal of the sheds.</li> </ol>	
27 Feb 2024	11.1	Finance Report - January 2024	That Council accepts the 31 January 2024 Finance Report.	Completed
27 Feb 2024	11.2	Planning Permit Application - PP23-0172 (\$218546M) - 11 Albert Road, Beechworth	<p>That Council issue a Notice of Decision to approve a Planning Permit at 11 Albert Road Beechworth, allowing:</p> <ol style="list-style-type: none"> <li>1. Two (2) lot subdivision in the General Residential Zone and Heritage Overlay;</li> <li>2. Demolition in the Heritage Overlay; and</li> <li>3. Subdivide land adjacent to a Road in a Transport Zone 2.</li> </ol> <p>subject to the attached conditions.</p>	Completed
27 Feb 2024	11.3	Planning Permit Application - PP23-0164 - 1627 Murray Valley Highway Huon	That Council issue a Notice of Decision to Grant a permit at 1627 Murray Valley Highway Huon, for the buildings and works to construct an outbuilding in accordance with the conditions at attachment 3.	Completed
27 Feb 2024	12.1	Recreation Reserve Master Plans: Coulston Park Recreation	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Adopt the recreation reserve master plans for Council owned and</li> </ol>	Completed

## COUNCIL MEETING MINUTES - 26 MARCH 2024

Meeting date	Item	Name	Resolution	Status
		Reserve, Yackandandah Sports Park, Barkly Park and Allens Flat Waterho	<p>managed sites at Coulston Park Recreation Reserve and Yackandandah Sports Park; and</p> <p>2. Note the recreation reserve master plans for DEECA owned and managed sites at Barkly Park and Allans Flat Waterhole.</p>	
27 Feb 2024	12.2	Investment Incentive Policy (Review)	That Council adopts the draft Investment Incentive Policy 2024.	Completed
27 Feb 2024	14.1	Audit & Risk Committee - Performance Survey 2022/2023	That Council receives the results of the 2022/2023 Audit and Risk Committee performance survey.	Completed
27 Feb 2024	14.2	Council Plan 2023/2024 - Quarter 2 Progress Report	That Council notes the Quarter 2 2023/2024 Council Plan Progress Report.	Completed
27 Feb 2024	14.4	Advisory Committee Minutes	<p>That Council receives the attached unconfirmed meeting minutes for the following Advisory Committee:</p> <ul style="list-style-type: none"> <li>a) Indigo Shire Community Grants &amp; Awards Advisory Committee</li> <li>b) Indigo Shire Cultural Heritage Advisory Committee</li> <li>c) Indigo Environment Advisory Committee</li> </ul>	Completed
27 Feb 2024	14.5	Informal Meetings of Councillors Records	That Council accepts the attached Informal Meetings of Councillors records.	Completed
27 Feb 2024	14.6	Amendments to Council Meeting Schedule 2024	That Council:	Completed

## COUNCIL MEETING MINUTES - 26 MARCH 2024

Meeting date	Item	Name	Resolution	Status
			<ol style="list-style-type: none"><li>1. Cancel the 26 November 2024 Council Meeting; and</li><li>2. Move the 17 December 2024 Council Meeting to 10 December 2024 (one week earlier).</li></ol>	

## COUNCIL MEETING MINUTES - 26 MARCH 2024

### 18. GENERAL BUSINESS

Cr Horne acknowledged the response from Emergency Services and Rutherglen Community during a recent accident in the main street. Cr Horne also expressed appreciation to service providers (e.g. Electrical services) that provided immediate and urgent support to impacted businesses during this emergency.

Cr Shepherd recognised that in the last Council meeting in February there was a large turnout relating the Men's Shed. Sally Rice – Director Economic and Community Development responded that Officers are continuously communicating and meeting with the stakeholders to support them to find an alternative location within the required time.

## COUNCIL MEETING MINUTES - 26 MARCH 2024

### 19. CONFIDENTIAL

#### RESOLUTION

##### That council resolves to:

That the Ordinary Meeting of Council move into Confidential session in accordance with Section of the Local Government Act 1989.

**Moved: Cr Croucher**

**Seconded: Cr Gaffney**

**For:** Crs Peter Croucher, Bernard Gaffney, Roberta Horne, 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 FOR MEMBERSHIP

#### Resolution

That Council:

1. Appoints Judith Doughty to the Indigo Community Access Committee (ICAC); and
2. Maintains confidentiality until the appointee is notified, following which the appointment will be made public.

**Moved: Cr Shephard**

**Seconded: Cr Croucher**

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

**Against:** Nil

**CARRIED**

#### 19.2 INDIGO ENVIRONMENT ADVISORY COMMITTEE - APPLICATION FOR MEMBERSHIP

#### Resolution

That Council:

1. Endorses the appointment of Patrick Giltrap to the Indigo Environment Advisory Committee (IEAC); and
2. Maintains confidentiality until the appointee is notified, following which the appointment will be made public.

**Moved: Cr Teissl**

**Seconded: Cr Horne**

## COUNCIL MEETING MINUTES - 26 MARCH 2024

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

**Against:** Nil

**CARRIED**

### RESOLUTION

**That council resolves to:**

That the Ordinary Meeting of Council move out of Confidential to close the meeting.

**Moved:** Cr Teissl

**Seconded:** Cr Gaffney

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

**Against:** Nil

**CARRIED**

**Meeting Concluded:** 7.50pm

**Next Meeting:** Tuesday, 23 April 2024 at 6.30pm