

## COUNCIL MEETING MINUTES - 23 APRIL 2024

**Vision:**

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

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**HELD:** Tuesday, 23 April 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
	Cr Roberta Horne	Councillor
	Cr Diane Sheppard	Councillor
	Cr Emmerick Teissl	Councillor
	Trevor Ierino	Chief Executive Officer
	Nathan Mullane	Acting Director Infrastructure Services
	Greg Pinkerton	Director Planning & Corporate Services
	Sally Rice	Director Community & Economic Development
	Annabel Harding	Governance Coordinator
<b>APOLOGIES</b>	Ian Ellett	Director Infrastructure Services

**These Minutes were confirmed at the Council meeting held on 14 May 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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### 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

Robin McLiesh  
Introductory statement

In 2009 Indigo Council initiated a program to collect cash from rates to cover the cost of landfill rehabilitation at the closed sites in the shire. This fund is now known as the Environmental Management Contribution (EMC) and has collected around \$7 million. Council also started a non-cash provision called landfill rehabilitation and set the amount reported as the estimated cost of rehabilitation. The Environmental Protection Authority (EPA) has now revised the requirements for rehabilitation and the estimated cost has been reduced to approx. \$4 million.

*Question 1 – Council has collected around \$3 million of cash in excess of the amount required for landfill rehabilitation. Will the CEO prepare a formal report to identify how that excess will be refunded to the ratepayers?*

Response – Trevor Ierino, Chief Executive Officer  
Council will report on waste management charges and environment management contribution and make statements and comments as part of the budget process at the Council meeting on 14 May.

Introductory statement:

Indigo Gold Trail and Rutherglen Wine Experience Centre.

At the 26 March 2024 meeting Council endorsed applications to the Regions' Enabling Tourism Fund 2024 for these two projects. Applications for both projects closed on 28 March and the winemakers have consulted with member wineries and Rutherglen Wine Experience Centre stakeholders. The fund rules only allow one application per entity. Council is responsible for the Gold Trail project and

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the Winemakers will assume responsibility for the proposed building alterations to allow alcohol sales from a building, that they joint-own with council.

*Question 2 – If the Rutherglen Winemakers wish to carry out wine sales from the Rutherglen building, will our ethically and morally responsible councillors formally state their position as joint owners of a liquor outlet.*

Response – Trevor Ierino, Chief Executive Officer

Referred to the Governance Rules and open forum questions, and these don't allow for individual views of Councillors. If individual views are sought then the Councillors should be contacted directly. If the question is taken as directed to the Council, then referred back to the September 2022 Council meeting item on Destination Rutherglen Plan – allows for wine tasting and sales – this was adopted at the Council meeting so this is the position of the Council.

*Question 3 – How many community forums does council plan to hold in 2024?*

Response – Trevor Ierino, Chief Executive Officer

We are proposing four community forums in the lead up to the development of the next Council plan and community vision. Dates will be announced in time.

Annie Turnball

With the reality of Climate Change bearing down upon us, I feel heavily the weight of responsibility to leave our planet habitable and thriving for the generations to come.

To this end, I congratulate the far-sightedness of previous Indigo Shire Council entities like the Indigo Environment Advisory Committee and the 2013 document “A Good Life, A Guide to Living Lightly”, which touched on the topic of my question today.

I congratulate Indigo Shire Council for being one of the first cities in Australia to recognise the urgency of the situation we are in by declaring a Climate Emergency in 2019

**But we need to go further and faster.**

The latest assessment by the Intergovernmental Panel on Climate Change (IPCC) stresses the necessity of reducing methane to prevent a 1.5°C temperature rise.

It said even if we cease fossil fuel use today, staying below 1.5 degrees global warming is unattainable due to methane's impact.

Methane, a shorter-lived gas with far greater warming potential in the short term, is a powerful lever to slow down climate change.

Agriculture contributes to 58% of Australia's methane emissions, almost all of which is from the farming of ruminant animals, which demands immediate attention.

Despite Australia's emission reduction targets, governments and councils consistently overlook the impact of our food system.

Put simply, our continued emphasis on animal agriculture for food is inconsistent with our sustainability and emission reduction goals

I advocate that Indigo Shire endorses [the Plant Based Treaty](#) to ensure we reach our targets for emission reduction and to secure a healthy environment for present and future generations

The Plant Based Treaty is based on three principles.

That there is :

- No further ecosystem degradation for animal agriculture,
- An active move towards more plant-based food systems
- Restoration of key ecosystems, forests and rewilding landscapes.

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Indigo Shire is in an enviable geographical location for food production. Projections show that rainfall will be maintained into the future, securing our status as a food crop centre for Victoria and Australia for the foreseeable future. Indigo Shire also has the potential to be a leading example of food system sustainability

The IPCC says that the best diet to combat climate change is a plant based diet.

However, there's a significant gap in public education about the environmental impact of our food choices. This knowledge gap is evident in school, community and council events, where beef and pork sausages are served, and attendees are largely unaware that plant-based alternatives require 75% less water, 93% less land, and produce 87% fewer emissions.

Disseminating these facts is crucial for informed decision-making among our citizens. In the Climate Action Plan, Indigo Shire Council recognises its part in “supporting the community to reduce their contribution to climate change, through leadership, partnership, education and action.” However, the role of diet is a crucial aspect that has been largely overlooked and needs to be addressed.

*Question 1 - Will Indigo Shire Council consider and endorse The Plant Based Treaty?*

*– Will Indigo Shire Council enhance its Climate Action Plan, by aligning itself with 27 global cities, including Belfast, Amsterdam, Edinburgh, and Los Angeles, and endorsing the Plant-Based Treaty? Moreover, will it follow the lead of 28 Australian city councillors who have already endorsed the Treaty ?*

*Question 2 - In order to make an informed decision, will Council allocate a time in the near future to view a presentation about The Plant Based Treaty ?*

Response to both questions – Trevor Ierino, Chief Executive Officer

There are so many ways we can respond to environmental issues that we need to be strategic on what we focus on, I suggest that these questions be referred to Council’s Environment Advisory Committee to provide advice on the direction Council should take and help us prioritise our approach.

Charles Mitchell

Preamble: The recent 2023-24 Council Budgets Summary report by Local Government Victoria (LGV) noted that service charge schemes are ostensibly being used to (part) fund general public services, similar to that collected by Indigo Shire Council’s EMC, as identified by the Ombudsman in April 2019. LGV also noted that while technically permissible, it is an inappropriate use of service charges and is being done intentionally to circumvent the State Government’s rate cap. Given the imminent tabling of the draft 2024/25 budget in May 2025, Council should be well aware of the expected incurred funds to be covered by General rates in 2024/25, rather than the EMC.

*Question 1: Given the CEO's commitment to comply with the Minister for Local Government's guidelines and commitment to improve financial transparency, as identified in the Ombudsman's 2018 letter, can the council provide an approximate estimate of the reallocation of funds from the Environmental Management Contribution (EMC) to General Rates?*

Response: Trevor Ierino, Chief Executive Officer

Similar to previous question on the budget, this will come to the Council meeting on 14 May 2024 and will address the issue of EMC and Ministerial best practice guidelines and how Council proposes to describe a path to compliance with those guidelines.

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Question 2 – *Can Council provide a status update on the Kiewa Tangambalanga men's shed, the lease expires at the end of this month?*

Response: Sally Rice, Director Community & Economic Development

Council Officers and representatives from the Kiewa – Tangambalanga Mens Shed continue to work closely together. They are working on finding a safe and secure place for the storage of the Men's Shed materials and equipment to allow the current project to develop and activate the Kiewa River Community Park to be completed on time.

Question 3 - *Cr Gaffney stated at the last meeting that Lake Sambell is over "27.19 hectares..., it's a really big lake."? No street was identified, and no map was provided in the Public notice newspaper advertisement. The advert did not identify the actual location as required under the Planning and Environment Act, Cl 52(1). Will Council be readvertising the Public Notice for the Planning Permit for the Lake Sambell floating Sauna?*

Response: Greg Pinkerton, Director Planning & Corporate Services

Council follows the prescribed format when we undertake planning advertising. In this case we have reviewed it, the ad does describe the location and we are satisfied that it is compliance and there is no need to re-advertise.

### 6. COMMUNITY AND COUNCIL ACHIEVEMENTS

- Cr Teissl raised the Off-Grid Living Festival (hosted by Chiltern) approximately 9,000 attend. A very successful event.
- Cr Shephard raised various events in Beechworth lately such as the Golden Horseshoes Festival, School Holidays, Granite Classic, – congratulations to the community and Council on managing these events. Community gatherings in Stanley and Barnawartha to review resilience planning were very well attended– congratulations to the Community for progressing this work.

### 7. CONDOLENCES

- Cr Horne acknowledged the passing of Rutherglen community member Mrs Diane Boyd, in a vehicle accident in Main Street Rutherglen on 27 March 2024. Condolences to husband Alan, sons Lyle and Hayden, other family members and all those who knew and loved her.
- The Mayor recognised the events at Bondi – the friends, family, first responders and bystanders to these events.

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

#### RESOLUTION

That the following Minutes be confirmed:

1. Minutes of the Council Meeting held on 26 March 2024, as published on Council's website;  
and
2. Confidential Minutes of the Council Meeting held on 26 March 2024, as provided to  
Councillors under separate cover.

**Moved: Cr Croucher**

**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 reports

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### 10. PETITIONS

Nil reports

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### 11. PLANNING & CORPORATE SERVICES

#### 11.1 MARCH FINANCE REPORT

File No: 2024/270

Sharon Phillips - Acting Manager Finance

Planning & Corporate Services

**For Information**

#### **RECOMMENDATION**

That Council accepts the YTD March Finance Report noting the progress against Council's quarter 2 forecast.

#### **RESOLUTION**

That Council accepts the YTD March Finance Report noting the progress against Council's quarter 2 forecast.

**Moved: Cr Gaffney**

**Seconded: Cr Croucher**

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

**Against:** Nil

**CARRIED**

#### PURPOSE OF REPORT

This finance report covers the year to date position for the first nine months of the 2023/24 financial year.

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

#### BACKGROUND

Council reports financial and capital works performance each month. Every quarter this report is expanded to add more financial detail. The year to date figures contained within this report shows Council's YTD March position against the adopted Quarter 2 forecast, and provides an indication of Council's financial performance at this stage of the 2023/24 financial year.

#### DISCUSSION

##### **YTD Financial Position**

This is a major report for the 2023/24 financial year which provides Council the following reports and its financial position as at 31 March 2024 including comparison to Q2 forecast with regards to:

- Income Statement
- Treasury (cash management)
- Balance Sheet
- Borrowings Table
- Capital Works

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The reported position to date is an overall net deficit of \$853k compared to a Q2 forecast of \$629k deficit. This is \$224k unfavourable to the year to date (YTD) Q2 forecast with the explanations of this favourability shown from Notes 1 through to 30.

Notes 1 to 5 relates to the Income Statement (following) and detailed variances of +/- \$50k to the adopted YTD Quarter 2 forecast. Notes 6 to 28 (attached) show variances for individual services and explain variances of +/- \$10k.

In summary, there are a number of favourable and unfavourable variances are seen in individual account lines and service areas, however the primary reason for the overall \$224k deficit is \$237k of unbudgeted expenditure to repair storm damage at various locations across the shire. The cost of doing this work will be reimbursed by the state government and this temporary unfavourable position is a result of that timing variance.

March 2024 - Income Statement								
Year to Date ( YTD )								
Account Group	Note	YTD Actuals	YTD Quarter 2 Forecast	YTD variance \$	YTD variance %	2023/24 Annual Budget	2023/24 Quarter 2 Forecast	2022-2023 YTD Actuals
<b>Income</b>								
Contributions - developer		67,000	67,000	0	0%	31,213	80,321	23,500
Contributions - operating		126,974	127,090	(116)	(0%)	37,083	128,608	51,302
Operating grants	1	3,237,559	3,062,542	175,017	6%	7,067,189	5,098,746	3,860,268
Interest income		414,838	415,112	(274)	(0%)	590,200	547,216	307,894
Other revenue		1,690,582	1,683,458	7,125	0%	2,463,677	2,512,918	1,506,125
Rates & charges		19,710,966	19,711,060	(94)	(0%)	19,710,441	19,749,353	18,793,374
Reimbursements		129,291	113,300	15,991	14%	71,916	137,246	270,095
Statutory fees & fines		905,255	857,732	47,523	6%	1,312,326	1,261,511	790,274
User charges		2,344,527	2,343,359	1,168	0%	4,545,841	3,554,949	3,144,255
<b>Total income</b>		<b>28,626,993</b>	<b>28,380,653</b>	<b>246,340</b>	<b>1%</b>	<b>35,829,886</b>	<b>33,070,868</b>	<b>28,747,088</b>
<b>Expense</b>								
Borrowing costs		25,805	25,400	(404)	(2%)	31,079	31,769	38,170
Contract payments	2	6,575,863	6,232,462	(343,401)	(6%)	7,399,223	10,122,013	4,991,987
Depreciation		5,219,318	5,211,628	(7,690)	(0%)	7,579,686	6,953,280	5,713,847
Employee costs	3	10,233,037	10,446,493	213,456	2%	14,602,772	14,605,442	9,548,512
Materials & consumables	4	4,049,217	3,840,890	(208,327)	(5%)	5,491,840	5,120,858	4,282,050
Other expenses	5	2,970,393	2,852,315	(118,077)	(4%)	3,271,032	3,614,946	2,752,015
Utilities		406,395	400,183	(6,212)	(2%)	623,060	567,266	387,331
<b>Total expense</b>		<b>29,480,027</b>	<b>29,009,371</b>	<b>(470,656)</b>	<b>(2%)</b>	<b>38,998,692</b>	<b>41,015,574</b>	<b>27,713,912</b>
<b>Surplus / (deficit)*</b>		<b>(853,034)</b>	<b>(628,718)</b>	<b>(224,316)</b>	<b>(36%)</b>	<b>(3,168,806)</b>	<b>(7,944,706)</b>	<b>1,033,176</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								

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NOTE NO.	Explanation - Income
1	<p><b>Operating Grants</b></p> <p>YTD favourable variance of <b>\$175k</b> is a combination of;</p> <ul style="list-style-type: none"> <li>• <b>\$65k</b> – State Library funding to be transferred to Capital Works for the purchase or book stock</li> <li>• <b>\$60k</b> – Customer Experience – Additional unbudgeted funding for the COVID RATS Program – matched by expenditure</li> <li>• <b>\$20k</b> - Youth Services unbudgeted funding for the 'lengage' program</li> <li>• <b>\$15k</b> – Environmental Health Services – additional funding for the Mosquito Monitoring project</li> <li>• <b>\$15k</b> – Other minor grants across different service areas</li> </ul>
	<b>Explanation - Expenditure</b>
2	<p><b>Contract payments</b></p> <p>YTD unfavourable variance of <b>\$343k</b> is due to:</p> <ul style="list-style-type: none"> <li>• <b>\$237k</b> relating to the January Natural Disaster Floor event, with the costs to be recovered when complete this creates a temporary timing variance for Council that is unbudgeted</li> <li>• <b>\$32k</b> – Timing compared to forecast of Bogong Group Bushfire Resilience Solar project</li> <li>• <b>\$32k</b> – Grant funded expenditure for the Heritage Assessment Study</li> <li>• <b>\$23k</b> – in Building Control Services for the provision of contract staff</li> <li>• <b>\$13k</b> additional costs for online training</li> <li>• <b>\$6k</b> – other minor costs</li> </ul>
3	<p><b>Employee costs</b></p> <p>YTD favourable variance of <b>\$213k</b> is due to staff vacancies which is expected to reduce as we continue to fill these roles</p>
4	<p><b>Materials &amp; Consumables</b></p> <p>YTD unfavourable variance of <b>\$208k</b> is due to;</p> <ul style="list-style-type: none"> <li>• <b>\$66k</b> – Unbudgeted costs related to the COVID Rats Program which is fully funded and should be read in conjunction with the grant income above</li> <li>• <b>\$56k</b> – additional expenditure across Information Technology (IT) due to increase in licensing costs</li> <li>• <b>\$19k</b> - Plant and equipment running costs</li> <li>• <b>\$16.5k</b> – unbudgeted costs in People &amp; Culture for employee training and wellbeing &amp; insurance costs in Risk Management</li> <li>• <b>\$8k</b> - Grant funded expenditure for the Heritage Assessment Study</li> <li>• <b>\$42k</b> – all related to timing of expenditure when compared to forecast. This is across multiple areas and insignificant if reported separately but combined note worthy</li> </ul>

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<b>5</b>	<p><b>Other expenses</b></p> <p>YTD unfavourable variance of <b>\$118k</b> consists of;</p> <ul style="list-style-type: none"> <li>• <b>\$67k</b> – of Internal and External plant hire costs Infrastructure Services relating to Roads &amp; Bridge maintenance, Tree services and Drainage</li> <li>• <b>\$29k</b> – Increased recruitment costs across the organisation as we advertise to fill the vacant positions</li> <li>• <b>\$24k</b> – Internal Audit Fees when compared to forecast</li> </ul>
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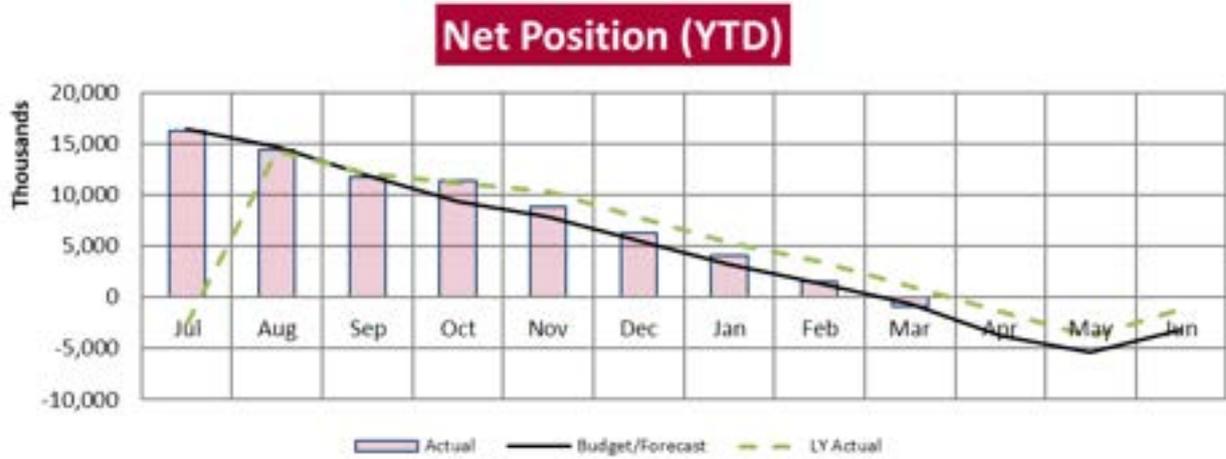
### Income (YTD)



### Expense (YTD)



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### Balance Sheet - 31 March 2024

#### Current Assets

Cash	1,143,055
Current Debtors/Receivables	8,615,301
Inventories	377,756
Investments	4,552,322
Other Current Assets	572
<b>Total Current Assets</b>	<b>14,689,005</b>

#### Non Current Assets

Non Current Debtors/Receivables	13,400
Property Plant & Equipment	13,440,692
Land & Buildings	99,744,469
Roads, Bridges & Culverts	187,426,954
Works in Progress	7,126,514
<b>Total Non Current Assets</b>	<b>307,752,029</b>

<b>Total Assets</b>	<b>322,441,035</b>
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#### Current Liabilities

Borrowings - Current	(104,425)
Creditors	(2,926,365)
Provisions - Current	(2,752,664)
Trust Deposits	(247,585)
<b>Total Current Liabilities</b>	<b>(6,031,039)</b>

#### Non Current Liabilities

Borrowings - Non Current	(1,004,570)
Provisions - Non Current	(5,029,635)
Trust Deposits	(308,616)
<b>Total Non Current Liabilities</b>	<b>(6,342,822)</b>

<b>Total Liabilities</b>	<b>(12,373,861)</b>
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<b>Net Assets</b>	<b>310,067,174</b>
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#### Equity

Accumulated Surplus	(153,746,138)
Reserves	(156,321,036)
<b>Total Equity</b>	<b>(310,067,174)</b>

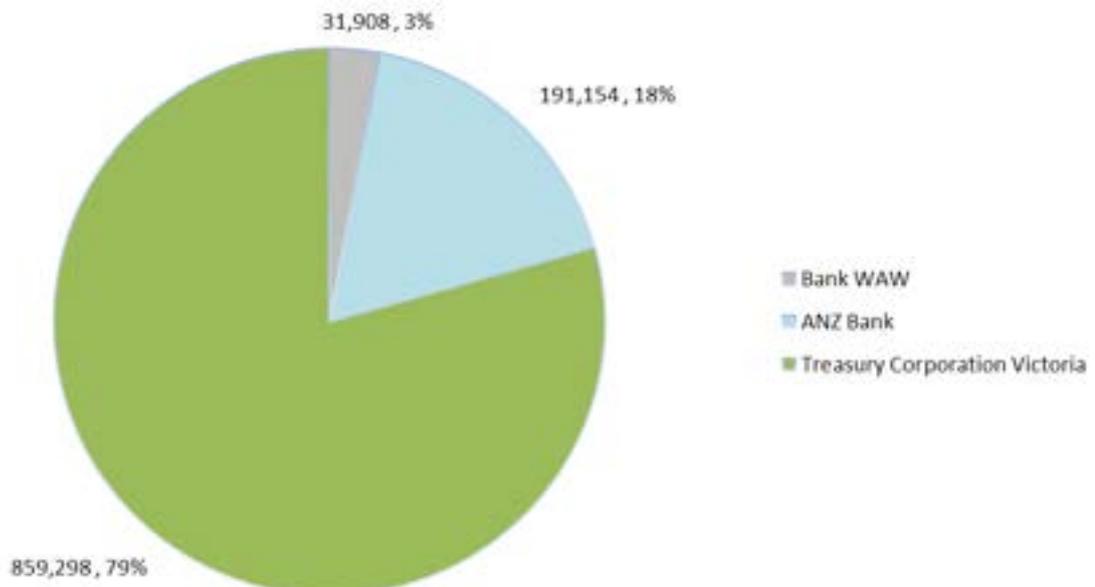
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### BORROWINGS

Below is a summary of all Council’s borrowings. The table shows original loans borrowed, term of loans, rates and maturity with outstanding balances at the end of March 2024 of \$1,082,360

<b>Indigo Shire Council - Borrowing Report as at 31 March 2024</b>						
<b>Bank</b>	<b>Term - Years</b>	<b>Rate %</b>	<b>Date of Maturity</b>	<b>Original loan amount</b>		<b>Balance owed</b>
WAW	10	5.25	28/06/2024	1,000,000		31,908
ANZ	10	3.78	29/04/2025	1,500,000		191,154
TCV	10	2.08	27/06/2032	1,000,000		859,298
<b>Total of All Borrowings</b>				<b>3,500,000</b>		<b>1,082,360</b>

**Borrowings as at 31 March 2024**



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### Treasury

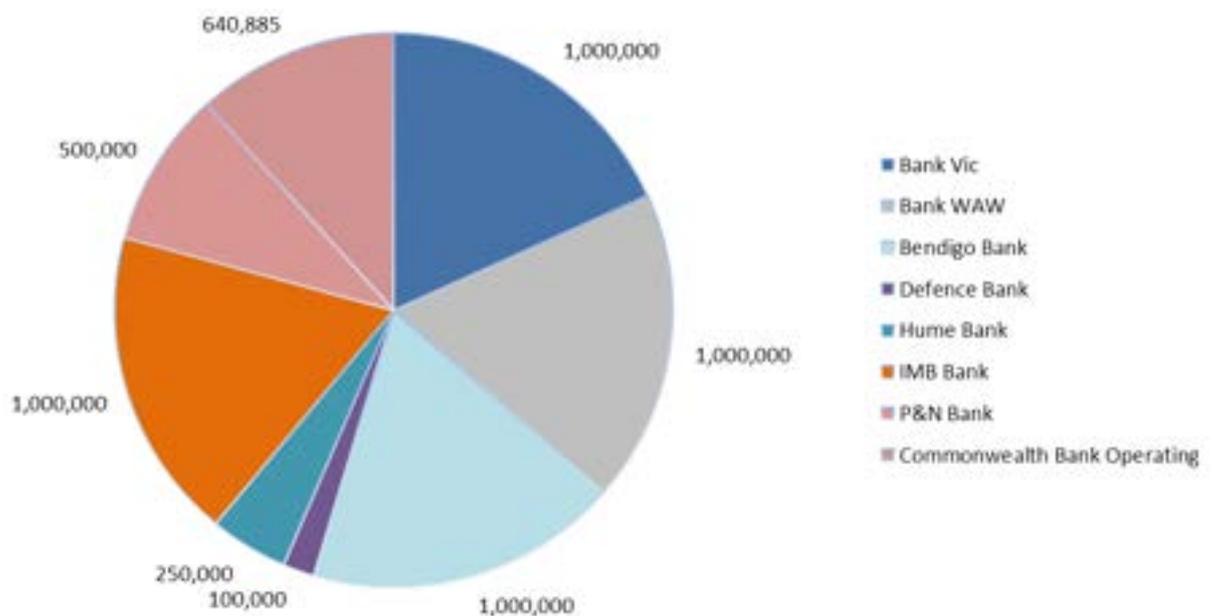
#### Cash Position

Council's Cash and investment holdings total \$5.49m as of 31 arch 2024

Cash at Bank	640,885
Term deposit under 90 days	4,850,000
Term deposit over 90 days	-
<b>Total</b>	<b>5,490,885</b>

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

**Cash & Investments as at 31 March 2024**



### **Capital Works**

The combined YTD project expenditure as at the end of March 2024, across both the Capital Works and Non ISC asset project areas totals \$8,294,918m This total is comprised of \$7,139,108 in capital projects and \$1,155,810 against Non ISC assets. This represents 61.1% of the capital works budgeted program

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<b>Summary Capital Works Income &amp; Expenditure</b>			
<b>As at 31 March 2024</b>			
	<b>Income</b>	<b>Expenditure</b>	<b>Adopted Capital Quarter 2 Forecast 2023-24</b>
Property			
Land	-	-	5000
Land improvements	-	-	50000
<b>Total land</b>	<b>-</b>	<b>-</b>	<b>55,000</b>
Buildings	533,753	638,199	643,147
Heritage buildings	79	552,787	845,513
<b>Total buildings</b>	<b>612,863</b>	<b>1,190,986</b>	<b>1,488,660</b>
<b>Total property</b>	<b>612,863</b>	<b>1,190,986</b>	<b>1,543,660</b>
<b>Plant and equipment</b>			
Plant, machinery and equipment	79,146	693,968	925,589
Fixtures, fittings and furniture		60,783	139,925
Computers and telecommunications		83,276	415,000
Library books	7,448	47,849	87,000
<b>Total plant and equipment</b>	<b>86,594</b>	<b>885,876</b>	<b>1,567,514</b>
<b>Infrastructure</b>			
Roads	698,067	1,681,041	2,567,471
Bridges		118,262	273,180
Footpaths and cycleways	209,782	1,871,046	2,659,097
Drainage	-	258,621	535,537
Recreational, leisure and community facilities	847,069	984,564	2,302,436
Parks, open space and streetscapes	64,483	148,712	233,826
<b>Total infrastructure</b>	<b>1,819,401</b>	<b>5,062,246</b>	<b>8,571,547</b>
<b>Total Capital Works</b>	<b>2,518,858</b>	<b>7,139,108</b>	<b>11,682,721</b>
<b>Summary NON ISC Income &amp; Expenditure</b>			
<b>As at 31 March 2024</b>			
	<b>Income</b>	<b>Expenditure</b>	<b>Adopted Capital Quarter 2 Forecast 2023-24</b>
Kergunyah Hall	285,173	377,988	350,000
Kiewa Memorial Park		7,537	-
Chiltern Recreation Reserve	2,500	75	75
Butson Park Football oval		201	201
Barnawartha Netball/Tennis Courts	424,509	703,111	719,698
Yackandandah Golf Club Facility	223,285	17,369	20,000
Carlyle Drainagne Works			45,000
Barnawartha Cricket Nets	15,000	43,688	45,000
Barkly Park Upgrade Female Change Room		5,839	10,000
<b>Total Projects</b>	<b>950,467</b>	<b>1,155,808</b>	<b>1,189,974</b>
<b>Total NON ISC Owned Assets</b>	<b>950,467</b>	<b>1,155,808</b>	<b>1,189,974</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.

## COUNCIL MEETING MINUTES - 23 APRIL 2024

### STRATEGIC CONTEXT

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

Not applicable.

### 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.

## COUNCIL MEETING MINUTES - 23 APRIL 2024

### RISK & OPPORTUNITY MANAGEMENT

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

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

### COMMUNITY ENGAGEMENT

#### **Engagement undertaken**

Nil

#### **Engagement outcomes**

Nil

#### **Engagement proposed**

Nil

### CONCLUSION

In summary, at the end of March the bottom line financial position is unfavourable to the Quarter 2 forecast by \$224k. There are a number of favourable and unfavourable variances are seen in individual account lines and service areas, however the primary reason for the overall deficit is \$237k of unbudgeted expenditure to repair storm damage at various locations across the shire. The cost of doing this work will be reimbursed by the state government and this temporary unfavourable position is a result of that timing variance.

### DECLARATION OF CONFLICT OF INTEREST

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

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

#### **Attachments**

1.  Service Plan Statement - March 2024
2.  March Exception report

## COUNCIL MEETING MINUTES - 23 APRIL 2024

### 11.2 DRAFT REVENUE AND RATING STRATEGY

File No: 2024/266

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

For Decision

#### RECOMMENDATION

That Council;

1. Thanks the community for its input into the revenue and rating survey;
2. Thanks the community working group for its careful consideration and active participation; and
3. Endorses the attached *Draft Revenue and Rating Strategy (2024)* for the purpose of public exhibition until 28 June 2024.

#### MOTION

That Council defers the motion to allow for consideration a dynamic differential model.

**Moved: Cr Horne**

**Seconded: nil**

**LAPSED**

#### RESOLUTION

That Council:

1. Thanks the community for its input into the revenue and rating survey;
2. Thanks the community working group for its careful consideration and active participation; and
3. Endorses the attached *Draft Revenue and Rating Strategy (2024)* for the purpose of public exhibition until 28 June 2024.

**Moved: Cr Shephard**

**Seconded: Cr Gaffney**

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

**Against:** Nil

**CARRIED**

## COUNCIL MEETING MINUTES - 23 APRIL 2024

### PURPOSE OF REPORT

The purpose of this report is to present the attached *Draft Revenue and Rating Strategy (2024)* for public exhibition.

### BACKGROUND

Council's Revenue and rating Strategy is due for a refresh and work has been done previously to gather the community input, and consider options through a community working group. The result of this work is the attached draft that is ready to proceed to community exhibition before returning to Council for adoption.

### DISCUSSION

In producing the attached draft document, Council's management has considered a number of stakeholder inputs including the deliberations of a community working group that considered Council's Revenue and rating Strategy and Hardship Policy, as well as reviewing the results of a community survey that provided guidance on community perspectives on these documents.

In addition to the community consultation, the project also considered State Government guidelines, better practice and legislative changes, including the Victorian Government's 2020 Rating Review as well as the Local Government Legislation Amendment (Rating and Other Matters) Bill 2022.

In regard to waste charges, the attached draft considers the *Local Government Service Rates and Charges, Minister's Good Practice Guidelines for their use (December 2023)* as well as the subsequent clarification letter from The Hon. Melissa Horne MP, Minister for Local Government (March 2024).

A community working group reviewed a number of different options and rates settings. This included looking at all of the differential categories, the property descriptions and percentages, as well as a number of other variables such as the Municipal Charge. The result of this intensive work was the conclusion that the majority of Council's rates settings are still considered to be appropriate and should continue. There were, however, a couple of changes to the strategy that the working group felt was worthy of suggesting to Council. The community working group summarised their work in a number of statements that are attached to this report.

The discussions of the working group centred around the rating differential categories and percentages. For reference, the current rating strategy has the following differential categories and percentages.

General	100%
Residential vacant	200%
Rural 1 – 40 ha or greater	75%
Rural 2 – 2 ha or greater, but less than 40 ha	90%
Commercial / Industrial	135%

As a result of the consultation, benchmarking, and review of state government guidance there have been a number of changes proposed in the attached Draft Revenue and Rating Strategy. The remainder of this section focusses on the proposed changes and key points in implementing the changes.

## COUNCIL MEETING MINUTES - 23 APRIL 2024

### **Increase to the size of the Rural 1 differential category from 40 ha to 50 ha**

One of the outcomes of the community working group is the recommendation to increase the size of property that qualifies automatically for the “Rural 1” differential. Currently this is set at 40 ha and aligns with the ‘dwelling as a right’ property size used in land use planning. At the core of these two reference sources (in the Rating Strategy and the Planning Scheme) is the fundamental question of “What characteristics indicate that a property should be treated as a farm?”.

The reference group suggested that the current setting of 40 ha did not guarantee that a property was a farm, and that there are many properties that are 40 ha that are not used for primary production. This seems to be supported by a large number of planning applications to divide larger farms into 40 ha lots that are then used for ‘rural living’ rather than productive farming practices.

The working suggested that the proliferation of rural blocks that were only slightly above the 40 ha minimum (and being used for rural living) should not benefit from an automatic categorisation as a farm. Several alternatives were discussed (including doubling the automatic qualification from 40 ha to 80 ha) with the group settling on a recommendation of increasing it to 50 ha.

The Strategy contains a recognition that ‘single farming enterprises’ (farms that are made up of multiple smaller parcels) that exceed the proposed Rural 1 threshold of 50 HA would automatically receive the Rural 1 differential and not need to validate their farming credentials for any conjoined parcels under 50 HA.

The working group discussion indicated that there is likely to be a community appetite to further increase this threshold in the future. Council Management agrees that this is an area that should be re-checked at each rating strategy refresh.

Management is supportive of this recommendation and has made this change in the attached draft strategy. There are some important considerations in making this change that give confidence in making this recommendation:

1. The “validation of farming” (detailed below) is an important safety net for farming properties between 40 ha and 50 ha that may be impacted by this change. This provides confidence to increase the Rural 1 property size without concern for primary producers.
2. The transition arrangements for properties that are in between 40 ha and 50 ha (and that do not meet the criteria for “validation of farming”) are important. The re-categorising of these properties from Rural 1 to Rural 2 will result in an increase of their variable rates by 20%. It is therefore important to ensure that adequate notice is given and that there is ample opportunity for property owners to apply for the primary production rate.

The final consideration in this topic is the possible anomaly of a property that is greater than 50 ha that is not being used for primary production (e.g. a 60 ha lifestyle property). It is acknowledged that this is a possibility that would be in contrast to the intent of the Rural 1 category, however;

1. It is suggested that this would be an exception to the rule due to the size of the property and the impracticalities of maintaining a large rural property without engaging in some form of farming practice, and;

## COUNCIL MEETING MINUTES - 23 APRIL 2024

2. As rural property size grows, so too does the service-level argument (i.e. people who live in remote areas do not benefit from Council services in the same way as others). Whilst this argument has been considered and dismissed for smaller properties, large properties have a more arguable case. Therefore, the inclusion of properties larger than 50 ha into the Rural 1 differential has some additional arguments.
3. Council strongly supports farming and is concerned with the preservation of large properties that are viable farms. The inclusion of a large property into the Rural 1 differential is an incentive for property owners to keep property sizes large, even if they are not currently being used for primary production.

### Validation of farming

In parallel to the recommendation to increase the automatic Rural 1 categorisation from 40 ha to 50 ha is consideration of rural properties (smaller than 50 ha) that are genuine primary producers (distinct from rural lifestyle blocks). With the favourable farming conditions that exist in some parts of the shire it is entirely possible for a farm to be viable on a footprint that is under 50 ha. The principle of horizontal equity prompts consideration about whether a mechanism should be introduced to recognise genuine farms that are smaller than 50 ha, and include them in the Rural 1 differential.

The community working group supported this with the recommendation to *“Allow the farming rate for properties that are above 2 ha that can demonstrate that the primary purpose of the property is farming”*. At the conclusion of the working group the criteria for doing this was not clear, however the principle was clean and the working group set the challenge for Council to investigate this and assess if it was viable.

The attached strategy proposes that the mechanism for assessing farming properties less than 50 ha as;

1. Properties greater than 2 ha, and;
2. Categorised by the Valuer General’s office as being a farm (through the use of the AVPCC codes), and;
3. Used mainly for the purposes of primary production, and;
4. Operated by an entity that has been assessed by the Australian Taxation Office as being a primary producer.

Each of these will now be explained in more detail.

First: Properties that are greater than 2 ha.

It is assumed as part of this strategy that farming is not viable on lots that are smaller than 2 ha. Whilst this property size threshold is somewhat arbitrary, it does align with other councils rating strategies, and was supported by the community working group.

Properties greater than 50 ha will be automatically captured under the rules for Rural 1 and therefore the ‘validation of farming’ inclusion in the attached strategy relates only to properties from 2 ha to 50 ha.

Second, the property is categorised by the Valuer General’s office as being a farm.

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The Valuer General's Office manages the annual property valuations for Victorian councils and this involves the allocation of a property code that describes the type of property. These codes are known as AVPCC codes and this classification includes several versions of farming.

The designation of these codes is determined by guidelines from the Valuer General and this is assessed independently of council. It is therefore appropriate to use these codes as one of the criteria for deciding if a property is a genuine farming enterprise.

Third, the property is being mainly used for primary production.

This criteria has been included to ensure that the main use of the property is farming. It is possible that a property may meet the other criteria but be used mainly for an alternative use (such as a wedding venue). The attached strategy does not consider that this sort of business is appropriate for the Rural 1 differential and therefore it is appropriate to include a way of excluding these property types (despite it meeting the other criteria).

Finally, the property is operated by an entity that has been assessed by the ATO and being a primary producer.

The ATO has significant experience in determining if an entity is engaged in primary production.

The ATO website provides the following summary:

*A primary producer is an individual, trust or company carrying on a primary production business, alone or in partnership. You are a primary producer if you carry on a business undertaking:*

- *plant or animal cultivation (or both)*
- *fishing or pearling (or both)*
- *tree farming or felling (or both)*

*You need to consider various indicators before you decide if an activity is a business of primary production. Taxation Ruling TR 97/11 Income tax: am I carrying on a business of primary production? gives a comprehensive explanation of the relevant indicators together with examples of the application of the indicators.*

*You are not operating a business if the activity is better described as a hobby, a form of recreation or a sporting activity.*

To further expand on this the ATO had published a Taxation Ruling (TR 97/11) to assist with understanding the rule. A copy of this ruling is attached.

In deciding if a property meets the ATO ruling the following evidence will be considered appropriate;

- an ATO Private Ruling against the TR 97/11 criteria, or;
- An accountant's statement confirming compliance with this ATO ruling, or;
- A statutory declaration saying that the operation is treated by the ATO as a primary producer, or;
- A copy of a taxation return showing the ATO acceptance of primary producer status.

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Because this rule applies to the operation of the land (rather than the land description) it is appropriate to review the rating differential following a transfer of land (through sale or other means of transfer). Therefore, the attached strategy contains a review point following any transfer of ownership. To allow for appropriate time to provide the required information (particularly the ATO criterion), this review includes a significant lead time before the differential category would be adjusted. The rates team would communicate with the new owner and make them aware that they now own a parcel of land that had previously been designated as a farming enterprise and will revert to a rural lifestyle differential unless they are able to verify the validity of their farming practices.

Council will allow for a minimum of three months for the new owner to demonstrate primary production status. If three months is not possible, or the timeframe is deemed by Council to be inadequate for the particular circumstances, then the rating differential will remain at the Rural 1 75%, and the decision will be held over to the following financial year.

### **Transition arrangements**

It is important to include some discussion about the transition arrangements for the changes proposed in this strategy. In order for council to have consistency of rates the transition must be appropriately handled. Retrospective application of primary production decisions would reduce council rates income and put service delivery at risk. Therefore, it is vital that any Rural 1 decision relating to small farms (2 ha to 50 ha) are finalised prior to the striking of the rates. Any assessments that happen later cannot then be applied in the current rates year without reducing Council's rates income – and therefore will be held until the following year.

The transition to the new rates strategy should be done with a long lead time to allow for small farms to be adequately notified, and give them time to complete the Rural 1 application process. For this reason, it is proposed that the new strategy be implemented from the 25/26 financial year.

In addition to the small farm change there are a number of current Rural 1 properties that will not meet the new >50 ha rule, and will transition to the Rural 2 differential. This will involve an increase of the differential rate from 75% to 90%. It is appropriate to allow for some transition time for these properties.

Between adoption of the strategy and its 2025/26 commencement Council will;

- Publicise the new strategy through its usual channels.
- Write to all ratepayers that will be impacted by the changes (properties between 40 ha and 50 ha) to explain the changes and provide information on the primary producer rules.

It is anticipated that the initial changes to the rural differential rules will prompt a large amount of administrative work to set up the first year. Following that, the workload will decrease.

At the time of this report being prepared there are 276 properties in the Rural 1 differential that are between 40 ha and 50 ha. These properties have a special interest in this proposed change and for some of these ratepayers their rates will increase as a result of this strategy. These properties will be sent a copy of this report and the draft strategy as part of the public exhibition.

### **State Government consideration of valuation averaging mechanism**

Whilst not part of this strategy update it is notable that the State Government is currently considering the introduction of a valuation averaging mechanism for council rates. The Discussion Paper for this proposal summarises the considerations in the following way:

## COUNCIL MEETING MINUTES - 23 APRIL 2024

*Local government rates in Victoria are based on the most recent property valuations undertaken by the Victorian Valuer-General. Valuations have been undertaken annually in Victoria since 2018. Every ratepayer receives their property's new valuation as part of their rate notice and the valuation may be appealed.*

*A recommendation of the 2020 Local Government Rating System Review was to consider the merits of a valuation averaging mechanism for local government rates. This was to address circumstances when a large movement in individual property values led to large changes in rates – making it difficult for some ratepayers to plan accordingly. An optional valuation averaging system for rates applies in Queensland.*

*The introduction of a range of different types of Valuation Averaging Mechanisms (VAM) into the Victorian rating system will not directly result in an equivalent change in rates and charges for all ratepayers, and many of the scenarios presented – all based on valuation and rating data from a deidentified Victorian council – will result in an increase in rates for many properties even when an averaged valuation of multiple years is lower than the current year. The impacts on rates of a VAM are highly diffused and would affect individual properties unevenly.*

*The levying of rates and charges with a VAM becomes highly complicated by councils levying rates via differential rates and/or a municipal charge (used by a majority of councils) as opposed to a simple uniform rate. Where councils alter the calculation of rates and charges through differential rates in the dollar and fixed charges, the effect of the VAM is further dissipated.*

*The complexities of a VAM are further increased by the requirement for supplementary valuations, along with the administrative complexities for councils and considerations for equity. Finally, the contents of a rate notice may become highly confusing for many ratepayers with the addition of a VAM which will apply to some, but not all of the rates, levies and charges currently displayed on a rate notice. To conclude, the potential benefits of a VAM are diffused and limited, whereas there are many complications and downsides. Moreover, the existing rating tools available to councils allow for targeted ways to address challenges resulting from large year to year movements in property values.*

If appropriately implemented and simple to use/understand this would be a step forward in the State Government's rating legislation and provide benefit to property owners experiencing rapid increases in property values (as has been seen in Indigo Shire in recent years). It is noted that the flip-side to this is that all other ratepayers would subsidise properties that were being managed under an averaging arrangement. This seems reasonable because:

1. The impact on the other ratepayers is likely to be small due to the relative number of total properties, and;
2. History shows that valuation jumps happen in all valuation classes over the course of time. Therefore, whilst some properties will be subsidising others impacted in some years, this will be repaid in other years when values shift in a different way.

### Options

There are many different permutations of the differential rating settings that can be adopted by a Council and the variances between Victorian Councils demonstrates that there is significant customisation of the rates to match local conditions and strategic directions.

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Some of the more likely options that Council may consider are;

- Retain the current rates settings (i.e. no change).
- Reject the suggestion of increasing the Rural 1 size to 50 ha and keep it at 40 ha. This keeps the status quo for farmers currently receiving the 75% differential. Alternatively, this transition could be phased over several years to spread the adjustment out. It is notable that a phased approach would be technically complex and may slightly increase Council's administrative cost during this phasing period.
- Reduce the Rural 2 differential to a lower percentage. The current 90% differential is more closely aligned to the general residential rate than the 75% Rural 1 rate. One option would be to lower this and provide greater benefit to large properties – and shift the cost toward other ratepayers (mainly general residents).
- Some other adjustment to the other differentials, Municipal Charge, etc.

### STRATEGIC CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	5. Accountability
Strategic Objective	5.1 Our financial management is sound, responsible and effective.
Strategic Action	5.1.1 Review Council's Revenue and Rating strategy

This action is part of the current Council Plan, and the adoption of this strategy will acquit this action.

### SOCIAL/COMMUNITY IMPLICATIONS

The setting of rates is an important part of Council's responsibilities and the method of distributing the rates across the different property types is a key consideration.

Council does not seek to use rates policy as a means of achieving social outcomes, and instead has based this work on the rating principles outlined in the state government's guidance, better practice and ministerial directions.

### ENVIRONMENTAL IMPLICATIONS

As part of the deliberations leading to this rating strategy the community working group and council staff considered options such as a reduced rate for Trust for Nature (TfN) properties (i.e. properties with legal controls in place to protect vegetation and allow the land to return to a natural state). It is recommended that no further subsidy be made for these properties because the valuation of these properties will be lower (due to the TfN controls) and therefore this market pricing mechanism will produce lower rates.

### FINANCIAL IMPLICATIONS

The distribution of the rates burden changes the relative weighting of the rates. In this way, and increase to one group of properties is balanced by increases to other properties. The total rates income to Council does not change.

The introduction of some of these changes – particularly the primary producer designation – will require administrative cost that is currently un-budgeted. This will be managed through Council's usual mechanisms.

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### LEGISLATIVE IMPLICATIONS

The recommendations made in this Rating Strategy update are in accordance with the Local Government Act rules as well as being aligned to the state government guidance on rating policy.

### RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
Adverse reaction to the changes proposed in this strategy update	Likely	Minor	Low	Explanation of reasons for changes, extensive community process

The most notable risk related to the adoption of the strategy is that of adverse community reaction from the ratepayers impacted by some of these changes (particularly the property owners in the 40 to 50 ha property size who are not able to prove primary producer status). For these rural residential ratepayers their differential will increase from 75% to 90% (a 20% increase in the variable component of their rates). This increase and is likely to be unwelcome by these ratepayers.

Council will communicate the reasons for this change and provide information and support for property owners who may meet the primary producer status.

The increase for these large rural lifestyle blocks will be offset by a benefit to all other ratepayers, however the value of this benefit will be small (because it is spread over thousands of properties).

### COMMUNITY ENGAGEMENT

#### **Engagement undertaken**

This strategy is the result of a significant amount of research as well as engagement with the community through;

- A community survey; and
- A community working group.

#### **Engagement outcomes**

The community survey received 71 responses and the attachments show the feedback received. This was used to inform the working group content.

The working group met regularly for several sessions and went through a number of aspects of the rating system. The group explored a number of relevant topics and discussed options for changes to the rating system. The group was engaged, and actively participated in the discussion. Councillors attended to observe the process and monitor the discussion.

The working group held a number of different views; however, a set of statements were produced that summarised the key outcomes and recommendations from this group. This outcomes statement is attached to the report and is an important consideration in the recommendations being made in this updated strategy.

## COUNCIL MEETING MINUTES - 23 APRIL 2024

### Engagement proposed

Subject to Council's endorsement at this meeting the draft will be placed on exhibition until Friday 28 June 2024. This will allow a time for the community to make any submissions. In addition, Council will write to all owners of properties in the Rural 1 differential category where the property size is between 40 ha and 50 ha. These property owners are particularly relevant to the proposed changes and some of these ratepayers will have an increase in rates under the new rating strategy.

Any submissions will then be reviewed and, if considered appropriate, changes will be made to the draft document before being brought back to Council for a final decision. It is proposed that the updated strategy would commence from the 2025/26 financial year – giving a full year for people to adjust and (where appropriate) make application for primary producer status.

### CONCLUSION

Any update to the revenue and rating settings that a Council uses is a challenging process. The very nature of the system means that one ratepayer's gain is a cost to another, and a balance must be struck between the competing needs.

Indigo Shire's rating settings are not dissimilar to other rural Councils and have served the Council well. The community survey and community working group did not uncover any burning issues or significant weaknesses with the current settings.

However, this process has uncovered some areas that could be improved to make the system fairer. The main changes being proposed in this update are;

- The ability for property owners (>2 ha) to apply for primary producer status and therefore have their rates calculated using the Rural 1 (75%) differential.
- The increase in the automatic Rural 1 designation from 40 ha to 50 ha. This places more properties into the 'rural living' group (at 90% differential) unless they are genuine farming operations.

Overall, these changes align with Council's principle of supporting farming, and the protection of viable farming land from inappropriate residential development.

The remainder of the strategy (vacant land, commercial, etc) was assessed and found to be appropriate.

The draft document will be placed on exhibition for 4 weeks before returning to Council for final consideration.

### DECLARATION OF CONFLICT OF INTEREST

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

- Greg Pinkerton - Director Planning and Corporate Services

### Attachments

1.  Draft Revenue and Rating Strategy (2024)
2.  Current Rating Strategy

## COUNCIL MEETING MINUTES - 23 APRIL 2024

3.  Working Group Outcome Statements
4.  ATO Taxation Ruling TR 97/11
5.  Survey Responses - Summary

## COUNCIL MEETING MINUTES - 23 APRIL 2024

### 11.3 DRAFT FINANCIAL HARDSHIP POLICY

File No: 2024/267

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

**For Decision**

#### **RECOMMENDATION**

That Council:

1. Thanks the community for its input into the Draft Hardship Policy;
2. Thanks the community working group for its careful consideration and active participation; and
3. Endorses the attached *Draft Hardship Policy (2024)* for the purpose of public exhibition until 28 June 2024.

#### **RESOLUTION**

That Council:

1. Thanks the community for its input into the Draft Hardship Policy;
2. Thanks the community working group for its careful consideration and active participation; and
3. Endorses the attached *Draft Hardship Policy (2024)* for the purpose of public exhibition until 28 June 2024.

**Moved: Cr Croucher**

**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 the attached *Draft Hardship Policy (2024)* for public exhibition.

#### BACKGROUND

Council's Hardship Policy is due for a refresh and work has been done previously to gather the community input, and consider options through a community working group. The result of this work is the attached draft that is ready to proceed to community exhibition before returning to Council for adoption.

#### DISCUSSION

In producing the attached draft document, Council's management has considered a number of stakeholder inputs including the deliberations of a community working group that considered Council's Revenue and rating Strategy and Hardship Policy, as well as reviewing the results of a community survey that provided guidance on community perspectives on these documents.

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In addition to the community consultation, the project also considered State Government guidelines, better practice and legislative changes.

A community working group reviewed the current Hardship Policy and had the following recommendation:

*The group reviewed the draft Hardship Policy and noted that the language is harsher than the approach that is currently taken by Council. The group recommends that the wording be updated to better reflect the way that interest waivers are performed.*

The attached draft document has been reviewed with this in mind and the language softened to better reflect the approach taken by Council.

In addition the draft has been updated to;

- Provide a better definition of hardship and financial hardship.
- Better explain the things that will be considered by Council when assessing applications.
- Clarify that Council prefers that an applicant seeking waivers of rates or interest seeks the assistance of a financial councillor or assistance service. This wording does not require this, however Council’s preference is expressed.
- General wording improvements and clearer policy statements to remove some duplication and confusion in the current policy.

### Options

Council has a number of options in regard to this policy.

- Keep the current policy. This is not recommended because the current policy is getting old and is not reflective of the current approach.
- Provide more supports and assistance than proposed in the draft policy. This is not recommended because the attached policy is similar to other Victorian councils and reflects a reasonable approach to hardship applications.
- Remove some supports or tighten the supports that are available. This is not recommended.

### STRATEGIC CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	5. Accountability
Strategic Objective	5.1 Our financial management is sound, responsible and effective.
Strategic Action	5.1.1 Review Council’s Revenue and Rating strategy

The Hardship Policy is often reviewed at the same time as the Revenue and Rating Strategy (a current Council Plan action). In addition to this default, the experience of Covid and current cost of living pressures adds further motivation for Council to refresh this strategy.

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### SOCIAL/COMMUNITY IMPLICATIONS

This policy is used regularly for ratepayers experiencing difficulty in paying rates. The use of payment plans in particular is a very common assistance that Council provides on a daily basis. This is an important part of supporting the community and helping people in need.

The higher-level supports such as interest deferrals and waivers are less common, but are used occasionally where appropriate and this can be an important assistance to ratepayers experiencing unusual financial pressures.

The highest level of support is the waiving of rates. This is very rarely requested and only applies in extreme circumstances. Despite its rare application, the existence of this safety net is an important policy position for Council to have.

### ENVIRONMENTAL IMPLICATIONS

Not applicable.

### FINANCIAL IMPLICATIONS

The adoption of this policy does not change Council's income or expenditure.

The use of this policy will reduce Council's income in some circumstances. The amount of lost income is small and the circumstances under which this happens are compelling. Therefore, the financial implications are considered to be small, and acceptable.

### LEGISLATIVE IMPLICATIONS

This policy complies with the Local Government Act requirements and relevant guidelines.

### RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
That this policy position does not adequately respond to a case of financial hardship, leading to further financial hardship to a ratepayer.	Unlikely	Insignificant	Low	The policy contains options to take applications to Council for decision. If a circumstance was to arise that is not anticipated by this policy a confidential report to Council would bypass the policy and allow for a bespoke solution to be applied.

There are limited risks applicable to the adoption of this policy.

## COUNCIL MEETING MINUTES - 23 APRIL 2024

### COMMUNITY ENGAGEMENT

#### **Engagement undertaken**

This policy is the result of a significant amount of research as well as engagement with the community though;

- A community survey, and;
- A community working group.

#### **Engagement outcomes**

The community survey received 71 responses and the attachments show the feedback received. This was used to inform the working group content.

The working group met regularly for several sessions and considered the Hardship Policy. The group was engaged, and actively participated in the discussion. Councillors attended to observe the process and monitor the discussion.

The working group made the following recommendation:

*The group reviewed the draft Hardship Policy and noted that the language is harsher than the approach that is currently taken by Council. The group recommends that the wording be updated to better reflect the way that interest waivers are performed.*

This has been done in the attached policy update.

#### **Engagement proposed**

The endorsed draft will be placed on exhibition until Friday 28 June 2024. Following this period the policy, with any updates arising from the exhibition period, will be brought back to Council for final consideration.

### CONCLUSION

The attached Draft Policy is a refresh and update from the current policy. It contains very little significant change to the current policy and instead concentrates on making the document clearer and more practical to apply.

### DECLARATION OF CONFLICT OF INTEREST

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

- Greg Pinkerton, Director Planning and Corporate Services.

#### **Attachments**

1.  Draft Financial Hardship Policy (2024)
2.  Current Financial Hardship Policy

## COUNCIL MEETING MINUTES - 23 APRIL 2024

### 11.4 PLANNING PERMIT APPLICATION PP23-0089 - 645 HELLHOLE CREEK ROAD, KERGUNYAH

File No: 2023/1102

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

#### For Decision

#### RECOMMENDATION

That Council issues a notice of decision to refuse planning permit application PP23-0089 for a 2 lot re-subdivision at 645 Hellhole Creek Road, Kergunyah on the following grounds:

1. The proposal is contrary to the purpose and decision guidelines of the Farming Zone;
2. The proposal is contrary to the Municipal Planning Strategy and Planning Policy Framework, in particular clauses:
  - a. 02-03-4 Natural resource management
  - b. 14.01-1S Protection of agricultural land
  - c. 14.01-1L-02 Subdivision in rural areas
  - d. 14.01-2S Sustainable agricultural land use
  - e. 14.01-2R Agricultural productivity – Hume;
3. The proposal is not supported by the decision guidelines at clause 65.01 and 65.02 of the *Indigo Planning Scheme*.

#### RESOLUTION

That Council issues a notice of decision to refuse planning permit application PP23-0089 for a 2 lot re-subdivision at 645 Hellhole Creek Road, Kergunyah on the following grounds:

1. The proposal is contrary to the purpose and decision guidelines of the Farming Zone;
2. The proposal is contrary to the Municipal Planning Strategy and Planning Policy Framework, in particular clauses:
  - a. 02-03-4 Natural resource management
  - b. 14.01-1S Protection of agricultural land
  - c. 14.01-1L-02 Subdivision in rural areas
  - d. 14.01-2S Sustainable agricultural land use
  - e. 14.01-2R Agricultural productivity – Hume;
3. The proposal is not supported by the decision guidelines at clause 65.01 and 65.02 of the *Indigo Planning Scheme*.

**Moved:** Cr Gold

**Seconded:** Cr Shephard

**For:** Crs Sue Gold, Roberta Horne, Sophie Price and Diane Shephard

**Against:** Crs Peter Croucher, Bernard Gaffney and Emmerick Teissl

**CARRIED**

## COUNCIL MEETING MINUTES - 23 APRIL 2024

### SUMMARY

<b>Application No:</b>	<b>PP23-0089</b>
<b>Subject Land:</b>	<b>645 Hellhole Creek Road, Kergunyah</b>
<b>Proposal:</b>	<b>2 lot re-subdivision of land</b>
<b>Recommendation:</b>	<b>Refusal in accordance with the Recommendation above.</b>

### BACKGROUND

Date application lodged:	25/5/2023
Purpose:	Seek approval to subdivide the land into 2 lots.
Subject site land area:	88.5ha
Current use of subject site:	Currently contains a single dwelling and associated outbuildings
Site constraints:	The site is heavily vegetated to the west and southwest. Additionally, this area is heavily undulating.
Surrounding land use:	The surrounding properties are primarily used for agricultural farming purposes.
Zoning of surrounding land:	The surrounding properties are located within the Farming Zone and the Public Conservation and Resource Zone.



The BMO cover a large part of the site and surrounds:



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The proposed reconfiguration of the land results in two lots of more than 40ha, and therefore an additional dwelling right.

**ZONING AND PLANNING CONTROLS**

Zoning: Farming Zone (FZ)  
 Overlay/s: Bushfire Management Overlay (BMO)

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### PERMIT TRIGGER:

Farming Zone:

Pursuant to clause 35.07-3, a permit is required for subdivision.

Bushfire Management Overlay:

Pursuant to clause 44.06-2, a permit is required to subdivide land.

### Planning and Environment Act 1987 - SECT 60

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

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

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

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

### MUNICIPAL PLANNING STRATEGY AND PLANNING POLICY FRAMEWORK

The 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 take into account 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.

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- 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.

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

- 02-03-3 Environmental risks and amenity
- 02-03-4 Natural resource management
- 11.01-1S Settlement
- 11.01-1R Settlement – Hume
- 11.03-6S Regional and local places
- 13.02-1S Bushfire Planning
- 13.02-1L Bushfire Planning
- 13.07-1S Land use compatibility
- 14.01-1S Protection of agricultural land
- 14.01-1L-02 Subdivision in rural areas
- 14.01-2S Sustainable agricultural land use
- 14.01-2R Agricultural productivity – Hume

### PARTICULAR PROVISIONS

53.02 Bushfire Planning

### GENERAL PROVISIONS

65.01 Approval of an application or plan

65.02 Approval of an application to subdivide land

66.03 Referral of application under state standard provisions

### REFERRAL AUTHORITIES

The application was referred to the CFA. The CFA formally responded on 14<sup>th</sup> March 2024, and has consented to the development without conditions, but highlighted a number of future issues with development of the site as the proposed Lot 2 would create an additional dwelling entitlement.

### PUBLIC NOTICE

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It is considered that the granting of a permit will not cause material detriment to any person therefore notice of the application was not undertaken.

### DISCUSSION

This application raises issues around agricultural use and appropriate bushfire management.

#### **Agricultural use**

The Farming Zone has the following purpose:

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

The case of *Estate of JE Walker v Wangaratta RCC [2021] VCAT 1257* is instructive in assessing applications such of these. The member found that the 40ha minimum lot size in the Farming Zone is only a pre-condition, and that any subdivision still needs to achieve the other objectives of the Farming Zone in order to be supported. In this case, the view of officers is that the subdivision does not achieve these objectives:

- The proposed re-subdivision creates an additional dwelling right, which results in a related increase in the value of the land. If an adjoining agricultural enterprise wished to expand by purchasing more land, this would be likely to make it uneconomic to do so.
- The proposed subdivision does not result in increased agricultural activity. While intensive agriculture is unlikely to be possible on this land, the limited returns possible from grazing agriculture weighs towards larger land holdings, not smaller ones.
- An additional dwelling, which could be built as of right, is likely to have amenity issues from agriculture in this area, which could potentially act as a constraint on agricultural expansion.
- No information has been provided regarding land management practises, existing or proposed.

Council's policy at clause 02-03-4 contains the following strategic directions:

- *Protect agricultural land for primary production and discourage incompatible uses and development in rural areas.*
- *Encourage land use consistent with sustainable rural land management.*
- *Avoid the fragmentation of productive agricultural land to ensure the productive capacity of land is maintained and to prevent land use conflicts.*
- *Discourage rural subdivision and dwellings for hobby farming and rural residential purposes in the Farming Zone.*

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- *Direct dwellings to the Rural Living Zone and the Rural Activity Zone in Rutherglen.*
- *Encourage consolidation of existing isolated small lots in the Farming Zone.*
- *Discourage development of isolated small lots in the Farming Zone for use for single dwellings, rural living, or other incompatible uses.*

The proposed development does not comply with these directions, and further fragments farming land.

The planning policy framework at clauses 14.01-1S and 14.01-1L-02 also highlight the importance of protecting agricultural land, and in particular states:

Discourage the subdivision of land in the Farming Zone, unless it:

- *Is necessary for genuine intensive agriculture or rural production.*
- *Is compatible with the existing average farm size in the locality.*
- *Facilitates agricultural use of the land.*
- *Incorporates boundary adjustments so that no extra lots are created.*
- *Is not to be used solely for the purposes of a dwelling.*

The proposal is not consistent with these requirements.

Finally, the decision guidelines of the FZ, while not specific to subdivision, highlight the importance of protecting agricultural land from inappropriate subdivision, potential amenity issues to and from dwellings and sustainable land management and agriculture. The proposal is not supported by these decision guidelines.

### Bushfire

The subject site is covered by the bushfire management overlay. The applicant has submitted the bushfire documentation required by the BMO, and the CFA has not raised any issues with these documents. Whilst the CFA has consented to the development they have raised issue with the future development of the proposed Lot 2.

A summary of the assessment against the requirements of clause 53.02 appears below. The relevant clause is 53.02-4:

Approved Measure	Assessment
AM 2.1	<p>Complies.</p> <p>The existing dwelling and the proposed building envelope are already located:</p> <ul style="list-style-type: none"> <li>• With the maximum separation distance from the defined “Forest” bushfire hazard</li> <li>• Accessible via emergency vehicles</li> <li>• Using existing cleared areas on the site</li> <li>• With the ability to provide defensible space as per requirements for the proposed BAL rating</li> </ul>

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	<ul style="list-style-type: none"> <li>• Located on the flattest section of the site</li> <li>• Connected via the existing road network and driveway.</li> <li>• A BAL rating of 12.5 has been applied to the site and the defensible space for this is already part of a managed garden setting for the existing dwelling lot A. A BAL 19 has been applied for the proposed new Lot B.</li> <li>• Residents should consider early planning and relocation to a neighbourhood safe place in the event of high fire danger days.</li> </ul>
AM 2.2	N/A, no buildings proposed
AM 2.3	N/A, no buildings proposed.
AM 3.1	N/A, no buildings proposed
AM 3.2	N/A, no buildings proposed.
AM 4.1	N/A, no buildings proposed
AM 4.2	N/A, no buildings proposed.
AM 5.1	<p>Complies.</p> <p>The proposed building envelope shown on the plans is capable of meeting the required defensible space setbacks in column B. Compliance with the bushfire management plan, which would be locked in by section 173 agreement, would require the dwelling to be constructed in this location, and comply with this requirement.</p>
AM 5.2	N/A, land is not residential or rural residential.
AM 5.3	N/A, no new lots proposed.
AM 5.4	<p>Complies.</p> <p>The proposal includes no public open space or landscaping, and has appropriate setbacks to nearby areas of public land to the west and south.</p>

Ultimately, the proposal could be made acceptable under the bushfire provisions, so this is not included amongst the ground for refusal.

Clause 65 contains overall decision guidelines:

### *65.01 Approval of an application or plan*

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

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

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

### 65.02 Approval of an application to subdivide land

*Before deciding on an application to subdivide land, the responsible authority must also consider, as appropriate:*

- *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.*

As the proposal is not consistent with the purpose and decision guidelines of the Farming Zone, the proposal is not supported by these decision guidelines.

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

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There are a number of cases in recent years that have some relevance to this particular application and in particular *Estate of JE Walker v Wangaratta RCC [2021] VCAT 1257*, as discussed earlier.

The key passages state:

33. To the extent that Mr Haydon urged me to place a high degree of strategic weight simply on each of the intended three new lots satisfying the ‘minimum of 40 hectares’ subdivision benchmark, I regard this approach as overly simplistic and misguided. Rather, I consider this ‘minimum of 40 hectares’ benchmark as more being in the nature of a condition-precedent to an owner even seeking approval to further subdivide her or his land. Even where this ‘minimum size’ benchmark is met, a proposed subdivision of land zoned Farming Zone still needs to establish that it would be an acceptable planning outcome in terms of the broader planning framework.

...

48. I endorse Council’s submission at the hearing that the situation of a lifestyle property running a few sheep or goats or the like does not constitute meaningful farming, so as to come within the scope of the word ‘productive’, where the Planning Scheme is promoting ‘productive farming’. Rather, I see running a few sheep/goats/chooks or the like as being in the nature of keeping such animals essentially to fulfil the role of family pets

49. Fourth, I see weight in Council’s submission that the proposal runs ‘against the grain’ of the common practical farming trend, where the one farmer can potentially carry out farming activities over multiple lots that are not contiguous. I accept that the proposal undermines this potential situation of a farmer generating a more sustainable farm income over a wider group of lots, by creating the situation where (if the proposal went ahead) each of the new lots may have a different owner, who may well want to independently utilise that lot him or herself. This would then remove that lot from the broader pool of lots which can be farmed on a ‘group basis’ in this general location. This in turn would have a negative impact on the Planning Scheme aim of land zoned Farming Zone being used for productive farming purposes.

...

52. It is common ground that if the proposal went ahead, a dwelling could be placed on each new lot on an ‘as-of-right basis, from a ‘planning system’ point of view. If the proposal went ahead, the likely resulting land speculation/pushing up of land prices on land zoned Farming Zone again is contrary to the aim of the productive farming use of the subject land. This is because of the risk that genuine farmers potentially interested in expanding their existing farm holdings are ‘priced out of the market’ by potential ‘lifestyle lot owners’. My findings on this issue mirror those of the Tribunal at [53] of *Gibson v Bass Coast SC (2015) VCAT 857*.

### CONCLUSION

The proposed re-subdivision of land is not acceptable under the Farming Zone and part of the Municipal Planning Strategy and Planning Policy Framework relating to agriculture, and should be refused on those grounds. Issues around bushfire could ultimately be resolved, and so these issues do not form part of the grounds of refusal.

### 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:

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- 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, Planning Coordinator

### **Attachments**

1. Planning Application (Confidential)
2.  Referral Response - CFA

## COUNCIL MEETING MINUTES - 23 APRIL 2024

### 12. COMMUNITY & ECONOMIC DEVELOPMENT

#### 12.1 INDIGO SHIRE COUNCIL PUBLIC ART POLICY

File No: 2024/211

Justin Forrester - Manager Community  
Development

Community & Economic Development

For Decision

#### RECOMMENDATION

1. That Council endorses the draft Public Art Policy for public exhibition for a period of 30 days, from 24 April to 24 May 2024;
2. If no submissions are received during the public exhibition period, the policy is adopted from 25 May 2024; and
3. If submissions are received during public exhibition, the policy is to be brought to a future Council meeting for adoption.

#### RESOLUTION

1. That Council endorses the draft Public Art Policy for public exhibition for a period of 30 days, from 24 April to 24 May 2024;
2. If no submissions are received during the public exhibition period, the policy is adopted from 25 May 2024; and
3. If submissions are received during public exhibition, the policy is to be brought to a future Council meeting for adoption.

**Moved: Cr Croucher**

**Seconded: Cr Shepherd**

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

**Against:** Nil

**CARRIED**

#### PURPOSE OF REPORT

The purpose of the report is to introduce and present the key details of the Indigo Shire Council draft Public Art Policy (attached). The report provides a comprehensive overview of the policy, its development process, definitions of key terms, and its scope. It outlines the vision, principles, roles, and responsibilities associated with public art within the Indigo Shire, emphasising the policy's aspirational and practical aspects.

Additionally, the report references existing legal and council plans, demonstrating the alignment of the Public Art Policy with broader strategic initiatives. It covers various aspects such as artist engagement, content and themes, First Nations engagement, commissioning and brief processes, governance through the Public Art Advisory Panel, and detailed plans for maintenance, conservation, and collection management.

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The report also addresses funding mechanisms for public art initiatives and highlights the importance of communication and community engagement in implementing the policy. Overall, the purpose is to provide a clear understanding of the policy's objectives, principles, and operational details to support a recommendation for the draft Policy to be placed on public exhibition for a period of 30 days. If no submissions are received during the public exhibition period, the policy will be adopted from 25 May 2024. If submissions are received during public exhibition, the policy will be brought to a future Council meeting for adoption.

### BACKGROUND

In 2019, Council received a draft Arts Policy and report, jointly developed by Acorn Creative Group and Council staff in collaboration with various arts organisations across Indigo Shire. This policy aimed to provide guidance for staff in supporting and implementing arts and cultural activities throughout the Shire. However, recognising the need for review and update, as outlined in the Council Plan Strategic Objective 1.5.2, Council opted to defer the adoption of the 2019 Arts Policy. Instead, Council instructed staff to commission a consultant to formulate a comprehensive arts and culture strategy for the shire, given the absence of a pre-existing strategic plan.

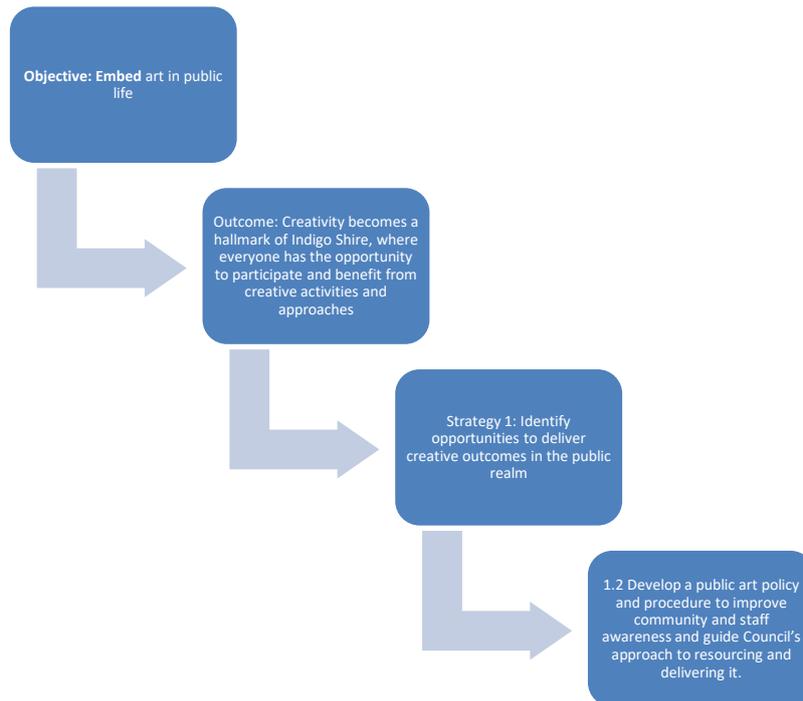
In March 2023, Council adopted the Indigo Shire Council Creative Indigo Strategy 2027 which was developed in collaboration with Future Tense and included significant community engagement. The strategy articulates an aspirational vision for the Shire and is supported by practical actions to further local creative industries and provide access to arts and culture for residents and visitors alike.

**Strategy Vision:** *Indigo Shire is one of Victoria's critical creative hubs, where arts are embedded in the way we do things and used to improve the lives of everyone.*

This statement envisions a future for Indigo where creativity is deeply ingrained in the culture and influences daily life. The community draws inspiration from its cultural heritage, physical surroundings, and the capabilities of its people to shape a vibrant and dynamic future. The emphasis is on creating a bold and thrilling environment.

*Strategic context for the development of an Indigo Shire Council Public Art Policy within the Creative Indigo Strategy.*

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The 2019 draft Arts Policy encompassed a wide scope, addressing arts and cultural programs, services, and projects involving or led by the Indigo Shire Council. It outlined strategic objectives and highlighted key areas of action, such as supporting the creation of new artistic works, bolstering local creative industries, and recognising the broader economic and tourism contributions of the arts to the Shire.

In contrast, the 2024 Public Art Policy focuses specifically on art within the public domain, delineating Council's responsibilities regarding the acceptance or commissioning of public art, including asset management and maintenance. The strategic direction outlined in the 2019 draft Arts Policy has been integrated into the Creative Indigo 2027 initiative.

### DISCUSSION

The Indigo Shire Council Public Art Policy is a comprehensive framework designed to guide the planning, creation, commissioning, and maintenance of public art within the Indigo Shire community. Developed in consultation with internal and industry stakeholders, the policy reflects a commitment to fostering a vibrant and culturally rich environment.

The Policy outlines the vision, principles, roles, and responsibilities associated with public art, emphasising inclusivity, sustainability, and community engagement. The policy establishes clear guidelines for artist engagement, commissioning processes, governance through the Public Art Advisory Panel, and strategies for funding and maintaining public art. Aligned with broader council plans and strategies, this policy positions Indigo Shire as a creative hub, celebrating its unique identity through diverse and high-quality public artworks. With clear guidelines for commissioning, maintenance, and funding, this Public Art Policy provides a roadmap for the sustainable development of public art projects.

Several factors contribute to the development and adoption of public art policies at the local government level:

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- 1. Cultural Enrichment:** Public art is seen as a means to enrich the cultural fabric of communities. It provides a platform for artistic expression, contributing to the identity and character of a place.
- 2. Community Engagement:** Public art policies often emerge from a desire to engage the community in the creative process. Involving residents in the planning and implementation of public art projects fosters a sense of ownership and pride in local culture.
- 3. Tourism and Economic Development:** Recognising the potential of public art to attract tourists, local governments often implement policies to enhance the aesthetic appeal of public spaces. Well-curated public art can contribute to economic development through increased tourism and cultural activities.
- 4. Town Planning and Design:** Public art policies align with principles of urban planning and design, emphasising the importance of creating aesthetically pleasing and vibrant public spaces. Artistic elements can enhance the visual appeal of streetscapes and infrastructure projects.
- 5. Expression of Local Identity:** Public art provides a visual representation of local history, values, and identity. Policies supporting public art often aim to celebrate and preserve the unique characteristics of a community.
- 6. Promotion of Creativity:** Recognising the role of art in fostering creativity and innovation, local governments may implement policies that support artists, provide opportunities for artistic expression, and encourage experimentation in public spaces.
- 7. Legislative and Policy Frameworks:** Local governments in Australia operate within a broader legislative and policy framework that supports cultural development. This includes considerations for public art in planning schemes, cultural strategies, and community development plans.
- 8. Collaboration with Indigenous Communities:** Acknowledging the significance of Indigenous art and culture, some public art policies emphasise collaboration with First Nations communities. This involves incorporating Indigenous perspectives, stories, and art forms into public spaces.
- 9. Social Inclusion:** Public art policies may be driven by a commitment for social inclusion, aiming to create public spaces that are accessible and enjoyable for diverse communities. Inclusive public art projects can celebrate diversity and promote dialogue.
- 10. Recognition of Public Art as an Asset:** Local governments increasingly view public art as an asset that contributes to the overall well-being of residents. Policies are developed to manage and maintain public art collections, ensuring their longevity and cultural impact.

Indigo Shire Council's support for public art in the Shire reflects a holistic understanding of the benefits that art brings to communities, encompassing cultural, social, and economic dimensions. Public art policies provide a structured framework to guide the planning, commissioning, and maintenance of public art within a local government jurisdiction.

Maintaining public art requires a strategic and collaborative approach involving financial planning, community engagement, legal considerations, risk management, and the use of technology. Local Government play a pivotal role in ensuring that public art remains an enduring and safe asset for the community.

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The Public Art Policy proposes a range of funding options that ensures Council is prepared to appropriately manage public art in the shire.

### Options

To not endorse the Public Art Policy – this option is not recommended.

### STRATEGIC CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	1. Communities
Strategic Objective	1.5 Our communities are enriched by a thriving and diverse arts and creative sector
Strategic Action	1.5.4 Explore and support public art opportunities throughout the Shire

### SOCIAL/COMMUNITY IMPLICATIONS

The Public Art Policy has profound social implications, promoting community identity and interaction. It encourages engagement, dialogue, and a sense of belonging through diverse artistic expressions in public spaces. Additionally, it addresses social issues and celebrates cultural diversity, fostering a more cohesive and prideful community.

### ENVIRONMENTAL IMPLICATIONS

Public art can have positive environmental effects by beautifying urban spaces, promoting awareness of environmental issues, and using recycled materials. However, there are potential negative impacts, such as the use of non-environmentally friendly production processes and the disruption of natural habitats. To address this, it's essential to prioritise sustainable design and materials, involve the local community in planning, conduct environmental impact assessments, and create art that can adapt to changing conditions.

### FINANCIAL IMPLICATIONS

There are no direct financial implications associated with adopting the Public Art Policy.

However, every public art installation will require sufficient financial provisions to be designated to sustain the continual maintenance of the public art, encompassing regular cleaning, repairs, and restoration endeavours. To manage this the draft Policy requires that each proposed public art project is required to include details of maintenance fees as an integral component of the proposal. The acceptance or declination of an artwork should be contingent upon a thorough evaluation of its budgetary implications.

### LEGISLATIVE IMPLICATIONS

Indigo Shire Council is required to ensure that public art installations adhere to safety and environmental regulations. Regular inspections may be necessary to confirm compliance.

Contracts and Agreements: Contracts between artists and Indigo Shire Council should clearly outline maintenance responsibilities, including who is responsible for funding and coordinating repairs.

Deaccessioning Policies: This policy includes a clear procedure for deaccessioning public art when necessary, outlining the steps and reasons for such actions.

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Copyright: Copyright Amendment (Moral Rights) Act 2000 requirements and the exemption Section 65 of the Copyright Act applies for all public art installations.

### RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
Council reputational risk given environment, financial and social concerns	Likely	Minor	Medium	Public Art Advisory Panel to provide expert advice to Council which mitigates these concerns
Lack of community engagement	Possible	Minor	Low	All public art projects lead by Council will include an engagement plan. External parties will include the engagement plan within the proposal.

### COMMUNITY ENGAGEMENT

#### **Engagement undertaken**

The community and stakeholders have been consulted in the development of this draft Policy. This has included:

- 2019 engagement occurred with internal and external stakeholders including staff, Beechworth Arts Council, Beechworth Theatre Company, Mayday Hills Arts Society, Arts Rutherglen and Arts Yackandandah.
- 2022/23: Creative Indigo Shire Strategy development involved consultation with Local Traditional Custodians, broad community engagement, project steering group, Murray Arts, Regional Arts Victoria, individual practitioners as well as community arts organisations.
- 2024: engagement has occurred with internal ISC stakeholders including assets, planning, risk, tourism, infrastructure, capital works and economic development as well as with the Creative Indigo Project Steering Group.

#### **Engagement outcomes**

Community and industry support for the suggested process and aware of the requirements involved in preparing public art proposals.

#### **Engagement proposed**

The draft policy will be placed on exhibition for a period of 30 days. During this time the general public will have the opportunity to consider the draft and provide a submission. In addition, practicing artists and community art organisations will be specifically advised of this exhibition period.

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### CONCLUSION

The Indigo Shire Council Public Art Policy represents a significant step towards cultivating a dynamic and culturally enriched community. By embracing a holistic approach, the policy aligns with the strategic goals outlined in the Creative Indigo Strategy and various other council plans. It recognises the transformative power of public art in enhancing the cultural vibrancy, community identity, and economic vitality of the region.

The commitment to inclusivity, engagement with First Peoples, and the establishment of a transparent governance structure through the Public Art Advisory Panel underscore the council's dedication to fostering a thriving arts and culture ecosystem.

With clear guidelines for commissioning, maintenance, and funding, this Public Art Policy provides a roadmap for the sustainable development of public art projects, ensuring their lasting impact on residents and visitors alike. Indigo Shire Council's adoption of this policy reflects a forward-thinking approach that positions public art as a vital contributor to the community's well-being, identity, and future prosperity.

### DECLARATION OF CONFLICT OF INTEREST

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

- Sally Rice – Director Community & Economic Development
- Justin Forrester – Manager Community Development
- Penelope McGufficke – Creative Communities Coordinator

### **Attachments**

1.  DRAFT Public Art Policy

## COUNCIL MEETING MINUTES - 23 APRIL 2024

### 13. INFRASTRUCTURE SERVICES

#### 13.1 MARCH CAPITAL WORKS REPORT

File No: 2024/294

Nathan Mullane - Acting Director Infrastructure    Infrastructure Services  
Services

For Decision

#### RECOMMENDATION

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

#### RESOLUTION

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

**Moved:** Cr Croucher

**Seconded:** Cr Teissl

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

**Against:** Nil

**CARRIED**

#### PURPOSE OF THIS REPORT

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

At the March meeting, Council adopted the recommended Q2 Forecast adjustments to the Capital and non-ISC program. The forecast includes a combined \$12,872,695 total budget (\$11.682m Capital, \$1.189m Non-ISC) of expenditure, and \$12,454,813 of income (\$11.329m Capital, \$1.125m 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)
Revised Q2 Forecast Budget	11,685,721	1,189,974	12,872,695	(11,329,544)	(1,125,269)	(12,454,544)

## COUNCIL MEETING MINUTES - 23 APRIL 2024

	YTD Expenditure			YTD Income		
	Capital	Non-ISC	Combined	Capital	Non-ISC	Combined
March YTD Actuals	7,146,234	1,148,273	8,294,507	(2,518,964)	(950,467)	(3,469,431)

### DISCUSSION

Details of individual project year-to-date expenditure and income are included in the March Capital Works Monitor attached to this report.

### Capital Works Activities of Note

#### **Drainage Improvements – Rutherglen**

Works were completed on a number of drainage improvements in and around Rutherglen, with significant effort going in to the installation of pipes in Ready Street, at the High Street intersection.

#### **Roads Major Patching**

The Roads Major Patching program was completed and finalised this month. Construction works improved the condition of almost 9000m<sup>2</sup> of sealed roads across the shire, improving the journey experience and preserving our road assets. The crew made great progress with the completion of significant works on Gundowring Road to close out the program.

#### **Courthouse Kelly Trials Experience**

Activities at the Courthouse for the Trials Experience have recommenced following the contractor demobilising from the site, following the discovery of asbestos material in the roof space in late 2023. Most of the installation activities are nearing completion, with the audio and video exhibition features being tested and adjusted.

#### **Beechworth Pool Liner Installation**

The contractor has commenced works on the project, with an order placed for the new pool liner. Site works are scheduled to commence in May.

#### **Resheeting Program**

The annual resheeting program has continued across the shire, with crews taking advantage of the favourable weather conditions to complete almost 50% of the schedule. Work locations can change rapidly, as crews move from site to site, and drivers are advised to observe all roadworks signage and travel safely through the area.

#### **Rutherglen Skate Park extension**

Final works on the skate park extension are nearing completion, with the park opened up to users. A positive initial response to the vastly expanded facility, has been pleasing to hear.

#### **Chiltern Tennis Courts**

The contractor has continued with the redevelopment of the Chiltern Tennis Courts. Drainage and electrical installations have been completed, with initial rock layers starting to be installed ahead of the pouring of concrete.

## COUNCIL MEETING MINUTES - 23 APRIL 2024

### Kergunyah Hall Upgrade

The contractor has made great progress with the redevelopment of the Kergunyah Hall, a project that has been a number of years in the making. External weather boards have been completed, along with the internal walls and flooring. The kitchen is ready to be fitted out, and final painting is underway.

### Capital Works Commentary

#### Cost Overruns

Adjustments to the capital budget were made as part of the Q2 budget review. Several long running projects had budget overruns, totally approximately \$900k across the program. Project budgets that were adjusted include the; Chiltern Hub (\$225k), Chiltern Athenaeum (\$70k), Kergunyah Hall (\$100k), Beechworth Pool Liner (\$150k), Court House Kelly Trials (\$300k), and Baarmutha Park Lighting Upgrade (\$50k). Forecast under expenditure across a number of projects, were utilised to fund the additional costs.

#### Program Delivery

March was a particularly good month for project delivery, seeing our second highest month for capital outturn so far this financial year. Currently we are sitting at around 64% of the forecast expenditure. It is anticipated that the April report will again deliver strong results. With a number of projects currently under construction, and several more just commencing, this should put the program in a good position for achieving the forecast.

### STRATEGIC CONTEXT

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

There is no specific reference in the Council Plan 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 Capital Works monitor attached to this report. This report details the progress of the capital works program.

## COUNCIL MEETING MINUTES - 23 APRIL 2024

### 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 progressing well, with over 64% of the forecast being delivered already. Pleasingly with the large number of awarded contracts we have, much of the program is in the hands of our construction partners, and council officers will continue to work cooperatively on the delivery of these important initiatives on behalf of our communities.

### 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:

- Nathan Mullane – Acting Director Infrastructure Services

### **Attachments**

1.  Capital Works Report - March 2024

## COUNCIL MEETING MINUTES - 23 APRIL 2024

### 13.2 AWARD CONTRACT - DESIGN AND CONSTRUCTION OF INDIGO CREEK ROAD BRIDGE AND ASSOCIATED WORKS 22/23-060-03

File No: 2024/308

Nathan Mullane - Acting Director Infrastructure    Infrastructure Services  
Services

#### For Decision

#### RECOMMENDATION

That Council:

1. Award a contract to **Nelmac Pty Ltd**, for a contract value of **\$1,270,091 (excluding GST)**;
2. Authorise the CEO to execute the contract documentation; and
3. Authorise the CEO the financial delegation to approve contract variations up to a total of 10 per cent of the signed contract value.

#### RESOLUTION

That Council:

1. Award a contract to **Nelmac Pty Ltd**, for a contract value of **\$1,270,091 (excluding GST)**;
2. Authorise the CEO to execute the contract documentation; and
3. Authorise the CEO the financial delegation to approve contract variations up to a total of 10 per cent of the signed contract value.

**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

This report provides an evaluation of tenders received to design and construct a new bridge on Indigo Creek Road and a recommendation to Council for the award of a contract.

#### BACKGROUND

Tenders were called for the design and construction of a new 23m single span, two-way, road bridge on Indigo Creek Road to replace the existing twin, round corrugated metal culverts at the site that have reached the end of their useful life. Access over the twin culverts was closed to traffic in October 2022 following the identification of movement in the road surface and subsequent discovery of significant structural deficiencies within the culverts. Traffic is currently diverted around the site via a temporary, load limited, access road and bridge approximately 20m upstream which was opened to traffic in February 2023. A significant Federal Government grant of \$1.242 million was awarded in late 2023 to cover 80% of the overall project budget.

## COUNCIL MEETING MINUTES - 23 APRIL 2024

The scope also includes initial removal and disposal of the existing steel culverts, all associated earthworks to shape the new waterway area and construction of new road approaches. Removal of the temporary bridge and access roadway materials is also in scope once the new road bridge is operational.

### DISCUSSION

The tender evaluation panel assessed, and scored, submissions against the following evaluation criteria as detailed within the tender documents and in accordance with Councils Procurement Policy. The Tender Evaluation Matrix & Recommendation Report is provided as a confidential attachment to this report.

1. Price	50%
2. Qualification & Previous Performance	20%
3. OH&S & Environmental Management	10%
4. Local Content Benefit to the region	10%
5. Environmental Sustainability	10%

Ultimately the tender from Nelmac Pty Ltd scored highest against the above tender evaluation criteria. They're a locally based company in Yackandandah, who provided a competitive lump sum price, with good management systems and significant past experience and capability delivering previous projects for Indigo Shire Council.

### Options

A decision was made early after the existing culverts were assessed as being no longer serviceable to replace them with a bridge and not pursue a direct culvert replacement either in steel or reinforced concrete. The topography of the site clearly suited a single span bridge structure to provide an unobstructed waterway area which will allow clear passage for aquatic life and minimal snagging points for debris. The new bridge will also provide a much longer service life overall.

### 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.

Ongoing maintenance and renewal of our existing bridge and major culvert assets to maintain an acceptable level of service upon our road network is a key principle prescribed within Council's Asset Management Plans.

### SOCIAL/COMMUNITY IMPLICATIONS

Completion of these works will return full speed, two-way traffic to Indigo Creek Road and remove the current 23 Tonne load restriction currently in place due to the temporary bridge structure.

### ENVIRONMENTAL IMPLICATIONS

It is agreed that the single span bridge option provides a significantly better outcome for the waterway as opposed to returning more culvert structures to the site which can restrict flows and impact aquatic life.

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### FINANCIAL IMPLICATIONS

	Approved Budget \$	This Proposal \$	Variance to Approved Budget \$	Comments
Revenue	(\$1,553,018)	(\$1,553,018)	0	Federal Government – Bridges Renewal Program Grant & Council’s Capital Works Contribution
Expense	\$1,553,018	\$1,270,091	(\$282,927)	Remaining budget allocated to cover other projects expenses as discussed below.
Net Result	0	(\$282,927)	(\$282,927)	

The overall project budget for the delivery of this project is \$1,553,018, jointly funded as follows: -

- \$1,242,414 – Federal Government – Bridges Renewal Program (80%)
- \$310,604 – Council’s Capital Works Program. (20%)

The adopted 23/24 budget for this project was \$1,400,000 based on early project estimates but has since been forecast higher to reflect the final grant amounts and council contributions as listed above.

The recommended contract price for the scope of works is 8% lower than the engineers pre-tender estimate and leaves sufficient remaining budget to cover costs associated with operation of the temporary side road and bridge, project management, engineering consultants along with a small contingency for any unforeseen costs.

### LEGISLATIVE IMPLICATIONS

This recommendation is being made following a procurement process that is compliant with Council’s Procurement Policy (2021). This process included consideration of opportunities for collaborative procurement with other Councils and public bodies and identified no social or economic gain in a collaborative procurement process.

### RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
Recommendation is not approved	Unlikely	Moderate	Medium	Sound procurement process and selection of best value tenderer within budget

There is an opportunity with timely contract award to progress works ahead of seasonal periods of increased waterway flow risk.

### COMMUNITY ENGAGEMENT

#### Engagement undertaken

Indigo Valley residents, along with the wider community, have been kept informed of the project developments primarily via Councils social media and electronic newsletter platforms. Direct contact with nearby landholders has been necessary during the planning stages and will continue.

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### Engagement outcomes

It has been clear that the reinstatement of full two-way unrestricted traffic to Indigo Creek Road as quickly as possible is a key priority for Indigo Valley residents, rural businesses and regional transport companies.

### Engagement proposed

Project developments will continue to be communicated via Council's social media and electronic newsletter platforms with direct stakeholder engagement as necessary.

### CONCLUSION

The tender received from Nelmac Pty Ltd met all of the necessary tender criteria, was within allocated budget and provided a delivery program well within the permitted contract time frames.

### 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:

- Nathan Mullane – Acting Director infrastructure Services
- Dan Wilkinson – Senior Project Engineer
- Matthew Smith - Project Manager
- Bruce Braines - Project Manager

### CONFIDENTIAL ATTACHMENT

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

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

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

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

## COUNCIL MEETING MINUTES - 23 APRIL 2024

This section applies because the information contains details of the rates charged across the business and it would unreasonably expose the business by providing an unfair advantage to their competitors.

### **Attachments**

1. Tender Evaluation Recommendation - Indigo Creek Road Bridge (Confidential)

## COUNCIL MEETING MINUTES - 23 APRIL 2024

### 14. EXECUTIVE MANAGEMENT

#### 14.1 AUDIT & RISK COMMITTEE - BIENNIAL REPORT - MARCH 2024

File No: 2024/265

Carla Hanlon - Executive Manager People & Governance      Executive Management

For Decision

#### RECOMMENDATION

The Council:

1. Receives the Biennial Report of the Audit and Risk Committee; and
2. Thanks the Committee for its work.

#### RESOLUTION

The Council:

1. Receives the Biennial Report of the Audit and Risk Committee; and
2. Thanks the Committee for its work.

**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

To present a summary of the activities of the Audit and Risk Committee for the period October 2023 to February 2024.

#### BACKGROUND:

Under Section 54(4) of the *Local Government Act 2020* an Audit and Risk Committee must:

- a. prepare a biennial audit and risk report that describes the activities of the Audit and Risk Committee and includes its findings and recommendations; and
- b. provide a copy of the biennial audit and risk report to the Chief Executive Officer for tabling at the next Council meeting.

## COUNCIL MEETING MINUTES - 23 APRIL 2024

### AUDIT & RISK COMMITTEE BIENNIAL REPORT – MARCH 2024

#### 1. Period of the Report

The report covers the activity undertaken by the Audit and Risk Committee for the period October 2023 to February 2024.

#### 2. Purpose of the Report

The report provides Council with a summary of the matters the Committee has addressed during the period in accordance with the Audit and Risk Committee Charter. This report has been reviewed and agreed upon by all Committee members.

#### 3. Committee Update

The Committee consists of four independent members and two Councillors.

##### Independent Members

Abbas Khambati (Chair to 28 Nov 2023)

Peter Smith (Chair from 29 Nov 2023)

Ross Kearney

Aaron Coutts

##### Councillors

Cr Sophie Price (Mayor)

Cr Bernard Gaffney (Deputy Mayor)

The Chair changed from Abbas Khambati to Peter Smith during the period.

#### 4. Meetings

The Committee met twice – 15 November and 11 December 2023 – during the period.

There was full attendance at the 15 November meeting by the Independent Members and Councillor Representatives.

The meeting originally scheduled for 4 December was postponed due to the inability form a quorum and was subsequently held on 11 December.

Independent Member, Abbas Khambati and Councillor Sophie Price were apologies at the 11 December meeting.

Key Matters considered and recommendations made:

15 November 2023

- Asset Revaluation
- Annual Performance and Financial Statements
- Councillor Expense Reimbursement

Key Recommendations:

- Endorsement of 2022/2023 Asset Revaluation Review
- Endorsement of the Annual Performance Statement and Financial Statements
- Endorsement of Biannual Report for Submission to council

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11 December 2023

- Audit Program and Recommendation Update
- Fraud and Corruption Control Policy and Plan
- Risk Management Update
- Performance Survey
- Charter Review

Key Recommendations:

- Endorsement of proposed scope and approach for the Past Issues Review and Occupational Health and Safety Internal Audit
- Endorsement of draft Risk Appetite Statement
- Endorsement of draft Risk Management Framework
- Endorsement of draft Risk Management Strategy
- Endorsement of Performance Survey Report 2022/23 for presentation at Council Meeting
- Endorsed that no changes be made to the Charter for 2023/24

### 5. Annual Work Plan

In January 2024 a draft Work plan for 2023-24 was circulated to Committee members for feedback. Key elements of the Work plan:

- a. Internal and External Audit Oversight – reviewing outcomes of audits and management progress on recommendations
- b. Review, monitor and endorse Councils Financial Statements and Public Accountability Reporting
- c. Review the effectiveness of the risk management framework providing guidance and improvement opportunities.

### 6. Internal Audit

Internal Audits commenced during the period included Procurement and Contract Management and Occupational Health and Safety.

A Past Issues review was also commenced during the period.

### 7. Key issues

The Committee dealt with numerous issues over the period including:

- Risk Appetite Statement, Risk Management Framework and Risk Management Strategy.

## COUNCIL MEETING MINUTES - 23 APRIL 2024

The Committee has provided guidance and oversight on the revision of the Risk Appetite Statement, Risk Management Framework and Risk Management Strategy.

- Fraud and Corruption Control Plan

The Committee has provided guidance and oversight on the revision of the Fraud and Corruption Control Plan.

- Annual Performance Review

The Committee identified improved ways of meeting their regulatory obligations.

### 8. 2024 Meeting Schedule

The Meeting Schedule as agreed for the remainder of 2024 is as follows:

- 18 March
- 22 July
- 16 September (Additional meeting to review financial and performance statements)
- 2 December

### 9. Chair's Report

A highlight of this period was the Committee endorsement of the final Risk Appetite Statement, Risk Management Framework and Risk Management Strategy. These are key foundational pieces of work that evidence Councils commitment and progress towards establishing effective risk management systems and controls. The Committee notes the significant work and consultation by the Risk Co-ordinator, Executive, and council staff.

The Committee membership is stable with the reappointment of Ross Kearney and Abbas Khambati as independent members and Councillors Sophie Price and Bernard Gaffney continuing as Council representatives on the committee. This stability and experience allow the Committee to continue its focus on delivering the work plan without loss of momentum.

Meeting a requirement of the Local Government Act the Committee has also completed its annual Performance Assessment against Councils Audit and Risk Charter. While the assessment demonstrated a successful year, the Committee adopted a number of actions designed to make further refinement.

The Committee continues to oversee the Strategic Internal Audit Program and receives necessary documents and reports to support its work, including monitoring officers progress on completing audit recommendations. This period saw a pleasing uplift in the number of recommendations completed.

The Committee acknowledges the continuing work of the senior Council staff in supporting the Committee.

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### STRATEGIC CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	5. Accountability
Strategic Objective	5.5 Our Councillors and organisation are committed to the highest level of governance practices and conduct.
Strategic Action	5.5.2 Develop and maintain a Governance Schedule to give Council and Community visibility of future legislative requirements

### SOCIAL/COMMUNITY IMPLICATIONS

The Audit and Risk Committee provides oversight of key functions of Council assisting it to operate in the best interests of the wider Community.

### ENVIRONMENTAL IMPLICATIONS

There are no environmental implications.

### FINANCIAL IMPLICATIONS

There are no financial implications.

### LEGISLATIVE IMPLICATIONS

Under Section 54(5) of the *Local Government Act 2020* an Audit and Risk Committee must:

- (a) prepare a biannual audit and risk report that describes the activities of the Audit and Risk Committee and includes its findings and recommendations; and
- (b) provide a copy of the biannual audit and risk report to the Chief Executive Officer for tabling at the next Council meeting.

### RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
Failure to meet legislative requirements relating to biannual	Unlikely	Minor	Low	<ul style="list-style-type: none"> <li>• Biannual report included in work plan</li> </ul>

### COMMUNITY ENGAGEMENT

#### **Engagement undertaken**

Nil

#### **Engagement outcomes**

Nil

#### **Engagement proposed**

Nil

### CONCLUSION

The biannual report provides a summary of the activities, findings and recommendations of the Audit and Risk Committee for the period October 2023 to February 2024.

## COUNCIL MEETING MINUTES - 23 APRIL 2024

### DECLARATION OF CONFLICT OF INTEREST

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

- Carla Hanlon – Executive Manager People and Governance
- Sarie Los – Risk and Safety Advisor

### **Attachments**

Nil

## COUNCIL MEETING MINUTES - 23 APRIL 2024

### 14.2 COUNCIL PLAN 2023/2024 - QUARTER 3 PROGRESS REPORT

File No: 2024/260

Trevor Ierino - Chief Executive Officer

Executive Management

**For Decision**

#### **RECOMMENDATION**

That Council notes the Quarter 3 2023/2024 Council Plan Progress Report.

#### **RESOLUTION**

That Council notes the Quarter 3 2023/2024 Council Plan Progress Report.

**Moved: Cr Shephard**

**Seconded: Cr Croucher**

**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 the March 2023 (Quarter 3) Quarterly Council Plan progress update.

#### BACKGROUND

The report provides detailed reporting on the performance against the council plan actions.

The provision of this report is in accordance with the council's legislative responsibilities under *section 97 of the Local Government Act 2000*.

The information included in the quarterly report allows for an assessment of the Council's performance across a range of indices, concluding at the end of the year with the annual report.

The four-year Council Plan is reviewed each financial year and a one-year action plan created to ensure that Council is achieving the priorities identified.

In Quarter 3 of 2023/2024:

- 75 actions (82%) are On Track.
- 1 action (1%) is Behind Schedule.
- 15 actions (16%) are Completed.

In general, most items (98%) are either 'On Track' or 'Completed'.

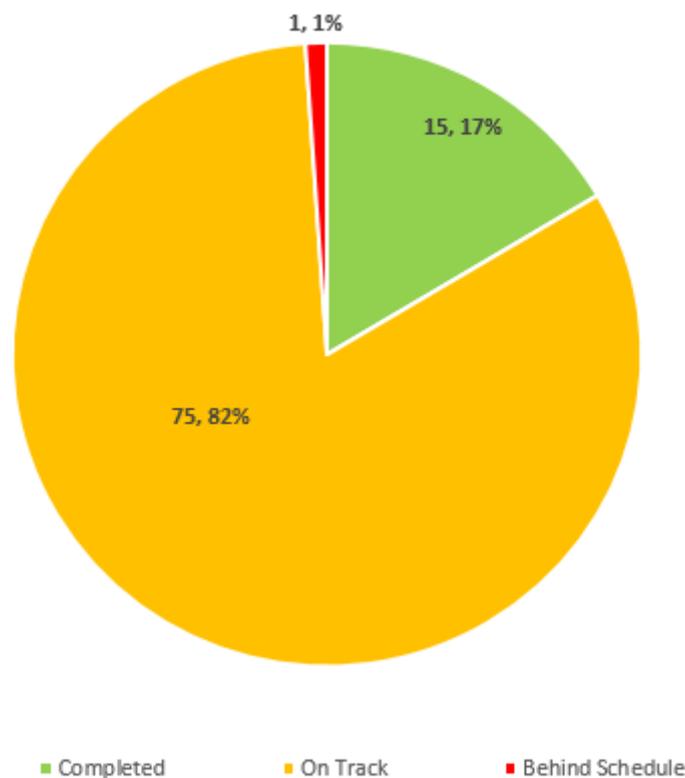
## COUNCIL MEETING MINUTES - 23 APRIL 2024

One action is listed as being “Behind Schedule”:

- 2.6.1 – Council Plan Action: Expand the Shire’s sealed road network in urban and rural areas.  
**2023/24 Action:** Expand the following sealed roads - McLean Street Chiltern; Gordon Street Chiltern; Twist Creek Road Yackandandah; Kars Street Yackandandah; Barkly Street Beechworth and Taylor Street Beechworth.

It is expected that not all of these road sealing projects will be completed by June. Unfinished works to be completed in 2024/25.

Council Plan Actions - Quarter 3 Performance



The attached spreadsheet provides details of the 2023/2024 actions and the Quarter 3 status of these actions.

### 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

-  Council Plan Actions 2023-2024 - Quarter 3

## COUNCIL MEETING MINUTES - 23 APRIL 2024

### 14.3 ADVISORY COMMITTEE MINUTES

File No: 2024/259

Carla Hanlon - Executive Manager People & Governance

Executive Management

#### For Decision

#### RECOMMENDATION

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

- a) Finance Committee
- b) Indigrow Advisory Committee

#### RESOLUTION

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

- a) Finance Committee
- b) Indigrow Advisory Committee

**Moved: Cr Gold**

**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 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 - 23 APRIL 2024

### DISCUSSION

COMMITTEE	DATE OF MEETING	RECOMMENDATION	MANAGEMENT RECOMMENDED ACTION
Finance Committee	20 February 2024	That Council accepts the 31 January 2023 Finance Report.	This report was presented to and approved by Council at the March Council meeting. No further action required.
Indigrow Advisory Committee	15 March 2024	Nil	

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'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*).

## COUNCIL MEETING MINUTES - 23 APRIL 2024

### 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.  Minutes - Finance Committee - 20 February 2024
2.  Minutes - IndiGrow - 15 March 2024

## COUNCIL MEETING MINUTES - 23 APRIL 2024

### 14.4 INFORMAL MEETINGS OF COUNCILLORS RECORDS

File No: 2024/258

Carla Hanlon - Executive Manager People & Governance      Executive Management

**For Decision**

#### **RECOMMENDATION**

That Council accepts the attached Informal Meetings of Councillors records.

#### **RESOLUTION**

That Council accepts the attached Informal Meetings of Councillors records.

**Moved: Cr Gaffney**

**Seconded: Cr Teissl**

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

**Against:** Nil

**CARRIED**

This report tables the Informal Meetings of Councillors as required under Council's governance rules. Informal Meetings of Councillors Records are only required for meetings closed to the public.

#### PURPOSE OF REPORT

The report presents Informal Meetings of Councillors records to Council for recording in the minutes in accordance with Governance Rule 72(b)(iii).

#### BACKGROUND

Governance Rule 70 defines an Informal Meeting of Councillors as:

1. a meeting of an advisory committee of Council, if at least one Councillor is present, or
2. a planned or scheduled meeting of at least half the Councillors and one member of Council staff which considers matters that are intended or likely to be:
  - a. the subject of a decision of the Council; or
  - b. subject to the exercise of a function, duty or power of the Council that has been delegated to a person or a committee.

The Governance Rules specifically excludes the following meetings:

- Council Meetings
- Delegated Committee Meetings
- Community Asset Committee Meetings

Informal meetings of Councillors do not include meetings which are open to the public.

## COUNCIL MEETING MINUTES - 23 APRIL 2024

### DISCUSSION

Under Governance Rule 72(b)(iii), the CEO is required to provide a summary of matters discussed at Informal meetings of Councillors, which is to be tabled at the next Scheduled Council meeting and is to be recorded in the minutes.

The attached Informal Meetings of Councillors records are presented to Council for acceptance as summarised in the following table.

MEETING	DATE
Council Briefing	27 February 2024
Council Briefing	12 March 2024
Council Briefing	19 March 2024
Council Briefing	26 March 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.

## COUNCIL MEETING MINUTES - 23 APRIL 2024

### CONCLUSION

The Informal Meetings of Councillors records attached to this report are a true and accurate record of all defined meetings reported since the last report to Council.

### DECLARATION OF CONFLICT OF INTEREST

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

- Carla Hanlon – Executive Manager People & Governance
- Annabel Harding - Governance Coordinator
- Emma O'Donnell – Governance Officer

### **Attachments**

1.  Informal Meeting of Councillors Record - Council Briefing - 27 February 2024
2.  Informal Meeting of Councillors Record - Council Briefing - 12 March 2024
3.  Informal Meeting of Councillors Record - Council Briefing - 19 March 2024
4.  Informal Meeting of Councillors Record - Council Briefing - 26 March 2024

## COUNCIL MEETING MINUTES - 23 APRIL 2024

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

File No: 2024/261

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 March 2024.

Date	Tenderer	Title	Project	Amount
18/3/24	O'Loughlins Excavations	Rutherglen Loops - Section 14 - Barkly Street	Rutherglen Loops Project	\$439,360.33 (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

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## COUNCIL MEETING MINUTES - 23 APRIL 2024

### 15. NOTICES OF MOTION

Nil reports

## COUNCIL MEETING MINUTES - 23 APRIL 2024

### 16. COUNCILLORS REPORT

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

##### For Information

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

DATE	TIME	FUNCTION / EVENT / MEETING	LOCATION
1 March	8.00am	Regional Health Summit	Wodonga
2 March	11.00am	Dedication – Service Womens Plaque Un-Veiling	Rutherglen
2 March	4.00pm	Spring Ditch Festival	Stanley
4 March	10.00am	Meeting with CEO	Beechworth
4 March	2.15pm	Filmed Interview for Community Designs, Channel 31 TV Show - on Indigo Epic	Beechworth
5 March	12.30pm	Rural Councils Victoria Event at Parliament House	Melbourne
8 March	11.30am	International Women’s Day Luncheon – Inner Wheel Club of Corowa District	Corowa
10 March	5.30pm	Official Opening – Chiltern Pro Rodeo	Chiltern
12 March	10.00am	Meeting with CEO	Beechworth
12 March	2.30pm	Council Briefing	Beechworth
14 March	9.30am	Welcome and Morning Tea – Keep Australia Beautiful Sustainable Communities Tidy Town Awards, National Judging	Beechworth
14 March	12.00pm	Meeting with Mayor Gallagher, Murrindindi Shire	Online
15 March	9.00am	Goulburn Ovens Murray MAV Regional Meeting	Online
25 March	10.00am	Meeting with CEO	Beechworth
26 March	4.00pm	Council Briefing	Beechworth
26 March	6.30pm	Council Meeting	Beechworth
28 March	3.00pm	Hume Region Local Government Network (HRLGN) Meeting	Online
30 March	11.00am	Official Opening of Easter Festivities – 2024 Golden Horseshoes Festival	Beechworth

**Attachments**

Nil

## COUNCIL MEETING MINUTES - 23 APRIL 2024

### 17. DECISIONS REGISTER

#### 17.1 DECISIONS REGISTER

File No: 2024/264

Trevor Ierino - Chief Executive Officer

Executive Management

#### For Information

The report outlines actions from Council Resolutions as at 26 March 2024, including those not previously listed as completed, but not including resolutions to note a report.

Meeting date	Item	Name	Resolution	Status
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 Local Area Command across the Shire to keep our communities safe.	Not yet able to be implemented. Hold in register until 24/25 Budget submitted to May 2024 Council meeting
26 Mar 2024	8	Confirmation of Minutes from Previous Meeting(s)	That the Minutes of the Council Meeting held on 27 February 2024, as published on Council's website, be confirmed.	Completed
26 Mar 2024	10.1	Petition - Chiltern Swimming Pool Opening Hours	That Council resolves to note the petition.	Completed
26 Mar 2024	11.1	2023/24 - Quarter 2 Financial Forecast	That Council: <ol style="list-style-type: none"> <li>1. Refers to the tabled capital works report;</li> <li>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</li> <li>3. Directs the CEO to report against these forecast</li> </ol>	Completed

## COUNCIL MEETING MINUTES - 23 APRIL 2024

Meeting date	Item	Name	Resolution	Status
			figures for the remainder of the financial year.	
26 Mar 2024	11.2	Finance Report - January 2024	That Council accepts the YTD February Finance Report noting the progress against Council's Quarter 2 forecast.	Completed
26 Mar 2024	11.2	Planning Permit Application - PP23-0127 - Floating Sauna on Lake Sambell, Beechworth	<p>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:</p> <p>PLANS REQUIRED</p> <p>1. Prior to the comment 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:</p> <p>a. a revised materials schedule in compliance with Condition 11.</p> <p>b. the proposed location pick-up and drop-off area for sauna patrons.</p> <p>c. the proposed location of the staff car park, in compliance with Condition 17.</p> <p>to the satisfaction of the responsible authority.</p> <p>ENDORSED PLANS</p> <p>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.</p>	Completed

## COUNCIL MEETING MINUTES - 23 APRIL 2024

Meeting date	Item	Name	Resolution	Status
			<p>LICENCE AGREEMENT</p> <p>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;</p> <ul style="list-style-type: none"> <li>a. conditions for the use of the site,</li> <li>b. maintenance and replacement responsibilities,</li> <li>c. operational and complaint responsibilities,</li> <li>d. annual fee charges.</li> </ul> <p>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.</p> <p>HOURS OF OPERATION</p> <p>5. The use must only operate between the following times, except with the prior written consent of the responsible authority:</p> <ul style="list-style-type: none"> <li>a) 8 am and 9 pm, Victorian Daylight Savings Time.</li> <li>b) 8 am and 6 pm, Victorian Standard Time.</li> </ul> <p>PATRON NUMBERS</p> <p>6. No more than 5 patrons may use the sauna at any time.</p> <p>DELIVERIES</p> <p>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:</p>	

## COUNCIL MEETING MINUTES - 23 APRIL 2024

Meeting date	Item	Name	Resolution	Status
			<p>a. 8 am and 5 pm Monday to Friday.</p> <p>b. 9 am and 4 pm Saturday to Sunday.</p> <p>AMENITY</p> <p>8. The amenity of the area must not be detrimentally affected by the use or development through any of the following:</p> <p>a. The transport of materials, goods and commodities to or from the land.</p> <p>b. The appearance of any buildings, works or materials.</p> <p>c. The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, waste water, waste products, grit or oil.</p> <p>d. The presence of vermin.</p> <p>To the satisfaction of the Responsible Authority.</p> <p>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.</p> <p>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.</p> <p>11. All lighting used to externally illuminate buildings, works and uses shall be fitted with cut-off luminaries.</p> <p>MATERIALS</p> <p>12. The roof and cladding colour or colours of the buildings hereby approved, and the finished colours</p>	

## COUNCIL MEETING MINUTES - 23 APRIL 2024

Meeting date	Item	Name	Resolution	Status
			<p>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.</p> <p><b>GOULBURN MURRAY WATER</b></p> <p>13. All construction and ongoing activities must be in accordance with EPA Publication 1834.1 Civil Construction, Building and Demolition Guide (September 2023).</p> <p>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.</p> <p>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.</p> <p><b>ENVIRONMENTAL HEALTH</b></p> <p>16. Any cleaning activities associated with the operation of the sauna must not impact the water quality of Lake Sambell.</p> <p><b>ENGINEERING</b></p> <p>17. Location and design of floating sauna must not adversely impact upon dam outlet control</p>	

## COUNCIL MEETING MINUTES - 23 APRIL 2024

Meeting date	Item	Name	Resolution	Status
			<p>structures.</p> <p>18. No car parking of patrons or staff permitted on gravel road shoulder at sauna location.</p> <p>EXPIRY</p> <p>19. This permit will expire if one of the following circumstances applies:</p> <p>a) The development is not started within 2 years of the issued date of this permit.</p> <p>b) The development is not completed within 4 years of the issued date of this permit.</p> <p>c) The use does not start within 2 years of completion of the development.</p> <p>d) Once commenced, the use ceases for a period of 2 years.</p> <p>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.</p> <p>f) 10 years after the date of the permit.</p> <p>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.</p>	
26 Mar 2024	12.1	Enabling Tourism Fund Projects: Indigo Gold Trail 2.0 and Rutherglen Wine Experience Centre	<p>That subject to confirmation by the CEO before the lodgement date that funding is available in the draft 2024/2025 Budget, Council:</p> <ol style="list-style-type: none"> <li>1. Endorses applications for the following projects to the Victorian Government, Department of Jobs, Skills,</li> </ol>	Completed

## COUNCIL MEETING MINUTES - 23 APRIL 2024

Meeting date	Item	Name	Resolution	Status
			<p>Industry and Regions' Enabling Tourism Fund 2024:</p> <ul style="list-style-type: none"> <li>• Indigo Gold Trail 2.0;</li> <li>• Rutherglen Wine Experience Centre (to be submitted by Winemakers of Rutherglen); and</li> </ul> <p>2. Notes that, pending successful application outcome/s, Council's contribution in future budget 2024/25 will be:</p> <ul style="list-style-type: none"> <li>• \$70K for the Indigo Gold Trail 2.0 project; and</li> <li>• \$25K contribution to the Rutherglen Wine Experience Centre project (equal contribution from Winemakers of Rutherglen).</li> </ul>	
26 Mar 2024	12.2	Regional Community Sports Infrastructure Fund	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Endorses an application for the following project to Sport and Recreation Victoria's Regional Community Sports Infrastructure Fund: <ul style="list-style-type: none"> <li>• Yackandandah Netball Club change rooms upgrade; and</li> </ul> </li> <li>2. Notes that pending a successful application outcome Councils financial contribution in future budgets will be: <ul style="list-style-type: none"> <li>• \$225,000 - Yackandandah Netball Club change rooms upgrade.</li> </ul> </li> </ol>	Completed

## COUNCIL MEETING MINUTES - 23 APRIL 2024

Meeting date	Item	Name	Resolution	Status
26 Mar 2024	13.1	Expressions of Interest for Occupancy of Beechworth Platelayers Cottage and Former Beechworth Railway Station	<p>That Council:</p> <ol style="list-style-type: none"> <li>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;</li> <li>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</li> <li>3. Notes that decisions on the leases will be made by Council.</li> </ol>	Completed
26 Mar 2024	13.2	Rutherglen Caravan Park - Proposed Lease	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. endorses its intention to negotiate a lease for the Rutherglen Caravan Park with the following terms:               <ol style="list-style-type: none"> <li>a) A 21-year lease term with a suitably experienced Caravan Park operator;</li> <li>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);</li> <li>c) The lessee will be required to invest into developing the park in line with the adopted Masterplan; and</li> <li>d) Council will similarly be required to commit to funding its share of upgrades required in the</li> </ol> </li> </ol>	Completed

## COUNCIL MEETING MINUTES - 23 APRIL 2024

Meeting date	Item	Name	Resolution	Status
			<p>Masterplan;</p> <p>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</p> <p>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.</p>	
26 Mar 2024	13.3	February Capital Works Report	That Council notes the February Capital Works Report and year to date progress in the delivery of the Capital Works Program.	Completed
26 Mar 2024	14.1	Risk Appetite Statement	That Council adopts the Risk Appetite Statement.	Completed
26 Mar 2024	14.2	Privacy Policy Review 2024	<p>That Council endorses the draft Privacy Policy for public exhibition for a period of 30 days, from 27 March to 26 April 2024;</p> <p>2. If no submissions are received during the public exhibition period, the policy is adopted from 27 April 2024; and</p> <p>3. If submissions are received during consultation, the policy is to be brought to a future Council meeting for adoption.</p>	Completed
26 Mar 2024	14.3	Advisory Committee Minutes	<p>That Council receives the attached unconfirmed meeting minutes for the following Advisory Committee:</p> <p>a) Indigo Environment Advisory Committee</p>	Completed

## COUNCIL MEETING MINUTES - 23 APRIL 2024

Meeting date	Item	Name	Resolution	Status
			b) Indigo Community Access Committee	
26 Mar 2024	14.4	Informal Meetings of Councillors Records	That Council accepts the attached Informal Meetings of Councillors records.	Completed
26 Mar 2024	14.6	Amendments to Council Meeting Schedule 2024	That Council: <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>	Completed
26 Mar 2024	19.1	Indigo Community Access Committee - Application for Membership	That Council: <ol style="list-style-type: none"> <li>1. Appoints Judith Doughty to the Indigo Community Access Committee (ICAC); and</li> <li>2. Maintains confidentiality until the appointee is notified, following which the appointment will be made public.</li> </ol>	Completed
26 Mar 2024	19.2	Indigo Environment Advisory Committee - Application for Membership	That Council: <ol style="list-style-type: none"> <li>1. Endorses the appointment of Patrick Giltrap to the Indigo Environment Advisory Committee (IEAC); and</li> <li>2. Maintains confidentiality until the appointee is notified, following which the appointment will be made public.</li> </ol>	Completed

## COUNCIL MEETING MINUTES - 23 APRIL 2024

### 18. GENERAL BUSINESS

- Cr Horne asked for feedback from VicRoads or Department of Transport regarding grant funding for safety works to Main Street Rutherglen. Trevor Ierino, Chief Executive officer responded that Council continues to lobby the government to retain the funding and make safety improvements, however at this stage there is no further update. The Mayor confirmed that a meeting with the Minister has recently been requested.

**Meeting Concluded: 7.43PM**

**Next Meeting: Tuesday, 14 May 2024 at 6.30pm**