

## COUNCIL MEETING AGENDA - 30 JULY 2024

### ***Vision:***

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

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**TO BE HELD:** Tuesday, 30 July 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
	Sally Rice	Acting Chief Executive Officer
	Ian Ellett	Director Infrastructure Services
	Greg Pinkerton	Director Planning & Corporate Services
	Susannah Doyle	Acting Director Community & Economic Development
	Annabel Harding	Governance Coordinator
<b>APOLOGIES:</b>	Cr Shepheard	Councillor
	Cr Teissl	Councillor
	Trevor Ierino	Chief Executive Officer

*Council meetings are live streamed and recorded. The voices and images of those participating in the meeting, and in the gallery, may be captured as part of this recording.*

### **Acknowledgement of Country**

Indigo Shire Council acknowledges 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.

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1. **WELCOME**
2. **ACKNOWLEDGEMENT OF THE TRADITIONAL OWNERS OF THE LAND**
3. **APOLOGIES AND LEAVE OF ABSENCE**
4. **DECLARATION OF CONFLICT OF INTEREST**
5. **OPEN FORUM**

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

6. **COMMUNITY AND COUNCIL ACHIEVEMENTS**

Acknowledgment of a King's Birthday Honours' Recipient – Josephine Cornish OAM from Beechworth.

7. **CONDOLENCES**
8. **CONFIRMATION OF MINUTES FROM PREVIOUS MEETING(S)**

### RECOMMENDATION

That the following Minutes be confirmed:

1. Minutes of the Council Meeting held on 25 June 2024, as published on Council's website; and
2. Confidential Minutes of the Council Meeting held on 25 June 2024 2024, as provided to Councillors under separate cover.

## **COUNCIL MEETING AGENDA - 30 JULY 2024**

### **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 REVENUE AND RATING STRATEGY (2024)

1. File No: 2024/476
2. Greg Pinkerton - Director Planning & Corporate Services
3. Planning & Corporate Services

#### For Decision

#### RECOMMENDATION

That Council:

1. Thanks the community for its engagement on the Draft Revenue and Rating Strategy;
2. Notes the changes made to the attached *Revenue and rating Strategy (2024)* as a result of the exhibition:
  - a. Trust for Nature land greater than 8 ha be permitted to receive the Rural 1 differential rate where the land is entirely given to TfN without any other activity (such as a dwelling).
  - b. Total farm size assessment be adjusted to align to the established “Single Farming Enterprise” assessment that is currently in use for the purposes of the Municipal Charge.
  - c. The transition arrangements be changed to initially recognise properties between 40 ha and 50 ha that have a primary production AVPCC code as primary producers (Rural 1).
  - d. Discretion permitted in the assessment of primary producer status for a period of time to allow time for the owner to provide suitable evidence.
  - e. Rural 2, and the primary producer status, confirmed as applying to properties above 8 ha as per the current Rural 2 designation.
  - f. Updated wording in the rural 2 description to reduce the emphasis on residential use.
  - g. General wording updates and clarifications to improve clarity and readability; and
3. Adopts the attached *Revenue and Rating Strategy (2024)*.

#### PURPOSE OF REPORT

The purpose of this report is to present the attached, updated, *Revenue and Rating Strategy (2024)* for adoption.

#### BACKGROUND

Council’s Revenue and Rating Strategy is due for an update and work has been done previously to gather community input, consider options through a community working group, and produce a draft that has been on exhibition since its endorsement at the April Council meeting.

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Some adjustments have been made to the strategy as a result of community engagement though the exhibition period. This report provides details on the key feedback that was received, the resulting changes that have been included in the attached Strategy and recommends the updated Revenue and Rating Strategy for adoption.

### DISCUSSION

For the development of the strategy, Council 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, 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. These changes were made to the draft strategy that has been on exhibition.

The main changes that were proposed in the draft strategy were:

- Increase to the default size of the Rural 1 differential category from 40 ha to 50 ha.
- Validation of farming to permit primary producers (with properties between 8 ha and 50 ha) to move to the Rural 1 differential.
- Transition arrangements that implemented this at the start of the 2025/26 financial year to allow time to transition in a clean and coordinated way.

### **Feedback received during the exhibition period**

The draft strategy was given an extended exhibition period for a number of reasons:

- The desire to send individual letters to properties between 40 ha and 50 ha. This required an extended time to allow for postal delivery times.
- This is a complex issue that requires some consideration.
- The budget build was concurrently underway and bringing both to a conclusion at the June Council meeting was not ideal timing to promote community engagement in both processes.

During the exhibition period a significant number of people contacted Council in writing and via phone calls. The majority of the contacts believed that this change had already happened, and many respondents made contact to provide evidence of their primary producer status. Council staff explained the process to these people and these contacts were not considered to be formal submissions to the process. These contacts were, however, very useful and informative and the discussions that occurred during this time were instrumental in prompting some of the changes to the final strategy that is attached for Council's consideration.

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In addition to the casual contacts Council also received thirteen written submissions that are attached to this report (with personal details redacted). Staff were very thankful for these submissions, and they resulted in some changes being made to the attached strategy document. The time and thought that went into many of the submissions was impressive with several submitters demonstrating a deep understanding of the principles upon which the rating strategy is developed.

The following section outlines the main feedback that was received, and any changes that have been recommended in the final version of the strategy. It is notable that many of the submissions contained extra comments and suggestions in addition to the topics summarised below. The discussion to follow concentrates on the items that were raised that has direct applicability to the consideration of the Revenue and Rating Strategy. Where a comment was made that was not relevant to the adoption of the strategy it was left as a comment for feedback for Councillors.

### KEY POINTS FROM SUBMISSIONS

#### Trust for Nature

The attached submission from Trust for Nature (TfN) seeks rebates and/or concessions for properties that have a TfN covenant. This was considered throughout the process as well as being discussed by the community working group. Council's long-standing approach to this question is that the reduced valuation that comes with a Trust for Nature covenant lowers the rates payable on these properties. The question of Trust for Nature was tested with the consultation group and the existing Council position (no special treatment of TfN blocks) was supported.

However, some conversations held through the exhibition period prompted a rethink on large TfN blocks that are solely used for the protection of biodiversity. The argument is that these blocks are not productive or used for any other purpose and the protection of the environment aligns with Council's environmental goals. Therefore, an argument could be made that a 90% differential is too high and that blocks dedicated solely to nature, environment, and biodiversity, and that they should be rated at a similar level to land used for farming.

This argument has some credibility, however one concern is that this may allow for smaller rural lifestyle blocks to receive a farming differential when they are more akin to rural living blocks.

It is therefore suggested that land of more than 8 ha (i.e. the current Rural 1 and Rural 2) that is entirely used for TfN purposes (no house, or other activity) should be permitted to apply for the Rural 1 differential (75%). This lower rate recognises that land used exclusively for TfN is aligned to Council's environmental goals in a similar way that farming is aligned to Council's support for primary producers.

#### Rates increase compared to farming profitability

One submission discussed the increase of rates over many years and compared it to farming profitability. This is a particularly topical point in the current year where livestock prices have been very low.

To assess this feedback in the context of the Revenue and Rating Strategy it is important to tease out the different aspects of this argument. The decisions being made in this Revenue and Rating Strategy review are about the apportionment of the rates (i.e. what the differential percentages should be) rather than the increases in rates over time (that aspect is a budget decision rather than a Revenue and Rating Strategy decision). In that way, the relevant question being raised by this submitter is whether the current 75% differential should be adjusted down so that the other property types bear a greater proportion of the rates to support farmers.

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There is no formula or calculation that can answer this question, and it is a matter for rates policy decisions. The relevant factors in this sort of decision are:

- Does this apply to all farmers? Is it temporary or permanent? Are there other supports or actions that are relevant?
- Are any other categories of property (residential, business, etc) doing very well and can bear a greater proportion of the rates?
- What level of change would make a meaningful difference to farmers, and what would this mean to other ratepayers who would pay more as a result of reducing the farming differential?

The revenue and rating community working group considered the differentials and recommended no change. Management also concurred with this assessment and the draft strategy did not propose any changes to differential percentages.

After considering all of the factors it is the recommendation of management that the farming differential remain at 75%. There are a number of reasons for this that can be summed up in the statement that despite some farmers currently experiencing a difficult time at the moment, the overall farming community does not appear to be more permanently disadvantaged than any other type of landowner group. In addition, the cost of living pressures that are being experienced across all property owners means that moving the rates burden away from farmers and onto businesses or residential property owners does not appear to be an equitable change to make at this stage.

### Limited Council services for farming properties

One of the many considerations for the 75% differential for farming is the access to council services. This is by no means the only, or even the main, reason for the lower differential, however it is considered in the decision-making. One submitter suggested that this should be re-visited.

As with the last point, this was analysed as part of the process for building the draft strategy and no change was proposed. This issue is best summarised in the State Government's Better Practice Guide for Revenue and Rating Strategies:

*A popular complaint levelled at councils is that "the rates I pay have no correlation with the services I consume or the benefits I receive". This argument is based on the benefit principle (the opposite of the wealth tax principle) that argues there should be a clear nexus between consumption/benefit and the rate burden. A user pays system is closely reflective of the benefit principle.*

*Application of the benefit principle to rates is difficult in practice because of the impossibility of measuring the relative levels of access and consumption across the full range of council services. While it might be quite obvious that certain geographic areas may not get access to specific services, for example street lighting, it is the level of benefit across the full range of rates-funded services that is important in determining the amount of rates that should be paid. Clearly, the exercise is not clear cut – for example, it might be argued that rural ratepayers derive less benefit from library services than their town counterparts but the reverse argument can apply to the costs of repairing local roads in rural areas where there are mostly rural users.*

*The analysis of benefit is often reduced to arguments of what services are consumed by town v. country, businesses v. residences and between different towns and suburbs. Such a simplistic determination of rates based on where services are located ignores the facts that:*

- many services are not location specific
- access is not synonymous with consumption
- residents can travel or use technology to access some services



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- *(perhaps more significantly for many councils) services provided in different locations within a municipality have different costs. For example, the actual cost of providing the same or a lesser level of service to a more remote or less central location may be higher due to economies of scale or logistical reasons.*

*In some ways the arguing of the benefit principle with respect to council rates is like trying to do the same for Commonwealth income tax that is used to fund a wide range of universally accessed services.*

*It is likely to be quite costly to regularly undertake in-depth analyses on service access, consumption patterns and costs in order to attempt to review the level of benefit. In any event many subjective assumptions will have to be introduced that is unlikely to produce a fair result.*

### Capacity to pay

One submitter raised the question about whether capacity to pay was still a consideration for the setting of differentials (because it seems to be missing from some descriptions of the differential rates). The answer is yes, capacity to pay is still a consideration when setting rates strategy, along with the other aspects that are set out in the State Government's Better Practice Guide.

### 50 ha appears to be an arbitrary size to choose

The selection of 50 ha was made after considering a few options, ranging up to 80 ha. The overall intent is to make the automatic qualification for Rural 1 larger, whilst also giving primary producers on any size land greater than 8 ha the ability to qualify for the Rural 1 differential. This is designed to support farming and discourage farming land from becoming rural lifestyle blocks. In the end it is expected that more properties will move to Rural 1 and therefore the support for farmers will have increased.

The selection of 50 ha as the threshold for automatic inclusion into the Rural 1 differential was chosen to address the issue of farms being divided into parcels slightly larger than the 40 ha benchmark for rural lifestyle blocks. Therefore, setting the Rural 1 threshold at 50 ha is effective at achieving this outcome without becoming burdensome on ratepayers or Council.

On the same topic this submitter asked if Council was trying to reduce support for farmers on smaller properties. The answer is that council is proposing to increase support to farmers on small properties by allowing primary producers on any property greater than 8 ha to apply for the 75% differential. With the current differential on farms < 40 ha set at 90% this would be a significant benefit to farmers on smaller parcels of land.

### Dynamic differential rates model

One submitter went as far as to propose a structural change to the rating system that alters the order of the rating inputs to move the differential percentages from being a strategic input of Council, to instead being used as a balancing adjustment to keep the average rates of each differential category to a uniform average percentage. This model has been called the dynamic differential system.

The prima-face case for this model (smoothing out the average rates variability) is an attractive headline. However, once the surface is scratched the model reveals a number of problems that range from implementation issues, through to major departures from good taxation practice, and legislative compliance risks.

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This model had been reviewed previously and feedback provided to the submitter to highlight the problems with this proposal, however no adjustments have been suggested to improve on the design. Staff have looked for ways of improving the system to make it possible to consider as a viable alternative, however no solutions have been found that reduce the issues and risks with the dynamic differential model.

The points below cover the main issues with the dynamic differential model.

- The dynamic differential model does not constrain the differential percentages and it is therefore quite possible/probable that it will, at some stage, breach s.161(5) of the Local Government Act (1989). To make this situation worse, the timing of the annual valuations means that any breach would not be known until it was too late to correct. This could place Council in an impossible position of having a rating strategy that breaches the act, but without time to adjust the model (Council would have about one month to complete a process that the Better Practice Guidelines estimate as *“unlikely to take less than six months and could take up to 12 months”*). A likely scenario for the dynamic differential model breaching the legislation may be the reduction in farming land value (caused by a drought etc), and/or the softening of the property development market (due perhaps to constraints on new subdivisions). Because both of these events are likely to happen in the future it is quite conceivable that the dynamic differential model would breach the Local Government Act at some stage, without any chance of Council being able to fix the problem in time.
- The primary justification for the dynamic model is that it attempts to smooth out the annual variability of rates (due to valuation changes) and goes so far as to suggest that volatility can be “eliminated”. However, because the dynamic model only addresses the average increase per differential rating category, annual variability in rates would not be eliminated. Only properties at the exact average annual valuation change for each differential category would experience a rate cap level increase. All other properties would still experience annual changes that are higher or lower than the rate cap. This is also true of the existing model and demonstrates that limited benefit would be obtained in regard to rate variability. The dynamic differential model would not eliminate rate variability.
- Simplicity is a key pillar for a rating strategy (this is listed as a key consideration in the State Government’s *Better Practice Guidelines*). The dynamic differential system is complex and difficult to understand/explain.
- A much more effective, and far simpler system to address the rate variability (valuation averaging) was investigated by the State Government in recent years. Even this system (similar to the one used in Queensland) was found to be overly complex and has been abandoned. Some of the relevant quotes relating to the State Government’s decision to abandon this model are:
  - *“The feedback highlighted that the majority of respondents found the current rating system overly complex and expressed concerns that introducing a VAM would add further complexities for both councils and their communities without effectively addressing rate volatility”*.
    - It is notable that the dynamic differential model proposed is simultaneously more complex than VAM whilst being less effective at smoothing rate variability.
  - *“Respondents stressed the expectation that when property valuations increase, rates should rise proportionally across the municipality. Similarly for reduced valuations. This expectation conflicted with the proposed introduction of a VAM”*.
    - The suggested dynamic differential model suffers from this same weakness that the State Government found unacceptable.

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- One of the significant negative impacts of the dynamic model is that people who are due for a rate reduction (in either real or relative terms) may not receive this reduction due to the dynamic differential model increasing their differential percentage. This is a concerning issue for ratepayers who are struggling with cost of living pressures and this issue mirrors one of the key reasons for the State Government's valuation averaging model being abandoned.
  - For example, the 2024/25 budget has an average rate decrease of 1% for farmers in the Rural 1 category. The dynamic differential model would over-rule this rate reduction and impose a 2.75% increase in average rates. This goes against the principles of good rating policy and is clearly an unfair way to implement rates.
- The dynamic model breaks the core rating principle of being a wealth tax (the principle of vertical equity that is at the core of Australian taxation philosophy). Essentially the dynamic differential model reduces rates for groups of ratepayers who become relatively richer and increases the rates for groups of ratepayers who become relatively poorer. This is a very bad outcome that works in the opposite direction to the core wealth tax principle. It is suggested that this aspect alone would attract the disapproval of state government because it goes against the principles of good rating practice, and disadvantages people with reducing wealth whilst simultaneously rewarding people who become richer. The reversal of the wealth tax principle is also a feature of the dynamic differential model that is likely to cause significant community outcry due to the unfairness of this model – particularly because Council rates is a closed system, so it would be the people with reducing wealth that would directly subsidise the people who are increasing their wealth. This is not the way that taxation should be set up in Australia. Some notable references regarding the wealth tax principle and Council rates are:
  - in the State Government's *Revenue and Rating Strategy - Better Practice Guide*. An important principle is described as follows: *"Rates are essentially a wealth tax, determined on the value of property. A pure "wealth tax" approach implies that the rates paid relate directly to the value of a ratepayer's real property"*.
    - The dynamic model works in the opposite way to this good practice principle.
  - In the State Government's 2020 review of the rating system the following quote supports the wealth tax principle: *"Rates are relative in that the rates paid by a ratepayer are determined by the value of that ratepayer's property relative to the total value of rateable property in that municipality"*.
    - The dynamic differential model changes this and applies a set average increase across the differential categories that is independent of the property values. In doing this, it breaches the wealth tax principle and creates an unfair rating system.
- The model picks a point in time and locks in the relative values/rates at that time. In reality, the differential group valuations move at different rates to a similar eventual point. A change to a dynamic differential model it is very likely to permanently disadvantage one or more differential groups. For example, if the model was implemented at this point in time the business community would be permanently disadvantaged with no possibility of ever returning to a normal relative level. Farmers are also likely to be permanently disadvantaged if this model was to be implemented in the current year.
- The dynamic model works in reverse to the way a rating strategy should be designed. The Victorian system asks Councils to strategically set differential percentages that reflect the relative weighting given to property types (farming at 75%, businesses at 135%, etc). This is the core fundamental decision that Councils make when setting a rating strategy. After these differentials are set the rates are a factor of these differentials applied to the property value (i.e. the wealth tax principle). In contrast to this, the dynamic differential model allows Council's differential percentages to be changed by external valuations. This means that Council would lose control of differential percentages and have no influence on their relative positioning. This removes Council's key strategic decision in the setting of rates.

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- By way of demonstration a dynamic differential model applied in the last 10 years would result in the commercial/industrial differential increasing from 135% to over 170%, at the same time that their property values lost value in relation to other properties.
- Similarly, over the same ten-year timeframe rural properties grew significantly in value, however the dynamic differential model would have dropped the differential rates below 60% (rather than the 75% set by Council). This demonstrates that the dynamic model takes these differential decisions out of the hands of Council and leaves this fundamental rates-setting decision to the whim of the property market.
- The State Government's 2020 review of the rating system clarifies that "*The general rate component of council rates and charges is set as a percentage of property values*". It is the percentage differentials that should determine the rates (the current system), not the valuations that determine the differential percentage (as would happen under the dynamic system).
- Finally, a change to a dynamic differential system would see Indigo Shire Council out of step with all other Councils in Victoria. This model does not adhere to the Better Practice Guidelines and is considered unlikely to be supported by the State Government.

Whilst the intent behind this model is a good one, the dynamic differential model has significant problems, and it cannot be considered as a viable, fair, or compliant rating model. If implemented, it would set up an unfair rating system that would favour those with increasing wealth by increasing taxation for people experiencing declining wealth.

### Transition arrangements

The overwhelming number of emails, letters, and phone calls was from people applying for a primary producer status and not understanding that the decision had not yet been made. The confusion arising from the communication of these proposed changes, as well as the range of different evidence provided by community members, indicated that the transition process to increase Rural 1 from a default of 40 ha to a default of 50 ha is likely to be a large, long, and difficult process that would (in most cases) result in no change to the differential category. This experience was also envisioned by one submitter who questioned the efficiency of making this change, and the cost of doing so.

The workload just to respond to these inquiries demonstrated that the transition process for properties between 40 ha and 50 ha will be a large, time-consuming and expensive process. Some further analysis was performed on the designation of these properties and the following information gathered from the State Government's AVPCC classification codes.

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100 - Vacant Residential Site/Surveyed lot	1
103 - Vacant Residential Rural/Rural Lifestyle	1
110.3 - Detached Dwelling (Existing)	1
117 - Residential Rural/Rural Lifestyle	4
151 - Ancillary Improvements on Residential Rural/Rural Lifestyle Land	1
510 - General Cropping	5
520 - Domestic Livestock Grazing	123
523 - Livestock Production - Sheep	10
524 - Livestock Production - Beef Cattle	45
525 - Livestock Production - Dairy	8
530 - Mixed Farming and Grazing	67
544 - Horse Stud/Training Facilities/Stables	1
551 - Orchards, Groves and Plantations	1
561 - Vineyard	5
572 - Native Hardwood (standing timber)	2
<b>Grand Total</b>	<b>275</b>

This shows that the vast majority of the properties between 40 ha and 50 ha are currently classified as some form of primary production. Using an assumption that most, or all, of these properties will be eligible for the primary production status, it is clear that Council will incur significant time and cost to transition these properties for no benefit.

This workload concern is over and above any rural 2 property applications for primary production status – an added workload that is also expected to be significant.

It is therefore recommended that the transition arrangements be altered from requiring all property owners between 40 ha and 50 ha to apply for a primary producer status, to automatically moving the majority of these properties to primary production. This would be achieved by:

1. Any property between 40 ha and 50 ha that currently has a primary production AVPCC classification be moved to Rural 1 as a primary producer (and retain the 75% differential rate). These properties would be reviewed in the future when they change hands.
2. Any properties between 40 ha and 50 ha that are not currently a primary production AVPCC classification will be contacted and informed that they will move to the Rural 2 differential rate unless they are successful in demonstrating primary producer status.

This achieves a number of significant improvements:

- It saves a significant implementation process for both property owners and Council.
- It saves ratepayers and Council money.
- It allows for farm retirement (a feature of the updated revenue and Rating Strategy) without asking retired farmers to prove they are currently actively engaged in primary production.
- It allows for more time to be allocated to assessing the higher importance applications, rather than being caught up in low value-add applications.

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### Assessment of property size

A number of submissions and discussions centred on the total property size question. Many farms are made up of multiple parcels that combine to a single productive farm. These parcels may be under different names (for example a farmer's name for the 'house block', and the company name for the farming land), or may be spread across a large geographical area with roads in between individual parcels or combined with leased blocks.

The proposed policy allows for properties under the same ownership to be combined for the purposes of demonstrating a farming enterprise >50 ha. The real-world complexity of farming properties is difficult to codify in a policy position and exceptions may still occur. For this reason, it is recommended that the total farm size assessment be adjusted to align to the well-established "Single Farming Enterprise" (SFE) assessment that is currently in use for the purposes of the Municipal Charge. This assessment is simple, uses existing data, and reflects the reality of how farming properties are operated. The drawback with this is that the SFE method does allow for leased properties to be included where the farmer is responsible for paying the rates. This breaks the current focus in the Draft Revenue and Rating Strategy on property ownership, however this is not seen as a strategic drawback because the land is still in use for primary production. In the end the alignment with the existing SFE system is far too simple to be ignored, and aligning with this process achieves the intended strategic outcomes that Council is seeking.

### Timing of primary producer assessment

One practical issue is the timing of a primary producer assessment. In some circumstances of a new owner taking over a parcel of land it may not be possible for the new owner to provide appropriate evidence in time for the rates strike. This timing risks an adverse outcome of placing a primary producer in Rural 2 and disadvantaging them due to administrative timing not aligning with the practicalities of farming.

It is therefore suggested that discretion be permitted in the assessment of these properties and that the rates team be permitted to apply a provisional Rural 1 status on a property for a period of time to allow time for the owner to provide suitable evidence. It is expected that this would be usually for 12 months at a maximum.

### Rural 2 to be from 8 ha to align with current strategy and primary production to align at 8 ha and above.

The draft strategy and commentary contained an error in that the size of the Rural 2 properties was listed as 2 ha and above. This was an error and the intent was always that the lower limit be the current 8 ha that is used for Rural 2.

The attached final version reverts to the normal 8 ha for Rural 2, and also aligns the primary producer status to this 8 ha minimum.

### New owner considerations

An issue that arose as part of the exhibition discussions was the potential for a surprise rates bill where a property less than 50 ha that had (to that point in time) been allocated a Rural 1 differential under a primary production exemption is re-categorised as Rural 2, resulting in an increase in the rates by approximately 20%. This would only occur if the land is taken out of farming use and used for some other purpose (a rural residence).



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Strategically this change aligns with Council's rate's philosophy of supporting farmers (at a 75% differential) whilst maintaining a higher differential (90%) for rural lifestyle blocks, and therefore the rate increase is not an error. However, the timing and visibility of this changeover will result in the new owner being charged more than they may be expecting (based on the s.32 disclosures).

There is very little that can be done about this situation apart from making the Revenue and Rating Strategy available to potential buyers on Council's website with associated information that explains the reasons for the position that Council has taken.

### Clarification of the Rural 2 category

One submitter pointed out that the Rural 2 category assumes residential use, and therefore may (inadvertently) result in a property being classified into a different differential category (possibly even Residential Vacant).

This is not a new issue, and the wording has been in place without issue. However, this submitter has pointed out a good enhancement and the words used for rural 2 have been altered to lower the focus on residential use.

### Timing of objections

One submitter raised the question of timing for primary producer status/change of ownership and the objection window, pointing out that the timing may be tight in certain circumstances.

This is correct and it is possible in some circumstances to have a tight turnaround; however, a few factors mitigate this concern:

- Whilst the objection window for ratepayers is set by legislation, Council has the ability to request a revaluation outside of this window if circumstances require it.
- The rates team will be able to provide a provisional/temporary Rural 1 designation as a primary producer in the short term to allow the property owner to establish and/or provide the necessary evidence.

### Revenue raising

One submitter objected to the changes and viewed these proposals as overt revenue raising by Council. Another submitter provided a similar view phrased in a question about whether the extra revenue that would be generated by this revised Revenue and Rating Strategy is worth the administrative cost. These submissions provide an opportunity to clarify that the changes proposed in this strategy will have no impact on Council's revenue. Nor will it impact the total rates paid by ratepayers of Indigo Shire.

Instead, this change to the Revenue and rating Strategy adjusts the relative distribution of rates across the different property groups. Where one group or property pays more, another group or property will pay less. The net result of this is an overall \$0 change.

This clarification makes it easy to focus on the strategic intent of the revenue and rating Strategy. The changes being proposed (in this review these are mainly to support primary production) are a genuine restructuring of the rating system to provide for a fair and equitable rating system. In particular, the current review uses some new tools (AVPCC, etc) to enable primary production to be unlocked from the previous designation based only on property size.

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### Retrospective changes

One submitter pointed out that the proposed changes would impact landowners that had already set up residential properties on land that was between 40 ha and 50 ha on the belief that they would continue to qualify for the Rural 1 differential. The proposed change may adversely impact these landholders and the submission suggested that the changes should be applied to future subdivisions rather than past decisions that people had made.

This is a reasonable challenge to make, however the likely number of properties in this group, combined with the difficulty/inefficiency of applying this differently to properties in the same differential group makes this suggestion inefficient and administratively burdensome.

An alternative view for existing properties greater than 40 ha that are used for residential purposes is that the intent of the Rural 1 differential was always about farming, and not residential. Prior to this review Council allowed these residential properties to be rated as farms because it was not efficient to implement a system to differentiate between primary production and rural lifestyle blocks. This was a known and accepted weakness with past rating strategies that allowed rural lifestyle properties to gain an unintended benefit. With the increase in rural living blocks that are slightly larger than 40 ha (in order to gain a house) it is now appropriate to close this loophole and differentiate between primary production and rural lifestyle. This alternative perspective proposes that lifestyle blocks between 40 ha and 50 ha have been gaining an unintended benefit for many years that should now be fixed.

### Planning Scheme basis for rates decisions

One submitter pointed out that Council already has a system of designating land into different categories: The Planning Scheme. The submission went on to suggest that this would be an appropriate basis for the raising of rates (i.e. farming rates for land that is zoned farming).

This approach seems to have some initial appeal and provides alignment between rates and land use planning. However, on a closer inspection this alignment rapidly falls apart. It is entirely normal for land in a particular zone to be used for a different purpose. Farming land is often used for businesses (for example a factory). These businesses should be rated as commercial (at 135% rather than farming (at 75%). This is reinforced by remembering that rates is a closed system and an increase in one area results in a reduction in another. Therefore, allowing businesses to operate in farming areas not only inappropriately reduces the Council rates for the business, but increases everyone else's rates to cover for the reduction.

Another example is where Council may rezone land for a strategic purpose. For example, some of the towns in Indigo Shire have the land in the centre of town zoned commercial as a strategic action to allow for future expansion of use. The residential houses in this area should be allowed to continue for as long as they like as residential use without having their rates increase because of a long-term strategic planning goal.

### 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. These options were considered in the process leading up to the production of the draft strategy that was endorsed at the April council meeting.



## COUNCIL MEETING AGENDA - 30 JULY 2024

These settings have been tested through an exhibition process and the updated strategy (with changes that arose from the submissions) is attached. The options at this stage are:

- Adopt the attached Revenue and rating Strategy (2024). This is the recommended option.
- Retain the current rates settings (i.e. no change). 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

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).

Whilst not part of the original draft strategy the updated strategy does propose a mechanism for TfN properties greater than 8 ha (and not used for any other purpose) to apply for the Rural 1 differential.

### FINANCIAL IMPLICATIONS

The distribution of the rates burden changes the relative weighting of the rates. In this way an 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 an administrative cost that is currently un-budgeted. This will be managed through Council's usual mechanisms.

One of the important learnings from the exhibition period is the amount of engagement required for this process. The attached (updates) strategy proposes an alteration to the implementation plan to better manage the financial cost of making these changes.

## COUNCIL MEETING AGENDA - 30 JULY 2024

### 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 individual 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 though;

- A community survey; and
- A community working group.
- The exhibition of the draft strategy for 2 months.

#### **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. The draft strategy included all of the recommendations of the group.

## **COUNCIL MEETING AGENDA - 30 JULY 2024**

Since the draft the Revenue and rating Strategy has been updated to accommodate a lower rate for Trust for Nature land that is not used for any other purpose. This specific change is different to the recommendation of the community working group.

The recent exhibition period resulted in thirteen submissions being received. These submissions are attached to this report (with personal details redacted) and all submissions have been supplied to Councillors separately (without redactions).

The submissions, and conversations held during the exhibition period, resulted in a number of changes to the final version of the Revenue and rating Strategy. These changes are described in this report and outlined in the recommended resolution.

### **Engagement Proposed**

If adopted by Council the Revenue and Rating Strategy will be published on Council's website.

Letters will be sent to all property owners with land between 40 ha and 50 ha to explain the result of this process. The letter will clarify whether each recipient is going to remain at the 75% differential (based on combined land size, or AVPCC designation) or is likely to move to Rural 2. Any properties in the latter group will be given details on how to apply for primary producer status (returning to the Rural 1 differential rate).

Information about applying for primary producer status will be provided on Council's website.

An article about these changes will be published in Council's Weekly Update and also on Facebook.

### **CONCLUSION**

Any update to the revenue and rating settings that a Council uses is always 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 for many years. 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. Overall, these changes align with Council's principle of supporting farming, the protection of viable farming land from residential development, and support for environmental land and biodiversity. The remainder of the strategy (vacant land, commercial, etc) was assessed and found to be appropriate.

The recommended updates were exhibited for two months and the feedback received during this time was valuable to assist with refining and improving the strategy. Council thanks the submitters for their time and engagement.

The attached strategy is a solid step forward and is based on state government better practice and a significant consultation process. It aligns with Council's policies and values and is an appropriate strategy for the coming years.
















## COUNCIL MEETING AGENDA - 30 JULY 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:

- Greg Pinkerton - Director Planning and Corporate Services

### Attachments

1. [!\[\]\(7a8011739ec4e250e2f89a547d75fb0a\_img.jpg\)](#)  Revenue and Rating Strategy (2024)
2. [!\[\]\(44ee86b940d3a0ca166486da8985875e\_img.jpg\)](#)  Current Rating Strategy
3. [!\[\]\(72fd141c2b650e3974b4ac376f402874\_img.jpg\)](#)  Submission 1 - Revenue & Rating Strategy - 2024\_redacted
4. [!\[\]\(b3585519a49e38e8d8527211b2b955fa\_img.jpg\)](#)  Submission 2 - Revenue & Rating Strategy - 2024\_redacted
5. [!\[\]\(e44030763054d056f0c2076bb43543da\_img.jpg\)](#)  Submission 3 - Revenue & Rating Strategy - 2024\_redacted
6. [!\[\]\(6a9cf1e556842e523644649bd85d3d25\_img.jpg\)](#)  Submission 4 - Revenue & Rating Strategy - 2024\_redacted
7. [!\[\]\(73ec6ee9195e4849ae70603cfd4b136c\_img.jpg\)](#)  Submission 5 - Revenue & Rating Strategy - 2024\_redacted
8. [!\[\]\(e0b7ccd4c07799569395d0ab2ff94559\_img.jpg\)](#)  Submission 6 - Revenue & Rating Strategy - 2024\_redacted
9. [!\[\]\(baf8b7e9c0c4e692a9fffe5d773435c9\_img.jpg\)](#)  Submission 7 - Revenue & Rating Strategy - 2024\_redacted
10. [!\[\]\(8abbd037145a06b24d5223d47ce33daf\_img.jpg\)](#)  Submission 8 - Revenue & Rating Strategy - 2024\_redacted
11. [!\[\]\(87a73380a48d122cb3ef6da419ef0ea6\_img.jpg\)](#)  Submission 9 - Revenue & Rating Strategy - 2024\_redacted
12. [!\[\]\(7c99cab9845f54a765f08929ae13dee8\_img.jpg\)](#)  Submission 10 - Revenue & Rating Strategy - 2024\_redacted
13. [!\[\]\(46df0e0cdf98caef6bc576b14ec5426f\_img.jpg\)](#)  Submission 11 - Revenue & Rating Strategy - 2024\_redacted
14. [!\[\]\(c90de4468f6c504d9b860bbac1928f5e\_img.jpg\)](#)  Submission 12 - Revenue & Rating Strategy - 2024\_redacted
15. [!\[\]\(42a4a53410784e0327f14accf473e89a\_img.jpg\)](#)  Submission 13 - Revenue & Rating Strategy - 2024\_redacted

## COUNCIL MEETING AGENDA - 30 JULY 2024

### 11.2 FINANCIAL HARDSHIP POLICY (2024)

File No: 2024/578

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

#### For Decision

#### RECOMMENDATION

That Council adopts the attached *Financial Hardship Policy (2024)*.

#### PURPOSE OF REPORT

The purpose of this report is to present the attached *Financial Hardship Policy (2024)* for adoption.

#### BACKGROUND

Council's Financial 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 policy that has been exhibited for two months and is ready for adoption.

#### DISCUSSION

In producing the attached policy, 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.

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 policy has been reviewed with this in mind and the language softened to better reflect the approach taken by Council.

In addition, the policy 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.
- Removal of alcohol and tobacco as indicators that someone is not in financial hardship.
- 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.

## COUNCIL MEETING AGENDA - 30 JULY 2024

- 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 attached policy. This is not recommended because the recommended 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, and does not align with the direction taken by the State Government.

### 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.

### 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.

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### 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.

### 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.

The draft policy was endorsed at Council's April meeting and placed on public exhibition for a period of two months. No submissions were received in response to this exhibition.

#### **Engagement Proposed**

Once adopted the policy will be placed on the Council's website.

## COUNCIL MEETING AGENDA - 30 JULY 2024

### CONCLUSION



The attached 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.   Financial Hardship Policy (2024)



## COUNCIL MEETING AGENDA - 30 JULY 2024

### **11.3 PLANNING PERMIT APPLICATION PP23-0174 - 11 SLAUGHTERHOUSE ROAD, RUTHERGLEN**

File No: 2024/412

James Turner - Manager Planning & Statutory  
Services

Planning & Corporate Services

#### **For Decision**

#### **RECOMMENDATION**

That Council issue and endorse the proposed Development Plan for 11 Slaughterhouse Road, Rutherglen, including the requested notation from North East Water.

#### **SUMMARY**

<b>Application No:</b>	PP23-0174
<b>Subject Land:</b>	11 Slaughterhouse Road Rutherglen
<b>Proposal:</b>	78 lot Development Plan (14 stage subdivision)
<b>Recommendation:</b>	<b>Approval in accordance with the Recommendation above.</b>

#### **BACKGROUND**

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Date application lodged:	12/09/2023
Purpose:	Seek approval to use and/or develop the subject site for the purposes of 78 lot subdivision over 14 stages.
Subject site land area:	11 Slaughterhouse Road Rutherglen
Current use of subject site:	Existing dwelling and associated outbuildings
Site constraints:	Unsealed road to south of the subject site and an unmade road reserve along the northern boundary.
Surrounding land use:	Low Residential to the north and north east and Rural Activity to the south.
Zoning of surrounding land:	Rural Activity Zone to the south

#### **PROPOSAL**

The proposal is required to facilitate the envisaged development outcome for the land, which may include fully serviced minimum 2,000sqm allotments and/ or septic/effluent managed low density allotments. The Development Plan is proposed to be approved under Schedule 3 to the Development Plan Overlay (DPO) to ensure future development applications may be considered generally in accordance with the approved Slaughterhouse Road Development Plan.

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Figure 1 – Aerial image



Figure 2 – Development plan



*Figure 3 – Staged subdivision plan*



*Figure 4 – Proposed landscape plan*





*Figure 5 – Landscape plan & plant schedule*

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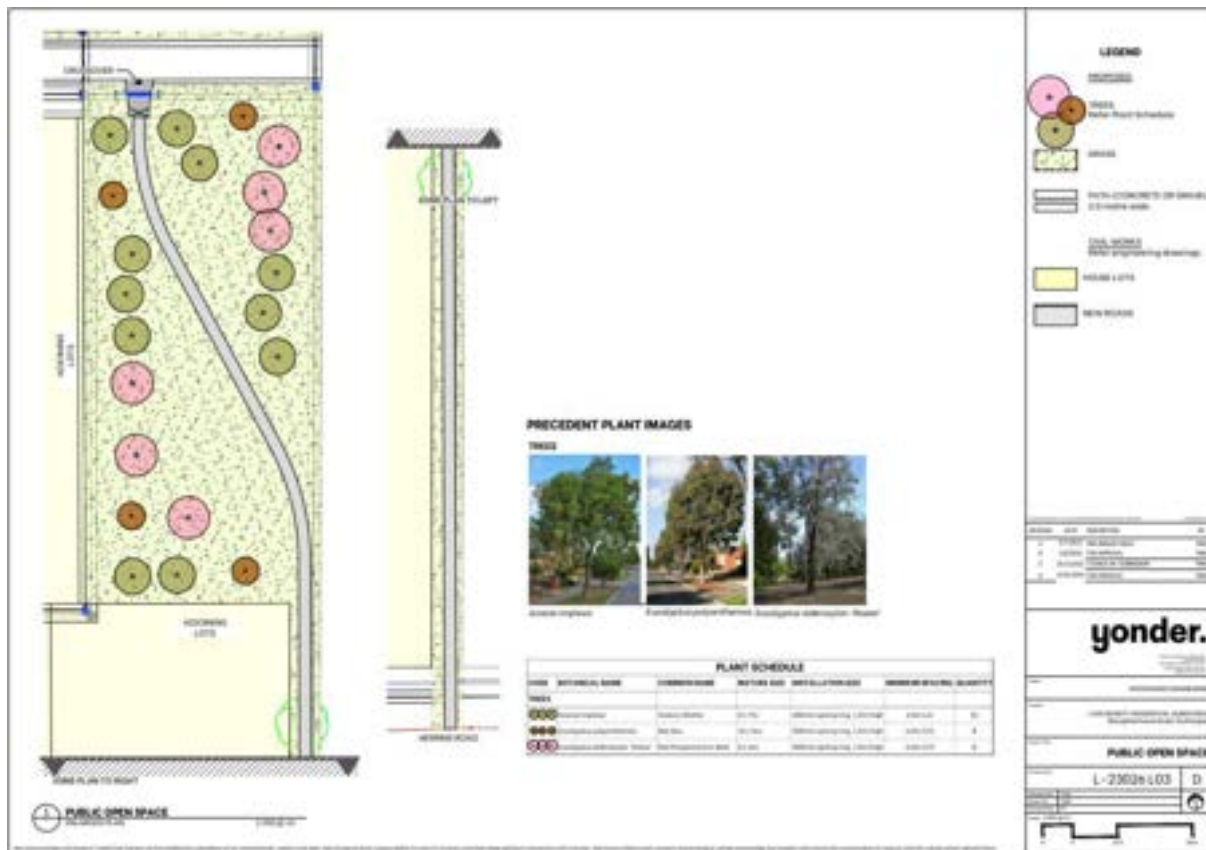


Figure 6 – Landscape plan & plant schedule 2

### ZONING AND PLANNING CONTROLS

Zoning: The land is zoned

- Clause 32.03 - Low Density Residential Zone (LDRZ)

Overlay/s: The land is covered by the following overlays:

- Clause 43.04 – Development Plan Overlay Schedule 3 (DPO3)

Permit Trigger:

N/A, as the proposal does not include a planning permit.

A proposed development plan has been submitted to Council for approval.

### Planning and Environment Act 1987 - SECT 60

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

- the relevant planning scheme; and
- the objectives of planning in Victoria (which include at Section 4(1)(b) to provide for the protection of natural and man-made resources...); and
- all objections and other submissions which it has received and which have not been withdrawn; and
- any decision and comments of a referral authority which it has received; and

## COUNCIL MEETING AGENDA - 30 JULY 2024

- (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.
- (f) any significant social effects and economic effects which the responsible authority considers the use or development may have.
- Section (1A) of the Act provides that the responsible authority, if the circumstances appear to so require, may consider:
  - (g) any other strategic plan, policy statement, code or guideline which has been adopted by a Minister, government department, public authority or municipal council;
  - ...
  - (j) any other relevant matter.

### MUNICIPAL PLANNING STRATEGY AND PLANNING POLICY FRAMEWORK

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

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

Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure. Planning is to recognise the need for, and as far as practicable contribute towards:

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

## **COUNCIL MEETING AGENDA - 30 JULY 2024**

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

### **Settlement**

11.01-1S – Settlement

11.02-3S – Sequencing of Development

### **Environment**

12.01–1S – Protection of Biodiversity

12.01-2S – Native Vegetation

### **Natural Resource Management**

14.02 -2S – Water Quality

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

### **Built Environment and Heritage**

15.01-3S – Subdivision Design

15.01-5S – Neighbourhood Character

15-01-6S – Design for rural Areas

### **Housing**

16.01-1-2S – Housing Supply

16-01-1L – Residential Subdivision and Development

16.01-2S – Housing Affordability

16-01-3S – Rural Residential Development

### **Transport**

18.02—4S – Roads

## **PARTICULAR PROVISIONS**

### **Clause 52.17 - Native Vegetation**

The purpose of this provision is:

*To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):*

- 1. Avoid the removal, destruction or lopping of native vegetation.*
- 2. Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.*
- 3. Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.*

## COUNCIL MEETING AGENDA - 30 JULY 2024

*To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.*

Planner comments:

Biodiversity Assessment has been completed by Red Gum Environmental Consulting. The assessment identified three scattered native trees and patches of Plains Woodland (EVC 803) and Low Rises Grassy Woodland (EVC 175\_61) to be considered as part of any future development. The Slaughterhouse Road Development Plan encourages the integration and retention of the scattered native trees into private allotments. The patches of native vegetation will likely be removed as part of the works associated with the subdivision. The future planning application must address Clause 52.17 directly through a specific Biodiversity Assessment and Native Vegetation Removal Report.

### **Clause 53.01 – Public Open Space Contribution and Subdivision**

Clause 53.01 of the Indigo Shire Planning Scheme may require a public open space contribution as part of a planning permit, in accordance with Section 18 of the *Subdivision Act 1988*.

Planner comments:

The Schedule to Clause 53.01 of the Indigo Shire Planning Scheme does not provide a specific contribution requirement for the subject site. However, the provisions of the *Subdivision Act 1988* would typically require a 5% Public Open Space contribution in the form of land or a cash equivalent contribution. The Development Plan shows potential areas of public open space. While the detailed design of the future open space will be addressed as part of a planning permit, the proposed plan shows an appropriate location and basic design for the future open space.

## GENERAL PROVISIONS

### **65 Decision Guidelines**

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

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

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



## COUNCIL MEETING AGENDA - 30 JULY 2024

- 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.

### Planner comments:

The proposal has been considered against Clauses 65.01 and is considered to generally satisfy the relevant matters and issues identified under the clauses. Namely;

- The proposal is consistent with section 60 of the Act.
- The proposal consistent with the purpose or objectives outlined in either zone or the overlay.
- The development plan supports and facilitates orderly future subdivision, which is considered to be a logical outcome for the land.
- The development plan facilitates the future servicing of the land, and considers the current constraints on servicing from North East Water.
- Impacts on vegetation have been identified and considered, and will form part of the future planning permit consideration.
- Relevant amenity and safety risks have been considered, and
- The development plan will not have unacceptable adverse impacts on the transport system.

### REFERRAL AUTHORITIES

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

- North East Water

*“North East Water does not object to the approval of the Development Plan for the 14-stage subdivision, however, advises that there are currently significant capacity constraints on the existing sewer infrastructure affecting Stages 2 to 14 of the Development Plan.*

*Stage 1 of the Development Plan is proposed to be serviced with onsite septic systems, which is supported by North East Water, and North East Water does not object to a permit for the Development Plan for Stage 1 being granted.*

*However, upgrades are required to North East Water’s sewerage infrastructure to service the allotments proposed for Stages 2 to 14 of the Development Plan. Therefore, a planning permit*

## COUNCIL MEETING AGENDA - 30 JULY 2024

*seeking subdivision approval for Stages 2 to 14 requiring connections to reticulated sewer may not be supported by North East Water at this time.*

*North East Water has commenced master planning for Rutherglen which includes the expansion of sewer services but is unable to specify a timeframe for when new sewerage services will be available for Stages 2 to 14 of this development.*

*Should Council resolve to approve the application for the Development Plan, North East Water requests that the following notations be placed on any approval of the Development Plan granted by Council:*

▪ **Notation:**

*The developer is advised that sewer services are currently unavailable for Stages 2 to 14 of the development. Sewerage infrastructure for Rutherglen is currently under development which will allow for new allotments to be connected to sewer in the future. The developer is encouraged to deal directly with North East Water regarding future sewer servicing timing and capabilities for Stages 2 to 14 of the Development Plan and future sewer connection requirements."*

- Infrastructure (internal)
- Environmental Health (internal)

### **Planner comments:**

Responses received recommendations of approval subject to conditions and notations. However, given the comments provided by North East Water, the current service ability for the proposed subdivision is significantly limited for the near future. The proposed development plan will create a guideline for future subdivision and development as the serviceability of the area is upgraded to meet the demands of the growing population of Rutherglen. This being said, the size of the proposed development plan is large but limited to North East Waters serviceability, which may take many years to catch up to any proposed subdivision and development. As such, the development plan proposed will serve as an appropriate guideline for future subdivision and development and in-turn allow for the surrounding infrastructure to service the area and wider community.

### **PUBLIC NOTICE**

In accordance with Indigo Shire Councils practice in relation to Development Plans notice of the application was given to adjoining owners and occupiers and other relevant persons.

[17] submissions were received in response.

Issues raised include:

Summary of planning issues raised

- The increase in traffic down slaughterhouse road/ high.
- The road is not wide enough in some places.
- No footpaths have been proposed.
- The 5-way intersection of High Street/Sheridans Bridge Road/ Ready Street is already busy and at school times a dangerous intersection, especially coming from the High Street/Slaughterhouse Road end turning out.

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- No childcare availability for the increase in population.
- Zoning is not compliant with the purpose of the zone (LDRZ)
- Concerns regarding stormwater runoff due to increased development
- Safety of cyclists
- Herrins Road will only be upgraded to a dirt road as per the same grade as the dirt section of Slaughterhouse Road
- The proposal doesn't have any information that refers to any restrictions to the size, shape or materials that the homes are needed to conform. For example, Energy efficient, green space requirement.
- There is no provision for open spaces
- Indigo's Urban Canopy Strategy
- The proposed development is within a wildlife corridor
- How will the subdivision access be addressed with the increased density.
- Planner comments:
- Due to the number of objections a meeting was called to hear and address the community's concerns. A planning focus meeting was held on the 5<sup>th</sup> April 2024 attended by the applicant, objectors, & Council officers to clarify the issues raised in objections.

Council officers found the meeting very useful to better understand the concerns of community members. Broadly speaking, Council officers heard that there were some specific concerns with the subdivision as proposed, however the larger concerns related to the ability of the infrastructure of Rutherglen to support development. More specifically:

### Subdivision

- Appropriate greening and landscaping, including impacts on existing trees;
- The size, location and adequacy of the proposed open space area;
- The stormwater drainage system, including:
  - Whether the proposed drainage basin is suitable, both in size and configuration;
  - The impacts on downstream properties;
  - If 1 in 100 modelling is suitable, and more broadly if the modelling is accurate; and
- The standards required for roads.

### Broader Area

- Road safety concerns, particularly the Ready Street/Five ways intersection;
- Lack of footpaths and connectivity to the main part of town;
- Impact on existing constraints in the sewerage and potable water supply, with water pressure being of particular concern;
- Existing stormwater issues;
- Concerns around lack of social infrastructure, ie schools and childcare; and

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- Impact on commercial services, such as the supermarket.

Planner comments:

An updated Traffic Impact Assessment has been submitted to Council for review and stated:

“With respect to the updated traffic report & the development plan, assets will not reduce the road requirements for Herrin’s Road & Telford Street as per the recommendations from the Traffic report, and as noted on the submitted development plan”

Given the comments received by Councils infrastructure department, a condition will be added to any future permits issued requiring updated plans to reflect the engineering/infrastructure conditions provided.

Overall, the objections provided Council with a better understanding of its site and its constraints, as well as allowing the applicant to make a number of changes in response.

### CONCLUSION

The proposed development plan, comprising of a maximum of seventy-eight (78) lot subdivision, is consistent with the relevant provisions of the PPF, as well as the objectives of the Low Density Residential Zone, and in accordance with Development Plan Overlay.

The plan has been referred to the relevant authorities and their responses included in the recommendation. The proposed plan has also been provided to the surrounding properties and a focus meeting held to explore any concerns. This process, and the community consultation, has been very useful in considering the proposal, and deciding on notations that are appropriate for the plan.

After conducting the full planning assessment process, the Development Plan has been found to be suitable and it is therefore recommended for approval.

### CONFIDENTIAL ATTACHMENT

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

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

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


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### DECLARATION OF CONFLICT OF INTEREST

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

- Danieel Matthews, Senior Statutory Planner
- James Turner, Manager Planning and Statutory Services
- Greg Pinkerton – Director Planning and Corporate Services

### **Attachments**

1. PP23-0174 - Objections - 11 Slaughterhouse Road - Rutherglen (Confidential)
2. [↓](#)  PP23-0174 - Updated Development Plan - 11 Slaughterhouse Road - Rutherglen - PN 4128

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### **11.4 PLANNING PERMIT APPLICATION PP23-0002 - 41-47 FOORD STREET, WAHGUNYAH**

4. File No: 2024/415

5. James Turner - Manager Planning & Statutory Services

6. Planning & Corporate Services

#### **For Decision**

#### **RECOMMENDATION**

That Council issue a notice of decision to grant a planning permit at 41 – 47 Foord Street, Wahgunyah, for:

Staged subdivision of land in the General Residential Zone and Bushfire Management Overlay. Removal of an easement in accordance with clause 52.02 of the *Indigo Planning Scheme*.

Subject to the following conditions:

#### **ENDORSED PLANS – SUBDIVISION**

1. The subdivision allowed by this permit and shown on the plans endorsed to accompany the permit must not be amended for any reason unless with the prior written consent of the Responsible Authority.

#### **STAGED SUBDIVISION**

2. The subdivision must proceed in the order of stages as shown on the approved and endorsed plan, except with the prior written consent of the responsible authority.

#### **LAND VESTED IN COUNCIL**

3. Prior to certification of stage 1, all land required for drainage assets must be shown on the plan of subdivision as a reserve in favour of Indigo Shire Council, to the satisfaction of the responsible authority.

#### **OPEN SPACE CONTRIBUTION**

4. Before the Statement of Compliance is issued under the *Subdivision Act 1988*, the applicant or owner must pay a monetary contribution for public open space of 5 per cent in accordance with a decision of the Council made under section 18 of the Subdivision Act 1988.

The responsible authority may delay the time for payment of the monetary contribution by agreement in writing with the applicant or owner

#### **EASEMENTS**

5. All existing and proposed easements and sites for existing and required utility services and roads on the land must be set aside in favour of the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for certification under the *Subdivision Act 1988*.

#### **ENGINEERING CONDITIONS**

##### **Detailed construction plans**

6. Prior to certification of each stage, detailed construction plans must be approved and endorsed by the responsible authority. The construction plans must:
  - a) be prepared to the satisfaction of the responsible authority
  - b) be drawn to scale with dimensions and submitted electronically.
  - c) Include the following:
    - i. All details of works consistent with the relevant landscape plan and plan of subdivision for the relevant stage of the subdivision.

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- ii. Design for full construction of streets and underground drainage, including measures to control / capture pollutants and silt.
- iii. Provision for all services and conduits (underground), including alignments and offsets, on a separate services layout plan.
- iv. All road reserve and pavement widths to be in accordance with the endorsed plans, Indigo Shire Council Standard Drawings and the Infrastructure Design Manual (IDM), including:
  - 1) 7.3m carriageway width;
  - 2) 30mm deep asphalt;
  - 3) Capacity to convey a 1% AEP event through the development site via public roads, reserves or easement;
  - 4) Underground drainage to capacity to convey a 10% AEP event;
  - 5) Kerb and channel:
    - a. SM2 – Modified – Both sides of Victoria Street
    - b. Barrier type – Foord Street infill section
- v. All intersection treatments to allow Council's waste collection vehicles to manoeuvre in a forward direction without the need for reversing.
- vi. All court heads to allow Council's waste collection vehicles to access and egress from the courts in a forward direction.
- vii. Verge widths around all bends, intersections and within court bowls must not be less than 3m in width.
- viii. Priority intersection treatments must be provided at intersections, 90-degree bends and at standard "T" intersections. The priority intersection treatment must comprise of an open invert channel across the entrance to the minor street and a low profile splitter island on the minor road.
- ix. Low profile splitter island, solid white centreline pavement marking and raised reflective pavement markings (RRPM) on all 90-degree bends on through roads.
- x. Provision of concrete footpaths in all streets and reserves. All footpaths must be a minimum 1.5 metres in width and be in accordance with Indigo Shire Council Standard Drawings.
- xi. Provision of public lighting with underground electricity supply to all streets, footpaths, bus stops and to major pedestrian and bicycle links.
- xii. All street lighting must be designed in accordance with AS 1158. Non-standard street lighting will not be accepted.
- xiii. Access to all public buildings, pathways and road crossings must comply with the *Disability Act* 2006 and be to the satisfaction of the Responsible Authority.
- xiv. Provision of street name plates to the Indigo Shire Council Standard Drawings including a schedule of individual signs and associated street numbers.
- xv. Provision of underground easement drains of sufficient capacity to serve all lots being created which connect to a legal point of discharge including the provision of an inlet to each lot.

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- xvi. The location and provision of vehicle exclusion mechanisms abutting reserves.
- xvii. Details of the proposed treatment and provision for lot boundary fencing adjoining all reserves other than road reserves.
- xviii. Permanent survey marks.
- xix. Survey details of the canopy trunk location and size of trees to be retained and associated tree protection zones.
- xx. Details in relation to all filling on the land that must be compacted to specifications approved by the Responsible Authority.
- xxi. The underground relocation of all existing aerial services, on the services layout plan.
- xxii. The location of any earthworks (cut or fill) or service provision in a location outside the designated tree protection zone which does not adversely impact on the health and integrity of any trees to be retained.
- xxiii. The drainage system of the proposed development must be designed to ensure that flows downstream of the land are restricted to pre-development levels.
- xxiv. Underground drainage must be provided and any other drainage works necessary for the transmission of drainage as required to the outfall.
- xxv. All drainage works must be designed to meet the following current best practice performance objectives for stormwater quality as contained in the *Urban Stormwater – Best Practice Environmental Management Guidelines (1999)*:
  - 6) 80% retention of the typical annual load of total suspended solids;
  - 7) 45% retention of the typical annual load of total phosphorus;
  - 8) 45% retention of the typical annual load of total nitrogen; and
  - 9) 100% retention of the typical annual load of gross pollutants.
- xxvi. Each lot must be provided with one drainage discharge point.
- xxvii. All lots within the proposed development abutting or adjoining a watercourse or water body must have a minimum 600mm freeboard above the 1 in 100 year flood level of the water course or water body.

- 7. Roads and allotments are to be designed such that the allotments are protected with a minimum 300mm freeboard against the 1 in 100 flooding, where the water level exceeds 50mm above the top of kerb.
- 8. The design and scope of detailed engineering plans to be submitted for approval must meet the requirements of the Infrastructure Design Manual (IDM), and all works are to be carried out in accordance with this Manual.

### Detailed Landscape Plan

- 9. Prior to certification under the *Subdivision Act 1988*, a detailed landscape plan for the bioretention basin and adjoining and drainage reserve, streetscapes and landscape elements must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and must show:



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- a) all new plantings including their layout to be provided in any public open space area including streetscapes, parklands, water retention areas, buffer zones, service corridors, and environmental reserves
- b) retention of all existing street trees
- c) provision of one street tree for each non-corner allotment and two street trees for each corner allotment
- d) a detailed planting schedule of all proposed trees, shrubs and groundcovers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant. All species selected must be to the satisfaction of the Responsible Authority
- e) details regarding specific planting techniques to be undertaken, such as planting methodology, root barriers, fertilizer, or any other requirements;
- f) the proposed layout, materials and finishes of paths, areas of pavement, playgrounds, play items, structures and street and park furniture
- g) detailed planting and construction drawings including site contours and any proposed changes to existing levels including any structural elements such as retaining walls, details of drainage infrastructure, utility services, irrigation and water supply infrastructure
- h) detailed construction drawings of any buildings or structures within any public open space areas including additional supporting information such as certified structural design computations
- i) details for the design, supply and installation of playground equipment
- j) the removal of all existing disused structures, foundations, pipelines or stockpiles and the eradication of weeds from the land
- k) mechanisms for the exclusion of vehicles from reserve areas
- l) location and details of public lighting. Any proposed public lighting is to be provided in line with Australian Standards AS/NZS 1158.3.1:2005 – Lighting for roads and public spaces and must not consist of non-standard lighting
- m) fencing details for all allotment boundary fencing abutting a reserve to be transferred to Council

all to the satisfaction of the Responsible Authority.

### Erosion and sediment control plan

10. Prior to the Certification of the Plan of subdivision an Erosion & Sediment Control Plan prepared in accordance with the EPA document *Construction Techniques for Sediment Pollution Control, Environment Protection Authority May 1991* must be submitted to and approved by the Responsible Authority.

### Construction management plan

11. Prior to the commencement of any works on site, a Construction Management Plan must be prepared to the satisfaction of the Responsible Authority. Once approved the Construction Management Plan will be endorsed and form part of this permit. The plan must address at least the following matters:
  - a) Operating hours, noise and vibration, including details of:
    - i. Noise control
    - ii. Signage
    - iii. After hour works

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- b) Air and dust management, including details of:
  - i. Prevention and control, including storage of loose materials
  - ii. Smoke and pollution
- c) Stormwater and sediment, including details of:
  - i. Stormwater and sediment control measures
  - ii. Excavation work
  - iii. Vehicle entry and exit points
  - iv. Washing and clean up
- d) Waste and materials reuse, minimisation and management, including details of:
  - i. Waste collection arrangements
  - ii. Hazardous waste
  - iii. Scheduled clean-ups

12. 24-hour emergency contact details of a liaison officer for adjacent business owners and the Responsible Authority in the event of relevant queries or problems experienced during construction.

Construction in accordance with detailed engineering plans

13. Prior to statement of compliance, all works outlined on the approved detailed engineering plans, landscape plan and erosion and sediment control plan must be completed to the satisfaction of the responsible authority.

As Built Documents Required

14. Before the issue of a Statement of Compliance for each stage of the subdivision under the *Subdivision Act 1988*, the following must be submitted to the satisfaction of the Responsible Authority:
- a) A complete set of “as constructed plans” of site works in digital file format AutoCAD. The digital files must have a naming convention to enable identification of Council assets listed.
    - i. A list of asset quantities which include the following Council assets;
    - ii. Total length of Roads, Footpath, Kerb and Channel,
    - iii. Total number of Bridges, WSUD features, Traffic calming devices,
    - iv. Total length of pipe and number of pits for Drainage and Telecommunications,
    - v. Total number of streetlights.
  - b) Asset information in digital format to include drainage data in accordance with the “D-Spec” Standard and open space data in accordance with the “O-Spec” Standard.
  - c) A report containing a maintenance regime for all Water Sensitive Urban Design features.
  - d) A CCTV video recording of all completed drains.
  - e) A refundable maintenance bond of 5 per cent of the total cost of all construction works, to be held for a minimum of 12 months.
15. The applicant will be responsible for design and construction of new road in Victoria Street generally as identified in the endorsed plans, to an Access Street IDM standard (7.3m carriageway width). The new road and all associated infrastructure must be constructed to the satisfaction of the responsible authority prior to statement of compliance for Stage 3.

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### Subdivision Fees

16. Prior to statement of compliance for each subdivision stage, the applicant must pay, to Council, Plan Checking Fees of 0.75% and Engineering Inspection Fees of 2.5% of the cost of constructing the works proposed on the engineering plan. The value of works must be the final actual cost of works (GST Inclusive).
17. Following practical completion of all construction works, a defect liability period of 12 months will apply to all assets to be inherited by Council.
18. Prior to statement of compliances, a Guarantee of Work equal to 5% of the total cost of roads, drainage and hard landscaping must be provided to Council. This Guarantee will be held by Council until satisfactory completion of any rectification of defects following the 12-month defect liability period. If the applicant fails to complete rectification works, Council will call on the Guarantee to fund the works.

### AUSNET CONDITIONS

19. The applicant must –
  - a) Enter in an agreement with Ausnet Electricity Services Pty Ltd for supply of electricity to each lot on the endorsed plan.
  - b) Enter into an agreement with Ausnet Electricity Services Pty Ltd for the rearrangement of the existing electricity supply system.
  - c) Enter into an agreement with Ausnet Electricity Services Pty Ltd for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by Ausnet Electricity Services Pty Ltd.
  - d) Provide easements satisfactory to Ausnet Electricity Services Pty Ltd for the purpose of “Power Line” in the favour of “Ausnet Electricity Services Pty Ltd” pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing Ausnet Electricity Services Pty Ltd electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.
  - e) Obtain for the use of Ausnet Electricity Services Pty Ltd any other easement required to service the lots.
  - f) Adjust the position of any existing Ausnet Electricity Services Pty Ltd easement to accord with the position of the electricity line(s) as determined by survey.
  - g) Set aside on the plan of subdivision Reserves for the use of Ausnet Electricity Services Pty Ltd for electric substations.
  - h) Given the existing 22kV feeder is a REFCL feeder, additional HV underground assets will trigger the need for a REFCL isolating substation. Should this be required, an additional reserve may be required on the plan of subdivision for the use of Ausnet Electricity Services Pty Ltd for electric substations.
  - i) Provide survey plans for any electric substations required by Ausnet Electricity Services Pty Ltd and for associated power lines and cables and executes leases for a period of 30 years, at a nominal rental with a right to extend the lease for a further 30 years. Ausnet Electricity Services Pty Ltd requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act prior to the registration of the plan of subdivision.
  - j) Provide to Ausnet Electricity Services Pty Ltd a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.

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- k) Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by Ausnet Electricity Services Pty Ltd. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.
- l) Ensure that all necessary auditing is completed to the satisfaction of Ausnet Electricity Services Pty Ltd to allow the new network assets to be safely connected to the distribution network.

### MANDATORY CONDITION – CLAUSE 44.06-5

20. Before the statement of compliance is issued under the Subdivision Act 1988 the owner must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987. The agreement must:

- a) State that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-2 of the Indigo Planning Scheme.
- b) Incorporate the plan prepared in accordance with Clause 53.02-4.4 of this planning scheme and approved under this permit.
- c) State that if a dwelling is constructed on the land without a planning permit that the bushfire protection measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.

The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.

### CFA CONDITIONS

#### Bushfire Management Plan Required

21. Prior to certification under the Subdivision Act 1988, an amended Bushfire Management Plan must be submitted to and endorsed by the Responsible Authority. Once endorsed the Bushfire Management Plan must be included as an annexure to the section 173 agreement prepared to give effect to clause 44.06-5 of the Planning Scheme and not be altered unless agreed to in writing by CFA and the Responsible Authority. The plan must be generally in accordance with Bushfire Management Plan (BMP) prepared by Habitat Town Planning & Urban Design Consultants, contained in “Other Document Type\_Ver\_2\_Bushfire Plans\_20230428\_1.pdf” but modified to replace the conditions for defendable space, construction standards, access and water supply with:

- a) Defendable space for Lots 1-3 & 11 to 14 only:  
Defendable space for a distance of 24 metres around the proposed building (or to the property boundary, whichever is the lesser distance) must be provided where vegetation (and other flammable materials) will be modified and managed in accordance with the following requirements:
  - i. Grass must be short cropped and maintained during the declared fire danger period.
  - ii. All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
  - iii. Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
  - iv. Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.

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- v. Shrubs must not be located under the canopy of trees.
- vi. Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.
- vii. Trees must not overhang or touch any elements of the building.
- viii. The canopy of trees must be separated by at least 5 metres.
- ix. There must be a clearance of at least 2 metres between the lowest tree branches and ground level.
- b) Construction standards for Lots 1-3 & 11 to 14 only:  
The building must comply to a minimum Bushfire Attack Level of 19 (BAL-19).
- c) Water supply for Lots 1 and 12 to 14:  
5,000 litres of effective water supply for fire fighting purposes must be provided which meets the following requirements:
  - i. Is stored in an above ground water tank constructed of concrete or metal.
  - ii. All fixed above-ground water pipes and fittings required for firefighting purposes must be made of corrosive resistant metal.
  - iii. Include a separate outlet for occupant use.
- d) Water supply for Lots 2, 3 & 11:  
10,000 litres of effective water supply for fire fighting purposes must be provided which meets the following requirements:
  - i. Is stored in an above ground water tank constructed of concrete or metal.
  - ii. All fixed above-ground water pipes and fittings required for firefighting purposes must be made of corrosive resistant metal.
  - iii. Include a separate outlet for occupant use.
  - iv. Incorporate a ball or gate valve (British Standard Pipe (BSP) 65mm) and coupling (64 mm CFA 3 thread per inch male fitting).
  - v. Be located within 60 metres of the outer edge of the approved building.
  - vi. The outlet/s of the water tank must be within 4m of the accessway and be unobstructed.
  - vii. Be readily identifiable from the building or appropriate identification signage to the satisfaction of CFA must be provided.
  - viii. Any pipework and fittings must be a minimum of 65 mm (excluding the CFA coupling).
- e) Access for Lots 2, 3 & 11 only:  
Access for fire fighting purposes must be provided which meets the following requirements:
  - i. All weather construction.
  - ii. A load limit of at least 15 tonnes.
  - iii. Provide a minimum trafficable width of 3.5 metres
  - iv. Be clear of encroachments for at least 0.5 metre on each side and at least 4 metres vertically.
  - v. Curves must have a minimum inner radius of 10m.

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vi. The average grade must be no more than 1 in 7 (14.4 per cent) (8.1 degrees) with a maximum of no more than 1 in 5 (20 per cent) (11.3 degrees) for no more than 50m.

vii. Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.

f) Amend Map Section of Plan

The building envelopes, water tanks and defensible space must be shown for Lot 1-3 & 11 to 14. The different water tank sizes must be clearly shown.

The access must be shown for Lots 2, 3 and 11.

Additional matters to be set out in the Section 173 agreement.

22. In addition to the requirements of Clause 44.06-5 of the Scheme, the section 173 Agreement prepared in accordance with that clause must also:

- a) Note that the subdivision includes areas of shared defensible space. These are areas where a lot owner maintains the defensible space on their land for the benefit of themselves and the owners of other lots.
- b) Require that the defensible space shown on the endorsed Bushfire Management Plan must be implemented and maintained on an ongoing basis to the satisfaction of the Responsible Authority, regardless of whether there is a dwelling constructed on that land or not.

### Hydrants

23. Prior to the issue of a Statement of Compliance under the Subdivision Act 1988 the following requirements must be met to the satisfaction of the CFA:

- a) Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries.
- b) The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.

### NORTH EAST WATER CONDITIONS

24. The owner of the subject land (or applicant in anticipation of becoming the owner) is required to enter into a legal agreement with North East Water detailing the works to be constructed, and other requirements to be met, necessary for the provision of reticulated water supply to each of the lots and proposed dwellings, within the development, at the owner's cost, to the satisfaction of North East Water, provided:

- a) where the development is staged, a number of agreements may be required for separate stages; and
- b) each agreement must be in accordance with North East Water policy and requirements applying at the time of entry into the relevant agreement.

25. The owner of the subject land (or applicant in anticipation of becoming the owner) is required to enter into a legal agreement with North East Water detailing the works to be constructed and other requirements to be met, necessary for the provision of reticulated sewerage services to each of the lots and proposed dwellings, within the development, at the owner's cost, to the satisfaction of North East Water, provided:



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- a) where the development is staged, a number of agreements may be required for separate stages; and
  - b) each agreement must be in accordance with North East Water policy and requirements applying at the time of entry into the relevant agreement.
- 26. Where the development (including any subdivision) occurs in stages the availability of water supply and sewerage services may be delayed having regard to NEW system capacity, conditions in relation to which shall be detailed in the relevant agreement for water supply and/or sewerage services.
- 27. The works required to be constructed for the provision of water supply and sewerage services must include, where so required by and to the satisfaction of, North East Water:
  - a) works external to the subject land to allow connection to the North East Water water supply and sewerage systems;
  - b) the vesting at no cost of such of those works required by North East Water, to North East Water ("Developer Works"); and
  - c) works to ensure compatibility with and allowance for, other developments being served through existing and future North East Water infrastructure, including the Developer Works
  - d) internal or private works within the development, in accordance with applicable plumbing standards and providing adequate pressure and service levels.
- 28. Any modification to the development approved under this permit, including an increase or decrease in the number of dwellings or lots (or both) or the inclusion of additional land, requires the further consent of and may be subject to modified conditions, to the satisfaction of, North East Water.
- 29. Prior to the issue of a Statement of Compliance, the applicant must pay a new customer contribution determined in accordance with North East Water's policy for development charges applicable to the water supply system currently servicing the area in which the subject land is located.
- 30. Prior to the issue of a Statement of Compliance, the applicant must pay a new customer contribution determined in accordance with North East Water's policy for development charges applicable to sewers and disposal systems currently servicing the area in which the subject land is located.
- 31. The applicant must create easements to the satisfaction of and in favour of North East Water, over all existing and proposed sewerage facilities within the proposed subdivision.
- 32. The applicant must ensure that private water services do not traverse property boundaries and are independently supplied from a point of supply approved by North East Water.
- 33. The applicant must provide easements through other land, to the satisfaction of North East Water, if such easements are considered necessary for the efficient and economic servicing of the subject land.
- 34. That the applicant pays applicable charges determined in accordance with North East Water's policy for development charges, applicable from time to time towards North East Water's sewers and disposal systems servicing the area to which the permit applies.
- 35. Where the subject land is developed in stages, the North East Water conditions will apply to any subsequent stage of the subdivision.
- 36. Where an easement created in favour of North East Water is located within a proposed road reserve in a future stage, prior to the certification of the plan of subdivision for that stage, the applicant must formally remove the easement from the title to the land.

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37. North East Water's consent to the issue of a Statement of Compliance under the *Subdivision Act 1988* is conditional upon completion of all works, and meeting all requirements set out in this permit and any relevant agreement with, North East Water.
38. The plan of subdivision for certification must be referred to North East Water in accordance with Section 8 of the *Subdivision Act 1988*.
39. North East Water is unable to support any further development beyond six (6) lots until such time that upgrades to North East Water's wastewater treatment plant have been completed; or an alternative solution has been agreed upon with written approval from North East Water.

### MANDATORY TELECOMMUNICATIONS CONDITIONS

40. The owner of the land must enter into an agreement with:
  - a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
  - b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
41. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
  - a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
  - b) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

### EXPIRY

42. This permit will expire if one of the following circumstances applies:
  - a) The plan of subdivision for the first stage has not been certified under the *Subdivision Act 1988* within 2 years of the issued date of this permit.
  - b) All stages of the plan of subdivision have not been certified within 6 years of the issued date of this permit.
  - c) A statement of compliance is not issued within 5 years of the date of certification of a particular stage of subdivision.

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.

### PLANNING PERMIT NOTES:

- Lot numbers as referred to within CFA Conditions relate to the subdivision layout plan prepared by Partnear (Rev. B dated 19/12/2022), as submitted in support of Planning Application PP23-0002 and as depicted in Figure 3 in the Bushfire Management Statement prepared by Habitat Planning (Rev 1 dated 22/12/2022) .



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- CFA's requirements for identification of hydrants are specified in 'Identification of Street Hydrants for Firefighting Purposes' available under publications on the CFA web site ([www.cfa.vic.gov.au](http://www.cfa.vic.gov.au)) ]
- The permit holder should be aware that the above listed North East Water Conditions provide no guarantee in relation to the ongoing capacity to service the proposed development with reticulated sewer and reticulated water. Capacity issues are subject to change as demands on the reticulation systems change with growth. The applicant is encouraged to deal directly with North East Water.

### SUMMARY

<b>Application No:</b>	<b>PP23-0002</b>
<b>Subject Land:</b>	<b>41-47 Foord St, Wahgunyah</b>
<b>Proposal:</b>	<b>To subdivide the land into fifteen (15) lots and removal of an easement.</b>
<b>Recommendation:</b>	<b>Approval in accordance with the Recommendation above.</b>

### BACKGROUND

Date application lodged:	22/12/2022
Date application modified:	27/02/2024
Purpose:	15 lot subdivision and easement removal
Subject site land area:	1.331ha
Current use of subject site:	Residential – single storey dwelling and associated outbuildings
Site constraints:	N/A.
Surrounding land use:	N/A.
Zoning of surrounding land:	All adjoining land is similarly zoned GRZ1. Across Traton Street to the west is land zoned Farming Zone (FZ).  The Bushfire Management Overlay (BMO) impacts land to the north, west and south east. Across Traton Street land is affected by the Environmental Significance Overlay (ESO3) and Land Subject to Inundation Overlay (LSIO). There are no other overlays applicable.

### SITE DESCRIPTION

The subject land is located in along the western edge of the Wahgunyah township area approximately 245m to the south of the Wahgunyah Post Office.

The property comprises an irregularly shaped parcel described as Lot1 TP193326 (Vol. 09252 Fol. 044) and is 1.33ha in area. There are no covenants or Section 173 agreements registered on the title.

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The property has frontage to Foord Street along the eastern boundary. In addition, the land fronts Traton Street to the west, Elizabeth Street to the south and the unmade Victoria Street road reserve to the north (Figure 1). Adjoining the subject land to the south east is a small residential lot described as Lot 1 LP122966. At the time of the subdivision in 1977, that excised this particular lot from the balance land, an easement for drainage and sewer was registered across the subject land. It is now proposed that this redundant easement be removed from the property title.

Situated to the north, east and south are residential lots that contain single storey dwellings of different ages and architectural styles. Land to the west of Traton Street, comprises a mix of freehold and crown land while further west is Sandy Creek which is a small tributary of the Murray River.

A single-story dwelling is located along the eastern section of the land which is proposed to be retained and located upon a smaller residential lot within the new subdivision layout. In addition, there are a number of associated outbuildings, including a garage and several garden sheds.

The site contains scattered native and exotic vegetation. There is a small Tasmanian Blue Gum on the north-eastern corner of the site, which will be retained.

There is a drainage and sewer easement that traverses the site in an east west which was created in 1997 by way of Plan of Subdivision LP122966.



**Figure 1: Site Context**

### PROPOSAL

The proposal involves the creation of 14 residential lots and an additional lot for drainage reserve purposes. Due to existing sewerage servicing constraints the subdivision is to be carried out across 3 stages as noted below at Figure 2. The Drainage Reserve in the south western section of the land will be required to form a part of the Stage 1 plan of subdivision, to ensure adequate stormwater service provision.

Subject to final survey, the proposed lot sizes (including the reserve) will range from 688m<sup>2</sup> to 1,050m<sup>2</sup>. Associated with Stage 3, it is also proposed to partly construct Victoria Street so as to provide a cul-de-sac access to three lots.

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**Figure 2: Subdivision Staging Plan**

### ZONING AND PLANNING CONTROLS

Zoning: General Residential Zone (GRZ1)  
 Overlay/s: Bushfire Management Overlay (BMO)

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### 1. PERMIT TRIGGER:

#### Zone Triggers:

- Clause 32.08-3, a planning permit is required for the subdivision of land.
- Clause 32.08-6, a planning permit is required for the development of land for two or more dwellings.

#### Overlay Triggers:

- Clause 44.06-2 – Permit is required to subdivide land

#### Particular Provision Triggers:

- Clause 52.02 – Permit is required to create, vary or remove an easement or restriction or vary or remove a condition in the nature of an easement in a Crown grant under section 23 of the *Subdivision Act 1988*.

### 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.
- (f) any significant social effects and economic effects which the responsible authority considers the use or development may have.

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

- (g) any other strategic plan, policy statement, code or guideline which has been adopted by a Minister, government department, public authority or municipal council;

...

- (j) any other relevant matter.

### MUNICIPAL PLANNING STRATEGY

At Clause 02.03-1 Settlement, the Indigo Planning Scheme provides a number of strategic directions including:

- *Direct the majority of population growth to townships serviced by reticulated infrastructure and good social infrastructure.*
- *Direct population growth to serviced and zoned land to make efficient use of infrastructure and land.*
- *Consolidate development in towns by encouraging infill development*

The scheme notes that in respect of existing zoned land in Wahgunyah that there is a sufficient residential land supply to accommodate anticipated growth in the short to medium term.

*COMMENT: No issues are raised that would preclude the proposed fifteen (15) lot resubdivision of the land to facilitate future development on site.*

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### PLANNING POLICY FRAMEWORK (PPF)

The following State and regional policy considerations have been considered in this assessment.

- 11.01-1S – Settlement
- 11.01-1R – Settlement – Hume
- 11.01-1L-05 – Wahgunyah
- 11.02-1S – Supply of Urban Land
- 11.03-6S – Regional and local places
- 13.02-1S – Bushfire Planning
- 15.01-3S – Subdivision Design
- 15.01-5S – Neighbourhood Character
- 15.03-2S – Aboriginal Cultural heritage
- 16.01-1S – Housing supply
- 16.01-1L - Residential Subdivision and Development
- 16.01-2S – Housing affordability
- 16.01-3S – Housing diversity

*COMMENT: No issues are raised that would preclude the proposed subdivision of the land. The proposal is consistent with:*

- *Strategies to support growth and development in other existing urban settlements*
- *Relevant PPF objectives and requirements in respect of the supply of land for residential use. The proposal will result in an increase in available housing within the Wahgunyah Township, within an existing residential area that is capable of accommodating such development for dwelling purposes. On balance, the proposal will not compromise existing neighbourhood character.*
- *Strategies to encourage urban infill in a manner that is likely to be complementary to the existing neighbourhood character and promote consolidation within an existing urban area.*
- *The strategy of providing a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people.*

*In terms of local policy relevant to Wahgunyah it is clear that the proposed subdivision of the subject land for residential purposes is not only consistent with the Indigo Planning Scheme but is also explicitly supported by it. The subject land is clearly situated within the settlement area as identified within the Wahgunyah Framework Plan (Figure 3).*

*This proposal will provide a clear opportunity to implement the expressed strategies to.*

- *Support a compact urban form that fully utilises vacant residential land provided with infrastructure.*
- *Facilitate new residential, commercial and community development that respects the preferred character, heritage significance, and important habitat of the locality.*



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**Figure 3: Wahgunyah Framework Plan (Subject land highlighted)**

*The proposal will create opportunity for diverse housing types that are located within an existing and centrally located area of Wahgunyah. The development will not compromise surrounding neighbourhood amenity. The land presents excellent access to community services, including schools, medical practice and recreational facilities.*

### ZONE

The subject land is affected by the provisions of the General Residential Zone (GRZ1). Zone purposes include:

- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*

Clause 32.08-3 provides that the proposal for subdivision of 3 – 15 lots must also meet the relevant objectives and standards included in Clause 56 except for Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.

In respect of subdivision, Decision Guidelines relevant to the proposal are to consider:

- *The pattern of subdivision and its effect on the spacing of buildings.*
- *For subdivision of land for residential development, the objectives and standards of Clause 56.*

*COMMENT: Having regard to the submitted documentation and plans, the proposal complies with relevant Zone purposes. The layout will ensure that sufficient area will also be available on site to accommodate within each lot a dwelling and related private open space, car parking and garden area. Matters relating to Clause 56 will be separately discussed below.*

### OVERLAYS

The property is affected by the provisions of the Bushfire Management Overlay.

*COMMENT: The application was accompanied by a Bushfire Management Statement that was referred to the CFA under the provisions of Clause 44.06-6. Under the provisions of Clause 66.03 the CFA is a Recommending referral authority.*

*The CFA note that proposed Lots 4-10 as shown on the application subdivision layout plan are not subject to the Bushfire Management Overlay but are in a Bushfire Prone Area. It appears they can meet the required BAL 12.5 construction rating but will be subject to BAL assessment at building permit stage*

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*No objections were raised by the CFA subject to appropriate conditions being included in any Planning Permit that might be issued by Council.*

### PARTICULAR PROVISIONS

The following Particular Provisions are relevant to the consideration of this application.

- **Clause 52.02 – Easements, restrictions and reserves**

The purpose of Clause 52.03 is:

- *To enable the removal and variation of an easement or restrictions to enable a use or development that complies with the planning scheme after the interests of affected people are considered.*

Under this Clause a permit is required before a person proceeds under Section 36 of the Subdivision Act 1988 to remove an easement or right of way. Before deciding on an application, in addition to the decision guidelines in clause 65, the responsible authority must consider the interests of affected people.

*COMMENT: Currently an easement for drainage and sewer traverses the subject land and is contained with Certificate of Title – Lot 1 TP193326 (Vol. 09252 Fol. 044). This application seeks to remove this otherwise redundant services easement from the land. A search of the Title particulars including the adjoining land Lot 1 LP122966, does not appear to reveal. Further it is understood that that the easement does not contain any assets and, in this regard, it is noted that no objections are raised by North East Water. In conclusion it is accepted that there will not be any affected parties from the removal of this easement.*

- **Clause 53.02 – Bushfire Planning.**

The purposes of Clause 53.02 include:

- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
- *To ensure that the location, design and construction of development appropriately responds to the bushfire hazard.*

*COMMENT: As previously noted, the proposal has been accompanied by a Bushfire Management Statement prepared in accordance with the requirements of Clause 53.02. The matter was referred to the CFA who have raised no objections subject to appropriate conditions being included in any subsequent permit that may be issued by Council.*

- **Clause 53.18 - Stormwater management in urban development -**

Clause 53.18 provides that an application to subdivide land within a nominated zone

- *Must meet all of the objectives of Clauses 53.18-4 and 53.18-6.*
- *Should meet all of the standards of Clauses 53.18-4 and 53.18-6.*

*COMMENT: An application to subdivide land in the General Residential Zone is exempt from the provisions of this clause.*

- **Clause 56 Residential Subdivision**

Clause 56 of the Indigo Planning Scheme details the performance objectives to be met and the deemed to comply standards to be implemented in the design of residential developments in Victoria. As previously noted, an application for a 15 lot subdivision must consider all of the provisions of Clause 56 except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.

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Clause & Objectives	Standard	Comment
<b>56.03 LIVABLE AND SUSTAINABLE COMMUNITIES</b>		
56.03-5 Neighbourhood character	C6	<i>Complies. The proposed subdivision will be consistent with the surrounding residential area. While there is no preferred character outlined with the planning scheme, the layout will readily fit in with this largely developed area of Wahgunyah. No significant vegetation is required to be removed as a result of this proposal.</i>
<b>56.04 LOT DESIGN</b>		
56.04-1 Lot diversity and distribution	C7	<i>Complies. When considered in the context of immediate locality it is concluded that the proposal will contribute to an overall mix of lot size variations. The subdivision reflects the layout of the proposed development.</i>
56.04-2 Lot area and building envelopes	C8	<i>Complies. All lots greater than 400m<sup>2</sup> and will be capable of containing a rectangle of 10m X 15m. No building envelopes are required.</i>
56.04-3 Solar orientation of lots	C9	<i>Complies. The size of all the proposed lots will facilitate appropriate solar orientation for all dwellings on site considering the proposed design response.</i>
56.04-4 Street orientation	C10	<i>Complies. The design response leads to an outcome where all lots will front an existing road reserve. This design outcome is not seen as creating a new or undesirable precedent in the circumstances.</i>
56.04-5 Common area	C11	<i>Not applicable.</i>
<b>56.05 URBAN LANDSCAPE</b>		
56.05-1 Integrated urban landscape	C12	<i>Not applicable. No streets or public open space to be created.</i>
<b>56.06 ACCESS AND MOBILITY MANAGEMENT</b>		
56.06-2 Walking and cycling network	C15	<i>Complies. The existing road network makes adequate provision for connection to adjoining roads which cater for good levels of connectivity with surrounding locality for both pedestrians and bicycles.</i>
56.06-4 Neighbourhood street network	C17	<i>Complies. The proposed lot layout will result in development opportunities for future dwellings consistent with character and identity of the locality. The existing accessways and road network provide sufficient carriageway and verge widths to enable streets to perform their designated street network functions.</i>
56.06-5 Walking and cycling network detail	C18	<i>Complies. Pedestrian and cycle access to the proposed lots will be easily facilitated within the low-speed environment of the locality.</i>



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Clause & Objectives	Standard	Comment
56.06-7 Neighbourhood street network detail	C20	<i>Not applicable. No streets proposed.</i>
56.06-8 Lot access	C21	<i>Complies. All proposed lots will have separate access to the local road network. All roadside edges and crossovers will be designed and constructed to the satisfaction of the Responsible Authority.</i>
<b>56.07 INTEGRATED WATER MANAGEMENT</b>		
56.07-1 Drinking water supply	C22	<i>Complies. The subject lots will be connected to reticulated services including water supply to the satisfaction of North East Water dependant on system capacity.</i>
56.07-2 Reused and recycled water	C23	<i>Not applicable. Not required by North East Water.</i>
56.07-3 Waste water management	C24	<i>Complies. The subject lots will be connected to reticulated services including sewer to the satisfaction of North East Water dependant on system capacity.</i>
56.07-4 Urban run-off management	C25	<p><i>Complies. The subdivision layout will be capable of draining to a legal point of to the satisfaction of the Responsible Authority.</i></p> <p><i>The proposed lot layout will facilitate the attainment of WSUD principles including reduction of peak flows and runoff, use of on-site detention measures (including provision of a drainage reserve in the south western corner of the subject land) which will all assist with the delay and reduction of stormwater volumes from the site. These requirements are reinforced by appropriate permit conditions.</i></p>
<b>56.08 SITE MANAGEMENT</b>		
56.08-1 Site management	C26	<i>Complies. Any site management will be undertaken in accordance with relevant Council guidelines and procedures and be carried out to the satisfaction of the Responsible Authority.</i>
<b>56.09 UTILITIES</b>		
56.09-1 Shared trenching	C27	<i>Complies. Reticulated services will be provided to the subdivision to the satisfaction of the relevant servicing authorities.</i>
56.09-2 Electricity, telecommunications and gas	C28	<i>Complies. The land is able to readily connect to appropriate reticulated services in accordance with the requirements of the relevant servicing/supply agency.</i>
56.09-3 Fire hydrants	C29	<i>Complies. Fire hydrants and/or plugs are available within the locality. If any augmentation is required, this will be to the satisfaction of the Responsible Authority.</i>
56.09-4 Public lighting	C30	<i>Complies. Street lighting and Public Area Lighting is available within the locality.</i>

## COUNCIL MEETING AGENDA - 30 JULY 2024

Table 1: Clause 56 Assessment

### GENERAL PROVISIONS

- Clause 65.01 – Approval of an Application or Plan**

The Indigo Planning Scheme sets out the requirements for the responsible authority to decide whether the proposal will produce acceptable outcomes in terms of the appropriate decision guidelines listed in clause 65.01. The guidelines have been considered as follows:

Guideline	Assessment
The matters set out in Section 60 of the Act	<i>Noted. No issues raised apart from consideration of Clause 60(1) of the Act wherein it is noted that among other things, before deciding on an application, the responsible authority must consider—  (c) all objections and other submissions which it has received and which have not been withdrawn;  See separate discussion below in respect of the two submissions received to the Planning Permit Application.</i>
Any significant effects the environment, including the contamination of land, may have on the use or development.	<i>Not Applicable</i>
The Municipal Planning Strategy and the Planning Policy Framework	<i>Noted. No issues raised</i>
The purpose of the zone, overlay or other provision	<i>No matters raised in respect of relevant zone, overlay or other provisions.</i>
Any matter required to be considered in the zone, overlay or other provision	<i>Noted. No issues raised.</i>
The orderly planning of the area	<i>The proposal is one which relates to an orderly planning outcome for the subject land. From an analysis of relevant sections of the Indigo Planning Scheme it is clear that the proposed subdivision will result in development consistent the surrounding neighbourhood.</i>
The effect on the environment, human health & amenity	<i>No issues raised in respect of amenity, environment &amp; human health.</i>
The proximity of the land to any public land	<i>No issues raised</i>
Factors likely to cause or contribute to land degradation, salinity or reduce water quality	<i>No issues raised. The development can be connected to legal points of drainage including via drainage reserve linking to Traton Street.</i>
Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site	<i>No issues raised.</i>

## COUNCIL MEETING AGENDA - 30 JULY 2024

Guideline	Assessment
The extent and character of native vegetation and the likelihood of its destruction	<i>No native vegetation impacted.</i>
Whether native vegetation is to be or can be protected, planted or allowed to regenerate	<i>Not Applicable</i>
The degree of flood, erosion or fire hazard associated with the location of the land.	<i>Not Applicable</i>
The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts	<i>No issues raised. More than sufficient site area available for vehicle manoeuvring etc</i>
The impact the use or development will have on the current and future development and operation of the transport system.	<i>No impacts identified.</i>

**Table 2: Clause 65.01 Assessment**

- Clause 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:

Guideline	Assessment
The suitability of the land for subdivision	<i>The subject land is regarded as being suitable for the proposed subdivision and represents an orderly outcome considering the generous size of the allotment. The layout of the subdivision will integrate well with the established residential area facilitating development which can appropriately address the street alignment. The layout provides good configuration and site area dimensions to cater for the development proposed.</i>
The existing use and possible future development of the land and nearby land	<i>The proposal relates to land that is zoned for residential purposes. It is intended that the eventual development will be located upon individual lots.</i>
The availability of subdivided land in the locality, and the need for the creation of further lots.	<i>The Indigo Planning Scheme recognises the need to create more diverse housing stock within existing residential areas of Indigo. This proposal will create four additional lots in an existing residential area.</i>
The effect of development on the use or development of other land which has a common means of drainage.	<i>Given the size of the proposed lots as well as the subdivision layout stormwater drainage will be adequately dealt with.</i>
The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.	<i>The proposed subdivision pattern has particular regard to the physical characteristics and current use of the land.</i>

## COUNCIL MEETING AGENDA - 30 JULY 2024

The density of the proposed development.	<i>The density of the proposal is consistent with existing residential development across the Wahgunyah township.</i>
The area and dimensions of each lot in the subdivision	<i>The subdivision will provide lots with adequate area and dimensions to cater for the development proposed.</i>
The layout of roads having regard to their function and relationship to existing roads.	<i>All adjoining roads form a part of the local road network. The proposal will involve the upgrade of the Victoria Street road reserve consistent with Council requirements.</i>
The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.	<i>All lots will front local road.</i>
The provision and location of reserves for public open space and other community facilities.	<i>The subject land is located within existing urban area of Wahgunyah and provides excellent access to community and recreational facilities.</i>
The staging of the subdivision	<i>Three stages with the timing dependent upon water and sewer servicing capacity.</i>
The design and siting of buildings having regard to safety and the risk of spread of fire.	<i>Not applicable</i>
The provision of off-street parking.	<i>All lots are of sufficient size to accommodate requisite parking</i>
The provision and location of common property	<i>Not applicable</i>

**Table 3: Clause 65.02 Assessment**

### 2. REFERRAL AUTHORITIES

External referrals to North East Water, CFA, DECCA & AusNet were undertaken. No objections raised. Conditions recommended by NEW, CFA & AusNet, and these are included in the recommended conditions.

### 3. PUBLIC NOTICE

The application was publicly notified for a period of 14 days and two submissions were received. Essentially neither of these submissions raise any objections to the subdivision subject to a number of conditions being included within any permit that may be issued by Council.

The various conditions requested can be summarised as follows:

1. Drainage/Storm Water- Existing capacity issues raised
2. Traffic management along Traton Street
3. Environment – issues with the applicant’s landscape plan
4. Infrastructure – The existing electricity grid is already under extreme pressure

*COMMENT: At Clause 60(1) of the P&EA it is noted that among other things that before deciding on an application, the responsible authority must consider—*

*(c) all objections and other submissions which it has received and which have not been withdrawn;*

*As previously discussed above, the Planning Policy Framework of the Indigo Planning Scheme acknowledges that key strategic directions in respect of Settlement include:*

## COUNCIL MEETING AGENDA - 30 JULY 2024

- *Direct the majority of population growth to townships serviced by reticulated infrastructure and good social infrastructure.*
- *Direct population growth to serviced and zoned land to make efficient use of infrastructure and land.*
- *Consolidate development in towns by encouraging infill development*

*Further the scheme notes that that existing zoned land in Wahgunyah provides a sufficient residential land supply to accommodate anticipated growth in the short to medium term.*

*In respect of matters raised in submission it is to be noted all relevant issues have been considered and captured by the recommended conditions as noted in the report introduction. In particular existing site characteristics in respect of drainage and traffic have been considered by Council's Infrastructure Services Division and in response detailed conditions are proposed as outlined.*

*That is subject to approval of the final engineering plans and construction works associated with the development of this site it is considered that the development will cater for a water management regime that adheres to the principles of Council's Stormwater Management Guidelines.*

*With regards infrastructure provision (particularly electricity) AustNet has raised no objections subject to appropriate conditions.*

*Landscaping of the public realm (i.e. street tree planting and landscaping of the drainage reserve) will be consistent with normal Council requirements.*

*In summary it is concluded that those issues raised in submissions that have a direct relationship to the scope and scale of the development proposal have been duly noted and responded to.*

4.

### 5. CONCLUSION

An important principle of land use planning is to control the uses of land so that each zone is used for its intended and best purpose. In particular, this Council has a strong history of protecting farming land from residential development, and part of this is to encourage and facilitate residential development in urban areas. The appropriate use of urban areas for housing helps to take pressure of rural areas, strengthens commutes, supports local business, and provides for a range of housing options.

The proposal comprising a fifteen (15) lot subdivision of No.41-47 Foord Street, Wahgunyah across three (3) stages and the removal of an easement is considered to be consistent with the relevant provisions of the Indigo Planning Scheme, including relevant provisions of the General Residential Zone. It is further considered that matters raised by submitters have been duly considered and appropriate conditions have been recommended in response.

It is therefore recommended that a Notice of Decision to Grant a planning permit be issued subject to conditions as noted in the recommended resolution above.

### CONFIDENTIAL ATTACHMENT

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

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

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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:

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

### Attachments

1.  PP23-0002 - Plans
2. PP23-0002 - Planning Application (Confidential)

## COUNCIL MEETING AGENDA - 30 JULY 2024

### 11.5 PLANNING PERMIT APPLICATION PP23-0125 - 345 REIDS WAY, WOORAGEE

File No: 2024/243

James Turner - Manager Planning & Statutory  
Services

Planning & Corporate Services

#### For Decision

#### RECOMMENDATION

That Council issue a Notice of Decision for the refusal of Planning Permit Application 23-0125 (345 Reids Way, Wooragee) for buildings and works, and use of the land for Dwelling in the Farming Zone and Bushfire Management Overlay, on the following grounds:

1. The proposal is inconsistent with the Municipal Planning Strategy and Planning Policy Framework of the *Indigo Planning Scheme*, particularly clauses:
  - a. 13.02-1S.
  - b. 14.01-1S.
2. The proposal is inconsistent with the purpose of the Farming Zone, particularly:
  - a. To provide for the use of land for agriculture.
  - b. To encourage the retention of productive agricultural land.
  - c. To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
3. The proposal is inconsistent with the decision guidelines of the Farming Zone, particularly:
  - a. How the use or development relates to sustainable land management.
  - b. Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
  - c. Whether the use or development will support and enhance agricultural production.
  - d. Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.
  - e. The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
  - f. The capacity of the site to sustain the agricultural use.
  - g. Whether the dwelling will result in the loss or fragmentation of productive agricultural land.
  - h. Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.
  - i. Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.
  - j. The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.



## COUNCIL MEETING AGENDA - 30 JULY 2024

### SUMMARY

<b>Application No:</b>	<b>PP23-0125</b>
<b>Subject Land:</b>	<b>345 Reids Way, Wooragee</b>
<b>Proposal:</b>	<b>To develop and use the land for a dwelling.</b>
<b>Recommendation:</b>	<b>Refusal in accordance with the Recommendation above.</b>

### BACKGROUND

•	
Date application lodged:	20/07/2023
Purpose:	Seek approval to use and develop the subject site for the purposes of a Dwelling.
Subject site land area:	1.25 hectares
Current use of subject site:	Group accommodation:  <i>'Land, in one ownership, containing a number of dwellings used to accommodate persons away from their normal place of residence.'</i>
Site constraints:	The site is constrained to the North and South by developed lots with dwellings. Reids Way borders the site to the West. The site is relatively unconstrained to the East with open farmland. Established vegetation has been retained and serves as a windbreak around the edge of the site. There are two cabins (used for accommodation) located on the northern portion of the site.
Surrounding land use:	Farming Zone
Zoning of surrounding land:	Farming Zone

### PROPOSAL

#### **DEVELOPMENT**

Construction of a dwelling within the Farming Zone and Bushfire Management Overlay. The proposed dwelling would be sited adjacent to two existing dwellings (used for group accommodation) on the land. The dwelling is a single-story structure, set on stumps, with three-bedrooms and separate garage. The new dwelling will have a separate septic system to the existing dwellings but use the existing gravel driveway.

#### **USE**

The land is currently used for group accommodation having been previously subdivided off an adjacent property in 2012.

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### ZONING AND PLANNING CONTROLS

Zoning: Farming Zone  
Overlay/s: Bushfire Management Overlay

#### Permit Triggers:

1. Pursuant to Clause 35.07-4, a planning permit is required to construct a building or carry out works with a Section 2 Use.
2. Pursuant to Clause 35.07-4, a planning permit is required to construct a building within the setback from any other road or boundary specified in a schedule to this zone.
3. Pursuant to Clause 44.06-2, a planning permit is required to construct a building or construct or carry out works associated with accommodation.

### 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.

### STATE PLANNING POLICY

#### • **11 Introduction, Goal and Principles** •

The purpose of State policy in planning schemes is to inform planning authorities and responsible authorities of those aspects of State level planning policy which they are to 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.

## COUNCIL MEETING AGENDA - 30 JULY 2024

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

Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure. Planning is to recognise the need for, and as far as practicable contribute towards:

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

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

### **Settlement**

11.01-1S – Settlement

11.01-1R – Settlement - Hume

### **Environmental Risks**

13.02-1S – Bushfire Planning

### **Natural Resource Management**

14.01-1S – Protection of Agricultural Land

### **Built Environment and Heritage**

16.01-2S - Housing Affordability

16.01-3S - Rural Residential Development

### LOCAL PLANNING POLICY FRAMEWORK

The Local Planning Policy Framework (LPPF) provides relevant discussion in relation to land use and development in the Shire. The following policies and clauses are deemed to be relevant to this proposal and have been taken into account in the assessment of this application:

13.02-1L – Bushfire Planning

14.01-1L-03 - Land use in Rural Zones

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14.02-2L-02 - Effluent Disposal & Water Quality

16.01-3L-01 - Rural Building Siting and Design

### PARTICULAR PROVISIONS

53.02 Bushfire Planning

### GENERAL PROVISIONS

#### **65 Decision Guidelines**

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

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

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

- The matters set out in Section 60 of the Act.
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- 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 amenity of the area.

### REFERRAL AUTHORITIES

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

- CFA
- Health (effluent disposal)
- 
- The CFA have requested the following changes before further assessment can occur:
  - A revised bushfire hazard site assessment. The CFA does not support the assessment of the worst case being low threat in any direction nor does it support the vegetation to the southeast being classified as modified. The canopy of this vegetation would appear to exceed 30% and there is no evidence that it does not fit into a forest classification and therefore should be assessed as forest in accordance with AS3959-2018. The CFA state that the “Modified” classification of the vegetation to the West is supported but there is grassland to the south which needs to be considered when determining the defensible space required in this direction.
  - A revised BMS to adequately address AM 2.3. The plans show the use of “Laserlite” on the verandahs and there is no information regarding the material to be used for the floor of the decking. The site plans must be amended to show a BAL-29 compliant building.

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- An amended BMP or site plan is required so they are consistent with the distance to the building from the Southern property boundary.
- As the provision of this information would not change the officer recommendation to refuse the permit, this matter has not been pursued with the applicant. Nevertheless, the applicant is engaging with the CFA, despite this issue not yet being resolved.
- 

The Environmental Health Team did not object to the proposal provided:

- The cumulative impact of three dwellings on this block can be justified in terms of proving all wastewater can be treated and contained within the boundaries of the lot. The existing septic system for the existing two dwellings will need to be investigated further as a search of Council's current databases can find no evidence of details for that system.
- If the current septic system is seen to be adequate, or requires only minor alterations to render it so, and if Planning permission is granted for a third dwelling, the new septic system shall be installed in accordance with the recommendations of the LCA conducted by LCAS, Project number 22060, dated May 2022.

### PUBLIC NOTICE

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

Zero (0) submissions were received in response.

### DISCUSSION

The main issues with the proposal are:

- The lack of connection to agriculture
- The increased unlikelihood of consolidation
- The proliferation of dwellings on the land

The proposal demonstrates no connection to agriculture. The primary objective of the Farming Zone is to protect and ensure the on-going viable use of agricultural land. The Indigo Shire planning scheme allows for a dwelling as a Section 1 Use (as-of-right) on lots larger than 40ha. Dwellings proposed on land under 40ha require planning assessment to determine amongst other things adequate agricultural justification for use of the land for a dwelling.

Consolidation of small lots into larger, more viable, holdings is strongly encouraged within the Farming Zone. The proposed development and use of the land for a dwelling would decrease the chance of this occurring. The lot could, be consolidated with the larger lot adjacent. Which would allow for the group accommodation to be operated on conjunction with the agricultural use of the land. This would be a more appropriate outcome within the Farming Zone. It should be noted that the adjacent lot is subject to a Bush-for-Birds covenant. This covenant does remove some of the land from productive agricultural use.

The proposal will create a proliferation of dwellings on the land, which is inappropriate within the Farming Zone. A Dwelling is defined within the Indigo Shire Planning Scheme as '*A building used as a self-contained residence which must include:*

*a) a kitchen sink;*

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- b) food preparation facilities;*
- c) a bath or shower; and*
- d) a toilet and wash basin.*

*It includes outbuildings and works normal to a dwelling.'*

The land already contains two buildings, currently used for a group accommodation, which also meet the definition of a dwelling. The proposal in-essence would create a third dwelling on the lot.

### VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

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

- the appropriateness of dwellings on small lots, and; the necessity of a robust connection to agriculture.
- How to approach the development and use of small lots within the Farming Zone.
- the need to consider the strategic intent of the Planning Scheme as a whole rather than focussing on individual policies.

For instance:

In the case *Northumberland Estate Pty Ltd v Macedon Ranges SC* (2024) the Tribunal concluded that:

- A permit should not be issued for a dwelling within the Farming Zone on an undersized lot.
- the nexus between the need for a dwelling on the land and the agricultural use must be established.
- The development and use of the land for a dwelling would decrease the productive value of the surrounding farm land.

In the case of *Hatzisiannis v Macedon Ranges SC* (2008) the Tribunal concluded that:

- A permit should not be issued for a dwelling within the Farming Zone on an undersized lot.
- despite the subject site not having high agricultural potential, this should be addressed through a re-zoning process rather than permitting development and use contrary to the Farming Zone objectives and decision guidelines.

Similarly, in the case of *Coloretti v Mount Alexander SC* (2018) the Tribunal concluded that:

- A permit should not be issued for a dwelling within the Farming Zone on an undersized lot.
- The proposal did meet the general decision guideline of clause 65 regarding proper and orderly planning, as the proposal prioritised the dwelling over the agricultural use of the land.

### CONCLUSION

The proposed development and use of the land for a dwelling is inappropriate. The proposal is not in accordance with the decision guidelines of the Farming Zone nor the relevant local and state-based policies. The proposal would lead to a proliferation of dwellings on the and has no tangible link to agriculture.

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Residential development and short-term accommodation should be developed in urban areas to allow for farming land to be consolidated and used for farming practices. Unnecessary development of dwellings in farming areas locks up farming/environmental land, increases land prices, and threatens the rural farming and bushland character of the area. This development is not an appropriate use of the land and is not supported by this Council's Planning Scheme.

### CONFIDENTIAL ATTACHMENT

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

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



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

### DECLARATION OF CONFLICT OF INTEREST

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

- Joshua Bellette, Statutory Planner
- Steven Hawkins, Coordinator Planning
- James Turner, Manager Planning & Statutory Services
- Greg Pinkerton – Director Planning and Corporate Services

### **Attachments**

1. PP23-0125 - Application - 345 Reids Way - Wooragee (Confidential)
2.   PP23-0125 - Plans - 345 Reids Way - Wooragee



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### 11.6 PLANNING PERMIT APPLICATION PP23-0152 - 18 DUNCANS LANE, BEECHWORTH

File No: 2024/413

James Turner - Manager Planning & Statutory  
Services

Planning & Corporate Services

#### For Decision

#### RECOMMENDATION

That Council refuse to grant a permit for the buildings and works to construct a dwelling and a rural store in a Farming Zone on the following grounds:

- The proposed access crosses public land and does not have the consent of the relevant public land manager; and
- Access is not available in accordance with the requirements of clause 35.07-2.

#### SUMMARY

<b>Application No:</b>	<b>PP23-0152</b>
<b>Subject Land:</b>	<b>18 Duncans Lane Beechworth – PN 26</b>
<b>Proposal:</b>	<ul style="list-style-type: none"><li>• The use and development of a two (2) bedroom, single storey dwelling.</li><li>• The use and development of a store.</li></ul>
<b>Recommendation:</b>	<b>Refusal in accordance with the Recommendation above.</b>

#### BACKGROUND

•	
Date application lodged:	10/08/2023
Purpose:	Seeks approval to use and/or develop the subject site with a dwelling and rural store.
Subject site land area:	The subject site is 25.91 hectares in size
Current use of subject site:	Vacant land
Site constraints:	The subject site is accessed via a Newey Lane which is owned by DEECA.

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Surrounding land use: The subject site is surrounded by farming lots.

Zoning of surrounding land: As stated above the subject site is surrounded by lots zoned farming zone.

### PROPOSAL

The proposal seeks approval for the following:

- The use and development of a two (2) bedroom, single storey dwelling.
- The use and development of a store.

#### **Dwelling details:**

The proposal seeks approval for the construction of a single storey detached dwelling comprising a central open plan living area, two (2) bedrooms, study, bathroom and ensuite, laundry and double car garage. The building is proposed to be set back approximately 267 metres to Newey Lane and 109 metres from the northern (rear) boundary.

Collectively the building comprises a total area of 353 sqm including:

- Dwelling (living) – 148.29sqm
- Dwelling (garage) – 94.07sqm
- Dwelling (veranda/ alfresco) – 110.95sqm.

Architecturally, the building presents as a simple, single storey detached dwelling with primary hipped roofing profile (22.5degree pitch).

Externally, the dwelling is proposed to be clad in corrugated Colorbond wall cladding and corrugated Colorbond steel sheet roofing, guttering and flashing of muted tones. Reaching a total height of approximately 5 metres, internally ceiling height reflect stand at 2.7m proportions consistent with best practice design outcomes.

#### **Outbuilding/Store details:**

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The proposed store is to be located approximately 15 metres east of the new dwelling, 74 metres south of the north (rear) boundary and will be orientated along a north-south axis. Specifically, the store comprises:

- Dimension of 24 metres (width) and 8.25 metres (depth).
- A total area 198sqm
- A skillion roof profile presenting a 5degree pitch.
- A total height of 4.3m.

The store will comprise three (3) open bays along is western elevation with the fourth bay enclosed. Externally, the building will be clad in Colorbond sheeting and roofing.



Figure 1 – Existing site plan

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Figure 2 – Floor plan



*Figure 3 – Elevation plan*

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Figure 4 – Elevation plan

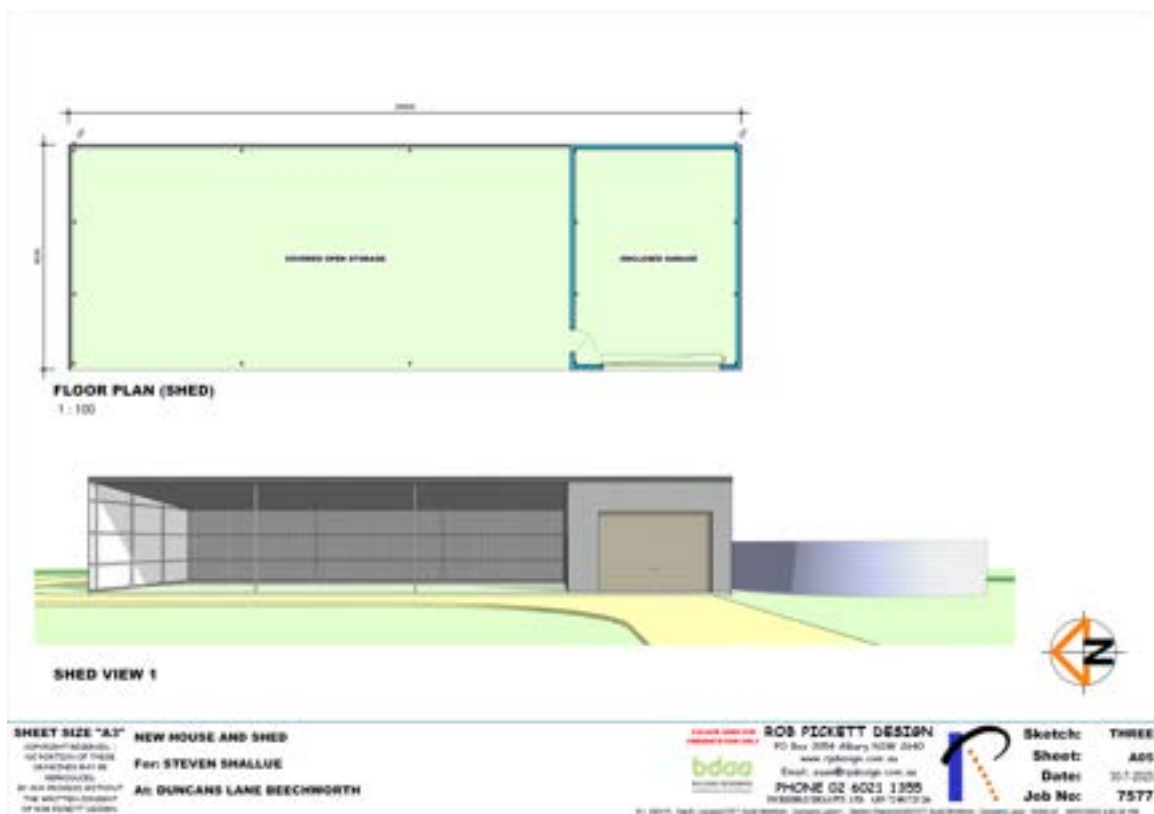


Figure 5 – Elevation plan (outbuilding)

## COUNCIL MEETING AGENDA - 30 JULY 2024

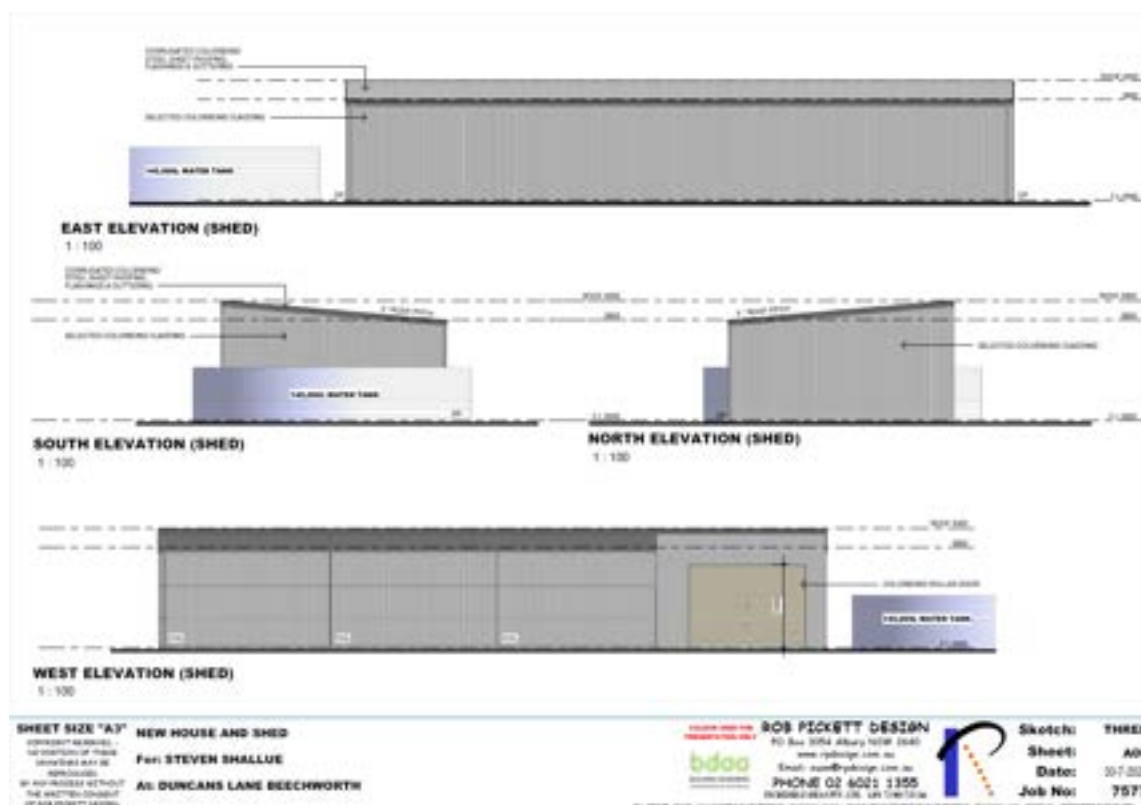


Figure 6 – Elevation plan (outbuilding & water tank)

### ZONING AND PLANNING CONTROLS

Zoning: Clause 35.07 – Farming Zone

Overlay/s: Clause 44.06 – Bushfire Management Overlay

Site context: The subject site is zoned farming however, has an informal accessway (Crossover) via Newey Lane which, is DEECA owned and operated.

COPY OF TITLE: The subject site ('the site') comprises four (4) separately transferrable titles, formally described as:

- Crown Allotment 15 Section 5, Parish of Beechworth
- Crown Allotment 16 Section 5, Parish of Beechworth
- Crown Allotment 17 Section 5, Parish of Beechworth
- Crown Allotment 18 Section 5, Parish of Beechworth

Encumbrances: The subject site has no encumbrances.

### PERMIT TRIGGER:

Pursuant to Clause 35.07-1 a planning is required for the use of the land for the purpose of:

- A dwelling, that is on a lot less than 40ha in area.
- A store. It is noted that a store is a defined as 'Land used to store goods, machinery, or vehicles' pursuant to the requirements of Clause 73.03. A 'store' is nested under the broader land use term of 'warehouse' which is identified as a Section 2 (permit required) use.



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Pursuant to Clause 35.07-4, a planning permit is required to construct or carry out works associated with a Section 2 use. The Schedule to the Farming Zone also outlines the following setback requirements that should be met:

- Minimum setback from a boundary – 5 metres
- Minimum setback from a dwelling not in the same ownership – 100 metres
- Minimum setback from a road – 20 metres.
- As stated above, the location of the proposed dwelling and store on site is outside of the land affected by the BMO. Similarly, no works or changes are proposed to the existing accessing arrangements that are presently in place and accordingly a planning permit is not required pursuant to the requirements of this overlay.

A 140,000L rainwater tank is proposed to be provided on site as a potable water supply which will be utilised in addition to two (2) other water tanks and two onsite spring fed dams that can be utilised for firefighting purposes, if required.

### 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.
- (f) any significant social effects and economic effects which the responsible authority considers the use or development may have.
- Section (1A) of the Act provides that the responsible authority, if the circumstances appear to so require, may consider:
  - (g) any other strategic plan, policy statement, code or guideline which has been adopted by a Minister, government department, public authority or municipal council;
  - ...
- (j) any other relevant matter.



## COUNCIL MEETING AGENDA - 30 JULY 2024

### MUNICIPAL PLANNING STRATEGY AND PLANNING POLICY FRAMEWORK

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

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

Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure. Planning is to recognise the need for, and as far as practicable contribute towards:

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

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

#### **Settlement**

- Clause 11.01-1S – Settlement
- Clause 11.01-1R – Hume
- Clause 11.03-5S – Distinctive Areas and Landscapes

#### **Environmental Risks**

- Clause 13.02-1S – Bushfire Planning

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### Natural Resource Management

- Clause 14.01-1S – Protection of agricultural land
- Clause 14.02-1S – Catchment Planning and Management
- Clause 14.02-2L-02 – Effluent Disposal and Water Quality

### Built Environment and Heritage

- Clause 15.01-2S – Building Design
- Clause 15.03-2S – Aboriginal Cultural Heritage

### Housing

- Clause 16-.01-3S – Rural Residential Development
- Clause 16.01-3L – 01 – Rural Building and Siting

### PARTICULAR PROVISIONS

- Clause 52.17 Native Vegetation

### Planner comments:

There is no native vegetation that has been proposed for removal.

### GENERAL PROVISIONS

### 65 Decision Guidelines

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

65.01 Approval of an application or plan

### Planner comments:

Guideline	Assessment
The matters set out in Section 60 of the Act	These matters are adequately addressed by consideration of elements of the planning scheme (see above).
Any significant effects the environment, including the contamination of land, may have on the use or development	There are not considered to be any significant effects from the environment on the proposed development. The land has not been identified as being potentially contaminated.
The Municipal Planning Strategy and Planning Policy Framework	See above assessment.
The purpose of the zone, overlay or other provision	See above assessment.
Any matter required to be considered in the zone, overlay or other provision	See above assessment.
The orderly planning of the area	The proposal is appropriately scaled and sited and represents orderly planning of the area.

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Guideline	Assessment
The effect on the amenity of the area	The development will not impact the amenity of the area.
The proximity of the land to any public land	The site is located adjacent to Hodgson Creek; however, no alterations are proposed to the existing accessing strategy to the site and buildings and works associated with the development are located in excess of 260m from the creek.
Factors likely to cause or contribute to land degradation, salinity or reduce water quality	Any land degradation is likely to be negligible due to the small scale of the proposed development.
Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.	A Land Capability Assessment will be presented to Council following the issue of a Planning Permit outlining the proposed strategy for stormwater and effluent. It will confirm that wastewater can be managed and disposed of onsite with no impact on water quality. It is expected an appropriate condition of the Permit will apply.
The extent and character of native vegetation and the likelihood of its destruction	No native vegetation requires removal. However, it is noted that vegetation has been proposed for removal.
Whether native vegetation is to be or can be protected, planted or allowed to regenerate	No native vegetation is to be removed.
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	Subject to compliance with permit conditions, the development will have no impact on flood, erosion or fire risk.
The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts	N/A
The impact the use or development will have on the current and future development and operation of the transport system.	The proposal will have negligible impact on the surrounding transport system.

### REFERRAL AUTHORITIES

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

## COUNCIL MEETING AGENDA - 30 JULY 2024

- Goulburn Murray Water (GMW)
- CFA

The referral authorities did not object.

The application was provided to DEECA as notice under section 52 of the Act, which is discussed later in this report.

### PUBLIC NOTICE

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

1 submission was received in response, the DEECA response discussed earlier.

- DEECA has provided an objection to the proposed development stating the following:

*"A Government Road abuts the northern boundary of the subject site providing legal access. The southern boundary of the site abuts Crown land known as the Hodgson Creek Water frontage managed by the Department.*

*It is noted in the Town Planning Report (Habitat, August 2023) that no changes are proposed to current movement and accessing arrangement with vehicle access presently provided via a gravel driveway from Newey Lane (across Hodgson Creek Crown frontage).*

*Access to freehold and private dwellings should be provided by Government roads or other arrangements not involving Crown land. The existing informal vehicle track that traverses Hodgson Creek Water frontage does not provide legal access.*

*The Department has no issue with the landowner continuing to use the current informal track for practical access however the land is now proposed to be developed and the track is to be the sole and primary access. Subsequently, the track will be required to be proclaimed as a road by the Indigo Shire Council.*

*Please also note that:*

- *Newey Lane is not within a Road Reserve but appears as Council's responsibility listed on Indigo Shire's Register of Public Roads (last updated Feb2022). All works within the Crown Land are to have prior approval in writing by the Crown Land Owner, subject to all applicable statutory obligations.*
- *Access consent across this parcel of Crown Land to the southern boundary of the subject site was never provided by the Crown Landowner (DEECA). Any works that have been carried out on the Crown Land in this location have been unlawful.*

***The Department of Energy, Environment and Climate Action objects to the granting of a permit for the proposed works on the following grounds:***

1. *No legal access exists on the Hodgson Creek Water frontage reserve to the southern boundary of the subject site where the proposed works and development is to occur. The proposal seeks to develop land owned by the state, and no consent will be granted of this to occur."*

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### DISCUSSION

#### **Applicant submissions**

The following site history has been provided by the applicant:

*As has been detailed within the accompanying Land Management Plan, the land has been used for ongoing agricultural production by the applicant's family since the early 1920's where it was originally used and operated as a dairy. Over the course of time the direction of the agricultural operations have transition to respond to underlying market trends and is now predominantly used for the production of black angus cattle and occasional hay and crop production.*

*In addition to the subject site, the land owner also leases an additional 15ha of land that is managed for hay, silage and the grazing of weaners. Presently, the farming business runs approximately 20 breeders with a desire to increase production over coming years.*

*As no dwelling is established on the site, management of the land requires a significant time investment from the land owner to monitor stock, particularly calving cattle during breeding season which has resulted in limited success with the loss of both cows and calves.*

*Beyond this land is in good condition with a sound water provision provided via to spring fed dams and has a sound fertiliser history which has been applied with the support of an agronomist.*

*The productive quality of the land and the development of the agricultural enterprise has presently reached its capacity on account of the absence of a home base on the site that could enable more efficient and intensive land management practices and business development opportunities."*

*Future agricultural use:*

*As prefaced above the demand of the agricultural operation necessitates the provision of a dwelling on site to assist in the future expansion of the enterprise as well as assist in actively managing the land. The land owner is presently servicing the farm operations out of their residence in the township of Beechworth, where calf raising and husbandry occurs during the breeding season, and the majority of the farm equipment is also housed. This evidently results in a land-use conflicts with odour and noise emissions regularly stemming from the property, and whereby the land owner is required to transport stock and machinery from the residential area out to the site regularly and daily in the early hours of the morning.*

*The establishment of a dwelling and store on the site will by virtue enable the establishment of a farm operation on site and reduce the demand on the landowner to transfer stock and machinery between their residential premises and the site.*

*In addition to this, the provision of a dwelling and store infrastructure will enable the expansion of the agricultural operation to accommodate the establishment of an animal husbandry facility for improved Angus genetics to be sourced via Jade Park Angus. The expansion of the business into the animal husbandry sector can only be achieved via the establishment of a dwelling on the site due to the time required to support good animal*

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*welfare with the intensive labour and monitoring the larger farming business will require, especially during calving, calf rearing and periods requiring hand feeding.*

*The landowner, in addition to the establishment of the animal husbandry operation also seeks to imbed a high rotational grazing management arrangement which, while labour intensive, results in significant benefits for the health of the soil, the animals and the land productive capacity. Attempting to undertake such an operation without on site management will result in breaches to the Australian Animal Welfare Standards and Guidelines for Cattle 2016 and may negatively impact the financial viability of the operation as a result of potential stock losses.*

*Finally, the expansion plan proposed for the land includes an ambitious revegetation project to be undertaken in conjunction with the Mid Ovens Landcare Consortium and Landmates to fence out the two main gullies on the property, remove the Hawthorn and plant out with locally indigenous species. This will reduce water and wind erosion, increase stock shelter, and improve cattle growth rates whilst increasing the biodiversity and habitat on the farm."*

This statement provides much more detail than is often include in applications of this nature, and has been considered by officers in assessing this application.

### **Farming Zone**

The purpose of the Farming Zone places a strong emphasis on the preservation and retention of land to promote its ongoing production for agricultural purposes to support employment and growth opportunities of regional communities discouraging the encroachment of inappropriate uses that affect the use of land for agricultural purposed.

The proposal represents a considered response to the broad aspirations of the zone. The provision of a dwelling and store on site would be required to enhance the agricultural capacity and productivity of land and assist in the expansion of an established agricultural business that is presently reached its capacity under present operational arrangements.

The provision of the proposed uses and development on site contributes to the enhancement of agricultural activities on site enabling the landowner to actively manage the land for the sustainable intensification of the existing property through rotational grazing management, further improving soil health as well using the dwelling on site as a base for a breeding centre for the improved Angus genetics. A Land Management Plan (LMP) was submitted to Council dated 05/05/2023 and was reviewed by Councils EHO Officers who have provided consent subject to conditions.

The proposed building footprints of the dwelling and store are located to prioritise the capacity and productivity of the land and occupy a total area of 545.92sqm representing 0.2% of the total lot area.

Despite these positive attributes, the access to the land is an issue, as raised by DEECA elsewhere in this report. Clause 35.07-2 requires:

*Access to the dwelling, small second dwelling or rural worker accommodation must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.*

As the proposed access from the south is not available, due to the DEECA objection the proposal requires alternative access arrangements, which have not been proposed. As compliance with clause 35.07-2 is required to use the land for a dwelling, even with a permit, the proposed development is prohibited under the zone.

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### Access

Accessing arrangements to the site are not proposed to be altered and will be maintained as per current conditions. However, as discussed earlier in this report, DEECA has objected to the informal access being formalised. DEECA was referred to under section 52 of the Planning and Environment Act. However, given that DEECA is usually a determining authority, and that the informal access is on DEECA land, Council officers have recommended the application be refused based on DEECA's objection on their land.

- The proposal is consistent with the Municipal Planning Strategy, the Planning Policy Framework, the FZ, and other relevant provisions of the Indigo Planning Scheme. The proposal would result in an approval if formal access was proposed from the north of the subject site. However, given DEECA's objection approving the application in its current form would not result in an orderly and desirable planning outcome for a single rural dwelling and outbuilding (Store) being accessed via DEECA land.

### Other matters

- The location of the site/dwelling and outbuildings does not have any cultural or heritage sensitivities.
- The site is within a Bushfire Prone Area, which has been addressed within this report.
- No significant or native vegetation will be removed to facilitate the proposed dwelling and no other environmental constraints are identified.
- The proposed use and development will not cause or contribute to land degradation, salinity or reduce water quality as stormwater and wastewater will be managed on site in accordance with Council requirements.
- The scale of the use and development is unlikely to impact the current and future operation of the transport system.

Overall, the proposal would provide for an appropriate and orderly planning outcome for the site if the informal access can be resolved. It is therefore recommended that the proposed development be refused based on DEECA's objection.

### CONCLUSION

This application seeks a planning permit for the use and development of a dwelling and store at land addressed as Duncans Lane, Beechworth.

The proposed development would be consistent with the intent of the zoning of the land and appropriate to the area. It is considered to have an acceptable impact on the public realm and adjoining properties. The design, form and scale of the dwelling and store, sufficiently integrates with the rural landscape character. The development would be sufficiently setback from dwellings not in the same ownership to mitigate any potential impact of the development on abutting properties. The proposed development would provide a sufficient rural design response, that is generally congruent with rural development typology of the area. As such, the proposal is generally consistent with the relevant requirements of the Indigo Planning Scheme.

However, Council cannot grant formal access to an informal road and crossover on DEECA land without their consent. DEECA has clearly refused this consent, and as such refusal is required.



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### CONFIDENTIAL ATTACHMENT

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

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


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

### 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:

- Danieel Matthews, Senior Statutory Planner
- Steven Hawkins, Coordinator Planning
- James Turner – Manager Planning and Corporate Services
- Greg Pinkerton – Director Planning and Corporate Services

### **Attachments**

1. PP23-0152 - Appliation material - 18 Duncans Lane - Beechworth - PN 26 (Confidential)
2.  PP23-0152 - Plans - 18 Duncans Lane - Beechworth - PN 26
3. PP23-0152 - DEECA Objection - 18 Ducans Lane - Beechworth - PN 26 (Confidential)

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### 11.7 PLANNING PERMIT APPLICATION PP22-0073 - LILLIPUT-NORONG ROAD, LILLIPUT

File No: 2024/425

James Turner - Manager Planning & Statutory Services

Planning & Corporate Services

#### For Decision

#### RECOMMENDATION

That Council issues a notice of decision to refuse planning permit PP22-0073 for the re-subdivision of land into three lots at Lilliput – Norong Road, Lilliput, on the following grounds:

1. The proposal is not consistent with the Municipal Planning Strategy and Planning Policy Framework, particularly clauses:
  - a. Clause 02.03-1 – Settlement
  - b. Clause 02.03-4 – Natural resource management
  - c. Clause 02-03-6 – Housing
  - d. Clause 14.01-1S – Protection of agricultural land
  - e. Clause 14.01-1L-02 – Subdivision in rural areas
2. The proposal is not consistent with the purpose and decision guidelines of the Farming Zone.
3. The proposal is not consistent with the decision guidelines at clause 65.01 and 65.02.

#### SUMMARY

<b>Application No:</b>	<b>PP23-0156</b>
<b>Subject Land:</b>	<b>Liliput-Norong Road, Lilliput</b> <b>CA 4A and 4B, 5B and 5B1, Section O, Parish of Lilliput</b>
<b>Proposal:</b>	<b>Re-subdivision of land into three (3) lots</b>
<b>Recommendation:</b>	<b>Refusal in accordance with the Recommendation above.</b>

#### BACKGROUND

Date application lodged: 24/3/2022

Purpose: Seek approval to re-subdivide of land into three (3) lots.

Subject site land area:

Lot #	Land area (ha) (approx.)
4A	32
4B	30

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5B	25.6
5B1	10.5
3A	32.9
3B	31.6

Current use of subject site: Agriculture

Site constraints: Black Dog Creek bisects the site.  
Areas of potentially native vegetation.

Surrounding land use: Agriculture.

Zoning of surrounding land: Farming Zone

### PROPOSAL

The permit applicant, Executive Search Pty Ltd, seeks to re-subdivide the site into three lots via a re-subdivision of four existing lots. The site is currently used for sheep farming/rearing, with no existing buildings.

The application states that the purpose of the subdivision is to create better lot layout and size that improves the functionality of the site in terms of agricultural activities.

The proposed subdivision layout detailed in the following table:

Lot #	Land area (ha)	Max Width (m)	Max Depth (m)	Orientation	Access via	Shape
1	40	612.3	804.7	East	Sheridans Bridge Road	Irregular
2	31.5	804.7	391.5	South	Gullifers Road	Rectangular
3	27.5	402.34	768.7	North	Lilliput-Norong Road	Irregular

No non-exempt vegetation removal is proposed (including any consequential loss).

No staging is proposed.

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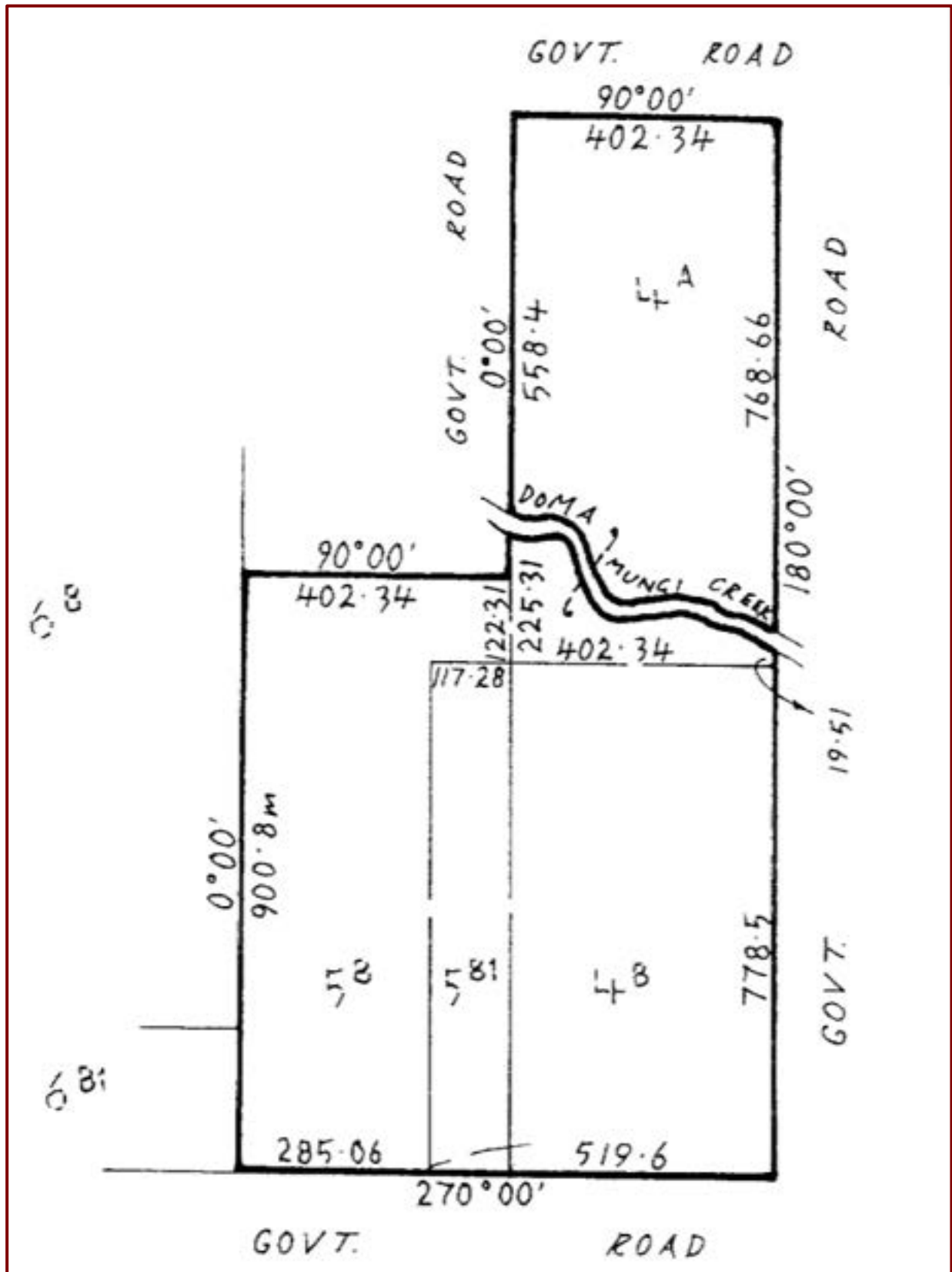


Figure 1: Existing plan of subdivision.

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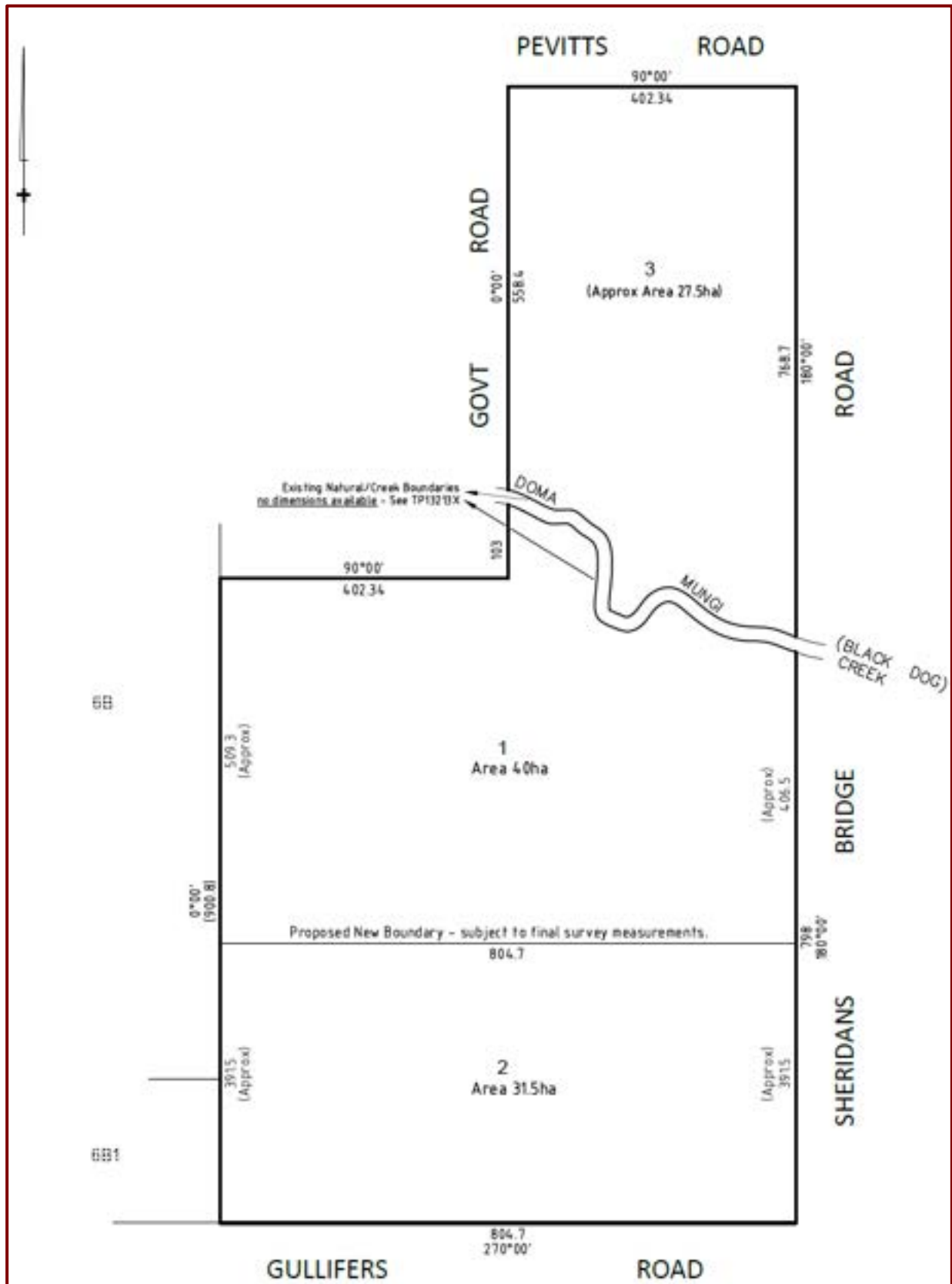


Figure 2: Proposed plan of subdivision.

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### ZONING AND PLANNING CONTROLS

Zoning: Farming Zone



Figure 3: Zoning Map. Source: VicPlan.

Overlay/s: ESO3 (Black Dog Creek)  
 Bushfire Management Overlay





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Figure 4: Overlay Maps. Source: VicPlan.



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### PERMIT TRIGGER:

Pursuant to clause 35.07-3 – *A planning permit is required to subdivide land.*

Pursuant to Clause 42.01-2, *a planning permit is required to subdivide land unless the schedule to the ESO overlay specifically states a permit is not required.* In this instance, nothing was specified under Schedule 3 of the ESO and therefore, a permit is required.

Pursuant to Clause 44.06-2, *a planning permit is required to subdivide land unless specifically stated in the schedule to the overlay.*

In this instance, the schedule does not apply to the site and therefore a planning permit is required. Given that the BMO only covers a very small portion of the site and that land is used for agricultural production, a bushfire hazard site assessment, bushfire hazard landscape assessment and bushfire management statement are not considered to be required for this application.

### 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.
- (f) any significant social effects and economic effects which the responsible authority considers the use or development may have.

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

- (g) any other strategic plan, policy statement, code or guideline which has been adopted by a Minister, government department, public authority or municipal council;
- ...
- (j) any other relevant matter.

### MUNICIPAL PLANNING STRATEGY AND PLANNING POLICY FRAMEWORK

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

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general principles and the specific policies applicable to issues before them to ensure integrated decision-making.

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

Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure. Planning is to recognise the need for, and as far as practicable contribute towards:

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

The Municipal Planning Strategy and 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:

Clause 02.03-1 – Settlement

Clause 02.03-4 Natural resource management

Clause 02-03-6 – Housing

Clause 13.02-1S - Bushfire Planning

Clause 13.02-1L – Bushfire Planning

Clause 14.01-1S – Protection of agricultural land

Clause 14.01-1L-01 – House lot excisions

Clause 14.01-1L-02 Subdivision in rural areas

### PARTICULAR PROVISIONS

Clause 53.01 – Public Open Space contribution and subdivision

Clause 53.02 – Bushfire Planning

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### GENERAL PROVISIONS

#### **65 Decision Guidelines**

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

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

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

##### 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 suitability of the land for subdivision.
- The existing use and possible future development of the land and nearby land.
- The availability of subdivided land in the locality, and the need for the creation of further lots.

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- The effect of development on the use or development of other land which has a common means of drainage.
- The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.
- The density of the proposed development.
- The area and dimensions of each lot in the subdivision.
- The layout of roads having regard to their function and relationship to existing roads.
- The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.
- The provision and location of reserves for public open space and other community facilities.
- The staging of the subdivision.
- The design and siting of buildings having regard to safety and the risk of spread of fire.
- The provision of off-street parking.
- The provision and location of common property.
- The functions of any owners corporation.
- The availability and provision of utility services, including water, sewerage, drainage, electricity, and, where the subdivision is not a residential subdivision, gas.
- If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.
- Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.
- The impact the development will have on the current and future development and operation of the transport system.

### REFERRAL AUTHORITIES

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

- CFA
- Ausnet Services

Responses received recommend approval, subject to conditions from AusNet and without conditions from CFA.

### PUBLIC NOTICE

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

No submissions were received in response.

A separate notice was provided to North East Catchment Management Authority, who did not object but requested a permit note be added.

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### DISCUSSION

This application primarily raises issues about agriculture and the proliferation of dwellings in the Farming Zone.

In their application, the applicant has outlined the primary justification for the proposed subdivision as facilitating land being distributed to their children, and a vaguely described proposal for “high yield farming and horticultural/viticulture activities”. The proposal is not well defined, with no detail on how the proposed agriculture enterprise will operate.

The most likely outcome of this proposal is that the new 40ha lot will have a dwelling constructed, and Council will receive applications for dwellings on the other residual lots.

It is not clear how the proposed subdivision will improve and enhance agricultural productivity.

The proposed creating of smaller lots also runs contrary to planning policy at lot 14.01-1S and 14.01-1L-02, particularly the following strategies:

- *Protect productive agricultural land from unplanned loss due to permanent changes in land use.*
- *In considering a proposal to use, subdivide or develop agricultural land, consider the:*
  - *Desirability and impacts of removing the land from primary production, given its agricultural productivity.*
  - *Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.*
  - *Compatibility between the proposed or likely development and the existing use of the surrounding land.*
- *Avoid the subdivision of productive agricultural land from diminishing the long-term productive capacity of the land.*
- *To ensure that the subdivision of land does not prejudice agricultural industries or productive capacity.*
- *Retain land in larger parcels suitable to the relevant production requirements of agriculture in the Farming Zone.*
- *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.*
- *Discourage subdivision in the Farming Zone that results in a dwelling not associated with agriculture.*

The proposed subdivision is also contrary to the purposes of the Farming Zone.

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### VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

There are a number of cases in recent years that are relevant to this particular application, namely the subdivision of land creating additional dwelling entitlements. The *Estate of JE Walker v Wangaratta RCC [2021] VCAT 1257* is one such case. The Member in this instance reiterates the following principle with respect to a proposal for the creation of lots of 40ha;

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*.*

It is clear then that any subdivision proposal that merely meets the minimum 40ha minimum lot size should not be supported simply on this basis. Instead, achieving minimum lot size requirements is taken as the minimum milestone to simply be able to make an application. Any such application then, must be able to demonstrate how the subdivision is an acceptable planning outcome in the context of

## COUNCIL MEETING AGENDA - 30 JULY 2024

relevant strategic and policy direction as well as the purpose and decision guidelines of the relevant zone.

*Phillips v Wodonga CC [2023] VCAT 1014* the Member points out the commonality that the farming of single agricultural lots is unlikely to provide sufficient income to support the farmer(s) and their families;

28. *‘economically viable in its own right and requiring off-farm income, or needing to be farmed in conjunction with other land holdings is not an uncommon situation in agricultural areas’.*

To be a viable agriculture enterprise does not mean that the enterprise needs to be sufficient to support a person, rather it is that the purpose of the enterprise is profit. This is well summarised in the case of *Brown v Macedon Ranges SC [2024] VCAT 400*:

*To clarify, by referring to viability, I am not suggesting that an agricultural activity should provide the equivalent of a full time income. Rather, I would expect a Business Plan to demonstrate that the proposal agricultural activity can run at a profit, rather than a loss, and that the upfront costs can be recouped over a reasonable period of time. This is important as if the proposed agricultural activity is to run at a loss, then it will likely not be pursued over the medium to long term. Alternatively if the upfront establishment costs are too high, as compared to the expected returns, then the agricultural activity may never be commenced at all.*

*Greg Chalmers Pty Ltd v Greater Geelong CC [2007] VCAT 292*:

20. *Generally speaking, the more rural land is fragmented into smaller pieces, the less useful and useable it is for farming purposes. It has long been held recognised in rural planning, indeed for decades, that fragmentation of rural land, with or without proliferation of non-farm rural houses not required for farming purposes are a very serious threat to the continued usefulness and useability of farming land. Fiddly bits of land are less useful, particularly if of an appropriate (sic) shape and location, than larger areas. The whole trend of farming practice has been to increase areas required for farming enterprises whilst there has been continuing pressure to cut land up into smaller amounts to exploit its residential value. Good town and country planning looks for residential uses to be located in or on the edge of towns, or at least in areas planned for that purpose, rather than spread over rural zones areas.*

*Bailey v Bass Coast SC [2014] VCAT 1480*;

36. *While I am sympathetic at a personal level if Mr Bailey is allegedly having issues running the subject land profitably as a single enterprise:*

- It is overly simplistic and misguided for any of us to simply assume that a current landholding has to be made profitable and then ‘work backwards from there’ – farm viability needs to be considered at a broader level.*

*It is not obvious to me how creating ‘more smaller lots’ fixes this ‘viability’ issue. If anything, the relevant planning framework is pointing to ‘farm consolidation’ (ie merging multiple landholdings together) as being a more relevant possibility to consider.*



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### CONCLUSION

The protection of farming land from inappropriate or unnecessary development is an important principle in the planning scheme, and one that this Council has fought for over many years. This proposal effectively creates a new dwelling right without enhancing the farming use. Despite the fact that the application does not seek a new dwelling at this stage, the creation of the proposed subdivision allows for it in the future. Approval of this application would increase the value of farming land (making farming less viable in the area), and create greater fragmentation of land. All of these outcomes conflict with the direction set by this council and the planning scheme.

The reason for the proposed subdivision that is given in the application is to allow for the owner's children to farm on the property. Farming is already permitted on the land (without the need to subdivide), and there is no reason that a subdivision would be required unless a future dwelling was planned. This application does not meet the Planning Scheme requirements that have been set by this Council, and it should be refused.

### CONFIDENTIAL ATTACHMENT

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

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



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

### DECLARATION OF CONFLICT OF INTEREST

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

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

### **Attachments**

1.  PP22-0073 - Officers delegates report - Lilliput - Norong Road - Lilliput - PN 5146
2. PP22-0073 - Application documents - Lilliput Norong Road - Lilliput - PN 5146 (Confidential)
3.  PP22-0073 - Plans - Lilliput - Norong Road - Lilliput - PN 5146

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### **11.8 PLANNING PERMIT APPLICATION PP23-0215 - 1780 INDIGO CREEK ROAD, INDIGO VALLEY**

**File No: 2024/509**

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

**Planning & Corporate Services**

#### **For Decision**

#### **RECOMMENDATION**

That Council issue a notice of decision to refuse planning permit application PP23-0215 for a three-lot re-subdivision at 1780 and 1796 Indigo Creek Rd, Indigo Valley 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) 02.03-1 Settlement
  - b) 02.03-4 Natural resource management
  - c) 02.03-6 Housing
  - d) 14.01-1S Protection of agricultural land
  - e) 14.01-1L-02 Subdivision in rural areas ; and
3. The proposal is not supported by the decision guidelines at clause 65.01 and 65.02 of the Indigo Planning Scheme.

#### **SUMMARY**

<b>Application No:</b>	<b>PP23-0215</b>
<b>Subject Land:</b>	<b>1780 &amp; 1796 Indigo Creek Road, Indigo Valley</b>
<b>Proposal:</b>	<b>Re-subdivision of the land into three lots</b>
<b>Recommendation:</b>	<b>Refusal in accordance with the Recommendation above.</b>

#### **BACKGROUND**

Date application lodged:	14/11/2023
Purpose:	Seeks approval to re-subdivide the land into three new lots.
Subject site land area:	134.19ha
Current use of subject site:	Large rural holding used for broad acre grazing and pasture production. Contains one dwelling and rural infrastructure, including shedding and farm dams.
Site constraints:	<ul style="list-style-type: none"><li>• Large irregular shaped rural property comprising dryland animal grazing and cropping.</li></ul>

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- Some scattered paddock trees throughout. Pockets of windbreaks potentially containing remnant native vegetation or funded planted vegetation.
- A number of mapped waterways/drainage lines throughout.
- Relatively steeply sloped land with overall fall from west to east.

**Surrounding land use:**

Adjoining land to the north, south and east generally comprises larger agricultural holdings all within the Farming Zone. Adjoins Chiltern-Mount Pilot National Park (Public Conservation and Resource Zone) to the west and is adjacent to Indigo Creek to the east.



The Bushfire Management Overland affects land within close proximity of the Chiltern-Mount Pilot National Park.

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Zoning of surrounding land: Farming Zone

Public Conservation and Resource Zone

### PROPOSAL

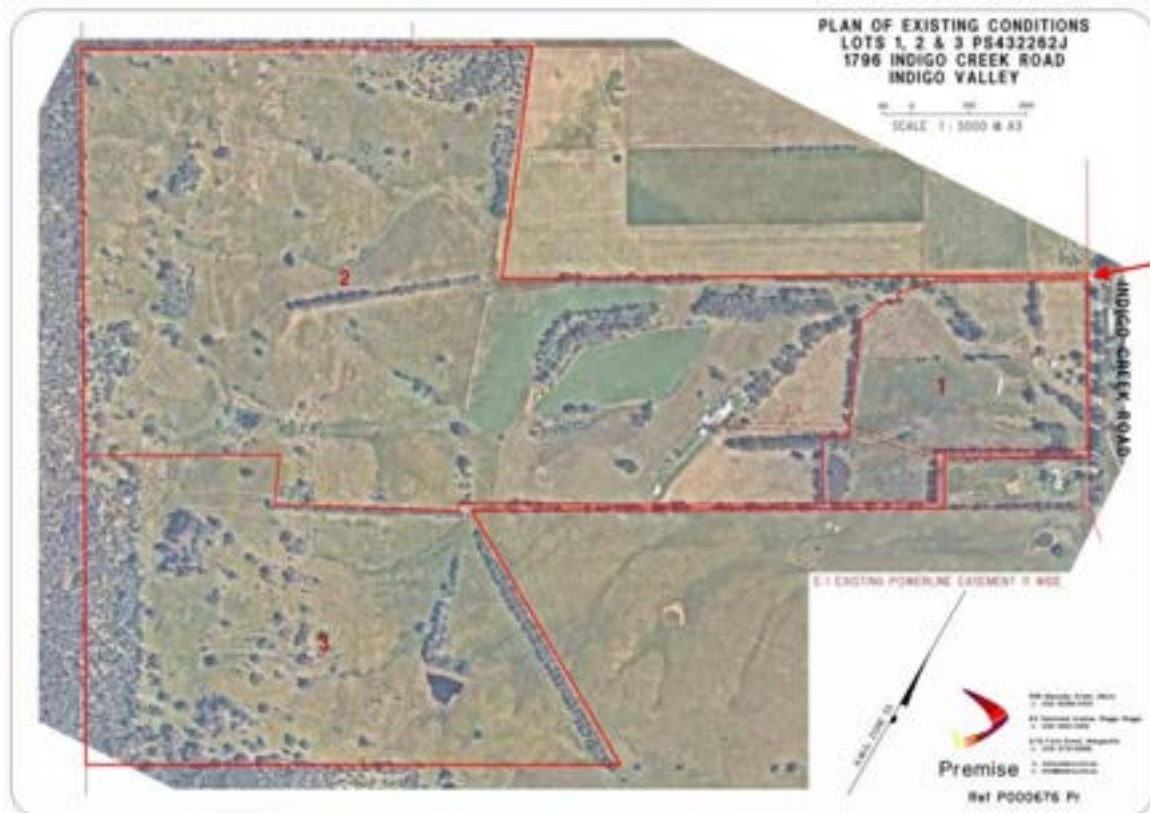
The proposed application seeks to subdivide three existing lots by way of altering the common lot boundaries. The three existing lots comprise of the following areas and uses;

- Lot 1 – 13.4ha lot containing stock yards, rural shedding and a farm dam. Also comprises an old derelict former dwelling that does not have any existing use rights.
- Lot 2 – 80.4ha lot comprising the bulk of the subject lot and containing an existing dwelling, rural shedding, a number of farm dams and some improved pastureland. Accessible to Indigo Creek Road by way of an access handle along the northern boundary of Lot 1.
- Lot 3 – 40.24ha lot containing a farm dam but otherwise vacant of any substantial improvements. Accessible to Indigo Creek Road by way of an access handle along the southern boundary of Lot 1.

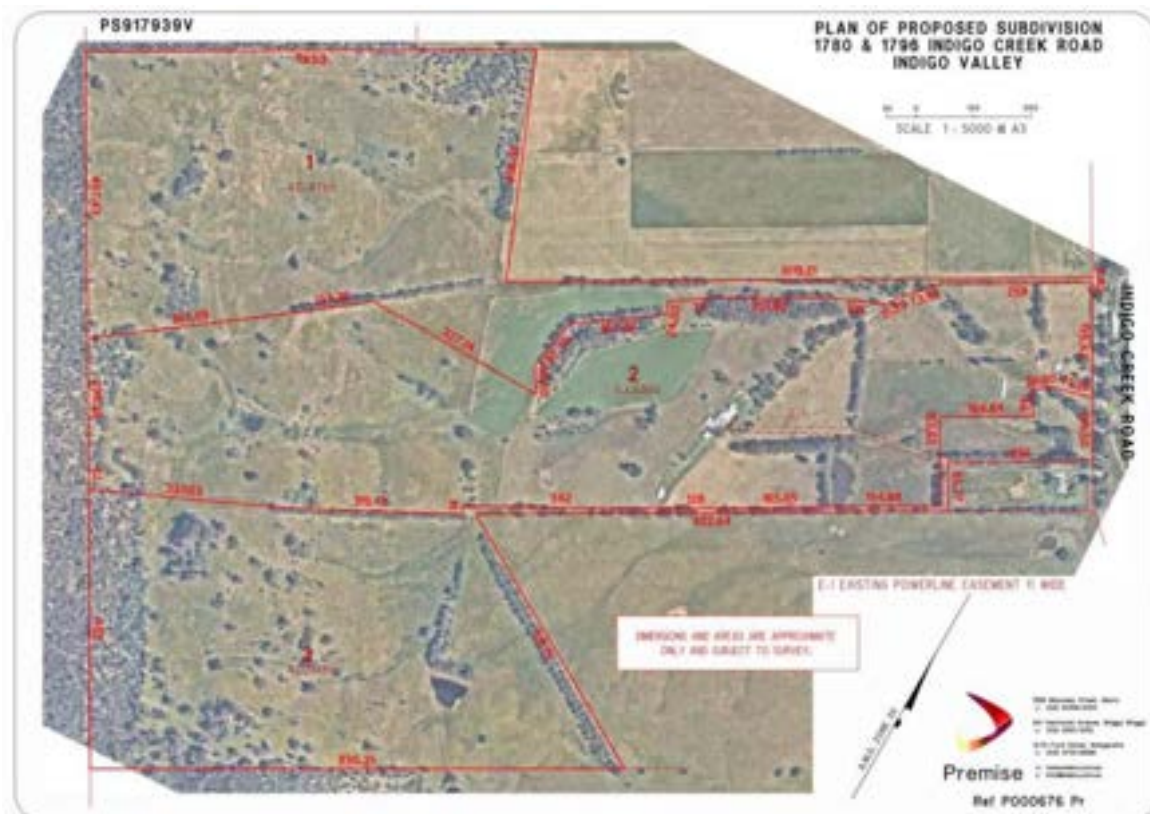
It is proposed to create three new lots as follows;

- Lot 1 – 40.47ha vacant lot. Accessible to Indigo Creek Road by way of existing access to existing Lot 2; albeit with a significant extension of the access handle.
- Lot 2 – 53.68ha lot containing the existing dwelling and most farm improvements. Accessible to Indigo Creek Road by way of a proposed new access adjacent to the proposed Lot 1 access.
- Lot 3 – 40.04ha vacant lot with slightly improved access opportunities to Indigo Creek Road. Will retain the existing farm dam.

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**Existing Lot Layout**



**Proposed Lot Layout**



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The proposed reconfiguration of the land increases the number of lots greater than 40ha in area from two to three, effectively creating an additional dwelling right over the subject land. This is generally achieved through the transfer of land from the larger Lot 2 (currently 80.4ha) to the smaller Lot 1 (currently 13.4ha). The subdivision is also understood to facilitate a more suitable dwelling location and vehicle access for Lot 2.

The proposed new Lot 3 represents an additional 'battle-axe' lot, relying on a 1km long 'slither' of land that is currently used to provide access to the dwelling and farming operations on the large Lot 2. This then requires the provision of a new vehicle access to Indigo Creek Road for the existing dwelling and farm operations. Such vehicle access will necessitate the removal of a further 800m long strip of land so as to reconnect to the existing dwelling with a public road, in addition to the strip that already exists.

### ZONING AND PLANNING CONTROLS

Zoning: Clause 35.07 - Farming Zone (FZ)

Overlay/s: Bushfire Management Overlay (BMO)

### 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.

A section 173 agreement applies to the land preventing subdivision to create new lots. The current proposal does not breach this agreement.

### 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.
- (f) any significant social effects and economic effects which the responsible authority considers the use or development may have.

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

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- (g) any other strategic plan, policy statement, code or guideline which has been adopted by a Minister, government department, public authority or municipal council;

...

- (j) any other relevant matter.

### STATE PLANNING POLICY

#### MUNICIPAL PLANNING STRATEGY AND PLANNING POLICY FRAMEWORK

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

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

Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure. Planning is to recognise the need for, and as far as practicable contribute towards:

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

The Municipal Planning Strategy and 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:

- 02-03-1 Settlement
- 02-03-3 Environmental risks and amenity
- 02-03-4 Natural resource management



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- 02.03-6 Housing
- 13.02-1S Bushfire Planning
- 14.01-1S Protection of agricultural land
- 14.01-1L-02 Subdivision in rural areas

### PARTICULAR PROVISIONS

#### 53.02 Bushfire Planning

### GENERAL PROVISIONS

#### **65 Decision Guidelines**

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

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

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

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### 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 suitability of the land for subdivision.
  - The existing use and possible future development of the land and nearby land.
  - The availability of subdivided land in the locality, and the need for the creation of further lots.
  - The effect of development on the use or development of other land which has a common means of drainage.
  - The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.
  - The density of the proposed development.
  - The area and dimensions of each lot in the subdivision.
  - The layout of roads having regard to their function and relationship to existing roads.
  - The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.
  - The provision and location of reserves for public open space and other community facilities.
  - The staging of the subdivision.
  - The design and siting of buildings having regard to safety and the risk of spread of fire.
  - The provision of off-street parking.
  - The provision and location of common property.
  - The functions of any owners corporation.
  - The availability and provision of utility services, including water, sewerage, drainage, electricity, and, where the subdivision is not a residential subdivision, gas.
  - If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sillage within the boundaries of each lot.
  - Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.
  - The impact the development will have on the current and future development and operation of the transport system.

### REFERRAL AUTHORITIES

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

- CFA

Responses did not object to the proposal, with no additional conditions.

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The application was referred internally to Council's Assets and Environmental Health Departments. The Assets Department have no objection to the proposal subject to the inclusion of access requirements for each proposed lot. The Environmental Health Department has no objection to the proposal and no conditions to add.

### PUBLIC NOTICE

The application has been advertised pursuant to section 52 of the Planning and Environment Act 1987 for a period of 14 days via letters to adjoining and surrounding owners/occupiers, including the Department of Energy, Environment and Climate Action (DEECA) who are responsible for the management of the adjoining Chiltern-Mt Pilot National Park.

Notification has been carried out correctly. No objections have been received for the application to date. DEECA have provided a written submission advising that the Authority does not object to the proposal. The DEECA submission includes a request for the inclusion of a number of permit conditions and notes. The requested conditions and notes are not considered particularly relevant to the planning application or planning considerations under the *Planning and Environment Act 1987* more generally. It is recommended that these not be included as part of any permit issued.

### DISCUSSION

This application raises particular consideration with respect to agricultural use and appropriate bushfire management.

#### **Bushfire Considerations**

- The subject land is largely unencumbered by the Bushfire Management Overlay (BMO) with only a reasonably small portion of land along the western border to the Chiltern-Mount Pilot National Park located in the overlay. None-the-less Clause 44.06-2 of the Indigo Planning Scheme identifies that a permit is required for any subdivision involving land affected by the BMO.

The applicant includes a Bushfire Hazard Landscape Assessment, a Bushfire Hazard Site Assessment and a Bushfire Management Statement in accordance with the application requirements of the BMO.

- Given the context of the site, bushfire risk, the ability to site future dwellings outside of the BMO and the support provided by the CFA, the subdivision is not at odds with relevant Planning Scheme provisions relating to bushfire.

#### **Agricultural Considerations**

The purpose of the proposed rural subdivision is not clear. It doesn't appear to result in any agricultural benefit, but rather supports future development of the land for dwellings. The submitted planning report states;

*The proposal is to re-subdivide the existing three lots into a better layout that makes all the lots greater than the minimum area for the zone of 40ha which is not currently the case.*

*The proposal also improves the access and possible building site for lot 3, it improves the access for lot 2 and provides a practical and desirable building envelope for lot 1...*

*The site offers ready access to the nearby City of Wodonga, which is 20 mins and 24km away, as well as to other surrounding living and recreational areas such as Yackandandah, being 10km away and Barnawartha, being 18km away.*

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While the submitted report repeatedly states that no new dwellings are proposed as part of this application, it also mentions the '40ha minimum' (for dwellings) as well as a 'possible building site' on one lot and a 'desirable building envelope on another.

The nature of the application, to create all lots over 40 hectares and improve dwelling locations and lot accesses, is geared toward dwelling/lifestyle purposes over any genuine agricultural purposes.

There are a number of cases in recent years that are relevant to this particular application, namely the subdivision of land creating additional dwelling entitlements. The *Estate of JE Walker v Wangaratta RCC [2021] VCAT 1257* is one such case. The Member in this instance reiterates the following principle with respect to a proposal for the creation of lots greater than 40ha in area;

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.*

It is clear then that any subdivision proposal that merely meets the minimum 40ha minimum lot size should not be supported simply on this basis. Instead, achieving minimum lot size requirements is taken as the minimum milestone to simply be able to make an application. Any such application then, must be able to demonstrate how the subdivision is an acceptable planning outcome in the context of relevant strategic and policy direction as well as the purpose and decision guidelines of the relevant zone.

To this extent the following key provisions of the Planning Scheme have been identified;

### Municipal Planning Strategy

#### Clause 02.03-1 – Settlement

##### *Strategic directions:*

- *Direct population growth to serviced and zoned land to make efficient use of infrastructure and land.*
- *Reduce the proportion of new housing development in rural areas.*

#### Clause 02.03-4 – Natural resource management

##### Agriculture

*The protection of agricultural land... is a critical issue for the Shire.*

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

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### *Strategic directions:*

- *Protect agricultural land for primary production*
- *Discourage rural subdivision and dwellings for hobby farming and rural residential purposes in the Farming Zone.*
- *Encourage consolidation of existing isolated small lots in the Farming Zone.*

### Clause 02.03-6 – Housing

#### Rural residential and rural living development

*Farming Zone land is under pressure from development for rural living. The potential adverse impacts of unplanned rural living on agriculture... and the efficiency of infrastructure and service provision is a key issue within the Shire.*

### *Strategic directions:*

- *Direct rural living, rural residential development, and hobby farm development into areas zoned for that purpose.*

### Planning Policy Framework

#### Clause 14.01-1S - Protection of agricultural land

- *Protect productive agricultural land from unplanned loss due to permanent changes in land use.*
- *Limit new housing development in rural areas by:*
  - *Directing housing growth into existing settlements.*
  - *Encouraging consolidation of existing isolated small lots in rural zones.*
- *In considering a proposal to... subdivide... agricultural land, consider the... impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.*

#### ▪ Clause 14.01-1L-02 – Subdivision in Rural Areas

- *...ensure that the subdivision of land does not prejudice agricultural industries or productive capacity.*
- *Retain land in larger parcels suitable to the relevant production requirements of agriculture in the Farming Zone.*
- *Encourage the consolidation of lots in the Farming Zone.*
- *Discourage the subdivision of land in the Farming Zone, unless it:*
  - *Is necessary for genuine... rural production.*
  - *Facilitates agricultural use of the land.*

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### Farming Zone

#### Clause 35.07-6 – Decision Guidelines

- *Whether the use or development will support and enhance agricultural production.*
- *The potential... to limit the... expansion of adjoining and nearby agricultural uses.*

There are some key considerations arising through relevant strategy and policy direction, and the decision guidelines of the Farming Zone. These include;

- The protection of agricultural land is a critical issue for the Shire. Council has identified that the Farming Zone is under pressure from rural living and housing development and that subdivision not associated with agriculture can undermine the viability of the rural sector through a number of factors such as;
  - loss of productive agricultural land,
  - use of infrastructure and water that could be used for agricultural production,
  - inflated land values, and/or
  - increased residential amenity expectations that may conflict with agricultural activities and operations.
- Direct new housing opportunities, particularly where the housing is not required for genuine commercial agricultural purposes, away from the Farming Zone and into urban areas or land zoned for rural living purposes. This has a two-fold effect in that;
  - It ensures agricultural land is protected and more likely to be retained for viable agricultural operations.
  - It ensures the efficient supply of infrastructure and services to the Shire's population.
- Land is to be retained in larger parcels suitable to the relevant production requirements of agriculture in the Farming Zone.
- Consolidation of lots in the Farming Zone, particularly small lots, is encouraged. Fragmentation and/or a reduction in the size of larger lots, on the other hand, is not.
- Only support subdivision of land in the Farming Zone where it is necessary for genuine rural production.
- Do not support subdivision that may prejudice the continued primary production capacity of the subject land or surrounding land.

The proposed subdivision is considered to be premised primarily on achieving additional dwelling entitlements and suitable dwelling locations. This is clearly at odds with relevant strategy and policy directions, and the decision guidelines of the Farming Zone as cited above.

Creating an additional dwelling entitlement on agricultural land, such as that land contained within proposed Lot 2, is akin to the creation of an additional lifestyle lot. Subdivision that results in, or exacerbates, rural living outcomes in the Farming Zone is not supported.

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The existing Lot 1, measuring 13.4ha in area, is considered to be an isolated small lot. Strategic planning direction is for this lot to be consolidated into neighbouring agricultural land to formalise the current land use practice for this lot (i.e. farmed in conjunction with the other two lots forming this planning application). Instead, the current application proposes to exploit this isolated small lot by creating an additional dwelling entitlement without increasing the number of lots overall.

It is accepted within the industry that the creation of additional dwelling entitlements through subdivision artificially inflates the value of what is otherwise agricultural land. This has direct implications for the viability of agricultural operations on the land.

The subdivision impacts on the productive capacity of the land both generally, through the transfer of land from a large rural holding to smaller lifestyle lots, and more specifically, through excising relatively scarce improved pastureland, infrastructure such as dams, and land that is otherwise used for agricultural from the existing large rural holding (existing Lot 2).

While it is acknowledged that the proposed subdivision will improve potential dwelling locations for Lot 3, this is a distant secondary consideration in the context of the Farming Zone. This is contrary to the provisions of the Farming Zone by facilitating a dwelling outcome on agricultural land that, to date, has been demonstrated to not require a dwelling in order to support its agricultural use. The need to provide a safer and more practical access to Lot 3 is considered a more substantiated submission; however, this can also be achieved through lot consolidation as promoted throughout the Planning Scheme or, worst case, a far less substantial realignment of boundaries.

Despite being at odds with relevant strategy and policy direction under the Planning Scheme the applicant seeks to justify the proposal on two primary grounds;

- 1. *Lots of 80ha of dry land are not viable farms in this area and reducing the 80ha lot to 50ha will not affect the viability of the property. Enlarging the smaller lot from 13 to 40ha will allow it to be used for agricultural purposes and provide some agricultural income opportunity to the lot owner.***

This is a common submission in an attempt to justify subdivision in the Farming Zone where it is contended that because a current operation is not perceived as viable or productive in the eyes of the applicant, the provisions of the planning scheme seeking to protect the agricultural viability and productivity of the land are somewhat diminished. This is a matter that is discussed in numerous VCAT decisions. In the JE Walker decision, the member provides;

35. *...I find that the Farming Zone and relevant policy provisions for the subject land give priority to promoting its productive agricultural use. When I use the word 'productive' here, which I take from the purposes of the Farming Zone and aspects of the relevant policy framework, I am referring to 'meaningful' farming, or perhaps 'genuine' farming.*
47. *...strategic planning framework... is not just promoting any form of farming, but is encouraging 'productive' farming. As alluded to above, I see the decision by the Planning Scheme draftsman to include the word 'productive' as pointing to a desire that the farming activity not be token, but be meaningful/genuine. Or to put this another way, the word 'productive' in the relevant text in the Planning Scheme must be given work to do, not just 'wished away' or inappropriately 'read down'.*



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In *Phillips v Wodonga CC* [2023] VCAT 1014 the Member points out the commonality that the farming of single agricultural lots is unlikely to provide sufficient income to support the farmer(s) and their families;

28. *‘economically viable in its own right and requiring off-farm income, or needing to be farmed in conjunction with other land holdings is not an uncommon situation in agricultural areas’.*

To be a viable agriculture enterprise does not mean that the enterprise needs to be sufficient to support a person, rather it is that the purpose of the enterprise is profit. This is well summarised in the case of *Brown v Macedon Ranges SC* [2024] VCAT 400:

*To clarify, by referring to viability, I am not suggesting that an agricultural activity should provide the equivalent of a full time income. Rather, I would expect a Business Plan to demonstrate that the proposal agricultural activity can run at a profit, rather than a loss, and that the upfront costs can be recouped over a reasonable period of time. This is important as if the proposed agricultural activity is to run at a loss, then it will likely not be pursued over the medium to long term. Alternatively if the upfront establishment costs are too high, as compared to the expected returns, then the agricultural activity may never be commenced at all.*

In relation to the impact subdivision has on the potential to farm the land as productively and economically as possible the following VCAT observations are referenced;

JE Walker;

- 45 *....Surely having... much smaller lots rather than the existing... lot will only exacerbate the existing ‘economic viability’ constraints.*

Phillips;

30. *...The larger lot inherently retains more flexibility and long-term economic sustainability....*

*Greg Chalmers Pty Ltd v Greater Geelong CC* [2007] VCAT 292:

20. *Generally speaking, the more rural land is fragmented into smaller pieces, the less useful and useable it is for farming purposes. It has long been held recognised in rural planning, indeed for decades, that fragmentation of rural land, with or without proliferation of non-farm rural houses not required for farming purposes are a very serious threat to the continued usefulness and useability of farming land. Fiddly bits of land are less useful, particularly if of an appropriate (sic) shape and location, than larger areas. The whole trend of farming practice has been to increase areas required for farming enterprises whilst there has been continuing pressure to cut land up into smaller amounts to exploit its residential value. Good town and country planning looks for residential uses to be located in or on the edge of towns, or at least in areas planned for that purpose, rather than spread over rural zones areas.*

*Bailey v Bass Coast SC* [2014] VCAT 1480;

36. *While I am sympathetic at a personal level if Mr Bailey is allegedly having issues running the subject land profitably as a single enterprise:*
- It is overly simplistic and misguided for any of us to simply assume that a current landholding has to be made profitable and then ‘work backwards from there’ – farm viability needs to be considered at a broader level.*

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- *It is not obvious to me how creating 'more smaller lots' fixes this 'viability' issue. If anything, the relevant planning framework is pointing to 'farm consolidation' (ie merging multiple landholdings together) as being a more relevant possibility to consider.*

The Planning Scheme policy direction is clearly supported through VCAT case law so far as to provide that land should generally be retained in large holdings/lot sizes. Small lots such as the existing Lot 1 should be consolidated into one of the large neighbouring lots; in this case, either Lot 2, Lot 3 or both, so as to reflect the economic scale of the existing agricultural operation occurring. There has been no convincing justification provided to deviate away from this 'established norm' in policy direction. The need to derive off-farm income to supplement income earned on-farm is a common situation throughout the agricultural sector. It certainly does not justify exacerbating an existing economic issue by creating additional dwelling entitlements and further inflating the value of the land.

2. ***The three subject lots were created via Planning Permit 99/192. At the time each approved lot had a dwelling entitlement with lot 1 and lot 2 having existing dwellings and lot 3 being greater than 40ha and having an as-of right entitlement. Lot 1 having an existing dwelling was less than 40ha and the planning permit required that there could be no further subdivision to increase the number of lots. This would mean that lot 1 being 80.4ha could not be further subdivided into two 40 ha lots. It is clear from this previous subdivision that council did not want more than three dwelling entitlements for the land in PS432622J. This proposal is in accordance with the dwelling entitlements on PS432622J and does not seek additional entitlements above those on PS432622J.***

The premise of any application to subdivide land in the farming zone is that the subdivision must be demonstrated to improve agricultural outcomes, not establish and/or 'barter' dwelling entitlements. While it true that council did decide circa 1999/2000 to create three lots, each with a dwelling entitlement, a decision made some 25 years in the past should not influence decisions made today. The planning scheme has transformed significantly in the past 25 years. The subject land for example has been rezoned from rural zone to farming zone with a much stronger emphasis on the protection of farmland. It is apparent that the existing dwelling house on lot 1 and the dwelling entitlement on lot 3 have not been required to support the agricultural operation on the land over the intervening 25-year period. The dwelling on lot 1 has not been inhabited and has fallen into disrepair and no dwelling has been constructed on lot 3.

### VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

The case discussed in detail above are:

- Estate of JE Walker v Wangaratta RCC [2021] VCAT 1257
- Phillips v Wodonga CC [2023] VCAT 1014
- Brown v Macedon Ranges SC [2024] VCAT 400
- Greg Chalmers Pty Ltd v Greater Geelong CC [2007] VCAT 292:
- Bailey v Bass Coast SC [2014] VCAT 1480;

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### CONCLUSION

The proposed re-subdivision of land does not add or improve the overall situation and does not give any additional benefit to the land apart from setting it up for a future proposal to add new dwellings.

This proposal is not acceptable under the Farming Zone and those parts of the Municipal Planning Strategy and the Planning Policy Framework relating to agriculture and should be refused on those grounds.

### CONFIDENTIAL ATTACHMENT

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

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


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

### DECLARATION OF CONFLICT OF INTEREST

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

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

### **Attachments**

1. PP23-0215 - Application - 1780 Indigo Creek Road - Indigo Valley - PN 7834 (Confidential)
2.  PP23-0215 - Plans - 1780 Indigo Creek Road - Indigo Valley - PN 7834

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### 11.9 PLANNING PERMIT APPLICATION PP23-0225 - ANDERSON ROAD, RUTHERGLEN

File No: 2024/528

James Turner - Manager Planning & Statutory  
Services

Planning & Corporate Services

#### For Decision

#### RECOMMENDATION

That a notice of decision to approve planning permit application PP23-0225 for use of land as a Cemetery at Anderson Road, Rutherglen be issued, subject to the following conditions:

#### PLANS TO BE SUBMITTED

1. Prior to the use commencing, plans must be approved and endorsed by the responsible authority. The plans must:
  - a) be prepared to the satisfaction of the responsible authority
  - b) be drawn to scale with dimensions
  - c) submitted in electronic form
  - d) be generally in accordance with the plans forming part of the application and identified as *Distillery Road, Rutherglen 3685*, but amended to show the following details:
    - i. The correct Crown Allotments 2B and 2C of the proposed Cemetery use excluding the existing Crown Allotment 2A (existing Carlyle Cemetery).
    - ii. The property boundaries and dimensions of the correct lots.
    - iii. The location of the existing access gate and vehicle accessways.
    - iv. The location of the existing water irrigation pipe and easement to comply with condition 6.

#### APPROVED USE

2. The use as shown on the endorsed plans must not be altered unless with the prior written consent of the Responsible Authority.

#### HOURS OF OPERATION

3. Funerals, memorials and similar events must only operate between the following times, except with the prior written consent of the responsible authority:
  - Monday to Friday: 11am to 3pm

#### MAXIMUM NUMBER OF FUNERALS

4. No more than 30 funerals per year are permitted on the land, except with the prior written consent of the Responsible Authority.

#### ENGINEERING CONDITIONS

5. Prior to the use commencing:
  - a) All stormwater emanating from the land extension must be collected and directed to an approved legal point of discharge; and

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b) All works to be constructed in accordance with approved plans.

6. The existing water irrigation pipe, operated by Carlyle Irrigators Co-operative Society Ltd must be located and a 3 metre width easement in favour of the Co-Operative Society created, to the satisfaction of the responsible authority.

### EXPIRY DATE

7. This permit will expire if the use does not start within 2 years after the issued date of this permit, or stops for a period of 2 years once commenced.

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 period referred to in this condition.

### SUMMARY

<b>Application No:</b>	<b>PP23-0225</b>
<b>Subject Land:</b>	<b>Anderson Road, Rutherglen</b>
<b>Proposal:</b>	<b>Change of use to a Cemetery</b>
<b>Recommendation:</b>	<b>Approval in accordance with the Recommendation above.</b>

### BACKGROUND

Date application lodged:	27 November 2023
Purpose:	Seek approval to use the subject site for an extension to the Carlyle Cemetery.
Subject site land area:	7.25 acres
Current use of subject site:	Vacant Crown Land
Site constraints:	The site has areas of vegetation and pipeline/easement runs through the site.
Surrounding land use:	Farming land
Zoning of surrounding land:	Farming Zone

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### PROPOSAL

The proposal is to extend the cemetery use of Carlyle Cemetery to the two lots of land south of Distillery Road which are located on Anderson Road in Rutherglen. Both Allotments 2B and 2C are Crown Land as well as Carlyle Cemetery being Crown Allotment 2A. The total site area of the two allotments is 7.25 acres (Crown allotment 2B is 1.84 acres and 2C is 5.41 acres). The cemetery will operate as an extension of the currently functioning Carlyle cemetery. The site will be accessible 24/7 as with the current cemetery. Funeral times are standardised and generally occur Monday-Friday, 11am-3pm. There is generally between 20-30 funerals per year.

Below the applicant provided a list of standards proposed for the extended cemetery use:

Standard Criteria	Allowed	Not Allowed
Coffins and Caskets	<ul style="list-style-type: none"> <li>• Biodegradable</li> <li>• Untreated materials</li> <li>• Derived from sustainable sources</li> <li>• Rope handles</li> <li>• Natural fiber liners and clothing</li> <li>• Metal name plate as per legislative requirements</li> </ul>	<ul style="list-style-type: none"> <li>• Lacquers</li> <li>• Varnish</li> <li>• Plastic or metal handles</li> <li>• Embalming with toxic chemicals</li> </ul>
Gravesite Specifications and Area	<ul style="list-style-type: none"> <li>• One interment per grave</li> <li>• Grave depth of 1000mm from top of burial container</li> <li>• Soil will be allowed to settle naturally after interment</li> <li>• Cremation must be in approved biodegradable container</li> </ul>	<ul style="list-style-type: none"> <li>• Practices outside of Department of Health regulations</li> <li>• Burial depth less than 1000mm</li> </ul>
Tributes and Memorials	<ul style="list-style-type: none"> <li>• Floral tributes (such as wreaths, and flower arrangements) are allowed directly after service, however will be removed within a week after service</li> <li>• Only natural flowers</li> <li>• Commemoration at shared memorial rock</li> </ul>	<ul style="list-style-type: none"> <li>• Plastic flowers</li> <li>• Grave momentous/trinkets (e.g. candles, soft toys)</li> <li>• Planting on top of graves</li> </ul>
Memorialisation	This requirement will be discussed as set by Council.	<ul style="list-style-type: none"> <li>• Granite Headstone</li> <li>• Bronze Plaques</li> </ul>

The standards will be communicated with the relevant stakeholder and will be used in conjunction with the Cemeteries and Crematoria Regulations 2022 and the Cemeteries and Crematoria Act 2013.

There are no buildings and works, vegetation removal or signage proposed for this application.

The below site plans have included the existing Carlyle Cemetery, Crown Allotment being 2A however this application is extending the cemetery use to the southern Crown Allotments 2B and 2C, see Figure

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3 for the correct proposed use of extended Cemetery on the southern two Crown Allotments in which the address is Anderson Road, Rutherglen.



*Figure 1 – Site Plan*



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Figure 2 – Site Plan dimensioned

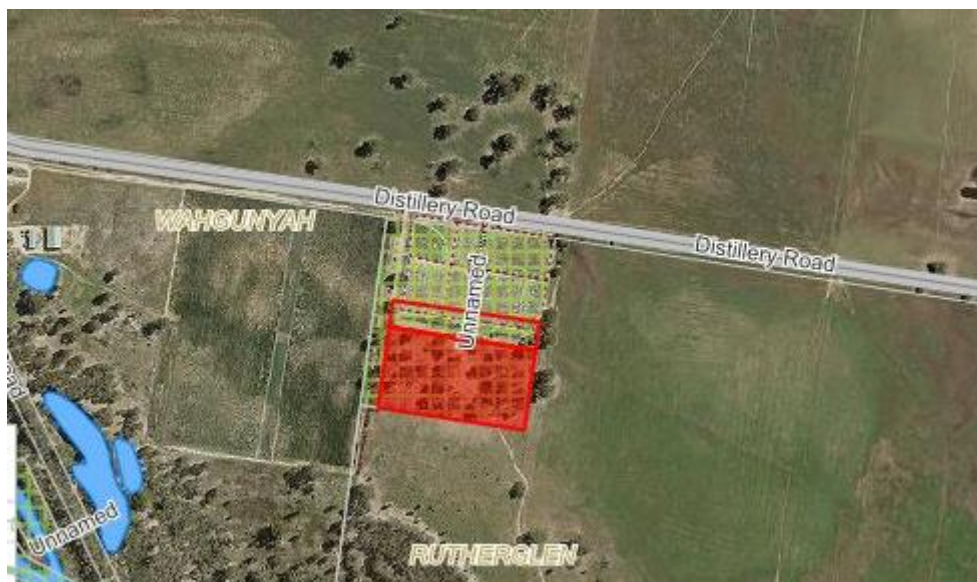


Figure 3 – Proposed Cemetery use on Crown Allotments highlighted in red, Source: Intramaps

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### ZONING AND PLANNING CONTROLS

Zoning: Farming Zone (FZ)

Overlay/s: Environmental Significance Overlay, Schedule 2 (Lake Moodemere) – ESO2  
Heritage Overlay, Schedule 558 – HO558 (Circle on Crown allotment 2C)

### PERMIT TRIGGER

#### **Farming Zone**

Pursuant to Clause 35.07-1, a planning permit is required for a Section 2 use; Cemetery.

#### **Environmental Significance Overlay & Heritage Overlay**

Pursuant to Clause 42.01 and 43.01, a planning permit is not required for the change of use.

### 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.
- (f) any significant social effects and economic effects which the responsible authority considers the use or development may have.

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

- (g) any other strategic plan, policy statement, code or guideline which has been adopted by a Minister, government department, public authority or municipal council;

...

- (j) any other relevant matter.

### MUNICIPAL PLANNING STRATEGY AND PLANNING POLICY FRAMEWORK

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

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

Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure. Planning is to recognise the need for, and as far as practicable contribute towards:

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

The Municipal Planning Strategy and 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:

Clause 02.03-1 – Settlement

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

Clause 14.01-1S – Protection of agricultural land

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

### PARTICULAR PROVISIONS

Clause 52.06 - Car Parking

### GENERAL PROVISIONS

#### **65 Decision Guidelines**

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

65.01 – Approval of an application or plan

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

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

### REFERRAL AUTHORITIES

No external referrals were necessary.

The application was referred internally to Council's Asset Department whom had no objection subject to conditions.

### PUBLIC NOTICE

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

Two submissions were received in response.

Issues raised include:

- Irrigation pipeline of Carlyle Irrigators and easement.
- Southern boundary fence required.

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### DISCUSSION

- The proposed use is on Crown Land reserved for Cemetery purposes. The use of this land for a cemetery will not remove agriculturally productive land, as it was intentionally set aside for this purpose. Further, the cemetery use is an extension of the existing Carlyle Cemetery, which will allow for expansion and continued use of the appropriately allocated land. The use does not propose any buildings and works and is not located nearby sensitive uses, limiting the potential for any land use conflicts.

As stated above, the subject site is reserved Crown Land for cemetery use therefore the land was not intended for productive agricultural land. The proposed use will not adversely affect the adjoining land uses and the use will allow an expansion of Carlyle cemetery on appropriately allocated land. The land capability is adequate for the proposed use and promotes sustainable land management of land specifically intended for that purpose. The use is compatible with adjoining land uses and will be using existing services as it will be an extension to the existing Carlyle Cemetery.

The cemetery use will operate as an extension of the currently functioning cemetery. As with the current cemetery, the site will be accessible 24/7. Funerals times will be standardised and generally occur Monday – Friday 11am – 3pm with between 20 – 30 funerals per year. This is reasonable for the proposed use to continue the existing use and extend the Carlyle Cemetery. The funeral times and maximum of funerals per year will be conditioned on any permit issued.

The plans will need to be amended to reflect the correct Crown Allotments 2B and 2C for the proposed use. This issue will be addressed by condition on any permit issued.

This application received two submissions in relation to the Irrigation pipeline of Carlyle Irrigators and easement that runs through the land of the proposed extension to the cemetery. Council's Asset Department requires a condition to be placed on any permit issued to locate the pipeline and a 3 metre wide easement to protect the pipeline which will be addressed by condition to show it on the plans.

While Council acknowledges the concerns regarding fencing, this is generally not a planning matter, and is therefore no conditions or changes relating to fencing are proposed.

### VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

There are no cases in recent years that have some relevance to this particular application.

### CONCLUSION

The use of a cemetery on this land is a suitable extension of Carlyle Cemetery and in line with the purposes of the reserved Crown Land. The proposal comprising of use to a cemetery is consistent with the relevant provisions of the Planning Policy Framework, as well as the objectives of the Farming Zone. It is therefore recommended that a planning permit is issued subject to conditions.

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### CONFIDENTIAL ATTACHMENT

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

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

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

### 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:


Eliza Connop – Senior Statutory Planner

Steven Hawkins – Coordinator Planning

James Turner – Manager Planning and Statutory Services

Greg Pinkerton – Director Planning and Corporate Services

### **Attachments**

1. PP23-0225 - Submission 1 - Carlyle Cemetery - Distillery Road - PN 4891 (Confidential)
2. PP23-0225 - Submission 2 - Carlyle Cemetery - Distillery Road - PN 4891 (Confidential)
3.  PP23-0225 - Plans - Carlyle Cemetery - Anderson Road - Rutherglen - PN 4891
4. PP23-0225 - Application - Carlyle Cemetery - Distillery Road - PN 4891 (Confidential)

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### 11.10 PLANNING PERMIT PP22-0326 - KIBELL LANE, BEECHWORTH

File No: 2024/601

James Turner - Manager Planning & Statutory  
Services

Planning & Corporate Services

#### For Decision

#### RECOMMENDATION

That Council issues a notice of decision to refuse planning application PP22-0326 for a shed on Crown Allot. 9, Section B, Parish of Wooragee, on the following grounds:

1. The application has failed to respond to repeated requests for further information required to assess impacts of the proposed development in order to ensure that the building was located on freehold land rather than Crown Land; and
2. Council cannot be satisfied the proposed shed is not on crown land, and as the relevant public land manager has not consented to construction of a shed on their land, the grant of a planning permit would be futile.

#### SUMMARY

<b>Application No:</b>	PP22-0326
<b>Subject Land:</b>	CA 9 Sec B Parish of Wooragee being land off Kibell Lane, Beechworth
<b>Request for Information</b>	15/02/2023, 05/06/2023, 26/09/2023, 02/10/2023 & 12/04/2024. No acceptable response received.
<b>Property Description</b>	Land in TP5177U

#### BACKGROUND

•	
Date application lodged:	15/12/2022 Amended 26/9/2023
Purpose:	Seek approval to develop the subject site for a shed.
Subject site land area:	20.66ha
Current use of subject site:	Rural land
Site constraints:	<ul style="list-style-type: none"><li>• Proximity of Magpie Creek</li><li>• Adjoining Crown Land</li></ul>
Surrounding land use:	Rural uses and conservation land and reserves



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Zoning of surrounding land: Adjoining land to the west and south is similarly zoned Farming Zone. To the north and east is Crown Land zoned PCRZ.

The Bushfire Management Overlay (BMO) impacts all adjoining land. The section of Crown Land adjoining is also affected by the Heritage Overlay (HO68 & HO770) forming a part of the Magpie Creek Historic Reserve.

### SUBJECT SITE

The subject land is an irregular shaped holding that comprises a total of 4 parcels separated by Crown Land (races and reserve). The land is situated approximately 2.8km to the south of the Wooragee Hall and approximately 6km to the north east of the Beechworth Post Office.

The total area of the property is approximately 20.66ha with the land described as Crown Allotment 9A Section B Parish of Wooragee in TP5177U (Vol. 10278 Fol. 983). Interestingly it is noted that the complied title as derived 19/03/1996 resulted in a land locked parcel. Today the property relies upon a 200m long access track from off Kibell Lane and across Crown Land to the southern property frontage (Figure 1).

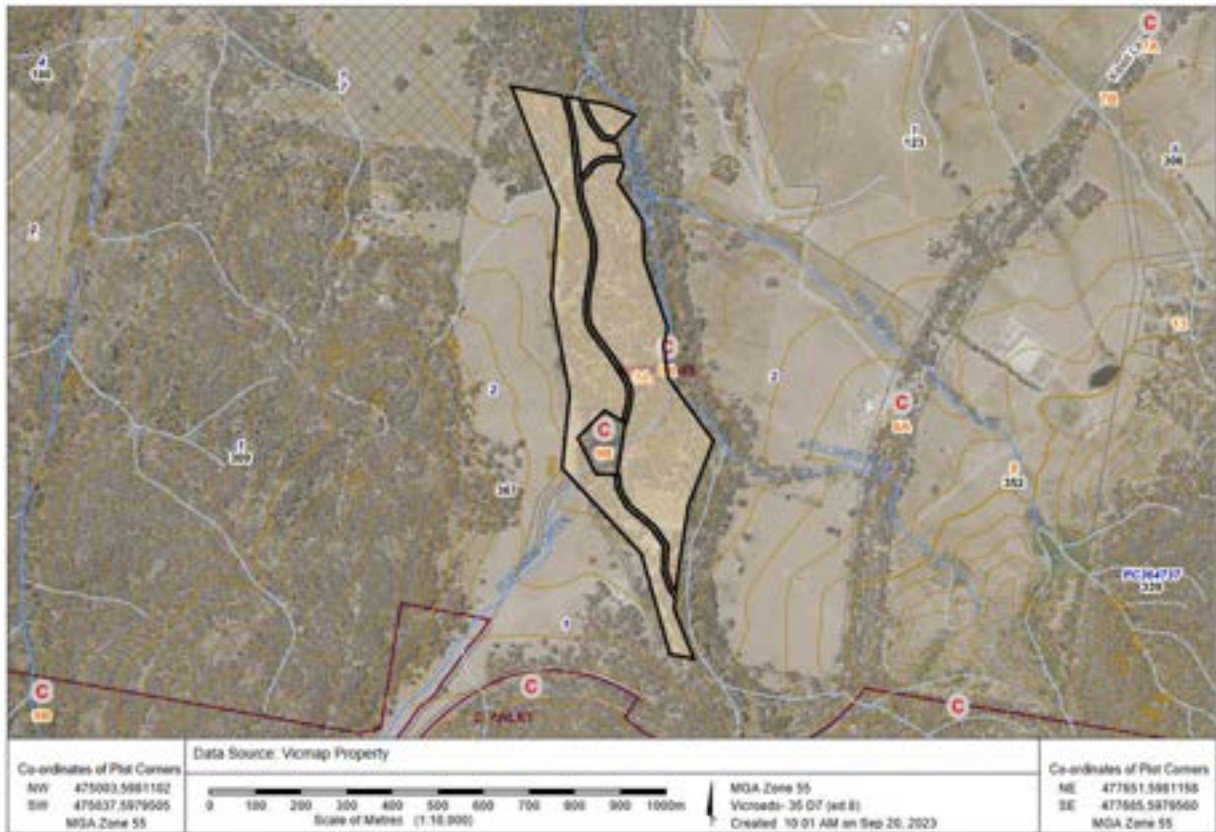
The overall holding comprises a mix of cleared land and what might otherwise be described as bush block. Adjoining to the north and east is Crown Land that contains the Magpie Creek Historic Reserve.

Draining through the southern section of the land approximately 200m to the north of the development site is Running Creek. Draining southerly to the east of the property boundary is Magpie Creek.

There are two existing sheds on the property. From available aerial photography and topographic mapping, it has been determined that the larger of the two sheds is situated in excess of 100m to the west of this particular waterway, and therefore does not require Planning consent.

The smaller eastern shed is however approximately 85m from the waterway which effectively triggers the need for a permit.

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### PROPOSAL

This Planning Application initially sought retrospective consent for two sheds located upon the subject land. Once it became clear that one of the sheds was out of the relevant setbacks and did not require planning permission as it is used for agriculture, the application was amended to consider the one shed that required permission.

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### ZONING AND PLANNING CONTROLS

Zoning: Farming Zone (FZ)

Overlay/s: Bushfire Management Overlay (BMO)

### PERMIT TRIGGER:

#### **Farming Zone**

In accordance with clause 35.07-4, a planning permit is required for a building within 100 metres from a waterway.

#### 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

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- (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.
- (f) any significant social effects and economic effects which the responsible authority considers the use or development may have.
- Section (1A) of the Act provides that the responsible authority, if the circumstances appear to so require, may consider:
  - (g) any other strategic plan, policy statement, code or guideline which has been adopted by a Minister, government department, public authority or municipal council;
  - ...
  - (j) any other relevant matter.

### MUNICIPAL PLANNING STRATEGY AND PLANNING POLICY FRAMEWORK

We have been unable to assess this requirement as sufficient information has not been provided.

### PARTICULAR PROVISIONS

We have been unable to assess this requirement as sufficient information has not been provided.

### GENERAL PROVISIONS

#### **65 Decision Guidelines**

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

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

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

## COUNCIL MEETING AGENDA - 30 JULY 2024

- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.
- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.
- The impact the use or development will have on the current and future development and operation of the transport system.

### REFERRAL AUTHORITIES

Advice was sought from the following:

- DEECA
- The application was referred to DECCA who responded in part as follows:
  - *Aerial imagery indicates one of the sheds may be located on the adjoining Crown Land. The applicant will need to correctly identify the location of buildings and structures on the land in relation to the surveyed property boundaries and amend the plans to demonstrate that all works will be kept within the subject freehold land.*
  - *The Department of Energy, Environment and Climate Action does not support the use of public land to facilitate development on private land and will not enter into agreements with adjoining land owners to manage public land in perpetuity to enable development on private land.*
  - *The existing shared boundary between the Crown land and the subject land should be checked by a licensed surveyor to confirm the exact location of the sheds.*

### PUBLIC NOTICE

Given the location of the proposal and setback from other land in private ownership it is considered the granting of a permit will not cause material detriment to any person; therefore, notification of the application was not undertaken.

### DISCUSSION

This Planning Application initially sought retrospective consent for two sheds located upon the subject land. The original application was complicated by the lack of detail supplied by the applicant regarding the location of both sheds, relative to Magpie Creek and the shared property boundaries with adjoining Crown Land.

Council understands that the subject land was purchased by the current landowner Kibell Lane Pty Ltd in December 2021 and that the two sheds were already constructed, neither of which had building consent.

The landowner has subsequently engaged a private building surveyor to try and rectify the breach with the Building Code. One of the requirements of that process was a need for retrospective planning approval from Council under the provisions of the Indigo Planning Scheme. This then led to the lodgement of PP22-0326 to try and obtain retrospective Planning consent.

In respect of the larger of the two sheds, the landowners were advised that the larger of the two sheds was located in excess of 100m from Magpie Creek and did not trigger a permit under the Farming Zone, as it is associated with a Section 1 use (i.e. the use of the land for agriculture).



## COUNCIL MEETING AGENDA - 30 JULY 2024

The smaller of the two sheds however was considered to present a problem in that, apart from being less than 100m from a waterway, it appeared from aerial photography to be partly (or wholly) located on CA9C Section B Parish of Wooragee, which comprises Crown Land.

Following recent discussions with DECCA it was agreed that if the small shed was to remain in its current position, that proof needed to be provided by a Licensed Surveyor that the structure is wholly located on freehold land. If it was found that the building encroaches upon Crown Land then there is little option but to remove the building from this particular location.

This issue of a need to verify the actual location of the shed relative to the shared property boundary with adjoining Crown Land has been raised on a number of occasions with the landowner. To date, apart from email correspondence indicating that the landowners are trying to discuss the possibility of a boundary adjustment with DECCA, the matter remains unresolved, despite the considerable amount of time that has lapsed since the application was originally lodged.

Despite a request for additional information and a number of follow-up requests there remains a significant gap in the information provided to be able to make a favourable determination. This has been exacerbated by repeated requests for accurate survey information.

Given the significant time that has elapsed since the lodgement of the application as well as the stalled nature of alleged discussions between the applicant and DECCA, it is recommended that the current Planning Permit Application 22-0326 be refused at this point in time.

While the relevant instrument of delegation allows abandoned applications to be refused at officer level, this does not apply to this application as the applicant has continued to engage with Council, but has not provided the information required to make a favourable decision.

### VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

No relevant cases have been identified.

### CONCLUSION

The proposed shed cannot be approved until its exact location is known and it is confirmed that it is not on crown land. As the applicant is unwilling to provide this confirmation, the application must be refused because it does not have consent of the landowner.

### 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:

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

**Attachments**  
Nil

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### 11.11 PLANNING PERMIT APPLICATION PP23-0007 - 559 FLAT ROCK ROAD, BEECHWORTH

7. File No: 2024/616

8. James Turner - Manager Planning &  
Statutory Services

9. Planning & Corporate Services

#### For Decision

#### RECOMMENDATION

That Council decides to Grant a Notice of Decision to Grant a Permit land at 559 Flat Rock Road, Beechworth, for the Use and Development of land for Group Accommodation, subject to the following conditions:

#### Endorsed Plans condition

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

#### External materials and colours condition

2. The exterior colour and cladding of the development must not result in any adverse visual impact on the environment of the area and all external cladding and trim of the building, including the roof, must be of a non-reflective nature.

#### Maximum number of guests condition

3. Except with the prior written consent of the responsible authority, no more than six (6) persons may be accommodated in the group accommodation at any one time.

#### Land use and amenity conditions

4. The use must be conducted to the satisfaction of the Responsible Authority so that the amenity of the area is not detrimentally affected by the use or development, through the:
  - a. Transport of materials, goods or commodities to or from the land;
  - b. Appearance of any buildings, works or materials;
  - c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; or
  - d. Presence of vermin.
5. Prior to the commencement of the use authorised by this permit, the building must be connected to reticulated sewerage, if available. If reticulated sewerage is not available all wastewater from each dwelling must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the *Environment Protection Act 2017* for an on-site wastewater management system.
6. Prior to the commencement of the use authorised by this permit, the dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for firefighting purposes, to the satisfaction of the Responsible Authority.



## COUNCIL MEETING AGENDA - 30 JULY 2024

7. Prior to the commencement of the use authorised by this permit, the Group Accommodation units must be connected to a reticulated electricity supply or have an alternative energy source, to the satisfaction of the Responsible Authority.

### **Mandatory Bushfire Management Overlay condition**

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

### **ISC Engineering conditions**

9. Prior to occupation of the development hereby permitted, the permit holder must construct the vehicle driveway crossing to rural IDM SD 255 standard. A *Works within Road Reserve Permit* must be obtained from Council prior to the commencement of any works.
10. The internal access roads to the group accommodation, car parking and turning areas must be constructed to a minimum all-weather standard of:
  - a. 3 metre pavement width;
  - b. 100 millimetre compacted depth of crushed rock or gravel suitable for road construction;
  - c. Longitudinal roadside drains and culverts as required;
  - d. Single car parking spaces to be provided for all sites; and
  - e. Turning area for fire fighting vehicle.
11. All stormwater emanating from the internal road and car park pavements approved by this permit must be disposed of within the curtilage of the property. Any concentrated storm water flows due to the development must be dispersed prior to entering natural systems. Methods such as contour drains or infiltration trenches should be used for this purpose. Flow dispersal must be employed at the point of discharge of any house drain constructed.
12. All works to be constructed in accordance with approved plans

### **ISC Environmental Health conditions**

13. The wastewater generated from the 3 short-term accommodation units is dealt with in accordance with LCA provided by Porta Environmental, Report No. DE02062023-1A, dated January 2023.

### **Country Fire Authority (CFA) conditions**

14. Amended Bushfire Management Plan

Before the development starts, a Bushfire Management Plan must be prepared to the satisfaction of CFA and then submitted to the Responsible Authority for endorsement. Once endorsed the plan must not be altered unless agreed to in writing by CFA and the Responsible Authority.

## COUNCIL MEETING AGENDA - 30 JULY 2024

The plan must be generally in accordance with the plan prepared by Mountain Planning (Rev 0, dated 8 March 2024) but modified as follows:

- a. Replace the preamble under the heading “Vegetation Management” with:

“Defendable space for a distance of 35 metres around the proposed building (or to the property boundary, whichever is the lesser distance) must be provided where vegetation (and other flammable materials) will be modified and managed in accordance with the following requirements:”

- b. Amend the plan to show the increased defendable space.

15. Site Closure

The site must be closed to all guests after 10am on days predicted to have a Fire danger rating of Extreme (where the FBI is 75 or greater) or Catastrophic.

16. Bushfire Emergency Management Plan

Prior to the development being occupied, the Bushfire Emergency Management Plan submitted with the application (prepared by Mountain Planning, version A, dated 13 March 2024) must be amended to reflect the current Fire Danger Rating system and submitted to the CFA for approval.

The site must be managed in accordance with the approved Bushfire Emergency Management Plan.

**Permit expiry condition**

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

- a. The development is not started within two (2) years of the date of this permit; or
- b. The development is not completed within four (4) years of the date of this permit; or
- c. The use is not started within two (2) years after the completion of the development; or
- d. The use is discontinued for a period of two (2) or more years.

The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with Section 69 of the Planning and Environment Act 1987.

**Permit notes**

- A. A permit to install a Septic System must be obtained from Council.
- B. If units are determined to be UMDs, a permit for a Caravan Park must be obtained from Council.

- END CONDITIONS -

## COUNCIL MEETING AGENDA - 30 JULY 2024

### SUMMARY

<b>Application No:</b>	<b>PP23-0007</b>
<b>Subject Land:</b>	<b>559 Flat Rock Road Beechworth (Lot 6 on Plan of Subdivision 511556B)</b>
<b>Proposal:</b>	<b>Use and development of land for group accommodation</b>
<b>Recommendation:</b>	<b>Approval</b>

### BACKGROUND

Date application lodged:	17/01/2023
	The application was amended on 05/04/2024 in accordance with Section 50 of the <i>Planning and Environment Act 1987</i> .
Purpose:	Seek approval to use and develop the subject site for the purposes of group accommodation.
Subject site land area:	19.36 ha
Current use of subject site:	Accommodation (dwelling)
Site constraints:	Zoning, location, topography, land size
Surrounding land use:	Agriculture, State forest, corrective institution
Zoning of surrounding land:	Farming Zone (FZ), Public resource and Conservation Zone (PCRZ) and Special Use Zone (SUZ)

### SITE/LOCALITY

The main site/locality characteristics specific to this proposal are:

- The subject land is formally identified on Certificate of Title Volume 10710 Folio 579 as Lot 6 on Plan of Subdivision 511556B and commonly known as 559 Black Rock Road Beechworth. No encumbrances, such as restrictive covenants or section 173 agreements are registered on title as encumbering the land.
- The subject land comprises one lot in two parts, separated by a reserve (comprising the Graveyard Creek crown water frontage) which is a vinculum between the two parts and managed by DEECA. The balance of the land, which has a land area of 14.22 hectares, is located to the west of the vinculum with access via Flat Rock Road, which is a sealed bi-directional Council-managed road. To the east of the vinculum is a 5.14 ha part (which forms the primary development area of this proposal) and has access via Malkoff Road, which is a gravel bi-directional Council-managed road.
- The subject land is located in a highly undulating area, approximately 2 kilometres north-west of the Beechworth town centre.

## COUNCIL MEETING AGENDA - 30 JULY 2024

- It is zoned in the Farming Zone (FZ) and affected by the Bushfire Management Overlay (BMO). The subject land is wholly located within a Bushfire Prone Area designated under the *Building Act 1993* and partly within an area of Aboriginal cultural heritage sensitivity (relating to the Graveyard Creek crown water frontage) under the *Aboriginal Heritage Act 2006*. A Cultural Heritage Management Plan (CHMP) is required and has been provided to Council (No. 19391, dated 22/02/2024, approved 24/02/2024). Currently there is no Registered Aboriginal Party (RAP) for the activity area, however, the Duduroa Dhargal Aboriginal Corporation (DDAC) are an interested party in the region. The site is not within a designated special water supply catchment area.
- It is currently improved by an existing dwelling, outbuildings and associated curtilage. Aside from some cattle, no substantive agricultural activities appear to be undertaken on the site currently. There is an informal domestic envelope with a land area of approximately 1.59 ha that is delineated by post and wire fencing (discernible on Figure 1).
- The site has access to some reticulated services, such as electricity, however it does not have access to reticulated drainage and sewerage.
- Surrounding land is zoned in the in the FZ (to the north, west and south-east), Special Use Zone (SUZ1) (to the south-west) and Public Conservation and Resource Zone (PCRZ) (to the east and south), much of which forms the Beechworth Historic Park and other public land reserves. Surrounding land is primarily state forest or farming land, save for a pocket of land to the south-west in the SUZ1 which is substantively used for the purposes of a corrective institution (Beechworth Correctional Centre). Land to the east is more fragmented than that to the west, primarily due to the topographical characteristics of the land and proximity to the Beechworth settlement boundary.



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### PROPOSAL

The planning application seeks approval for the use and development of the subject land for the purposes of group accommodation.

‘Group Accommodation’ is defined at Clause 73.03 of the Indigo Planning Scheme as *Land, in one ownership, containing a number of dwellings used to accommodate persons away from their normal place of residence.*

Three (3) group accommodation units, each comprising: one (1) bedroom with BIR; bathroom with toilet, basin and shower; open plan kitchen, living and dining area; and an outdoor deck area. Each unit would also be provided with a rooftop solar energy system, gas hot water system, air conditioning and fire place.

The units would be constructed of timber and cladding, with steel framing and insulated flooring. They would be single storey in height.

A maximum of six (6) persons would be accommodated onsite at any one time.

Provision for one (1) car parking space per unit is proposed.

The existing vehicle crossover is proposed to be modified to rural Infrastructure Design Manual (IDM) standards to provide perpendicular egress/ingress and sufficient sight lines to the site with Malakoff Road. A new unsealed (gravel/crushed rock) vehicle accessway and associated car parking and turning area would be constructed, with a minimum trafficable width of 5.5 metres.

The units would be constructed to a Bushfire Attack Level (BAL) rating of BAL-29. Defendable space of 35 metres in all directions is proposed to manage vegetation and bushfire hazard, in accordance with Clause 53.02-5 of the Indigo Planning Scheme. Provision for a static water supply for firefighting purposes is provided to each unit in the form of a combined 45,000 litre in rainwater tank storage to CFA requirements and in accordance with Clause 53.02-5 of the Indigo Planning Scheme. Access would be constructed to CFA requirements and in accordance with Clause 53.02-5 of the Indigo Planning Scheme, including a minimum 5.5 metres wide vehicle accessway and an 8 metre radius turning area for emergency vehicle access.

No non-exempt native vegetation removal is proposed/resultant.

### ZONING AND PLANNING CONTROLS

Zoning: FZ (Farming Zone)

Overlay/s: BMO (Bushfire Management Overlay)

#### 6. PERMIT TRIGGERS:

7. A planning permit is triggered under the following Clauses of the Indigo Planning Scheme:

- Pursuant to Clause 35.07-1 of the Indigo Planning Scheme, a planning permit is required to use the land for the purposes of a use in Section 2 of Clause 35.07-1 (Group Accommodation).
- Pursuant to Clause 35.07-4 of the Indigo Planning Scheme, a planning permit is required to construct or carry out any of the following:
  - A building or works associated with a use in Section 2 of Clause 35.07-1.



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- A building which is within any of the following setbacks:
  - 100 metres from a waterway, wetlands or designated floodplain.
- Pursuant to Clause 44.06-2 of the Indigo Planning Scheme, a planning permit is required to construct a building or works associated with the following use(s):
  - Accommodation (including a moveable unit as defined under the *Housing Act 1983*).

### 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 (MPS)

The MPS provides the foundation that sets out the overarching strategic planning policy for the municipality, the vision and strategic direction for future land use and development, and the basis for local content in the planning scheme. The following strategic directions are deemed to be relevant to this proposal and have been taken into account in the assessment of this application:

#### **02.03 Strategic Directions**

- Clause 02.03-1 Settlement
- Clause 02.03-2 Environmental and landscape values
- Clause 02.03-3 Environmental risks and amenity
- Clause 02.03-4 Natural resource management
- Clause 02.03-5 Built environment and heritage
- Clause 02.03-7 Economic development
- Clause 02.03-9 Infrastructure

### PLANNING POLICY FRAMEWORK (PPF)

## COUNCIL MEETING AGENDA - 30 JULY 2024

The PPF provides three tiers of integrated policy:

- State policy (designated by the letter 'S' at the end of any Clause number) – policies of state significance that apply in all planning schemes in Victoria;
- Regional policy (designated by the letter 'R' at the end of any Clause number) – policies of state significance that apply to allied planning schemes based on geographic and thematic policy groupings; and
- Local policy (designated by the letter 'L' at the end of any Clause number) – policies of local significance that apply in an individual local planning scheme.

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



## **COUNCIL MEETING AGENDA - 30 JULY 2024**

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

### **11 Settlement**

Clause 11.01-1S	Settlement
Clause 11.01-1R	Settlement – Hume
Clause 11.01-1L-01	Beechworth

### **12 Environmental and landscape values**

Clause 12.01-1S	Protection of biodiversity
Clause 12.01-1L	Biodiversity in Indigo
Clause 12.03-1S	River and riparian corridors, waterways, lakes, wetlands and billabongs

### **13 Environmental risks and amenity**

Clause 13.02-1S	Bushfire planning
Clause 13.02-1L	Bushfire planning
Clause 13.07-1S	Land use compatibility

### **14 Natural resource management**

Clause 14.01-1S	Protection of agricultural land
Clause 14.01-1L-03	Land use in the rural zones
Clause 14.02-2L-02	Effluent disposal and water quality

### **15 Built environment and heritage**

Clause 15.01-2S	Building design
Clause 15.01-6S	Design for rural areas
Clause 15.03-1S	Heritage conservation
Clause 15.03-2S	Aboriginal cultural heritage

### **17 Economic development**

Clause 17.01-1S	Diversified economy
Clause 17.01-1R	Diversified economy – Hume
Clause 17.04-1S	Facilitating tourism
Clause 17.04-1R	Tourism – Hume
Clause 17.04-1L	Tourism development

### **18 Transport**

Clause 18.02-4S	Roads
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## COUNCIL MEETING AGENDA - 30 JULY 2024

### 19 Infrastructure

Clause 19.03-3S	Integrated water management
Clause 19.03-3R	Integrated water management – Hume
Clause 19.03-3L	Stormwater management

### ZONES

#### Clause 35.07 Farming Zone (FZ)

The decision guidelines under Clause 35.07-6 require the Responsible Authority to consider the following relevant matters:

##### *General issues*

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

##### *Agricultural issues and the impacts from non-agricultural uses*

- *Whether the use or development will support and enhance agricultural production.*
- *Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.*
- *The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.*
- *The capacity of the site to sustain the agricultural use.*
- *The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.*
- *Any integrated land management plan prepared for the site.*

##### *Accommodation issues*

- *Whether the dwelling will result in the loss or fragmentation of productive agricultural land.*
- *Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.*
- *Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.*
- *The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.*

## COUNCIL MEETING AGENDA - 30 JULY 2024

### *Environmental issues*

- *The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.*
- *The impact of the use or development on the flora and fauna on the site and its surrounds.*
- *The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.*
- *The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.*

### *Design and siting issues*

- *The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.*
- *The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.*
- *The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.*
- *The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.*
- *Whether the use and development will require traffic management measures.*

### OVERLAYS

#### **Clause 44.06 Bushfire Management Overlay (BMO)**

The decision guidelines under Clause 44.06.8 require the Responsible Authority to consider the following relevant matters:

- *The Municipal Planning Strategy and the Planning Policy Framework.*

### PARTICULAR PROVISIONS

#### **Clause 53.02 Bushfire planning**

##### Clause 53.02-4.5 – Decision Guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider:

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The bushfire hazard landscape assessment, the bushfire hazard site assessment and the bushfire management statement submitted with the application.*
- *The impact of any State, regional or local bushfire management and prevention actions occurring around the site and in the wider area on the bushfire hazard and the level of risk to the proposed development.*

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- *Whether the proposed development meets the objectives of Clause 53.02-4 regardless of other measures which may be available, including private bushfire shelters, community shelters and the presence of places of last resort.*
- *Whether the proposed measures can be practically implemented and maintained in conjunction with the ongoing use of the land.*
- *Whether the use of an alternative measure meets the relevant objective having regard to the bushfire hazard and the nature of any constraint that prevents the applicable approved measure from being implemented.*
- *If one or more of the objectives in Clause 53.02-4 will not be achieved in the completed development, whether the development will, taking all relevant factors into account, reduce the bushfire risk to a level that warrants it proceeding.*
- *Whether the risk arising from the broader landscape can be mitigated to an acceptable level or warrants the development not proceeding.*

### GENERAL PROVISIONS

#### **65 Decision Guidelines**

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

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

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

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

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- *The impact the use or development will have on the current and future development and operation of the transport system.*

### 8. REFERRAL AUTHORITIES

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

- Country Fire Authority (CFA) (accommodation development within the BMO)
  - Response on 28/05/2024 provided conditional consent to the proposal.

In addition, the application was referred to the following internal Council departments and/or advice was sought from the following:

- Assets (access and drainage)
  - Response on 20/06/2024 provided conditional consent to the proposal.
- Environmental Health (effluent disposal)
  - Response on 23/05/2024 provided conditional consent to the proposal.

### 9. PUBLIC NOTICE

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

Two (2) objections were received in response. Issues raised include:

- Inadequate access from Malakoff Road (preferred access via Flat Rock Road or Malakoff Road widened)
- Loss of amenity and potential noise pollution
- Proposed development is prohibited on the land (under 20 hectares)
- Bushfire hazard
- Native vegetation impacts (DEECA)

In addition, the Department of Energy, Environment and Climate Action (DEECA) provided a response as an adjoining landowner, stating that DEECA objected to the proposal in its current form having regard to potential native vegetation impacts.

DEECA's objection relates to native vegetation removal, and asks for more information and a number of reports relating to native vegetation removal. As no native vegetation removal is proposed, the questions they have raised and additional information they have requested is not applicable to this application.

The objections raised are discussed further in this assessment.

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### DISCUSSION

#### POLICY DISCUSSION

Settlement policy seeks to locate development in appropriate areas considering environmental constraints, natural hazards, servicing limitations and productive agricultural land resources. The subject site is located within the Farming Zone and as such, non-agricultural (accommodation) land uses are generally discouraged unless they are genuinely required to support the agricultural enterprise. As discussed in greater detail below, the subject site is considered to hold relatively low productive agricultural value due to site constraints (i.e. topography, vegetation coverage, proximity to waterways, land size, proximity to existing dwellings nearby). The proposed use and development is broadly consistent with these policies given that it locates a rural accommodation use close to places of high tourism value to the municipality, and does so in a way that capitalises on the features of the area and does not hamper the efficacy of agricultural production nor produce unnecessary amenity impacts on existing rural living. Flood and bushfire risk can be suitably mitigated and reticulated service limitations can be addressed by on-site stormwater and wastewater management systems, as informed by the submitted Land Capability Assessment and internal department referral responses. This is consistent with the guidance of settlement policy within the planning scheme.

Policy relating to protection of biodiversity aims to ensure development does not compromise the valued environmental attributes of a site and its surrounds, including vegetation and waterways. The proposed development is sited approximately 90m away from the creek line dissecting through the subject land, providing sufficient buffers to ensure water quality protection and minimise land degradation. Furthermore, the form and siting of development minimises cut/fill and subsequent erosion impacts, and utilises an existing cleared area where there is no impact on vegetation as a result of the BMO (no vegetation removal is proposed). This is consistent with the guidance of policy concerned with environmental and landscape values within the planning scheme.

The intent of the relevant state and local bushfire policy at Clauses 02.03-3, 13.02-1S and 13.02-1L centres on the preservation of landscapes and character of areas like Beechworth and, as the highest priority, the preservation of human life in bushfire affected areas. The subject site is situated within a Bushfire Prone Area and is affected by the Bushfire Management Overlay (BMO). The proposal is considered consistent with this policy. The proposed use and development would increase the intensity of the accommodation use anticipated on the subject land. However, the risk to the site can be managed to an acceptable level, as informed by this assessment and associated Bushfire Management Statement. All necessary approved measures (or as otherwise specified by the CFA) can be practically implemented, and will have ongoing force and effect into the future via the endorsed BMP, and the CFA is satisfied with the proposal in principle subject to conditions. Based on these factors, it is considered that the proposal is acceptable from a bushfire safety and mitigation perspective, and thoroughly consistent with the guidance of policy concerned with environmental risks and amenity within the planning scheme.

The overarching intent of policy concerned with land use compatibility is to ensure that use or development of land is compatible with adjoining and nearby land uses. The proposed use and development comprises an accommodation land use, which are characteristically sensitive to non-accommodation land uses (e.g. agriculture or industry) but not typically the cause of sensitivities to other land uses. Surrounding land uses are typically rural-residential and on similar or smaller sized lots to the subject land. There is a fragmental pattern of vegetation coverage, lot size, density and

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development, particularly in the FZ lots surrounding the subject land. Given the lack of productive agricultural activities in the vicinity and the disposition for accommodation uses in the surrounds, the issue of group accommodation (to the extent proposed), is considered to be generally congruous having regard to the site and surrounds. This is consistent with the guidance of policy concerned with environmental risks and amenity within the planning scheme.

The primary objective of agricultural policy is to protect productive agricultural land and accordingly temper urban activities in rural areas. The proposal introduces new non-agricultural use(s) to the subject land, which is not currently used for agricultural purposes. In undertaking an informed assessment of this proposal, consideration must be afforded to the land's capabilities. The subject site is considered to hold relatively low productive agricultural value due to site constraints. These constraints include native vegetation cover and a watercourse running through the property, leaving very little cleared land able to be farmed and limited opportunity to expand onto adjoining sites due to abutments with native vegetation and rural living properties. Thus, the introduction of non-agricultural uses to the site would not impact any viable arable land from agricultural production.

Secondly, consideration must be afforded to the impact a non-agricultural use could have on surrounding agricultural land uses. Surrounding land is generally improved with dwellings and outbuildings. Land to the west is covered by dense bushland and relatively unusable. Given the lack of productive agricultural activities in the vicinity and the disposition for accommodation uses in the surrounds, it is highly unlikely that the proposed use and development would have any notable impact on nearby agricultural production. This is consistent with state and local-led policy at Clauses 14.01-1S and 14.01-1L which calls for consideration of the *impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production* and the *compatibility between the proposed and the existing use of the surrounding land*. It is also further enforced by *Smout v Macedon Ranges SC [2021] VCAT 453 (10 May 2021)*, as discussed further below.

Further to this point, the perceived commodification of the land for non-agricultural uses is unlikely to have drastic implications on surrounding land value of properties in the FZ any more than the existing conditions of surrounding land cause – owing to the existing proliferation of dwellings in the area and the proximity of the site to the Beechworth township. This is in contrast to other instances where there is arable land (and productive agriculture) nearby, where the proliferation of non-agricultural uses could effectively 'price out' meaningful use of the land for agricultural purposes and/or consolidation of the land with other agricultural holdings.

On balance, the proposal is considered to be consistent with the policy enunciated above relating to agriculture given that it seeks to use and develop land that is not generally suited to agricultural production, owing to size and site constraints, in a manner that is consistent with existing use and development in the surrounds and which capitalises on rural/agri-tourism opportunities.

Planning policy centred on built form, design and character outcomes seeks to protect natural and rural character, and ensure that development is suited to its surrounds. The proposed group accommodation will be an appropriate response to the site and surrounds. The proposed siting takes into account the topography of the land and existing vegetation cover, and would not detract from the valued landscape character. Given the existence of accommodation buildings surrounding, the generous boundary setbacks and prevailing vegetation cover, the group accommodation buildings are unlikely to be a notable visual element in the rural landscape. The site is not subject to any Design,



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Landscape or Heritage Overlays which would require specific consideration of technical design elements. As such, the building is considered to be appropriately designed and sited to respond to site constraints. The building will be designed to comply with BAL29 construction standards, ensuring a resilient built form outcome. The form, scale, materials and colours utilised are consistent with the valued rural landscape and will not dominate views from the public or private realm. Given these factors, the proposal is commensurate with the reasonable expectations of development forms in a rural landscape and consistent with the relevant policy listed above.

The proposal would be wholly consistent with planning policy relating to tourism development; with it providing greater accommodation options/choice – that are small scale and good quality – indirectly linked to a primary economic driver for the municipality for prospective visitors to the area to experience. The accommodation fits the character of the area, which is largely made up of dwellings and some short-stay accommodation. Given the context of the site's location proximate to Beechworth, this is considered favourable. The location of the site (and development) does not compromise the natural features or agricultural merits of the land. Moreover, the location of the site and the intent of the landowners demonstrates that there is need for the proposed group accommodation, albeit in a non-urban area, and that it would support a nature-based approach of surrounding prospective visitors in the natural environment it sits in. This is particularly consistent with policy at Clause 17.04-2S. Overall, the proposed use and development is considered an appropriate undertaking for the site considering the site's limitations and favourable location.

Policy at Clause 18 seeks to, among other things, ensure appropriate access and car parking provision is provided in new use and development. The proposed access to the site is shown on the plans, and is designed in such a way that vehicles exiting the site will be perpendicular to Malakoff Road at the crossover, consistent with the advice provided to the permit applicant by Council's engineers in their referral responses. Satisfactory provision for off-street car parking has been shown, and sufficient space is available for informal parking in addition.

Policy concerned with infrastructure relevantly seeks to ensure water supply and demand, water resources, wastewater, drainage and stormwater are appropriately considered in new development. The land is of sufficient size that onsite stormwater and wastewater/effluent management is practical. As standard, conditions will be required on any permit issued to direct the management of onsite stormwater and wastewater in accordance with the requirements of Council's engineers, environment health officers and the relevant water and catchment authorities (as relevant and as previously discussed).

### FARMING ZONE DISCUSSION

The proposal is considered to respond favourably to the various Farming Zone decision guidelines. The purpose of the Farming Zone is strongly focused on the retention of productive agricultural land and supporting agricultural land uses. More particularly, ensuring that non-agricultural uses, including accommodation uses, do not adversely affect the use of land for agriculture.

As mentioned previously, the site is considered to hold relatively low agricultural value and has significant constraints in terms of productive capacity. These constraints include land size, substantial native vegetation cover and a watercourse running through the property, leaving very little cleared

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arable land able to be farmed, and limited opportunity to expand onto adjoining sites due to abutments with native vegetation, waterways and rural living properties.

It is acknowledged that the proposed development would remove a small portion of the subject land from potential agricultural production activities. The proposal will not lead to a concentration or proliferation of dwellings (or, more broadly, accommodation uses) as each new development will be required to be assessed on its own merits in light of the relevant planning controls that apply to the land. Rural dwellings are common within the surrounding area and thus the issue of group accommodation cabins operating alongside an existing single dwelling on the land is seen as compatible with surrounding land uses and will see land management principles and values better implemented and enhanced by having improved onsite management.

The proposed group accommodation building is not considered to result in any environmental issues. No existing native vegetation will be removed. The site is capable of accommodating the proposed buildings. Both stormwater and wastewater can be managed on-site without discharge to any natural waterways.

There are no concerns raised in terms of the design and siting considerations listed above. The proposed buildings have been placed so as to best avoid the bushfire hazard, vegetation impacts and impacts to agricultural and existing dwellings, and is located to facilitate effective property management and efficient access. External materials will not be discordant with existing development in the rural-agricultural landscape and, while any development in this landscape can be considered dominant feature, the proposed is sited and designed to integrate with the natural environment and utilise existing vegetation screening and topography so as not be a dominant feature in the landscape.

No traffic management measures are considered to be required for a proposal of this extent.

On balance the proposal is considered to suitably respond to the purpose and decision guidelines of the Farming Zone

### CAR PARKING AND ACCESS DISCUSSION

The purpose of Clause 52.06 (Car Parking) is:

- *To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
- *To support sustainable transport alternatives to the motor car.*
- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*
- *To ensure that car parking does not adversely affect the amenity of the locality.*
- *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

Clause 52.06-5 outlines the required number of car parking spaces for various uses. 'Group accommodation' (or accommodation, which it nests under) is an innominate use for the purposes of Clause 52.06-5 and, therefore, Clause 52.06-6 applies.

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Consequently, Clause 52.06-6 prescribes that *where a use of land is not specified in Table 1 or where a car parking requirement is not specified for the use in another provision of the planning scheme or in a schedule to the Parking Overlay, before a new use commences or the floor area or site area of an existing use is increased, car parking spaces must be provided to the satisfaction of the responsible authority.*

*Planning Practice Note 22 – Using the Car Parking Provisions* (PPN22) states that, where a use is not specified in Table 1 in Clause 52.06-5, in another clause, or in a Schedule to the Parking Overlay, the responsible authority determines the number of car parking spaces to be provided in accordance with Clause 52.06-6. The responsible authority may determine the adequacy of parking based on policies, surveys, floor area, operational characteristics and locational characteristics.

The application provides for one (1) car parking space adjacent to each group accommodation unit (total of three (3) car parking spaces for the proposed use).

Officers are satisfied with the provision of car parking, for the following reasons:

- The proposed land use, given its size, location and general characteristics is unlikely to generate a significant car parking demand. It is anticipated that the group accommodation will generate 1 car parking space per occupied room. Given that there is three group accommodation units proposed with one bedroom each, one car parking space would be sufficient.
- There are no known deficiencies of car parking on the site or in the surrounding area, and there is sufficient means for informal parking throughout the site, should this need arise.
- The provision of car parking is unlikely to have any adverse economic impacts given the size of the subject land, the size of the proposed use and development (and the likely generation of car parking demand resultant) and positive rural-economic effects of the proposed use and development establishing in the area.
- The demand for car parking associated with the use will not discernibly change over time, and no other developments are proposed in the immediate area that would change access to transport or public car parking provision.
- All provided access and car parking meets the design requirements of Clause 52.06-9, and can meet the construction requirements of Clause 52.06-11.

For these reasons, the proposed car parking provision is considered acceptable.

### BUSHFIRE DISCUSSION

The emphasis of relevant policy at the State and Local level is on the preservation of landscapes and character of areas like Beechworth and as the highest priority the preservation of human life in bushfire affected areas. This clause requires the Responsible Authority to ensure the protection of human life over all other policy considerations.

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53.04.1 Landscape, siting and design objectives		
<ul style="list-style-type: none"> <li>Development is appropriate having regard to the nature of the bushfire risk arising from the surrounding landscape.</li> <li>Development is sited to minimise the risk from bushfire.</li> <li>Development is sited to provide safe access for vehicles, including emergency vehicles.</li> <li>Building design minimises vulnerability to bushfire attack.</li> </ul>		
Measure	Requirement	Assessment
AM 2.1	<i>The bushfire risk to the development from the landscape beyond the site can be mitigated to an acceptable level.</i>	Complies
AM 2.2	<i>A building is sited to ensure the site best achieves the following:</i> <ul style="list-style-type: none"> <li><i>The maximum separation distance between the building and the bushfire hazard.</i></li> <li><i>The building is in close proximity to a public road.</i></li> <li><i>Access can be provided to the building for emergency service vehicles.</i></li> </ul>	<p>The proposed building is sited to ensure the maximum separation distance between the building and the bushfire hazard is achieved having regard to all relevant permit triggers and planning scheme objectives, commensurate with the objectives of the Clause.</p> <p>While landscape risk cannot be eliminated, it is considered that suitable measures have been put in place to mitigate ember attack and direct fire attack as follows:</p> <ul style="list-style-type: none"> <li>Construction to BAL 29 level;</li> <li>Location of buildings at an appropriate distance from classifiable vegetation;</li> <li>Defendable space provided to the property boundary or 35 m (whichever is lesser) to respond to landscape risk (CFA has required increase from 25m to 35m and amended plans will be required as condition of permit to rectify this);</li> <li>On site water storage for firefighting purposes built to CFA requirements; and</li> <li>Access for fire service vehicles.</li> </ul>
AM 2.3	<i>A building is designed to reduce the accumulation of debris and entry of embers.</i>	

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		Based on the above, approved measures 2.1-2.3 are considered to be met and the underlying objectives have been achieved.
<b>53.02-4.2 Defendable space and construction objective</b> <i>Defendable space and building construction mitigate the effect of flame contact, radiant heat and embers on buildings.</i>		
Measure	Requirement	Assessment
AM 3.1	<p><i>A building used for a dwelling (including an extension or alteration to a dwelling), a dependant person's unit, industry, office or retail premises is provided with defendable space in accordance with:</i></p> <ul style="list-style-type: none"> <li><i>Table 2 Columns A, B or C and Table 6 to Clause 53.02-5 wholly within the title boundaries of the land; or</i></li> <li><i>If there are significant siting constraints, Table 2 Column D and Table 6 to Clause 53.02-5</i></li> </ul> <p><i>The building is constructed to the bushfire attack level that corresponds to the defendable space provided in accordance with Table 2 to Clause 53.02-5.</i></p>	<p>Complies</p> <p>The CFA have stipulated a defendable space requirement of 35m or to the property boundary (whichever is the lesser).</p> <p>The development would be constructed to a BAL-29 rating, which is a higher bushfire construction requirement to BAL-12.5.</p>
AM 3.2	<p><i>A building used for accommodation (other than a dwelling or dependent person's unit), a child care centre, an education centre, a hospital, leisure and recreation or a place of assembly is:</i></p> <ul style="list-style-type: none"> <li><i>Provided with defendable space in accordance with Table 3 and 6 to Clause 53.02-5 wholly within the title boundaries of the land.</i></li> <li><i>Constructed to a bushfire attack level of BAL12.5.</i></li> </ul>	
Alt M 3.3	<i>Adjoining land may be included as defendable space where there is a reasonable assurance that the land will remain or continue to be managed in that condition as part of the defendable space.</i>	Not applicable.

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Alt M 3.4	<i>Defendable space and the bushfire attack level is determined using Method 2 of AS3959:2009 Construction of buildings in bushfire prone areas (Standards Australia) subject to any guidance published by the relevant fire authority</i>	The CFA have stipulated a defendable space requirement of 35m or to the property boundary (whichever is the lesser). This is a greater defendable space requirement than that considered in the permit applicant's submitted bushfire assessment, and is considered to be consistent with the objective of Clause 53.02-4.2.
Alt M 3.5	<p><i>A building used for a dwelling (including an extension or alteration to a dwelling) may provide defendable space to the property boundary where it can be demonstrated that:</i></p> <ul style="list-style-type: none"> <li>▪ <i>The lot has access to urban, township or other areas where:</i> <ul style="list-style-type: none"> <li>- <i>Protection can be provided from the impact of extreme bushfire behaviour.</i></li> <li>- <i>Fuel is managed in a minimum fuel condition.</i></li> <li>- <i>There is sufficient distance or shielding to protect people from direct flame contact or harmful levels of radiant heat.</i></li> </ul> </li> <li>▪ <i>Less defendable space and a higher construction standard is appropriate having regard to the bushfire hazard landscape assessment.</i></li> <li>▪ <i>The dwelling is constructed to a bushfire attack level of BAL FZ. This alternative measure only applies where the requirements of AM 3.1 cannot be met.</i></li> </ul>	Not applicable.
Alt M 3.6	<p><i>A building used for accommodation (other than a dwelling or dependent person's unit), child care centre, education centre, hospital, leisure and recreation or place of assembly may provide defendable space in accordance with Table 2 Columns A, B or C and Table 6 to Clause 53.02-5 where it can be demonstrated that:</i></p> <ul style="list-style-type: none"> <li>▪ <i>An integrated approach to risk management has been adopted that considers:</i> <ul style="list-style-type: none"> <li>- <i>The characteristics of the likely future occupants including their age, mobility</i></li> </ul> </li> </ul>	Not applicable.

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	<p><i>and capacity to evacuate during a bushfire emergency.</i></p> <ul style="list-style-type: none"> <li><i>- The intended frequency and nature of occupation.</i></li> <li><i>- The effectiveness of proposed emergency management arrangements, including a mechanism to secure implementation.</i></li> </ul> <p>▪ <i>Less defensible space and a higher construction standard is appropriate having regard to the bushfire hazard landscape assessment.</i></p>	
<b>53.02-4.3 Water supply and access objectives</b> <p><i>A static water supply is provided to assist in protecting property. Vehicle access is designed and constructed to enhance safety in the event of a bushfire.</i></p>		
Measure	Requirement	Assessment
AM 4.1	<p><i>A building used for a dwelling (including an extension or alteration to a dwelling), a dependant person's unit, industry, office or retail premises is provided with:</i></p> <ul style="list-style-type: none"> <li>▪ <i>A static water supply for firefighting and property protection purposes specified in Table 4 to Clause 53.02-5.</i></li> <li>▪ <i>Vehicle access that is designed and constructed as specified in Table 5 to Clause 53.02-5.</i></li> </ul> <p><i>The water supply may be in the same tank as other water supplies provided that a separate outlet is reserved for firefighting water supplies.</i></p>	Not applicable.
AM 4.2	<p><i>A building used for accommodation (other than a dwelling or dependent person's unit), child care centre, education centre, hospital, leisure and recreation or place of assembly is provided with:</i></p> <ul style="list-style-type: none"> <li>▪ <i>A static water supply for firefighting and property protection purposes of 10,000 litres per 1,500 square metres of floor space up to 40,000 litres.</i></li> <li>▪ <i>Vehicle access that is designed and constructed as specified in Table 5 to Clause 53.02-5.</i></li> </ul>	<p>Complies</p> <p>A static water supply for firefighting purposes is provided to each unit in the form of a combined 45,000 litres in rainwater tank storage.</p> <p>Vehicle access is design and constructed in accordance with Table 5 to Clause 53.02.5.</p> <p>In addition, the CFA require the following conditions on permit:</p>



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	<ul style="list-style-type: none"> <li>▪ <i>An integrated approach to risk management that ensures the water supply and access arrangements will be effective based on the characteristics of the likely future occupants including their age, mobility and capacity to evacuate during a bushfire emergency.</i></li> </ul> <p><i>The water supply may be in the same tank as other water supplies provided that a separate outlet is reserved for fire fighting water supplies.</i></p>	<ul style="list-style-type: none"> <li>• The site must be closed to all guests after 10am on days predicted to have a Fire Danger Rating of Extreme (where the WBI is 75 or greater) or Catastrophic.</li> <li>• Prior to the development being occupied, the Bushfire Emergency Management Plan submitted with the application must be amended to reflect the current Fire Danger Rating system and submitted to the CFA for approval. The site must be managed in accordance with the approved BEMP.</li> </ul>
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In consideration of the above assessment and the CFA's referral response, it is considered that the risk arising from the broader landscape can be mitigated to an acceptable level. The proposed measures can be practically implemented and maintained in conjunction with the ongoing use of the land. The decision guidelines of this Clause provide that a development can still be supported, even if one or more objectives are not met; having regard to the overall risk profile of the development. While it is trite to observe that the subject site is not immune from bushfire risk, the proposed mitigation measures captured through this development provide an appropriate level of defence to ensure that the risk is reduced to an acceptable level. The measures proposed can be readily and practically implemented on the site and the risk to the site overall is acceptable in context of BMO planning applications. The CFA have reviewed the application and did not object subject to conditions. For these reasons, it is considered that the proposal satisfactorily addresses bushfire risk to the site.

10.

### 11. VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL (VCAT)

There are a number of cases in recent years that have some relevance to this particular application and in particular the appropriateness of non-agricultural land use and development, including group accommodation, in the Farming Zone, the need to consider the strategic intent of the Planning Scheme as a whole rather than focussing on individual policies.

For instance:

In the Tribunal decision of *Smout v Macedon Ranges SC [2021] VCAT 453 (10 May 2021)*, the Tribunal found in favour of an application for a dwelling on a small lot in the FZ, finding that:

*28. I note that the objective of Clause 14.01-1S is 'To protect the state's agricultural base by preserving productive farmland'.*

*29. The Applicant has persuaded me that this lot is not productive farmland due to the extent of surface and sub-surface rock.*

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30. *I note that the strategies to achieve this objective include to 'Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.'*
31. *In this case, I am satisfied that the removal of this non-productive farmland is not economically important.*
32. *Another strategy is to 'Limit new housing development in rural areas by:*
- *Directing housing growth into existing settlements.*
  - *Discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses.*
  - *Encouraging consolidation of existing isolated small lots in rural zones.*
33. *Due to this site's location, I am satisfied that it is not an 'isolated small lot'. I accept that, unlike the dwellings within the wedge of the Springfield settlement, it is not in the Rural Living Zone. However, I have described that the actual pattern of settlement includes several dwellings directly opposite this wedge, and that this dwelling fills a gap in this existing settlement pattern.*
34. *I also consider that its use for a dwelling is compatible with its surrounds. It is directly opposite small lots used for residential purposes and it is adjacent to the dwelling of the adjoining farm. The balance of existing residential and agricultural uses will not be significantly altered if this site is used for a dwelling.*
35. *Separately, I do not see this site as a candidate for consolidation with adjacent farming land due to its poor productive capacity.*

While this of course relates to a site within the Macedon Ranges municipality, the findings of the Tribunal in taking into account locational and site-specific characteristics is relevant to this application. The subject site considered by the Tribunal was small and exhibited poor agricultural qualities and was surrounded by other small lots, not dissimilar to the subject site. Like in the decision, the proposal has no real potential of impacting productive agricultural land on the site and surrounds. In the instance of the subject land, the land is better disposed to acclimatising to the surrounding built and natural environment. Taking into account the site's size, vegetation coverage and the presence of watercourses through the property, there is value in using and managing the site by less intrusive means (than agriculture) for social and environmental reasons. In [Tsourounakis v Hepburn SC \[2009\] VCAT 1311 \(5 July 2009\)](#), Member Rundell found in favour of an application for group accommodation on a lot in the FZ, find that:

15. *... The planning policy framework contemplates that farming land will be used for a wide range of activities that leverage off the farming activities. Importantly these are seen to be important to generate income sources that can positively contribute to the costs of land management and environmental improvements.*

This is consistent with state-led policy at Clause 14.01-1S which calls for consideration of the *desirability and impacts of removing the land from primary production* [potential] and the land's

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capability. That said, if the land were viable the proposed use and development is relatively confined on the site and would not prejudice the agricultural viability of the site.

### OBJECTION DISCUSSION

Concern	Officer response
Inadequate access provision	<p>Council's engineers have assessed the planning application in relation to access and car parking, and determined that it satisfies the relevant considerations and requirements subject to conditions on permit which will require, among other things, amended plans which show:</p> <ul style="list-style-type: none"> <li>• The existing vehicle crossover and accessway to be upgraded to current standards.</li> <li>• The vehicle crossover designed in such a way so as to be as perpendicular to Malakoff Road is practical.</li> <li>• Dimensioned indicative turnaround area.</li> <li>• Turning vehicle swept path movements demonstrated for a passenger vehicle towing a caravan (17.6 m).</li> </ul> <p>Additionally, given the nominal scale of use and development proposed, it is unlikely to generate a significant number of hourly traffic movements or congestion, and would be within the current capacity of the existing road infrastructure.</p>
Loss of amenity and potential noise pollution	<p>The application proposes the construction of three (3) group accommodation units, comprising one (1) bedroom each, and a maximum of six (6) persons accommodated onsite at any one time. Given the type of use proposed (being an accommodation use), it is unlikely to generate excessive noise emissions. Likewise, the extent of the use proposed is not excessive and unlikely to be cause adverse offsite amenity impacts.</p> <p>Moreover, the proposed use and development would be located in excess of 300m south of the closest dwelling not in the same ownership (that being 280 Malakoff Road) and separated by dense patches of vegetation (including canopy), which does not produce an unreasonable encroachment and unlikely to lead to adverse offsite amenity impacts.</p> <p>Access to the part of the subject site proposed for development is not practical from Flat Rock Road given that there is land in between the subject land and the road reserve which is not in the ownership of the permit applicant. Thus, the only means for access is via Malakoff Road, which is considered acceptable.</p>
Proposed development prohibited on land (under 20ha)	<p>There is no requirement in the planning scheme which expressly prohibits the proposed use and development from being approved.</p> <p>There are requirements specified in the Schedule to Clause 35.07 relating to, <i>inter alia</i>; minimum area for which no permit is required to use land for a dwelling (40 ha), minimum setback from a road (20 m), minimum setback from a boundary (5 m), and minimum setback from a dwelling not in the same ownership (100 m).</p>

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	None of these requirements prohibit development that does not meet it but, rather, trigger the requirement for a planning permit and, through this, consideration of its reasonability and acceptability.
Bushfire hazard	<p>Pursuant to Clause 44.06-7 of the Indigo Planning Scheme, an application triggered under the Bushfire Management Overlay (BMO) is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the <i>Planning and Environment Act 1987</i>.</p> <p>Accordingly, objections relating to bushfire considered under the BMO cannot be given weight in Council's assessment of the application. Furthermore, there is no right of review (at VCAT) for objectors in relation to such matters.</p> <p>The application has provided material to address the bushfire risk, in accordance with planning scheme requirements. It is noted that the Country Fire Authority (CFA) has assessed the planning application in relation to Clause 44.06 and Clause 53.02 of the Indigo Planning Scheme, and determined that it meets the relevant requirements subject to the inclusion of conditions on any permit issued. Moreover, the planning scheme also requires that any permit issued include the following mandatory condition:</p> <ul style="list-style-type: none"> <li>• <i>"The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed."</i></li> </ul>
Native vegetation impacts	No native vegetation removal, destruction or lopping has been applied for, is proposed or is resultant of the proposal. Any illegal native vegetation impacts would ultimately be a planning enforcement matter in the event that the Indigo Planning Scheme might be breached.

### SUMMARY

The proposal accords with the relevant decision guidelines contained in Clause 65.01. The proposal is appropriate taking into account the matters set out in Section 60 of the *Planning and Environment Act 1987*. Namely, the proposal satisfies the relevant provisions of the Indigo Planning Scheme and there are no significant environmental, social or economic effects. Notification and referrals were undertaken with two objections received. The matters raised by the objectors have been considered in this assessment on their planning merits and given appropriate weight in the balance assessment of this application. The proposal is supported by the relevant provisions of the Municipal Planning Strategy and the Planning Policy Framework. The matters to be considered by the Farming Zone and Bushfire Management Overlay are appropriately met, and the proposal is considered to reflect an orderly planning outcome for the site. The subject site has little agricultural value due to the constraints associated with the land, as discussed in detail throughout this report. The proposal will enable an appropriate use of the land in accordance with the scheme. The proposal supports

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agriculture through agri-tourism and does not impact nearby agricultural production in the Farming Zone. The bushfire hazard mitigation measures are satisfactory, subject to amended plans as per the CFA's referral response. No issues relating to land capability, environmental constraints or adverse vegetation impacts are identified as a result of this application. The proposal is unlikely to have any negative effects on the environment, human health and amenity of the area as it is a sensitive land use, is of a tempered intensity and has notable setbacks from boundaries, nearby agricultural activities and dwellings, and watercourses. The bushfire risk has been suitably mitigated in accordance with BMO/Clause 53.02 requirements, noting the CFA conditional consent. The proposal is unlikely to contribute to land degradation, salinity or reduced water quality. All stormwater and wastewater will be appropriately managed on site and no existing vegetation is required to be removed. Traffic impacts from the proposal are nominal (as discussed above) and can be satisfactorily managed.

### 12. CONCLUSION

As discussed throughout this report, the proposal exhibits a good level of compliance with the policy and controls within the Indigo Planning Scheme that are of relevance to this assessment. There are no other matters for consideration in relation to this planning application.

On the basis of these planning merits, it is recommended that a Notice of Decision to Grant a Planning Permit be issued for the proposed use and development.

### CONFIDENTIAL ATTACHMENT

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

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

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

### DECLARATION OF CONFLICT OF INTEREST

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

Steven Hawkins – Coordinator Planning

James Turner – Manager Planning & Statutory Services

Greg Pinkerton – Director Planning and Corporate Services

### Attachments

1.   PP23-0007 - Plans - 559 Flat Rock Road - Beechworth - PN 8220

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2. PP23-0007 - Application documents - 559 Flat Rock Road - Beechworth - PN 8220 (Confidential)
3. [!\[\]\(5ba1bc70d78f05c00988641e5e513c62\_img.jpg\) PP23-0007 - Bushfire Documents - 559 Flat Rock Road - Beechworth - PN 8220](#)
4. [!\[\]\(0d3dd579ab24f8020cd6c2659f3acb8c\_img.jpg\) PP23-0007 - Referral Responses - 559 Flat Rock Road - Beechworth - PN 8220](#)
5. PP23-0007 - Objections - 559 Flat Rock Road - Beechworth - PN 8220 (Confidential)

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### **11.12 PLANNING PERMIT APPLICATION PP22-0231 - 20 LAKE ROAD, NORONG**

**File No: 2024/634**

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

**Planning & Corporate Services**

#### **For Decision**

#### **RECOMMENDATION**

That a Notice of Decision to grant a planning permit for development and works being shed extensions, a new farm shed, and two (2) shipping containers for mushroom production purposes situated on land at No 20 Lake Road, Norong, be issued subject to the following conditions:

##### **1. AMENDED PLANS**

Prior to the development commencing, plans must be approved and endorsed by the responsible authority. The plans must:

- a) be prepared to the satisfaction of the responsible authority
- b) be drawn to scale with dimensions
- c) submitted in electronic form
- d) show the following details:
  - i. An accurate site plan providing clarification in respect of all existing buildings and works on site and the proposed location of the new farm shed and shipping containers.
  - ii. Floorplan and elevations of the approved shed extension
  - iii. Floorplan and elevations of the new farm shed

The layout of the site, dimensions and elevations of the proposed development as shown on the endorsed plans must not be modified or altered without the written consent of the Responsible Authority.

##### **2. EXTERNAL FABRIC**

The roof and cladding colour or colours of the buildings hereby approved, and the finished colours of any aboveground water storage tanks must be non-reflective (i.e not "zincalume"). Neutral "earthy" colours are to be used (eg "greens", "greys" or "browns") so as to address the rural character of the area and 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.

##### **3. SEDIMENT CONTROL & SOIL AND WATER MANAGEMENT**

To minimise soil erosion during construction, the landowner and builder must ensure that any clearing or construction associated with development is conducted in accordance with sediment control principles as outlined in "Construction Techniques for Sediment Pollution Control" (Environment Protection Authority 1991). Specifically, the landowner and builder must ensure:

- i. Grading, excavation and construction does not proceed during periods of heavy rainfall;
- ii. Sediment traps are designed, installed and maintained to maximise the volume of sediment trapped from the site during development and construction;



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- iii. Top soil from the construction site or builders' sand is stockpiled in a location where it will not be eroded from the site;
- iv. All erosion control measures are maintained after rainfall and are retained until the site has fully revegetated, and;
- v. Disturbed areas are stabilised and revegetated following the completion of works.

### 4. USE OF BUILDINGS

This permit does not authorise the use of any building on site for human habitation (ie dwelling) purposes.

### 5. ON SITE EFFLUENT DISPOSAL

Prior to any work associated with any upgrade or relocation of the existing on-site effluent disposal system, the consent of Council must be obtained. Such altered systems must comply with the provisions of the Environment Protection Authority Code of Practice - Onsite Wastewater Management (2016) and be to the satisfaction of Council's Environmental Health Officer.

### 6. POULTRY NUMBERS

Unless otherwise approved by Council under the provisions of Clause 53.09 of the Indigo Planning Scheme, no more than 100 chickens are to be kept at any one time on the subject land.

### 7. DEECA REQUIREMENTS – ACCESS & ENCROACHMENT

- (i) No access is permitted to the subject land via the Crown land.
- (ii) Adjoining Crown land must not be used for truck turning areas, entry points, parking areas or temporary stack sites during the construction of buildings or works.
- (iii) No polluted and/or sediment laden run-off is to be discharged directly or indirectly into drains or watercourses on Crown land. Overland flow must be maintained at the same rate post-development as on the undeveloped land.

### 8. NECMA REQUIREMENTS

- (i). Any onsite wastewater management system for the site must be suitably designed, located and sized to comply with the EPA Victoria's Code of Practice Onsite Wastewater Management, Publication number 891.4, July 2016, inclusive of Table 5 recommended setback distances from waterways.
- (ii). New sheds / shipping containers must be located no less than 100 m from Lake Moodemere.
- (iii). Runoff from buildings and other impervious surfaces shall be directed to a rainwater tank for re-use or on-site dispersal without impact on neighbouring properties to the satisfaction of the Responsible Authority.

### 9. EXPIRY

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

- (i) The use and development is not started within two years of the date of this permit.
- (ii) The development is not completed within two years of the date of commencement

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The Responsible Authority may extend the periods referred to if a request is made in writing before the period expires or within three months of the date of expiration.

### PERMIT NOTES

The adjoining Crown land is not to be used for access, storage of materials or rubbish. Any private use of Crown land requires consent and/or licensing from the Department of Energy, Environment and Climate Action.

### SUMMARY

<b>Application No:</b>	<b>PP22-0231</b>
<b>Subject Land:</b>	<b>20 Lake Road, Norong</b>
<b>Property Description:</b>	<b>Land in PC3732289</b>
<b>Proposal:</b>	<b>Shed extension, a new farm shed and installation of two shipping containers</b>
<b>Recommendation:</b>	<b>Approval in accordance with the Recommendation above</b>

### BACKGROUND

Date application lodged:	8 September 2022
Amended Application	6 February 2024
Purpose:	<p>The application has been amended on a number of occasions with the current proposal now being related to:</p> <ol style="list-style-type: none"> <li>1) Construct a building in the Farming Zone within 100m of a dwelling not in the same ownership.</li> <li>2) Development &amp; works in the ESO2 – Lake Moodemere comprising: <ul style="list-style-type: none"> <li>• a shed extension and a new farm shed; and</li> <li>• installation of 2 shipping containers.</li> </ul> </li> </ol>
Subject land site area:	1.7ha
Current use of subject site:	Vacant semi-rural
Zoning of surrounding land:	<p>Adjoining land to the east, south and west is zoned Farming Zone (FZ) and is also affected by the Environmental Significance Overlay (ESO2). To the north is crown land zoned Public Conservation and Resource Zone (PCRZ). That land is affected by ESO2, Land Subject to Inundation (LSIO), Flood Overlay (FO) and Heritage Overlay (HO546) provisions</p>

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Request for Further Information	11 January 2024
RFI Satisfied	Not completely, however sufficient information has been provided to allow for a determination.
Public Notification	Notice of the application was given to surrounding property owners. In response three (3) objections were received.
Previous Planning Applications	PP06-247 – refusal of consent for dwelling issued 8 March 2007. Decision was subsequently overturned by VCAT 3 January 2008.
Aboriginal Cultural Sensitivity	The property is partly mapped as being of Aboriginal Cultural Heritage Sensitivity. The proposal however does not trigger the need for a CHMP.
Declared Water Supply Catchment:	The subject land is not located within a Declared Water Supply Catchment.

### SUBJECT LAND:

The subject land is identified as No.20 Lake Road, Norong and is formally described as land in Plan of Consolidation PC 373289C (Vol 11396 Fol 632). The property is located approximately 6.7km to the south west of the Rutherglen Post Office. It is a hexagonal shaped parcel situated at the north eastern corner of Lake Road and Moodemere Road, Norong and has an overall area of 1.704ha (Figure 1). Access to the site is currently available from Lake Road in the north west corner of the site.



**Figure 1: Site Context**

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The subject land is predominantly flat and apart from a number of scattered trees around the periphery is otherwise cleared land. The property currently contains 3 small buildings including an old amenities building which is in some disrepair. It is understood that this building contains a small kitchen, bathroom and laundry that are functional and connected to a septic tank and effluent disposal field. It is intended that the building will be renovated to include a farm office and updated amenities connected to an upgraded onsite effluent disposal facility.

Located on the property, approximately 50m south of the amenities building is an existing 22,000L concrete water tank that is setback approximately 17m off the western boundary. Located immediately north of the water tank are also two concrete pads which previously accommodated two shipping containers onsite. This infrastructure dates back to the previous use of the land for a small family enterprise Chicken Processing Facility which operated from approximately 1970 to 1986.

As noted above at Figure 1, the subject site is located approximately 65m to the south of Lake Moodemere, with the area between the lake and the northern property boundary comprising Crown Land foreshore of the lake. This strip of land identified as CA 20 Sec 20 Parish of Norong forms a part of the Lake Moodemere Reserve and the Crown title extends out into the lake itself. [NOTE: As a result of this location, the land is subject to the provisions of the Environmental Significance Overlay (ESO2 - Lake Moodemere)].

Adjacent to the north western boundary is a previously excised dwelling located on a 1,588m<sup>2</sup> lot identified as No.22 Lake Road. To the west across Lake Road is a 4.7ha approx. lot that also contains a single storey dwelling and outbuildings. It is understood that this particular neighbouring allotment was previously used as a broiler farm though that use has long ceased.

Located across Moodemere Road to the south is a 37.9ha approx. property which contains two dwellings and various outbuildings.

To the east of the subject land are two similar sized allotments (ie <2ha) which are both vacant and used for grazing purposes. Approximately 700m to the east of the subject site is the Lake Moodemere Estate Winery.

In essence the subject land is a very small rural lot that has been basically used for sheep grazing in recent years. [NOTE: VCAT approved a dwelling in association with a vineyard by way of **Chisnall v Indigo SC [2008] VCAT 28** (3 January 2008) however the use of the land for such purposes never commenced and that approval has lapsed long ago.]

The current owner has commenced use of the property for hatching and raising chicks in the amenities building before moving birds to a converted Caravan used as a mobile coop. It is understood however that this venture relates to less than 100 birds and consequently does not require planning consent.

### PROPOSAL

The proposal primarily seeks consent for a farm shed extension, a new farm shed and the installation of two shipping containers.

### ZONING AND PLANNING CONTROLS

Zoning: Farming Zone (FZ)

Overlay/s: Environmental Significance Overlay (EO2 – Lake Moodemere)

Particular Provisions: N/A

Operational Provisions: N/A

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### PERMIT TRIGGERS:

#### Zone Triggers:

- i. Clause 35.07-4 a planning permit is required to construct a building within 100m of a dwelling not in the same ownership.

#### Overlay Triggers:

- ii. Clause 42.01-2 a planning permit is required for buildings and works, namely:
  - a shed extension & a new farm shed; and
  - installation of 2 shipping containers.

### 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.*

### MUNICIPAL PLANNING STRATEGY

At Clause 02.02 – Vision, the Indigo Planning Scheme provides a reference to the 2021-25 Council Plan including noting the following:

#### **Prosperity**

*Our economy is strong and diverse, attracting new investment and job opportunities. Renowned as a must-visit destination offering a range of experiences that showcase our rich history and culture and breathtaking natural landscapes, the Shire is also a much sought after location for new residents.*

At Clause 02.03-4 Natural resource management, the planning scheme provides in respect of Agriculture:

- *Protect agricultural land for primary production and discourage incompatible uses and development in rural areas.*

At Clause 02.03-7 – Economic Development, it is noted that the following Strategic Directions are highlighted:

- *Support expansion and diversification of the Shire's economy including farm forestry, viticulture, horticulture, tourism, and the opportunities provided by the Hume transport corridor and the Logic hub.*
- *Support the creation of local job opportunities and the diversification of the range of products and services available to residents.*
- *Support new processing and value adding industries.*

**COMMENT:** *The current amended proposal now comprises a relatively minor matter in the Farming Zone. The intended use of the land for small scale farming including market gardening, mushroom*

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*growing and plant nursery is consistent with zone purposes while the proposed shed and shipping containers will be ancillary development associated with the rural use of the land.*

### PLANNING POLICY FRAMEWORK

The following policy considerations have been taken into account in this assessment.

- 13.03-1L - Floodplains and rural drainage
- 13.07-1S - Land use compatibility
- 14.01-1S - Protection of agricultural land
- 14.01-1L-03 - Land use in the Rural Zones
- 14.01-2S - Sustainable agricultural land use
- 14.02-2L-02 - Effluent disposal and water quality
- 15.01-2S - Building design
- 15.01-6S - Design for rural areas
- 15.03-2S - Aboriginal cultural heritage
- 17.01-1S - Diversified economy
- 17.01-1R - Diversified economy - Hume

*COMMENT: Firstly, it is acknowledged that the subject land is a very small lot within the FZ the land is located within a high amenity area adjacent to Lake Moodemere. This notwithstanding, having regard to the Planning Policy Framework of the Indigo Planning Scheme, there are no particular issues raised which would lead to a conclusion to refuse the application. The Indigo Planning Scheme continues to acknowledge that Indigo Shire's rural areas are used for a wide range of agricultural purposes, and agricultural production is the major contributor to the economy of the Shire.*

*Concerns raised by way of objection from adjoining and nearby landowners will be separately discussed later within this report.*

### ZONE – PURPOSE AND DECISION GUIDELINES

- **Farming Zone**

The subject land is affected by the provisions of the Farming Zone (FZ). The proposal relates to development of a building to be constructed within 100m of a dwelling not in the same ownership.

The purposes of the Farming Zone include:

- *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.*

Relevant Decision Guidelines at Clause 35.07-6 of the FZ include:

- *Whether the use or development will support and enhance agricultural production.*
- *Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.*
- *The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.*



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- *The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.*

*COMMENT. As previously noted, the proposal relates to the use of the land for small scale farming. In this instance, the self-described “urban farm” is one where it can be concluded that the primary landuse does not require consent under the relevant zone provisions. The application relates instead to ancillary development of the land, namely the erection of a new farm shed and installation of two shipping containers. [NOTE: The proposed shed extension does not require a permit under the FZ provisions.]*

*Having regard to the Zone permit trigger, namely proximity of the neighbouring dwelling situated at No.22 Lake Road, the scope of assessment is largely constrained to possible impacts of the new shed, and two (2) shipping containers on this particular adjoining property.*

*In this instance the new shed and shipping containers will be setback approximately 50m from the neighbouring dwelling.*

*On balance, as will be discussed later within this report, the likely impacts are considered to be negligible and not of sufficient merit to warrant a refusal of the application.*

### OVERLAYS – PURPOSE AND DECISION GUIDELINES

- **Environmental Significance Overlay (ESO2 – Lake Moodemere)**

The ESO2 provides the following environmental objectives:

- *To maintain and protect the diversity of native fauna and remnant vegetation.*
- *To recognise and protect conservation attributes of Lake Moodemere.*
- *To protect and enhance the rural setting surrounding Lake Moodemere.*
- *To protect the Lake from inappropriate development.*
- *To maintain and enhance the recreational use of the land for the enjoyment of all visitors.*

Relevant decision guidelines include among other considerations:

- *The development of land surrounding the Lake must be assessed on its merits, having regard for the protection of the environment, visual and aesthetic qualities, and the long-term use of the Lake for public purposes.*

*COMMENT: In having regard to the provisions of the ESO2 and the nature of existing development of the adjoining No.22 Lake Road it is concluded that the site context is one where the outcome would have a negligible impact upon Lake Moodemere. The proposed setback of the new shed and shipping containers to the Lake itself is over 100m while the property is well elevated relative to the average lake water level. The proposed shed extension will not result in that building being any closer to the northern property boundary which adjoins Crown Land.*

*Further to the above the matter was referred to Department of Energy, Environment and Climate Action (DEECA) and the NECMA. No objections were raised to the proposed development proceeding.*

### GENERAL PROVISIONS

- **Clause 65.01 – Approval of an Application or Plan**

The Indigo Planning Scheme sets out the requirements for the responsible authority to decide whether the proposal will produce acceptable outcomes in terms of the appropriate decision guidelines listed in clause 65.01. The guidelines have been considered as follows:



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Guideline	Assessment
The matters set out in Section 60 of the Act	<i>Noted. Relevant matters include the provisions of the Indigo Planning Scheme and the objectives of planning in Victoria. See separate discussion below in respect of the three (3) objections received to the current Planning Permit Application.</i>
Any significant effects the environment, including the contamination of land, may have on the use or development.	<i>The issue of possible contamination associated with the previous use of the subject land as a Chicken Processing facility has been noted, however the proposal does not relate to a sensitive land use (eg a dwelling) which would warrant further investigation.</i>
The Municipal Planning Strategy and the Planning Policy Framework	<i>Noted</i>
The purpose of the zone, overlay or other provision	<i>Noted.</i>
Any matter required to be considered in the zone, overlay or other provision	<i>Relevant Decision Guidelines have been considered including whether or not the development will support and enhance agricultural use of the land</i>
The orderly planning of the area	<i>See discussion below. In this regard it is concluded that the application can be adequately justified based on a position that the proposal represents and orderly planning outcome having regard to the applicable FZ.</i>
The effect on the environment, human health & amenity	<i>Separation distances to all dwellings in proximity of the site have been considered.</i>
The proximity of the land to any public land	<i>The land adjoins the Lake Moodemere Reserve.</i>
Factors likely to cause or contribute to land degradation, salinity or reduce water quality	<i>Noted. No issues raised</i>
Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site	<i>Noted. No issues raised.</i>
The extent and character of native vegetation and the likelihood of its destruction	<i>No native vegetation is required to be removed.</i>
Whether native vegetation is to be or can be protected, planted or allowed to regenerate	<i>No impacts envisaged on existing native vegetation on site</i>
The degree of flood, erosion or fire hazard associated with the location of the land.	<i>Not Applicable</i>

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Guideline	Assessment
The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts	<i>Noted. No issues raised</i>
The impact the use or development will have on the current and future development and operation of the transport system.	<i>Not Applicable</i>

**Table 1: Clause 65.01 Assessment**

### PUBLIC NOTIFICATION - OBJECTIONS

The application was publicly notified for a period of 14 days and three (3) objectors have lodged submissions. The various matters raised can be summarised as follows:

- (i) Concerns with aspects of the original proposal (eg composting, poultry farming and a caretaker's dwelling).
- (ii) Proximity of an adjoining dwelling not in the same ownership.
- (iii) Proximity of Lake Moodemere and adjoining Crown Land foreshore area.
- (iv) Discrepancies in the amount of shipping containers that will be on the property.
- (v) Concern that the site office building might be occupied as a dwelling.
- (vi) The application is accompanied by confusing, incomplete and irrelevant information.
- (vii) Traffic & noise issues
- (viii) Issues associated with possible light spill

*COMMENT: At Clause 60(1) of the P&EA it is noted that among other things that before deciding on an application, the responsible authority must consider—*

*(c) all objections and other submissions which it has received and which have not been withdrawn;*

*In respect of all three of the objections received, it is firstly noted that the majority of the concerns raised are actually a consequence of the supporting documentation that accompanied the application. This includes a rather generalised Whole Farm Plan (WFP) which has been amended on several occasions during the process. Unfortunately, the latest version of the WFP still contains confusing elements including discrepancy on matters of detail and on-farm processes (eg the number of shipping containers). Indeed, the WFP still covers a wide range of production outcomes in a relatively simplified and rather discussional manner that is of little relevance to the current amended application. Further the WFP still includes reference to now deleted aspects of the original proposal including poultry farming ( ie >100 poultry for egg production and broiler farming), operation of a rural store, and the erection of a caretaker's dwelling.*

*Consequently, much of the WFP is not particularly useful from a Planning Application.*

*This then leads onto those matters raised by objectors, which are actually of relevance to the building and works that require consent under relevant zone and overlay provisions.*

*In respect of the proposed shed extension, it is the case that these works will not result in an outcome where the building is any closer to the dwelling situated on No.22 Lake Road. Further the location of the proposed new shed and shipping containers are unlikely to adversely impact upon the amenity of the area, including the dwelling at No.22 Lake Road. Indeed, as supported by many VCAT decisions, it is the case that amenity expectations associated with residential use of land, needs to be tempered in a rural context where the primary land use supported by the zone is for agricultural purposes. Farm*

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*sheds and other structures such as poly houses and shipping containers can clearly be regarded as being ancillary to agriculture, and in the absence of any extenuating circumstances such as physical site constraints, would be unlikely to be refused outright.*

*In respect of the proximity of Lake Moodemere and adjoining Crown Land foreshore area, the proposal has been duly considered by the public land manager DEECA and no objections are raised subject to appropriate conditions on any permit that may be issued.*

*Lastly the existing infrastructure on site including the amenities building, is capable of being repaired and renovated to support the proposed farm operations. The concerns of objectors, which primarily seem to be related to use considerations, raise little or no concern in respect of the building and works themselves.*

*In summary it is concluded that there are no issues raised by the objectors that would preclude an approval of the current application.*

### CONCLUDING COMMENTS

*In a number of ways this application has now become a relatively straightforward case about whether a 1.7ha lot in the Farming Zone should be developed to facilitate an upscaling of small-scale farming of the subject land. In considering this matter it also needs to be borne in mind that the agricultural use of the land is as-of-right in the Farming Zone.*

*Such proposals for buildings and works need to be decided on the specific circumstances related to the site context rather than the nature of the agricultural activity. Such assessment is further guided by any relevant policy direction of the planning scheme.*

*The site context has been discussed earlier within this report and it is apparent that apart from being an existing small rural lot that there are no particular extenuating issues that might be considered relevant, other than the proximity of the dwelling situated at No.22 Lake Road. Of relevance is the fact that this neighbouring property is essentially a small rural living lot within a largely broad acre farming locality. As previously stated, this particular property actually comprises a previously excised allotment from the subject land and is only 1,588m<sup>2</sup> in area.*

*The shipping containers are to be used for mushroom production purposes. They will be located on existing concrete footings that previously accommodated two shipping containers onsite. These former containers were associated with the previous use of the land as a Chicken Processing Facility. The new farm shed will be located to the east adjacent to the containers which aligns with the current position of the electricity supply that previously served the old shipping containers. This new shed will be used for plant propagation as well as storage of farm machinery and equipment.*

*While it is accepted that the applicant is genuine in their desire to establish and enhance their agricultural operation of what is self-described as an “urban farm” enterprise, the difficulty with the supporting WFP is that it goes well beyond what is currently being applied for. This may lead to later expectations by the landowner in respect of further upscaling of the overall concept including a possible future dwelling and operation of a Farm Store from the property.*

*The Planning Policy Framework acknowledges that there is variability in land capability and production potential across the Shire, but is also firm in stating that the continued use of land zoned for rural production is of significance to the economic future of the Shire. It also notes as an issue the high number of existing Crown Allotments within the rural area and continued pressure for housing development.*

### REFERRAL AUTHORITIES

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As previously mentioned, the application was referred to DEECA and NECMA. Both agencies have raised no objections subject to the imposition of appropriate conditions within any subsequent Planning Permit that might be issued by Council.

### CONCLUSION

This application proposes a farming use in a farming zone and is therefore consistent with the land use that is expected in this area. The permit trigger of being within 100m of a dwelling has been investigated to ensure that impacts on neighbouring properties is appropriate for the zoning. The fact that this is a farming zone and activities such as the one proposed in this application are to be expected gives confidence that this application should be approved. This recommendation for approval is backed by relevant VCAT cases.

### CONFIDENTIAL ATTACHMENT

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

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

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

### DECLARATION OF CONFLICT OF INTEREST

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

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

### **Attachments**

1. PP22-0231 - Application (Confidential)

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### 12. COMMUNITY & ECONOMIC DEVELOPMENT

#### 12.1 2024/2025 SWIMMING POOLS CONTRACT

File No: 2024/631

Mark De Campo - Acting Manager Community Development      Community & Economic Development

#### For Decision

#### **RECOMMENDATION**

That Council:

- Enters into a one-year contract extension with Belgravia Leisure PTY LTD with the contract price of \$715,276 (ex GST) to continue to manage Council's five outdoor swimming pools;
- Makes a budget adjustment in the mid-year review to accommodate the associated budget variation; and
- Communicate with the State and Federal Governments Indigo Shire's increasing concern about the ongoing financial viability of providing public pool facilities and seek their assistance towards a solution.

#### PURPOSE OF REPORT

The purpose of this report is to provide the information and background to support a recommendation for Council to enter into a contract extension with Belgravia Leisure Pty Ltd for one year to continue to manage Council's swimming pools.

#### BACKGROUND

Indigo Shire Council owns five outdoor public swimming pools in Beechworth, Chiltern, Rutherglen, Tangambalanga and Yackandandah. The pools were built in the post Melbourne Olympic Games era which puts them at approximately 50 – 60 years old. The ageing pools are deteriorating in condition. Community use has declined; however, the pools remain a community asset, valued by users for social and physical wellbeing.

The pools operate on a seasonal basis with the regular season (morning and afternoon swimming hours) held between November and March. An extended season, that offers morning swimming only, is held at Beechworth, Rutherglen and Yackandandah in March and April. Morning swimming is not offered at Chiltern or Tangambalanga. A Spring Swimming Season offers morning swimming at Rutherglen in October.

Hours of operation are fixed in line with the allocated budget as well as historical participation rates. Any requests that are in addition to the allocated budget are therefore unbudgeted and come at a significant cost to Council.

Up until the 2021/2022 swimming pool season Indigo Shire Council directly managed pool operations. This was a significant undertaking. Pool operations fall under numerous Acts, Guidelines and Australian Standards. To maintain compliance is onerous and requires specialist knowledge and skills.

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In 2019/20 a decision was made for the 2019/2020 season, to go to market for an external operator. The tender process was unable to identify a suitable provider and Council maintained operational responsibilities, with support from labour hire company MomentumOne.

Council went to market again in 2021 and secured Belgravia Leisure on a three-year contract, with the option to renew for an additional three years in one-year increments at Council's discretion.

### DISCUSSION

The management of aquatic recreational assets is a small industry in terms of the number of participating businesses. Otherwise, aquatic recreational assets are operated by the asset owner.

At the time of the 2019/20 contract execution, Indigo Shire Council and Belgravia Leisure agreed to the following annual pricing over the 3-year period.

Year 1 (2021/22): \$431,387 ex GST

Year 2 (2022/23): \$444,329 ex GST

Year 3 (2023/24): \$457,658 ex GST

In light of additional legislative requirements, the requirement for additional lifeguards, user numbers impacting revenue, broader price increases experienced post-pandemic; all impacting operational costs, the budget allocation for the 2024/25 swimming pools contract was increased to \$639,000.

In line with contractual obligations, Council commenced discussions with Belgravia in late May 2024. Through a robust negotiation process the recommendation is to enter into a further one-year extension with Belgravia at the contract price of \$715,276 ex GST. This cost increase can, in the most part, be attributed to increased costs in personnel, maintenance and operational requirements. There are also some minor adjustments to opening hours that are included within this new contract price. These changes are:

- removal of the Spring Swimming Season at Rutherglen. Favourable impact on contract price: \$6,500 (\*)
- a minor restructure of opening hours between morning and afternoon swimming sessions to improve the efficient use of staffing resources (\*\*). Favourable impact on contract price: \$25,000

(\*) The Spring Swimming Season at Rutherglen offers morning swimming in October. This has been significantly interrupted over the last three seasons due to either COVID or significant maintenance issues (leak detection and repairs). Participation data provided by Belgravia along with feedback from the venue Manager indicates that visitation during this period is poor and has reduced noticeably since the opening of the heated indoor aquatic facility at Corowa.

(\*\*) The proposal is to reallocate the 30 minutes at the end of the day to all morning swimming times and increasing the morning swimming sessions to 2.5hrs This does not cost Council or the ratepayers anymore. This is because minimum engagement employee conditions for staff is three hours. As the morning swimming sessions are currently either 1.5 or 2hrs (varies from pool to pool) Council is already paying for hours that the pools are not open.

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This minor restructure results in a net loss of two hours across the entire swimming season. Participation data provided by Belgravia indicates that the last 30 minutes of every day is poorly utilised. This change will see pools close at 6:30pm instead of 7:00pm in the low and late season and 7:00pm instead of 7:30pm in peak season.

Council will shortly develop a *Swimming Pool Strategy*. The strategy development project is an \$80,000 initiative (including a \$40,000 Local Sport Infrastructure Grant). The Master Plan project includes a comprehensive audit of pool plant, feasibility and master-planning. This is critical in light of increasing operational and maintenance costs, in tandem with decreasing usage driving lower or static revenue, which is not sustainable.

In addition to the Operator contract, Council makes a significant annual investment in pool capital and maintenance to ensure facilities are safe, compliant and comfortable for staff and users. On an annual basis, Council commits \$212,500 for:

- Plant room and pool grounds repairs and maintenance: \$75,000
- Pool Buildings repairs and maintenance: \$37,500
- Pool Renewal Works: \$85,000
- Preventative Maintenance Program: \$15,000

The cost per user/per visit, for the 23/24 swimming pool season, are calculated by dividing the total operating costs by total visitation at each site:

- Beechworth: \$23
- Yackandandah: \$29
- Rutherglen: \$44
- Chiltern: \$50
- Tangambalanga: \$57

### OPTIONS

There are a number of options available to Council.

#### **Option A – Recommended**

One-year extension with Belgravia quoted at \$715,276 ex GST

If this option is supported, Council officers will commence working with neighbouring Councils to explore partnership opportunities in relation to future aquatic facility management and operations. The study will consider maximising future tender outcomes by presenting an appealing package of scale to generate genuine and competitive interest from the market.

#### **Option B – Not recommended**

One-year extension with Belgravia without the adjustments to operating hours quoted at \$745,776.07 ex GST.

#### **Option C – Not recommended**

Return to market through an open tender process.

#### **Option D – Not recommended**

In house model



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A number of Councils operate their aquatic pools in-house. Indigo Shire did this using the MomentumOne entity (labour hire) prior to outsourcing 3 years ago, as did Towong and Alpine Shires.

Council officers have conducted initial financial modelling and the in-house model was not supported.

### STRATEGIC CONTEXT

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

### SOCIAL/COMMUNITY IMPLICATIONS

The health and wellbeing benefits of public swimming pools in small rural and regional communities are significant. Swimming pools are important places for community to come together to improve their social and physical health and connection. Despite the community sentiment for local pools the visitation has declined over recent years and remains well below the pre-pandemic numbers.

### ENVIRONMENTAL IMPLICATIONS

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

### FINANCIAL IMPLICATIONS

The Belgravia quote would require an additional investment of approximately \$76,000 from Council on top of the allocation made in the 2024/25 budget.

### COMMUNITY ENGAGEMENT

#### **Engagement Proposed**

Swimming pool operating and maintenance expenses are increasing at a rate that is far beyond the income they generate. In addition to these on-gong costs, the cost of replacing these assets which are approaching end of life will be extremely difficult. These cost pressures place a significant burden on small rural Councils in a rate capped environment. This report recommends that Council communicates with the State and Federal Governments Indigo Shire's increasing concern about the ongoing financial viability of providing public pool facilities and seek their assistance towards a solution.

### LEGISLATIVE IMPLICATIONS

The safe operation of pools falls under numerous Acts, Guidelines and Australian Standards. These include:

#### **1. Legislative Requirements**

Public Health and Wellbeing Act 2008

Public Health and Wellbeing Regulations

The Dangerous Goods Act (1985)

The Dangerous Goods (Storage and Handling) Regulations (2012)

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Occupational Health and Safety Act 2004

### **2. Royal Life Saving Society Guidelines for safe pool operations**

Child Safety

Training and Qualifications

Aquatic Supervision

Aquatic Signage

Emergency Planning

Incident Management

Risk Management

Safety Equipment

### **3. Australian Safety Standards**

AS 1319 Safety Signs for the Occupational Environment

AS 1345 Identification of the Contents of Pipes, Conduits and Ducts

AS 1470 Health and Safety at Work - Principles and Practice

AS 1657 Fixed Platforms, Walkways, Stairways and Ladders

AS 1768 Lighting Protection

AS 1885 Workplace Injury and Disease Recording Standard

AS 1926 Swimming Pool Safety - Water Recirculation Systems

AS 2293 Inspection and Maintenance (Emergency Evacuation Lighting)

AS 2569 Safe Manual Lifting and Moving of Patients

AS 2610 Spa Pools - Public Spas

AS 2818 Guide to Swimming Pool Safety (Private Pools)

AS 2927 The Storage and Handling of Liquefied Chlorine Gas

AS 3000 Electrical Installations

AS 3500 Plumbing and Drainage - Water Services

AS 3634 Solar Heating Systems for Swimming Pools

AS 3745 Planning for Emergencies in Facilities

AS 3760 In-service Safety Inspection and Testing of Electrical Equipment

AS 3780 Storage and Handling of Corrosive Substance

AS 4326 The Storage and Handling of Oxidising Agents

AS 4332 The Storage and Handling of Gases in Cylinders

AS 4801 Occupational Health and Safety Management Systems

HB 241 Water Management for Public Swimming Pools and Spas

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### CONCLUSION

Council is mindful of the rising and ongoing costs associated with aquatic facilities. The factors that contribute to this are the rising cost of seasonal pool operations and maintenance, the age and deteriorating condition of the assets and the visitation decline over recent years which remains well below the pre-pandemic numbers.

However, Council acknowledges the enjoyment and benefit that pools offer residents and visitors in the form of respite from the heat and the positive outcomes that come from being physically and socially active and connected.

This report seek support to proceed to the July Council meeting with a recommendation to Enter into a one-year contract extension with Belgravia Leisure Pty Ltd.

In the event this option is supported Council officers will commence working with neighbouring shires to explore opportunities to collaborate in relation to future aquatic facility management and operations. This approach will seek to maximise future tender process outcomes by presenting an appealing package that generates genuine and competitive interest from the market.

### 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
- Mark De Campo – Acting Manager Community Development
- Jarrod Craven – Recreation Officer

**Attachments**  
Nil

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### **12.2 DRAFT STANLEY COMMUNITY RESILIENCE PLAN**

File No: 2024/477

Mark De Campo - Acting Manager Community Development      Community & Economic Development

#### **For Information**

#### **RECOMMENDATION**

That Council:

1. Endorses the draft Stanley Community Resilience Plan for public exhibition for a period of 30 days, from 31 July to 29 August 2024; and
2. Notes that the Stanley Community Resilience Plan will be brought back to Council for final approval at a future meeting.

#### **PURPOSE OF REPORT**

This report presents the DRAFT Stanley Community Resilience Plan to Council recommend that it be placed on public exhibition for a period of 30 days.

#### **BACKGROUND**

At Council's April 2023 meeting, a proposal was supported to undertake small township community planning. Stanley was selected due its expressed need for community planning to support infrastructure, capacity building, strategic planning, and facilities management. Stanley has proactive community advocates and established community groups enthusiastic to partner with Council to improve their profile and undertake community planning for their town.

#### **DRIVERS FOR COMMUNITY PLANNING IN STANLEY:**

- The need for improved Council collaboration across a range of community, social, and planning issues.
- Increasing birth rates in Stanley and an increase in young families moving to Stanley.
- Comparatively higher climate action needs - particularly bushfire.
- Existing strong community advocacy.

#### **OBJECTIVES**

The Stanley Community Resilience Plan aims to:

- Consolidate what the local community values into a unified vision.
- Provide strategic reference for future development.
- Help inform Council policies and projects.
- Encourage a place-based approach for local decision making across Stanley.
- Support and inspire residents, businesses, and Council.

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The Stanley Community Resilience Plan has involved significant community consultation from October 2023 to now. The purpose of this plan is to capture the community's vision for how they would like their town to look and feel in the future, with consideration to the barriers and challenges they may face, particularly environmental/emergency challenges.

### DISCUSSION

The development of community resilience plans has been funded through Emergency Recovery Victoria with a focus on emergency preparedness and community resilience. Consultation was themed across the four environments of recovery, Social, Economic, Built and Natural, as a guide to thinking about Stanley holistically, and with a forward focused resilience frame.

Stanley is a community of diverse individuals with many varying opinions and priorities. This was identified as one of the greatest things about Stanley, and also one of the things that makes the town work as it does. The diversity in opinions generated key themes as priority focus areas throughout the consultation process:

1. Sustainable growth and good planning
2. Investment in community connections and assets
3. Innovation and collaboration on climate action and resilience

The actions developed by the Stanley community have been themed into these three priority areas in part C of the attached plan.

The project was broken into the following stages:

- Exploration - What have we already been told, and what has happened since – review of existing plans for Stanley.
- Consultation Stage 1 - Resilience Conversations – exploration of the resilience capacity of Stanley now, and where needs to change to build that capacity with the Australian Resilience Centre.
- Consultation Stage 2 - Pop-Up Consultations and Community Event - have we heard from everyone?
- Refinement - presenting the draft plan to Council and community for public exhibition - did we hear you correctly?
- Endorsement and Action - the final plan is live and ready for collaborative action (August 2024).

Internal consultation included the following service areas:

- Community Development
- Economic Development
- Planning
- Enforcement Services
- Tourism
- Communications

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The following documents were reviewed and are summarised:

- Stanley Community Plan 2010
- Stanley Rural Community Inc submission to the Council Plan 2021

### WHAT'S NEXT?

The plan belongs to the community. The community has identified actions which will preserve what residents love about Stanley and in what ways they want to see growth and change. Some of these are easily achieved at a community or individual level, without the need for Council involvement or additional funding. Others are more complex and will require collaboration between community and Council, and sometimes businesses or other key stakeholders. Many actions will require external funding sources to make them a reality.

The Community Plan will be used to inform the next Council Plan (2025) as well as Council's ongoing decision making. Where there is a Council-led action it will be referred to the relevant Council department to progress. Actions within the Community Plan that align with Council's Strategic position and Shire wide perspective will be pursued through Council's various ongoing programs, projects, and service delivery.

### Options

Option 1 - Council has invested significant time and funding into the development of the plan. The depth of the community consultation means that the draft plan and their actions are highly visible to the impacted communities. The community have ranked the draft actions into their priority areas, which also tells Council what the community support is for the draft actions and broader plan. As such, it is recommended that Council accept the draft plan and that it progresses to public exhibition.

Option 2 – Council rejects the Stanley Community Resilience Plan (Not recommended).

### STRATEGIC CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	1. Communities
Strategic Objective	1.7 Our preparedness to respond and recover from increasing natural disasters is well planned and executed.
Strategic Action	1.7.1 Participate with communities and other agencies to support community resilience through education and planning

Council has committed to the process of community planning as a holistic approach to planning and development that aims to create vibrant and resilient places that are valued by communities and admired by visitors. This plan supports that aim.

### SOCIAL/COMMUNITY IMPLICATIONS

The Council Plan sets out Council intention to support the resilience, cohesiveness and connectedness of the communities in the shire. This plan provides tangible actions as identified by the community to further these aims.

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### ENVIRONMENTAL IMPLICATIONS

The plans explicitly address the macro drivers impacting local issues, including climate change and posit questions of how the communities can adapt. The communities have identified numerous actions that require addressing to ensure that energy supply and emergency communications are resilient in the face of more extreme weather events and climate change. The overall plan and its actions fit firmly within Council objectives for adaptation and resilience and progressing these plans will progress Council's aims.

### FINANCIAL IMPLICATIONS

The community planning process and final plans are funded through Emergency Recovery Victoria and delivered within the budget of \$63,500. There is no contribution from Council for the development phase.

In addition to the delivery of this plan, additional outcomes of this project include:

1. Increased trust and relationships built between Council and the community
2. Staff capacity building and empowerment
3. Strengthening of internal relationships

Considerable thought needs to be given to how actions that require funding – external or internal – are embedded into infrastructure and project / service planning.

### LEGISLATIVE IMPLICATIONS

Any actions that interact with other legislation – local laws, signage, planning, bushfire, etc., - will need to be considered in the progression of community actions.

### RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
Loss of trust in governance, Council processes and council staff if the plans or actions are changed/diluted considerably.	Possible	Minor	Low	Recommendations are incorporated into strategic Council documents that will enable consideration and/or action.

The most effective control is to alter the actions as little as possible. Given the extensive consultation, the public are very aware of what is currently in the plan. Many people photographed the actions and vision at the community event and spent long periods of time deciding how to vote.

The process went a small way to building trust – particularly with new residents who had not participated in Council planning processes in the past. There is an opportunity for Council to build strong relationships and to restore trust if some of the key actions are implemented.



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### COMMUNITY ENGAGEMENT

#### **Engagement undertaken**

The following methods were used to communicate to Stanley residents about the plan, the process, and ways to get involved:

#### GENERAL COMMUNICATION CHANNELS

- Engaged Indigo Website
  - The project and process were explained here, as well as key milestones, project updates and options for leaving feedback.
- The Your Indigo Newsletter – weekly updates from Indigo Shire Council
- Indigo Shire Council Facebook Page
- The Nine Mile News
  - Local Stanley publication that kept residents up to date on the opportunities and progress of the planning process.
- Stanley Community Email
  - The Stanley community email is a volunteer run initiative that keeps all subscribed residents informed.
- Stanley Community Facebook Page
- Posters on notice boards, local businesses, and Post Office
- Letterbox Drop

#### RESILIENCE CONVERSATIONS

Throughout October 2023 community resilience planning discussions were facilitated by Paul Ryan from the Australian Resilience Centre. Three two-hour sessions were held at the Stanley Memorial Hall. The focus for the discussion sessions were as follows:

##### Session 1

- Identifying visions for future. How do you want this community to look and feel in the future?
- Resilience of what? What is it we want to make resilient?
- Resilience to what? What are the risks to our community?

##### Session 2

- Assessing resilience against the ten dimensions of resilience
- Actions to address perceived resilience deficiencies, at the household, community and in partnership with the Shire and other agencies.

##### Session 3

- Prioritising actions to inform household, community and Shire efforts and activities.

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The intention was to have the same group of community members attend each session. In Stanley, the attendees were different each time, which allowed for greater diversity of opinions but meant there was limited continuity and sharing of discussion across sessions.

The report from these sessions is available in its entirety (attached), with summaries and sections of it included in the community plan. The outcomes of these conversations identified the themes and formed the basis for consultation with the broader community.

Consultation Stage 2 was an opportunity for everyone to be heard in places where they usually gather, feel comfortable and can contribute in varied ways. This stage of consultation enabled people to pop in for a couple of minutes or stay and chat with council staff to share topics important to them. This stage of consultation included:

- Pop-Up Consultations - have we heard from everyone?
- What We heard – Collating and summarising information from the Resilience Conversations, website contributions, and pop-ups to create an action plan
- Community Celebration – Prioritising, refining, and celebrating community contribution

### POP-UP CONVERSATIONS AND COMMUNITY CELEBRATION

The actions and themes from the previous planning documents, Resilience Conversations, and website engagement were taken to the community for feedback and growth through pop up sessions. A series of pop-ups at the Stanley School and Stanley Pub and General Store generated additional actions and further established the key priorities.

The pop-ups were structured around the same lines of enquiry that were explored through the Resilience Conversations, and grouped into the recovery domains of social, economic, built, and natural:

- In the future I want Stanley to look and feel like...
- For this to happen, the community needs...
- As an individual I can contribute to make this happen...
- To be successful we need to be resilient to challenges such as...

The Stanley Community Celebration was held on Sunday April 14, 2024, at the Stanley School. It was led by SRCI and showcased the community groups active in Stanley, local producers, and creatives. This event was the final in-person consultation with the community before the draft plan was completed and put to Council.

The community visioning, themes, and key actions underwent testing once more during the celebration. The actions were ranked by the community to create a priority rating. Each participant was given five sticky dots to place next to their top priorities. People had the option to put more than one dot against an action, however they had to prioritise the most important things to them, right now. It also provided an essential space for the community to talk with the Council officers who had facilitated the project and to answer other questions.

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### Engagement outcomes

Through the pop-ups we heard from young people and their families, long-term residents, and newer arrivals. We also heard from people who lived close-by who regularly visit the area as they feel a strong connection to the place.

This phase of the engagement was markedly different to the Resilience Conversations and the priorities that had the most community support was quite different to the focus in the Conversations, despite structuring the engagement on the same lines of enquiry. The Conversations required a high level of community buy-in in terms of time and energy. To engage in the Conversations, people had to have a large amount of time available to them to begin with. The sessions predominantly attracted people who had a good understanding of Council processes and a desire to see the changes that they had already been advocating for.

Conversely, the people who engaged with the pop-up sessions and the community event showed very low interest in actions that prioritised Council process. Often the interactions were incidental, such as in the beer garden where people were not there primarily to talk to Council. For those that chose to engage with the project at the pop-ups, they were often focused on immediate community level actions that are very visible in the community and impact their day-to-day life. This was magnified at the community event where people could see the draft action table of all the priorities. Those that enhanced their community directly were prioritised over those that were centred around improving Council processes for community benefit.

The Stanley community are a cohesive community who have the capacity to drive many of the actions with minimal support – other than financial. There was a higher level of trust in Stanley, as opposed to Barnawartha, and there was a considerable degree of goodwill towards the process and the outcomes. Delivery of the actions in collaboration with community and other key services presents an opportunity for Council to address community mistrust of the equity of Council processes and funding allocation.

At the Community Event sixty-six community members ranked the actions to establish priorities.

### ACTION PLAN

The five actions that received the highest number of votes in the priority ranking are:

1. Walking/cycle connectivity to Beechworth
2. Grow a vibrant town centre
3. Ensure water security
4. Independent, reliable energy
5. Showcase the spring ditch wetlands

The action plan is organised into the three strategic themes as identified by the community.

### SUSTAINABLE GROWTH AND GOOD PLANNING

- Residents want to preserve the rural character of Stanley.
- They want economic growth in the town centre that enables a variety of commercial, business and community activities to take place.

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- Planning for improved pedestrian and cycle paths is a high priority.

### INVESTMENT IN COMMUNITY CONNECTIONS AND ASSETS

- Invest in the existing community spaces to ensure they are fit for future purpose.
- Stanley is a connected community who are seeking more opportunities and spaces to connect, and to support the more vulnerable residents.
- Stanley's natural resources need to be preserved, protected, and promoted.

### INNOVATION AND COLLABORATION ON CLIMATE ACTION AND RESILIENCE

- The community want to be better informed and prepared for a changing climate and more extreme weather events, as well as bushfire.
- The community are knowledgeable and have the skills to establish energy resilience in Stanley, however they need support to make it happen.
- Managing risks requires collaboration and for everyone to do their part.

These actions aim to proactively address current and future challenges. Many of these actions can be initiated immediately at the community level without any input from Council.

Other actions will require collaborations between Council, community, and relevant services, agencies, businesses, and levels of government. It needs to be acknowledged that the project lead may change over the duration of the project. Many of these actions will begin with community advocacy, seed funding, or grassroots movements. In time, and as required, the involvement of Council or other levels of Government will be required to progress and achieve a number of the identified actions.

Many projects will require additional external funding, community support, or technical expertise and / or feasibility studies etc before they can be progressed. This plan can be used to seek funding from various sources and to seek stakeholder support for future projects.

The entire list of community ranked actions is in the attached plan.

### **Engagement proposed**

Public exhibition for 30 days is recommended to ensure that the public are given a final opportunity to comment on the reports and any changes made from EMT and Council.

### CONCLUSION

The community has been extensively consulted for this plan and the previous planning documents that Council has commissioned have been thoroughly investigated. The actions recommended in this report are strongly supported by community and are reinforced of the actions uncovered by previous consultants. It is recommended that this draft report progress to Council Meeting, and from there to public exhibition for 30 days.

### DECLARATION OF CONFLICT OF INTEREST




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

- Sally Rice - Director Community and Economic Development
- Mark De Campo - Acting Manager Community Development

## COUNCIL MEETING AGENDA - 30 JULY 2024

- Kate O'Toole - Community Recovery and Resilience Officer

### Attachments

1. [!\[\]\(ce77bba2916ff045bdb9f4584b191293\_img.jpg\)](#)  Community Resilience Discussions (Final) Report December 2023
2. [!\[\]\(7cca60917fc4166291d2b648cb6bea1b\_img.jpg\)](#)  Stanley Community Resilience Plan - Full - DRAFT
3. [!\[\]\(df123c3dbb04676ceb3727572e366e1e\_img.jpg\)](#)  Stanley Community Resilience Plan - Summary - DRAFT

## COUNCIL MEETING AGENDA - 30 JULY 2024

### **12.3 DRAFT BARNAWARTHA AND SURROUNDS COMMUNITY RESILIENCE PLAN**

**File No: 2024/478**

**Mark De Campo - Acting Manager Community Development      Community & Economic Development**

#### **For Information**

#### **RECOMMENDATION**

That Council:

1. Endorses the draft Barnawartha and Surrounds Community Resilience Plan for public exhibition for a period of 30 days, from 31 July to 29 August 2024; and
2. Notes that the Barnawartha and Surrounds Community Resilience Plan will be brought back to Council for final approval at a future meeting.

#### **PURPOSE OF REPORT**

This report presents Council the DRAFT Barnawartha and Surrounds Community Resilience Plan and recommends that they be put on public exhibition for a period of 30 days.

#### **BACKGROUND**

At Council's April 2023 meeting, a proposal was supported to undertake small township community planning. Barnawartha was selected due to its expressed need for community planning to support infrastructure, capacity building, strategic planning and facilities management.

Barnawartha has proactive community advocates and established community groups prepared to partner with Council to improve their profile and undertake community planning for their town.

Given the small population sizes, geographical proximity and interconnected communities; particularly economically for farming and industry, Indigo Valley and Barnawartha North are included in the planning process. While Barnawartha North is located in Wodonga City Council, rather than Indigo Shire, the natural attractions and employment opportunities afforded by Logic mean that this area is integral to planning for Barnawartha.

#### **DRIVERS FOR COMMUNITY PLANNING IN BARNARWARTHA**

- The need for improved Council collaboration across a range of community, social, and planning issues.
- Increasing birth rates in Barnawartha and an increase in young families moving to Barnawartha and surrounds.
- A history of bushfire and recent flood impacts.
- Existing strong community advocacy.

## COUNCIL MEETING AGENDA - 30 JULY 2024

### OBJECTIVES

The Barnawartha Community Resilience Plan aims to:

- Consolidate what the local community values into a unified vision.
- Provide strategic reference for future development.
- Help inform Council policies and projects.
- Encourage a place-based approach for local decision making across Barnawartha and the surrounding communities.
- Support and inspire residents, businesses, and Council.

The Barnawartha Community Resilience Plan has involved significant community consultation from October 2023 to now. The purpose of the plan is to capture the community's vision for how they would like their town to look and feel in the future, with consideration to the barriers and challenges they may face, particularly environmental/emergency challenges.

### DISCUSSION

The development of community resilience plans has been funded through Emergency Recovery Victoria with a focus on emergency preparedness and community resilience. Consultation was themed across the four environments of recovery - Social, Economic, Built and Natural, as a guide to thinking about Barnawartha and surrounds holistically, and with a forward focused resilience frame.

Barnawartha and the Indigo Valley are distinct communities that share a geographic location. The strengths and opportunities of the region are not identical, and planning for the unique regions of Indigo Valley, Barnawartha and Barnawartha North requires ongoing place-based consultation and collaboration. Throughout the consultation process key themes emerged strongly as areas of focus:

1. Safe, connected, and empowered communities
2. Investment in recreation and destination
3. Sustainable planning for community and economy

The actions developed by the communities have been themed into these three priority areas in part C of the attached DRAFT plan.

The project was broken into the following stages:

- Exploration - What have we already been told, and what has happened since – review of existing plans for Barnawartha.
- Consultation Stage 1 - Resilience Conversations – exploration of the resilience capacity of Barnawartha and surrounds now, and what needs to change to build that capacity with the Australian Resilience Centre.
- Consultation Stage 2 - Pop-Up Consultations and Community Event - have we heard from everyone?
- Refinement - Presenting the draft plan to Council and community for public exhibition - did we hear you correctly?



## COUNCIL MEETING AGENDA - 30 JULY 2024

- Endorsement and Action - The final plan is live and ready for collaborative action (August 2024).

Internal consultation included the following service areas:

- Community Development
- Economic Development
- Planning
- Enforcement Services
- Tourism
- Communications

The following documents were reviewed and are summarised:

- Shire of Chiltern Rural Living Area Structure Plan - Barnawartha, June 1992
- Barnawartha Urban Design Framework and Strategic Directions Plan 2003
- Chiltern and Barnawartha Our Future -Employment, Population, Housing and Community Impacts of Logic Industrial Park and Other Regional Developments 2007
- Community Plan - Barnawartha 2010
- Barnawartha Structure Plan - Version 6 - December 2019
- Draft - Indigo Valley Community Led Resilience Planning - Updated 28 March 2024

### WHAT'S NEXT?

The plan belongs to the community. The community has identified actions which will preserve what residents love about Barnawartha and surrounds and in what ways they want to see growth and change. Some of these are easily achieved at a community or individual level, without the need for Council involvement or additional funding. Others are more complex and will require collaboration between community and Council, and sometimes businesses or other key stakeholders. Many actions will require external funding sources to make them a reality.

The Community Plan will be used to inform the next Council Plan (2025) as well as Council's ongoing decision making. Where there is a Council-led action it will be referred to the relevant Council department to progress. Actions within the Community Plan that align with Council's Strategic position and Shire wide perspective will be pursued through Council's various ongoing programs, projects, and service delivery.

### Options

Option 1 - Council have invested significant time and funding into the development of the plan. The depth of the community consultation means that the plan and the draft actions are highly visible to the impacted communities. The community have ranked the draft actions into their priority areas, which also tells Council what the community support is for the draft actions and broader plan. As such, it is recommended that Council accept the report and that it progresses to public exhibition.

Option 2 – Council rejects the Barnawartha and Surrounds Community Resilience Plan (Not recommended).

## COUNCIL MEETING AGENDA - 30 JULY 2024

### STRATEGIC CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	1. Communities
Strategic Objective	1.7 Our preparedness to respond and recover from increasing natural disasters is well planned and executed.
Strategic Action	1.7.1 Participate with communities and other agencies to support community resilience through education and planning

Council has committed to the process of community planning as a holistic approach to planning and development that aims to create vibrant and resilient places that are valued by communities and admired by visitors. This plan supports that aim.

### SOCIAL/COMMUNITY IMPLICATIONS

The Council Plan sets out Council intention to support the resilience, cohesiveness and connectedness of the communities in the shire. This plan provides tangible actions as identified by the community to further these aims.

### ENVIRONMENTAL IMPLICATIONS

The plans explicitly address the macro drivers impacting local issues, including climate change and posit questions of how the communities can adapt. The communities have identified numerous actions that require addressing to ensure that energy supply and emergency communications are resilient in the face of more extreme weather events and climate change. The overall plans and the actions fit firmly within Council objectives for adaptation and resilience and progressing these plans will progress Council's aims.

### FINANCIAL IMPLICATIONS

The community planning process and final plans are funded through Emergency Recovery Victoria and delivered within the budget of \$65,500. There is no contribution from Council for the development phase.

In addition to the delivery of this plan, additional outcomes of this project include:

1. Increased trust and relationships built between Council and the community
2. Staff capacity building and empowerment
3. Strengthening of internal relationships

Considerable thought needs to be given to how actions that require funding – external or internal – are embedded into infrastructure and project / service planning.

In addition, extensive community and structure planning has occurred over the last few decades. It is essential the community see progress on initiatives they have been advocating for over many years.

### LEGISLATIVE IMPLICATIONS

Any actions that interact with other legislation – local laws, signage, planning, bushfire, etc., - will need to be considered in the progression of community actions.

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### RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
Loss of trust in governance, Council processes and council staff if the plans or actions are rejected, changed/diluted considerably.	Possible	Minor	Low	Recommendations are incorporated into strategic Council documents that will enable consideration and/or action.

The most effective control is to alter the actions as little as possible. Given the extensive consultation, the public are very aware of what is currently in the plan. Many people photographed the actions and vision at the community event and spent long periods of time deciding where to cast their votes.

The process went a small way to building trust – particularly with new residents who had not participated in Council planning processes in the past. There is an opportunity for Council to build strong relationships and to restore trust if some of the key actions are implemented.

### COMMUNITY ENGAGEMENT

#### **Engagement undertaken**

The following methods were used to communicate to residents about the development of the plan, the process, and ways to get involved:

#### **GENERAL COMMUNICATION CHANNELS**

- Engaged Indigo Website
  - The project and process were explained here, as well as key milestones, project updates and options for leaving feedback.
- The Your Indigo Newsletter – weekly updates from Indigo Shire Council
- Indigo Shire Council Facebook Page
- The Chiltern Grapevine
  - Local Chiltern, Barnawartha and surrounds publication that kept residents up to date on the opportunities and progress of the planning process.
- Good Neighbours - Barnawartha Facebook Page
- Posters on notice boards, local businesses, schools, and Post Office
- Letterbox Drop

## COUNCIL MEETING AGENDA - 30 JULY 2024

### RESILIENCE CONVERSATIONS

Throughout October 2023 community resilience planning discussions were facilitated by Paul Ryan from the Australian Resilience Centre. Three two-hour sessions were held at the Barnawartha Recreation Reserve. The focus for the discussion sessions were as follows:

#### Session 1

- Identifying visions for future. How do you want this community to look and feel in the future?
- Resilience of what? What is it we want to make resilient?
- Resilience to what? What are the risks to our community?

#### Session 2

- Assessing resilience against the ten dimensions of resilience
- Actions to address perceived resilience deficiencies, at the household, community and in partnership with the Shire and other agencies.

#### Session 3

- Prioritising actions to inform household, community and Shire efforts and activities.

The intention was to have the same group of community members attend each session. The Barnawartha sessions had a core group of people that attended all three sessions. This allowed for greater continuity of discussion across the three sessions.

The report from these sessions is available in its entirety (attached), with summaries and sections of it included in this plan. The outcomes of these conversations identified the themes and formed the basis for consultation with the broader community.

### POP UP CONVERSATIONS AND COMMUNITY CELEBRATION

This Stage of consultation was an opportunity for everyone to be heard in places where they usually gather, feel comfortable and can contribute in varied ways. This stage of consultation enabled people to pop in for a couple of minutes or stay and chat with council staff to share topics important to them. This stage of consultation included:

- Pop-Up Consultations - have we heard from everyone?
- What We Heard – Collating and summarising information from the Resilience conversations, website contributions and pop-ups to create an action plan
- Community Celebration – Prioritising, refining, and celebrating community contribution

#### POP-UP Consultations:

The actions and themes from the previous planning documents, Resilience Conversations, youth engagement and website engagement were taken to the community for feedback and growth through pop up sessions located at:

- Barnawartha General Store
- Star Hotel - Barnawartha
- The Watchbox - Indigo Valley

## COUNCIL MEETING AGENDA - 30 JULY 2024

These sessions generated additional actions and further established the key priorities.

The Indigo Creek Playground pop-up was postponed due to high heat, and then ultimately moved online due to ongoing high heat. Direct youth consultation was undertaken with all the students at Middle Indigo Primary School and grade five and six students at Barnawartha Primary School.

The pop-ups were structured around the same lines of enquiry that were explored through the Resilience Conversations, and grouped into the recovery domains of social, economic, built, and natural:

- In the future I want Barnawartha and surrounds to look and feel like...
- For this to happen, the community needs...
- As an individual I can contribute to make this happen...
- To be successful we need to be resilient to challenges such as...

The community visioning, themes and key actions were tested again at the Barny Festival – a Community Celebration held on Sunday 21 April 2024 at the Barnawartha Recreation Reserve.

The actions were ranked by the community to create a priority rating. Each participant was given five sticky dots to place next to their top priorities. People had the option to put more than one dot against an action, however they had to prioritise the most important things to them, right now.

It also provided an essential space for the community to talk with the Council officers who had facilitated the project and to answer other questions. In total, eighty-one adults and twenty children added their dots on the day.

This was the final in-person consultation with the community before the draft plan was completed and put to Council.

### **Engagement outcomes**

Through the pop-ups we heard from young people and their families, long-term residents, and newer arrivals. We also heard from people who lived close-by who regularly visit the area as they feel a strong connection to the place.

This phase of the engagement was markedly different to the Resilience Conversations and the priorities that had the most community support was quite different to the focus in the Conversations, despite structuring the engagement on the same lines of enquiry. The Conversations required a high level of community buy-in in terms of time and energy. To engage in the Conversations, people had to have a large amount of time available to them to begin with. The sessions predominantly attracted people who had a good understanding of Council processes and a desire to see the changes that they had already been advocating for.

Conversely, the people who engaged with the pop-up sessions and the community event showed very low interest in actions that prioritised Council process. Often the interactions were incidental, such as in the beer garden where people were not there primarily to talk to Council. For those that chose to engage with the project at the pop-ups, they were often focused on immediate community level actions that are very visible in the community and impact their day-to-day life. This was magnified at the community event where people could see the draft action table of all the priorities. Those that enhanced their community directly were prioritised over those that were centred around improving Council processes for community benefit.

## COUNCIL MEETING AGENDA - 30 JULY 2024

Overwhelmingly we heard two main concerns from the community regarding the process for Community Planning:

1. That the community had been widely consulted in the past, but they didn't see the consultation result in action. They were frustrated to be asked their ideas again when many of the previous plans were still relevant.
2. That the Indigo Valley residents have different needs and wants to those of Barnawartha and feel they would benefit from a separate community planning process.

More information regarding previous planning processes is detailed in the attached DRAFT plan under Stage 1 – Exploration and requires careful consideration when looking at how this plan will be implemented, and actions or challenges communicated back to the communities. This feedback wasn't given flippantly and it raised strong emotions and has caused significant challenges for the community to trust and collaborate with Council, which will impact both the implementation of this plan but also wider council processes that rely on strong relationships.

### ACTION PLAN

The top three priorities in order of community support are:

1. Invest in youth recreation activities
2. Revitalise the railway precinct
3. Design walking and cycle connectivity to Yackandandah and Chiltern

The actions were also translated into a child-friendly format with pictures for young people to vote on their key issues as well. Twenty young people cast their vote, often with the support of an adult. Their top three issues were:

1. Use the old train station area for something like a Youth Centre or Farmers Market - (Revitalise the Railway precinct)
2. Spend more money on trees, parks and gardens in town (Invest in landscaping and tree planting)
3. More activities for young people (Invest in youth recreation activities in Indigo Valley and Barnawartha)

It's fair to say that the children interpreted 'parks and gardens' to mean the Indigo Creek Playground, which was a favourite sport for many. It's interesting to note that two of the top three priorities were the same for both adults and children.

The action plan is organised into the key themes as identified by the community:

1. **SAFE, CONNECTED, AND EMPOWERED COMMUNITIES**
  - i. The community want their spaces to feel safe, modern, clean, and inviting and to reflect the love and pride they feel for their home.
  - ii. Residents want to have more knowledge and capacity to increase their own resilience to manage emergencies, including communication and energy resilience.
  - iii. Community events and opportunities to connect are strongly valued.

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### 2. INVESTMENT IN RECREATION AND DESTINATION

- i. The community strongly support using what they already have, particularly the railway precinct to revitalise the town.
- ii. Invest in new destination spaces and events for community and tourism.
- iii. Recreation opportunities for biking, fishing, skating and connection to the water ways are valued, especially for young people.

### 3. SUSTAINABLE PLANNING FOR COMMUNITY AND INDUSTRY

- i. Residents want to preserve the rural lifestyle of Barnawartha and plan for a sustainable economy.
- ii. Indigo Valley residents want intergenerational living where they can age in place and where the future generations can secure housing in the Valley.
- iii. Planning for improved pedestrian and cycle paths is a high priority.

These actions aim to proactively address current and future challenges. Many of these actions can be initiated immediately at the community level without any input from Council.

Other actions will require collaborations between Council, community, and relevant services, agencies, businesses, and levels of government. It needs to be acknowledged that the project lead may change over the duration of the project. Many of these actions will begin with community advocacy, seed funding, or grassroots movements. In time, and as required, the involvement of Council or other levels of Government will be required to progress and achieve a number of the identified actions.

Many projects will require additional external funding, community support, or technical expertise and / or feasibility studies etc before they can be progressed. This plan can be used to seek funding from various sources and to seek stakeholder support for future projects.

The full action list in order of community priority can be read in the attached report.

#### **Engagement proposed**

Public exhibition for 30 days is recommended to ensure that the public are given a final opportunity to comment on the reports and any changes made from EMT and Council.

#### **CONCLUSION**

The community has been extensively consulted for this plan and the previous planning documents that Council has commissioned have been thoroughly investigated. The actions recommended in this report are strongly supported by community and are reflective of the actions uncovered by previous consultants. It is recommended that this draft report progress to Council Meeting, and from there to public exhibition for 30 days.









## COUNCIL MEETING AGENDA - 30 JULY 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:

- Sally Rice - Director Community and Economic Development
- Mark De Campo - Acting Manager Community Development
- Kate O'Toole - Community Recovery and Resilience Officer

### **Attachments**

1.   Community Resilience Discussions (Final) Report December 2023
2.   Barnawartha and Surrounds Community Resilience Plan - Full - DRAFT
3.   Barnawartha and Surrounds Community Resilience Plan - Summary - DRAFT

## COUNCIL MEETING AGENDA - 30 JULY 2024

### 13. INFRASTRUCTURE SERVICES

#### 13.1 CONTRACT NO. 23/6524-05 - OCTOBER 2022 FLOOD REHABILITATION WORKS, WESTERN AREA

File No: 2024/648

Adam Kimball - Manager Assets & Property

Infrastructure Services

#### For Decision

##### RECOMMENDATION

That Council:

1. Conditional on the approval of funding from the Department of Justice and Community Safety for these works, awards Contract No. 23/6524-05 for Flood Rehabilitation works in the West of the Shire to Longford Civil for the lump sum of \$988,667 ex GST;
2. Authorises the CEO to sign the contract documents and affix the Council's Common Seal; and
3. Authorises the CEO the financial delegation to approve contract variations up to a total of 10 per cent of the signed contract value.

##### PURPOSE OF REPORT

The purpose of the report is to provide an evaluation of tenders received for rehabilitation of a number of damaged infrastructure assets in the western part of the Shire during the October 2022 Flood event and to provide a recommendation to Council for the award of a contract.

##### BACKGROUND

In October 2022 Indigo Shire was hit with a significant flooding event which caused widespread damage to infrastructure among other impacts.

A number of assets were damaged with many made safe through the *Disaster Recovery Funding Arrangements* (DRFA) program under short term remedial safety restoration works. Remaining repair works to essential public infrastructure that meet the guidelines, provided they are approved for funding and market tested by public tender, are fully recoverable.

The works in this contract vary in nature from road re-sheeting and culvert works through to a large number of drainage repairs and sediment removal.

##### DISCUSSION

Tenders were advertised on Council's eProcure portal on 29 April 2024 and closed on 31 May 2024. A tender evaluation panel comprising the Manager Municipal Operations, Manager Assets & Property, and Contract Project Manager Flood Recovery assessed the tenders based on weighted criteria, as detailed in the tender documents, as follows:

1.	Price	40%
2.	Qualifications & Previous Experience	30%
3.	OH&S	10%
4.	Sustainability	10%
5.	Local content	10%

## COUNCIL MEETING AGENDA - 30 JULY 2024

The panel assessed the tender from Longford Civil as representing the best overall value for Council based on the above criteria. Longford Civil has a proven track history with similar works for other municipalities and have confirmed their availability to complete the works in a timely manner within the nominated timelines with up to 2 separate crews operating at any given time.

The tender evaluation scores and further details of the assessment are included in the attached (confidential) Tender Evaluation Report.

Splitting the works into two tenders (east and west) will enable works in both areas to be undertaken concurrently, rather than having further delays before all the infrastructure damage is repaired.

The decision to award the contract is referred to Council as the contract value exceeds the financial delegation of the CEO.

### Options

The tender is for the rehabilitation of various infrastructure repairs across the West of the Shire. There are no other viable options as the works must be undertaken to restore our road and drainage networks back to pre-flood event condition.

### STRATEGIC CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	1. Communities
Strategic Objective	1.7 Our preparedness to respond and recover from increasing natural disasters is well planned and executed.

### SOCIAL/COMMUNITY IMPLICATIONS

The repairs to the many damaged assets will reflect well on Council and its ability to recover from major events. The community will value seeing roads and other infrastructure restored to pre-flooding condition.

### ENVIRONMENTAL IMPLICATIONS

Sustainability has been factored into the scoring criteria, and contractors have been evaluated based on the sustainability aspects of their submissions.

### FINANCIAL IMPLICATIONS

	Approved Budget \$	This Proposal \$	Variance to Approved Budget \$	Comments
Revenue	(\$988,667)	(\$988,667)	0	Funding from the <i>Department of Justice and Community Safety</i> awaiting approval
Expense	\$988,667	\$988,667		Cost of tendered works
Net Result	0	0		

### LEGISLATIVE IMPLICATIONS

Nil

## COUNCIL MEETING AGENDA - 30 JULY 2024

### RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
Tender is not approved	Unlikely	Moderate	Low	Procurement process ensures that due diligence has been applied to determine best value tender

### COMMUNITY ENGAGEMENT

#### **Engagement undertaken**

No specific community engagement was undertaken in relation to the contract itself. However, community feedback helped form a complete picture of damage caused by the floods which has been assessed for inclusion in this contract.

### CONCLUSION

It is recommended that Council accepts the tender for Flood Rehabilitation works in the Western area of the Shire for the Lump Sum of \$988,667 ex GST.

### DECLARATION OF CONFLICT OF INTEREST

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

- Ian Ellett - Director Infrastructure Services
- Brett Direen - Manager Municipal Operations
- Adam Kimball – Manager Assets & Property

### **Attachments**

1. Tender Evaluation Report - Flood Recovery West (Confidential)

## COUNCIL MEETING AGENDA - 30 JULY 2024

### **13.2 CONTRACT NO. 23/6524-06 - OCTOBER 2022 FLOOD REHABILITATION WORKS, EASTERN AREA**

File No: 2024/649

Adam Kimball - Manager Assets & Property

Infrastructure Services

#### **For Decision**

#### **RECOMMENDATION**

That Council:

1. Conditional on the approval of funding from the Department of Justice and Community Safety for these works, awards Contract No. 23/6524-06 for Flood Rehabilitation works in the East of the Shire to Marchese Excavations & Bin Hire for the lump sum of \$594,129 ex GST;
2. Authorises the CEO to sign the contract documents and affix the Council's Common Seal; and
3. Authorises the CEO the financial delegation to approve contract variations up to a total of 10 per cent of the signed contract value.

#### **PURPOSE OF REPORT**

The purpose of the report is to provide an evaluation of tenders received for rehabilitation of a number of damaged infrastructure assets in the eastern part of the Shire during the October 2022 Flood event and to provide a recommendation to Council for the award of a contract.

#### **BACKGROUND**

In October 2022 Indigo Shire was hit with a significant flooding event which caused widespread damage to infrastructure among other impacts.

A number of assets were damaged with many made safe through the *Disaster Recovery Funding Arrangements* (DRFA) program under short term remedial safety restoration works. Remaining repair works to essential public infrastructure that meet the guidelines, provided they are approved for funding and market tested by public tender, are fully recoverable.

The works in this contract vary in nature from road re-sheeting and culvert works through to a large number of drainage repairs and sediment removal.

#### **DISCUSSION**

Tenders were advertised on Council's eProcure portal on 29 April 2024 and closed on 31 May 2024. A tender evaluation panel comprising the Manager Municipal Operations, Manager Assets & Property, and Contract Project Manager Flood Recovery assessed the tenders based on weighted criteria, as detailed in the tender documents, as follows:

- |   |     |
|---|-----|
| 1. Price                                | 40% |
| 2. Qualifications & Previous Experience | 30% |
| 3. OH&S                                 | 10% |
| 4. Sustainability                       | 10% |
| 5. Local Content                        | 10% |

## COUNCIL MEETING AGENDA - 30 JULY 2024

The panel assessed the tender from Marchese Excavations & Bin Hire (MEB) as representing the best overall value for Council based on the above criteria. MEB also has a proven track history with similar works for other municipalities and have confirmed their availability to complete the works in a timely manner within the nominated timelines.

The tender evaluation scores and further details of the assessment are included in the attached (confidential) Tender Evaluation Report.

Splitting the works into two tenders (east and west) will enable works in both areas to be undertaken concurrently, rather than having further delays before all the infrastructure damage is repaired.

The decision to award the contract is referred to Council as the contract value exceeds the financial delegation of the CEO.

### Options

The tender is for the rehabilitation of various infrastructure repairs across the East of the Shire. There are no other viable options as the works must be undertaken to restore our road and drainage networks back to pre-flood event condition.

### STRATEGIC CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	1. Communities
Strategic Objective	1.7 Our preparedness to respond and recover from increasing natural disasters is well planned and executed.

### SOCIAL/COMMUNITY IMPLICATIONS

The repairs to the many damaged assets will reflect well on Council and its ability to recover from major events. The community will value seeing roads and other infrastructure restored to pre-flooding condition.

### ENVIRONMENTAL IMPLICATIONS

Sustainability has been factored into the scoring criteria, and contractors have been evaluated based on the sustainability aspects of their submissions.

### FINANCIAL IMPLICATIONS

	Approved Budget \$	This Proposal \$	Variance to Approved Budget \$	Comments
Revenue	(\$594,129)	(\$594,129)	0	Funding from the <i>Department of Justice and Community Safety</i> awaiting approval
Expense	\$594,129	\$594,129		Cost of tendered works
Net Result	0	0		

### LEGISLATIVE IMPLICATIONS

Nil

## COUNCIL MEETING AGENDA - 30 JULY 2024

### RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
Tender is not approved	Unlikely	Moderate	Low	Procurement process ensures that due diligence has been applied to determine best value tender

### COMMUNITY ENGAGEMENT

#### **Engagement Undertaken**

No specific community engagement was undertaken in relation to the contract itself. However, community feedback helped form a complete picture of damage caused by the floods which has been assessed for inclusion in this contract.

### CONCLUSION

It is recommended that Council accepts the tender for Flood Rehabilitation works in the Eastern area of the Shire for the Lump Sum of \$594,129 ex GST.

### DECLARATION OF CONFLICT OF INTEREST

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

- Ian Ellett - Director Infrastructure Services
- Brett Direen - Manager Municipal Operations
- Adam Kimball – Manager Assets & Property

### **Attachments**

1. Tender Evaluation Report - Flood Recovery East (Confidential)



## COUNCIL MEETING AGENDA - 30 JULY 2024

### **13.3 CONTRACT 2223-050-01 - DESIGN AND CONSTRUCTION OF CLUBHOUSE - YACKANDANDAH GOLF CLUB**

File No: 2024/628

Nathan Mullane - Manager Capital Works and Infrastructure Services  
Waste

#### **For Decision**

#### **RECOMMENDATION**

That Council:

1. Awards Contract No.2223-050-01 for the design and construction of Clubhouse for the Yackandandah Golf Club to Modular Spaces for the Lump Sum of \$480,000 ex GST;
2. Authorises the CEO to sign and seal the contract documents; and
3. Authorises the CEO the financial delegation to approve contract variations up to a total of 10 per cent of the signed contract value.

#### **PURPOSE OF REPORT**

The purpose of the report is to provide an evaluation of tenders received for construction of the Yackandandah Golf Club Clubhouse and to provide a recommendation to Council for the award of a contract.

#### **BACKGROUND**

Identified in the Active Indigo Strategy as a priority project, Council applied for grant funding from Sport & Recreation Victoria under the Local Sports Infrastructure Fund early in 2022. This application was unsuccessful, however later in 2022 Council was advised that the project would be directly funded by Sport and Recreation Victoria's Local Community Sport and Recreation Projects funding stream.

The existing facility first served as an army barracks and was moved to its current site in the 1960's to support the Yackandandah Golf Club. The building is poorly lit, inaccessible for those with mobility issues, does not adequately support female participation in sport and its integrity has been compromised by white ants. The existing clubhouse is situated on the Yackandandah Golf and Recreation Reserve and the replacement of the existing clubhouse is supported by the Yackandandah Golf and Recreation Reserve Committee.

The project scope includes demolition of the existing clubhouse toilet block and small shed, site preparation and footings for new clubhouse, fabrication and installation of new modular clubhouse, making good and alterations required to retain existing deck structure and associated shelter, disconnection, isolation and reconnection of existing services.

The new facility comprises 2 unisex toilets (including ambulant and accessible), change facilities, storage space, a kitchenette, and a multipurpose social room. The new clubhouse will be installed abutting the existing elevated decking with an accessible ramp.

## COUNCIL MEETING AGENDA - 30 JULY 2024

### DISCUSSION

Tenders were advertised on Council's eProcure portal on 8 March 2024 for a period of five weeks, tenders closed on 15 April 2024.

A tender evaluation panel comprising the Manager Capital Works & Waste, Coordinator Capital Works, Capital Works Project Manager and Coordinator Community Development assessed the tenders received based on weighted criteria as detailed in the tender documents, as follows:

1. Price	20%
2. Qualifications, capacity & previous performance	20%
3. Suitability of design and delivery	30%
4. OH&S and environmental management	10%
5. Sustainability	10%
6. Local content & benefit	10%

The panel assessed the tender from Modular Spaces representing the best overall value for money to Council based on the above criteria. This tenderer demonstrated a thorough understanding of the requirements of the contract and has successfully completed a number of similar projects.

The tender evaluation scores and further details of the assessment are included in the attached (confidential) Tender Evaluation Report.

The decision to award the contract is referred to Council as the contract value exceeds the financial delegation of the CEO.

### Options

At the completion of the tender process the evaluation panel worked with the successful tenderer to finalise the concept design for a building that could be delivered within the project budget while ensuring compliance with the conditions of the funding agreement.

### STRATEGIC CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	1. Communities
Strategic Objective	1.1 Our community members have access to support services to help them achieve and sustain physical and emotional health and wellbeing.

The construction of the new clubhouse for the Yackandandah Golf Club supports Council's Strategic Objective to: Promote physical activity, mental health, and resilient communities through the Municipal Public Health and Wellbeing Action Plan.

### SOCIAL/COMMUNITY IMPLICATIONS

The new facility will provide expanded opportunities to host both Yackandandah golf club events and other events supporting the wider Yackandandah community.

## COUNCIL MEETING AGENDA - 30 JULY 2024

### ENVIRONMENTAL IMPLICATIONS

Tenders were assessed including a 10% weighting for sustainability outcomes in accordance with the Procurement Policy 2021. Environmental management standards were also considered in the 10% weighting of OH&S and Environmental Management compliance.

The successful tenderer has also indicated they will engage an ESD (Environmentally Sustainable Design) consultant to provide guidance throughout the design stage regarding sustainable design to provide the best practical environmental outcomes.

### FINANCIAL IMPLICATIONS

	Approved Budget \$	This Proposal \$	Variance to Approved Budget \$	Comments
Revenue	(\$273,285)	(\$273,285)	Nil	\$235,548 – Council funds \$223,285.37 - Sport and Recreation Victoria grant funding \$50,0000 - Yackandandah Golf Club contribution
Expense	\$508,833	\$508,833	NIL	The project is being delivered with a total estimated project cost of \$508,000 (EX GST):  \$440,000 – Design + construct contract \$40,000 – Contract provisional sums \$28,000 – Project management and preconstruction expenses
Net Result	(\$235,548)	(\$235,548)	Nil	

### LEGISLATIVE IMPLICATIONS

This recommendation is being made following a procurement process that is compliant with Council's Procurement Policy (2021) and the Local Government Act 2020. This process included consideration of opportunities for collaborative procurement with other Councils and public bodies and identified no material, social or economic benefit in a collaborative procurement process.

It is considered good governance when exercising financial delegations to consider the likely or possible total value over the life of the contract rather than just the original contract sum. It is not practical for individual variations to a contract to be referred to Council for approval as the resultant delays may interrupt the progress of works and incur additional costs.

It is therefore recommended that Council authorises financial delegation to the CEO to approve variations to the contract sum, up to a suggested total of 10% of the contract value.

## COUNCIL MEETING AGENDA - 30 JULY 2024

### RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
Tender is not approved	Unlikely	Moderate	Low	Procurement process ensures that due diligence has been applied to determine best value tender
Tender approval is delayed	Possible	Moderate	Low	Communication with Yackandandah Golf Club and SRV

### COMMUNITY ENGAGEMENT

The local Yackandandah community was closely consulted with during the development of the Activate Indigo Plan which identified the project as a high priority.

In depth engagement and consultation with the key stakeholders was undertaken in accordance with the project engagement/communication plan.

### CONSULTATION/COMMUNICATION UNDERTAKEN

Level of public participation	Promise to the public/stakeholders	Examples of techniques used/to use
Involve	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how input influenced that decision.	Close consultation with Yackandandah Golf during detailed design development.
Consult	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how input influenced the decision.	Authorities and user groups of the Yackandandah Golf Recreation Reserve.
Inform	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how input influenced the decision.	Progress updates on Council website. Construction sign erected on site.

Relevant stakeholders have been consulted during the planning, design and procurement stages of the project.

## COUNCIL MEETING AGENDA - 30 JULY 2024

### CONSULTATION/COMMUNICATION PROPOSED

Level of public participation	Promise to the public/stakeholders	Examples of techniques used/to use
Inform	We will keep you informed.	Stakeholders will be updated with the award of the construction contract and progress of the project

Project updates will be provided on Council's website during construction.

### CONCLUSION

It is recommended that Council accepts the tender for design, construction installation and mobilisation of the modular clubhouse for the value of \$480,000 EX GST and authorises the CEO to approve contract variations up to an acceptable limit.

### DECLARATION OF CONFLICT OF INTEREST

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

- Ian Ellett, Director Infrastructure Services
- Nathan Mullane, Manager Capital Projects & Waste
- Jayme Collins, Coordinator Capital Works
- Mark DeCampo, Coordinator Community Development
- Matthew Smith, Project Manager Capital Works

### CONFIDENTIAL ATTACHMENTS

The attached recommendation and evaluation matrix has been provided to Councillors under separate cover as it is confidential under section 3 of the *Local Government Act 2020* as it contains:

- 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 contracts around which negotiations have not been finalised, and it would prejudice the Council's position in the negotiations.

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

This section applies because the information contains confidential commercial information submitted by the business through the tender process and it would unreasonably expose the business through providing an unfair advantage to their competitors.

### **Attachments**

1. Tender Recommendation Report - Contract 2223-050-01 Yackandandah Golf Club (Confidential)

## COUNCIL MEETING AGENDA - 30 JULY 2024

### **13.4 TRANSFER OF LAND - 11A SCOTT STREET, RUTHERGLEN**

File No: 2024/673

Adam Kimball - Manager Assets & Property

Infrastructure Services

#### **For Decision**

#### **RECOMMENDATION**

That Council:

1. Notes that the approved planning permit (PP21-0135) for the subdivision at 11A Scott Street Rutherglen for a 30 lot subdivision proposes an area of 3,774 square metres be created as public open space, and that this area exceeds the required area under s 171 of the Planning and Environment Act 1987 by 2,001 square metres.
2. Notes that one of the parcels of land included in the subdivision (Lot 1, TP449778) is a Council-owned reserve and that part of this parcel is required to be transferred from Council ownership to the developer to enable the subdivision to be certified and titles created.
3. Agrees to the intended transfer of 280.8 square metres of land (valued at \$16,500) from Lot 1, TP449778 at 11A Scott Street Rutherglen to the developer of the surrounding land, at no cost.
4. Agrees to the intended acquisition of an additional 2,001 square metres from the developer, over and above the required 5% public open space contribution, at no cost, to support the extension of the adjacent Barkly Park sporting reserve.
5. Notes a public notice will be published for a period of at least 28 days prior to the proposed transfer, advising of Council's intention to both;
  - a) transfer land from Council to the developer, and
  - b) acquire land from the developer.
6. Receives submissions from the public for a minimum period of 14 days following the public notice being published in accordance with Council's Community Engagement Policy 2021
7. Notes that a further report will be provided to Council following the public notice period unless no objections are received, in which event officers will proceed with the formal process required for the transfer and acquisition of land.

#### **PURPOSE OF REPORT**

The purpose of this report is to approve the transfer of land at 11A Scott Street, Rutherglen, to the developer of the surrounding land to facilitate the lawful release of subdivision titles, and concurrently to consider the proposed acquisition of land from the developer by way of a reserve to enable expansion of Barkly Park. This transfer is necessary for the subdivision to be certified and for the creation of titles.

#### **BACKGROUND**

Planning Permit PP21-135 Subdivision of land at Scott Street, Rutherglen, was supported by Council on 26 July 2022, producing a total of 30 allotments in 4 stages, ranging in size from 601 square metres to 1561 square metres.

The July 2022 report did not identify that one of the land titles (Lot 1, TP449778) is a reserve owned by Council and that it was intended to transfer a part of this land to the developer. The

## COUNCIL MEETING AGENDA - 30 JULY 2024

July report did identify that 3770 m<sup>2</sup> of reserve is being created but, as this area exceeds the public open space requirement of the Planning and Environment Act 1987, it is required to consider the acquisition of the additional area (2,001 square metres) in the same way as the proposed land transfer to the developer. The proposed acquisition would be at no cost.

A plan of the subdivision showing the Council-owned reserve, the land being created as public open space and the portion of the Council-owned reserve proposed to be transferred is included as an attachment.

On the attached plan, the area shaded green (280.8 square metres) is the land proposed to be transferred from Council to the developer. The orange shaded land is a strip of crown land and will remain unchanged, and the land shaded blue will remain in Council's ownership but as road. The land coloured purple is the reserve being created to support a future expansion of the adjacent Barkly Park reserve.

### DISCUSSION

The portion of land that will be included in private lots has been valued at \$16,500 but it is proposed to transfer this at no cost. Effectively there are two reasons for this.

Firstly a new road is being created and it is only because the location of the Council-owned reserve doesn't quite align with the road layout that the small transfer (280.8 m<sup>2</sup>) is necessary.

Secondly, as the developer is creating a larger open space contribution than is required under legislation, the piece of land proposed to be transferred to Council (2,001 m<sup>2</sup>) more than compensates for the land being transferred from Council to the developer.

### Options

The transfer of this portion of land is essential to enable the subdivision to be finalised and is consistent with the subdivision approval. No alternative options are available.

### STRATEGIC CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	2. Liveability
Strategic Objective	2.1 Our townships and land management are well planned and sustainable with a balanced approach to population growth

### SOCIAL/COMMUNITY IMPLICATIONS

The additional land being created to enable to future expansion of Barkly Park is a significant benefit to the community. No further implications.

### ENVIRONMENTAL IMPLICATIONS

Nil

### FINANCIAL IMPLICATIONS

The value of the land proposed to be transferred has been assessed as \$16,500 but it is not proposed to "sell" the land. As outlined earlier in this report the land is proposed to be transferred in recognition that other land is being created by the subdivision which will vest in Council.



## COUNCIL MEETING AGENDA - 30 JULY 2024

### LEGISLATIVE IMPLICATIONS

Section 112 of the Local Government Act 2020 (LG Act) deals with the acquisition of land. In this case, the land in excess of the public open space contribution required under section 171 of the Planning and Environment Act 1987. S112 of the LG Act requires the acquisition of land to be undertaken in accordance with its Community Engagement Policy.

Section 114 of the LG Act relates to Council's obligations in relation to the sale, exchange or transfer land without consideration of, and requires Councils to:

- have a current valuation (not more than 6 months old) for the land that is proposed for sale, exchange or transfer.
- At least 4 weeks prior to dealing with the land, publish a notice of Council's intention to do so.
- Undertake community engagement in accordance with their Community Engagement Policy.

A recent land valuation has been obtained (July 2024) and it has valued the subject land at \$16,500. All other requirements set out above are covered in the recommendations at the front of this report.

### RISK & OPPORTUNITY MANAGEMENT

No reportable risks have been identified.

### COMMUNITY ENGAGEMENT

#### **Engagement Undertaken**

Community consultation has been conducted through the planning process of the subdivision.

#### **Engagement Proposed**

A public notice will be placed to notify the public of Council's intentions related to the proposed land transfer to the developer and land acquisition from the developer, and to allow the opportunity for the public to express any concerns and be heard in relation to the transfer of the land before the matter is finalised.

### CONCLUSION

It is recommended that Council supports the intention to proceed with both the transfer of land to the developer and acquisition of land from the developer at 11A Scott Street, Rutherglen covered by planning permit PP21-0135.

### DECLARATION OF CONFLICT OF INTEREST

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

- Ian Ellett - Director Infrastructure Services
- Adam Kimball – Manager Assets & Property
- Kaden Bruce – Acting Development Engineer

#### **Attachments**

1.   Plan of Public Land Transfer - 11A Scott Street Rutherglen

## COUNCIL MEETING AGENDA - 30 JULY 2024

### 14. EXECUTIVE MANAGEMENT

#### 14.1 GOVERNANCE RULES REVIEW

File No: 2024/632

Annabel Harding - Acting Executive Manager  
People & Governance

Executive Management

#### For Decision

#### RECOMMENDATION

That Council:

1. Notes that no submissions were received during the 21 day exhibition period from 26 June to 10 July 2024;
2. Adopts the Governance Rules 2024 (including Election Period Policy); and
3. Notes that the updated version will take effect from 31 July 2024.

#### PURPOSE OF REPORT

The report presents the revised Governance Rules (including the Election Period Policy) for Council adoption. The rules were placed on public exhibition until 10 July 2024, and no submissions were received. Accordingly, the attached document has no additional proposed changes from the version presented to the June 2024 Council meeting.

#### BACKGROUND

Under section 60(1) of the *Local Government Act 2020* (the Act), Council is required to develop, adopt and keep in force Governance Rules to manage the conduct of Council Meetings and other governance considerations. The Governance Rules must also include Council's election period policy (section 69(1) of the Act).

Council last adopted its Governance Rules on 30 August 2022, with a review date set at 2024. As council elections are being held in October 2024, this review has included consideration of the election period policy.

#### DISCUSSION

The Governance Rules were last adopted in 2022, which brought the review forward by one year (previously due in 2023), to allow for some significant changes resulting from the Local Government Act 2020. The 2022 review recommended a number of changes to the Rules.

The two years since then have allowed for testing and reviewing these changes. After consulting with the Mayor and the Executive Management Team, and comparing to model Governance Rules published on the Victorian Local Government Inspectorate's website, some changes have been identified. The changes are proposed for both the Governance Rules and the attached Election Period Policy, and are detailed below.

#### **Changes Under the Governance Rules**

As no submissions were received during public exhibition, the attached version proposes no additional changes to those presented to the June Council meeting, as outlined below.

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The current review considered some additional but relatively minor changes to the Governance Rules. These changes are intended to clarify some existing rules, and to remove duplication. Each proposed change is explained in the following table:

### Governance Rules Table of Changes

Current Content	Suggested Change	Comments
<p>(12) Temporary Chairperson</p> <p>(a) The CEO will chair the Statutory Meeting for the purposes of setting the Mayoral Term and electing the Mayor.</p>	<p>Addition:</p> <p>(a) If the election of the Mayor is required, the CEO will chair the Statutory Meeting for the purposes of setting the Mayoral Term and electing the Mayor.</p>	<p>This clarifies that when a Mayor is part way through a two-year term there is no need for the election of the Mayor, and therefore no need for the CEO to be temporary Chair.</p>
<p>(16) Mayor to take chair</p> <p>(a) After the election of the Mayor is determined, the Mayor will chair the Statutory Meeting from that point forward.</p> <p>(b) The Mayor must take the chair at all Scheduled and Additional Council Meetings at which they are present, unless precluded from doing so because of a conflict of interest.</p>	<p>Remove:</p> <p>(b) The Mayor must take the chair at all Scheduled and Additional Council Meetings at which they are present, unless precluded from doing so because of a conflict of interest.</p>	<p>Duplicated with r29(a) which also states: "The Mayor must preside as Chairperson at all Council Meetings at which they are present, unless precluded from doing so because of a conflict of interest or otherwise under the Act or these Rules."</p>
<p>(26) Mode of Attendance</p> <p>(c) If a Council meeting is to be conducted wholly in person a Councillor may nonetheless request to attend by electronic means.</p> <p>(d) Any request made under sub-Rule 26(c) must:</p> <ul style="list-style-type: none"> <li>(i) be in writing;</li> <li>(ii) be given to the Chief Executive Officer no later than 24 hours prior to the commencement of the relevant Council meeting; and</li> <li>(iii) specify the reasons why the Councillor is unable or does</li> </ul>	<p>Three additions proposed:</p> <p>(c) If a Council meeting is to be conducted wholly in person a Councillor may nonetheless, in exceptional circumstances, request to attend by electronic means.</p> <p>(d) Any request made under sub-Rule 26(c) must:</p> <ul style="list-style-type: none"> <li>(i) be in writing;</li> <li>(ii) be given to the Chief Executive Officer no later than four hours prior to the commencement of the relevant Council meeting; and</li> <li>(iii) specify the reasons why the Councillor is unable or does not</li> </ul>	<p>To clarify that attendance by Zoom should only occur in exceptional circumstances.</p> <p>Reduction in notice period may enable Councillors to attend electronically rather than not attending at all if circumstances arise at short notice.</p> <p>Clarify that reasons for attendance via Zoom</p>

## COUNCIL MEETING AGENDA - 30 JULY 2024

Current Content	Suggested Change	Comments
not wish to attend the Council meeting in person.	wish to attend the Council meeting in person, for the purposes of noting these reasons in the meeting minutes.	will be recorded in minutes.
(41) Notices of Motion  (c) A Notice of Motion may be rejected by the CEO if it:  (i) does not comply with these Rules; or	(41) Notices of Motion  (c) A Notice of Motion may be rejected by the CEO if it:  (ii) does not comply with these Rules or any legislation; or	Ensures any notice of motion must not be in breach of any legislation, as well as the Rules
(58) Debating a motion or amendment  (e) No Councillor may speak more than once on the same motion or amendment unless given leave to do so by the Chairperson.	(58) Debating a motion or amendment  (e) A Councillor may speak no more than once on the same motion and no more than once on an amendment unless given leave to do so by the Chairperson.	Clearer wording indicates it applies to a motion and an amendment.
(65) Procedural Motions  (d) A Procedural Motion cannot be debated or amended.	(d) A Procedural Motion cannot be debated or amended. However, at the request of the Chair, the mover may clarify their reason for the motion.	To avoid situations where no context is apparent for the procedural motion and to provide more information example – Council meeting in May - deferral for item 13.1 Rutherglen Lease Proposal)

### Election Period Policy

An additional focus of this review has been to consider the election period policy, which is attached to the Governance Rules. Section 69(1) of the Act requires Council to include an election period policy in its Governance Rules. With council elections being held in October 2024, it is time to review the election period policy to ensure it is up to date for the 2024 council elections.

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Under the Local Government Act 2020 the following council decisions are prohibited during the election period:

- decisions relating to the employment or remuneration of a permanent CEO
- decisions to commit expenditure exceeding 1% of the council's income from general rates municipal charges, service rates and charges in the previous financial year
- decisions the council considers could reasonably be deferred until the next council is in place
- decisions the council considers should not be made during the election period.

An election period policy must also prohibit any council decisions during the election period that would enable the use of council's resources in a way that is intended to influence, or is likely to influence, voting at the election.

This document has been reviewed to ensure the procedures and statements are in line with current legislation and Council's practice. It has also been reviewed against model policies published on the Local Government Inspectorate's website. As a result of this review, some changes are recommended, as follows:

### Election Period Policy Table of Changes

Current Content	Suggested Change	Comments
References to the 2020 council elections	Update to 2024	Content is updated to be applicable to the 2024 council elections.
6.2.4 A statement will be posted on all Council social media sites informing the general public that posting a notice during the election period cannot be responded to, or published, should the posting be political in nature.	6.2.4 A statement will be posted on all Council social media sites informing the general public that Council is now in the election period, that restrictions apply to published content, and that comments are disabled during this time (link to website provided).	Reflects Council's practice of removing the ability for comments to be made – this removes the risk of electoral matter being published on Council's social media platforms. Providing a link to website enables comments to be provided directly to Council for response.
Minor formatting	Minor fixes (removal of extra dot points, spaces, content moved to adjust to updated template)	

### Options

Council may consider not adopting the proposed Governance Rules, however the reviewed documents have been improved and updated to reflect content which is clearer, and is more relevant to the 2024 council elections. For this reason, it is strongly recommended that the attached documents be adopted.

## COUNCIL MEETING AGENDA - 30 JULY 2024

### 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 Governance Rules support a number of policies across Council - the Privacy Policy, Public Transparency Policy and Staff and Councillor Codes of Conduct.

### SOCIAL/COMMUNITY IMPLICATIONS

Sound Governance Rules support orderly and transparent decision making, which is vital to ensure public trust in Council generally and during election periods.

### ENVIRONMENTAL IMPLICATIONS

Nil.

### FINANCIAL IMPLICATIONS

Nil.

### LEGISLATIVE IMPLICATIONS

The review of the Governance Rules supports compliance with the *Local Government Act 2020*. In particular, section 69(1) requires that Council's Election Period Policy be included in the Governance Rules.

### RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
Governance Rules are inconsistent with the Act, leading to breaches and reports to the Inspectorate or IBAC	Possible	Moderate	Medium	A review of the Governance Rules will reduce the risk of this occurring.

### COMMUNITY ENGAGEMENT

#### **Engagement undertaken**

Under Section 60(4) of the Act, Council must ensure that a community engagement process is followed when developing or amending the Governance Rules (apart from when the only change is to incorporate a good practice guideline issued by the Minister under section 87).

Public exhibition was undertaken from 26 June to 10 July 2024, however no submissions were received. Accordingly, no additional changes are proposed to this document.

### CONCLUSION

The Governance Rules (including the Election Period Policy) have been reviewed and changes proposed to provide clarity to the Rules and Election Period Policy and to ensure they meet the requirements of the *Local Government Act 2020* and current practice.



## COUNCIL MEETING AGENDA - 30 JULY 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
- Annabel Harding – Acting Executive Manager People and Governance/ Governance Coordinator

### **Attachments**

1.   Governance Rules 2024



## COUNCIL MEETING AGENDA - 30 JULY 2024

### 14.2 ADVISORY COMMITTEE MINUTES

**File No: 2024/581**

**Annabel Harding - Acting Executive Manager  
People & Governance**

**Executive Management**

#### **For Decision**

#### **RECOMMENDATION**

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

1. Indigo Environment Advisory Committee
2. Indigrow Advisory Committee
3. Indigo Community Access Committee

#### 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.

#### DISCUSSION

COMMITTEE	DATE OF MEETING	RECOMMENDATION	MANAGEMENT RECOMMENDED ACTION
Indigo Environment Advisory Committee	05 June 2024	Nil	
Indigrow Advisory Committee	14 June 2024	Nil	
Indigo Community Access Committee	01 July 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.

## COUNCIL MEETING AGENDA - 30 JULY 2024

### 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*).

### RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
That advisory committee minutes and recommendations are not duly reported to Council, and the utility and confidence of the committees are undermined.	Unlikely	Insignificant	Low	Governance team follow up with officer secretariats to ensure that all meetings are reported to Council as soon as practicable.

### CONCLUSION

The advisory committee minutes included in this report are presented to Council for noting.




### DECLARATION OF CONFLICT OF INTEREST

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

- Annabel Harding – Acting Executive Manager People and Governance / Governance Coordinator
- Emma O'Donnell – Governance Officer

## COUNCIL MEETING AGENDA - 30 JULY 2024

### Attachments

1. [↓](#)  Minutes - Indigo Environment Advisory Committee 05 June 2024
2. [↓](#)  Minutes - Indigrow Advisory Committee - 14 June 2024
3. [↓](#)  Minutes - Indigo Community Access Committee - 01 July 2024

## COUNCIL MEETING AGENDA - 30 JULY 2024

### **14.3 INFORMAL MEETINGS OF COUNCILLORS RECORDS**

**File No: 2024/580**

**Annabel Harding - Acting Executive Manager  
People & Governance**

**Executive Management**

**For Decision**

#### **RECOMMENDATION**

That Council accepts the attached Informal Meetings of Councillors records.

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

#### **PURPOSE OF REPORT**

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

#### **BACKGROUND**

Governance Rule 70 defines an Informal Meeting of Councillors as:

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

The Governance Rules specifically excludes the following meetings:

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

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

#### **DISCUSSION**

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

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

## COUNCIL MEETING AGENDA - 30 JULY 2024

MEETING	DATE
Planning Site Visit - Michelle Drive – Kiewa	04 June 2024
Planning Site Visit - Reids Way - Wooragee	04 June 2024
Council Briefing	04 June 2024
Council Briefing	18 June 2024
Finance Committee	18 June 2024
Planning Site Visit - Lilliput Norong Road - Lilliput	18 June 2024
Planning Site Visit - 106 Cornishtown Road - Cornishtown	18 June 2024
Planning Site Visit - 105 Fraser Road - Browns Plains	18 June 2024
Council Briefing	25 June 2024
Planning Site Visit - Slaughterhouse Road - Rutherglen	16 July 2024
Planning Site Visit - 41-47 Foord Street - Wahgunyah	16 July 2024
Planning Site Visit - Carlyle Cemetery	16 July 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.

## COUNCIL MEETING AGENDA - 30 JULY 2024

				Follow up of missing records for known meetings.
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### 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 – Acting Executive Manager People & Governance
- Emma O'Donnell – Governance Officer

### **Attachments**

1. [!\[\]\(c33cb967c8fc4f5e27188a389b621c8e\_img.jpg\)](#)  Informal Meeting of Councillors Record - Planning Site Visit - Michelle Drive - Kiewa - 04 June 2024
2. [!\[\]\(d399648641177ccf0f777d76c74f84ed\_img.jpg\)](#)  Informal Meeting of Councillors Record - Planning Site Visit - Reids Way - Wooragee - 04 June 2024
3. [!\[\]\(af3a820412cab4640f1b0ff6288cd856\_img.jpg\)](#)  Informal Meeting of Councillors Record - Council Briefing - 04 June 2024
4. [!\[\]\(7386c1d06e937b48b25a2240ff896668\_img.jpg\)](#)  Informal Meeting of Councillors Record - Council Briefing - 18 June 2024
5. [!\[\]\(d9267fdb68c994fd5365a8e26080ee3f\_img.jpg\)](#)  Informal Meeting of Councillors Record - Finance Committee - 18 June 2024
6. [!\[\]\(19e81320237c07dfaab9b5355b20c5e3\_img.jpg\)](#)  Informal Meeting of Councillors Record - Planning Site Visit - Lilliput Norong Road - Lilliput - 18 June 2024
7. [!\[\]\(2abb90db705b89fc778379f2ba2854e3\_img.jpg\)](#)  Informal Meeting of Councillors Record - Planning Site Visit - 106 Cornishtown Road - Cornishtown - 18 June 2024
8. [!\[\]\(ad52edfe66505d29cc0c1aa43bf58810\_img.jpg\)](#)  Informal Meeting of Councillors Record - Planning Site Visit - 105 Fraser Road - Browns Plains - 18 June 2024
9. [!\[\]\(a87e5c5f038d22a1d7fcc6d16fec1d84\_img.jpg\)](#)  Informal Meeting of Councillors Record - Council Briefing - 25 June 2024
10. [!\[\]\(a1250fb2336cfe3f9243d5d91f70ab6e\_img.jpg\)](#)  Informal Meeting of Councillors Record - Planning Site Visit - Slaughterhouse Road - Rutherglen - 16 July 2024
11. [!\[\]\(0136078c81ea23ff61dcac20519e5a89\_img.jpg\)](#)  Informal Meeting of Councillors Record - Planning Site Visit - 41-47 Foord Street - Wahgunyah - 16 July 2024
12. [!\[\]\(ce27bd0230e6426bc661191467e35ab4\_img.jpg\)](#)  Informal Meeting of Councillors Record - Planning Site Visit - Carlyle Cemetery -- 16 July 2024

## COUNCIL MEETING AGENDA - 30 JULY 2024

### **14.4 AMENDMENTS TO COUNCIL MEETING SCHEDULE 2024**

**File No: 2024/451**

**Annabel Harding - Acting Executive Manager  
People & Governance**

**Executive Management**

#### **For Decision**

#### **RECOMMENDATION**

That Council:

1. Moves the 17 September 2024 Scheduled Council Meeting to 16 September 2024 (one day earlier); and
2. Holds an Additional Council Meeting at 6:30pm on 22 October 2024 at the Council Chambers in Beechworth for the purpose of considering the Annual Report 2023-24.

#### **PURPOSE OF REPORT**

To recommend moving the 17 September 2024 Council Meeting to 16 September 2024 (one day earlier) and holding an Additional Council Meeting on 22 October 2024 at the Council Chambers in Beechworth for the purpose of considering the Annual Report 2023-24.

#### **BACKGROUND**

At the Statutory Meeting in November 2023, the dates for the 2024 Council Meetings were set, including scheduled Council Meetings on the following dates:

- 27 February
- 26 March
- 23 April
- 14 May
- 25 June
- 30 July
- 27 August
- 17 September
- 19 November (Statutory Meeting)
- 26 November
- 17 December;

At the Council Meeting on 27 February 2024, Council resolved to cancel the November meeting and bring the December meeting forward to the 10 December.

Further changes are now proposed to the updated meeting schedule, including moving the 17 September meeting to 16 September and adding an additional meeting on 22 October 2024.



## COUNCIL MEETING AGENDA - 30 JULY 2024

The proposed Council meeting schedule is as follows (starting from 27 August 2024):

Current Dates	Proposed Dates
27 August	27 August
17 September	16 September
–	22 October – Additional Meeting to consider the Annual Report
19 November (Statutory Meeting)	19 November (Statutory Meeting)
10 December	10 December

### DISCUSSION

Under the Local Government Act 2020, the election period (also known as ‘caretaker’) starts from the time that nominations close on nomination day and ends at 6pm on Election Day.

On 25 June 2024 the Local Government Amendment (Governance and Integrity) Act 2024 received Royal Assent. This legislation amends the Local Government Act 2020, and brings a number of reforms in relation to election processes and legislative powers. One change affects the start date of this year’s nomination day, which has been brought forward by one week from 24 September to 17 September, starting at 12pm. This changes the election period dates, which now starts at 12pm on 17 September and runs to 6pm on 26 October (election day).

During an election period, no major decisions may be made by Council, and Council will avoid making decisions that would affect voting at an election, including the adoption of policies and other Council documents. Due to this, Council avoids holding a Scheduled Council Meeting during the election period.

Therefore, it is recommended that the Council meeting, scheduled on 17 September is moved to 16 September to avoid the election period.

Under section 100 of the Local Government Act 2020, a council must hold a meeting to consider the annual report, and, in the year of a general election, this must be held no later than the day before election day – 26 October 2024. The timings of the final stages of the annual report (including financial data, auditor review and certification) mean that Council is unlikely to have the annual report ready in time for the last scheduled meeting prior to the election period. As such, it is recommended that Council hold an additional meeting, with the only item of business on the agenda to consider the annual report.

Therefore, it is recommended that a meeting be held during the election period, as an Additional Meeting with only one item of business on the agenda – consideration of the annual report.

## COUNCIL MEETING AGENDA - 30 JULY 2024

There is no change proposed to the Statutory Meeting scheduled for 19 November 2024, at which the Mayor and Deputy Mayor are appointed (along with other items of business).

### Options

Council could decide to not to change to date of the meetings, however this will not allow compliance with Council's obligations under the Local Government Act in relation to election period prohibitions, and will not allow adequate time for the finalisation of the annual report. Therefore it is recommended that the dates be adjusted as proposed.

### STRATEGIC CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	5. Accountability
Strategic Objective	5.5 Our Councillors and organisation are committed to the highest level of governance practices and conduct.

### SOCIAL/COMMUNITY IMPLICATIONS

If adopted, the proposed changes mean that the September Council Meeting will be brought forward by one day, and an additional meeting will be held during the election period to consider the annual report. It is considered that these changes would have minimal impact on the community.

### ENVIRONMENTAL IMPLICATIONS

Nil

### FINANCIAL IMPLICATIONS

Nil

### LEGISLATIVE IMPLICATIONS

Under section 60(1) a Council must develop, adopt and keep in force Governance Rules in relation to the conduct of Council meetings.

Governance Rule (6) stipulates that the Council (a) Shall fix the day, time and location of all Scheduled Council Meetings for the coming 12 months at the Statutory Meeting; and (b) may, by resolution, alter the day, time and location of any Scheduled Council Meeting.

Under Council's Governance Rules, rule (7) set out the circumstances under which an additional meeting may be held, including (c)(ii) where Council resolve to do so, and the resolution specifies the date, time and location of the meeting, and the business to be transacted.

### RISK & OPPORTUNITY MANAGEMENT

## COUNCIL MEETING AGENDA - 30 JULY 2024

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
Confusion caused by change of date	Unlikely	Insignificant	Low	New calendar invites to be sent to attendees  Meeting dates advertised on the website to be updated

### COMMUNITY ENGAGEMENT

#### **Engagement undertaken**

Nil

#### **Engagement outcomes**

Nil

#### **Engagement proposed**

We will inform the community of the change to the Council meeting schedule via the normal communications channels.

### CONCLUSION

Due to legislative changes in the election period dates for 2024, it is recommended that the September Council Meeting be brought forward by one day to avoid the election period. It is also recommended that an Additional Council Meeting be held on 22 October 2024, to consider the annual report. This would need to occur during the election period in order to meet legislative deadlines.

### DECLARATION OF CONFLICT OF INTEREST

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

- Carla Hanlon – Executive Manager People & Governance
- Annabel Harding – Acting Executive Manager People & Governance / Governance Coordinator

#### **Attachments**

Nil

## COUNCIL MEETING AGENDA - 30 JULY 2024

### 14.5 JOINT MEETING OF ALPINE, INDIGO AND TOWONG COUNCILS

File No: 2024/643

Sally Rice - Acting Chief Executive Officer

Executive Management

#### For Decision

#### **RECOMMENDATION**

That:

1. Council participate in a Joint meeting with Alpine and Towong Shire Councils at 11am on 13 August 2024 in Beechworth, in accordance with the provisions of Section 62 of the Local Government Act 2020;
2. The Mayor, the Deputy Mayor and Councillor XXX represent Council at the joint meeting, and that Councillor XXX be appointed as a substitute to represent Council in the event any of the first three named councillors are unable to attend;
3. The Governance Rules of the host Council (Indigo Shire Council) be adopted for the purpose of conducting the joint meeting;
4. The host Council Mayor (Cr Sophie Price, Indigo Shire Council) chair the joint meeting; and
5. Any costs incurred in relation to holding the Joint meeting be shared equally by the three Councils.

#### PURPOSE OF REPORT

The purpose of this report is to seek a decision to hold a joint meeting of Alpine, Indigo and Towong Councils in relation to the Albury/Wodonga Health Hospital Development.

#### DISCUSSION

Alpine, Indigo and Towong Shire Councils have a very long and proud history of working together for the benefit of the communities we serve.

The great work that we have done together has generally resulted from the excellent working relationships we have developed between our Councils, both at officer and elected representative level. Whilst our organisations and our communities are unique in many ways, we also have many common interests.

The Local Government Act 2020 includes a provision for convening Joint meetings of Councils and accordingly, a vehicle for formalising our collective efforts. Joint meetings enable formal collaboration and action on matters of mutual interest and importance; a strong collective voice working for the benefit of our residents and ratepayers.

The catchment of Albury-Wodonga Health includes the Alpine, Indigo and Towong municipalities. The proposed development of the hospital based in Albury is of great importance to the residents of our municipalities.

Whilst there has been a great deal of discussion by major stakeholders about the hospital development there is significant concern that the needs of our rural communities have not been taken into consideration in determining the future form and function of the health service.

## COUNCIL MEETING AGENDA - 30 JULY 2024

It is crucially important that our rural communities are well represented, and our rural voice is heard, in order to ensure the provision of a health service, which meets the current and future needs of all regional communities within the catchment of Albury-Wodonga Health. To this end, it is recommended that Alpine, Indigo and Towong Shire Councils convene a Joint meeting in order to determine a collective position and the action required to adequately represent the interests of our residents and ratepayers.

### Options

Included in Section 9(2)(b) of the Act is the overarching governance principle that;

*Priority is to be given to achieving the best outcomes for the municipal community, including future generations.*

The provision of a health service which meets the current and future needs of all regional communities within the catchment of Albury-Wodonga Health is a matter of great importance for the municipal communities of Alpine, Indigo and Towong Shire Councils and coming together in a Joint meeting will enable a collective effort towards achieving the best outcomes for the communities we serve now and into the future.

### STRATEGIC CONTEXT

Advocacy for better health services is consistent with the 2021-2025 Council Plan Theme 1: Communities: - Our communities are strong, resilient, diverse, and inclusive and our people feel safe, valued and connected, both physically and socially.

Within this theme the Council Plan Strategic Objective 1.1 defines the following “Our community members have access to support services to help them achieve and sustain physical and emotional health and wellbeing”.

Council’s Advocacy Plan as adopted May 2023 identifies a key issue as being “Quality of life/liveability for all ages – continuing to provide the infrastructure and support to ensure quality of life and liveability for all our residents” The Advocacy Plan identifies a key priority area for advocacy being Ambulance Response Times. There is growing concern and evidence that Indigo’s poor ambulance response times are almost certainly being impacted by the reported “ramping” of ambulances at the Albury Wodonga Health Service hospital at the Albury Campus.

### SOCIAL/COMMUNITY IMPLICATIONS

The quality of regional health services has a direct impact on the liveability, health and well-being of the residents of Indigo Shire Council.

### ENVIRONMENTAL IMPLICATIONS

Not applicable.

### FINANCIAL IMPLICATIONS

There are no direct financial implications arising from a decision to hold a joint council meeting other than minor catering costs and the in-kind cost of attendees, incorporated within existing budgets.

## COUNCIL MEETING AGENDA - 30 JULY 2024

### LEGISLATIVE IMPLICATIONS

Section 62 Local Government Act 2020 – Joint meetings of Councils is the relevant legislation that applies to this meeting.

The meeting will be conducted in accordance with this legislation.

S62 (5) provides that the procedures for conducting a joint meeting are to be determined by the Councils holding the joint meeting. It is proposed that the meeting be held under procedures outlined in the Governance Rules of Indigo Shire Council, and that the Indigo Shire Mayor, Cr Sophie Price, will act as Chair of the meeting.

Consistent with s62 (3) (b) of the Act it is proposed that the Mayor, Deputy Mayor and one other councillor be nominated to represent Council at the Joint Meeting.

### RISK ASSESSMENT

The Act provides that two or more Councils may determine to hold a joint meeting and the joint meeting is a Council meeting of each Council for the purpose of the Act, and the provisions of the Act apply accordingly.

A joint meeting is to be constituted by the Councillors of the Councils holding the joint meeting consisting of –

- a) the total number of Councillors determined by the Councils holding the meeting; and
- b) at least three (3) Councillors from each of the Councils holding the joint meeting.

The matters included in the recommendation address the requirements of the Act.

### COMMUNITY ENGAGEMENT

If the recommendation is adopted, we will inform the community and key stakeholder of the meeting via the normal communications channels.

### CONCLUSION

It is the Officer's view that a Joint meeting of Alpine, Indigo and Towong Shire Councils, in relation to the provision of a health service which meets the current and future needs of all regional communities within the catchment of Albury-Wodonga Health, is in the interests of the residents and ratepayers of the three municipalities, and it is therefore recommended that Council resolve to participate in the joint meeting.

### 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, Indigo Shire Council
- Sally Rice – Acting Chief Executive Officer, Indigo Shire Council

**Attachments**

Nil

## COUNCIL MEETING AGENDA - 30 JULY 2024

### 14.6 CONTRACTS AWARDED UNDER CHIEF EXECUTIVE OFFICER DELEGATION - JUNE 2024

File No: 2024/623

Sally Rice - Acting Chief Executive Officer

Executive Management

#### For Information

There were no contracts awarded by the CEO under delegation, between the values \$250,000 and \$500,000, for the month of June 2024.

Date	Tenderer	Title	Project	Amount
	None			

#### 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:

- Sally Rice – Acting Chief Executive Officer
- Kathryn Baldock – Executive Assistant CEO & Councillors

#### Attachments

Nil



## **COUNCIL MEETING AGENDA - 30 JULY 2024**

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

Nil reports

## COUNCIL MEETING AGENDA - 30 JULY 2024

### 16. COUNCILLORS REPORT

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

##### For Information

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

DATE	TIME	FUNCTION / EVENT / MEETING	LOCATION
3 June	1.30pm	Meeting with CEO	Chiltern
3 June	3.00pm	Visit to Federation Way, Rutherglen Site	Rutherglen
4 June	12.00pm	Site Visit – 80 Michelle Drive, Kiewa	Kiewa
4 June	1.05pm	Site Visit – 345 Reids Way, Wooragee	Wooragee
4 June	2.30pm	Council Briefing	Beechworth
6 June	6.00pm	Opening of Six Artists Exhibition, Chiltern Courthouse	Chiltern
11 June	11.00am	RAP Working Group Meeting	Beechworth
11 June	3.00pm	Meeting with CEO	Phone
12 June	4.30pm	Goulburn Ovens Murray MAV Regional Meeting	Online
14 June	10.00am	Citizenship Ceremony	Beechworth
17 June	10.00am	Meeting with CEO	Beechworth
18 June	11.00am	Site Visit – Lilliput-Norong Road, Lilliput	Lilliput
18 June	11.45am	Site Visit – 106 Cornishtown Road, Rutherglen	Rutherglen
18 June	12.30pm	Site Visit – 105 Fraser Road, Browns Plains	Browns Plains
18 June	2.30pm	Council Briefing	Beechworth
18 June	6.00pm	Finance Committee Meeting	Beechworth
19 June	9.30am	Collaboration and Networking Meeting – Indigo, Towong & Alpine Shires	Tallangatta
20 June	3.00pm	Hume Region Local Government Network (HRLGN)	Online
21 June	7.00pm	Queen's Guide Award Presentation – Chiltern Girl Guides	Chiltern
24 June	10.00am	Meeting with CEO	Beechworth
24 June	1.00pm	Community & Sustainability Grants Project Launch – Osbornes Flat Community Hall	Osbornes Flat
25 June	4.00pm	Council Briefing	Beechworth
25 June	6.30pm	Council Meeting	Beechworth
28 June	9.15am	Chiltern Primary School Visit	Chiltern

**Attachments**  
Nil

## COUNCIL MEETING AGENDA - 30 JULY 2024

### 17. DECISIONS REGISTER

#### 17.1 DECISIONS REGISTER

File No: 2024/633

Sally Rice - Acting Chief Executive Officer

Executive Management

#### For Information

The report outlines actions from Council Resolutions as at 25 June 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.	Provision has been made in the 24/25 budget. The rest of this work is in progress.  Incomplete
25 June 2024	8	Confirmation of Minutes from Previous Meeting(s)	That the Minutes of the Council Meeting held on 14 May 2024, as published on Council's website, be confirmed.	Completed
25 June 2024	10.1	PP23-0184 - Petition - 2804 Federation Way, Rutherglen	That Council:  1. Receives the attached petition relating to the proposed Fuel Service Station location at 2804 Federation Way Rutherglen;  2. Notes that this petition will be considered as an objection in accordance with Section 57(1) of the <i>Planning and Environment Act</i> (1987); and  3. Notes that the concerns raised in the petition will be considered throughout the remaining planning permit process, and information regarding objections will be presented to a future Council	Completed

## COUNCIL MEETING AGENDA - 30 JULY 2024

Meeting date	Item	Name	Resolution	Status
			meeting as part of the relevant planning report.	
25 June 2024	11.1	Council Plan and Municipal Public Health and Wellbeing Plan 2021-2025 (Year 4)	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Notes that no submissions were received during the 21 day exhibition period from 15 May to 4 June 2024; and</li> <li>2. Adopts the Council Plan and Municipal Public Health and Wellbeing Plan 2021-2025 (Year 4).</li> </ol>	Completed
25 June 2024	11.2	Consideration of 2024/25 Budget Submissions	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Receives the attached draft budget responses, and thanks submitters for their assistance and feedback;</li> <li>2. Endorses the management responses detailed in this report in relation to the budget requests;</li> <li>3. Notes the actions arising from the submissions;               <ol style="list-style-type: none"> <li>a) Improved communication of native vegetation rules and consequences for non-compliance.</li> <li>b) Return to higher levels of footpath investment in future budgets.</li> <li>c) Continue to work with the Yackandandah Sports Park Committee to prioritise and seek funding for masterplan implementation.</li> </ol> </li> </ol>	Completed

## COUNCIL MEETING AGENDA - 30 JULY 2024

Meeting date	Item	Name	Resolution	Status
			<ul style="list-style-type: none"> <li>d) Improved capital works information in the next budget cycle.</li> <li>e) Completion of the Toilet Strategy report in 2024/25.</li> <li>f) Respond to questions raised by submitters.</li> </ul> <ul style="list-style-type: none"> <li>4. Makes no financial changes to the budget as a result of the submissions; and</li> <li>5. Notes that Council staff will respond to each submitter with a copy of this report and the Council resolution.</li> </ul>	
25 June 2024	11.3	Adoption of Indigo Shire Council 2024/25 Budget	<p>That:</p> <ul style="list-style-type: none"> <li>1. Council, having given public notice and having received and considered submissions, adopts the attached 2024/25 Budget, including the Budgeted Financial Statements as defined by the Local Government (Finance and Reporting) Regulations (2014);</li> <li>2. The Fees and Charges for 2024/25, as listed in the attached 2024/25 Budget, be effective from 1 July 2024;</li> <li>3. The Chief Executive Officer or delegate gives public notice of this decision to adopt the following: <ul style="list-style-type: none"> <li>a) 2024/25 Budget in accordance with Section 94 of the Local Government Act 2020, and;</li> <li>b) 2024/25 Ten-year financial plan, and;</li> <li>c) 2024/25 Revenue and Rating Plan.</li> </ul> </li> </ul>	Completed

## COUNCIL MEETING AGENDA - 30 JULY 2024

Meeting date	Item	Name	Resolution	Status
			<p>4. Council records the following reasons for the decision to adopt the 2024/25 Budget:</p> <ul style="list-style-type: none"> <li>a) It reflects the efficient and effective allocation of resources having regard to the objectives, roles and functions of Council;</li> <li>b) It is appropriate to the priorities of Council having regard to the Council Plan, and Council's Long-Term Financial Strategy;</li> </ul> <p>5. Council notes the attached Income and Expense report that provides additional information regarding each service budget;</p> <p>6. Declaration of rates and charges:</p> <p>6.1 Amount intended to be raised</p> <p>The amount of \$20,196,967 (or such greater amount as is lawfully levied as a consequence of this resolution) be declared as the amount which Council intends to raise by general rates and the waste management charges (described later in this Resolution), which amount is calculated as follows:</p> <ul style="list-style-type: none"> <li>• General rates \$13,337,460 (including supplementary valuations)</li> <li>• Municipal charge \$3,060,346</li> <li>• Waste management charges \$3,733,329;</li> </ul> <p>6.2 General rates</p> <p>(a) A general rate be declared in respect of and for the entire duration of</p>	

## COUNCIL MEETING AGENDA - 30 JULY 2024

Meeting date	Item	Name	Resolution	Status
			<p>the 2024/25 financial year;</p> <p>(b) It be further declared that the general rate be raised by the application of differential rates;</p> <p>(c) The rate and amount of rates payable in relation to land in each category of differential are:</p> <ul style="list-style-type: none"> <li>▪ A rate of 0.19813% (0.19813 cents in the dollar of CIV) for all rateable general properties;</li> <li>▪ A rate of 0.39627% (0.39627 cents in the dollar of CIV) for all rateable residential vacant properties;</li> <li>▪ A rate of 0.14860% (0.14860 cents in the dollar of CIV) for all rateable rural 1 properties;</li> <li>▪ A rate of 0.17832% (0.17832 cents in the dollar of CIV) for all rateable rural 2 properties;</li> <li>▪ A rate of 0.26748% (0.26748 cents in the dollar of CIV) for all rateable commercial/industrial properties.</li> </ul> <p>6.3 Municipal charge</p> <p>A municipal charge of \$348.40 be declared in respect of the 2024/25 financial year;</p> <p>6.4 Waste management charges</p>	



## COUNCIL MEETING AGENDA - 30 JULY 2024

Meeting date	Item	Name	Resolution	Status
			<p>An annual waste management charge be declared for the collection and disposal of refuse. The annual charge be in the sum of, and be based on the criteria specified below:</p> <p>Waste management charge for the collection and disposal of refuse for residential land, non-residential land or non-rateable land:</p> <ul style="list-style-type: none"> <li>▪ Urban domestic garbage collection 140 litre bin \$108.85</li> <li>▪ Urban domestic garbage collection 240 litre bin \$184.65</li> <li>▪ Rural domestic garbage collection 140 litre bin \$184.65</li> <li>▪ Rural domestic garbage collection 240 litre bin \$220.00</li> <li>▪ Domestic recycling collection 240 litre bin \$105.10</li> <li>▪ Domestic recycling collection 360 litre bin \$127.15</li> <li>▪ Domestic organics collection 140 or 240 litre bin \$182.40</li> <li>▪ Environmental Management Contribution \$88.15</li> </ul> <p>7. Payment options</p> <p>Payment of rates and charges can be made by one annual payment - due on or before 30 September 2024;</p>	

## COUNCIL MEETING AGENDA - 30 JULY 2024

Meeting date	Item	Name	Resolution	Status
			<p>Or Council issue rate notices and collect all rates via four instalment plan process, with instalments due on:</p> <p>1st Instalment - 30 September 2024</p> <p>2nd Instalment - 30 November 2024</p> <p>3rd Instalment - 28 February 2025</p> <p>4th Instalment - 31 May 2025</p> <p>Where the payment due date falls on a weekend or public holiday, the payment date will be the next business day;</p> <p>No additional instalment options be declared.</p> <p>8. Consequential</p> <p>(a) The Chief Executive Officer or delegate be authorised to levy and recover the general rates, municipal charge and waste management charges in accordance with the Local Government Act (2020);</p> <p>(b) Council in accordance with Section 120 of the Local Government Act (2020) requires any person to pay interest on any amounts of rates and charges which that person is liable to pay, and have not been paid by the date</p>	

## COUNCIL MEETING AGENDA - 30 JULY 2024

Meeting date	Item	Name	Resolution	Status
			<p>specified for their payment;</p> <p>9. Borrowings</p> <p>Council proposes no new borrowings for 2024/25.</p> <p>10. Waste</p> <p>Council endorses the path to compliance with the Minister for Local Government's Good Practice Guidelines relating to waste service charges that is outlined in the body of this report, and the CEO be authorised to commence the process of converting the Environmental Management Contribution to General Rates, with no net financial impact on Council or ratepayers.</p>	
25 June 2024	11.4	May Finance Report 2024	That Council accepts the year to date May Finance Report noting the progress against Council's quarter 2 forecast.	Completed
25 June 2024	11.6	Planning Permit Application PP23-0205 - 106 Cornishtown Road, Rutherglen	<p>That Council grant a permit at 106 Cornishtown Road, Rutherglen, allowing the re-subdivision of the land into two lots in the Farming Zone and Environmental Significance Overlay Schedule 3, subject to the following conditions:</p> <p>Endorsed Plans – Subdivision</p> <p>1. The subdivision allowed by this permit and shown on the plans endorsed to accompany the permit must not be amended for any reason unless with the prior written consent of the Responsible Authority.</p> <p>Crossings</p>	Completed

## COUNCIL MEETING AGENDA - 30 JULY 2024

Meeting date	Item	Name	Resolution	Status
			<p>2. Prior to statement of compliance, any new vehicular access points required and any required existing crossing points not complying with current standards must be constructed at full cost to the applicant/owner at a location, and to a standard, to the satisfaction of the Responsible Authority. Any crossing points not retained must be remediated to the satisfaction of the responsible authority. A crossing permit must be obtained from the Responsible Authority and levels fixed.</p> <p>Section 173 agreement – No additional dwellings and no further subdivision</p> <p>3. Before a Statement of Compliance for the plan of subdivision is issued under the <i>Subdivision Act 1988</i>, the owner must enter into an agreement with the responsible authority under section 173 of the <i>Planning and Environment Act 1987</i>. The agreement must provide the following:</p> <ul style="list-style-type: none"> <li>a. Note that the purpose of the agreement is to facilitate the ongoing agricultural use of the land by restricting residential development and subdivision;</li> <li>b. Include a definition of small second dwelling the same as existing in the <i>Indigo Planning Scheme</i> as at the date of the permit;</li> <li>c. Prohibit the further subdivision of the land;</li> <li>d. Prohibit any boundary realignment that would increase the size of lot 1 on</li> </ul>	

## COUNCIL MEETING AGENDA - 30 JULY 2024

Meeting date	Item	Name	Resolution	Status
			<p>the endorsed plans above 19.52ha, or reduce the size of lot 2 below 88.92ha; and</p> <p>e. Prohibit construction of an additional dwelling anywhere on the land, noting the following exceptions:</p> <p>i. Reconstruction/r eplacement of the existing dwelling; and</p> <p>ii. Construction of a small second dwelling consistent with the definition in the agreement.</p> <p>The owner of the land must pay all of the responsible authority's reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title.</p> <p>Mandatory Subdivision Condition – 2 Lots</p> <p>4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas (where it is proposed to be connected) services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.</p> <p>5. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority</p>	

## COUNCIL MEETING AGENDA - 30 JULY 2024

Meeting date	Item	Name	Resolution	Status
			<p>for which the easement or site is to be created.</p> <p>6. The plan of subdivision submitted for certification under the <i>Subdivision Act 1988</i> must be referred to the relevant authority in accordance with Section 8 of that Act.</p> <p>Mandatory Conditions – Telecommunications</p> <p>7. The owner of the land must enter into an agreement with:</p> <ul style="list-style-type: none"> <li>a. a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and</li> <li>b. a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network (NBN) will not be provided by optical fibre.</li> </ul> <p>8. Before the issue of a Statement of Compliance for any stage of the subdivision under the <i>Subdivision Act 1988</i>, the owner of the land must provide written confirmation from:</p>	

## COUNCIL MEETING AGENDA - 30 JULY 2024

Meeting date	Item	Name	Resolution	Status
			<p>a. a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the item; and</p> <p>b. a suitably qualified person that fibre ready telecommunications facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.</p> <p>Permit Expiry – Subdivision</p> <p>9. This permit will expire if one of the following circumstances applies:</p> <p>a. The plan of subdivision has not been certified under the <i>Subdivision Act 1988</i> within 2 years of the issued date of this permit.</p> <p>b. A statement of compliance is not issued within 5 years of the date of certification.</p> <p>In accordance with Section 69 of the <i>Planning and Environment Act 1987</i>, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.</p>	



## COUNCIL MEETING AGENDA - 30 JULY 2024

Meeting date	Item	Name	Resolution	Status
25 June 2024	11.7	Planning Permit Application PP24-0012 - 105 Fraser Road, Browns Plains	<p>That a Notice of Decision to grant a planning permit for use and development for Group Accommodation (6 transportable cabins) at 105 Fraser Road, Browns Plains be issued subject to the following conditions:</p> <p>APPROVED DEVELOPMENT</p> <ol style="list-style-type: none"> <li>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. The development as shown on the endorsed plans must not be altered unless with the prior written consent of the Responsible Authority.</li> </ol> <p>LINK TO WINERY OPERATIONS</p> <ol style="list-style-type: none"> <li>Prior to the use of the land commencing, the land owner must either: <ol style="list-style-type: none"> <li>Consolidate the subject site (Crown allotments 32A and 32B, section C, Parish of Gooramadda) with the existing Olive Hills winery (crown allotments 1, 2, 3 and 4, section F, Parish of Gooramadda); or</li> <li>Enter into an agreement under section 173 of the <i>Planning and Environment Act 1987</i>. The agreement must provide for the following: <ol style="list-style-type: none"> <li>Apply to all of the lots comprising the</li> </ol> </li> </ol> </li> </ol>	Completed

## COUNCIL MEETING AGENDA - 30 JULY 2024

Meeting date	Item	Name	Resolution	Status
			<p>site and the winery (Crown allotments 32A and 32B, section C, crown allotments 1, 2, 3 and 4, section F, Parish of Gooramadda);</p> <p>ii. Stating the purpose of the agreement is to link the operation of the group accommodation to the continued operation of the winery;</p> <p>iii. Requiring that the subject site only be permitted to operate as group accommodation in conjunction with the existing winery;</p> <p>iv. That if the land ceases to be used as a winery, or if the subject site ceases to be under the same effective control as the ownership of the winery, then the use of the group accommodation must cease.</p> <p>ENGINEERING CONDITIONS</p> <p>1. Prior to occupation, the internal access roads and car parks to the cabin sites must</p>	

## COUNCIL MEETING AGENDA - 30 JULY 2024

Meeting date	Item	Name	Resolution	Status
			<p>be constructed to a minimum all weather standard of:</p> <ul style="list-style-type: none"> <li>a) 3m metre pavement width;</li> <li>b) 100 mm compacted depth of crushed rock or gravel suitable for road construction;</li> <li>c) Longitudinal roadside drains and culverts as required; and</li> <li>d) Single car parking spaces must be provided.</li> </ul> <p>2. All stormwater emanating from the cabins approved by this permit must be disposed of within the curtilage of the property. Any concentrated storm water flows due to the development must be dispersed prior to entering natural systems. Methods such as contour drains or infiltration trenches should be used for this purpose. Flow dispersal must be employed at the point of discharge of any cabin drain constructed.</p> <p><b>SEDIMENT CONTROL &amp; SOIL AND WATER MANAGEMENT</b></p> <p>3. To minimise soil erosion during construction, the landowner and builder must ensure that any clearing or construction associated with development is conducted in accordance with sediment control principles as outlined in "Construction Techniques for Sediment Pollution Control" (Environment Protection Authority 1991). Specifically, the landowner and builder must ensure:</p>	

## COUNCIL MEETING AGENDA - 30 JULY 2024

Meeting date	Item	Name	Resolution	Status
			<p>a) Grading, excavation and construction does not proceed during periods of heavy rainfall;</p> <p>b) Sediment traps are designed, installed and maintained to maximise the volume of sediment trapped from the site during development and construction;</p> <p>c) Top soil from the construction site or builders' sand is stockpiled in a location where it will not be eroded from the site;</p> <p>d) All erosion control measures are maintained after rainfall and are retained until the site has fully revegetated, and;</p> <p>e) Disturbed areas are stabilised and revegetated following the completion of works.</p> <p>ONSITE EFFLUENT DISPOSAL</p> <p>4. Prior to occupation, the accommodation units must be fitted with a wastewater treatment and disposal system to a design approved Council's Environmental Health Officer and such that all effluent is disposed of within the boundaries of the allotment.</p> <p>A separate permit must be obtained from Council's Environmental Health</p>	

## COUNCIL MEETING AGENDA - 30 JULY 2024

Meeting date	Item	Name	Resolution	Status
			<p>Department prior to its installation.</p> <p>WATER SUPPLY</p> <p>5. Prior to occupations, and unless otherwise approved by the Responsible Authority, water storage tank(s) must be provided in close proximity to each of the cabins holding a minimum of 5,000 litres of water. The water supply must:</p> <ul style="list-style-type: none"> <li>a) Be stored in an above ground water tank constructed of concrete or metal.</li> <li>b) Have all fixed above ground water pipes and fittings required for firefighting purposes made of corrosive resistant metal.</li> <li>c) Include a separate outlet for occupant use.</li> </ul> <p>EXTERNAL FABRIC</p> <p>6. The roof and cladding colour or colours of the buildings hereby approved, and the finished colours of any aboveground water storage tanks must be non-reflective (i.e not "zincalume"). Neutral "earthy" colours are to be used (eg "greens", "greys" or "browns") so as to address the rural character of the area and 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</p>	

## COUNCIL MEETING AGENDA - 30 JULY 2024

Meeting date	Item	Name	Resolution	Status
			<p>colours from the metallic Colorbond range.</p> <p>ADVISORY SIGNAGE</p> <p>7. Prior to occupation, the following signage must be displayed and maintained, to the satisfaction of the responsible authority:</p> <p>a) Fixed advisory signage at the entry gate to instruct site visitors to: "Leave the Gate Open or Closed as Found At All Times"; and</p> <p>b) Appropriate Wine Tourism Biosecurity Signage on the entry gate and at the edge of the vineyard (eg <a href="https://vinehealth.com.au/tools/signage/consumer-facing-signage/">https://vinehealth.com.au/tools/signage/cons</a>umer-facing-signage/).</p> <p>Note: This signage is required due to the site being predominately unsupervised and its location in a broad acre farming area.</p> <p>EXPIRY DEVELOPMENT</p> <p>8. This permit will expire if one of the following circumstances applies:</p> <p>a) The development is not commenced within two years of the date of this permit.</p> <p>b) The development is not completed within four years of the date of this permit.</p> <p>c) If the subject site ceases to be operated in conjunction with the adjacent winery,</p>	

## COUNCIL MEETING AGENDA - 30 JULY 2024

Meeting date	Item	Name	Resolution	Status
			<p>currently known as Olive Hills Estate.</p> <p>The Responsible Authority may extend the period for commencement if a request is made in writing before the period expires or within six months of the date of expiration. The responsible authority may extend the time for completion of buildings and works associated with the permit, if they were lawfully commenced and if a request is made in writing before the permit expires or within twelve months of the date of expiration. No buildings and works may continue after the permit has expired.</p>	
25 June 2024	11.8	Planning Permit Application PP22-0293.1 - 80 Michelle Drive, Kiewa	<p>That a Notice of Decision to amend planning permit PP22-0293.1 at 80 Michelle Drive, Kiewa, with new amended plans, be issued subject to the following conditions:</p> <p>1. APPROVED DEVELOPMENT The layout of the site, dimensions and elevations of the proposed building/s and works as shown on the plans endorsed pursuant to this Condition must not be altered without the written consent of the Responsible Authority.</p> <p>2. EXTERNAL FABRIC The roof and cladding colour or colours of the buildings hereby approved, and the finished colours of any aboveground water storage tanks must be non-reflective (i.e not "zincalume"). Neutral "earthy" colours are to be used (eg "green", "greys" or "browns") so as to address the character of the area and blend all new buildings in with the landscape and preserve the</p>	Completed



## COUNCIL MEETING AGENDA - 30 JULY 2024

Meeting date	Item	Name	Resolution	Status
			<p>visual amenity of the area to the satisfaction of the Responsible Authority.</p> <p>3. LANDSCAPING</p> <p>Before the development starts, a landscape plan must be approved and endorsed by the responsible authority. The landscape plan must:</p> <ul style="list-style-type: none"> <li>a) be prepared to the satisfaction of the responsible authority</li> <li>b) be prepared by a suitably qualified person</li> <li>c) have plans drawn to scale with dimensions</li> <li>d) be submitted to the responsible authority in electronic form</li> <li>e) include the following:               <ul style="list-style-type: none"> <li>i. layout of landscaping and planting within all open areas of the subject land</li> <li>ii. a survey (including botanical names) of all existing vegetation to be retained and/or removed</li> <li>iii. buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary</li> <li>iv. details of surface finishes of pathways and driveways</li> <li>v. a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity,</li> </ul> </li> </ul>	

## COUNCIL MEETING AGENDA - 30 JULY 2024

Meeting date	Item	Name	Resolution	Status
			<p>and quantities of each plant</p> <p>vi. Screening trees to be planted along the northern boundary of the subject site, sufficient to screen the new dwelling from the neighbouring properties</p> <p>vii. details of how the project responds to water sensitive urban design principles, including how storm water will be mitigated, captured, cleaned and stored for onsite use and the location and type of irrigation systems to be used including the location of any rainwater tanks to be used for irrigation</p> <p>The responsible authority may consent in writing to vary any of these requirements.</p> <p>4. SEDIMENT CONTROL &amp; SOIL AND WATER MANAGEMENT To minimise soil erosion during construction, the landowner and builder must ensure that any clearing or construction associated with development is conducted in accordance with sediment control principles as outlined in <i>"Construction Techniques for Sediment Pollution Control"</i> (Environment Protection Authority 1991). Specifically, the landowner and builder must ensure:</p> <p>(i) Grading, excavation and construction does not</p>	

## COUNCIL MEETING AGENDA - 30 JULY 2024

Meeting date	Item	Name	Resolution	Status
			<p>proceed during periods of heavy rainfall;</p> <p>(ii) Sediment traps are designed, installed and maintained to maximise the volume of sediment trapped from the site during development and construction;</p> <p>(iii) Vegetation is cleared from the construction site only; other areas must remain undisturbed;</p> <p>(iv) Top soil from the construction site or builders sand is stockpiled in a location where it will not be eroded from the site;</p> <p>(v) All erosion control measures are maintained after rainfall and are retained until the site has fully revegetated, and;</p> <p>(vi) Disturbed areas are stabilised and revegetated following the completion of works.</p> <p>5. PROTECTION OF WATERWAYS The construction of the dwelling must not result in any impacts to the waterway from construction activities, litter or stormwater, to the satisfaction of the responsible authority</p> <p>6. DRAINAGE All stormwater emanating from the developments approved by this permit must be disposed of within the curtilage of the property. Any concentrated storm water flows due to the development must be dispersed prior to entering natural systems. Methods such as contour drains or infiltration trenches should be used for this purpose. Flow dispersal must be employed at the point of discharge of any house drain constructed.</p>	

## COUNCIL MEETING AGENDA - 30 JULY 2024

Meeting date	Item	Name	Resolution	Status
			<p>Surface water must be diverted away from the building and finished garage slab height must not be less than 150 mm above the finished ground level (reference, National Construction Code 2020 clause 3.3.3).</p> <p>7. INTERNAL ROAD The internal access road must be constructed to a minimum all weather standard of:</p> <ul style="list-style-type: none"> <li>• 3m metre pavement width;</li> <li>• 100 mm compacted depth of crushed rock or gravel suitable for road construction;</li> <li>• Passing bays every 300 metres minimum, and as needed to meet line of sight requirements; and</li> <li>• Longitudinal roadside drains and culverts as required.</li> </ul> <p>8. DRIVEWAY Prior to construction commencing on the dwelling, a rural residential IDM SD 260 standard vehicle crossing must be constructed in accordance with Council standards. A Works within Road Reserve Permit must be obtained from the Responsible Authority prior to the commencement of any works.</p> <p>9. SEPTIC Prior to the occupation of the new dwelling, a new septic system must be installed in accordance with the recommendations of the LCA conducted by LCAS's Neil Van Der Geest, project number 22125 -dated October 2022</p> <p>10. EXPIRY DATE</p>	

## COUNCIL MEETING AGENDA - 30 JULY 2024

Meeting date	Item	Name	Resolution	Status
			<p>This permit will expire if one of the following circumstances applies:</p> <p>(i) The development is not started within two years of the date of this permit.</p> <p>(ii) The development is not completed within two years of the date of commencement.</p>	
25 June 2024	12.1	Draft Diversity, Equity and Inclusion Policy	<p>1. That Council endorses the draft Diversity, Equity and Inclusion Policy for public exhibition for a period of 30 days, from 26 June to 25 July 2024;</p> <p>2. If no submissions are received during the public exhibition period, the policy is adopted from 26 July 2024; and</p> <p>3. If submissions are received during public exhibition, the policy is to be brought to a future Council meeting for adoption.</p>	Incomplete
25 June 2024	12.2	Rutherglen Silo Art Precinct - RPPP Stream 2 Application	That Council endorse a grant application to deliver/construct the Rutherglen Silo Arts Precinct with the Regional Precincts and Partnerships Program, Stream 2 – Delivery Fund for \$14.5M.	Completed
25 June 2024	12.3	Community Development Grants - Guidelines and Assessment Criteria Annual Review	<p>That Council:</p> <p>1. Adopts the Guidelines and Assessment Criteria as attached to this report for the following grant streams for 2024/2025:</p> <p>a) Community Grants Program</p>	Completed

## COUNCIL MEETING AGENDA - 30 JULY 2024

Meeting date	Item	Name	Resolution	Status
			<ul style="list-style-type: none"> <li>b) Events Grants</li> <li>c) Get Active Indigo Grants;</li> <li>2. Community member positions be included in the assessment panels for the Events Grants and Get Active Indigo Grants; and</li> <li>3. Appoints a Councillor representative and substitute representative in a non-voting capacity to Community Events Grants assessment panel: <ul style="list-style-type: none"> <li>i) Councillor Representative - Cr Gaffney</li> <li>ii) Substitute Representative - Cr Croucher</li> </ul> </li> </ul>	
25 June 2024	13.1	Community Sustainability Grant Program - Program Guidelines Annual Review 2024/25	<p>That Council:</p> <ul style="list-style-type: none"> <li>1. Adopts the Guidelines for the Community Sustainability Grants Program for 2024/25 (attached); and</li> <li>2. Delegates to the Chief Executive Officer to appoint two representatives from the Indigo Environment Advisory Committee to be on the Community Sustainability Grants Program assessment panel.</li> </ul>	Completed

## COUNCIL MEETING AGENDA - 30 JULY 2024

Meeting date	Item	Name	Resolution	Status
25 June 2024	13.2	Climate Change Policy Review	<ol style="list-style-type: none"> <li>1. That Council endorses the draft Climate Change Policy 2024 for the public exhibition for a period of 21 days, from 26 June to 16 July 2024; and</li> <li>2. The policy is to be brought to a future Council meeting for adoption.</li> </ol>	Incomplete
25 June 2024	13.3	May Capital Works Report	That Council notes the May Capital Works Report and year to date progress in the delivery of the Capital Works Program.	Completed
25 June 2024	13.4	Contract 21/5560 - Cleaning of Council Buildings, Public Toilets and Amenities - Extension of Contract	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Approves the option to extend Contract 21/5560 – Cleaning of Shire Offices, Buildings, Public Toilets and Amenities (with Border Cleaning Services) for a further two years from 1 July 2024; and</li> <li>2. Notes that the total contract value over the two additional years is estimated at approximately \$630,000 (excluding GST).</li> </ol>	Completed
25 June 2024	13.5	Contract No 2122-054-08 - Rutherglen Loops - Distillery Road, Rutherglen	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Awards contract No. 2122-045-08 Rutherglen Loops - Distillery Road, to Excell Gray Bruni for the amount of \$423,535.00 (excluding GST);</li> <li>2. Authorises the CEO to execute the contract documentation; and</li> <li>3. Authorises the CEO the financial delegation to approve contract variations</li> </ol>	Completed



## COUNCIL MEETING AGENDA - 30 JULY 2024

Meeting date	Item	Name	Resolution	Status
			up to a total of 15 per cent of the signed contract value.	
25 June 2024	14.1	Governance Rules Review	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Endorses the revised Governance Rules (including Election Period Policy);</li> <li>2. Places it on public exhibition for a period of 14 days, from 26 June to 10 July 2024 and invites submissions; and</li> <li>3. Notes the Election Period Procedure for Councillors as attached to this report.</li> </ol>	Completed
25 June 2024	14.2	Review - Instruments of Delegation	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Adopts the following Instruments of Delegation: <ol style="list-style-type: none"> <li>a) Instrument of Delegation – Council to Chief Executive Officer (S5)</li> </ol> <p>delegates the person holding the position, acting in or performing the duties of the Chief Executive Officer (CEO) the powers, duties and functions set out in the attached <i>Instrument of Delegation - Council to CEO (S5)</i>, subject to the conditions and limitations specified in that Instrument; in accordance with section 11(1)(b) of the <i>Local Government Act 2020</i>;</p> </li> <li>b) Instrument of Delegation – Council to Members of Council Staff (S6)</li> </ol>	Completed

## COUNCIL MEETING AGENDA - 30 JULY 2024

Meeting date	Item	Name	Resolution	Status
			<p>delegates to the members of Council staff holding, acting in or performing the duties of the positions referred to in the attached <i>Instrument of Delegation to members of Council staff</i>, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument;</p> <p>c) Instrument of Sub-Delegation – Council to Members of Staff under the Environment Protection Act 2017 (S18)</p> <p>delegates to members of Council staff under the Environment Protection Act 2017 the powers, duties and functions set out in the attached <i>Instrument of Delegation Members of Staff under the Environment Protection Act 2017</i>, subject to the conditions and limitations specified in the Instrument, in accordance with section 437(2) of the Environment Protection Act 2017 and the <i>Instrument of Delegation of the Environment Protection Authority</i> dated 6 December 2022;</p> <p>2. Notes that the delegations come into force immediately upon this resolution being made;</p> <p>3. Revokes all previous delegations to the Chief Executive Officer and to Members of staff; and</p>	

## COUNCIL MEETING AGENDA - 30 JULY 2024

Meeting date	Item	Name	Resolution	Status
			4. Notes that the duties and functions set out in the instruments must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.	
25 June 2024	14.3	Advisory Committee Minutes	That Council receives the attached unconfirmed meeting minutes for the following Advisory Committees: <ul style="list-style-type: none"> <li>1. Indigo Shire Community Grants and Awards Advisory Committee</li> <li>2. Indigo Community Access Committee</li> </ul>	Completed
25 June 2024	14.4	Informal Meetings of Councillors Records	That Council accepts the attached Informal Meetings of Councillors records.	Completed
25 June 2024	14.5	Appointment of Acting Chief Executive Officer	That Council: <ul style="list-style-type: none"> <li>1. Appoints the Director Infrastructure Services, Ian Ellett, as Acting Chief Executive Officer for the period 15 July 2024 – 17 July 2024 inclusive; and</li> <li>2. Appoints the Director Community &amp; Economic Development, Sally Rice, as Acting Chief Executive Officer for the period 18 July 2024 – 9 August 2024 inclusive; and</li> <li>3. In the event that Sally Rice is otherwise unavailable at any time during her appointed term, that Ian Ellett be appointed as Acting Chief Executive Officer during any period of Sally Rice's absence.</li> </ul>	Completed

## COUNCIL MEETING AGENDA - 30 JULY 2024

Meeting date	Item	Name	Resolution	Status
			<p>4. Authorises Ian Ellett and Sally Rice to exercise all powers and authorities reposed in the position of Chief Executive Officer for their respective periods of the appointment as Acting Chief Executive Officer; and</p> <p>5. Notes that should the Chief Executive Officer be unable to undertake the leave within this period, or otherwise resumes duties during this period, he will automatically resume all delegations and power.</p>	

**Attachments**  
 Nil

### 18. GENERAL BUSINESS

## COUNCIL MEETING AGENDA - 30 JULY 2024

### 19. CONFIDENTIAL

Section 66 of the Local Government Act 2020 (the LGA Act) states:

1. A Council or delegated committee must keep a meeting open to the public unless the Council or delegated committee considers it necessary to close the meeting to the public because a circumstances specified in subsection (2) applies.
2. The circumstances are:
  - a. the meeting is to consider confidential information *[as defined in section 3 of the LGA Act]*
  - b. for security reasons; or
  - c. it is necessary to do so to enable the meeting to proceed in an orderly manner.

<<Insert rationale for closing the meeting here. When outlining why information is confidential, be sure to address all limbs of the definition.>>

#### RECOMMENDATION

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

***This meeting will now close to the public. Members of the gallery are asked to leave. Recording and live streaming will cease before proceeding.***

## COUNCIL MEETING AGENDA - 30 JULY 2024

### **19.1 INDIGO SHIRE EVENTS AND ACTIVE INDIGO GRANT PROGRAM ASSESSMENT PANEL - NEW MEMBERSHIP**

**File No: 2024/677**

**Mark De Campo - Acting Manager Community Development      Community & Economic Development**

*This matter is considered to be confidential under Section 3(1)(f) of the Local Government Act 2020, as it deals with personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.*

*This information is confidential under section 3(1)(f) of the Local Government Act 2020 because it deals with personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.*

*The reason this section applies is as follows:*

- 1. the personal information relates to a person not yet appointed to a position on a Council Committee, and therefore it is unreasonable to disclose at this point of the decision making; and*
- 2. the report contains personal biographical information on the candidate which has been provided in confidence, and it would be unreasonable to release this information.*

**For Decision**

**Next Meeting:                      Tuesday, 27 August 2024 at 6.30pm**

# 11.1

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# REVENUE AND RATING STRATEGY



Version No:	2024
Trim File No:	
Approval Date:	"To be completed after Strategy is adopted"
Approved By:	"To be completed after Strategy is adopted"
Department:	Planning and Corporate Services
Responsible Officer:	Director Planning and Corporate Services
Next Review Date:	2028
Advent Obligation No:	"To be completed after Strategy is adopted"
Circulation	Public Document

## INTRODUCTION

Council provides a range of services and facilities to our local community, and in doing so, must collect revenue to cover the cost of providing these services and facilities.

Council's revenue sources include:

- Rates and Charges
- Waste and environmental charges
- Grants from other levels of Government
- Statutory Fees and Fines
- User Fees
- Cash and non-cash contributions from other parties (i.e. developers, community groups)
- Interest from investments
- Sale of assets

Property rates are Council's single biggest income source, representing approximately half of Council's income. This strategy articulates to the community how the rates are to be raised and apportioned between individual ratepayers.

The introduction of rate capping under the Victorian Government's Fair Go Rates System (FGRS) has brought a renewed focus to Council's long-term financial sustainability. The cap restricts Council's ability to raise revenue above the rate cap unless application is made to the Essential Services Commission for a variation. Maintaining service delivery levels and investing in the renewal of community assets remain key priorities for Council. The capped rate is often lower than inflation and this requires that Council operates in an environment of ever-increasing efficiency and/or reducing service levels to the community.

Council provides a wide range of services to the community, usually free, but sometimes for a fee or charge. The nature of these fees and charges generally depend on whether they relate to statutory or discretionary services. Some of these, such as statutory planning fees are set by State Government statute and are commonly known as statutory fees. In these cases, councils usually have no control over service pricing. However, in relation to other services, Council can set a fee or charge and will set that fee based on the principles outlined in this Revenue and Rating Strategy.

## Revenue & Rating Strategy

### REVENUE

Councils provide a mix of 'public goods', 'private goods' and 'mixed goods'. Examples of services provided by local governments that are more closely defined as public goods include local roads, footpaths, public parks and community libraries. Examples that are more closely defined as private goods include waste collection, parking and planning permits.

Directly charging users for public services (such as charging people a fee for walking on footpaths) is not appropriate and impractical. Private goods (such as the collection of household waste) can be more easily identified and charged to individuals and it is also more appropriate for these costs to be recouped by the individual who consumes the service (rather than the community at large). In reality the service that Council provides are often a mixture of public and private goods. For example, whilst an individual planning permit application may relate to a particular property owner, there is some benefit to the community in having well-planned developments and good governance processes for land use planning.

When considering the funding of services, it is important to recognise the mixture of private and public good and take this into account in setting the funding model (public money vs. private fees).

In addition to property rates, Council raises revenue through the levying of fees and charges for services, along with other revenue sources. The primary principle behind a user fee or charge is that of 'user-pays'. The basic concept argues that the beneficiary or user of a service pays an amount directly for its use. Many public services attract a fee or a charge.

The funding mix for each service is identified in Council's annual budget documentation and is one of the variables that can be altered by Council. In addition, Council's service review process considers financial performance including the cost of the service and fee income. The result is a dynamic environment where user fees and rates funding balance are reviewed each year in the budget process.

### RATES

The system that controls the way that Council raises and levies rates is set by the Victorian State Government through the Local Government Act and related ministerial guidance.

The topics below are key aspects of the rating system and the basis of questions from the community. The following topics are discussed briefly to provide context to the rating system outlined in this document.

#### No Windfall Gain

In establishing the proportion of rates and charges to be levied on properties, there is a common misconception that if a property's valuation rises then Council's overall rate income increases. This is not the case, as revaluation process simply results in a redistribution of the rate burden across all properties in the Shire. Therefore, any increase to one property's valuation is balanced by lower rate increases for other properties. Therefore, the more appropriate way of describing an increase in a valuation at a specific property is that this property will now attract a higher proportion of Council rates than it previously did (drawing the rate burden toward that property and away from other properties).

If, for example, every property valuation was doubled, or tripled (or halved), then the total rates that Council receives would remain the same and each ratepayer would pay exactly the same amount of rates.

This principle also applies to the differential rates percentages applied by Council. An increase/decrease in one differential simply adjusts the overall distribution of the rates burden and does not change the total amount of rates raised by Council.

## Revenue & Rating Strategy

### Valuations

The purpose of the valuation is to ensure that the rates are levied according to property value. This is a fundamental principle of the rating system whereby rates are based on wealth; with property values being used as a proxy for wealth. Valuations are performed by the Victorian Valuer General and provided to Council each year.

The use of property valuations as a proxy for wealth is more accurate in the long term, however when applied annually it is prone to two inefficiencies;

1. Property wealth does not guarantee ability to pay, and
2. Property values can be volatile

In response to this first concern, Council provides assistance for pensioners (though a rebate on the rates) and has hardship provisions for ratepayers who find themselves in a tight situation. This includes the use of payment plans and temporary lifting of interest on outstanding rates.

The second concern is more difficult for an individual Council to mitigate. One solution (valuation averaging) has been explored by the State Government without success. It is hoped that a systemic solution to the issue of property price volatility can be found in the future. Despite the annual variation, history shows that the volatility does moderate over time to a gradual increase in property value. This long-term smoothing of annual valuations does result in more moderate outcome over time.

### Equity

One of the key objectives for Council under the Local Government Act (1989) is to ensure the equitable imposition of rates and charges. Equity is a subjective concept that is difficult to define, what may appear to be fair for one ratepayer may be considered unfair for another. It is a choice of Council to what degree it wishes to take these equity factors into account when developing a Rating Strategy.

When considering what is equitable, Council considers a number of concepts, including but not limited to –

**Horizontal equity** - refers to justice or fairness in the treatment of like properties, in other words, similar rates are paid by similar properties.

**Vertical equity** - refers to the justice or fairness in the treatment of properties in different circumstances. It is the rationale used for the collection of income tax - those who are better off should pay more than those who are worse off. In the case of property rates, it may be considered equitable for one type of property to have to bear more or less of the rates burden than another type of property.

In its rating strategy Council must consider the valuation base it chooses to adopt to apply property rates and the application of the various rating tools available to it under the Local Government Act (e.g. differential rates).

### Simplicity and Efficiency

An important goal of rating is for a simple system that is easy to understand and an efficient processing of the rates. A balance must be struck between Council's strategic rating goals (such as equity) and the cost of over-complicating the rating system. The rating and revenue settings that are articulated in this document represent the balance that is considered to be appropriate for the ratepayers of Indigo Shire.

### Further Information on Rates and the Rating System

The Victorian State Government has a number of resources that assist ratepayers with the policy considerations of Council Rating Strategies.

## Revenue & Rating Strategy

### Rates

This section describes the rating and revenue settings that Indigo Shire Council adopts. These settings are used to produce the annual budget that is considered in draft form before its final adoption in June each year. In this way, these rating and revenue settings are revised and confirmed through this process. It is possible that Council may adjust these settings in a given year to better respond to current circumstances and maintain the underlying principles of the rating strategy (horizontal equity, simplicity, etc).

#### Differential Categories

General	100%
Residential vacant	200%
Rural 1 <ul style="list-style-type: none"> <li>a) A property of 50 HA or greater</li> <li>b) A property that is combined under a Single Farming Enterprise where the combined total is 50 HA or greater</li> <li>c) A property larger than 8 HA that meets the primary producer criteria set out in this strategy</li> <li>d) A property larger than 8 HA that has a covenant with Trust for Nature and is not used for any other purpose.</li> </ul>	75%
Rural 2 – 8 HA or greater, but less than 50 ha	90%
Commercial / Industrial	135%

#### General Differential

**General** properties are those that are predominantly used for human habitation, and assessed by Council's valuer as being "Residential" for the purposes of the State Government's Fire Service Property Levy, or; Not covered by another category. The objective of this general rate is to ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including (but not limited to) the construction and maintenance of infrastructure assets, development and provision of community services and provision of support services.

The categorisation of "general" properties includes some small businesses that operate from residential properties that are of small scale and do not cause significant commercial impact on the community. This may include small accommodation businesses (small B&B's or low-scale self-contained accommodation, small scale professional business such as accounting etc.).

As the base differential category, the percentage rate applied to 'General' properties is always 100%. Therefore, the adjustment of the proportion of rates that apply to the General differential properties is set by its relative difference to the other rating categories.

#### Residential Vacant Differential

**Residential Vacant** land is any land which -

- Does not contain buildings; and
- Is of a type that permits residential development.

## Revenue & Rating Strategy

Residential vacant land has the potential to be developed for residential type accommodation that will place a similar demand for Council's services as the other residential type classifications.

Development of this land is encouraged to promote urban consolidation within the Shire and protect rural and farming land from unnecessary residential development.

### Rural Differentials

**Rural 1** property is a property that is:

- a) 50 HA or greater
- b) Combined under a Single Farming Enterprise where the combined total is 50 HA or greater
- c) Larger than 8 HA that meets the primary producer criteria set out in this strategy
- d) Larger than 8 HA that has a covenant with Trust for Nature and is not used for any other purpose.

The objectives of this differential category are to;

- Encourage the use of rural properties for primary production or the support of biodiversity.
- Provide a financial support to farmers.
- Encourage the retention of large land parcels in rural areas.
- Recognise the lower availability of Council services in rural areas.

The first criteria (greater than 50 HA) is assessed using property size and valuation classification (using AVPCC designation). The second criteria recognises that farms are often a collection of parcels and these can be recognised under the Single Farming Enterprise system (used for Municipal Charges).

The third criteria (Greater than 8 HA and used for primary production) is assessed on a case by case basis in response to a property owner's application. Applications for primary producer status will be assessed by Council staff and (if successful) the new differential will apply to the following financial year.

Property owners are required to notify Council if the use of the land for primary production ceases.

Once assessed as being a primary production property this designation will remain until;

- Notification from the property owner that the use of the property has changed.
- Council requests a re-assessment. This would be triggered by an observed change of property use or a concern that the primary production status is no longer valid, or;
- A change of ownership (including transfer between family members), or;
- A change to property details (subdivision, consolidation, or ownership/leasehold status).

Following a change of ownership or a request by Council to re-assess the differential, a minimum of three months will be allowed for this process before changes are made. If three months is not available then the re-assessment will take place for the following financial year.

Council may choose to provide a temporary assessment where it is considered appropriate to delay the final decision. This will be used in circumstances such as;

- A tight timeframe for the assessment to be undertaken that would result in an unfair pressure on the process.
- A new or changed farming operation that does not initially have the documentation to prove primary producer status.

A temporary assessment will be at the discretion of Council, and be valid for a maximum of 12 months before being re-assessed. Council will aim to conclude the assessment process as soon as practicable.

## Revenue & Rating Strategy

The final criteria for Rural 1 classification is a completed Trust for Nature (TfN) covenant that applies to the entire property where the property is not used for any other purpose (such as residential use or business use). This designation (as Rural 1) is contingent on compliance with the TfN covenant conditions.

**Rural 2** property is any property which is greater than 8 hectares and less than 50 hectares in area and not used for business/commercial/industrial purposes.

The objectives of this differential category are to;

- Encourage the retention of large land parcels in rural areas.
- Recognise the lower availability of Council services in rural areas.

### Commercial / Industrial Differential

**Commercial/Industrial** property is any property which is:

- Assessed by Council's valuer as being Commercial or Industrial for the purposes of the State Government's Fire Service Property Levy, and;
- Operating on a commercial/industrial basis.

Businesses place additional demands on some council services, as well as higher demands on road and parking infrastructure. Additionally, commercial operations are direct and indirect beneficiaries of Council's economic development and tourism activities and promotion within the shire. The objective of this rating differential is to ensure that commercial property rates reflect this demand and investment.

### **Municipal Charge**

Council may declare a municipal charge to offset some of the administrative costs of the Council. The maximum municipal charge that can be levied is 20% of the revenue raised from rates and the municipal charge.

Council considers that it is equitable that properties make a standard contribution to offset some of the core administrative costs and that the municipal charge is a useful means of ensuring that, regardless of property size or valuation, each assessment contributes an identical amount towards the operation of the Council.

Council will set a Municipal Charge at or near the 20% maximum.

### **Collection and Administration of Rates**

#### Payment Dates for Rates

There are only two options available under the Local Government Act for Council to set payment dates. The first is an option of a lump sum payment (which by law is set on the 15th February of each year) and the second is an instalment approach where payments are required at the end of September, November, February and May. Under this second approach, residents can elect to advance pay instalments at any point in order to opt out of the instalment dates.

Council will charge rates over four instalments.

#### Payment Methods

## Revenue & Rating Strategy

Council offers a range of payment methods including payment channels such as direct debit, Bpay, Internet via [www.indigoshire.vic.gov.au](http://www.indigoshire.vic.gov.au), by mail, telephone, over the counter services at Council Service Centres, POSTbillpay, and credit card.

Council incurs costs of collection via agency and merchant service fees and will constantly review the cost/benefit case for each of these payment channels, and may adjust or delete inefficient or costly options to ensure an efficient rates collection service.

### Pensioner Rebates

Holders of a Centrelink or Veterans Affairs Pension Concession card, or a Veteran Affairs Gold card which stipulates TPI or War Widow may claim a Government-funded rebate on their sole or principle place of residence. This is provided under the Municipal Rates Concession Scheme.

Upon initial application, an ongoing eligibility is maintained unless retracted by Centrelink or Department of Veteran Affairs during verification procedures. Upon acceptance of pensioner status, the concession or rebate is deducted from the rate account and the reduction is applied against any remaining instalments.

Applications for the concession must be lodged by 30 June in each year.

### Interest on Arrears and Overdue Rates

Interest is charged on all overdue rates in accordance with Section 2 of the *Penalty Interest Rates Act* (1983). The interest rate to apply is fixed under this Act, which is determined by the Victorian Attorney General and published by notice in the Government Gazette. Council cannot apply an alternative rate but under Section 172 of the *Local Government Act* (1989) has the power to exempt any person from paying the whole or part of any interest amount generally or specifically payable.

Applications for the removal or reduction of interest are managed through the provisions of the Hardship Policy.

### Hardship

Financial hardship can strike anybody at any time, as a result of an unforeseen event, or due to ongoing low or fixed income. Indigo Shire Council commits to providing flexible repayment arrangements for ratepayers who are experiencing genuine hardship, therefore ensuring respectful and dignified treatment.

The flexible repayment options include payment plans for short- and medium-term financial hardship, as well as rates and charges deferrals for long-term cases (including a possible removal of interest). Finally, a waiver or rates is available for extreme cases.

The hardship supports, as well as information about the application processes is outlined in Council's 'Financial Hardship Policy'. This policy is available on the Council's website.



## Revenue & Rating Strategy

### Revenue

Council's income is derived from a number of non-rates sources. These are assessed annually as part of the budget process and approved by Council in the adoption of the annual budget.

The following principles guide the setting of revenue targets and methods.

#### Service Income

As a basic principle, services with a large private benefit will be funded by a higher proportion of fees (and lower general rates) whereas services with public benefit will be funded with a higher proportion of public income (general rates).

Overlayed with this public/private benefit principle is the lens of community desirability and efficiency.

- Community desirability reflects the community's preference for low/no fee services where it is an expectation of modern society. For example, it is arguable that maternal health service is primarily a private good and should therefore be paid on a user-pays (fee) basis. This would be considered to be unacceptable to the general community and it is reasonable that this service should be free (or very low cost). This promotes enrolment, supports families, and benefits the community as a whole through increased vaccination rates as well as improved health and learning outcomes for young children. It is therefore appropriate for this service to stand as an outlier to the general benefit-principle approach to service funding.
- Efficiency is another consideration that influences the revenue decisions that Council makes in the budget build. For example, it could be argued that parks and gardens provide a significant private benefit to the people who use them. This may indicate that a small fee should be charged to people who are visiting a park to recognise this private benefit. This would, of course, be inefficient and impractical to do. For this reason, some private benefit does not always attract Council fees.

#### Grant Income

Grant income is an important funding source for Council's operations and projects. Grant income is a revenue stream that should be maximised to assist with the provision of services and infrastructure whilst taking financial pressure off general rates.

When considering grant income Council will be mindful of the following influencing factors.

- Alignment to Council plans and strategies.
- Whole of life project costing. Grants may seem attractive at first, however the long-term costs may outweigh the short-term grant opportunity.
- Availability of resourcing for new projects.

#### Commercial Income

Council operates some services in a commercial environment. The main example of this is Council's Buller Gas operation, however some other services (such as building permits) also exist in a commercial environment.

In these situations, a core consideration is competitive neutrality and Council aims to neither significantly undercut the market through the use of public money, or inflate industry prices by seeking unrealistic returns.

Council will set fees in accordance with the objectives of the commercial operation. For instance, apart from the Council income derived from the service, very little Indigo Shire community benefit is obtained by the Buller Gas operation. Therefore, its primary objective is to support Council's revenue. This is contrasted with a service

## Revenue & Rating Strategy

like building permits where there is both a private benefit, as well as a community benefit of increased development and safe construction. It is reasonable that – in addition to the competitive neutrality principles – Council may set different investment return expectations set for different services.

### Waste

Council provides many services that manage waste, recycling, and resource recovery. Council aims to match the fees of providing direct waste and recycling services to the cost of those services.

In setting the waste fees and/or managing Council's expenditure it is important to note that waste costs are often difficult to predict from year to year. Large variances between years can occur from external factors such as CPI increases to the waste contracts, or landfill rehabilitation assessments. For this reason, Council does not attempt to achieve a fully matched position in any one year. Instead, Council takes a long-term view of waste and aims to achieve a balanced position over the long term. It is therefore accepted that any given year may be either a surplus or deficit in regard to service fees. For this reason, Council will set budgets in accordance with plans to achieve a long-term balanced outcome, rather than aiming to match each individual budget year.

Indigo Shire Council has traditionally funded waste from a mixture of service charges, environmental levy and general rates. As more information and guidance emerges about the good practice expectations for waste charges this mix may require adjustment to increase or decrease the funding of any particular source. These adjustments take time to implement. Where it is necessary to make an adjustment to the funding mix, Council will map out a plan to make these changes without putting at risk the waste and recycling service level.

### Implementation

The rating strategy changes described in this document will commence from the 2025/26 financial year.

Initially any properties between 40 HA and 50 HA with an AVPCC designation that indicates primary production will be moved to the Rural 1 category.

### Revenue and Rating Strategy Review and Assessment

This document contains the rates settings and policy positions that Indigo Shire Council will use in the setting and collection of the annual rates. These settings have been determined by Council after deliberative engagement with the community as well as specific financial modelling and consideration of alternatives.

Council's rating strategy will be reviewed once every 4-year Council term.

The 2024 Revenue and rating Strategy has been informed by;

- Community survey.
- Engagement input from other Council processes (Council Plan, etc.).
- Community working group.
- Legislative changes.
- Advice and guidance from the State Government.

### RELATED DOCUMENTS

- Council Plan 2021-2025
- 2024 Council Report presenting this document
- Annual Budget
- Revenue & Rating Plan
- Financial Hardship Policy

**Revenue & Rating Strategy**

- Local Government Act (1989 & 2020)
- Penalty Interest Rates Act (1983)
- Valuation of Land Act (1960).

**Definitions**

AVPCC - Australian Valuation Property Classification Code

TPI – Totally & Permanently Incapacitated

# RATING STRATEGY



Version No:	2016
Trim File No:	INTERNAL16/559
Approval Date:	26/4/2016
Approved By:	Council Resolution
Department:	Corporate & Community Services
Responsible Officer:	Director, Corporate & Community Services
Next Review Date:	2019
Circulation	Public Document

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**Indigo Shire Council Rating Strategy 2016****Introduction****Purpose**

Council's rating strategy determines how local government taxation (rates) is distributed amongst properties within the municipality. It does not influence the total amount of money to be raised; rather it considers the share of revenue contributed by each property. The rating system comprises the valuation base for each property and the actual rating instruments allowed under the Local Government Act (1989) to calculate property owners' liability for rates. A rating strategy is the method by which Council systematically considers factors of importance in making decisions about the rating system.

The purpose of this strategy is to detail Council's decisions relating to the most equitable, practical and efficient distribution of rates and charges across the ratepayers and community members of Indigo Shire. It is important to underline that the rating strategy does not change the total amount of Council's rate revenue. The rate strategy is only the allocation method used to fairly and equitably spread the rate burden across the properties in the municipality.

**Review Mechanism**

This strategy will guide council's budget and financial planning decisions and will be formally reviewed in 4 years (2019) or earlier as determined by council resolution.

Each year the differential categories and differential percentages will form part of the budget report and be published for public comment and input. In this way the rating strategy is reviewed and confirmed by council each financial year.

**Indigo Shire Council Rating Strategy 2016****Section 1: Rates & Rating****Rates and Taxation**

Rate revenue is a major source of Indigo Shire Council's revenues, accounting for approximately 45% of its annual income.

Taxation revenue whether it is at Federal, State or a Local level is generally used to fund various forms of public goods, services and community obligations. This is not necessarily in direct relation to user benefit, but ultimately to the benefit of the community as a whole. In this respect, rates are a general purpose levy not linked to user pays principles. Other charges such as kerbside collection service charges are directly linked to costs associated with the service.

Council has endeavoured to balance the cost of providing rates and services as fairly as possible across all ratepayer groups. Council's practices and decisions regarding rating are influenced by a number of factors including legislation and Council's strategies & plans.

There are major practical considerations that influence what type of services will attract fees and charges. Most critically is whether the services being considered are either entirely or partially public goods. Public goods are defined as services that provide a broad and often unquantifiable benefit to the community rather than a particular benefit to individuals, businesses, specific groups or individual properties. Public goods have the following characteristics:

- The use of or enjoyment of them by one person does not diminish their availability to, or enjoyment by, others (that is, they are non-rival); and
- It is not practical to exclude access to them (that is, they are non-excludable).

Examples of public goods include roads, parks and public toilets. Private goods are defined as goods which are both rival in consumption (that is, one person's use diminishes its availability or enjoyment by others) and excludable. Examples of private goods include recreation centres, and the use of community halls.

Generally, Council fund private goods through user charges and fund public goods through rates. In practise however it's often difficult to define local government services as either purely public goods or purely private goods. Most will lie somewhere on the spectrum between the two. This inevitably results in a large number of Council services, although having income from user fees, being subsidised by rates.

The amount of rates & charges collected by a council depends on conscious and considered choices as to the quantity and quality of services that it decides to provide and how much of the cost is to be recovered from other revenue sources.

## Indigo Shire Council Rating Strategy 2016



## Considerations

### Equity

One of the key objectives for Council under the Local Government Act (1989) is to ensure the equitable imposition of rates and charges. Equity is a subjective concept that is difficult to define, what is fair for one ratepayer may be considered completely unfair for another. It is a choice of Council to what degree it wishes to take these equity factors into account when developing a Rating Strategy.

When considering what is equitable, Council considers a number of concepts, including but not limited to –

**Horizontal equity** - refers to justice or fairness in the treatment of like properties, in other words, similar rates are paid by similar properties.

**Vertical equity** - refers to the justice or fairness in the treatment of properties in different circumstances. It is the rationale used for the collection of income tax - those who are better off should pay more than those who are worse off. In the case of property rates, it may be considered equitable for one type of property to have to bear more or less of the rates burden than another type of property.

In achieving vertical equity in its rating strategy Council must consider the valuation base it chooses to adopt to apply property rates and the application of the various rating tools available to it under the Local Government Act (e.g. differential rates).

The use of property values to apportion Council rates is an imperfect system in which to assess a resident's ability to pay annual rates but one which Council is restricted to under the Act. A frequently raised example is in relation to pensioners who may live in their family home which carries a high value, but live on a pension. The equity question for consideration, however, is should Council support residents in this situation with lower rates that will eventually be to the financial benefit of estate beneficiaries? Or alternatively, should the ability to defer rates (in all or in a part) represent a more equitable outcome for all ratepayers? This particular issue is dealt with in more depth in Council's Hardship Policy.

**The Benefit Principle** - refers to the fact that some groups have more access to, make more use of, and benefit from more, specific council services. It can be argued that there should be a link between consumption/benefit and the rate burden; however, the benefit principle is difficult in practice due to the complexity and, in some cases, impossibility, of measuring the relative levels of access and consumption across the full range of council services.

It is also common that the group of people who require less services of certain type (e.g. child care) may indeed require more frequent service of another type (e.g. aged care). It is the level of benefit across the full range of rates-funded services that is important in determining the amount of rates that should be paid.

One of the more misunderstood elements of the rating system is that residents often intuitively seek to equate the level of rates paid with the amount of benefit they individually achieve. The reality is, however, that rates are a system of taxation not dissimilar to PAYE tax, and no direct link to a particular level of benefit is required.

In paying a tax on salaries, it is rarely questioned what benefit is received with it being acknowledged that tax payments are required to pay for critical services (e.g. health and education) across the nation. Local Government is not different to this outcome with rates being used to subsidise the delivery of services and capital works that would otherwise be unaffordable if charged on a case by case basis.



## Indigo Shire Council Rating Strategy 2016

**Legislative**

The Local Government Act (1989) provides a legislative framework within which Council must operate when determining its rating system. A number of factors are specified within the Act that Council must evaluate when setting its rating objectives -

- **Equitable imposition of rates and charges (Section 3C)** – A council must ensure the equitable imposition of rates and charges.
- **Valuation Bases (Section 157)** – A council may use the site value, net annual value or capital improved system of valuation.
- **Rates and Charges (Section 159 to 163)** - A council can levy general rates, municipal charges, service rates and charges and special rates and charges. General rates can be raised by the application of a uniform or a differential rate
- **Municipal Charge (Section 159)** - An optional charge that a Council may levy to cover some of its administrative costs. The revenue that can be obtained from a municipal charge is limited to 20% of the total revenue to be obtained from general rates and the municipal charge.
- **Service Rates and Service Charge (Section 162)** - may be declared for any of the following services:
  - The provision of a water supply;
  - The collection and disposal of refuse;
  - The provision of sewage services;
  - Any other prescribed service.
- **Special rates and special charges (Section 163)** - provisions can be used to defray expenses or repay (with interest) any advance made to, or debt incurred or loan raised by Council in relation to the performance of a function or the exercise of a power, if the Council considers that the performance or exercise is or will be of special benefit to the persons required to pay it. Council uses special rates and charges for the construction of kerb and channelling, footpath and drainage schemes.
- **Differential Rates (Section 161)** - enables a Council rating on a Capital Improved Value basis to raise any general rates by the application of differential rates if the Council considers the differential rate will contribute to the equitable and efficient carrying out of its functions. Differential rates allow Councils to make choices about the tax treatment of different property groups. There is no limit to the number of differential rates that can be applied, but clear objectives must be set and specified.
- **Payments of rates and charges (Section 167)** – A council must allow a person to pay a rate or charge in four instalments or as a lump sum
- **Incentives for prompt payment (Section 168)** – A council may provide incentives for the payment of rates and charges before the due date.
- **Rebates and Concessions (Section 169)** - A council may grant a rebate or a concession in relation to any rate or charge to assist the proper development of the municipal district, and to preserve, restore and maintain buildings or places of historical or environmental interest. Council may also grant a rebate or concession to support the provision of affordable housing, to a registered agency.

**Indigo Shire Council Rating Strategy 2016****Strategic**

In addition to the Local Government Act, Council's rating objectives are also developed in conjunction with its strategic frameworks. The strategic objectives of Council are set out in the following -

- Indigo Shire Council Plan (4 Year)
- Annual Budget
- Strategic Resource Plan

**Efficiency**

Efficiency can be defined as the ratio of ends produced (output) to means used (inputs). In other words it can be considered directly related to the cost of administering the rates system. Administration costs include the issuing of assessments, collection of rates, including maintaining and improving collection systems, monitoring outcomes, educating and informing ratepayers, and enforcement and debt recovery.

There is a tendency for uniformity to help minimise administration costs. A simple rating system is more transparent, meaning that the underlying purpose and principles behind the design of a tax are clearer who is liable for a particular rate and how tax liability is calculated. However, it is also possible for a simple rate system to be costly if it is unpopular and results in increased appeals and higher collection costs.

**External Influences**

Council is subject to numerous economic factors. Since Council's major expenditure item is salaries and wages, any price index and EBA adjustments will have a significant impact on costs and subsequent rating decisions.

Council is also subject to significant movements in funding from State and Federal sources, as well as legislative restrictions imposed by other levels of government.

## Indigo Shire Council Rating Strategy 2016



## Section 2: Valuations

### Valuations System

Section 157 of Local Government Act (1989) provides Council with three valuation systems –

- **Site Value** - the value of the land only, excluding any improvements.
- **Capital Improved Value** - the total value of the property (Site Value plus the value of all improvements); the sum which land, if it were held for an estate in fee simple unencumbered by any lease, mortgage or other charge, might be expected to realise at the time of valuation if offered for sale on any reasonable terms and conditions which a genuine seller might in ordinary circumstances be expected to require;
- **Net Annual Value** - is estimated annual value based on land, buildings and improvements, subject to a limit of 5% of CIV for residential and farm land but for commercial and industrial, this is set at market rate and includes fixed plant and machinery as part of rental calculation.

Council currently uses the Capital Improved Value (CIV) as a basis for levying rates. The CIV is determined by a valuer and is the total market value of the land plus the value of improvements made to the property including buildings and landscaping.

Properties are revalued by an independent valuer every two years to maintain a fair distribution of the rates burden between property owners within a municipality.

CIV is the most commonly used valuation base by Victorian Local Government with more than 70 Councils applying this methodology. Based on the value of both land and all improvements on the land, it is relatively easy to understand by ratepayers as it equates to the market value of the property.

Under the Local Government Act (1989), Council is entitled to apply differential rates provided it uses CIV as its base for rating. This is key driver for Council's use of CIV.

### No Windfall Gain

In establishing the proportion of rates and charges to be levied on properties, there is a common misconception that if a property's valuation rises then Council receives additional income. This is not the case, as the general revaluation process simply results in a redistribution of the rate burden across all properties in the Shire. Any increase to total valuations is offset by a reduction in the 'rate in the dollar' used to calculate the rate for each property.

### Differential Rates

Section 161 of Local Government Act (1989) allows Council to raise general rates through use of differential rates. The use of differential rates ensures greater equity and appropriate contribution from rates according to land use characteristics in relation to affordability and taxation principles.

The act states that Council may raise any general rates by the application of a differential rate if –

- a) It uses the Capital Improved Valuation system of valuing land; and
- b) It considers that a differential rate will contribute to the equitable and efficient carrying out of its functions.

## Indigo Shire Council Rating Strategy 2016



The advantages of utilising a differential rating system are:

- There is greater flexibility to distribute the rate burden between all classes of property, and therefore link rates with the ability to pay and reflecting the tax deductibility of rates for commercial and industrial premises;
- Differential rating allows Council to better reflect the investment required by Council to establish infrastructure to meet the needs of the commercial and industrial sector;
- Enables Council to encourage particular developments through its rating approach e.g. to encourage development on vacant residential land;
- Allows Council to reflect the unique circumstances of some rating categories where the application of a uniform rate may create an inequitable outcome;
- Allows Council discretion in the imposition of rates to 'facilitate and encourage appropriate development of its municipal district in the best interest of the community'.

The general objective of each of the differential rates is to ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council. Each differential rate may also have specific objectives.

The Act also outlines the regulations relating to differential rates. This section is outlined below.

- A Council may raise any general rates by the application of a differential rate, if Council considers that the differential rate will contribute to the equitable and efficient carrying out of its functions.
- If a Council declares a differential rate for any land, the Council must-
  - a) Specify the objectives of the differential rate, which must be consistent with the equitable and efficient carrying out of the Councils functions and must include the following:
    - i. A definition of the types of classes of land which are subject to the rate and a statement of the reasons for the use and level of that rate.
    - ii. An identification of the type or classes of land which are subject to the rate in respect of the uses, geographic location (other than location on the basis of whether or not the land is within a specific ward in Councils district)
  - b) Specify the characteristics of the land, which are the criteria for declaring the differential rate.
- The maximum differential allowed is no more than 4 times the lowest differential.

*Policy Position*

**Council will levy rates using a differential system in accordance Section 161 of Local Government Act (1989).**

## Indigo Shire Council Rating Strategy 2016



## Section 3: The Indigo Shire Rating System

### Municipal Charge

As defined in Section 159 of the Local Government Act (1989), Council may declare a municipal charge to offset some of the administrative costs of the Council. The maximum municipal charge that can be levied is equal to 20% of the revenue raised from rates and the municipal charge divided by the number of chargeable properties.

Council considers that it is equitable that properties make a standard contribution to some administrative costs and that the municipal charge is a useful means of ensuring that, regardless of property size or valuation, each assessment contributes a flat, identical contribution towards the operation of the Council.

#### *Policy Position*

**Council will levy a Municipal Charge at or near the maximum permitted 20% as defined in Section 159 of the Local Government Act (1989).**

### Differential Rates

#### *Differential Definitions*

The objectives of the differential rates are to raise the Council's rates in a way where each class of land is dealt with fairly and equitably.

#### *Policy Position*

**Council will use five differential rating categories;**

1. **General**
2. **Residential Vacant**
3. **Rural 1**
4. **Rural 2**
5. **Commercial/Industrial**

#### *General Differential*

**General** properties are those that are -

- predominantly used for human habitation, and assessed by Council's valuer as being "Residential" for the purposes of the State Government's Fire Service Property Levy, or;
- not covered by another category.

The actual rating burden applied to general or residential properties is determined by decisions to apply either higher or lower rates in the dollar of property value to other classes of property. The equity of the general rate is therefore a by-product of the equity inherent in the setting of those other rates. Differential rates are set relative to the general or residential rate.

## Indigo Shire Council Rating Strategy 2016



The objective of this general rate is to ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including (but not limited to) the construction and maintenance of infrastructure assets, development and provision of community services and provision of support services.

The categorisation of “general” properties includes small businesses that operate from residential properties that are of small scale and do not cause significant commercial impact on the community. This may include small accommodation businesses (B&B’s or self-contained accommodation, small scale professional business such as accounting etc.).

Being the base / default differential category, the rating differential of General properties is always 100%.

### *Residential Vacant Differential*

**Residential Vacant** land is any land which:

- does not contain buildings; and
- is of a type that permits residential development.

Residential vacant land has the potential to be developed for residential type accommodation that will place a similar demand for Council’s services as the other residential type classifications.

In order to encourage development, Council considers that vacant land should be treated differently. Development may be encouraged for its salutary effect on local employment and income and also as part of an overall strategic approach to encourage urban consolidation within the Shire.

Council recognises that the area of higher differential rating of residential vacant land is subjective and arguments can be made to support a number of positions. Council considers on balance there are factors that materially influence the decisions of property owners to sell or develop land.

Therefore, the objective of this differential is to encourage appropriate development in residential areas.

#### *Policy Position*

**Council will apply a differential rate titled Residential Vacant, with the differential set at 200% of the General rate.**

### *Rural Differentials*

**Rural 1** property is any property which is:

- greater than 40 hectares in area; and
- used for Farm Land as defined in Section 2 of the Valuation of Land Act (1960).

**Rural 2** property is any property which is:

- greater than 8 hectares and less than 40 hectares in area; and
- Used for Residential or Farm Land as defined in Section 2 of the Valuation of Land Act (1960).

## Indigo Shire Council Rating Strategy 2016



The basis for this decision is that, in the absence of some rate relief, the higher land component inherent in farming properties contributes to their relatively higher values and would result in farmers having to pay disproportionately high rates in relation to the income or surplus able to be generated from their properties. There is also a level of support within Council that, by virtue of their distance from urban centres, farming households' access and consumption of a range of services is lower and should be taken into account when setting rates.

Therefore the objective of these two rural rates is to balance the rating burden for properties in rural areas.

### *Policy Position*

#### **Council will apply two rural differentials:**

- **Rural 1: For land greater than 40 HA, the differential rate will be set at 75% of the General rate.**
- **Rural 2: For land between 8 HA and 40 HA, the differential rate will be set at 90% of the General rate.**

### *Commercial and Industrial Land Differential*

**Commercial/Industrial** property is any property which is:

- assessed by Council's valuer as being Commercial or Industrial for the purposes of the State Government's Fire Service Property Levy,
- operating on a commercial / industrial basis.

It is Council's position that businesses place additional demands on some council services. Higher demands are also placed on road infrastructure through specific commercial/industrial heavy vehicle movements. Additionally, commercial operations are direct and indirect beneficiaries of economic development and tourism activities and promotion within the shire. The objective of this rating differential is therefore to ensure that commercial properties are charged accordingly for this demand and investment.

### *Policy Position*

#### **Council will apply a differential rate titled Commercial/Industrial with the differential set at 135% of the General rate.**

## Retirement Villages

Council acknowledge that retirement villages provide a proportion of the services normally provided by local government. In recognition of this, and in support of retirement living options in Indigo Shire, Council will provide favourable conditions for accredited retirement villages.



## Indigo Shire Council Rating Strategy 2016

*Policy Position*

**Council will only charge one Municipal Charge and one Environmental Management Contribution per accredited retirement village.**

**Cultural and Recreational properties**

The Cultural and Recreational Lands Act 1963 provides a means for Councils to grant a rating concession to any cultural or recreational property which meet the test of being 'rateable land' under the Act. The decision as to whether a cultural or recreational rate is applicable will be determined at Council's discretion.

*Policy Position*

**Council does not consider that rebates to Cultural and Recreational Land provides sufficient public benefit to justify the additional rating burden on all other ratepayers.**

**Charitable and Not-For-Profit Organisations**

Section 154 of the Local Government Act 1989 provides for properties where the use is charitable, to be non-rateable. Throughout the Shire, charitable uses include those providing health services, education, religion and services to the needy.

There also are a number of organisations, which provide housing for low-income people, on a voluntary and not-for-profit basis. The provisions of the Local Government Act (1989) preclude such residential properties from being non-rateable, even though their use may be regarded as charitable, in the everyday sense of the term.

*Policy Position*

**Council will comply with Section 154 of the Local Government Act (1989) and not expand concessions beyond those provided for in legislation.**

**Service Charges**

Council currently applies four service charges for garbage collection, recycling collection, organic collection and for environmental management. These operate as a charge per serviced assessment.

*Policy Position*

**Council will levy a service charge for garbage collection, recycling collection, organics waste collection and for environmental management.**

## Indigo Shire Council Rating Strategy 2016



## Section 4: Collection and Administration of Rates

### *Payment Dates for Rates*

There are only two options available under the Local Government Act (1989) for Council to set payment dates. The first is an option of a lump sum payment (which by law is set on the 15th February of each year) and the second is an instalment approach where payments are required at the end of September, November, February and May. Under this second approach, residents can elect to advance pay instalments at any point in order to opt out of the instalment dates.

### *Payment Methods*

Council currently offers, and will continue to offer, a range of payment methods including payment channels such as direct debit, Bpay, Internet via [www.indigoshire.vic.gov.au](http://www.indigoshire.vic.gov.au), by mail, telephone, over the counter services at Council Service Centres, POSTbillpay, and credit card.

Council incurs costs of collection via agency and merchant service fees and will constantly review the cost / benefit case for each of these payment channels.

### *Pensioner Rebates*

Holders of a Centrelink or Veterans Affairs Pension Concession card, or a Veteran Affairs Gold card which stipulates TPI or War Widow may claim a Government-funded rebate on their sole or principle place of residence. This is provided under the Municipal Rates Concession Scheme.

Upon initial application, an ongoing eligibility is maintained unless rejected by Centrelink or Department of Veteran Affairs during verification procedures. Upon acceptance of pensioner status, the concession or rebate is deducted from the rate account and the reduction is applied against any remaining instalments. Applications for the concession must be lodged by 30 June in each year.

### *Late / Non Payment of Rates*

In the event that an account becomes overdue, Council has established procedures for the issue of an overdue final notice which may include interest. In the event that the account remains unpaid and without an agreed payment plan, Council may take legal action without further notice to recover any overdue amount. All fees and court costs are recoverable from the ratepayer.

The principle in providing for such penalty is that ratepayers who pay within the required timeframe should not have to subsidise or bear any cost of ratepayers who default in payment. As an option of last resort, Council may avail itself of the options under section 180 and 181 of the Local Government Act 1989, to address non-payment of rates.

Council makes every effort to contact ratepayers at their correct address but it is the ratepayers' responsibility to properly advise Council of their contact details.

### *Interest on Arrears and Overdue Rates*

Interest is charged on all overdue rates in accordance with Section 172 of the Local Government Act (1989). The interest rate to apply is fixed under Section 2 of the Penalty Interest Rates Act (1983), which is determined by the Victorian Attorney General and published by notice in the Government Gazette.

**Indigo Shire Council Rating Strategy 2016**

Council cannot apply an alternative rate but under Section 172 of the Local Government Act (1989) has the power to exempt any person from paying the whole or part of any interest amount generally or specifically payable.

***Hardship***

Financial hardship can strike anybody at any time, as a result of an unforeseen event, or due to ongoing low or fixed income. Indigo Shire Council commits to providing flexible repayment arrangements for ratepayers who are experiencing genuine hardship, therefore ensuring respectful and dignified treatment.

The flexible repayment options include payment plans for medium term financial hardship, rates and charges deferrals for long-term cases (including a possible interest rate reduction), and waiver of rates for unusual financial hardship cases (which may be assessed by an independent financial counsellor).

In all applications Council will request supporting documentation as evidence of hardship. Council acknowledges that timely recovery of rates and charges is essential to ensure adequate funding of community services and capital works projects, and therefore will implement best practice arrangements for the collection of rates and charges for ratepayers experiencing hardship.

Mr. Greg Pinkerton  
Director, Planning and Corporate Services  
Indigo Shire Council  
PO Box 28 Beechworth Vic 3747  
info@indigoshire.vic.gov.au

June 26, 2024

Dear Greg,

**Re: Submission to changes to the Indigo Shire Council revenue and Rating Strategy**

We refer to your letter of April 16, 2024, in relation to the proposed changes to the Indigo shire Council Revenue and Rating strategy. We are one of the impacted farmers [REDACTED] which however is part of a larger farm comprising multiple parcels. We will therefore apply for automatic Rural 1 categorisation.

However, we make the following points.

**Point 1.** We are pleased that Indigo Shire states that it supports farming and the preservation of genuine farms. However, the current shire rating strategy and policy is in direct conflict with this objective. Although rural product prices vary from year to year we receive about the same for our outputs as we received 10 and even 20 years ago. We sell sheep and cattle for about \$2-\$4 per kg at the sale yards less about 10% for agent commission and a host of other charges such as transit insurance, yard fees, weighing fees, government levies etc. However, Council rates have increased significantly over that time; at least 500%. For example: if we take one parcel of land in 2022-23 our rates increased by **61.53%**. The Victorian Government set the maximum rate increase at 3.5%; so our 61.53% was nearly 19 times higher. This 61.53% increase was also 12.6 times the level of inflation (CPI rose 4.9% - ABS); that's a 1,260% increase above CPI. Note that we spend a huge amount of time and research and did object to this increase, but did not have time to do this for all our parcels of land.

**Point 2.** Genuine farms receive little benefit from Council Services, certainly far less than the 75% of the total rates. Farms often do not have sealed roads, or even maintained roads, footpaths, proper drainage etc. They are also out of town and so too far to enjoy town facilities such as parks and libraries etc. Our drains are overgrown and when it rains the roads become rivers and the water floods onto our property rather than flowing into the creek. For the last 3 years our farm has been significantly impacted by water, not from the sky but from Council roads, and to the point that it was impossible to drive onto large parts of the farm. This has cost us a fortune in being unable to use those paddocks for stock, and having to constantly and expensively footbath sheep to avoid foot rot from the wet paddocks.

**Point 3.** Higher rates are one of the main reasons why farmers are leaving the industry, or selling off parts of their farms. We wonder if the Council actually realizes that rate increases are part of the reason many farmers (even larger farm farmers) are looking to supplement their incomes by using parts of their land for higher financial returns with activities such as wedding venues, bakeries, manufacturing, warehousing and storage, truck facilities, and tourist attractions (and even 24 hour petrol stations). All these uses are less visually appealing and will detract from the

tourism appeal of open farm land and the historic nature of the shire and will adversely affect current facilities located in existing towns.

**Point 4.** We point out that it is not an acceptable excuse to say that Indigo Shire has relatively low rates for farming compared with other Councils. All this means is that most Local Councils charge farmers too much and this explains why legitimate farmers sell up or leave the industry.

**Point 5.** It is not acceptable to say that rates are a wealth tax and farmers can afford to pay high rates or sell off part of their farms to do so. Councils don't seem to apply the same logic to themselves. Councils own significant land assets that have increased significantly in value. Therefore, using the same logic used for farms, Councils are very wealthy organisations and can afford not to charge rates, if they are short of money they can always sell off the town hall or a park or an office block.

**Point 6. Capacity to pay and impact of rates on farmers**

We note with deep concern that the new strategy mentions that it wants to preserve farming but strategically removes the critical protections put in place in the current strategy plan i.e. the capacity to pay for farmers.

The current 2016 strategy:

**Capacity to Pay and Impact on Family Farmers**

Indigo Shire Council's current **Rating Strategy Policy 2016** states that there should be a balancing of rate burdens in rural areas to avoid "**farmers having to pay disproportionately high rates in relation to the income or surplus able to be generated from their properties**".

*Rural Differentials...*

*The basis for this decision is that, in the absence of some rate relief, the higher land component inherent in farming properties contributes to their relatively higher values and would result in farmers having to pay disproportionately high rates in relation to the income or surplus able to be generated from their properties. There is also a level of support within Council that, by virtue of their distance from urban centres, farming households' access and consumption of a range of services is lower and should be taken into account when setting rates. Therefore the objective of these two rural rates is to balance the rating burden for properties in rural areas.*

The **Revenue and Rating Plan 2021-25**, also states that it's differential rating system

*"Allows Council to reflect the unique circumstances of some rating categories where the application of a uniform rate may create an inequitable outcome (e.g. **Farming enterprises**)."*

Does the omission of this from the proposed strategy mean that capacity to pay is no longer considered by Council? If so then it's a dim outlook for farmers.

We however make the following points in regard to the proposed policy:

**Point 7.** The 50 hectare figure seems to be an arbitrary not based on any hard evidence or justification for implementing. Is this fair to those impacted property owners, especially long term farmers? Also, this arbitrary decision means that farmers that fall into the category are going to be unnecessarily burdened with the work and cost and even more stress of preparing justifications for remaining in the Primary 1 classification. We are already exhausted from years of floods, low prices and now a drought.

**Point 8.** Less well-off family farmers do have smaller holdings and many have had them for generations, this does not mean they are not viable or real farms or trying to be viable in a very

difficult political, climatic and economic environment. Indeed, it seems to be forgotten that the Shire originally comprised many smaller but legitimate farms. The suggestion that there is “an appetite to further increase this (50HA) threshold in the future”, and that this should be re-checked at each rating strategy refresh is concerning. It seems like this is just the beginning of a move to remove all small farmers, ever increasing size minimums until only the very larger farms and the wealthy can survive, with small neighbouring farms forced to sell out in favour of big company operations? Will our property eventually not be considered big enough? We point out that our property is 2500 acres, so not a small farm but it is extremely difficult to be viable with the ever increasing costs.

**Point 9:** If the Council wishes to really achieve its objective of preserving legitimate farms it should reduce rates. If not then it should actually provide 75% of services which in our case would be sealing 9km of roads, fixing drains, actually maintaining roads etc. To not supply farmers with 75% of services, most people would consider discrimination as farmers are treated differently in a negative way.

**Point 10.** So whilst we welcome any rate relief that can be achieved, and we are larger farmers, we are cognizant of the fact that this policy may be unfair to many legitimate farmers and we are concerned about the precedent it is setting for the future.

We appreciate your attention to our comments and would also like confirmation that you have received this submission. We are also keen to know if any Councillors will be given our submission to read.

Yours sincerely

[Redacted signature]

Farm address (not postal)

[Redacted address]



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20 February 2024

Trevor Ierino, CEO  
Indigo Shire Council  
101 Ford St  
Beechworth VIC 3747

By email: [info@indigoshire.vic.gov.au](mailto:info@indigoshire.vic.gov.au)  
Cc: Ian Ellett, [ian.ellet@indigoshire.vic.gov.au](mailto:ian.ellet@indigoshire.vic.gov.au)

Dear Mr Ierino

**Indigo Shire Council rating strategy – Trust for Nature covenants**

This letter is to provide you with an up to date list of Trust for Nature covenants in your Shire (**Attachment A**).

We would also like to highlight an opportunity for Indigo Shire Council to provide a rating concession, exemption or rebate to landholders with a Trust for Nature covenant on their land. We are aware that this is something that has been proposed by your Environment Advisory Board in the past, and we strongly support this proposal. More than one third of rural and regional councils across Victoria currently support landholders with a rate rebate or incentive payment of varying levels, with demonstrated benefits for nature (**Attachment B**).

Trust for Nature is Victoria's dedicated private land conservation agency. Among other things we work with landholders to protect, manage and restore native vegetation on their land via permanent, on-title covenants, to provide habitat for our endangered plants and animals forever.

Across Victoria, around 1,600 covenants are now registered on title, protecting nearly 80,000 hectares of habitat on private land. You will see from Attachment A that Indigo Shire currently has 23 covenants, representing a total of 810 hectares of private land permanently protected for the future benefit of all Victorians, but in particular for the benefit of the citizens, landscapes and ecosystems of your Shire.

Some of the benefits of covenanting private property include that these properties:

- help retain key habitat patches and connections across the Shire and increase the health and resilience of the Shire's ecosystems and species;
- mitigate drought conditions by improving soil and moisture retention;
- improve weed and vermin control on the land (active management of non-indigenous flora and fauna is a requirement of the deed);



- ensure that the site will be regularly assessed, with advice provided by Trust for Nature staff into the future, presumably reducing costs to council for environmental management activities;
- support climate mitigation by ensuring that some of the Shire's remaining carbon sinks are secured permanently.

As well as the substantial environmental contributions made by landholders through their conservation work, some are also limiting their capacity to earn income from their land, for example by committing not to subdivide, overgraze or practice intensive agriculture.

To recognise this sacrifice, **many Shires use concessions or exemptions to offer some compensation or incentives for private landholders covenanting their land** (Attachment B). The two most common rate rebates are a 50-100% refund of the rates covering the portion of land under protection (manually adjusted), and a per hectare rebate (generally \$20-\$30 per hectare of covenanted land capped at a total of between \$500 - \$1,000).

Native habitat on private land in Victoria continues to be lost and the challenge is to arrest and reverse this decline. It is now very well understood that the way to do this is to protect and build back habitat for nature, as well as supporting ecosystem resilience and enhanced connectivity. International commitments like [30x30](#) will become increasingly relevant in delivering these outcomes.

By offering a rate concession or rebate, council will be recognising the commitment and contribution of landholders in your shire for the public good, and providing an important incentive for new landholders to protect their conservation values.

We would be very pleased to discuss this further with you – including presenting to interested staff. If your query relates to rating reform or policy, please contact our Senior Policy Advisor [REDACTED] at [REDACTED]; if it relates to covenant data or stewardship, please contact our Stewardship Coordinator [REDACTED] at [REDACTED].

Kind regards

[REDACTED]

[REDACTED]  
Statewide Stewardship Coordinator

[REDACTED] | email: [REDACTED]

**Attachment A: Trust for Nature covenants in the Indigo Shire Council area**

Record Type	Interest Status	Property Address	Covenant Registration Date	Covenant Area	Local Government Area
Regular Covenant	Registered	9 Masons Gap Road, Chiltern, Victoria, 3683	22/12/1998	17.28	INDIGO SHIRE
Regular Covenant	Registered	84 Jessies Lane, Indigo Valley, Victoria, 3688	3/03/2004	53.04	INDIGO SHIRE
Regular Covenant	Registered	One Tree Track, Beechworth, Victoria, 3747	2/03/2006	3.93	INDIGO SHIRE
Regular Covenant	Registered	Lot 1 Lilliput-Norong Road, Norong, Victoria, 3682	18/09/2006	2.7	INDIGO SHIRE
Regular Covenant	Registered	Basin Creek Road, Yackandandah, Victoria, 3749	4/12/2006	54.05	INDIGO SHIRE
Regular Covenant	Registered	Oates Gap Road, Barnawartha North, Victoria, 3691	13/02/2007	30.93	INDIGO SHIRE
Regular Covenant	Registered	33 Orchard Lane, Chiltern, Victoria, 3683	31/07/2008	62.69	INDIGO SHIRE
Regular Covenant	Registered	33 Water Trust Road, Chiltern, Victoria, 3683	12/12/2008	4.95	INDIGO SHIRE
Regular Covenant	Registered	119 Jessies Lane, Indigo Valley, Victoria, 3688	18/06/2010	25.96	INDIGO SHIRE
Regular Covenant	Registered	302 Bells Flat Road, Yackandandah, Victoria, 3749	13/12/2011	8.15	INDIGO SHIRE
Regular Covenant	Registered	1277 Beechworth-Wodonga Rd, Wooragee, Victoria, 3747	20/01/2012	39.33	INDIGO SHIRE
Regular Covenant	Registered	1277 Beechworth-Wodonga Rd, Wooragee, Victoria, 3747	14/09/2012	29.62	INDIGO SHIRE
Regular Covenant	Registered	320 Meehan Lane, Osbornes Flat, Victoria, 3691	14/09/2012	25.68	INDIGO SHIRE
Regular Covenant	Registered	"Melliodora" 87 Lindsay Rd, Kiewa, Victoria, 3691	11/01/2013	30.49	INDIGO SHIRE
Regular Covenant	Registered	178 Nashs Rd, Rutherglen, Victoria, 3685	19/06/2014	38.44	INDIGO SHIRE
Offset Covenant	Registered	Chiltern-Howlong Road, Chiltern, Victoria, 3683	20/06/2016	7.72	INDIGO SHIRE
Regular Covenant	Registered	332 Tomkins Lane, Allans Flat, Victoria, 3691	28/10/2016	64.8	INDIGO SHIRE
Regular Covenant	Registered	1307 Beechworth-Chiltern Rd, Chiltern, Victoria, 3683	2/03/2017	8.65	INDIGO SHIRE
Regular Covenant	Registered	443 Black Dog Creek Road, Chiltern, Victoria, 3683	24/05/2018	16.21	INDIGO SHIRE
Regular Covenant	Registered	Edmondson Lane, Wooragee, Victoria, 3747	4/06/2019	77.44	INDIGO SHIRE
Regular Covenant	Registered	128 Masons Gap Road, Chiltern, Victoria, 3683	12/12/2019	40.61	INDIGO SHIRE
Regular Covenant	Registered	Orchard Lane, Chiltern, Victoria, 3683	1/03/2022	155.5	INDIGO SHIRE
Regular Covenant	Registered	331 Reids Way, Wooragee, Victoria, 3747	13/02/2023	11.89	INDIGO SHIRE

**Attachment B: Councils in Victoria offering rates incentives to landholders with a Trust for Nature covenant:**

*NB With 79 rural, regional and metro councils with evolving rating and biodiversity strategies, this table is a work in progress. Please advise if there are other incentives you are aware of that are not captured in this document.*

Incentive	Shire	Details	Source
100% rate rebate on covenanted land	Bendigo	One-off upfront payment of \$25 per hectare of protected land and an annual 100% rate rebate thereafter.	<a href="#">Bushcare Incentive Program Webpage</a>  <a href="#">City of Greater Bendigo Revenue and Rating Plan 2021-2025</a>
	Macedon Ranges	100% waiver of rates on successful application over the proportion of land protected by the covenant.	<a href="#">Macedon Ranges Revenue and Rating Plan 2021-2025</a>
	Mount Alexander	100% annual rebate for the portion of the land that is covered by a covenant. Ratepayers are still required to pay the Fire Services Property Levy and a waste charge if applicable.	<a href="#">Mount Alexander Rating Strategy 2022-2027</a>
	Queenscliffe Borough	100% rebate available for rateable land areas of 1 hectare or greater which are protected by a covenant. Smaller areas will be assessed on a case-by-case basis based on the property's unique environmental value.	<a href="#">Conservation Covenant Incentive</a>  <a href="#">Queenscliffe Revenue and Rating Plan</a>
Other percentage rebate	Pyrenees	50% discount on the general rate for properties protected under a covenant.	<a href="#">Pyrenees Revenue and Rating Plan 2021-2025</a>
	<a href="#">Hepburn Shire Council</a>	50% rebate properties protected under a covenant.	<a href="#">Hepburn Revenue and Rating Plan 2021-2025</a>
	City of Greater Geelong	Land protected under a Trust for Nature covenant is classified 'farmland' and accordingly receives an 18.7% rebate.	<a href="#">Geelong 2021-2025 Revenue and Rating Plan</a>
	<a href="#">Mornington Peninsula</a>	35% rebate for land under a Trust for Nature covenant.	<a href="#">Trust for Nature Rate Incentive</a>  <a href="#">Mornington Peninsula Revenue</a>

Incentive	Shire	Details	Source
			<a href="#">and Rating Plan 2021-22</a>
P/ha rebate, capped	Cardinia	Rebate of \$30 per hectare of land protected by a Trust for Nature covenant with a minimum of \$200 and a maximum of \$500.	<a href="#">Protecting your bushland – Trust for Nature</a>
	Mansfield	Rebate of up to \$25 per hectare of land placed under a Trust for Nature covenant with a minimum rebate of \$50 and a maximum rebate of \$500.	<a href="#">Native Vegetation &amp; Wildlife</a>
	Greater Shepparton	Rebate of up to \$20 per hectare for land protected under a Trust for Nature covenant with a minimum rebate of \$100 and a maximum rebate of \$1000.	<a href="#">Shepparton Revenue and Rating Plan 2021-2025</a>
	Moir	Rebate of \$20 per hectare for land protected under a Trust for Nature covenant with a minimum of \$100 and a maximum of \$1000 per landholder.	<a href="#">Moir Conservation Covenants Brochure</a>
	Mitchell	Grant of \$20 per hectare for Trust for Nature covenanted land with a minimum of \$100 and a maximum of \$500.	<a href="#">Mitchell Conservation Covenants Grant</a>
	Moyne	Rebate of \$20 per hectare up to a maximum of \$1,000 for land with a Trust for Nature covenant.	<a href="#">Trust for Nature Covenanted Properties</a>
	Bass Coast	Incentive payment of \$5 per hectare of land protected under a Trust for Nature covenant with a minimum payment of \$100 and a maximum of \$500 per annum.	<a href="#">Trust for Nature Covenant Protection</a>
	South Gippsland	Incentive payment of \$5 per hectare of covenanted land (with a minimum payment of \$100 and a maximum of \$500 p.a.)	
	Wellington	Incentive payment to be determined annually by the Council. Currently, the rebate is valued at \$15 per hectare of covenanted land	<a href="#">Rates Rebate on Land for Conservation Purposes Policy</a>

Incentive	Shire	Details	Source
		(with a minimum payment of \$100), maximum equal to the annual general rate on the property.	<a href="#">Wellington Shire Council Revenue and Rating Plan 2021-2024</a>
	Yarra Ranges	Provides a rebate amount of \$70 p/ha of covenanted land. Applies to a minimum of 4 hectares and a maximum of 12 hectares.	<a href="#">Yarra Ranges Revenue and Rating Plan 2021-2025</a>
	Nilumbik	Rate rebate of \$50 per hectare of land protected by a Trust for Nature covenant with a minimum of \$200 and a maximum of \$500.	<a href="#">Trust for Nature Rebate</a>
	Colac-Otway	Rebate of \$10 per hectare of land protected under a Trust for Nature covenant with a maximum of \$1000.	<a href="#">Rates and Notice Explained</a>
	La Trobe	Rebate of \$100 per property + \$5 per hectare of land with a "Deed of Covenant for Conservation purposes".	<a href="#">La Trobe City Revenue and Rating Plan</a>

**From:** [REDACTED]  
**To:** [Indigo Shire](#)  
**Subject:** Shire Council Revenue Rating Strategy  
**Date:** Wednesday, 26 June 2024 9:26:13 PM

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To whom it may concern,

I recently received a notice via mail indicating the Indio Shire proposed rates changes to properties falling between 40ha to 50ha. I am strongly opposed to this proposition as it will add approximately \$620 to my annual rates. I have only recently moved back into the shire building a new house on part of my family's farm who have been farming in the shire for close to 100 years. It is very disappointing to see these types of proposed changes after having to comply with the shires rules regarding the size of property needed to obtain a rural building permit being 40ha. At the time this was a major cost consolidating many titles together adding up to 47.8062 hectares to meet your regulations. Only 3 years later the Shire now wants to change their revenue strategy by targeting a minority group that fall in the proposed category and increase our rates by 20%.

I personally am not a registered Primary Producer however my property is being used to graze cattle by my parents who are primary producers and will continue to use my property in this manor for many years to come. Does this qualify to be exempt from the proposed rates increase?

I look forward to your reply.

[REDACTED]

File No 22/6076

ref No REC 24/9066

I am writing to object to your proposal changes regarding the size of 1 of our parcels of land.

We operate as a farming operation, why should we be penalized because we are a smaller scale operation, this property [REDACTED] we run in conjunction with an adjoining property plus a lease @ Wodonga [REDACTED] and another property in [REDACTED] Shire. I find it insulting that you are judging our operation without the full facts. We recieved no roadside rubbish removal, and rarely see a grader or gravel to repair pothole in our road. We trade as a partnership with the ato and operate as primary producers

regards [REDACTED]

**From:** [REDACTED]  
**To:** [Greg Pinkerton](#)  
**Subject:** RE: Property number [REDACTED]  
**Date:** Thursday, 27 June 2024 12:37:35 PM  
**Importance:** High

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Hi Greg

Thanks for your response.

I disagree strongly with the proposed change as back in the past late 1800 & early 1900 paddocks on a farm were split up into approximately 100 acres per paddock. Since then those paddocks have been left to future generations. This is the reason why we have 41.1 hectares & the Indigo Shire is looking at punishing us & other people in similar circumstances.

The Indigo Shire should be going out & talking to me & others in similar circumstances. This paddock has been in my family since 1932 or longer & was own by my Great Grandfather. Why are we being punished ??? & also, others in similar circumstances.

Regards

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**From:** Greg Pinkerton <greg.pinkerton@indigoshire.vic.gov.au>  
**Sent:** Thursday, June 27, 2024 10:27 AM  
**To:** [REDACTED]  
**Subject:** RE: Property number [REDACTED]

Hi [REDACTED]

The letter that we sent you was outlining a proposed change to the Revenue and Rating Strategy. This has not yet been adopted and we are currently seeking any feedback on this proposal.

If it is adopted then we will be back in touch regarding the next steps – including the process to demonstrate a primary production status.

All the best.

Regards,

Greg Pinkerton  
Director Planning and Corporate Services  
Indigo Shire Council  
P: 02 6028 1119

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**From:** [REDACTED]  
**Sent:** Wednesday, 26 June 2024 12:25 PM  
**To:** Indigo Shire <[Indigo.Shire@indigoshire.vic.gov.au](mailto:Indigo.Shire@indigoshire.vic.gov.au)>



**Subject:** RE: Property number [REDACTED]

Confirming that the above property is used for Primary Production.

Any queries please call me [REDACTED] or my mobile [REDACTED]

Regards

[REDACTED]

**From:** [Merit CRM](#)  
**To:** [Greg Pinkerton](#)  
**Subject:** Merit Notification (30246340) 1 - Contact Customer - You are responsible for this Action  
**Date:** Wednesday, 1 May 2024 11:34:04 AM  
**Attachments:** [REDACTED]

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Traveller Link: [REDACTED]

Merit CRM - Action Notification  
1 - Contact Customer - Due 02-05-2024 @ 11:33 AM  
You are responsible for this Action

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Request Details  
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Request ID: 30246340  
Request Type: Planning - General Enquiries - General  
Due Date: 06-May-2024 11:33 AM  
Finalised: No  
Priority: Medium  
Input Officer: [REDACTED]  
Officer Responsible: Coordinator Planning, .

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Action Details  
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Act. ID: 1117097  
Action: 1 - Contact Customer  
Due Date: 02-May-2024 11:33 AM  
Officer Responsible: Pinkerton, Greg

-----  
Customer Details  
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[REDACTED]

-----  
Location Details  
-----

[REDACTED]

-----  
Request Description  
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Re: New Rating Strategy

[REDACTED] runs two properties PN [REDACTED] and PN [REDACTED]

The properties are run as a joint operation.

[REDACTED] wanted to pass on that there may be many people with more than one property running as a joint primary production enterprise. Did ISC think of this? They could have saved time and money if this were considered.

[REDACTED] doesn't want a call back - just needed to let us know his thoughts.

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UDF Details  
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Thank You.

**From:** [Diane Shephard](#)  
**To:** [Greg Pinkerton](#)  
**Subject:** Fw: Comments on Draft Revenue and Rating Strategy  
**Date:** Friday, 21 June 2024 10:14:05 AM

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Hi Greg,

Can you please add [REDACTED] email to the submissions for the draft revenue and rating strategy?

I am just replying to her email and will tell her that it will be treated as a submission.

Thanks,

Diane

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**From:** [REDACTED]  
**Sent:** Monday, June 17, 2024 6:47 PM  
**To:** Diane Shephard <diane.shephard@indigoshire.vic.gov.au>; com> [REDACTED]  
[REDACTED]  
**Subject:** Comments on Draft Revenue and Rating Strategy

Hi Diane

Following on from our phone conversation this afternoon, I am emailing to express our concerns at the proposed increase to the Rural 1 category property size from 40 ha to 50 ha and the resultant increase in rates if it cannot be proven that the property is used for primary production. In our particular case, we have a property that is 40.47ha in size that consists of bushland of environmental significance, including depleted and endangered vegetation types and floral communities protected by the FFG Act. We have protected this bushland with a Conservation Covenant through Trust for Nature. This covenant includes all but 1.04ha (set aside as Domestic use). We have never claimed that the property is used for primary production and in fact, it is already classified as Rural Lifestyle according to our valuation code.

We understand the concern that many properties of this size are being used for 'rural living' and as such, may warrant attracting higher rates. In our case, we do not fall into either this nor primary production categories but instead, we have chosen to preserve native bushland of environmental significance. However, Council does not show any acknowledgement nor offer any rebates or concessions to property owners like us as many other councils do. In fact, the paragraph under 'Environmental Implications' (Page 8, Indigo Shire Council Report, Council Meeting 23 April 2024) highlights the feeling by Council that preserving and conserving endangered flora and fauna actually devalues the property. This is contrary to Trust For Nature's experience where covenanted properties listed in their Revolving Fund consistently sell at a profit. This lack of support is in total contradiction of a Council that was one of the first in Australia to declare a Climate Emergency and proudly espouses an action plan that tackles climate change.

I have included an excerpt below from an email we received from Cecilia Riebl, Senior Policy Advisor for Trust For Nature. It highlights the important work that we carry out as part of our Management Plan with Trust For Nature, the many benefits to Council and the rationale for acknowledging our contribution.

Yours sincerely

[REDACTED]

**"The rationale for rates rebates**

First, through both formal and informal avenues, we have been in communication with ISC over the years about the benefit of rate rebates to landholders managing covenanted land. Our most recent letter was to the Shire CEO in February this year where we pointed out that the work landholders do to manage and protect nature on private land serves a range of 'public goods', including:

- retaining key habitat patches and connections across the Shire and increasing the health and resilience of the Shire's ecosystems and species;
- mitigating drought conditions by improving soil and moisture retention;
- improving weed and vermin control on the land (active management of non-indigenous flora and fauna is a requirement of the deed);
- ensuring that the site will be regularly assessed, with advice provided by Trust for Nature staff into the future, presumably reducing costs to council for environmental management activities; and
- supporting climate mitigation by ensuring that some of the Shire's remaining carbon sinks are secured permanently.

As well as the substantial environmental contributions made by landholders through their conservation work, some are also limiting their capacity to earn income from their land, for example by committing not to subdivide, overgraze or practice intensive agriculture.

All of these activities and outcomes should be recognised by Councils both as a contribution in the public interest; and a good investment by councils who would otherwise have to pay for this work themselves.

Unfortunately, it seems that in lieu of a rate rebate, Indigo shire has decided to rely on the fact that land valuations for covenanted land are likely to be lower than non-covenanted land, leading to a partial rate reduction... Trust for Nature does not support this approach, because it is driven by a mentality that relies on diminishing the value of the covenant, rather than the other way around."



Greg Pinkerton  
Director Planning and Corporate Services  
PO Box 28  
Beechworth VIC 3747

20 June 2024

File No: 22/6076  
Reference No: REC24/9066

Dear Greg,

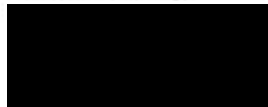
RE: Property number [REDACTED]

In response to your letter dated 16 April 2024, I am writing to inform you that this property is used for primary production in conjunction with another property number [REDACTED]. I move my stock between the two properties [REDACTED] regularly as part of managing my stock feed.

I have now registered the PIC to include both properties. My PIC is [REDACTED]

With regard to the draft revenue and rating strategy, I perceive that it is more about raising revenue. This will cause financial harm and hardship to many people as the burden is already too high.

Yours sincerely,



# Indigo Community Voice Inc.

[Indigo\\_community\\_voice@gmail.com](mailto:Indigo_community_voice@gmail.com)

[https://Indigo\\_community\\_voice.org](https://Indigo_community_voice.org)

P.O. Box 22, Rutherglen

Mayor Sophie Price  
Deputy Mayor Bernard Gaffney  
Councillor Peter Roucher  
Councillor Roberta Horne  
Councillor Aimee Shephard  
Councillor Mervin Teissl  
Councillor Sue Gold

My email to [councillors@indigoshire.vic.gov.au](mailto:councillors@indigoshire.vic.gov.au)

2 April 2022

Dear Councillors,

I am writing regarding the *Draft Revenue and Rating Strategy* you will be asked to approve for community consultation at the 2 April 2022 Council Meeting.

I received the relevant documents from Greg Pinerton because I was a member of the 2022 Revenue & Rating Strategy Reference Group.

As you know, subsequent to the meetings of that Group, I developed a solution that mitigates the unfair effects of *Differential Rating*, which you have chosen not to implement, to the considerable detriment of *Residential* ratepayers in 2022/23 and *Rural* 1 ratepayers in 2022/23.

I remind you that section 218 of *Local Government Act 1989* provides that the primary objective of a municipal council is to

*“endeavor to achieve the best outcomes for the local community having regard to the long term and cumulative effects of decisions.”*

In seeking to achieve its primary objective, a council must have regard to a number of facilitating objectives including the objective in section 219 of the Act to

*“ensure the equitable imposition of rates and charges”*

To that end, I propose the following amendment to the *Draft Revenue and Rating Strategy*

Immediately, after the table under **Differential Categories**, add

*“On receipt of property valuations from the Victorian Valuer-General, the Differential Rates will be dynamically adjusted until the General Rate increase in each Differential Category bears the same relationship to the Rate Cap.”*

2

I draw your attention to the attached letter and presentation addressed to The Hon. Melissa Horne, Minister for Local Government, which explains the reasons for the proposed amendment.

If you choose not to incorporate this amendment, then the 2022 Revenue & Rating Strategy Reference Group should be re-assembled and given an opportunity to view and discuss my proposal.

Yours faithfully,

A large black rectangular redaction box covering the signature of the President.

President

A small black rectangular redaction box covering the name of the President.

**From:** [REDACTED]  
**To:** [Indigo Shire](#)  
**Subject:** Draft Revenue and Rating Strategy submission  
**Date:** Friday, 28 June 2024 9:29:35 AM

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Good Morning Indigo Shire Council,

**Att: Director Planning and Corporate Services**

I am writing to provide my input on the Draft Revenue and Rating Strategy currently under review by Indigo Shire Council and appreciate this opportunity to make a submission.

I support the Council's initiative to support farming and protect viable farming land. I just wish to raise concerns regarding risks in the administrative process of differential rates for property owners within Farming Zone.

**Risk of a mis-categorising Farming zone properties as "Residential Vacant".**

Firstly, in my reading of the draft, it appears that properties within Farming Zone, with combined allotment size of 40HA to 50HA that are without a residential building, that without approved application of "Rural 1" category the properties may find a rating of category "Residential Vacant" - as the "Rural 2" category requires a residential building, and equally the "General Differential" would not be prescribed for the same reason, and a "Industrial/Commercial Differential" may not apply. This could be an odd outcome.

**Risk of mis-ruling properties as not being used for primary production.**

Regarding the assessment of "Rural 1" categorisation, I feel that the information on the procedure used for assessing property as "*Used mainly for the purposes of primary production*" requires furnishing, as whilst the other items listed (i.e. 2HA or more, AVPCC codes, and ATO assessment) are established processes, this particular item may not necessarily be understood, and could have varied interpretations.

**Impact of Statutory limitations and application process for "Rural 1".**

Various time limitations exist within the *Valuation of Land Act 1960*, however SECT 183 of the *Local Government Act 1989* specifies that a ratepayer must make application to VCAT for review of a decision regarding differential rating within 60 days.

Regardless of delays in the application of a "Rural 1" category and the outcome, it appears that receiving the first rate notice may necessitate the owner or occupier to immediately make an application to VCAT within the specified time frame to ensure their right to review is not forfeit.



This would apply not only for existing ratepayers, but also new ratepayers, as property transfers arise.

Thank you for receiving my submission,

[REDACTED]

## Indigo rate increase

We feel that your increase of our rates is unjustifiable as we have witnessed a decline in the services offered to us by the council over the last 3-5 years.

Our reasons for this are outlined below.

You propose to decrease the rates of smaller blocks by 5%.

These properties are generally located close to regional town centers and therefore have full access to council services i.e

- Regular maintenance of roads, drains etc
- Able to access waste transfer stations, libraries etc.

Your proposed 15% increase in our rates, as a resident that lives near the boundary of Indigo shire.

- We have no easy access to the most of the council facilities
- The only tangible service that the council provides is the maintenance of our lane, which is minimal at the best. (it was twice a year but now seems to be once a year)
- We spent 4 years complaining, before it was fixed, about a culvert that was blocked and would flood the lane, cutting us from going to work or returning home during sustained rainfall events,
- We have had our waste services halted for 5 weeks as the truck could not get up the laneway to do the pick up due to a spring that came up beside the road.
- We have complained constantly in regards to the condition of the laneway:
  - Unable to pass to pass vehicles coming the other way.
  - Unable to see if any vehicles are coming the other way.
  - Constant washouts after rain events, due to the meandering nature of the lane and lack of maintenance to the gutters and culverts.
- In the 20 years that we have resided at this address, not once has the whole lane been re-sheathed.
- We have frequently been unable to get deliveries to our business premises due to the condition of the road.
- The council used to a hard rubbish collection at [REDACTED] once a year. This service has not been offered in recent years.

28 June 2024

Greg Pinkerton

Indigo Shire Council

(via e-mail) [info@indigoshire.vic.gov.au](mailto:info@indigoshire.vic.gov.au)

Dear Greg

**RE: Submission in response to Draft Revenue and Rating Strategy (2024/266)**

With reference to Council's Draft Rating and Revenue Strategy (**Proposal**), please find below submission:

**1. Council's intention to genuinely engage with affected landowners**

From the outset, it is of particular concern that Council has demonstrated a lack of intent to genuinely consult with the affected landowners. I specifically refer to several sections of the Draft Revenue and Rating Strategy (**Strategy**) and the Draft Revenue and Ratings Strategy Recommendation to Council (**Recommendation**) which have signalled Councils intent to adopt the framework, regardless of any feedback received.

In the second paragraph of the Recommendation titled "Background", the process going forward is to "*proceed to community exhibition before returning to Council for adoption*". Nowhere in the Strategy contemplates a consideration of feedback from the exhibition and this paragraph automatically concludes the strategy as "done deal". As a minimum, Council should consider and respond to exhibition feedback as part of the approval process.

Further, consultation conducted prior to the release of the strategy was not focussed on the 276 affected properties, and relied on the results of 71 survey respondents. On page 9 under "Engagement Outcomes" the Recommendation states "*The community survey received 71 responses...This was used to inform the working group content*". It is unclear if any of the survey respondents represented the interests of the now affected landowners and it would be a gross overstatement to say that 71 respondents could possibly represent the nearly 8,000 households in the Indigo Shire.

Additionally, there is no evidence that council has even researched what proportion of the affected farms currently support farming operations – a critical data point that Councillors should be considering before any decision can be made. The Recommendation states "*The working group discussion indicated that there is likely to be a community appetite to further increase this threshold in the future*". Again, it is difficult to understand how such a statement could be made based on the feedback of 71 respondents to a survey.

## 2. Unclear Purpose of the Working Group and the Changes in the Strategy

It is understood that the working group was engaged to review the appropriateness of the council structure of rates. It is therefore unclear why the working group were afforded a scope to make determinations and/or assessments surrounding the definition of a farm, as evidenced in paragraph 4 on page 2 of the Recommendation: *“The reference group suggested that the current setting of 40 Ha did not guarantee that a property was a farm...”* How the group came to that position is unclear, and I note that the Strategy is devoid of any evidence to support this position. The working group goes on to conclude, based on that position, that the *“proliferation of rural blocks that were only slightly above the 40 Ha minimum...should not benefit from automatic categorisation”*. To what end the working group made that conclusion is also unclear. That there is a “proliferation” of rural blocks also has no basis. It would be reasonable argue that alternately that the Indigo Planning Scheme is the source of any issue in this regard, rather than a perceived ‘unfairness’ in the council rates structure. Councillors should carefully consider the weight of these conclusions in the absence of proper evidence.

It is understandable that Council seeks to preserve the farming nature of the Indigo Shire. The Recommendation concludes *“Overall, these changes align with Council’s principle of supporting farming, and the protection of farming land from inappropriate residential development”*.

If Council were truly looking to achieve this goal, and if this is the primary purpose of the Strategy Recommendations, then the proposal is undeniably pointed at the wrong parcels of land. Parcels that are already subdivided and set up for a particular use are likely to forever be used in that way unless subject to planning scheme changes. Its difficult to see how applying a moderate rate shift to existing properties will support the *“protection of farming land from inappropriate residential development”*, and I suggest that this statement in the Recommendation demonstrates no more than a convenient link to an existing policy, than a genuine attempt to serve the policy purpose. If Council were truly looking to use the rate structure to discourage the subdivision of larger farmland, then the Strategy would be aimed at only future subdivisions rather than disadvantaging existing properties through a retrospective change.

I would point out to Councillors that the Planning scheme sets the parameters of what is and is not farming land, and the working group has over-reached considerably by attempting to re-define farming zoned land.

## 3. Value proposition

It is obvious through the material available to me that Council has not properly considered the cost of implementing the strategy across 276 affected differential landowners, nor has it valued the extra/over cost and administration burden to those

landowners that would now need to prove the specific activities they use the land for, including proving the economic return of that property via a primary production assessment by the ATO.

On page 3 of the Strategy, under “Simplicity and Efficiency” it is stated *“An important goal of rating is for a simple system that is easy to understand and an efficient processing of the rates”*.

Presumably, a simple and efficient system is of great value to council to minimise administration costs and ensure Council can efficiently issue and receive payment for rates notices. It is impossible to see how Council could possibly have the resources to assess, across 276 properties (and given the ‘proliferation’ of rural allotments, this number is sure to quickly rise), whether the parcel of land is actually being used as a farm under the criteria specified. It should be obvious to Council that actual land activities could change every year, and therefore this assessment, to be accurately carried out, will need to be undertaken every year on each property.

A cursory view of this would conclude that this change across 276 properties, does not provide a ‘fairer rates system’ and most likely would cost Council more to implement than it would receive. I note that neither the Recommendation nor the Strategy deal with the economic analysis associated with the change and the Recommendation concedes the following in the first paragraph on Page 6:

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

It would be debatable how much the workload would decrease if in fact Council expect an increase in the number of properties in the Rural 1 differential, or if proper consideration was given to the changeable nature of farming from year to year.

Councillors should not make a decision until the full economic consequences are resolved and that it can be determined that a nett benefit can be realised by Council.

Page 4 of the Strategy under the “General Differential” heading states *“The objective of this general rate is that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council...”* I would argue that this principle should only be pursued if the cost of implementation yielded (at worst) no net change to Councils revenue, of which is unlikely in this case. Again, this is not addressed in the materials available to me and certainly not in the Recommendation to Council.

It appears that the proposed change in rates does not propose any increases to Municipal charges, garbage and recycling collection, environmental management contributions or CFA primary-production charges. On this basis, an average Rural 1 charge of approximately \$1,500.00 at current rates would be \$1800 per year under the

proposed structure, an increase of around \$300 per property. Applied across 276 properties, this equates to an increase of \$82,800 in total. The administration costs to administer the proposed system will effectively extinguish that additional revenue. In short, the changes bring no 'fairness' to other ratepayers because there will be no re-distribution of funds, any only serve to unnecessarily complicate the rate structure.

#### **4. No Change to Council Services**

It could be argued that the subdivision of larger farms create a unfair burden on council, causing maintenance to be concentrated on areas not previously requiring much Council intervention. However, as stated above, Council should be focusing their attention on future subdivisions, ensuring that those developers can properly consider the economics of the subdivision before it is approved by Council.

It is also difficult to understand how longstanding properties should be burdened with an increase in council rates when there is 1. No additional burden to Council because of the size of those longstanding existing properties, and 2. No intention by Council to modify their existing maintenance regime to account for the purported increase in maintenance burden. I contend that the property at [REDACTED] is a prime example of a longstanding property that will be unfairly target by the Proposal.

#### **5. Validation of land use in contradiction to the principles of the Planning Scheme**

The Indigo Planning Scheme is designed to ensure that Landowners are clear on the permissible uses of the land. This Proposal seeks to overlay a separate process, whereby the Council can seek to influence land use through financial penalty. I find it in contradiction to the Planning Scheme that free use of a particular land use could possibly be subject to financial penalty regardless that the intended use sits firmly within the Planning Scheme allowances. For example, Section 01 of the Indigo Planning Scheme states that the Purpose of the Planning Scheme is to

- *provide a clear and consistent framework within which decisions about the use and development of land can be made*
- To express state, regional, local and community expectations for areas and land uses
- *To provide for the implementation of State, regional and local policies affecting land use and development*

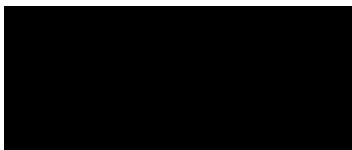
Quite Clearly the Proposal is in contradiction to the first point above, in that the Proposal sets out an inconsistent approach to properties of the same zoning. Activity planning on any property affected by the Proposal would not only need to consider the land use under the planning scheme, but now also whether farming activities, as defined by the Councils rating framework will or could be achieved. In some cases, for

example olive farming or cut flowers, seasonal weather patterns could conceivably determine year to year whether farming income could achieve the ATO's threshold to be considered a primary producer. In these cases, the Proposal only creates inconsistency over decisions about the use and development of land.

In addition, the Proposal is also in contradiction to the second point, that is that the communities expectation for areas and land use is embedded in the planning scheme itself. The communities expectation is that the land can be used for any of the allowable land uses. Council now seeks financially penalise landholders for not undertaking certain activities. It would be unprecedented for a Council to force a landowner, through financial penalty, to specifically undertake farming activities, when the Planning Scheme allows other uses.

Please contact me if you have any queries in relation to this submission

Regards,






Indigo Shire Council

Re-Draft Revenue Council Report. File No 22/6076. Ref No REC24/9066.

Submission Re same


I own property number   
46 hectares, I therefore fall into the 40-50 ha category being discussed.

I agree there are properties 2ha > 50ha which are simply lifestyle blocks. There are also other like mine which are used for Primary Production activities either alone or in conjunction with other owned or leased properties.

I am not opposed to restructuring the rating system for fairness however do wonder if the time and effort would gather enough extra rate monies to make the process worthwhile.

My main concern is that the evidence required for those owners of the relevant properties who may claim Primary Production be not too onerous. Something in the way of Tax Return/ATO documentation or more simply a statutory declaration signed by the owner stating that the land is used for the purpose of Primary Production Activities.

Thank you for the opportunity to make a submission regarding this matter.





# 11.2

## FINANCIAL HARDSHIP POLICY (2024)

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# POLICY



## Financial Hardship

Version No:	2024
Trim File No:	
Approval Date:	"To be completed after Policy is adopted"
Approved By:	"To be completed after Policy is adopted"
Department:	Planning and Corporate Services
Service Plan Area:	Rates and Property Services
Responsible Officer:	Director Planning and Corporate Services
Next Review Date:	To be reviewed no more than four years after adoption, with more frequent review where required by legislation or best practice
RelianSys No:	"To be completed after Policy is adopted"
Circulation	Public

### POLICY STATEMENT

This policy applies to ratepayers/property owners who are experiencing difficulties paying their rates and/or charges, and therefore require support from Indigo Shire Council in meeting their financial obligations.

### POLICY PURPOSE

Indigo Shire Council recognises that some ratepayers/property owners may from time to time experience financial difficulty which will vary in extent and duration and is dependent on individual circumstances.

The purpose of this Financial Hardship Policy is to provide a framework that sets out the process of providing support to individuals experiencing genuine financial hardship.

### SCOPE

Hardship assistance may be granted to individuals experiencing difficulties in meeting rate payments on their primary residence.

Applications for hardship assistance for residential investment, commercial or industrial properties will generally not be granted.

### HARDSHIP AND FINANCIAL HARDSHIP DEFINITION

The following definitions apply to this policy.

‘Hardship’ is a broad concept and may include where a person has a limited/low income (i.e. pension/unemployment) and payment of rates and charges may be detrimental to their quality of life. Unlike ‘financial hardship’ (detailed below), ‘hardship’ may be present when a ratepayer is still able to afford the necessities of life.

## Financial Hardship



Financial hardship is a category within the broader concept of hardship described above. Many situations can contribute to financial hardship, including (but not limited to):

- bereavement
- financial misfortune such as fraud or electronic scamming
- illness; or
- the impacts of natural disaster.

Mere inconvenience or difficulty in making a payment is not financial hardship. An inconvenience or difficulty may require the reorganising of finances, prioritising of other payments, or reducing expenditure on social activities and discretionary goods and services, in order to make a timely payment.

Financial hardship denotes more serious circumstances and requires that a person:

- cannot afford the necessities of life for themselves and/or dependants; or
- to be in such a circumstance that paying rates and charges means that they would be unable to afford necessities of life for themselves and/or dependants.

Necessities of life that would be impacted if making a payment of all or part of any rates, charges and any interest would:

- Prevent the ratepayer (or a dependant) from seeking essential medical treatments or supplies;
- Prevent the ratepayer from payment of essential utility services (including water and energy);
- Prevent the ratepayer (or a dependant) from access to basic living needs, such as:
  - Food;
  - Accommodation;
  - Clothing;
  - Education for dependent children; or
- Place the ratepayer (or dependent) in any form of harm or danger, including (but not limited to):
  - Family violence<sup>1</sup>; or
  - Economic abuse.<sup>2</sup>

In contrast, financial hardship is not present where a ratepayer is able to afford goods and services such as (but not limited to):

- Restaurant and takeaway meals;
- Services such as hairstyling, beauty treatments, sport and recreational activities, and holidays;
- Entertainment such as streaming services, movies, concerts, and theatre;
- Private schooling fees (including for dependents) or fee-paying education services.

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<sup>1</sup> Section 5, *Family Violence Protection Act 2008*.

<sup>2</sup> Section 6, *Family Violence Protection Act 2008*.

# Financial Hardship



## POLICY PRINCIPLES

Indigo Shire Council encourages ratepayers/property owners that are struggling financially to make contact personally, or through a third party such as a financial counsellor or welfare agency.

## APPLICATION CONSIDERATIONS

Hardship assistance will only be granted to individuals experiencing genuine hardship or financial hardship, to assist them with the payment of rates on their primary residence.

Council will ensure that all details pertaining to hardship applications are managed with privacy and sensitivity.

- Hardship applications for deferral or waiver of rates should be lodged in writing wherever possible.
- All applications will be assessed on a case by case basis.
- The information requested to support an application will be commensurate to the level of assistance being sought.
- Arrangements and assistance options offered to each person will be based on their specific circumstances and capacity to pay.
- The type of hardship assistance provided will match the level of financial difficulty.
- Ratepayers are strongly encouraged to utilise financial counselling, legal and other supports.
- Hardship supports are expected to be short-term and will not be continued indefinitely.

The following will be taken into consideration when assessing an application for assistance under this policy.

### That the ratepayer/property owner:

1. Has displayed a history of endeavouring to pay the debt to Council.
2. Has initiated contact with Council, or a third party on their behalf, to discuss the debt.
3. Is experiencing genuine financial hardship which is impacting their ability to meet their rates payments.
4. Is experiencing circumstances that require assistance on compassionate grounds:
  - a. Loss of employment or income of the property owner or family member.
  - b. Family breakdown.
  - c. Economic abuse through family violence.
  - d. Illness, including physical incapacity, hospitalization, or mental illness of the property owner or a family member.
  - e. A death in the family/funeral expenses.
  - f. Other factors resulting in unforeseen change in the person's capacity to meet their payment obligations, whether through a reduction in income or through an increase in non-discretionary expenditure.

# Financial Hardship



## AVAILABLE ASSISTANCE

The assistance options available to ratepayers experiencing financial hardship are described below in ascending order of support.

The first assistance (payment arrangements) is available through Council's rates department and requires the lowest level of application (email/verbal, etc).

### **1. Payment Arrangements**

Council will work with ratepayers experiencing hardship to create a payment plan that takes their individual circumstances into account and allows them to pay the rates over an extended period of time and/or in smaller regular payments.

A **payment arrangement** can be entered into at any time and will be subject to the following:

- Payment arrangements will have a limited life of up to twelve (12) months following the end of the financial year the arrangement was entered into.
- Where rate payments are in arrears, any default from the payment arrangement may result in debt recovery activities.
- Applicants will be encouraged to make a regular payment arrangement so that bills can be paid in smaller more manageable amounts.
- Payment arrangements may be renegotiated as a ratepayers/property owners' circumstances change.
- Should the property owner/rate payer be unable to make a regular repayment arrangement their payment plan may be cancelled.

### **2. Suspension or Waiver of Penalty Interest**

Penalty interest rates are set by the state government and applied on outstanding rates balances. Interest may be waived or suspended for administrative reasons such as:

- **Trivial Interest waiver** – where interest has been charged for a trivial reason or period of time. For example, interest on rates paid one day after the due date.
- **Administrative Reason/Error waiver** – penalty interest waived in the event of an administrative issue, error or omission by Council which causes or significantly contributes to a failure to payment of rates in a timely manner.

An application for a waiver of penalty interest on outstanding rates and charges can be considered for a person experiencing Hardship or Financial Hardship as defined above. Examples of Council responses to hardship or financial hardship may include the following.

- **Compassionate Grounds waiver** – interest incurred on a debt while the ratepayer is experiencing short-term change of financial circumstances (change of job, etc) or is suffering short term hardship or financial hardship. It is expected in this situation that the ratepayer is making attempts to repay the outstanding debt (though a payment plan, etc).

# Financial Hardship



When assessing requests for interest waivers Council will consider individual circumstances such as the type of hardship, payment history, size of debt, etc.

Waivers of up to \$1,000 will be determined by the Director responsible for Council's Finance Department. Recommendations for waivers greater than \$1,000 will go to a (confidential) Council decision.

### 3. Deferral of rates, charges, or interest

The deferral of rates, charges, or interest places all payments on hold for a period of time. This does not reduce the outstanding balance, but makes it unnecessary for the ratepayer to make any payments while the agreement is in place. New rates and charges (and possibly interest) may accrue during this time, but will not require payment.

A deferral of rates, charges, or interest will be for a set period of time and then be re-assessed. The period of time will be determined by the Director responsible for Council's Finance Department on a case-by-case basis. Once the agreement finishes the rates, charges, or interest become payable. This may lead to an agreed payment plan.

**Applications for deferral of rates, charges, or interest will be considered from the following persons:**

- Pensioners (eligible under the *State Concessions Act 2004*) or self-funded retirees who are in financial stress and transitioning away from home ownership.
- Other financial hardship applications (extreme and long-term cases).
- Ratepayers in acute financial stress with an expected resolution (for example, a person who has become unemployed and is awaiting the sale to the property).

**Applications are subject to the following conditions:**

- Must be the applicant's sole or principal place of residence (owner/occupier).
- Where a property has co-owners with one owner suffering financial hardship and the other owner(s) not under financial hardship then the other co-owners (not experiencing financial hardship) become liable for the full payment of the rates and charges.
- A confidential statement providing evidence of financial hardship must be submitted.
- Wherever possible, Council prefers independent verification from an accredited Financial Counsellor or accountant working under the authority of the property owner.
- Depending on the circumstances, penalty interest may still apply to the unpaid rates and charges.
- Council reserves the right to alter or withdraw any agreement if circumstances change.

### 4. **Waiver of rates and charges**

In general, rates and charges will not be waived. However, under *Section 171 (a) of the Act*, Council may waive rates and charges if it considers that a ratepayer is suffering extreme financial hardship. The waived amount is capped at \$1,000 per property, with applications for greater than \$1,000 requiring formal Council approval.

Rates, charges, or interest, may be waived subject to the compliance with the following conditions:

## Financial Hardship



- Where the ratepayer is experiencing extreme financial hardship as assessed by (preferably) an independent accredited Financial Counsellor, or Council staff where a financial Counsellor is not in use.
- The property for which the waiver is to be considered must be the ratepayer's principle place of residence.
- Where a property has co-owners with one owner suffering financial hardship and the other owner(s) not under financial hardship then the other co-owners (not experiencing financial hardship) become liable for the full payment of the rates and charges.
- The ratepayer, or the independent accredited Financial Counsellor with the ratepayer's written consent, must request the waiver (applications cannot be initiated by Council).

Applications for a waiver of rates and charges up to \$1,000 will be determined by the Director responsible for Council's Finance Service. Recommendations for waivers over \$1,000 must be determined by a (confidential) Council decision.

When assessing requests for waivers, Council will consider the following factors:

- Can the unpaid rates and charges be paid by rearranging finances and/or selling or drawing on assets?
- Does the ratepayer have access to savings, monetary investments, or other income?
- Has financial hardship been caused by a ratepayer's own actions or expenditure, for example, through spending on non-essential items or through a recent gift or loan to family or friends?
- What has the applicant ratepayer done to alleviate their financial hardship?
- Will the applicant ratepayer sell saleable or liquid assets capable of paying the debt within the next 12 months, including the property with outstanding rates and charges?
- Is the ratepayer able to make payments on other debts (such as mortgage or credit cards) greater than the minimum required?
- Is the ratepayer a company or trust?

### **DEBT RECOVERY**

Debt recovery actions include Council actions and reminders as well as the use of 3<sup>rd</sup> party providers to recover debt. Actions may include restrictions on property such as the use of covenants.

Legal action to recover unpaid rates, charges, or interest is the last resort for Council after all other processes have failed to achieve a satisfactory outcome. Council will consider legal action when the debt meets the criteria of *The Act* and is in excess of \$10,000 or 10% of the property value (whichever is the lesser amount).

Council reserves the right to take recovery action to the extent possible under the law. This may include the sale of the ratepayer's property to fund the outstanding debt.

### **EXTERNAL RESOURCES**

Where necessary, ratepayers may find assistance through external financial management services such as:

# Financial Hardship



- The Consumer Action Law Centre <http://consumeraction.org.au> (financial counselling services).
- Financial Counselling Victoria ([www.fcvic.org.au](http://www.fcvic.org.au)) for financial counselling services and locating these services in your area.
- The Financial Counselling Hotline on 1800 007 007.

## **ELATED POLICIES AND DIRECTIVES**

- Revenue & Rating Strategy
- Debt Management – Sale of Property Policy
- Public Transparency Policy

## **RELATED LEGISLATION AND OTHER DOCUMENTS**

- *Local Government Act* (1989 & 2020):
- The penalty interest rate is fixed by the Attorney-General under Section 2 of the *Penalty Interest Act 1983* and is reviewed annually.

## **POLICY REVIEW**

The policy should be reviewed at least every four years from date of adoption.

## **COMMUNICATION**

This is a public policy and will be made available on Council's website. Details of how to apply for payment plans, deferrals and waivers will also be published on the website.



# 11.3

## PLANNING PERMIT APPLICATION PP23-0174 - 11 SLAUGHTERHOUSE ROAD, RUTHERGLEN

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# Slaughterhouse Road Development Plan

Approval of the Slaughterhouse Development Plan pursuant  
to Development Plan Overlay - Schedule 3 applying to 11  
Slaughterhouse Road, Rutherglen

Version 3, June 2024

SPOT Planning Pty Ltd

ABN: 86 411 217 404

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**SPOT**  
PLANNING

# Document Control Register

## Slaughterhouse Road Development Plan

Document Summary					
Issue	Date	Details	Author	Checked	Approved
A	09/08/2023	Draft DP Submission V1	MB/SS	BL	SS
B	04/09/2023	Final DP Submission V1	BL/SS	SS	SS
C	10/01/2024	Final DP Submission V2	BL/SS	SS	SS
D	26/06/2024	Final DP Submission V3	CF/SS	SS	SS

### DISCLAIMER

This report incorporates information and events up to that date outlined in the Document Control Register and excludes any information arising, or event occurring, after that date which may affect the validity of this report. SPOT Planning prepared this report on the instructions, and for the benefit only, of Halcon Rutherglen Pty Ltd (Instructing Party) for the purpose of obtaining planning approval from the Indigo Shire Council.

This report has been prepared with due care and diligence by SPOT Planning and the statements and opinions given by SPOT Planning in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

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This Development Plan has been prepared on behalf of:



In collaboration with:



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# 1.0 - Introduction

## 1.1 - Project Snapshot

This submission is made of behalf of Halcon Rutherglen Pty Ltd for the purpose of obtaining Council approval for the 'Slaughterhouse Road Development Plan' under Development Plan Overlay - Schedule 3 applying to 11 Slaughterhouse Road, Rutherglen.

This report sets out the strategic framework for the ultimate development of 11 Slaughterhouse Road, Rutherglen. It aims to ensure the land meets the objectives and requirements of the Development Plan Overlay - Schedule 3.

The proposal is required to facilitate the envisaged development outcome for the land, which may include fully serviced minimum 2,000sqm allotments and/or septic/effluent managed low density allotments. Thus, the Development Plan is proposed to be approved under Schedule 3 to the Development Plan Overlay to ensure future development applications may be considered generally in accordance with the approved Slaughterhouse Road Development Plan.

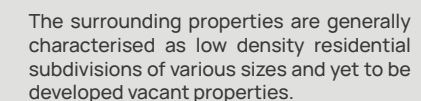
Specifically, this submission has been prepared to:

- Provide a description of the site and surrounding area as it relates to the Development Plan.
- Outline the nature of the proposed development outcome.
- Provide justification for the proposed development outcome.
- Demonstrate compliance with the relevant Planning and Local Policy Frameworks and Zoning and Overlay provisions.
- Demonstrate compliance with Schedule 3 to the Development Plan Overlay.

### Application Details

<b>Applicant</b>	Halcon Rutherglen Pty Ltd
<b>Subject Land</b>	Land in Plan of Consolidation 109629
<b>Subject Address</b>	11 Slaughterhouse Road, Rutherglen
<b>Site Area</b>	21.9ha
<b>Municipality</b>	Indigo Shire Council
<b>Proposal</b>	Approval of the Slaughterhouse Road under Development Plan Overlay - Schedule 3 applying to 11 Slaughterhouse Road, Rutherglen
<b>Zone</b>	Low Density Residential Zone
<b>Overlay</b>	Development Plan Overlay - Schedule 3
<b>Strategic Documents</b>	Rutherglen Settlement Plan

## 2.1 - Subject site

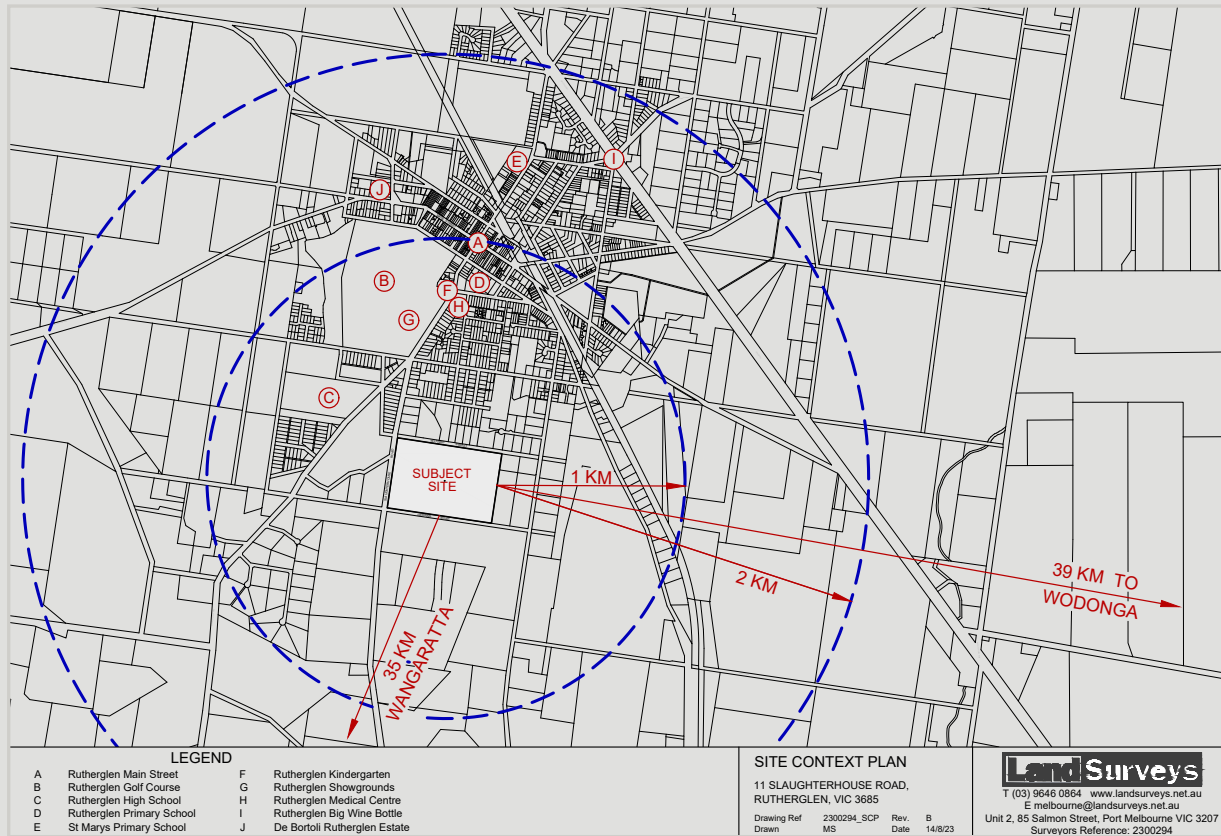


### Figure 1: Survey Plan



## 2.0 - Site and Surrounds

### 2.2 - Surrounding Context



The land is located in the historical township of Rutherglen, within the municipality of Indigo Shire.

Rutherglen is located between Yarrawonga and Wodonga, just 10km south of the Murray River and 7.5km south-east of the small state border town of Wahgunyah.

The township of Rutherglen is one of four key destination towns within Indigo Shire. It is well known for its wineries, restaurants and cafes and is the second most visited destination within the Shire, with 260,000 visitors per annum of the 853,000 visitors to Indigo as a whole (Rutherglen Place Plan).

The subject site is located at the southernmost point of the existing residential township boundary. The land benefits from access to a range of local services, facilities and infrastructure in close proximity.

Specifically, the site is located within proximity to the following key infrastructure/services:

- Rutherglen Main Street (1km north);
- Rutherglen Golf Course (800m north);
- Rutherglen High School (350m west);
- Rutherglen Primary School (1km north);
- St Marys Primary School (1.6km north);
- Rutherglen Kindergarten (800m north);
- Rutherglen Medical Centre (800m north);
- Rutherglen Big Wine Bottle (2km north-east); and
- De Bortoli Rutherglen Estate (1.8km north).

The proximity of services and infrastructure, amongst other key community facilities further emphasises the suitability of the land to provide for low density residential development.

## 2.0 - Site and Surrounds

### 2.3 - Title Details

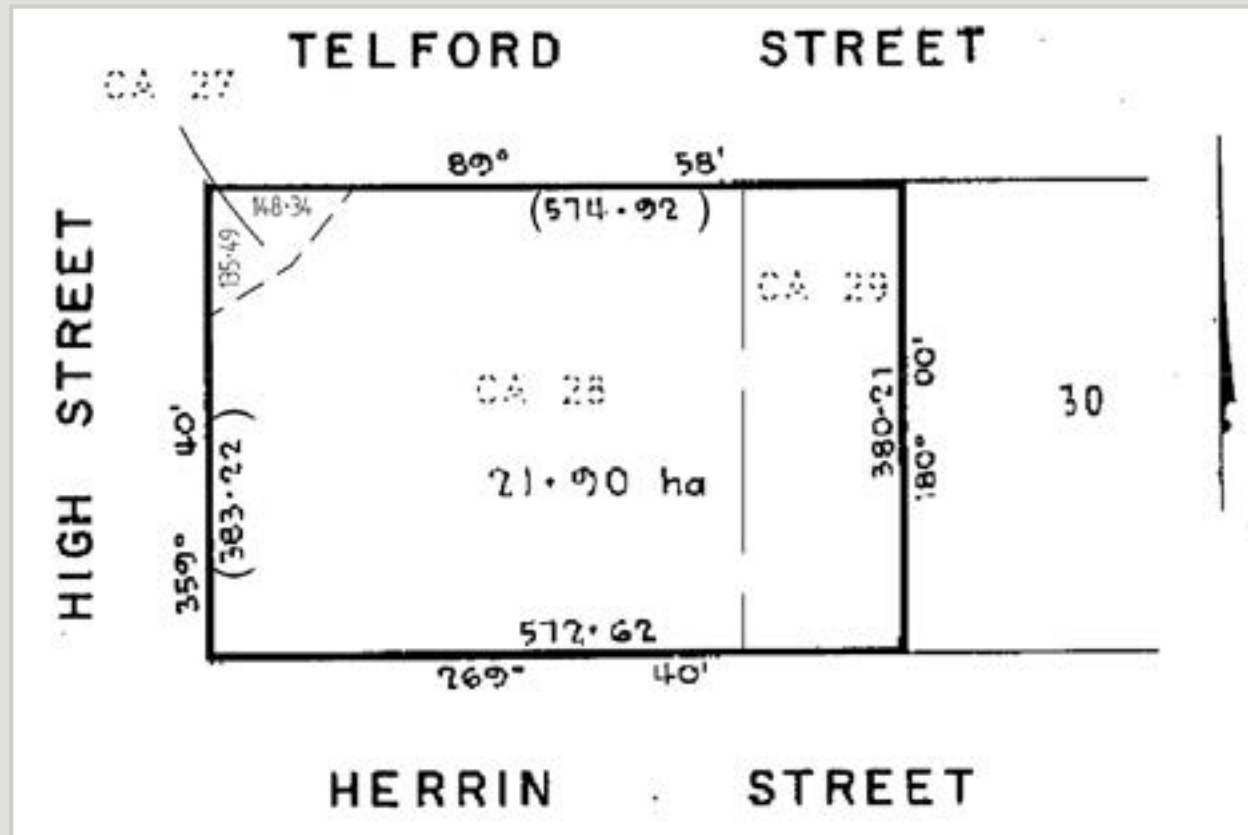


Figure 3: Land in Plan of Consolidation 109629

The land at 11 Slaughterhouse Road, Rutherglen is formally known as Land in Plan of Consolidation 109629.

The current certificate of Title is provided as **Appendix A** to this submission.

The land is currently owned by Mr Dale Bridge, who has entered into a contract of sale with the proponent - Halcon Rutherglen Pty Ltd. The title currently contains a Mortgage held by National Australia Bank Ltd (AB551109W).

The land is free from restrictions/ easements or encumbrances that might otherwise prevent the development as envisaged by this Development Plan from occurring.



## 3.0 - Purpose of the Development Plan

### 3.1 - Development Plan Overlay - Schedule 3

The proposed Slaughterhouse Road Development Plan seeks to address the objectives and application requirements of the Development Plan Overlay - Schedule 3.

This report demonstrates how the submission meets all of the applicable requirements for a Development Plan and is therefore suitable for approval by Council.

The requirement for the Development Plan is outlined within the Development Plan Overlay - Schedule 3 (DPO3) that applies to the land under the Indigo Shire Planning Scheme.

Clause 43.04-2 of the Planning Scheme states that where the Development Plan Overlay applies:

*'A permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the responsible authority.'*

*This does not apply if a schedule to this overlay specifically states that a permit may be granted before a development plan has been prepared to the satisfaction of the responsible authority.*

*A permit granted must:*

- *Be generally in accordance with the development plan.*
- *Include any conditions or requirements specified in a schedule to this overlay.'*

The Development Plan Overlay - Schedule 3 applies to surrounding land to the east, west and north of the subject site. Given the site scale and context with adjoining existing road reservations defining the north, south and western boundaries, it is considered appropriate for a site specific Development Plan to be prepared for 11 Slaughterhouse Road, Rutherglen.

The Development Plan Overlay - Schedule 3 implements further specific requirements for the Development Plan. These requirements have been considered as part of the assessment against the existing planning provisions in the Planning Context section of this submission.



Figure 4: Development Plan Overlay - Schedule 3

## 4.0 - Planning Context

## 4.1 - Planning Summary

Relevant Planning Controls	
Planning and Local Policy Framework	Clause 02.03 - Strategic Directions Clause 11.01-1S - Settlement Clause 11.02-3S - Sequencing of Development Clause 12.01-1S - Protection of Biodiversity Clause 13.02-1L - Bushfire Planning Clause 14.02-2S - Water Quality Clause 14.02-2L-02 - Effluent Disposal and Water Quality Clause 15.01-3S - Subdivision Design Clause 15.01-5S - Neighbourhood Character Clause 15.01-6S - Design for rural areas Clause 16.01-1S - Housing Supply Clause 16.01-1L - Residential Subdivision and Development Clause 16.01-2S - Housing Affordability Clause 18.02-4S - Roads
Zone	Clause 32.03 - Low Density Residential Zone
Overlays	Clause 43.04 - Development Plan Overlay - Schedule 3
Particular Provisions	Clause 52.17 - Native Vegetation Clause 53.01 - Public Open Space Contribution and Subdivision
Strategic Documents	Rutherglen Settlement Strategy



Figure 5: Rutherglen Settlement Plan

# 4.0 - Planning Context

## 4.2 - Planning and Local Policy Assessment

The following are the relevant Planning Policies with regards to this application:

### Clause 02.03 - Strategic Directions - Rutherglen

A number of large vacant parcels of residential land and infill opportunities can accommodate residential growth in the short to medium term. It is a strategic direction for Rutherglen to:

- Plan for a traffic bypass of the town.
- Consolidate commercial development within the commercial precinct.
- Encourage infill development that takes advantage of efficiencies gained through better use of infrastructure.

### Development Response

The development of a large vacant residential parcel to accommodate the growth of Rutherglen is consistent with the strategic direction of the township.

### Clause 11.01-1S - Settlement

The main objective of this Clause is to facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.

### Development Response

The development is located within a designated low density residential precinct at the edge of the existing township boundary and is well suited to provide for growth to accommodate demand/expansion of Rutherglen.

### Clause 11.02-3S - Sequencing of Development

The main objective of this Clause is to manage the sequence of development in areas of growth so that services are available from early in the life of new communities.

### Development Response

The development will provide for all necessary services/amenities to accommodate the future residential dwellings. Where reticulated sewerage is not available, it will be demonstrated that the dwellings can be serviced via an on-site effluent management solution.

### Clause 12.01-1S - Protection of Biodiversity

The main objective of this Clause is to protect and enhance Victoria's biodiversity.

### Development Response

The development proposes to remove the patches of native vegetation and provide an offset in accordance with the requirements of Clause 52.17. The subdivision will however encourage the integration and protection of scattered native trees on-site.

### Clause 13.02-1L - Bushfire Planning

The main objective of this Clause is to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

### Development Response

The proposed development will mitigate bushfire risk through the preparation of a Bushfire Management Plan as part of the future planning application. The Bushfire Management Plan will provide for recommended building standards and defensible space requirements for each allotment.

### Clause 14.02-2S - Water Quality

The main objective of this Clause is to protect water quality.

### Development Response

The Stormwater Management Strategy will be implemented to ensure the drainage and water quality management meets best practice measures.

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

The main objectives of this Clause is:

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

### Development Response

Where reticulated sewerage is not available, the subdivision will provide larger low density residential allotments that will be serviced via on-site effluent management systems. Preliminary investigations have been undertaken to confirm the land is suitable for on-site effluent management. A Draft Land Capability Assessment has been completed for the initial stages of development and will be finalised as part of the future planning permit application.

### Clause 15.01-3S - Subdivision Design

The main objective of this Clause is to ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.

### Development Response

The development provides for a logical subdivision design to ensure a well connected and permeable road network is provided, as well as an energy efficient development orientation for individual dwellings. A road connection has been provided into the property to the east.

### Clause 15.01-5S Neighbourhood Character

The main objective of this Clause is to recognise, support and protect neighbourhood character, cultural identity, and sense of place.

### Development Response

The subdivision has been designed to seamlessly integrate with the surrounding established low density residential character that respects the landscape and natural amenity values.

## 4.0 - Planning Context

### 4.2 - Planning and Local Policy Assessment

#### Clause 15.01-6S - Design for Rural Areas

The main objective of this Clause is to ensure development respects valued areas of rural character.

#### Development Response

The development provides for a low density residential subdivision that is respectful of the surrounding rural landscape character.

#### Clause 16.01-2S - Housing Supply

The main objective of this Clause is to facilitate well-located, integrated and diverse housing that meets community needs.

#### Development Response

The greenfield development site will unlock additional housing supply within the existing Rutherglen township boundary.

#### Clause 16.01-1L - Residential Subdivision and Development

The main objectives of this Clause are:

- To ensure that residential development is connected to reticulated sewerage, water, power, and stormwater facilities and has access to fully constructed roads.
- To ensure that urban development does not adversely impact the environment and downstream water quality.
- To locate medium density development adjacent to community services and facilities and in proximity to commercial centres.
- To ensure that the design of medium density housing considers the scale, mass, form and height of other buildings particularly in heritage towns.

#### Development Response

The proposed low density residential subdivision will deliver the necessary services to ensure the dwellings have adequate provision of infrastructure, including sewer/septic, water, power, drainage and electricity.

#### Clause 16.01-2S - Housing Affordability

The main objective of this Clause is to deliver more affordable housing closer to jobs, transport and services.

#### Development Response

The development will release additional affordable housing stock to the market, proximate to amenities and services.

#### Clause 18.02-4S - Roads

The main objective of this Clause is to facilitate an efficient and safe road network that integrates all movement networks and makes best use of existing infrastructure.

#### Development Response

The development seeks to deliver a permeable road network with appropriate connections to the established surrounding network whilst providing for the necessary external upgrades to service the subject site.



Figure 6: Rutherglen Regional Context (Rutherglen Place Plan excerpt)

## 4.0 - Planning Context

### 4.3 - Planning Zones Assessment

#### Clause 32.03 – Low Density Residential Zone

The purpose of the Low Density Residential Zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.

There are no variations to the Schedule to the Low Density Residential Zone that apply to the subject site.

Pursuant to Clause 32.03-3 of the Low Density Residential Zone, a planning permit is required to subdivide land. According to the provisions of this clause, each lot must be at least:

- 0.4 hectare for each lot where reticulated sewerage is not connected.
- 0.2 hectare for each lot with connected reticulated sewerage.

#### Development Response

The proposed Slaughterhouse Road Development Plan establishes the framework for future low density residential development, consistent with the minimum subdivision areas outlined within Clause 32.03-3.

The Development Plan facilitates the establishment of fully serviced allotments (if capacity permits) and/or larger septic/effluent managed allotments. The road network has been designed to accommodate both outcomes to ensure flexibility within the Development Plan is achieved. Larger septic/effluent managed allotments are encouraged predominately along the southern property boundary as an interface to the adjoining Rural Activity Zone and to define the current residential township boundary.

A planning permit will be required for the future subdivision and residential development of the land. The planning submission will be required to demonstrate consistency with the purpose and decision guidelines of the Low Density Residential Zone.



Figure 7: Zoning

## 4.0 - Planning Context

### 4.4 - Planning Overlays Assessment

#### Clause 43.04 – Development Plan Overlay - Schedule 3

The purpose of the Development Plan Overlay is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.
- To exempt an application from notice and review if a development plan has been prepared to the satisfaction of the responsible authority.

Clause 43.04-2 of the Planning Scheme outlines that where the Development Plan Overlay applies:

*'A permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the responsible authority.'*

#### Development Response

The proposed Slaughterhouse Road Development Plan has been prepared for approval under Schedule 3 to the Development Plan Overlay.

Schedule 3 to the Development Plan Overlay provides specific requirements of a Development Plan that are further considered below.

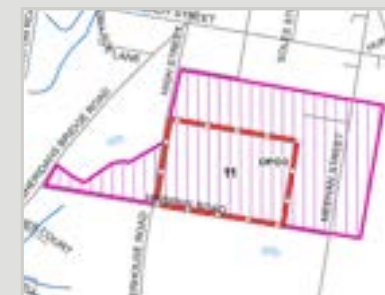


Figure 8: Development Plan Overlay - Schedule 3

Requirements for the Development Plan	Response
Be generally in accordance with any relevant Outline Development Plan or Structure Plan	The proposed Slaughterhouse Road Development Plan is considered to be generally in accordance with the Rutherglen Settlement Strategy.
Describe the relationship of proposed development on the land to existing and proposed developments on adjoining land.	The land to the north, east and west is also within the Development Plan Overlay - Schedule 3 and the Low Density Residential Zone. The land is separated from future low density residential development to the north and east by an existing road reservations which will be utilised by the development. Consideration for the land to the east has been provided in the Development Plan layout through the provision of an internal road connection to enhance permeability. The land to the south is the existing defined residential township boundary and the land is zoned Rural Activity Zone.
Identify proposed buffer areas separating land.	There are no land use buffers from surrounding properties that are known to impact the subject site.
Identify any sites of conservation, heritage, archaeological significance or with landscape value and how they will be proposed to be managed and/or protected.	There are no conservation, heritage, archaeological or landscape values contained within the subject land.
Identify potential residential densities.	The land is located within the Low Density Residential Zone. The minimum lot sizes are outlined within the zone, with 2,000sqm being the minimum size for fully serviced allotments and 4,000sqm being for septic/effluent managed allotments. The proposed density should be reflective of this minimum lot-size and the lot-mix outcome will be subject to service availability/capacity.



## 4.0 - Planning Context

### 4.4 - Planning Overlays Assessment

Requirements for the Development Plan	Response
Show the conceptual layout of future internal roads and proposed external road access to the land	<p>The land benefits from the interface to three existing road reservations. Allotments along these interfaces will be designed to face the road frontages presented. The main access to the internal road network will be from Telford Street to the north. A local access road is proposed internally to service the development and provides provision for a future connection to the east when the adjoining land develops.</p> <p>A Traffic Impact Assessment has been completed by Traffic Works and provided as <b>Appendix B</b> in support of the Development Plan</p>
Where appropriate, include the provision of adequate and functional open space networks and recreational areas and linkages to nearby existing and proposed open space/recreational areas.	The Slaughterhouse Road Development Plan proposes a Local Park as generally depicted in the south-east corner of the subject site, which will complement the drainage infrastructure to the north and provide amenity to future residents.
Provide appropriate arrangements for the provision and funding of necessary physical infrastructure (including adequate potable water supply) and social infrastructure unless otherwise required by an adopted Development Contribution Plan.	There is no Development Contributions Plan applying to the land. All necessary infrastructure to service the development will be delivered as part of the subdivision works.
In cases where a reticulated sewerage system cannot be provided, demonstrate that the proposed density of the development responds to the water catchment in the area and makes provision, where appropriate, that lots created cannot be further subdivided unless reticulated sewerage is provided.	A draft Land Capability Assessment has been completed for the initial stages of development and will be finalised to form part of the future subdivision/development application.
In cases where a reticulated water system cannot be provided, identify proposed water supply systems to service residential development on site, by either tanks or community supply from storages. Where bore water is proposed, a report demonstrating that the water is potable and that supply can be assured is required. Such a report also needs to address potential risks due to residential density in the locality and onsite effluent disposal.	A Servicing and Stormwater Strategy has been prepared by Woodward Civil and provided as <b>Appendix C</b> in support of this submission and demonstrates that the land will be provided with reticulated water.
Provide for the orderly staging of development and supply of services. In order to prevent leapfrog development and the oversupply of land, staging must be determined having regard to: <ul style="list-style-type: none"> <li>Existing land supply in the locality.</li> <li>Efficient use of existing and future infrastructure.</li> </ul>	An indicative Staging Plan is provided as part of the Slaughterhouse Road Development Plan to demonstrate the logical sequencing of development. The formal staging plan will be provided as part of the planning permit application.
Where practical, list the anticipated timing of development	The development is anticipated to commence in late 2025 - early 2026.
Provide an overall scheme of landscaping and any necessary arrangements for the preservation or regeneration of vegetation.	A Landscape Concept Plan has been prepared by Yonder and submitted as <b>Appendix D</b> in support of the Development Plan. The plan is indicative only and a formal landscape masterplan will be resolved as a condition of the future planning permit.
Provide for suitable linkages and where necessary the funding or provision of suitable infrastructure between the site, adjacent areas, and public facilities and nearby urban areas for road, pedestrian, bicycle and public transport facilities.	The proposed development will upgrade the external adjoining roads as outlined within the supporting Traffic Impact Assessment and nominated within the Development Plan.
Identify proposed water supplies, storage and systems required for fire fighting purposes.	The development will comply with the CFA requirements and will be demonstrated at the Engineering design phase.
Require the provision of soil and water reports to accompany all applications demonstrating the capacity of infrastructure to service the development, treat and retard stormwater and reduce any downstream soil and water impacts of the development.	The subdivision is required to deliver a retarding basin along the eastern property boundary to service the catchment. The location is nominated on the Development Plan. Details of the proposed Drainage Strategy are outlined within the Servicing and Stormwater Strategy provided as <b>Appendix C</b> in support of this submission.
Demonstrate Water Sensitive Urban Design (WSUD) principles will be used in managing stormwater/drainage.	The Stormwater Management Strategy includes best practice water sensitive urban design features.

## 4.0 - Planning Context

### 4.5 - Particular Provisions

#### Clause 52.17 - Native Vegetation

The purpose of this clause is to:

- To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):
  - Avoid the removal, destruction or lopping of native vegetation.
  - Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
  - Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.
- To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.

Pursuant to Clause 52.17-1, a planning permit is generally required for the removal of native vegetation, unless an exemption is provided in the Table outlined in Clause 52.17-7 or the Schedule to Clause 52.17.

#### Development Response

A Biodiversity Assessment has been completed by Red Gum Environmental Consulting and provided as **Appendix E** in support of the Development Plan. The assessment identified three scattered native trees and patches of Plains Woodland (EVC 803) and Low Rises Grassy Woodland (EVC 175\_61) to be considered as part of any future development.

The Slaughterhouse Road Development Plan encourages the integration and retention of the scattered native trees into private allotments. The patches of native vegetation will likely be removed as part of the works associated with the subdivision.

The future planning application must address Clause 52.17 directly through a supporting specific Biodiversity Assessment and Native Vegetation Removal Report.



Figure 9: Native Vegetation

#### Clause 53.01 - Public Open Space Contribution and Subdivision

It is noted that Clause 53.01 of the Indigo Shire Planning Scheme may require a public open space contribution in accordance with *Section 18 of the Subdivision Act 1988*.

#### Development Response

The Schedule to Clause 53.01 of the Indigo Shire Planning Scheme does not provide a specific contribution requirement for the subject site. However, the provisions of the Subdivision Act 1988 would typically require a 5% Public Open Space contribution in the form of land or a cash equivalent contribution.

The Slaughterhouse Road Development Plan proposes a Local Park as generally depicted in the south-east corner of the subject site. The Open Space has been located to complement the drainage asset to the north and allow for future expansion with the ultimate development of the land abutting to the east. The Local Park has been designed to ensure maximum accessibility to the overall Development Plan area with a primary frontage to the internal access road and a pedestrian connection to Herrins Road to the south.

The final shape, quantum of land and design will be determined as part of the planning application process.



# 5.0 - The Development Plan

## 5.1 - Slaughterhouse Road Development Plan



### The Development Plan

The proposed Slaughterhouse Road Development Plan has been prepared in accordance with the requirements outlined in Development Plan Overlay - Schedule 3 and appropriately responds to the site opportunities and constraints as follows:

- Encourages the protection and retention of native scattered trees as part of the subdivision design;
- Facilitates the upgrade of external road infrastructure;
- Provides an internal road connection to the land to the east within the DPO3;
- Provides an appropriate interface to land to the south in the Rural Activity Zone; Provides for a Passive Open Space area for local recreation and amenity.
- Delivers a best practice drainage solution for the catchment; and
- Ensures development is sequenced and serviced in a logical manner.

### Development Yield

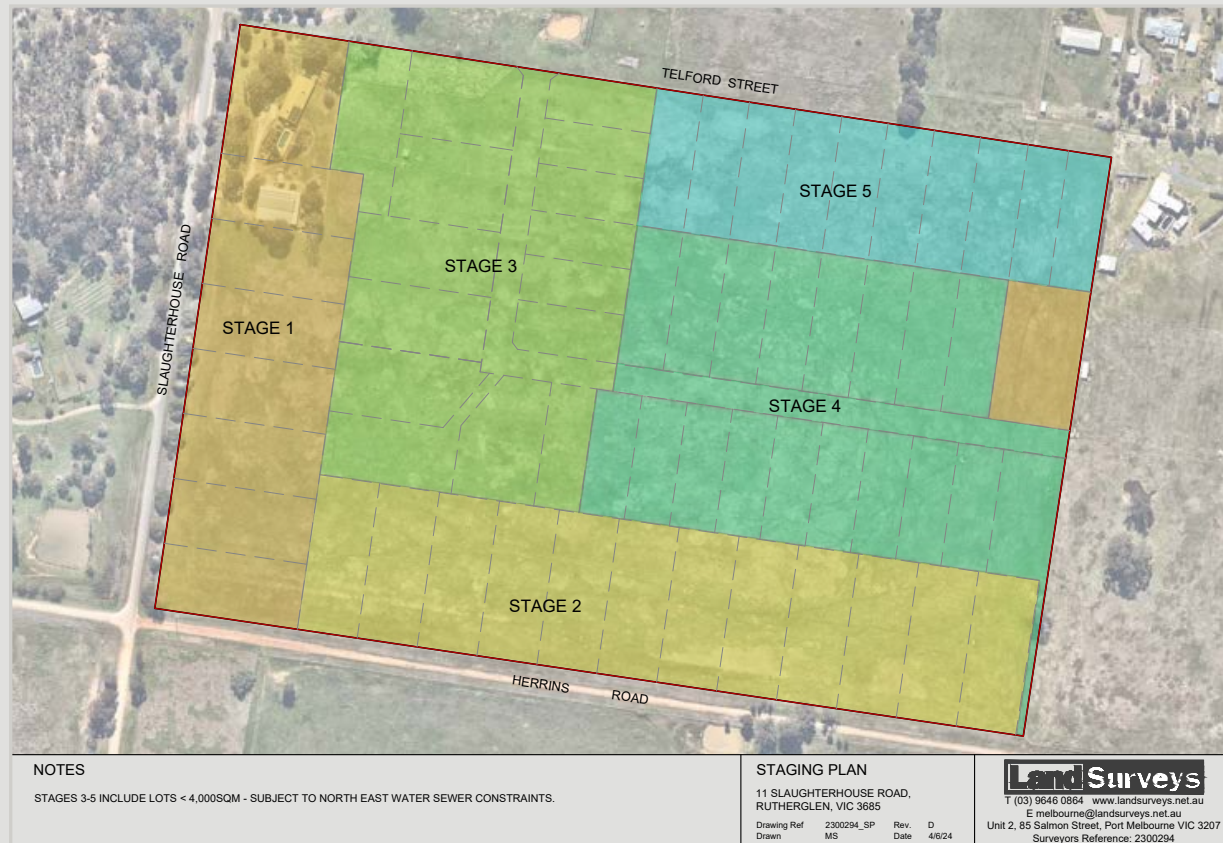
The proposal will contribute to unlocking approximately 50-65 new dwellings within the Shire to contribute towards land supply and accommodate the growth of Rutherglen.

The proposal will provide for a diverse lot-mix to facilitate a variety of dwelling typologies based on the availability and capacity of services to inform the subdivision design.

Figure 10: Slaughterhouse Road Development Plan

## 5.0 - The Development Plan

### 5.2- Staging Plan



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Figure 11: Indicative Staging Plan

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### Sequencing

The development sequencing will most likely occur initially along the existing Slaughterhouse Road and followed by the township interface allotments along the southern boundary.

The following stages will be dictated by further service investigations and the additional following factors:

- Delivery of external infrastructure including Herrin Road and Telford Street.
- Drainage infrastructure requirements relative to the stage of development.
- Availability and capacity of service infrastructure.
- Market appetite for development product.
- Developer finance.

The staging plan provided is indicative only and based on currently available information.

A refined staging plan will be provided as part of the future planning permit application and endorsed under the future planning permit.

## 6.0 - Conclusion

### 6.1 - Development Plan - Implementation



Figure 12: Site Aerial

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#### Delivery

The Slaughterhouse Road Development Plan relating to 11 Slaughterhouse Road, Rutherglen is considered to provide a positive planning outcome for the following reasons:

- The proposal accords with the objectives of the PPF, LPPF and Zone and Overlay provisions;
- The proposal addresses the requirements of Schedule 3 to the Development Plan Overlay;
- The proposal facilitates the delivery of a combination of fully serviced low density residential allotments and larger septic/effluent managed low density residential allotments;
- The proposal will contribute to unlocking approximately 50-65 new dwellings within the municipality to contribute towards land supply and accommodate population growth;
- The proposal will provide for a functional, efficient and connected local street network which will include upgrades of Herrins Road and Telford Street;
- The proposal will include the delivery of Passive Open Space to provide for local recreation and amenities; and
- The proposal resolves servicing, access and drainage issues to allow for the coordinated and integrated development of the land.

It is therefore considered that the proposal is an acceptable outcome having regard to the provisions of the Indigo Shire Planning Scheme and thus approval for the proposed 'Slaughterhouse Road Development Plan' should be granted.

Upon approval, the associated subdivision planning application will be advanced in accordance with the final Slaughterhouse Road Development Plan.





# Appendix A

## Certificate of Title

Slaughterhouse Road Development Plan - Prepared for Malcan Rutherglen Pty Ltd

**SPOT Planning Pty Ltd**

ABN: 86 411 217 404

ACN: 636 682 383

E. [info@spotplanning.com.au](mailto:info@spotplanning.com.au)

M. 0409 962 001

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## REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

Page 1 of 1

VOLUME 09357 FOLIO 890

Security no : 124107778836U  
Produced 21/07/2023 08:29 AM

### LAND DESCRIPTION

Land in Plan of Consolidation 109629.  
PARENT TITLE Volume 08524 Folio 915  
Created by instrument CP109629 15/01/1980

### REGISTERED PROPRIETOR

Estate Fee Simple  
Sole Proprietor  
DALE BRIDGE of 4 WILDMAN AVENUE LIVERPOOL NSW 2170  
AB551108Y 11/09/2002

### ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AB551109W 11/09/2002  
NATIONAL AUSTRALIA BANK LTD

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan or imaged folio set out under DIAGRAM LOCATION below.

### DIAGRAM LOCATION

SEE CP109629 FOR FURTHER DETAILS AND BOUNDARIES

### ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 11 SLAUGHTERHOUSE ROAD RUTHERGLEN VIC 3685

### ADMINISTRATIVE NOTICES

NIL

eCT Control 16089P NATIONAL AUSTRALIA BANK LTD  
Effective from 22/10/2016

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Section 45 Transfer of Land Act 1958

Lodged by:

**NATIONAL AUSTRALIA BANK LIMITED 9E**

Name:

Tress Cocks &amp; Maddox

Phone:

(03) 9602 9444

Address:

469 Latrobe Street, Melbourne

Ref:

JMC/LJW 206371

Customer Code:

1666K

**AB551108Y T1**

11/09/2002 \$858 45 ce



MADE AVAILABLE/CHANGE CONTROL

Land Titles Office Use Only

The transferor at the direction of the directing party (if any) transfers to the transferee the estate and interest specified in the land described for the consideration expressed and subject to the encumbrances affecting the land including any created by dealings lodged for registration before the lodging of this transfer.

Land: (volume and folio reference)

Certificate of Title Volume 9357 Folio 890

Estate and Interest: (eg. all my estate in fee simple)

All our estate in fee simple

Consideration:

\$312,000.00

Transferor: (full name)

Glen Stones and Lynette Dorothy Stones

Transferee: (full name and address including postcode)

Dale Bridge of 4 Wildman Avenue, Liverpool 2170

Directing Party: (full name)

Nil



DB551108Y-1-4

Dated: 28/6/2002

Execution and attestation:

**SIGNED by the Transferors in the presence of:**

Signature of Witness

Signature

**SIGNED by the Transferee in the presence of:**

Signature of Witness

Signature

Approval No. 16190012A

ORDER TO REGISTER

Please register and issue title

STAMP DUTY USE ONLY

**T1**

Signed

Cust. Code:

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National Australia Bank Limited	
This stamp is	ABN 12 004 044 937 AP 161
SRO	Victorian Duty \$ 14,380.00
Property	Consideration / Advance \$
NOT	Victorian Assets % Section
COPIED	Original / Counterpart / Collateral / Unstamp
	Transaction No. 240,044,23
	Endorsing Date: 27/8/2002
	Signature: [Signature]
	ABSDOC Office No 3



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# Mortgage of Land

Section 74 Transfer of Land Act 1958

ORIGINAL

Lodged by:

NATIONAL AUSTRALIA BANK LIMITED 9E

Name: National Australia Bank Limited ABN 12 004 044 937

Telephone no.: ( )

Address:

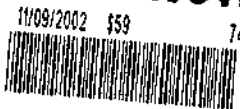
Ref:

Customer Code:



Approved Form M

AB551109W



MADE AVAILABLE/CHANGE CONTROL

Land Titles Office Use Only

The Mortgagor mortgages to the Mortgagee the estate and interest specified in the land described together with each structure, fixture or improvement on it or fixed to it subject to the registered encumbrances affecting the land and any created by dealings lodged for registration prior to the lodging of this Mortgage with the payment of the amount owing and agrees as set out in this Mortgage.

Land (Title or Crown Grant Volume Folio)

Volume 9357 Folio 890

Estate or Interest being mortgaged

Estate in fee simple

Mortgagor (full name)

Dale Bridge



0AB551109W-1-7

("Mortgagor")

Mortgagee

National Australia Bank Limited ABN 12 004 044 937

500 Bourke Street Melbourne Victoria

("Bank")

Date of this Mortgage

22 June 2002

The provisions contained in Home Mortgage Memorandum of Common Provisions retained by the Registrar of Titles in No. AA722 ("Memorandum") are incorporated in this Mortgage.

The Mortgagor agrees with the Bank as follows:

1. A reference to "this Mortgage" in this instrument of Mortgage, the Memorandum, and any annexure to this Mortgage is a reference to the Mortgage constituted by this instrument of Mortgage, the Memorandum and any annexure to this Mortgage. Words defined in the Memorandum have the same meaning when used in this instrument of Mortgage and any annexure to this Mortgage. The Mortgagor acknowledges that the Mortgagor has received and read a copy of this Mortgage prior to executing it.
2. The Mortgagor acknowledges giving this Mortgage and incurring obligations and giving rights under this Mortgage for valuable consideration received from the Bank.

Approval No. 6460010A

ORDER TO REGISTER

Please register and issue title to

M



Signed

Cust. Code:

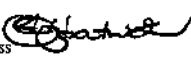
THE BACK OF THIS FORM MUST NOT BE USED

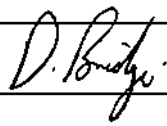
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Original / Counterpart / Collateral	
PAID \$ 920.00	DATE 28 / 8 / 02
OF PROPERTY 30.23/10	
TOTAL SECURED \$ 790,000	
ASSESSED \$ 8210.099.27	
DUTIES ACT 2000 AP NO. 161	
NATIONAL AUSTRALIA BANK	

11 SEP 2002

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**MORTGAGOR EXECUTION AND ATTESTATION - MANDATORY****Individual/s****Signed Sealed and Delivered** in Victoria by the Mortgagor  
in the presence of:

Signature of Witness 
Signature of Witness
Signature of Witness
Signature of Witness

Signature of Mortgagor 
Signature of Mortgagor
Signature of Mortgagor
Signature of Mortgagor

**Companies Executing without using a Common Seal**  
Executed by

--

by being signed by:

Signature
Full name (BLOCK LETTERS)
Address
Office held (Director, Secretary or Sole Director and Sole Company Secretary)



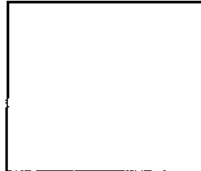
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CP109629

EDITION 1

<b>PLAN OF CONSOLIDATION OF</b> <b>CROWN ALLOTMENTS 27, 28 &amp; 29</b> <b>SECTION 2</b> <b>TOWNSHIP OF RUTHERGLEN</b> <b>PARISH: LILLIPUT</b> <b>COUNTY: BOGONG</b>	<b>APPROPRIATIONS</b>
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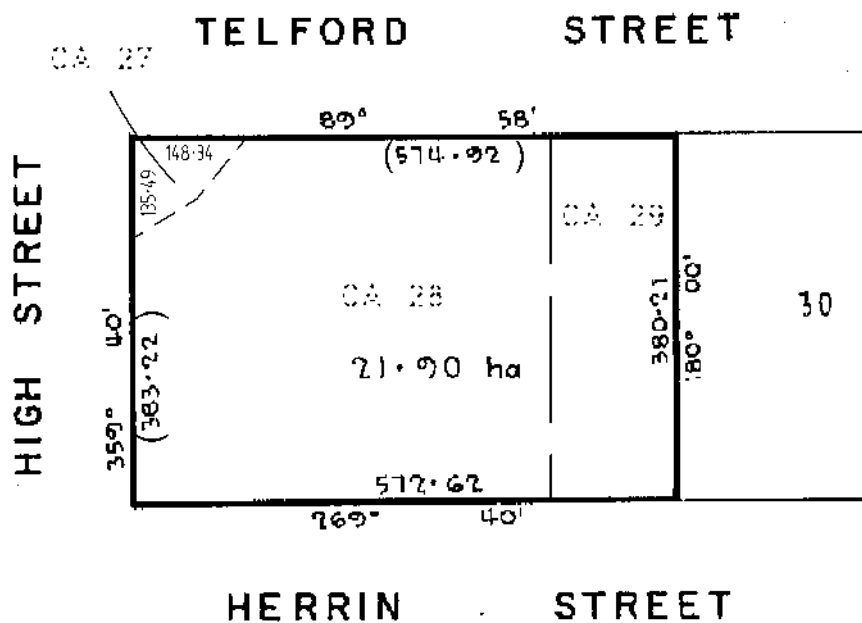
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B.W. ESLER &amp; ASSOCIATES PTY. LTD REF 20678/1131

# Appendix B

## Traffic Impact Assessment

Slaughterhouse Road Development Plan - Prepared for Halcon Rutherglen Pty Ltd

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**SPOT**  
PLANNING



## Traffic Impact Assessment Report

# 11 Slaughterhouse Road, Rutherglen

**Project Number** 220845

**Final Report** 6/06/2024

**Client** Halcon Property Group Pty Ltd



## Document control record

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### Document control

Report title	11 Slaughterhouse Road, Rutherglen
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Project number	220845
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Client	Halcon Property Group Pty Ltd
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Client contact	Tom Wallace
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Revision	Date issued	Revision details / status	Prepared by	Authorised by
Draft	12/07/2023	Preliminary draft	Chris Blair	Kate Kennedy
Final	17/07/2023	Final	Chris Blair	Kate Kennedy
Final 2	21/07/2023	Revised final	Chris Blair	Kate Kennedy
Final 3	20/12/2023	Revised final	Chris Blair	Kate Kennedy
Final 4	6/06/2024	Minor plan update	Stuart Redman	Kate Kennedy

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## Executive summary

Halcon Property Group Pty Ltd engaged Trafficworks to undertake a traffic impact assessment (TIA) for the proposed development of a residential subdivision at **11 Slaughterhouse Road, Rutherglen.**

The table below summarises the site, the proposed development, and our conclusions and recommendations.

<b>Address</b>	11 Slaughterhouse Road, Rutherglen
<b>Zoning</b>	Low Density Residential Zone (LDRZ)
<b>Proposed development</b>	Residential subdivision
<b>Road network</b>	<ul style="list-style-type: none"> <li>— Slaughterhouse Road</li> <li>— High Street</li> <li>— Herrins Road</li> <li>— Meehan Street</li> </ul>
<b>Traffic generation</b>	<ul style="list-style-type: none"> <li>— 459 daily trips</li> <li>— 50 peak-hour trips</li> </ul>
<b>Conclusion</b>	<p>We conclude that subject to the implementation of our recommendations, there are no traffic engineering reasons that would prevent the development from proceeding.</p> <ul style="list-style-type: none"> <li>— <b>Recommendation 1:</b> the internal road network of the proposed subdivision should be constructed as a 6.2 m wide sealed rural access road as per the IDM Standard Drawing SD610.</li> <li>— <b>Recommendation 2:</b> the section of Herrins Road adjacent to the subject site should be constructed into a 4.0m gravel rural access road prior to the occupation of the lots that front Herrins Road (during Stage 2).</li> <li>— <b>Recommendation 3:</b> construct a 6.2 m sealed rural access for Telford Street for the section between Slaughterhouse Road and the proposed access point prior to the occupation of the lots that front the western section of Telford Street (during Stage 3).</li> <li>— <b>Recommendation 4:</b> construct a 4.0 m sealed rural access road for Telford Street between the proposed access point and the remaining frontage along Telford Street prior to the occupation of the lots that front the eastern section of Telford Street (during Stage 5).</li> <li>— <b>Recommendation 5:</b> extend the 50 km/h speed limit south along Slaughterhouse Road adjacent to the proposed subdivision.</li> </ul>

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- 
- **Recommendation 6:** remove the trees/vegetation south of the intersection of Slaughterhouse Road and Telford Street to achieve 123 m sightlines.
  - **Recommendation 7:** the proposed intersection of the subdivision access road and Telford Street meets the sight distance criteria in AS/NZS 2890.1.
  - **Recommendation 8:** a detailed design of individual driveway locations is completed to achieve compliance with the entering sight distance criteria in AS/NZS 2890.1.
  - **Recommendation 9:** lot boundary fence design achieves the sight distance to pedestrians required in AS/NZS 2890.1.
  - **Recommendation 10:** the intersection of Telford Street with High Street / Slaughterhouse Road is constructed to Council's satisfaction in accordance with the IDM to accommodate an 8.8 m design vehicle and 12.5 m check vehicle.
- 

#### Referenced documents

References used in the preparation of this report include the following:

- Austroads Guide to Road Design:
  - Part 3: Geometric Design, 2017
  - Part 4: Intersections and Crossings, 2021
  - Part 4A: Unsignalised and Signalised Intersections, 2017
- Infrastructure Design Manual (IDM) version 5.40, dated 24 March 2020
- RTA Guide to Traffic Generating Developments Version 2.2A, October 2002
- Shire of Indigo Planning Scheme



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## 1 Introduction

Halcon Property Group Pty Ltd engaged Trafficworks to undertake a traffic impact assessment (TIA) for the proposed development of a residential subdivision at **11 Slaughterhouse Road, Rutherglen.**

This report has been prepared following a pre-application meeting with Council in May 2023. A traffic impact assessment that considered the development and its impact on the external roads was requested. Plans were further amended following discussions with the Council, which resulted in a change to the overall lot yield and staging plan.

For the details about:

- existing site conditions – see section 2
- description of the proposed development – see section 3.1
- traffic impact of the proposed development – see section 3
- assessment of the access to the proposed development – see section 5
- our conclusions and recommendations – see section 7.



## 2 Existing conditions

### 2.1 Subject site

The site is:

- located at 11 Slaughterhouse Road in Rutherglen
- currently occupied by a single residence

Vehicular access to the site is currently available via a driveway access to Slaughterhouse Road.

The street frontage lengths are as follows:

- Slaughterhouse Road: 385 m
- Herrins Road: 575 m.

Figure 1 shows the location of the site, which is surrounded by residential properties.

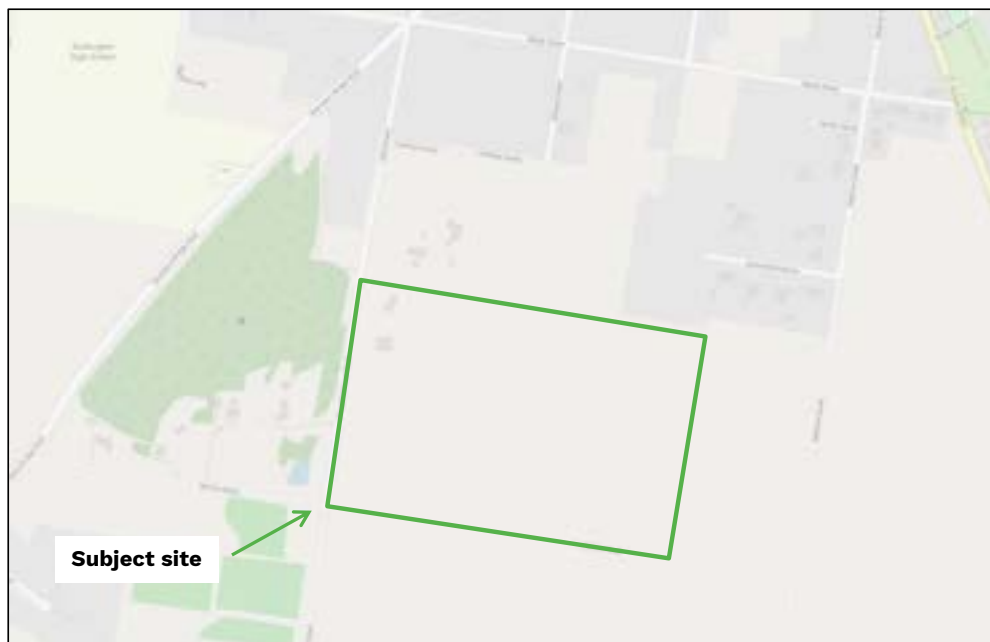


Figure 1: Location plan (reproduced with permission from Melway Publishing Pty Ltd)

Figure 2 shows the zoning for the site and surrounding area.

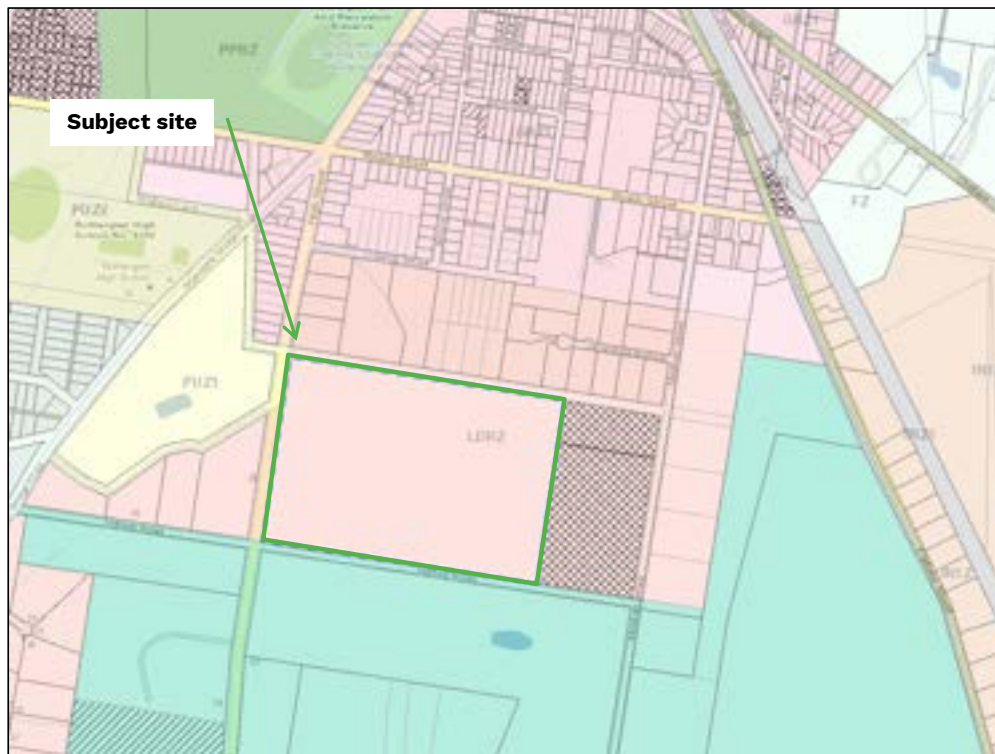


Figure 2: Zoning plan (reproduced from the VicPlan website)



## 2.2 Road network

The road network includes:

- Slaughterhouse Road
- High Street
- Herrins Road
- Meehan Street

### 2.2.1 Slaughterhouse Road

Table 1 describes the features of this road.

Table 1: Slaughterhouse Road features

Feature	Description
Road type	Access 1 Street between Telford Street and Kings Road and Limited Access Street between Kings Road and Rutherglen-Springhurst Road, as per the Indigo Shire Council Road Register.
Access	Provides access between Telford Street at the northern end to Rutherglen-Springhurst Road at the southern end
Carriageway	Sealed, between 5.8 m and 6.2 m wide
Speed limit	80 km/h adjacent to the site, 100 km/h to the south and 50 km/h to the north

Figure 3 and Figure 4 provide further information about the road.



Figure 3: Slaughterhouse Road – view south



Figure 4: Slaughterhouse Road – view north





### 2.2.2 High Street

Table 2 describes the features of this road.

Table 2: High Street features

Feature	Description
Road type	Classified as a Council Collector Road as per Indigo Shire Council Road Register
Access	Provides access between Telford Street at the southern end to Barkley Street at the northern end.
Carriageway	Sealed, 5.5 m wide near Telford Street and widens to 9.5 m wide 200m south of Ready Street kerb and channel on the east side, open table drain on the west side
Speed limit	50 km/h

Figure 5 provides further information about the road.



Figure 5: High Street – view south





### 2.2.3 Herrins Road

Table 3 describes the features of this road.

Table 3: Herrins Road features

Feature	Description
Road type	Access 1 Street between Sheridans Bridge Road and Slaughterhouse Road and Limited Access Street between Slaughterhouse Road and Meehan Street as per Indigo Shire Council Road Register
Access	Provides access between Sheridans Bridge Road in the west and Meehan Street in the east.
Carriageway	Unsealed, 4.0 m wide

Figure 6 provides further information about the road.



Figure 6: Herrins Road – view west



### 2.2.4 Meehan Street

Table 4 describes the features of this road.

Table 4: Meehan Street features

Feature	Description
Road type	Access 1 Street between Sheridans Bridge Road and Slaughterhouse Road and Limited Access Street between Slaughterhouse Road and Meehan Street as per Indigo Shire Council Road Register
Access	Provides access between Sheridans Bridge Road in the west and Meehan Street in the east.
Carriageway	Unsealed, 4.0 m wide

Figure 7 provides further information about the road.



Figure 7: Meehan Street – view south

## 2.3 Crash history

The Department of Transport and Planning (DTP) data portal, which details all injury crashes on roads throughout Victoria, reports that no casualty crashes have occurred on the roads in the vicinity of the subject site in the last five years of available data.

Based on this, we conclude that there is no trend that requires immediate investigation.



## **2.4 Public transport**

There are no public transport facilities in the vicinity of the subject site.

## **2.5 Pedestrians and cyclists**

There are currently no pedestrian footpaths or cyclist facilities near the subject site.



### 3 Traffic assessment of the proposed development

#### 3.1 The proposal

The proposed residential subdivision development will include 62 large lots (including the 2 existing lots in the northwest corner), an internal road connecting to Telford Street, and a future paper road along the northern boundary of the site, which will be constructed as part of this development.

Vehicular access will be:

- 11 properties with direct access to Herrins Road
- 6 properties with direct access to Slaughterhouse Road
- 11 properties with direct access to Telford Street
- remaining properties will access the wider road network via the internal road that connects to Telford Street.

An extract of the staged development plan is shown in Figure 8 below with the full plan and staging plan provided in Appendix 1.



Figure 8: Staging Plan Extract



### 3.2 Traffic generation

Traffic generation for new developments is typically estimated using the rates provided in the RTA Guide to Traffic Generating Developments (2002), the RMS Guide to Traffic Generating Developments—Updated traffic surveys (2013), and the rates provided in the Infrastructure Design Manual (IDM).

The *RMS Guide to Traffic Generating Development – Updated traffic surveys (2013)* states the following traffic generation rates are applicable for low-density residential dwellings in regional areas:

- for residential houses (low-density residential dwellings – regional)
  - a daily trip rate of 7.4 trips per dwelling
  - a weekday peak hour rate of 0.78 trips per dwelling.

By comparison, Section 12.3.1 of the IDM indicates a traffic generation rate of at least 10 vehicle movements per day per lot. The following assessments have adopted this value for daily traffic generation for conventional housing.

Based on the above, the proposed subdivision is anticipated to generate approximately:

- 459 vehicles per day (vpd) to and from the development
- morning and afternoon peaks of 50 vehicles per hour (vph).

### 3.3 Traffic distribution assumptions

Our traffic distribution assumptions are that:

- the peak hour distribution is:
  - AM peak hour: 20% in and 80% out
  - PM peak hour: 70% in and 30% out
- the directional splits of traffic are:
  - 95% north towards Ready Street and Murray Valley Highway
  - 5% south towards Wangaratta via local unsealed roads

The directional splits were based on a sample of Google Maps directions to nearby key destinations with a nominal amount of traffic heading south to incorporate any possible trips through the local unsealed roads to the south.

### 3.4 Anticipated traffic volumes

Figure 9 shows the anticipated peak hour traffic volumes at the proposed development.

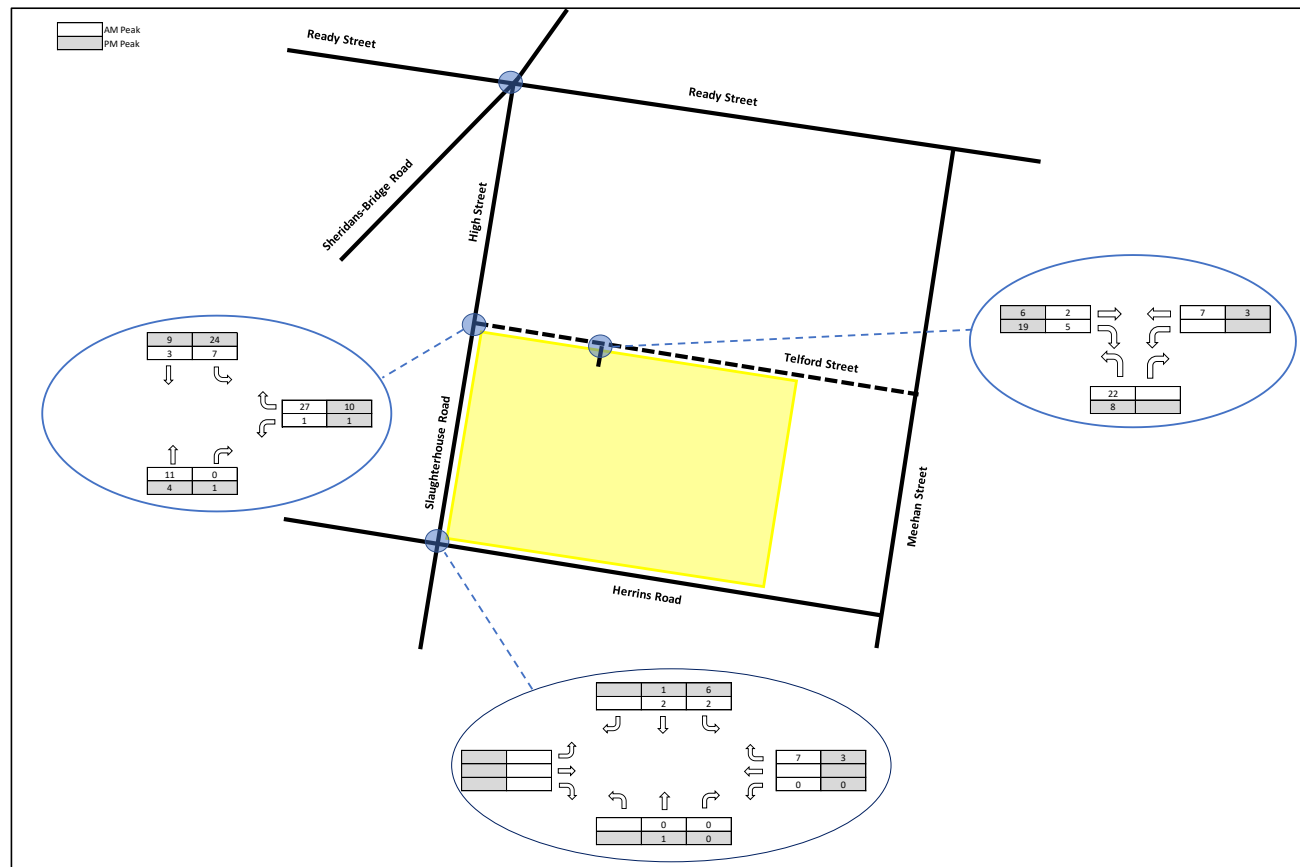


Figure 9: Anticipated peak-hour traffic volumes

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## 4 Road cross-sections

### 4.1 Internal roads

The proposed subdivision includes an internal road that is a single road reserve width. It is proposed to construct the internal road as 6.2 m wide rural access roads as per the IDM Standard Drawing SD610, with an extract of the relevant cross-section shown in Figure 10.

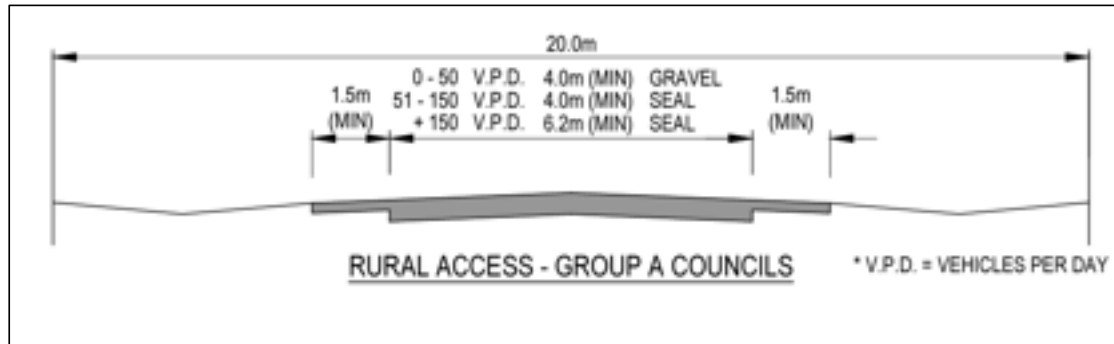


Figure 10: Rural Access Cross-Section (IDM Standard Drawing SD610)

**Recommendation 1:** the internal road for the proposed subdivision should be constructed as a 6.2 m wide sealed rural access road as per the IDM Standard Drawing SD610.

### 4.2 External roads

The daily traffic generated by the proposed development on each of the nearby streets has been calculated using the traffic distribution assumptions and is shown in Figure 11 below.



Figure 11: Daily Development Traffic - External Roads

#### 4.2.1 Herrins Road

Herrins Road to the south of the proposed development is currently an unconstructed dry weather-only road with a carriageway width of approximately 4.0 m and generally functions as a rural access road.

Table 6 of the Infrastructure Design Manual (IDM) states that rural access with volumes between 51-150 vehicles per day should be constructed with a 4.0m seal and 1.5m minimum shoulders as shown in Figure 10 previously in the report.

This section of Herrins Road would have almost no passing traffic and would purely be for access to and from the proposed development. In addition, the section of Herrins Road to the west of Slaughterhouse Road is constructed with a 4.0m gravel seal. On this basis, it is recommended that the section of Herrins Road adjacent to the subject site be constructed to a 4.0m gravel seal as it only services the 10 lots with direct access to Herrins Road, with the remaining road to the east to remain as a dry weather-only road. This is likely to be subject to further negotiation with Council.





**Recommendation 2:** the section of Herrins Road adjacent to the subject site should be constructed into a 4.0m gravel rural access road prior to the occupation of the lots that front Herrins Road (during Stage 2).

#### 4.2.2 Telford Street

Telford Street is a proposed road that will be partially constructed as part of the development. The development proposes an access point to Telford Street which a majority of the development traffic (34 lots) will utilise to access the local road network. In addition, 11 properties will have direct access to Telford Street.

Figure 11 shows that Telford Street will have a daily volume of up to:

- 333 vpd between Slaughterhouse Road and the proposed access point
- 81 vpd for the remaining length along the site frontage.

As per Table 6 of the IDM (shown in Figure 10 of this report), it is recommended to construct a 6.2 m sealed rural access for the section between Slaughterhouse Road and the proposed access point and a 4.0 m sealed rural access road for the remaining section along the site frontage as per the cross-section diagram in Figure 10.

**Recommendation 3:** construct a 6.2 m sealed rural access for Telford Street between Slaughterhouse Road and the proposed access point prior to the occupation of the lots that front the western section of Telford Street (during Stage 3).

**Recommendation 4:** construct a 4.0 m sealed rural access road for Telford Street between the proposed access point and the remaining frontage along Telford Street prior to the occupation of the lots that front the eastern section of Telford Street (during Stage 5).

#### 4.2.3 Slaughterhouse Road

Slaughterhouse Road adjacent to the subject site is generally constructed with a varying seal width of 6.2 m with localised narrowing down to 5.8 m.

Figure 11 shows that the development will generate up to 136 vehicles per day along the section of Slaughterhouse Road adjacent to the subject site.

According to Table 6 of the IDM, the widths of this section of Slaughterhouse Road adjacent to the subject site effectively provide a rural access road with a seal of 6.2 m that would accommodate the proposed development traffic.

Due to the increase in residential access, it is recommended that the residential speed limit of 50 km/h be extended further south to the section of Slaughterhouse Road adjacent to the subdivision.

**Conclusion 1:** Slaughterhouse Road will not require additional upgrades to accommodate the additional daily traffic from the proposed development.



**Recommendation 5:** extend the 50 km/h speed limit south along Slaughterhouse Road adjacent to the proposed subdivision.

#### 4.2.4 High Street

High Street to the north of the site is constructed to a 5.5 m wide seal that widens to a 9.5 m wide seal approximately 200m south of Ready Street. A number of concrete driveways have been constructed up to the edge of the seal through the residential area.

Figure 11 shows that the proposed development will generate up to 436 vehicles per day between Telford Street and Ready Street.

A review of historical imagery along High Street found that parking typically occurred on the nature strip adjacent to the sealed carriageway which maintains two-way traffic flow at all times.

Given the constrained nature of this section of High Street, it is not considered feasible to marginally widen it by 0.7 m to a 6.2 m seal in accordance with Table 6 of the IDM.

**Conclusion 2:** High Street will not require additional upgrades to accommodate the additional daily traffic from the proposed development.



## 5 Access to the site

### 5.1 Site access – Intersection SISD requirement

The visibility criterion normally applied to intersections is Safe Intersection Sight Distance (SISD) Figure 12 shows the SISD, which:

- is nominated in the Austroads Guide to Road Design, Part 4A (AGRD4) as the minimum distance that should be provided on a major road at any intersection (refer to Section 3.2.2 in AGRD4A)
- provides sufficient distance for the driver of a vehicle on the major road:
  - to observe a vehicle from the minor access approach moving into a collision situation, e.g., in the worst case, stalling across the traffic lanes
  - to decelerate to a stop before reaching the collision point.

Intersection SISD will be relevant for the future intersection of Telford Street at Slaughterhouse Road and the future site access to Telford Street. Given that Telford Street is yet to be constructed, the SISD requirement will only be assessed at the future intersection with Slaughterhouse Road at this stage.

It was previously recommended to extend the existing 50 km/h speed limit to apply along the Slaughterhouse Road frontage of the site.

The minimum SISD criterion at the intersection of Telford Street and Slaughterhouse Road, specified in Table 3.2 of AGRD4A, requires clear visibility for a desirable minimum distance of 123 m, relating to the general reaction time RT of 2 seconds and a design speed of 60 km/h (posted speed limit plus 10 km/h).

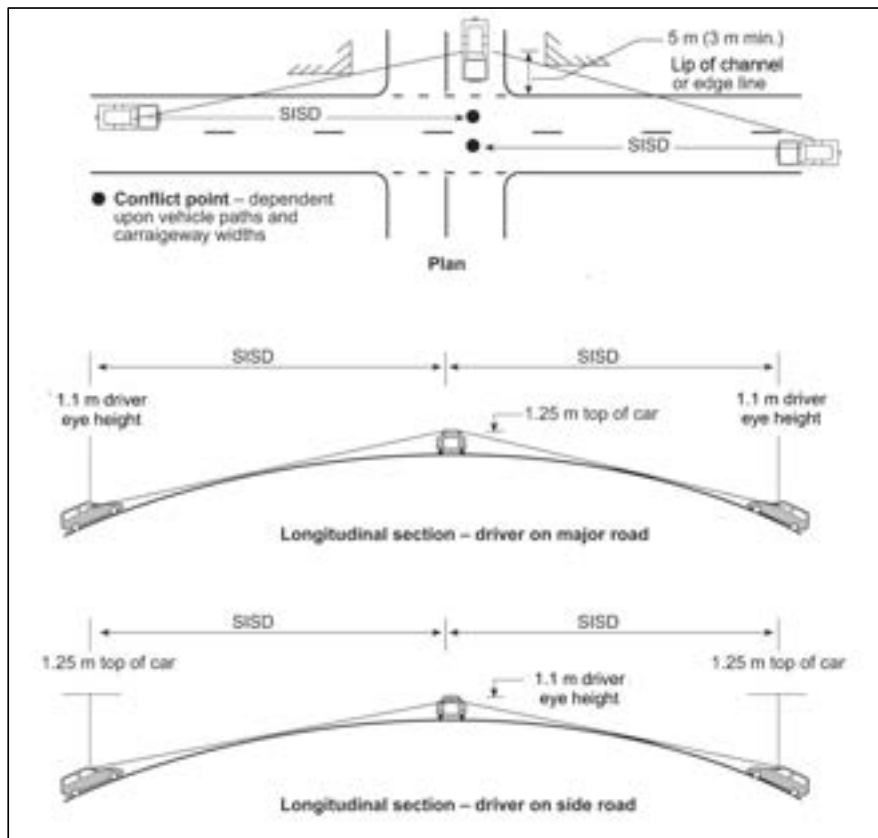


Figure 12: Safe Intersection Sight Distance (SISD) (Source: Figure 3.2 from AGRD4)

This visibility requirement, measured at 7.0m from the conflict point (VicRoads Supplement to AGRD4A), is satisfied at the proposed Telford Street connection to Slaughterhouse Road (see Figure 13 and Figure 14) with minor tree removal to the south of the proposed intersection.

**Recommendation 6:** remove the trees and vegetation south of the intersection of Slaughterhouse Road and Telford Street to achieve 123 m of sightlines.



Figure 13: Telford Street at Slaughterhouse Road - view north



Figure 14: Telford Street at Slaughterhouse Road - view south

In addition, the future subdivision access to Telford Street will have to be designed to comply with the sight distance requirement

**Recommendation 7:** the proposed intersection of the subdivision access road and Telford Street achieves compliance with the sight distance criteria in AS/NZS 2890.1.



## 5.2 Site access – Access driveway SISD requirement

Section 3.2.4 in AS/NZS 2980.1 Parking Facilities – Part 1: Off-street car parking, sets out:

- entering sight distance (ESD) criteria for a driver exiting an access driveway to traffic on the frontage road
- sight distance to pedestrians.

Un-signalised access driveways shall be located so the intersection sight distance available to drivers leaving the driveway along the frontage road is at least that shown in Figure 3.2 of AS/NZS 2890.1 (reproduced in Figure 15).

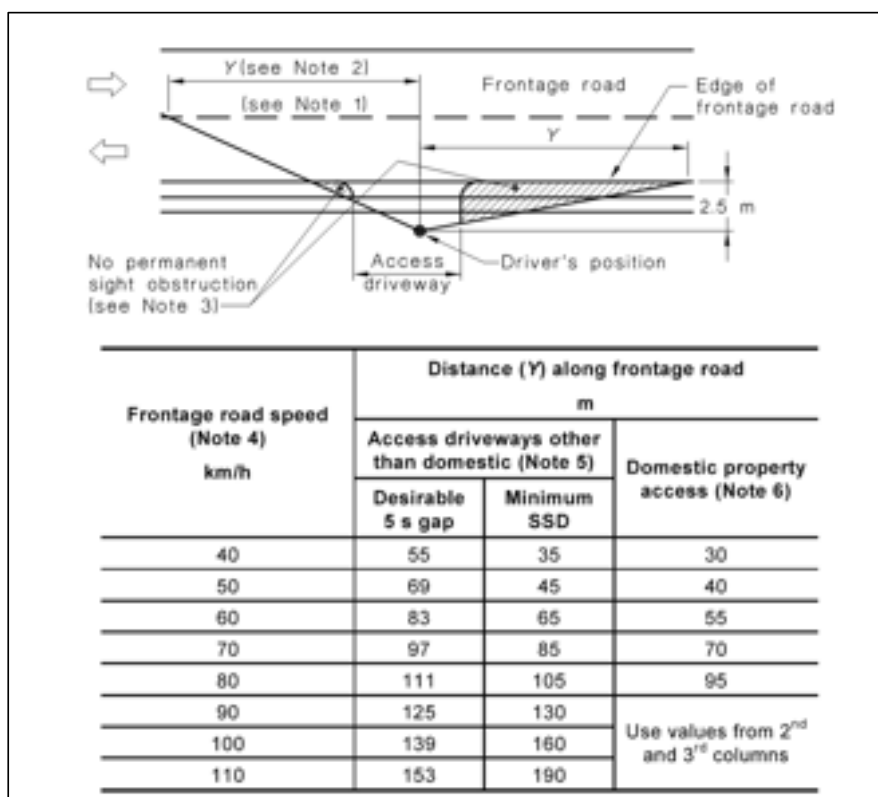


Figure 15: Sight distance requirements at driveways (Source: Figure 3.2 from AS/NZS 2890.1)

Several dwellings have direct access to the frontage roads of Slaughterhouse Road, Telford Street and Herrins Road. Herrins Road has no roadside obstructions along its entire length that could restrict sight distance, and Telford Street has yet to be constructed.

The on-site sightline assessments were undertaken on a previous version of the plans, which had driveway access in alternate locations. Based on this, the sight distance at the driveways should be checked during detailed design to ensure compliance with Australian Standards.



**Recommendation 8:** a detailed design of individual driveway locations is completed to achieve compliance with the entering sight distance criteria in AS/NZS 2890.1.

### 5.3 Site distance to pedestrians

Clear sight lines, as shown in Figure 3.3 of AS/NZS 2890.1 (reproduced in Figure 16) shall be provided at the property line so that adequate visibility is provided between vehicles leaving the property and pedestrians on the frontage road footpath.

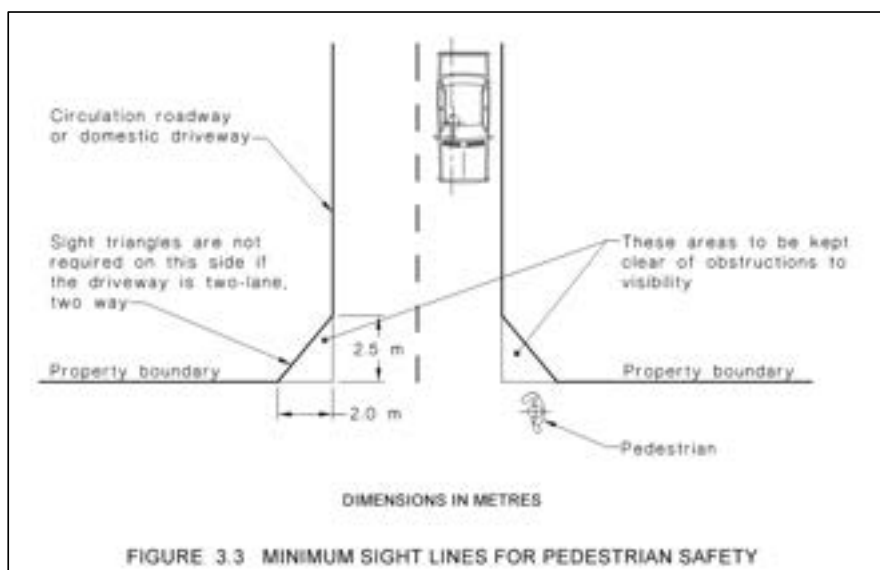


Figure 16: Minimum sight lines for pedestrian safety (Source: Figure 3.3 from AS/NZS 2890.1)

Lot boundary fences need to be designed so they taper down towards the street boundary. This provides the required sight lines between a departing driver and pedestrians on the frontage footpath.

**Recommendation 9:** lot boundary fence design achieves the sight distance to pedestrians required in AS/NZS 2890.1.

### 5.4 Turn provisions impact

#### 5.4.1 Telford Street / High Street / Slaughterhouse Road

The proposed intersection of Telford Street with High Street / Slaughterhouse Road is within a low-speed residential area. On this basis, the intersection should be designed and constructed to Council's satisfaction in accordance with the IDM. No turn lanes are required.

**Recommendation 10:** the intersection of Telford Street with High Street / Slaughterhouse Road is constructed to Council's satisfaction in accordance with the IDM to accommodate an 8.8 m design vehicle and 12.5 m check vehicle.



## 6 Staged development works

A number of recommendations have been made within this report regarding upgrades to the existing road network in line with IDM requirements which are summarised below:

- **Stage 2:** the section of Herrins Road adjacent to the subject site should be constructed into a 4.0 m gravel rural access road prior to the occupation of the lots that front Herrins Road
- **Stage 3:** the section of Telford Street between Slaughterhouse Road and the proposed access should be constructed as a 6.2 m sealed rural access road with an intersection with Slaughterhouse Road / High Street that is designed and constructed to the satisfaction of Council
- **Stage 5:** the section of Telford Street to the east of the proposed access should be constructed as a 4.0 m sealed rural access road





## 7 Conclusions and recommendations

We conclude there are no traffic engineering reasons that would prevent the development from proceeding, as outlined below:

- There are no crash trends identified in the vicinity of the subject site
- Slaughterhouse Road will not require additional upgrades to accommodate the additional daily traffic from the proposed development.
- High Street will not require additional upgrades to accommodate the additional daily traffic from the proposed development.

However, this TIA has identified a number of recommendations that need to be addressed:

- **Recommendation 1:** the internal road network of the proposed subdivision should be constructed as a 6.2 m wide sealed rural access road as per the IDM Standard Drawing SD610
- **Recommendation 2:** the section of Herrins Road adjacent to the subject site should be constructed into a 4.0 m gravel rural access road prior to the occupation of the lots that front Herrins Road (during Stage 2)
- **Recommendation 3:** construct a 6.2 m sealed rural access for Telford Street for the section between Slaughterhouse Road and the proposed access point prior to the occupation of the lots that front the western section of Telford Street (during Stage 3)
- **Recommendation 4:** construct a 4.0 m sealed rural access road for Telford Street between the proposed access point and the remaining frontage along Telford Street prior to the occupation of the lots that front the eastern section of Telford Street (during Stage 5)
- **Recommendation 5:** extend the 50 km/h speed limit south along Slaughterhouse Road adjacent to the proposed subdivision.
- **Recommendation 6:** remove the trees/vegetation south of the intersection of Slaughterhouse Road and Telford Street to achieve 123 m sightlines
- **Recommendation 7:** the proposed intersection of the subdivision access road and Telford Street meets the sight distance criteria in AS/NZS 2890.1
- **Recommendation 8:** a detailed design of individual driveway locations is completed to achieve compliance with the entering sight distance criteria in AS/NZS 2890.1
- **Recommendation 9:** lot boundary fence design achieves the sight distance to pedestrians required in AS/NZS 2890.1
- **Recommendation 10:** the intersection of Telford Street with High Street / Slaughterhouse Road is constructed to Council's satisfaction in accordance with the IDM to accommodate an 8.8 m design vehicle and 12.5 m check vehicle.



## Appendix 1 – Proposed subdivision plan

**220845** 11 Slaughterhouse Road, Rutherglen – Traffic Impact Assessment Report  
Final4 6/06/2024







## Appendix 2 – Acronyms and terms

Acronyms / terms	Definition
AGRD4	Austroads Guide to Road Design Part 4 – Intersections and crossings
AGRD4A	Austroads Guide to Road Design Part 4A – Unsignalised and signalised intersections
AGTM6	Austroads Guide to Traffic Management Part 6 – Intersections, interchanges and crossings management
AGTM8	Austroads Guide to Traffic Management Part 8 – Local street management
AS/NZS2890.1	Australian Standard / New Zealand Standard 2890.1 Parking facilities Part 1: Off-street car parking
DTP	Department of Transport and Planning (formerly VicRoads)
ESD	Entering site distance
PSP	Precinct structure plan
SIDRA	SIDRA intersection – micro analytical traffic engineering software to model the performance of intersections
SISD	safe intersection sight distance
TIA	traffic impact assessment
vpd	vehicles per day
vph	vehicles per hour
VPA	Victorian Planning Authority

**220845** 11 Slaughterhouse Road, Rutherglen – Traffic Impact Assessment Report  
Final4 6/06/2024



# Appendix C

## Servicing and Stormwater Strategy

Slaughterhouse Road Development Plan - Prepared for Halcon Rutherglen Pty Ltd

**SPOT Planning Pty Ltd**

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**SPOT**  
PLANNING



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repared or  
 Halcon Property Group

**Woodward**




## Report for Planning Report 11 Slaughterhouse Road Rutherglen

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#### Disclaimer

*This design report has been prepared for the exclusive use of the party to whom it is addressed and for no other purpose. No responsibility is accepted for any third party who may use or rely on the whole or any part of the content of this report. It should be noted that any subsequent amendments or changes in any form to this report would only be notified to and known by the parties to whom it is addressed.*

2023 Woodward Civil

Version	Date	Author	Approver	Comments
A	18/08/2022	H. Tang	S. Woodward	Draft Issue for Team Review
B	01/01/2024	S. Woodward	S. Woodward	Approval Issue
C	20/02/2024	S. Woodward	S. Woodward	Revised Approval Issue

HTTPS: WOODWARDLANDCIVIL.SHAREPOINT.COM PROJECTS W02 008 RUTHERGLEN ENGINEERING SERVICING REPORT W02 008 RUTHERGLEN SERVICING REPORT.DOC



## 1. Background

### 1.1. Introduction

Woodward is engaged to undertake an investigation into the existing services to determine the ability to service a proposed development at 11 Slaughterhouse Road, Rutherglen (subject site). It is proposed that each allotment within the proposed development is to be provided with essential services such as water, electricity, sewerage, stormwater drainage and telecommunications. This report is provided to assist the developer in understanding any constraints in servicing the land and to assist Council in assessing the proposed development plan and subsequent planning permit applications.

### 1.2. Location

The subject site is located at 11 Slaughterhouse Road, Rutherglen, and is within close proximity of the Rutherglen township and falls within the Indigo Shire Council. The land comprises an area of approximately 21.1Ha. The subject site includes an existing residential dwelling that is proposed to be maintained as part of the development. The site falls to the east, with steeper terrain in the western portion of the site.

The surrounding context is as follows:

- 1.0km to Rutherglen Main Street, the site is bordered by an existing unmade Council road reserve
- The site is bordered by Herrins Road and farmland beyond
- The site is bordered by an undeveloped LDRZ parcel
- The site is bordered by Slaughterhouse Rd, with undeveloped LDRZ land beyond



Figure 1: Aerial of subject site (Google earth 202 )

### 1.3. Planning controls

The site occupies approximately 40% of an LDRZ precinct as evidenced in the below extract.

Much of the surrounding LDRZ land is undeveloped.

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Figure 2: Zoning Plan ( icPlan 202 )



Figure 3: Areas of land with flood overlay or subject to inundation ( icPlan 202 )


In 2022 regions of Rutherglen were subjected to significant flooding. The currently mapped flooding overlay and land subject to inundation extent surrounding the township is largely constrained to the Murray and Ovens Rivers. The subject site would not have been zoned LDRZ if flooding of the site was of concern.

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## 1.4. Site photos

	<p>Photo # 1</p> <p>Looking south down Meehan St – the guide posts indicate the location of the existing culvert at the Meehan St low point</p>
	<p>Photo # 2</p> <p>Looking south down Meehan St – at the Meehan St low point. Photo taken in July 2022 when localised ponding is evident.</p>

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	<p>Photo #</p> <p>Looking east down Herrins Rd, from the Slaughterhouse Rd intersection</p>
	<p>Photo # 4</p> <p>Looking north up Slaughterhouse Rd from Herrins Rd intersection</p>
	<p>Photo # 5</p> <p>Looking east from Meehan St low point along discharge swale</p>

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## 1.5. Development Proposal

A Development Plan Layout has been completed by Spot Planning in response to planning and local policy framework. Development of this plan has been through an iterative process to balance commercial realities with constraints and ensure a cohesive outcome within the relevant local context. The site is expected to yield 50-80 lots.

The proposed staging and yield is driven largely by capacities of the North East Water sewerage treatment facilities serving this catchment. Preliminary discussions have declined capacity in the short to near term, hence the proposal to deliver the first stages as 4000m<sup>2</sup> lots, with no reticulated sewer. The balance of the project could be delivered as 2000m<sup>2</sup> lots with reticulated sewer subject to North East Water downstream capacity constraints.



Figure 4: Proposed Development Plan. Source – Spot Planning



Figure 5: Indicative Staging





## 1.1.1. Servicing of the site

### 1.1.1.1. General

The relevant authorities associated with the site are as follows:

Service	Authority
Sewerage	North East Water (NEW)
Water	North East Water (NEW)
Electricity	AusNet Services
Gas	APA Group
Roads	Indigo Shire Council
Local Drainage	Indigo Shire Council
Main Drainage	Indigo Shire Council NECMA
Telecommunications	Telstra NBN Co. Optus or Uecomm IC

### 1.1.1.2. Sewer

Woodward have completed a review of existing surrounding sewer assets that could provide outfall to the development. The subject site is located within NEW supply region.

Existing infrastructure exists as follows:

- An existing manhole outside the northern corner of Meehan Street is the proposed point of discharge from the subject site.
- A DN 150mm C gravity sewer discharges from this manhole to the north.

At the time of preparation for this report NEW were undertaking an assessment of the Rutherglen catchment. The following assumptions made in preparing this strategy:

- Based on downstream NEW supply constraints it understood approval will not be given in the short term for the full site catchment,
- The first stages of the development will be subdivided into 4000m<sup>2</sup> lots to be sewered onsite. Subsequent stages could be subdivided down to 2000m<sup>2</sup> and connected to the reticulated sewer network, subject to resolution of downstream capacity constraints,
- A reticulated gravity network could be provided to service 2000m<sup>2</sup> lots and discharged to a sewer pump station adjacent to the drainage reserve. A rising main from the sewer pump station could then be constructed to the existing manhole fronting Meehan Street.
- An indicative layout is provided in the appended servicing strategy.

### 1.1.1.3. Potable Water

Woodward have completed a review of existing surrounding water assets that could provide outfall to the development. The subject site is located within NEW supply region.

Existing infrastructure exists as follows:

- An existing 100mm P C U water main running down the western side of Slaughterhouse Rd extending beyond the site's extent.
- An existing 100mm P C U water main running down the eastern side of Meehan Street, terminating north of the development.

Formal servicing advice is currently under review by NEW. The following assumptions made in preparing this strategy:

- The existing Slaughterhouse main can be tapped adjacent to Herrins Road, with a 150mm Dia line being delivered for the site frontage, future proofing for future adjacent development and possible regional upgrades,
- The existing Slaughterhouse main can be tapped adjacent to the unmade northern road reserve, with a 150mm Dia line being delivered for the site's frontage, future proofing for future adjacent development and possible regional upgrades

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- A future feed from the High St trunk main could be delivered to upgrade supply to the region,
- The adjacent parcel could provide additional cross connection to the Meehan St main.
- An indicative layout is provided in the appended servicing strategy.

North East Water have tabled a possible servicing arrangement whereby the development forms part of the Rutherglen low pressure system. This requires the abandonment of an existing static supply feed, which is being explored in parallel with North East Water.

#### .4. Gas

Gas distribution is the responsibility of APA Group and potentially can be supplied to the land as part of a new subdivision application process. At the time of writing this report the provision of gas infrastructure to new dwellings is undergoing review by the State Government. Whilst the site could be connected to nearby existing infrastructure it is unlikely this development will be serviced by a reticulated gas network.

#### .5. Electricity

The electrical supply in this area is provided by AusNet Services, the designated network provider. A Dial Before You Dig (DBUD) investigation has revealed the existence of an existing powerline that can serve as a connection point for this development. Further consultation and coordination with AusNet Services are necessary to obtain detailed information regarding the specific connection requirements and procedures. It is currently proposed a high voltage feed will be brought from the north of the site, with underground electrical network servicing the site. Should an isolating transformer be required the intent is this a pole mounted option at the sites point of connection.

#### .6. Telecommunications

Existing telecommunications NBN infrastructure is available within proximity of the site. It is assumed this infrastructure would be suitable for connection to Telecommunications NBN network. NBN roll out mapping shows Fibre to the Node (FTTN) is available to the subject site.

#### .7. Stormwater

##### Design criteria

Local drainage networks within the site will fall under Council ownership. Major catchment management is controlled by North East Catchment Management Authority (NECMA). It is expected that Council would impose Victorian Planning Scheme Clause 5.00 requirements on any development of this parcel. The requirements are as listed below with a project specific response to each point in :

The urban stormwater management system must be:

- *designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority.*
- *designed and managed in accordance with the requirements and to the satisfaction of the water authority where reuse of urban runoff is proposed.*
- *designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater Best Practice Environmental Management Guidelines (PEU),*
- *designed to ensure that flows downstream of the subdivision site are restricted to predevelopment levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts. The stormwater management system should be integrated with the overall development plan including the street and public open space networks and landscape design.*

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Figure : Detention Basin concept

For all storm events up to and including the 10% Average Exceedance Probability (AEP) standard:

- Stormwater flows should be contained within the drainage system to the requirements of the relevant authority.
- Ponding on roads should not occur for longer than 1 hour after the cessation of rainfall. For storm events greater than 10% AEP and up to and including 1% AEP standard:
- Provision must be made for the safe and effective passage of stormwater flows.
- All new lots should be free from inundation or to a lesser standard of flood protection were agreed by the relevant floodplain management authority.
- Ensure that streets, footpaths and cycle paths that are subject to flooding meet the safety criteria  $da \cdot Vave < 0.35 \text{ m}^2/\text{s}$  (where,  $da$  = average depth in metres and  $Vave$  = average velocity in metres per second).

Indigo Shire Council is a party to the Infrastructure Design Manual (IDM) standard engineering requirements and hence outfall drainage and all internal drains will be sized to convey a 20% AEP.

## Existing Infrastructure & Catchment

Woodward have completed an investigation on existing drainage assets. This included review of Indigo Shire Council drainage plans and feature survey. The following is understood:

- A significant external catchment flows through the site from the south.
- Established roads and properties to the north and east minimise overland flows encroaching the site from these directions.
- All flows from the site are currently directed to an existing culvert in Meehan Street before discharging overland via an open drain to the east (see photos 1, 2 & 5)
- Herrins Road is open to traffic but is in a poorly formed state and poorly drained.
- The subject site sits on what could be described as a shallow valley with a low point on the middle of the eastern boundary. Therefore, an end of line stormwater basin and raingarden is proposed within a drainage





reserve here. 1 AEP flows will discharge overland from here following existing flow paths. Minor drainage is currently proposed through Herrins Rd, but subject to landowner consent alternative drainage alignments could be explored in subsequent detailed design phases.

#### Proposed Infrastructure & Catchment

The appended concept plan details all proposed infrastructure and identifies the existing and proposed catchments.

#### Onsite Retention

Boyds formula has been utilised to confirm 1,00m<sup>3</sup> of storage is required in the 1 AEP event, and a computation summary is appended with this report.

The volume will be provided in an end of line basin as detailed in the appended concept.

#### Stormwater Quality

The BPMEG mentioned within design criteria establishes stormwater quality objectives to help determine the level of stormwater management necessary to meet the State Environment Protection Policy (Waters of Victoria) objectives. This SEPP is a statutory policy under section 1 of the Environment Protection Act 1970 that identifies the beneficial uses of Victoria's waterways.

SEPP (Waters of Victoria) requires measures to be implemented to control the environmental impact of stormwater pollution. The BPMEG sets best practice performance objectives for urban stormwater to help meet the policy's requirements.

The objectives for environmental management of stormwater are:

- Suspended solids (SS) – 80% retention of the typical urban annual load
- Total phosphorus (TP) – 45% retention of the typical urban annual load
- Total nitrogen (TN) – 45% retention of the typical urban annual load
- Litter – 0% retention of typical urban annual load
- Flows – maintain discharges for the 1.5 year ARI at pre-development levels.

A treatment train approach has been adopted for the proposed development to ensure treatment of a range of pollutants and sizes. This is consistent with the objectives of WSUD Engineering Procedures: Stormwater (CSIRO, 2005). Treatment of development catchments will be completed; no treatment is proposed for external catchments or Council Road Reserve or parkland reserves. The treatment train adopted is as follows:

- Surface runoff captured in underground drainage network and conveyed to eastern boundary of subject site
- Stormwater flows through a centralised rain garden retarding basin on eastern boundary of development at the existing low point of the site.
- The basin is sized to detain flows above ground for the 1 AEP event using the Boyds method,
- Within the base of the basin low flows will be treated by a bio retention rain garden to best practice as confirmed by the MUSIC modelling presented within this report,
- Discharge of low flows is directed to a proposed underground drainage network directed to the Meehan Street culvert via a grated surcharge pit or potentially a regrading of the existing swale,
- Stormwater management assets will be constructed by the developer but upon acceptance handed over to Indigo Shire.

#### Bioretention Rain Garden

Given the topography and requirement for a stormwater detention basin a raingarden has been deemed the most appropriate form of treatment. The catchment is not of sufficient scale to warrant a wetland, and small online wetlands

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can give rise to significant maintenance and management issues. Raingardens are specially designed garden beds that filter stormwater runoff from surrounding areas or stormwater pipes. Raingardens are also called bioretention systems because they use soil, plants and microbes to biologically treat stormwater. They utilise ponded headspace to increase stormwater residence time.

Although they may look similar to a normal garden, raingardens are designed to stop stormwater run off from polluting our waterways with nutrients, rubbish and sediment:

- Water collects and settles on the garden surface.
- Water soaks through the plants and filter media, trapping rubbish and sediment on the surface.
- Plants use the nutrients in the stormwater, and toxins stick to the soil.
- The soil and plant roots work together to naturally filter the water and remove pollutants.
- A MUSIC model has been prepared to ensure this asset has been adequately sized.
- A detailed summary of the MUSIC model is contained within the appendices, and results are summarised below:

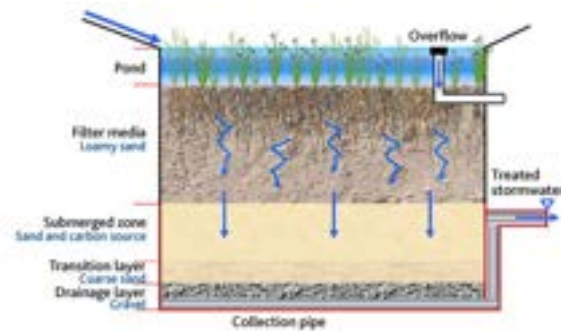
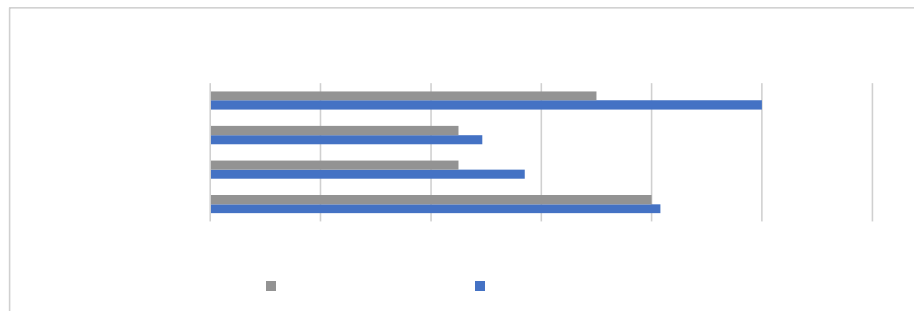


Table 1 MUSIC Model results

Flow	ML yr	51. 0	50.80	2.1		
Total Suspended Solids	kg yr	10, 00	1, 10	81. 0	80.00	
Total Phosphorus	kg yr	21.1	.08	5 .00	45.00	
Total Nitrogen	kg yr	14	5.40	4 . 0	45.00	
Gross Pollutants	kg yr	2,4 0	0.00	100.00	0.00	



• Figure 1 - Compliance graph MUSIC

oads



As part of the subdivision the intent is to adopt the 10 recommendations made in the Traffic works assessment report #22085.

Given existing topography all proposed roads to can be cut at grade whilst comfortably being within acceptable tolerances.

To address existing drainage issues and external catchments the intent is to undertake earthworks within Herrins Road to formalise table drains up to Meehan St and provide a 4.0m wide seal limited to the site's frontage.

## 4. Earthworks

The roads have been laid out in the proposed subdivision sympathetically to the existing topography and with consideration to overland flow paths. No significant earthworks is required in the construction of the roads.

To balance earthworks and improve depths of cover on proposed drainage assets localised filling will be proposed around the proposed stormwater basin.

There is moderately sloping land within portions of which may require benching of pad sites. Given the size of the allotments all battering can be contained within the lot boundaries and will be dealt with in detailed design of the respective stages or by the builders once the subdivision has been completed.

## 5. Conclusion

Based on the information available at this stage, the only identified constraints regarding the servicing of the land is with respect to North East Waters sewerage treatment plant capacities. North East Water are currently investigating capacities and intend to upgrade the plant. Upgrade of the plant could be 5+ years away, hence the proposal to deliver 4000m<sup>2</sup> lots in the first stages.

It is important to note that this assessment represents a preliminary stage of the project, and further investigation and confirmation will be conducted in subsequent phases. As more detailed information becomes available, a comprehensive evaluation of potential servicing constraints will be carried out, and appropriate measures will be implemented to ensure a seamless and efficient servicing of the development.

### 5.1. Opportunities & Considerations

Through subsequent planning and design phases the following points will be considered:

- There is the opportunity for consolidation of sewer catchments to avoid multiple minor pump stations. This can minimise capital and ongoing maintenance costs.
- Alternative stormwater discharge and outfall arrangements could be explored subject to timing of the surrounding LDRZ parcels.
- Development of the adjoining parcels should integrate potable water connections to ensure multiple points of supply across the network.
- Current modelling has taken a conservative position and not factored in the detention or treatment benefits of rainwater tanks. Sustainability and building standards are evolving at a rapid rate. The potential benefits of rainwater reuse will be considered at planning permit and detailed design stage(s), which may reduce the footprint of the raingarden or overall volume of the basin whilst ensuring a more sustainable outcome.

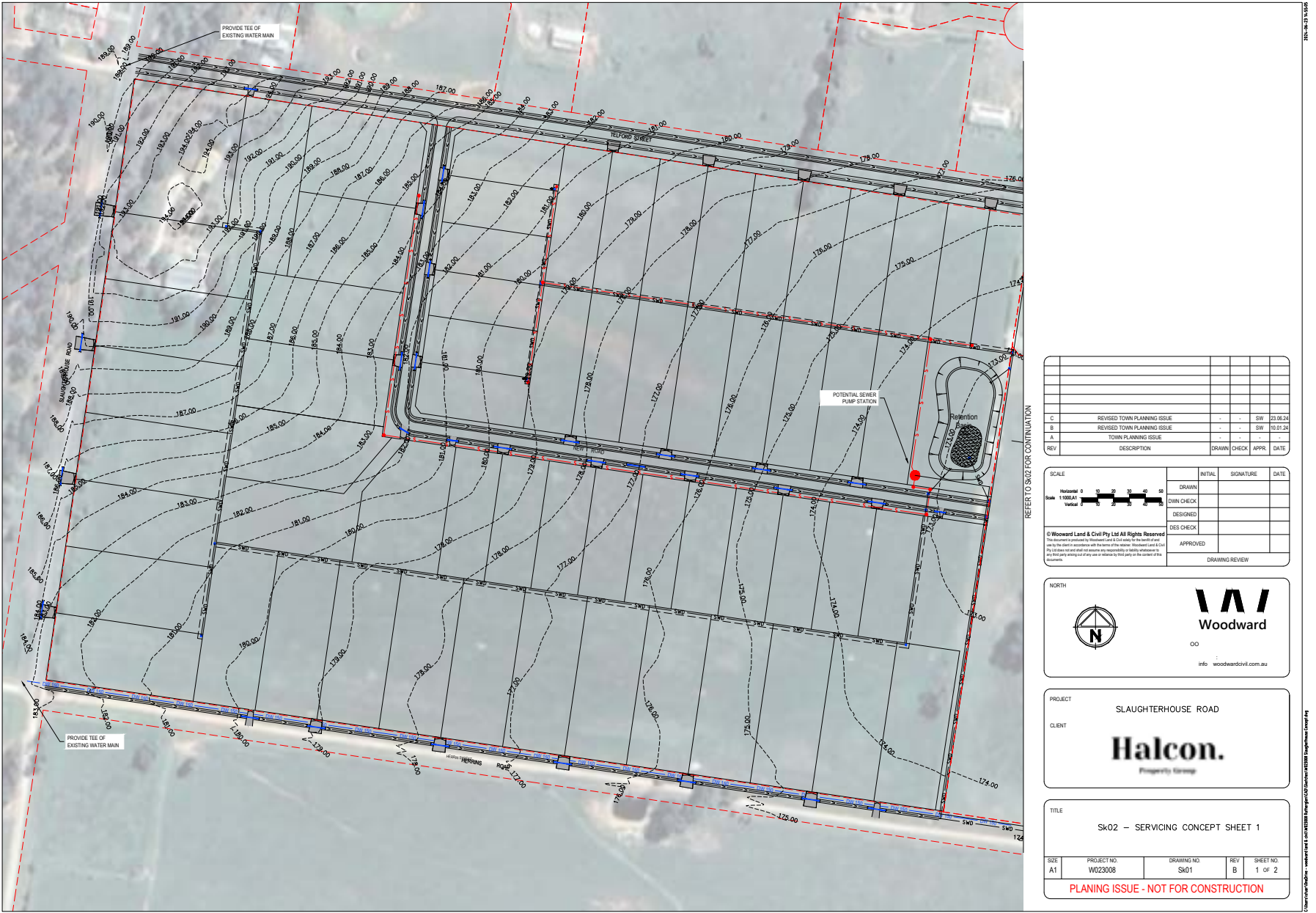
## 6. Appendices

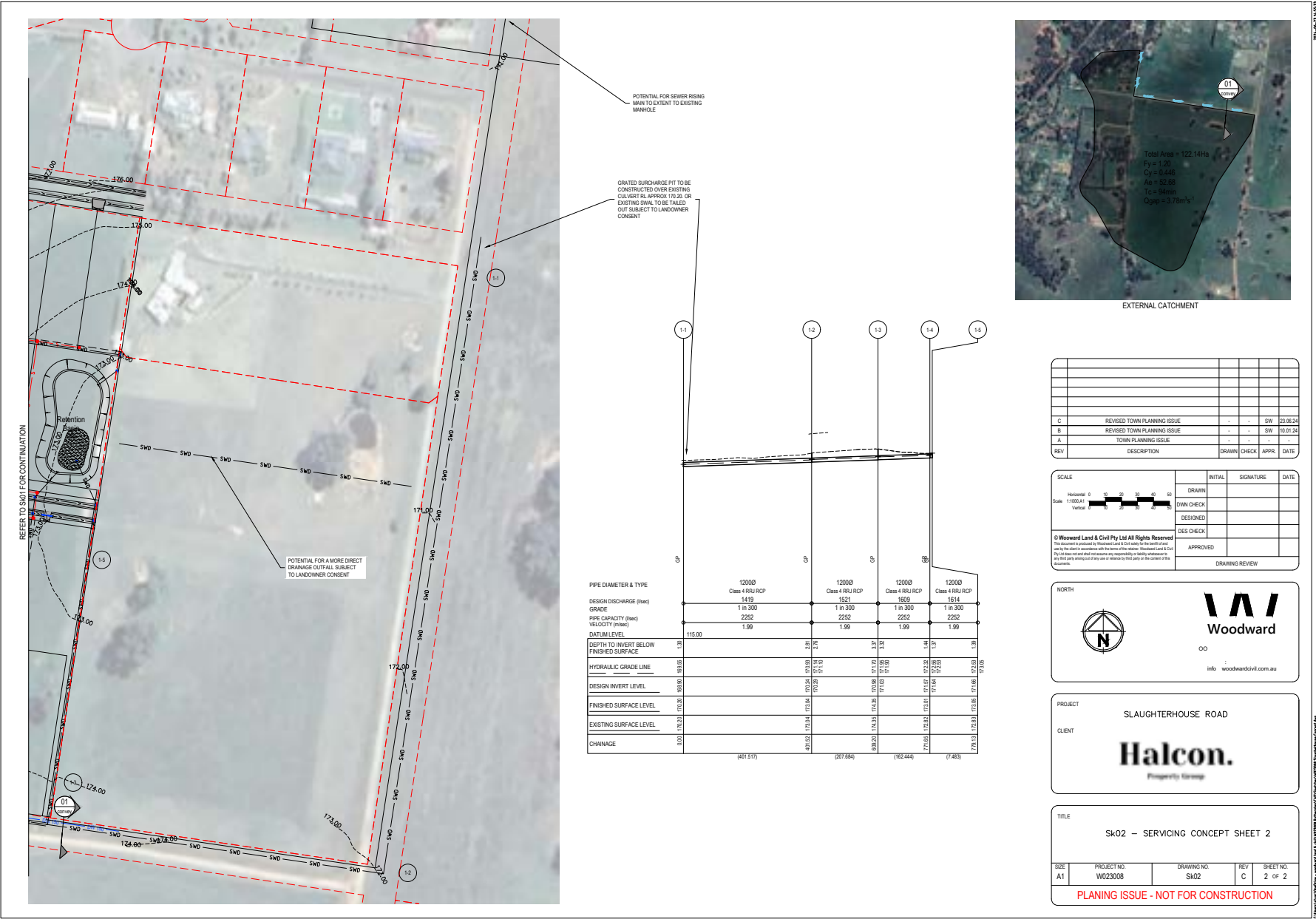
Development Servicing Concept

MUSIC Summary

Detention Summary

Overland Flow Section

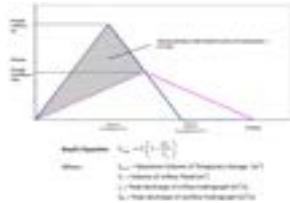




Project Name: Slaughterhouse  
 Project No.: W023008  
 Author: S Woodward  
 Date: 11/04/2023

**Description:** Retarding Basin - Fully Developed Catchment

**Definitions**



**Input**

Pre-Developed Catchment Modelling						
AEP	Area Ha	Cy	Tc min	I mm/hr	$\Sigma Ae$ Ha	Q m <sup>3</sup> /s
63.20%	32.680	0.273	52.81	17.68	8.925	0.44
50%	32.680	0.290	49.16	21.14	9.483	0.56
20%	32.680	0.324	41.17	32.94	10.598	0.97
10%	32.680	0.341	37.50	41.60	11.156	1.29
5%	32.680	0.358	34.72	50.45	11.714	1.64
2%	32.680	0.393	31.85	62.61	12.830	2.23
1%	32.680	0.410	30.07	72.24	13.387	2.69

Post-Developed Catchment Modelling						
AEP	Area Ha	Cy	Tc min	I mm/hr	$\Sigma Ae$ Ha	Q m <sup>3</sup> /s
63.20%	22.220	0.421	16.20	37.04	9.344	0.96
50%	22.220	0.447	16.20	42.29	9.928	1.17
20%	22.220	0.499	16.20	58.53	11.096	1.80
10%	22.220	0.526	16.20	69.39	11.680	2.25
5%	22.220	0.552	16.20	79.89	12.264	2.72
2%	22.220	0.605	16.20	93.81	13.432	3.50
1%	22.220	0.631	16.20	104.36	14.016	4.06

Storage AEP 1%  
 Release AEP 1%

Discharge 2.69 m<sup>3</sup>/s

Ts 16.2 mins

Storage Calculation Volume Required 1496.8 m<sup>3</sup> Okay

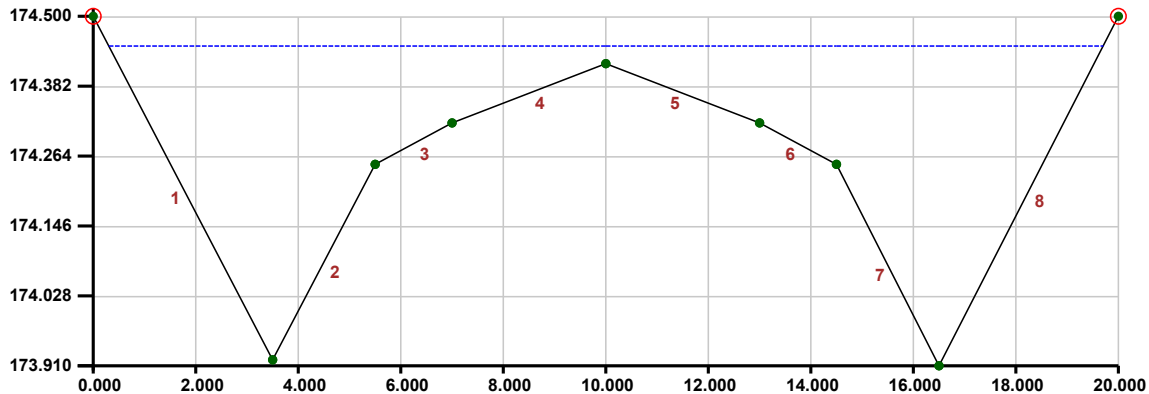
Dur (mins)	I (mm/hr)	C	A	Ae	I <sub>p</sub> (m <sup>3</sup> /s)	Q <sub>p</sub> (m <sup>3</sup> /s)	V <sub>i</sub> (m <sup>3</sup> )	S <sub>max</sub> (m <sup>3</sup> )	Check
5.00	174.91	0.63	22.220	14.016	6.810	2.69	2043.0	1237.1	More Storage
6.00	164.16	0.631	22.220	14.016	6.392	2.69	2301.0	1333.9	More Storage
7.00	154.87	0.631	22.220	14.016	6.030	2.69	2532.6	1404.3	More Storage
8.00	146.73	0.631	22.220	14.016	5.713	2.69	2742.1	1452.6	More Storage
9.00	139.51	0.631	22.220	14.016	5.432	2.69	2933.1	1482.4	More Storage
10.00	133.06	0.631	22.220	14.016	5.181	2.69	3108.3	1496.4	More Storage
11.00	127.25	0.631	22.220	14.016	4.954	2.69	3269.9	1496.8	Okay
12.00	121.99	0.631	22.220	14.016	4.750	2.69	3419.7	1485.4	Okay
13.00	117.20	0.631	22.220	14.016	4.563	2.69	3559.1	1463.7	Okay
14.00	112.81	0.631	22.220	14.016	4.392	2.69	3689.5	1432.9	Okay
15.00	108.78	0.631	22.220	14.016	4.235	2.69	3811.8	1394.0	Okay
16.00	105.06	0.631	22.220	14.016	4.091	2.69	3927.0	1348.0	Okay
17.00	101.62	0.631	22.220	14.016	3.957	2.69	4035.7	1295.6	Okay
18.00	98.43	0.631	22.220	14.016	3.832	2.69	4138.7	1237.3	Okay
19.00	95.45	0.631	22.220	14.016	3.716	2.69	4236.4	1173.9	Okay
20.00	92.66	0.631	22.220	14.016	3.608	2.69	4329.4	1105.7	Okay
21.00	90.06	0.631	22.220	14.016	3.506	2.69	4418.1	1033.1	Okay

PROJECT: Project name

Comment

Print-out date: 22/08/2023 - Time: 2:27

Data File: section 1.dat

1. CROSS-SECTION:2. DISCHARGE INFORMATION:

100 year (1%) storm event

Total discharge = 3.70 cumecs

There is no pipe discharge

Overland / Channel / Watercourse discharge = 3.70 cumecs

3. RESULTS: Water surface elevation = 174.450 m

High Flow Channel grade = 1 in 92, Main Channel / Low Flow Channel grade = 1 in 92.

	LEFT OVERBANK	MAIN CHANNEL	RIGHT OVERBANK	TOTAL CROSS-SECTION
Discharge (cumecs):	0.000	3.944	0.000	3.944
D(Max) = Max. Depth (m):	0.000	0.540	0.000	0.540
D(Ave) = Ave. Depth (m):	0.000	0.214	0.000	0.214
V = Ave. Velocity (m/s):	0.000	0.949	0.000	0.949
D(Max) x V (cumecs/m):	0.000	0.512	0.000	0.512
D(Ave) x V (cumecs/m):	0.000	0.203	0.000	0.203
Froude Number:	0.000	0.654	0.000	0.654
Area (m <sup>2</sup> ):	0.000	4.157	0.000	4.157
Wetted Perimeter (m):	0.000	19.553	0.000	19.553
Flow Width (m):	0.000	19.402	0.000	19.402
Hydraulic Radius (m):	0.000	0.213	0.000	0.213
Composite Manning's n:	0.000	0.039	0.000	0.039
Split Flow?	-	-	-	No

4. CROSS-SECTION DATA:

SEGMENT NO.	LEFT HAND POINT		RIGHT HAND POINT		MANNING'S N
	CHAINAGE (m)	R.L. (m)	CHAINAGE (m)	R.L. (m)	
1	0.000	174.500	3.500	173.920	0.050
2	3.500	173.920	5.500	174.250	0.050
3	5.500	174.250	7.000	174.320	0.020
4	7.000	174.320	10.000	174.420	0.020
5	10.000	174.420	13.000	174.320	0.020
6	13.000	174.320	14.500	174.250	0.020
7	14.500	174.250	16.500	173.910	0.050
8	16.500	173.910	20.000	174.500	0.050



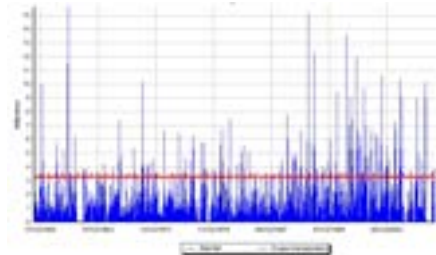
### MUSIC Report Summary of Inputs and Results

Client:		Date:	20/08/2023
Project:	Slaughterhouse Rd, Rutherglen		
Subject:	MUSIC Summary Report		
Job No:		By:	S.Woodward

#### Rainfall Information

Station:	Albury/Wodonga
Reference Years:	1955-2010
Time Step:	6 minute

#### Time Series Graph



#### Catchment Information

Catchment Name	1	(Node ID)	0
Areas - Impervious (%)	40 (%)		0
Areas - Pervious (%)	60 (%)		0
Rainfall-Runoff - Impervious Area - Rainfall Threshold (mm/day)	1 (mm/day)		0
Rainfall-Runoff - Pervious Area - Soil Storage Capacity (mm)	120 (mm)		0

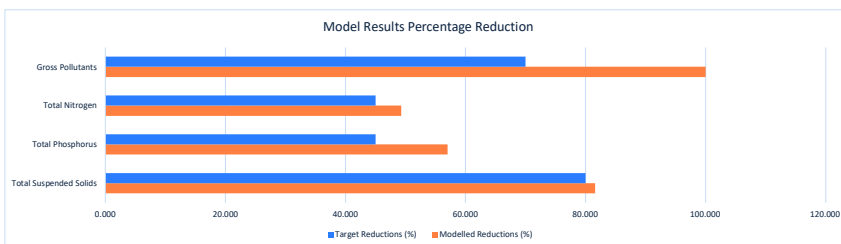
#### Treatment Nodes

##### Bioretention

Node Name	Bioretention
Node ID	2
Inlet Properties - High Flow Bypass (cubic metres per sec)	100
Storage Properties - Extended Detention Depth (metres)	0.3
Storage Properties - Surface Area (square metres)	450
Filter and Media Properties - Filter Area (square metres)	350
Filter and Media Properties - Unlined Filter Media Perimeter (metres)	60
Filter and Media Properties - Saturated Hydraulic Conductivity (mm/h)	180
Filter and Media Properties - Filter Depth (metres)	0.4
Filter and Media Properties - TN Content of Filter Media (mg/kg)	800
Filter and Media Properties - Orthophosphate Content of Filter Media	55
Infiltration Properties - Infiltration Rate (mm/hr)	0.36
Lining Properties - Base Lined	1

#### Results

Overall site treatment						
Category	Unit	Sources	Residual Load	% Reduction	BPEMG Target %	Compliance
Flow	ML/yr	11.20	10.30	8.00		
Total Suspended Solids	kg/yr	2010.00	345.00	81.600	80.00	COMPLIANT
Total Phosphorus	kg/yr	4.27	1.74	57.00	45.00	COMPLIANT
Total Nitrogen	kg/yr	31.10	15.40	49.30	45.00	COMPLIANT
Gross Pollutants	kg/yr	345.00	0.00	100.00	70.00	COMPLIANT





# Appendix D

## Landscape Concept Plan

Slaughterhouse Road Development Plan - Prepared for Halcon Rutherglen Pty Ltd

**SPOT Planning Pty Ltd**

ABN: 86 411 217 404

ACN: 636 682 383

E. [info@spotplanning.com.au](mailto:info@spotplanning.com.au)

M. 0409 962 001

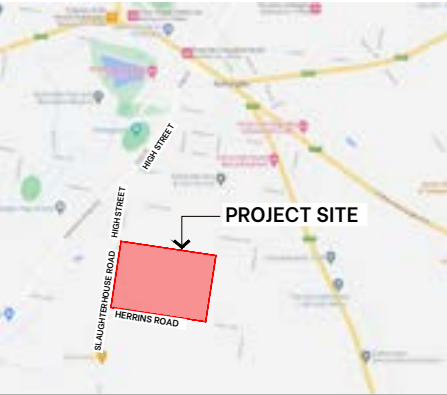
**SPOT**  
PLANNING

# LOW DENSITY RESIDENTIAL SUBDIVISION

## Slaughterhouse Road, Rutherglen

# LANDSCAPE MASTER PLAN

For: APPROVAL  
Date: JUNE 2024



1 LOCATION PLAN  
N.T.S.

DRAWING SCHEDULE		
DRAWING No.	DRAWING TITLE	SCALE
L-23026 L01	Landscape Master Plan	1:1000
L-23026 L02	Retention Basin Reserve	1:250
L-23026 L03	Public Open Space	1:250

### STANDARD NOTES

- 1. SET OUT AND DIMENSIONS.**  
THE CONTRACTOR SHALL SET OUT ALL ELEMENTS PRIOR TO CONSTRUCTION AND SHALL OBTAIN THE SUPERINTENDENTS SET OUT APPROVAL PRIOR TO WORKS. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALE. CHECK ALL DRAWING SCALES IN CONJUNCTION WITH DRAWING SIZE.  
STREET TREES SHALL BE OFFSET TO BACK OF KERB AS INDICATED. REFER AUSNET PLANTING REQUIREMENTS NEAR UNDERGROUND CABLES DOCUMENTS (APPROVED 19/04/2018) FOR OFFSET REQUIREMENTS TO ELECTRICAL SERVICES.  
FINAL LOCATIONS OF STREET TREES SHALL BE APPROVED ON SITE TAKING ACCOUNT OF DRIVEWAY, UNDERGROUND SERVICES AND ASSET LOCATIONS. SHOWN INDICATIVELY ONLY ON THIS PLAN.
- 2. TREE SETOUT.**  
ALL TREES SHALL NOT BE PLANTED LESS THAN THE FOLLOWING DISTANCES FROM ELEMENTS, UNLESS OTHERWISE STATED IN THE DOCUMENTATION:  
  - PEDESTRIAN PATHWAYS - 1.2M
  - PEDESTRIAN PATHWAYS IN RESERVE - 2.0M
  - DRIVEWAYS AND CROSSOVERS - 3.0M
  - STORMWATER AND SEWERAGE PITS - 2.0M
  - INTERSECTIONS - 10.0M
  - SERVICE CROSSINGS - 2.0M
  - KERB AND CHANNEL - 1.0M
  - STREET LIGHTS AND POWER POLES - 4.0M
  - SERVICE ASSETS, EG JUNCTION BOXES, PITS ETC - 2.0M
  - FIRE PLUGS - 3.0M
- 3. SERVICES AND SITE ASSETS.**  
THE CONTRACTOR SHALL INVESTIGATE THE NATURE AND LOCATION OF ALL . FAILURE TO TAKE DUE CARE SHALL NOT LIMIT THE CONTRACTORS LIABILITIES.
- 4. REFERENCE.**  
THE CONTRACTOR SHALL REFER TO ALL CONTRACT DOCUMENTS, THE SPECIFICATION AND DRAWINGS PRIOR TO AND DURING THE WORKS.
- 5. DISCREPANCIES.**  
NOTIFY SUPERINTENDENT OF ANY SUSPECTED OR KNOWN DISCREPANCIES OR ERRORS PRIOR TO ORDERING OF AFFECTED MATERIALS AND OR CONSTRUCTION OF AFFECTED WORKS.
- 6. RELEVANT STANDARDS.**  
THE CONTRACTOR SHALL UNDERTAKE ALL PRICING AND WORKS IN ACCORDANCE WITH CURRENT INDUSTRY BEST PRACTICE AND ALL RELEVANT AUSTRALIAN STANDARDS.

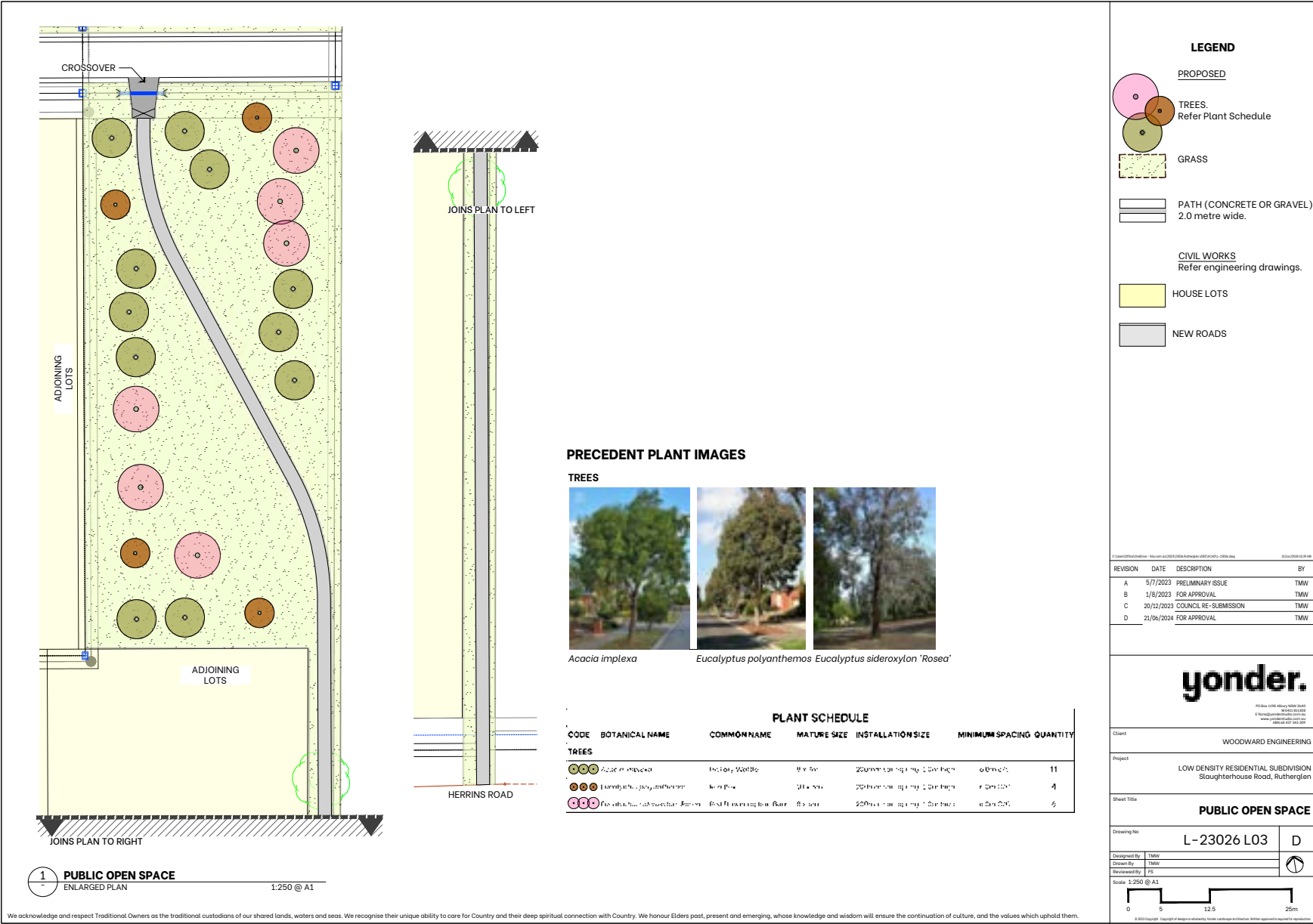
yonder.

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ABN 68 437 343 209









# Appendix E

## Biodiversity Assessment

Slaughterhouse Road Development Plan - Prepared for Malcan Rutherglen Pty Ltd

**SPOT Planning Pty Ltd**

ABN: 86 411 217 404

ACN: 636 682 383

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M. 0409 962 001

**SPOT**  
PLANNING

Myles Sewell & Tom Wallace  
Halcon Rutherglen Pty Ltd



By email to [myles@halconpg.com.au](mailto:myles@halconpg.com.au) & [tom@halconpg.com.au](mailto:tom@halconpg.com.au) on 30/6/23

**Re: Biodiversity Inspection Report (BIR) – 11 Slaughterhouse Road, Rutherglen, VIC 3685.**

Dear Myles & Tom,

Thank you for the opportunity to assist with the Rutherglen Slaughterhouse Road project. Please be advised that in this engagement, Red-Gum Environmental Consulting Pty Ltd (Red-Gum) is assuming the role of your Ecological Consultant and VQAM Accredited Assessor (VIC).

## 1 Desk-top Assessment

Red-Gum understands that the likely impact of the proposal on the receiving environment is the construction of a subdivision at 11 Slaughterhouse Road, Rutherglen, VIC 3685. The works will entail the eventual construction of the new subdivision, associated services, utilities, access tracks into the estate and general land rehabilitation and landscaping works, which will involve a degree of both surface and sub-surface disturbance to the study area.

Red-Gum has assumed that all impacts associated with the works are as shown and confined to the development boundary as shown in **Figure 1**. This assessment herein is a desk-top assessment of the likely environments at site and also documents the physical condition of the site at the time of the inspection on 21/06/23.

## 2 Anticipated impacts

Following review of the construction method (and consultation with the client), the construction footprint and associated losses were deduced acknowledging the following key points:

- The new developments are occurring within an existing set-stocked paddock, at the northern end of Slaughterhouse Road, Rutherglen (the study area).
- The proposed subdivision will involve a degree of soil disturbance to both surface and buried land surfaces to varying depths, likely from 0.1m to 1.5m for under-ground and overhead utilities.
- Import of clean fill material and gravel for the access tracks (from licensed quarries or locations approved to provide such materials). Access alignments will be shaped, rolled, and hardened using heavy machinery.
- Drainage construction along the new access tracks.
- Installation of underground and above ground services and utilities, and all associated earth works as described above.
- Construction of the subdivision, housing, roads, paths, amenities and general landscaping.

*In summary, due to the type of development (i.e. subdivision), where works are proposed within the study area, the majority of the remnant native vegetation present will be considered 'lost' or otherwise 'disturbed'.*



### 3 Ecological Vegetation Class (EVC) mapping

There are three EVCs mapped as occurring within the study area: EVC 175 – Grassy Woodland, EVC 803 – Plains Woodlands and EVC 61 – Box Ironbark Forest (**Figure 1**).

**EVC 803** - (Plains Woodland), listed as Endangered in the Victorian Riverina bioregion, is an open Eucalypt woodland to 15m tall over a sparse shrub layer with a species-rich grassy and herbaceous ground layer. The overstorey is typically dominated by Grey Box (*E. microcarpa*), Yellow Box (*E. melliodora*), Blakely's Red-gum (*E. blakelyi*), and/or River Red-gum (*E. camaldulensis*). The EVC occurs on fertile clays and clay loam soils on flat or gently undulating plains at low elevations in areas with <600 mm annual rainfall on a range of geologies.

**EVC 175 (Grassy Woodland)**, listed as Endangered in the Victorian Riverina bioregion, is an open Eucalypt woodland up to 15m tall with a diverse suit of grasses and herbs in the ground layer and sparse shrub layer. This EVC occurs in areas with rainfall from 500 to 550mm per year, on deeper soils with moderate fertility on gentle slopes or undulating hills. The overstorey is dominated by Eucalypt species.

**EVC 61 (Box Ironbark Forest)**, listed as Vulnerable in the Northern Inland Slopes bioregion, is an open Eucalypt forest to 20m tall over a moderately dense to open shrub layer. The ground layer ranges from a sparse to well-developed suite of herbs and grasses, often with bare-looking areas dominated by lichens and mosses. This EVC consists of a variety of eucalypts, often including one of the Ironbark species, and occurs on gently undulating rises, low hills and penplains on infertile, often stony soils derived from a range of geologies.

Upon site inspection, Red-Gum botanists assessed the low slopes as being derived from EVC 175\_61 – Low Rises Grassy Woodland from scattered remnant trees and native grasses (**Figure 2 & 3**). This EVC is the predominant type of Grassy Woodland that's found on the lower slopes of the stony sedimentary hills around the Rutherglen township area. EVC 61 - Box Ironbark Forest was not detected on the higher slopes.

**EVC 175\_61** (Low Rises Grassy Woodland), listed as Endangered, is a variable open Eucalypt woodland to 15m tall, over a diverse ground layer of herbs and grasses. A sparse shrub layer is accompanied by an overstorey dominated by White Box (*Eucalyptus albens*), Grey Box (*E. microcarpa*), Blakely's Red-gum (*E. blakelyi*), Red Box (*E. polyanthemos*) and/or Yellow Box (*E. melliodora*). The EVC occurs on sites with moderate fertility on the gentle slopes or undulating hills on a range of geologies.

*EVC 803, EVC 175 and EVC 61 is mapped on DEECA's NatureKit as covering the study area, however upon subsequent fine-scale vegetation assessment, the predominant vegetation on site is representative of a derived grassland of both EVC 803 - Plains Woodland and EVC 175\_61 – Low Rises Grassy Woodland.*



#### 4 EPBC Protected Matters Search Tool (PMST)

Consultation with the EPBC Protected Matters Search Tool (PMST) searched a 5km radius of the Activity area for **threatened flora and fauna** plus **listed threatened ecological communities**. The search returned two (3) listed threatened ecological communities – whose ‘type of presence’ was listed as ‘community likely to occur within area’ or ‘community may occur within area’. Those being:

1. White Box-Yellow Box-Blakely’s Red Gum Grassy Woodland Derived Native Grassland.
2. Grey Box (*Eucalyptus microcarpa*) Grassy Woodlands and Derived Native Grasslands of South-eastern Australia.
3. Buloke Woodlands of the Riverina and Murray-Darling Depressions Bioregions

In addition, thirty-eight (38) listed threatened flora and fauna species were identified as having suitable habitat within the same specified geographic range. Of the threatened species list (considering the site condition, the nature and anticipated impacts of the proposal and existing impacts and considering the anticipated impacts to the receiving environment), no (zero) flora species were considered worthy of close consideration from the *flora* list, and five (5) species were worthy of closer consideration from the *fauna* list.

*The Superb Parrot (Polytelis swainsonii), Painted Honeyeater (Grantiella picta), Grey Falcon (Falco hypoleucos), Diamond Firetail (Stagonopleura guttata) and Sloane’s Froglet (Crinia sloanei) from the fauna list are perhaps the most likely to have at least a chance of occurring around the site, due to suitable habitat surrounding the site, but were not present within 2 km of the site and are unlikely to be ‘resident’.*



Figure 1: Pre-1750 Ecological Vegetation Classes. Source: Red-Gum Environmental Consulting Pty Ltd. Source: DEECA.



Figure 2a: Assessed Ecological Vegetation Classes (EVCs). Source: Red-Gum Environmental Consulting Pty Ltd.



Figure 2b: Assessed native grasses >25% areas to avoid (EVCs). Source: Red-Gum Environmental Consulting Pty Ltd.



Figure 3: Scattered indigenous trees to avoid within the proposed Study Area. Source: Red-Gum Environmental Consulting Pty Ltd.

## 5 NatureKIT Searches – *Flora and Fauna Guarantee Act 1988 (FFG Act) (VIC)*

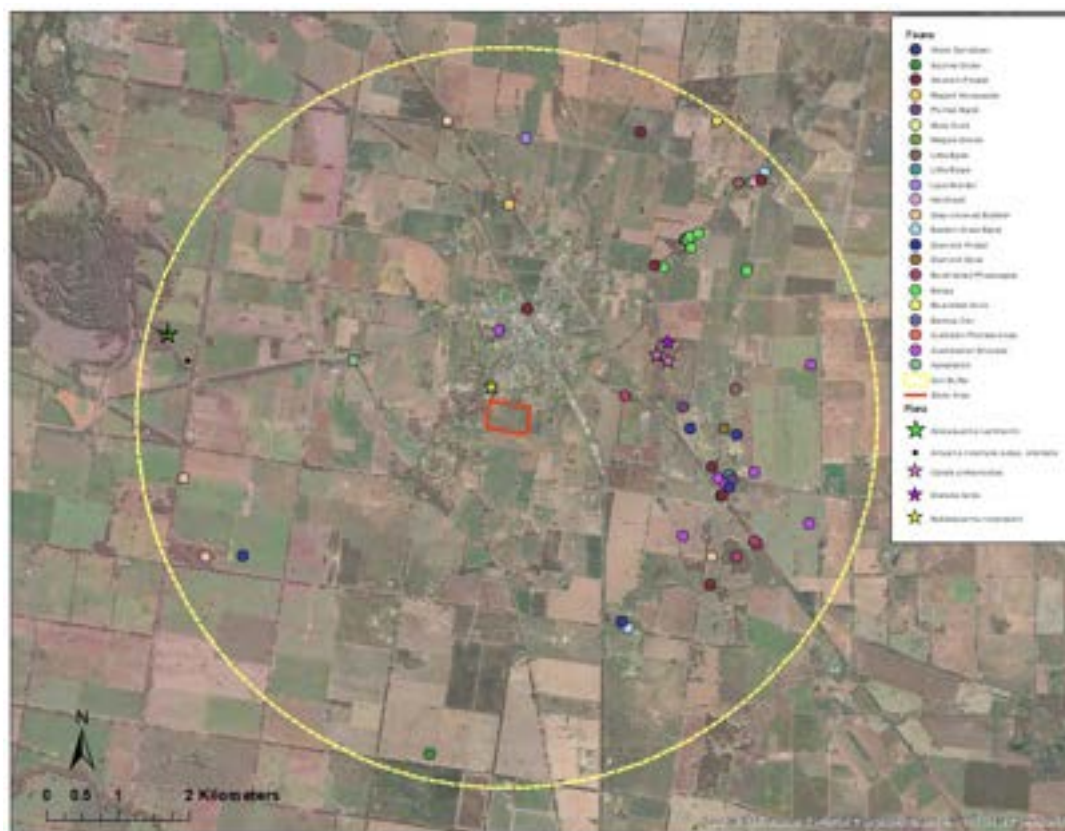
Consultation with NatureKIT for fauna considered threatened in Victoria, returned eight (8) critically endangered fauna species listed in the Flora and Fauna Guarantee Act 1988 (FFG Act) within 5km of the study area, the Regent Honeyeater (*Anthochaera phrygia*), Barking Owl (*Ninox connivens*), Plumed Egret (*Ardea intermedia plumifera*), ainted Snipe (*Rostratula australis*), Bush Stone-curlew (*Burhinus grallarius*), Australian Bustard (*Ardeotis australis*), Black Falcon (*Falco subniger*), Murray River Turtle (*Emydura macquarii*) (**Figure 4**). The closest fauna species recorded is the Brush-tailed Phascogale (*Phascogale tapoatafa*) ~1.5km east of the study area and the Australasian Shoveler (*Spatula rhynchotis*), Hardhead (*Aythya australis*), and Eastern Great Egret (*Ardea alba modesta*) ~1km north of the study area at Lake King (**Figure 5**).

*Most species are unlikely to occur within the study site due to absence of suitable habitat and the land being predominantly derived native grassland.*

NatureKIT returned a total of seven (5) FFG Act-listed threatened flora species records within 5km of the site, with the closest record being the endangered Straw Wallaby-grass (*Rytidosperma richardsonii*) located ~200m north of the site. The critically endangered Cut-leaf Burr-daisy (*Calotis anthemoides*) and Late-flower Flax-lily (*Dianella tarda*) are recorded ~2km east of the site within the Rutherglen Racecourse Reserve. (**Figure 4 & 5**).



The Cut-leaf Burr-daisy is a rare perennial herb that occurs on heavy soils prone to waterlogging north and west of Melbourne (e.g. Sunshine, Camperdown, Moyston, Dunkeld, Numurkah & Rutherglen regions) (Vic Flora 2023). This species is also unlikely to occur on site due to the prolonged stock grazing history.



**Figure 4: FFG listed flora and fauna recorded within 5km of the site. Source: NatureKit, DEECA.**

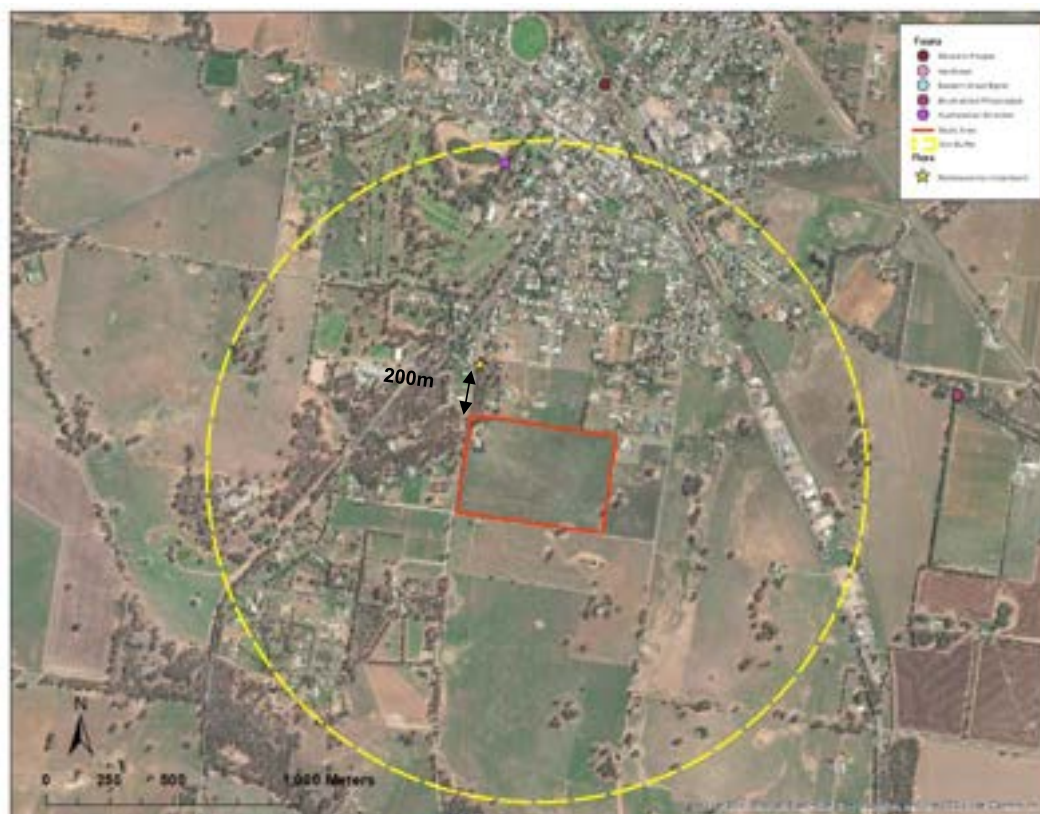


Figure 5: Closest FFG Act listed flora and fauna within 5km of site. Source NatureKit, DEECA.

## 6 Development Plan Overlay – Schedule 3 (DPO3)

The Development Plan Overlay- Schedule 3 (DPO3) affects the subdivision of land, in which a development plan and planning permit application must be submitted before a planning permit can be granted (**Figure 6**). The DPO3 aims to implement the State Planning Policy Framework and the Local Planning Policy Framework, that includes the Municipal Strategic Statement as well as local planning policies. This overlay identifies areas which require the form and conditions of future use and development to be shown on a development plan prior to the permit being granted to use or develop the land. It also exempts applications from notice and review if they are generally in accordance with a development plan.

The Environmental Significance Overlay – Schedule 3 (ESO3) surrounds the study site, however, does not affect the proposed subdivision of land. ESO3 is in place to protect the north-eastern section of the Ovens River Basin includes a few smaller water courses which drain directly to the Murray upstream of Lake Mulwala including the Black Dog Creek.

*The DPO3 covers the entire study area, therefore any proposed works are affected by this planning overlay and a planning permit application must be submitted before a planning permit can be granted (**Figure 6**). Any native vegetation to be cleared for the proposed works within this overlay. Even though the site is dominated by exotic pasture species with fragmented and high disturbed patches of derived EVC 803 & EVC 175\_61, a planning permit WILL be required to remove the native vegetation and a full loss assessment under s.52.17.*

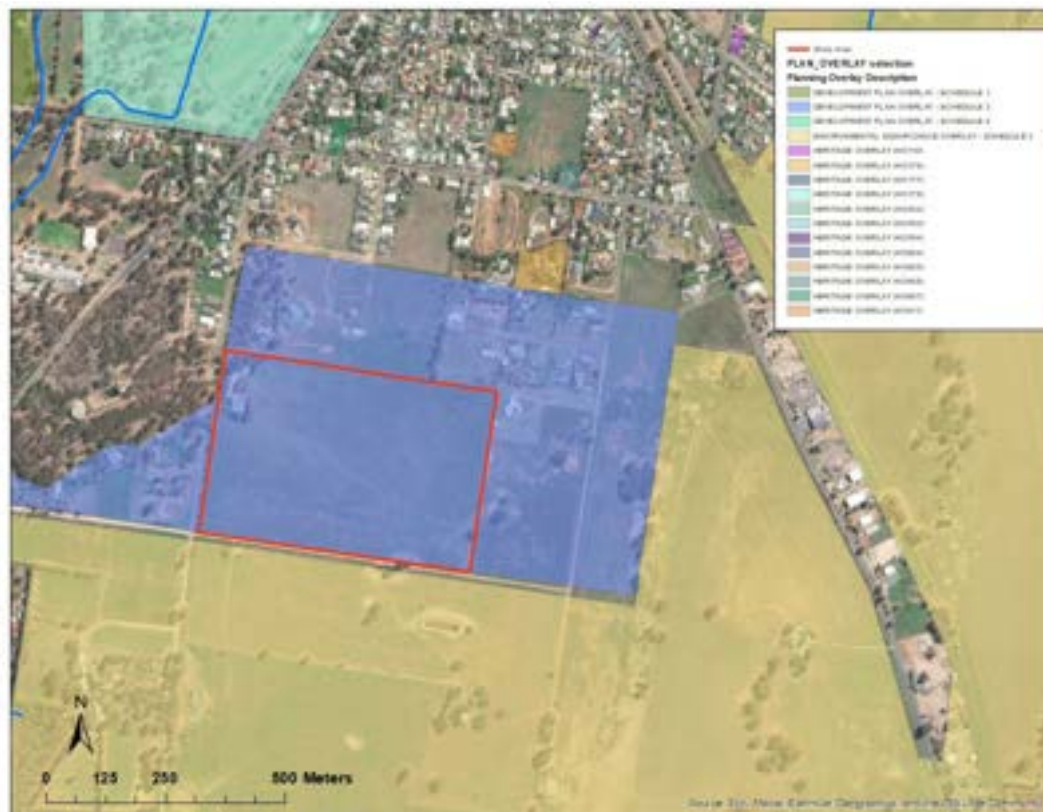


Figure 6: Development Plan Overlay – Schedule 3 (DPO 3) affecting the site. Source: DEECA.

## 7 Desk-top Assessment Summary

- Impacts to the receiving environment are considered 'long term', however are unlikely to substantially affect any threatened species, but may potentially disturb some threatened species who are using the area opportunistically.
- No threatened species were recorded within the site.
- The endangered Straw Wallaby-grass has been previously recorded approximately 200m north of the site and while this species has some potential to occur on site, it is unlikely to be present given the history of grazing on site.
- Database searches concluded most of the site is mapped as EVC 803 (Plains Woodland), EVC 175 (Grassy Woodland), however at the completion of assessment, it was found to consist of derived EVC 175\_61 (Low Rises Grassy Woodland) and EVC 803 (Plains Woodland) consisting of native grasses with three scattered trees.
- A large portion of the site is dominated by exotic pasture vegetation, where historic clearing and agricultural impacts have meant that exotic species have come to dominate from constant stock grazing, herbicide and fertilizer use.
- Three native scattered trees are present on site which may be opportunistically used by highly mobile, native woodland bird species.
- The site is situated on land affected by the Development Plan Overlay – Schedule 3.

## 8 Site inspection

Site inspection of the study area occurred on 21/06/23 by Kate Hill (Botanist). The inspection took place in the afternoon, with conditions being sunny throughout the survey. The following observations were made at the time of inspection and there were no obstacles to prevent full coverage access of the study area:

- Site inspection involved identifying native vegetation communities, mapping scattered trees, mapping native vegetation patches and areas dominated by exotic species. GPS points were also taken for any other significant features in the study area.
- Vegetation in the study area is highly disturbed due to a history of clearing and set-stocking grazing regime. There are several native grass species present that are generally the more grazing and disturbance resistance species such as Plains Spear Grass (*Austrostipa aristiglumis*), with Red-leg Grass (*Bothriochloa macra*) and Windmill Grass (*Chloris truncata*) with sparsely scattered Rushes (*Juncus* spp.).
- The site is primarily grazed low value derived native grassland associated with EVC 803 Plains Woodland (~5.3ha) and EVC 175\_61 Low Rises Grassy Woodland (~1.4ha); and few scattered native and exotic trees.
- Where patches of native grasses are persisting, native species were not rich and there was moderate cover of pasture weed species also.
- Most of the site is dominated by exotic pasture species, especially Couch Grass (*Cynodon dactylon*), Paspalum (*Paspalum dilatatum*), Pigeon Grass (*Setaria parviflora*), Hogweed (*Polygonum aviculare*), numerous Clovers (*Trifolium* spp.), Summer Grass (*Digitaria ciliaris*), Fescue (*Vulpia* spp.) and Rye Grass (*Lolium* spp.).
- The study site covers ~22 hectares. Approximately 6.7ha is native vegetation attributed to with low quality EVC 803 Plains Woodland (~5.3ha) and EVC 175\_61 Low Rises Grassy Woodland (~1.4ha) with the remainder of the site being predominantly exotic vegetation and/or less than 25% native grasses.
- A total of three (3) scattered native trees are present within the study area, all of which are Grey Box (*Eucalyptus microcarpa*), the remainder are planted trees predominantly around the existing house.
- If any threatened native fauna (birds) are present, they were not recorded during survey. There is limited habitat value in the study area, however at best, the presence of any threatened fauna would be very occasional.
- No threatened flora species were detected, however no *targeted* surveys were conducted.

Table 1: Flora species identified on site.

Exotic		Native	
Scientific Name	Common Name	Scientific Name	Common Name
<i>Cynodon dactylon</i>	Couch Grass	<i>Austrostipa aristiglumis</i>	Plains Spear Grass
<i>Lolium</i> spp.	Rye Grass	<i>Bothriochloa macra</i>	Red-leg Grass
<i>Paspalum dilatatum</i>	Paspalum	<i>Chloris truncata</i>	Windmill Grass
<i>Bromus</i> spp.	Brome	<i>Juncus</i> spp.	Rush
<i>Trifolium</i> spp.	Clover	<i>Eucalyptus microcarpa</i>	Grey Box
<i>Arctotheca calendula</i>	Cape Weed	<i>Austrostipa scabra</i>	Rough Spear Grass
<i>Digitaria ciliaris</i>	Summer Grass	<i>Rytidosperma</i> sp.	Wallaby Grass
<i>Vulpia</i> spp.	Fescue		
<i>Polygonum aviculare</i>	Hogweed		
<i>Setaria parviflora</i>	Slender Pigeon Grass		
<i>Eucalyptus</i> spp.	Planted Eucalypt spp.		
<i>Romulea rosea</i>	Onion Grass		
<i>Hypochaeris radicata</i>	Flat Weed		
<i>Erodium</i> sp.	Storks Bill		





**Photo 1: Study area conditions dominated by exotics with patches derived from EVC 803 & 175\_61. Western orientation. Photo: S.Mendham, 2023.**



**Photo 2: Isolated large Grey Box tree (*E. microcarpa*), dominated by exotics with derived patches of native grasses. Northern orientation. Photo: S. Mendham, 2023.**





**Photo 3: Study area conditions, vegetation derived from EVC 175\_61 & EVC 803, dominated by exotics. Eastern orientation. Photo: K.Hill, 2023.**



**Photo 4: Study area conditions, existing house area, dominated by exotics with planted Eucalypts. Northern orientation. Photo: K.Hill, 2023.**



**Photo 5: Study area conditions, existing house area, dominated by exotics with planted Eucalypts and some native Grey Box *E. microcarpa* along drive near gateway. Southern orientation. Photo: K.Hill, 2023.**



**Photo 6: Study area conditions dominated by exotics with patches derived from EVC 803 & 175\_61. Western orientation. Photo: K.Hill, 2023**

## 9 Summary & Recommendations

- Red-Gum maintains its contention and has determined after thorough site assessment that a large portion of the site is classed as *low quality* EVC 803 & 175\_61 that is interspersed with exotic pasture grass and several scattered trees.
- No threatened flora was recorded on site, and it was deemed that due to disturbance within the works zone, they are unlikely to be affected by the proposal in its current form.
- Approximately 6.7 ha of the site is native vegetation attributed to with low quality EVC 803 Plains Woodland (~5.3ha) and EVC 175\_61 Low Rises Grassy Woodland (~1.4ha) with the remainder of the site being predominantly exotic vegetation and/or less than 25% native grasses (exempt).
- A total of three (3) scattered native trees are present within the study area, all of which are Grey Box (*Eucalyptus microcarpa*), the remainder are planted trees predominantly around the existing house.
- Any weeds removed (particularly those bearing seeds) are to be disposed of appropriately at the nearest waste management facility.

Please be advised that Halcon Rutherglen Pty Ltd may seek verification of any of the opinions/recommendations provided herein through legal advice and that this report is not to be distributed to third parties without the expressed written approval of Red-Gum Environmental Consulting. Notwithstanding the previous paragraph, Red-Gum Environmental Consulting Pty Ltd consents to the provision of this report to the relevant state or local government planning approval authorities.

Regards



Mr Damian Wall  
**Managing Director**  
BAppSc, MEnvMgt, GradCert CHM, MAACAI

30/06/23

# 11.4

## PLANNING PERMIT APPLICATION PP23-0002 - 41-47 FOORD STREET, WAHGUNYAH

1	PP23-0002 - Plans .....	431
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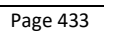




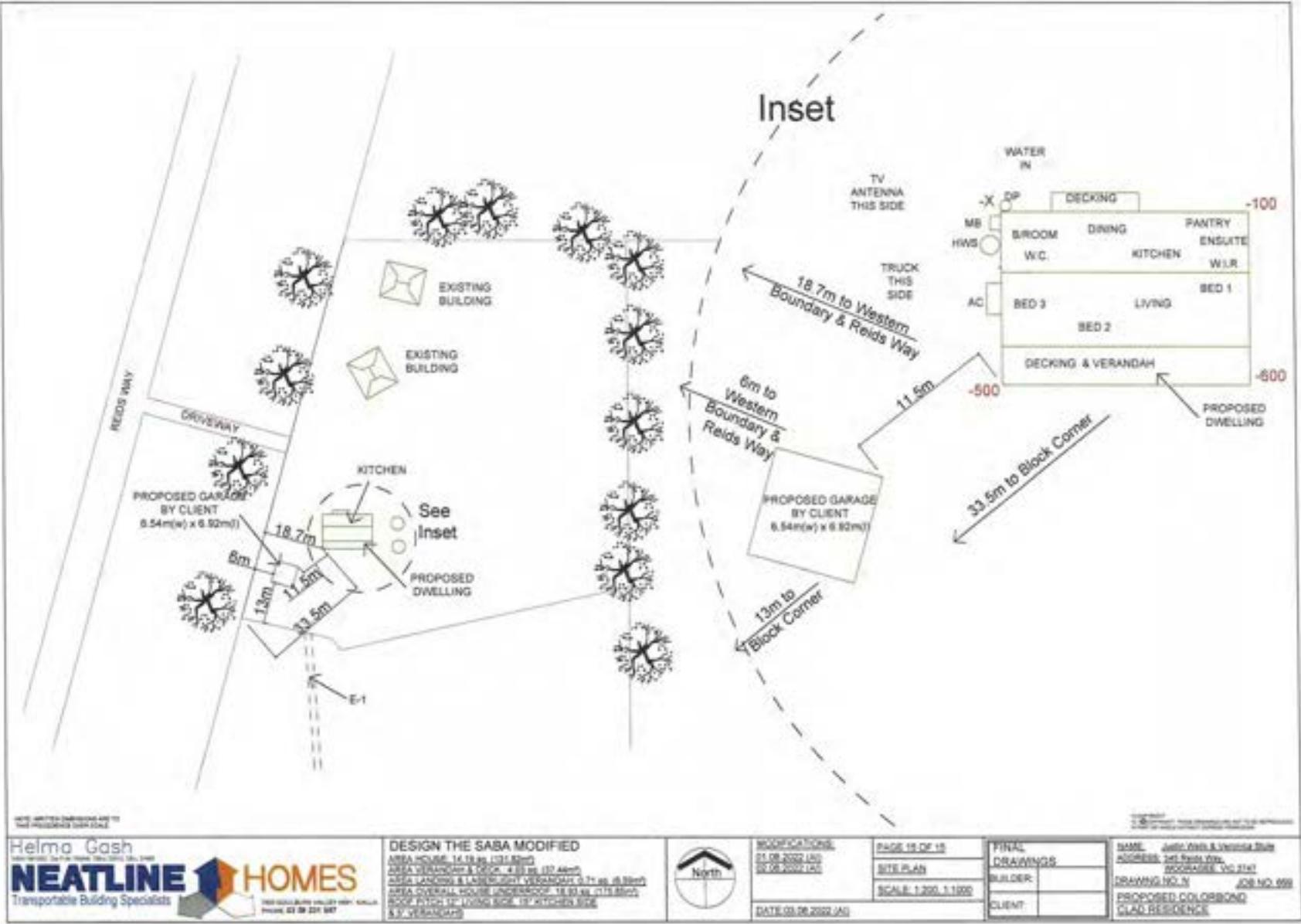
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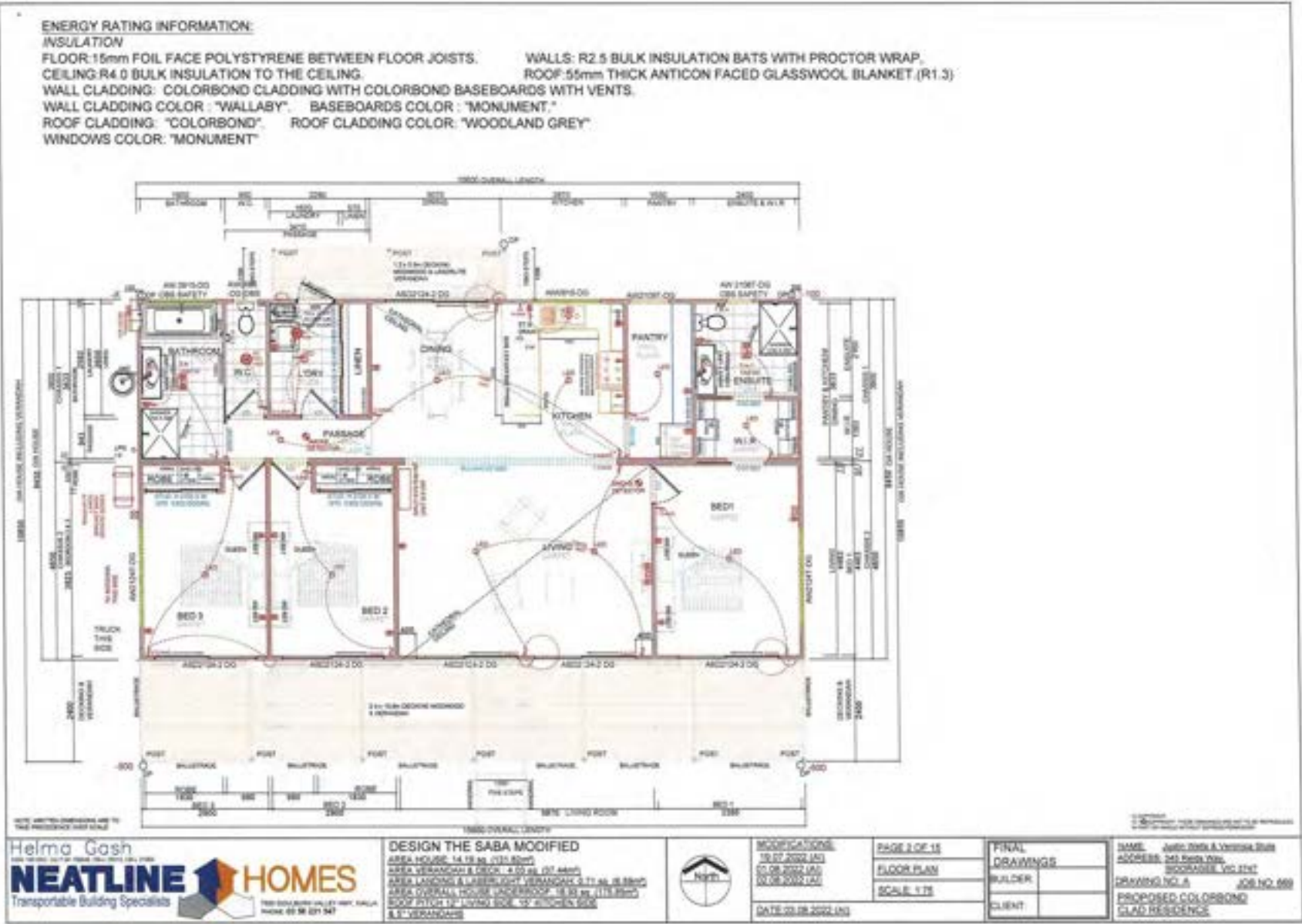
## PLANNING PERMIT APPLICATION PP23-0125 - 345 REIDS WAY, WOORAGEE

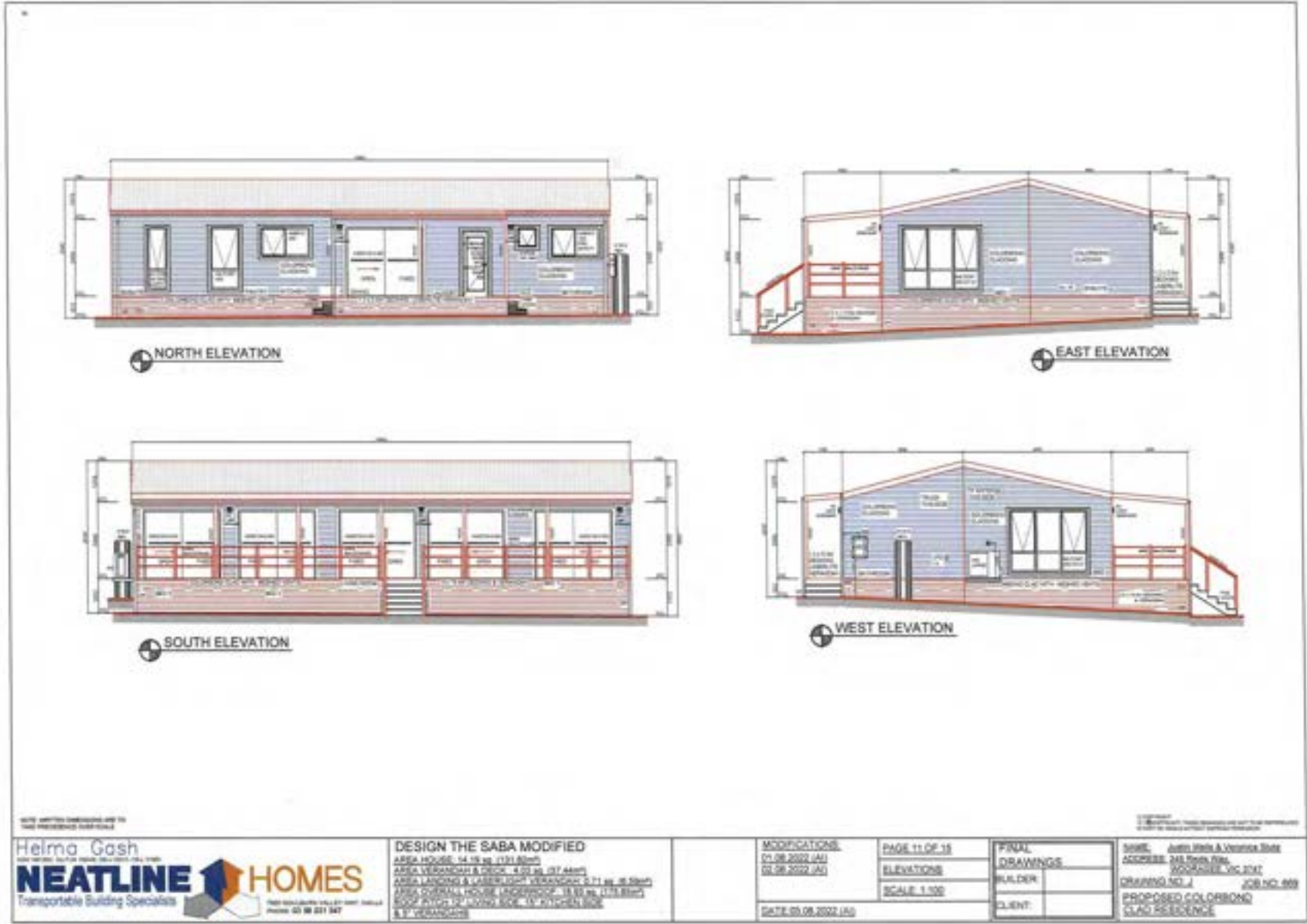
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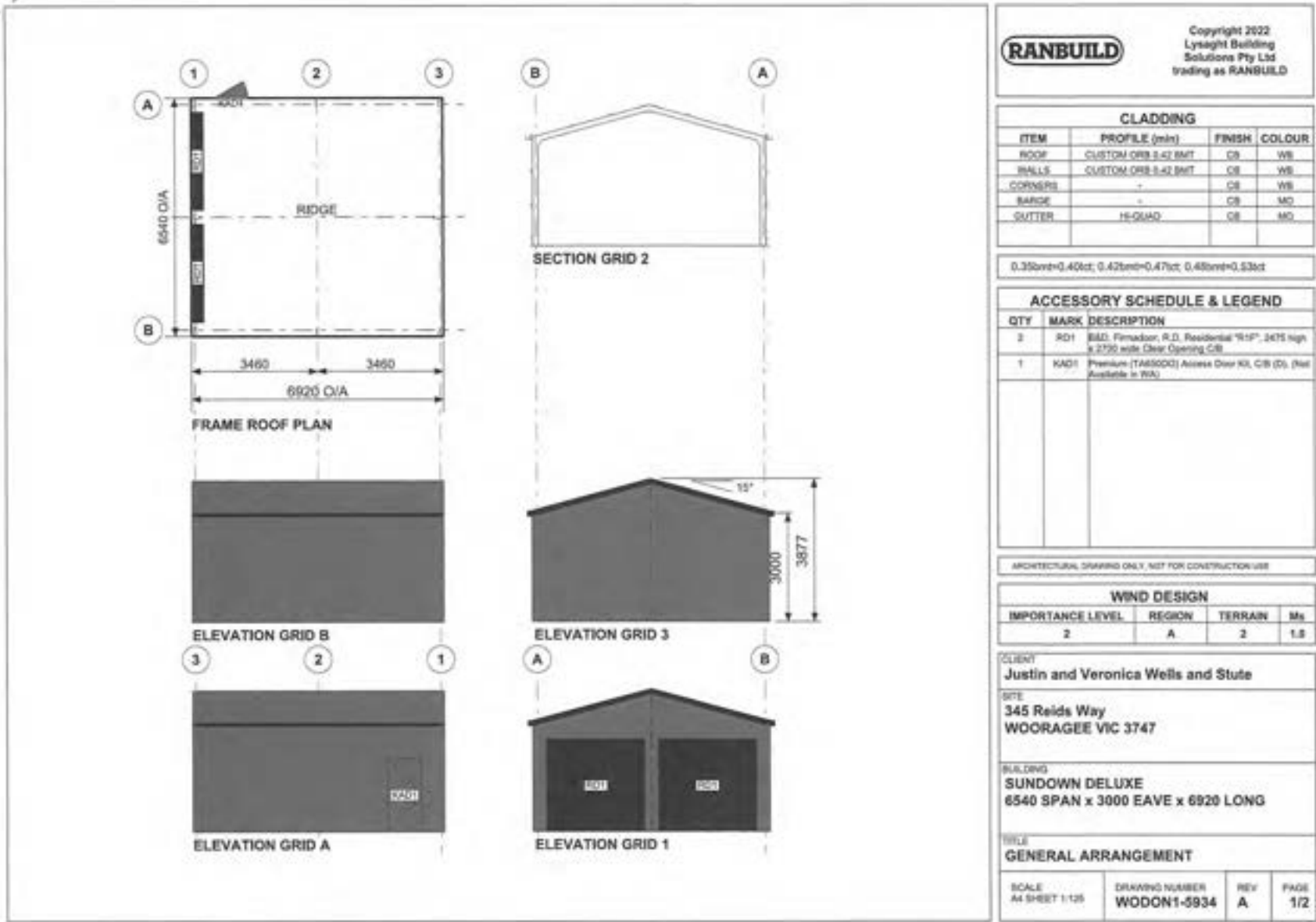








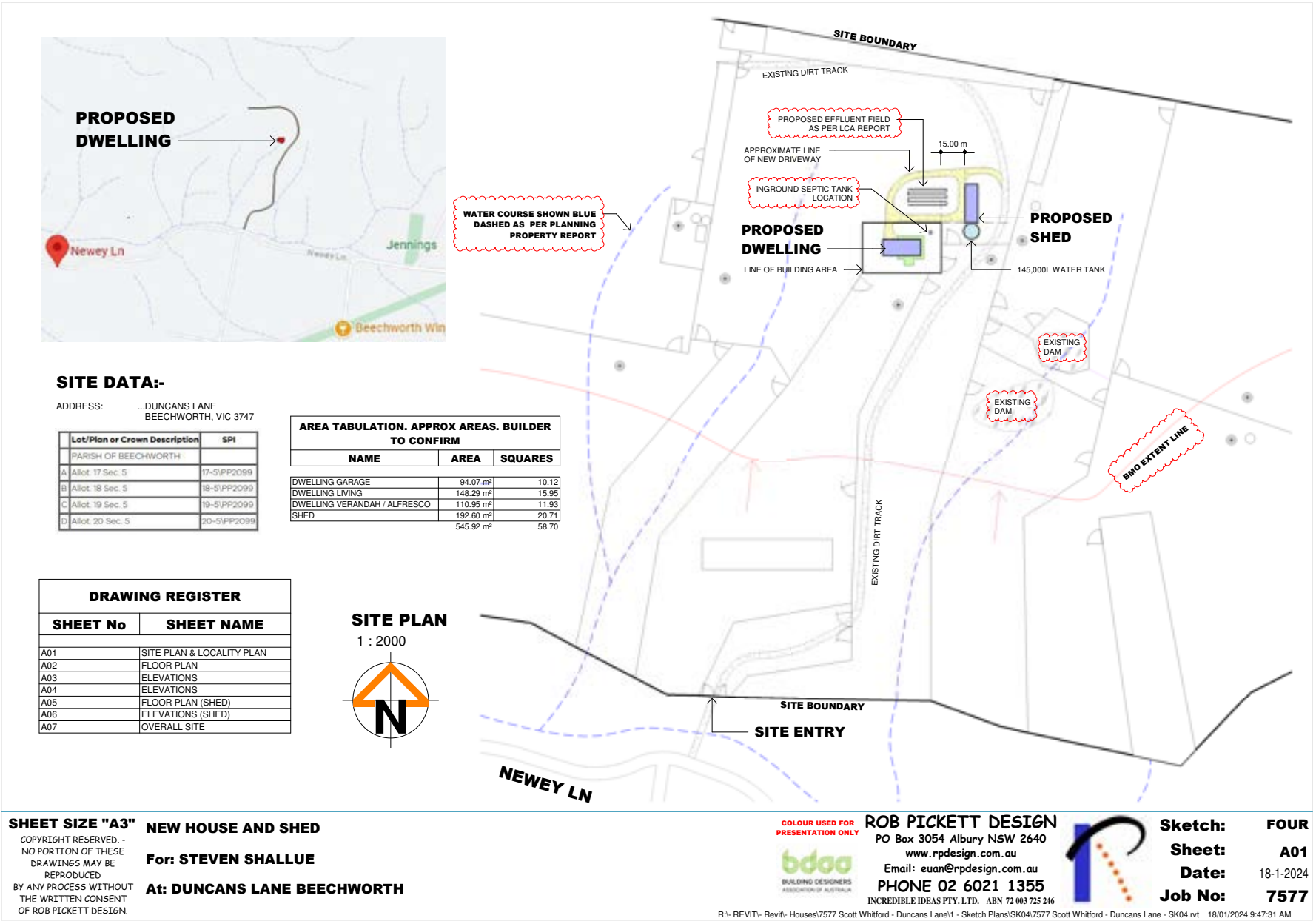




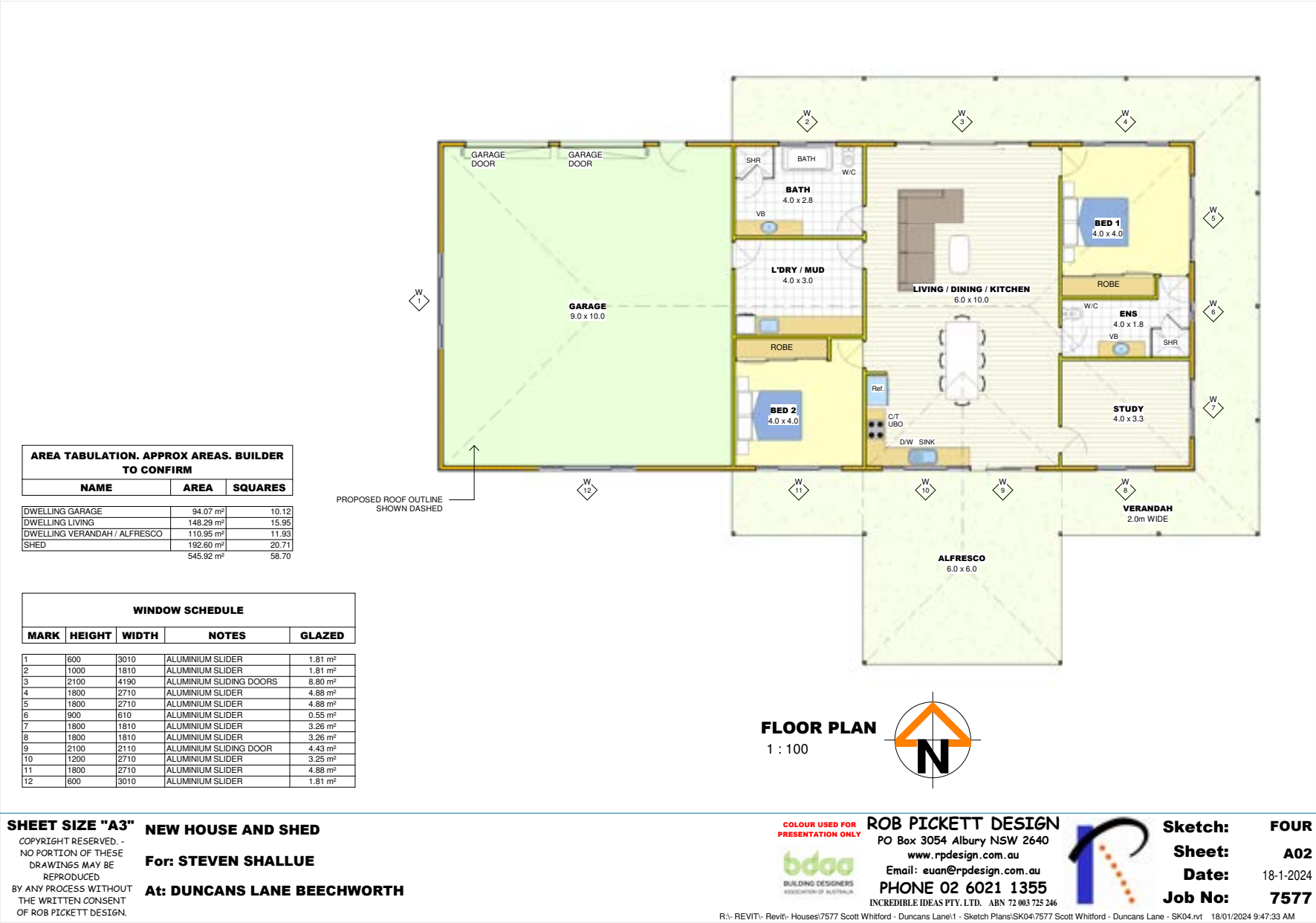
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## PLANNING PERMIT APPLICATION PP23-0152 - 18 DUNCANS LANE, BEECHWORTH

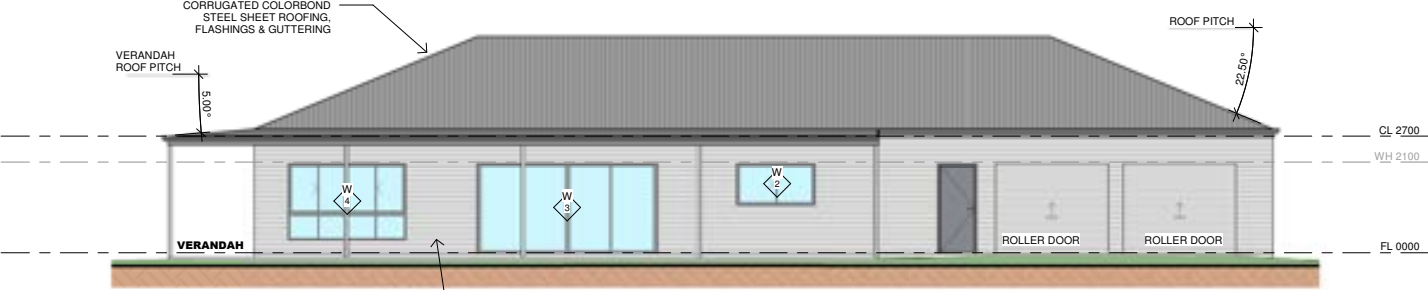
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**NORTH ELEVATION**  
1 : 100



**EAST ELEVATION**  
1 : 100

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**For: STEVEN SHALLUE**  
**At: DUNCANS LANE BEECHWORTH**

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**Sheet: A03**  
**Date: 18-1-2024**  
**Job No: 7577**

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**SOUTH ELEVATION**  
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**WEST ELEVATION**  
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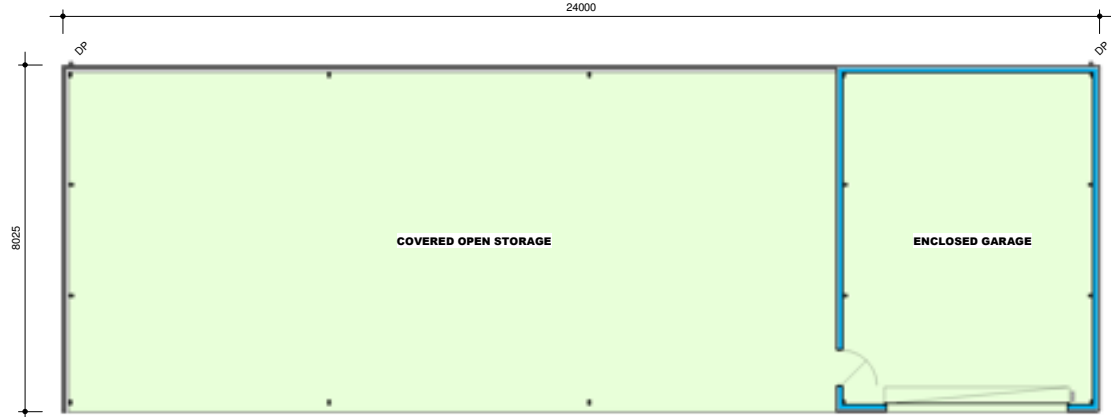
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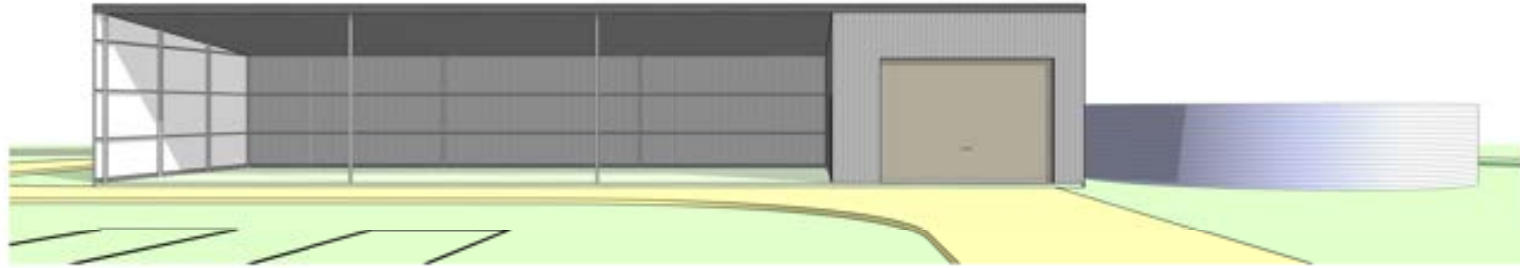


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**Date: 18-1-2024**  
**Job No: 7577**

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**FLOOR PLAN (SHED)**  
1 : 100



**SHED VIEW 1**



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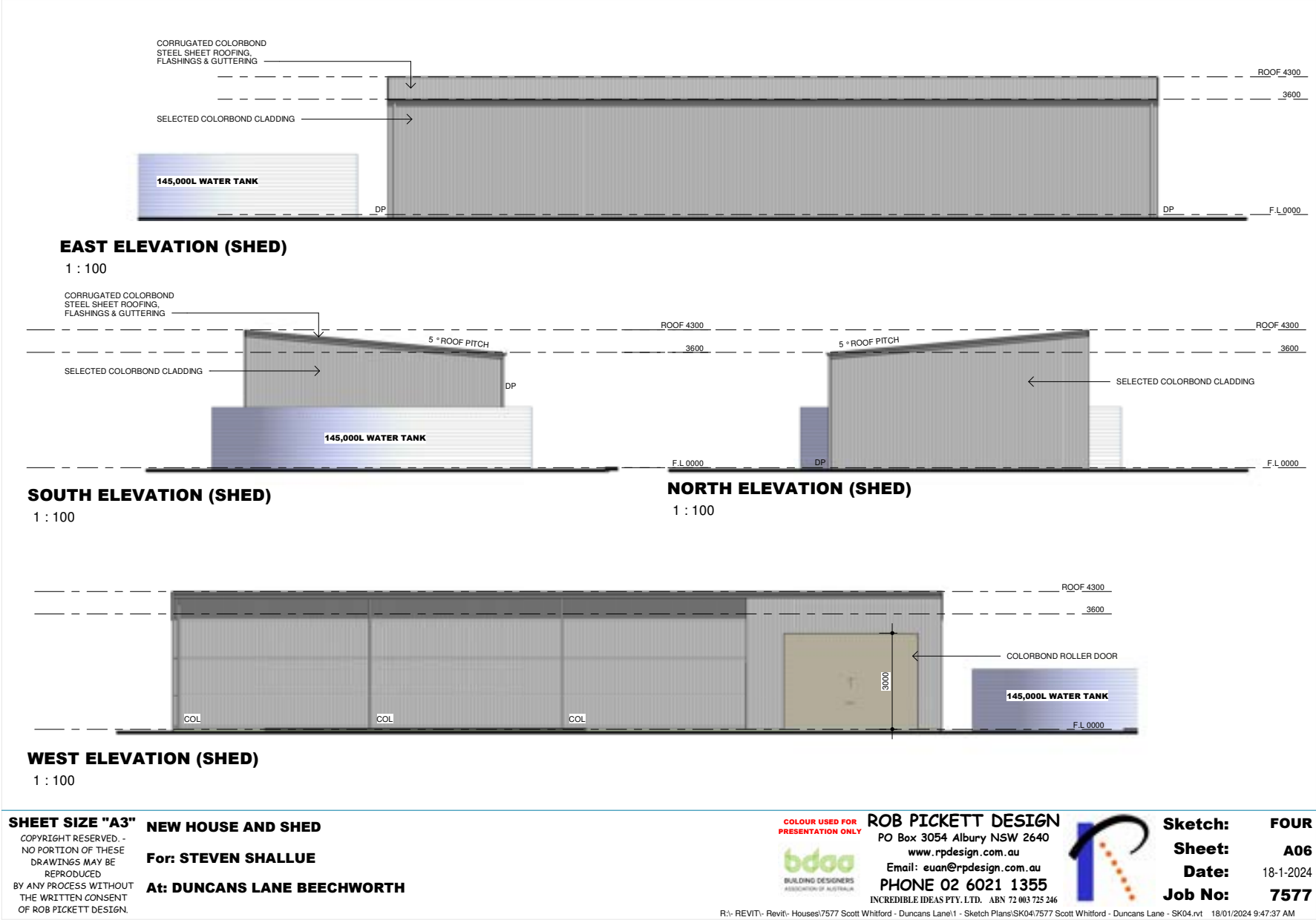
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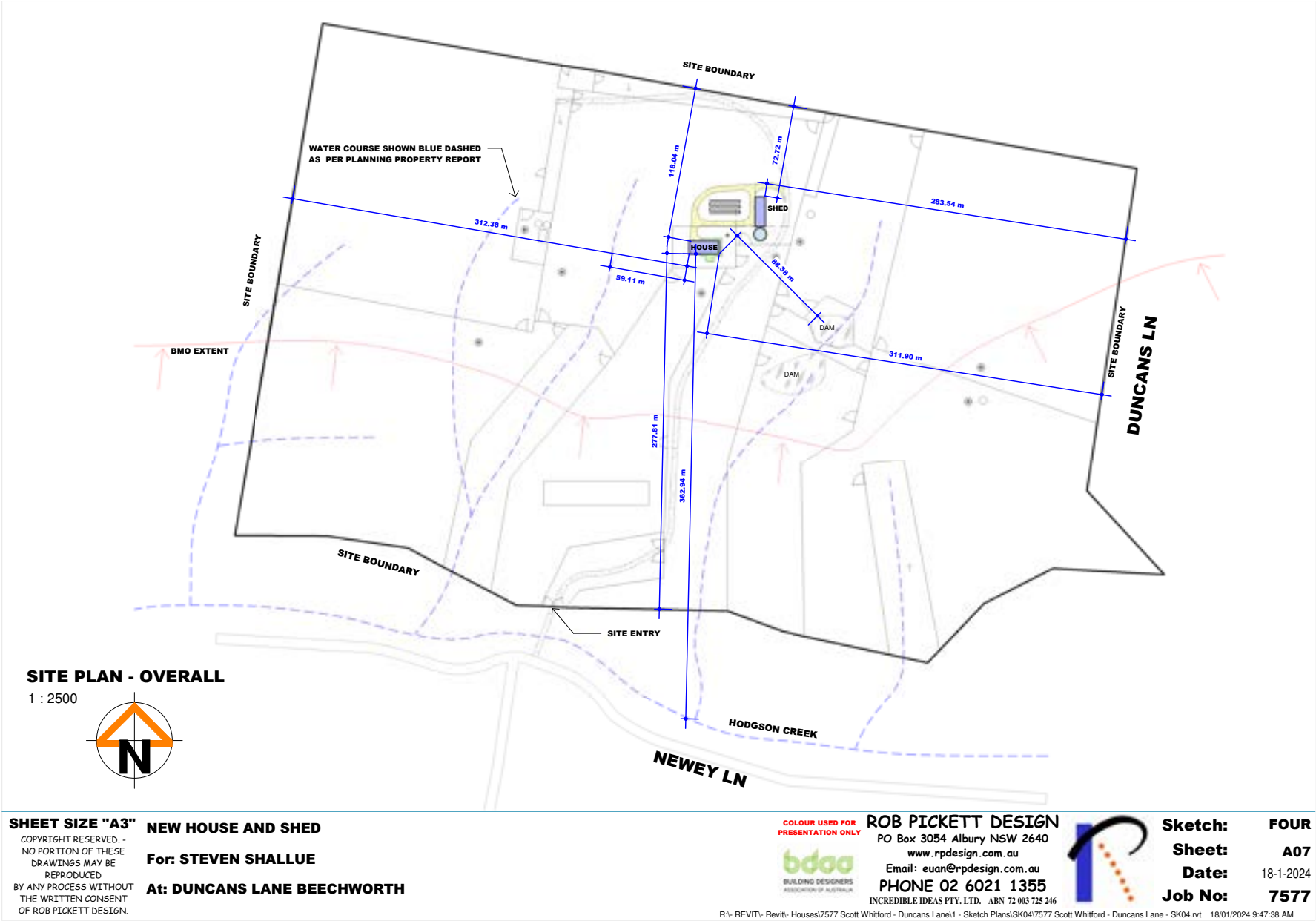
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# 11.7

## PLANNING PERMIT APPLICATION PP22-0073 - LILLIPUT- NORONG ROAD, LILLIPUT

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## Delegates Report

### Land and Application Details:

<b>Date Lodged:</b>	24/03/2022	<b>Date Registered:</b>	28/03/2022
<b>Application No:</b>	PP23-0156	<b>VicSmart:</b> <input type="checkbox"/>	<b>RFI required by:</b> 21/04/2023
<b>Applicant:</b>	Executive Search Pty Ltd	<b>Owner/s:</b>	Executive Search Pty Ltd
<b>Land Address:</b>	Liliput-Norong Road, Lilliput CA 4A and 4B, 5B and 5B1, Section O, Parish of Lilliput	<b>Property Number:</b>	5146
<b>Cost of Development:</b>	\$0	<b>Fee Paid: \$</b>	
<b>Current Use:</b>	Vacant land currently used for animal production (sheep farming/rearing)		
<b>Proposal:</b>	Re-subdivision of land into three (3) lots		
<b>Property Report TRIM Link:</b>			

### Proposal:

The permit applicant, Executive Search Pty Ltd, seeks to re-subdivide the site into three lots via a re-subdivision of four existing lots. The site is currently used for sheep farming/rearing, with no existing buildings.

The application states that the purpose of the subdivision is to create better lot layout and size that improves the functionality of the site in terms of agricultural activities.

The current lot layout (in the same ownership) is:

Lot #	Land area (ha) (approx.)
4A	32
4B	30
5B	25.6
5B1	10.5
3A	32.9
3B	31.6





## Delegates Report

As can be seen, none of the current lots meet the minimum lot size required for a dwelling.

Lots 3A and 3B are not part of the current proposal.

The proposed subdivision layout detailed in the following table:

Lot #	Land area (ha)	Max Width (m)	Max Depth (m)	Orientation	Access via	Shape
1	40	612.3	804.7	East	Sheridans Bridge Road	Irregular
2	31.5	804.7	391.5	South	Gullifers Road	Rectangular
3	27.5	402.34	768.7	North	Lilliput-Norong Road	Irregular

No non-exempt vegetation removal is proposed (including any consequential loss).

No staging is proposed.



## Delegates Report

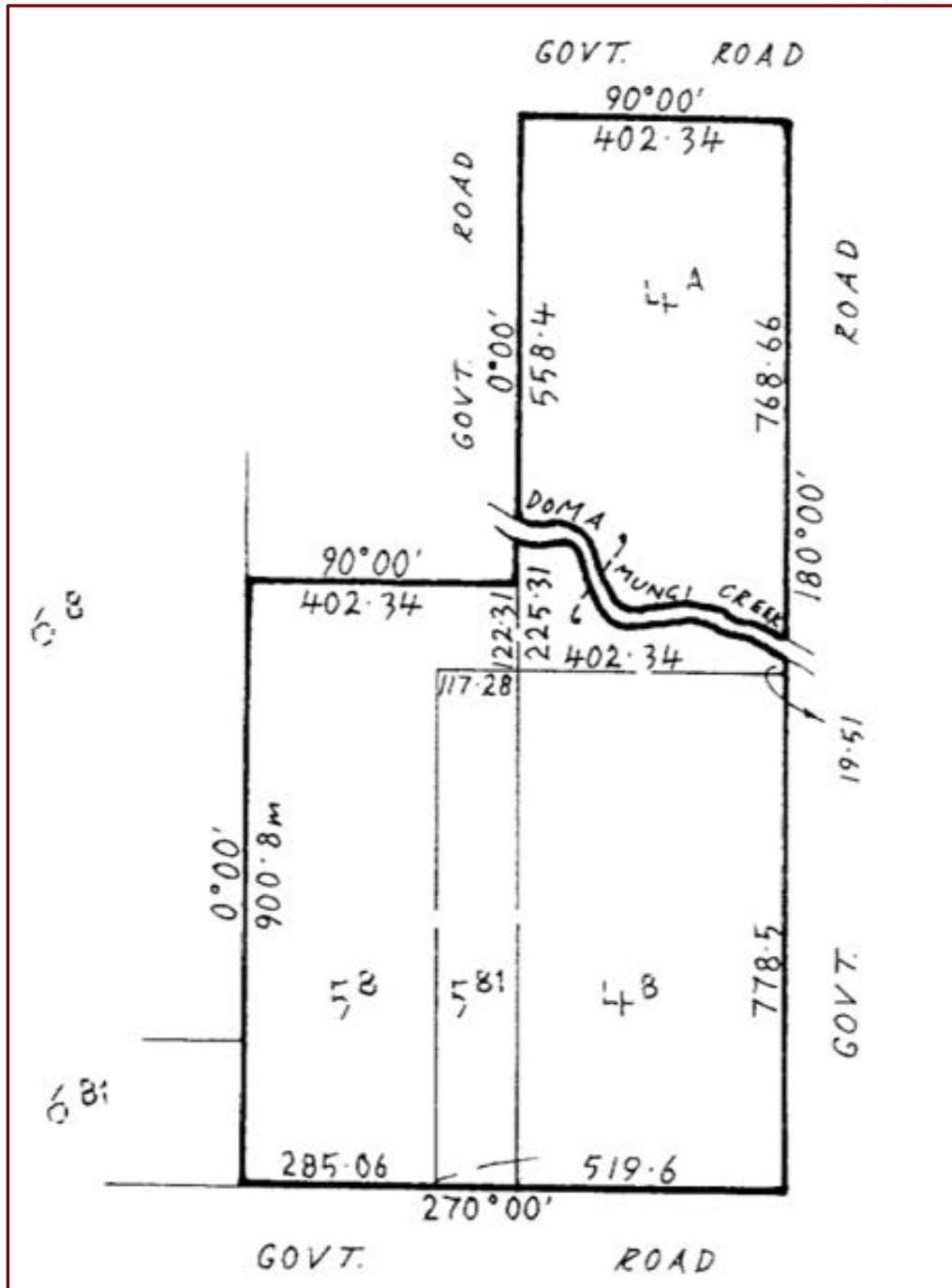


Figure 1: Existing plan of subdivision.



## Delegates Report

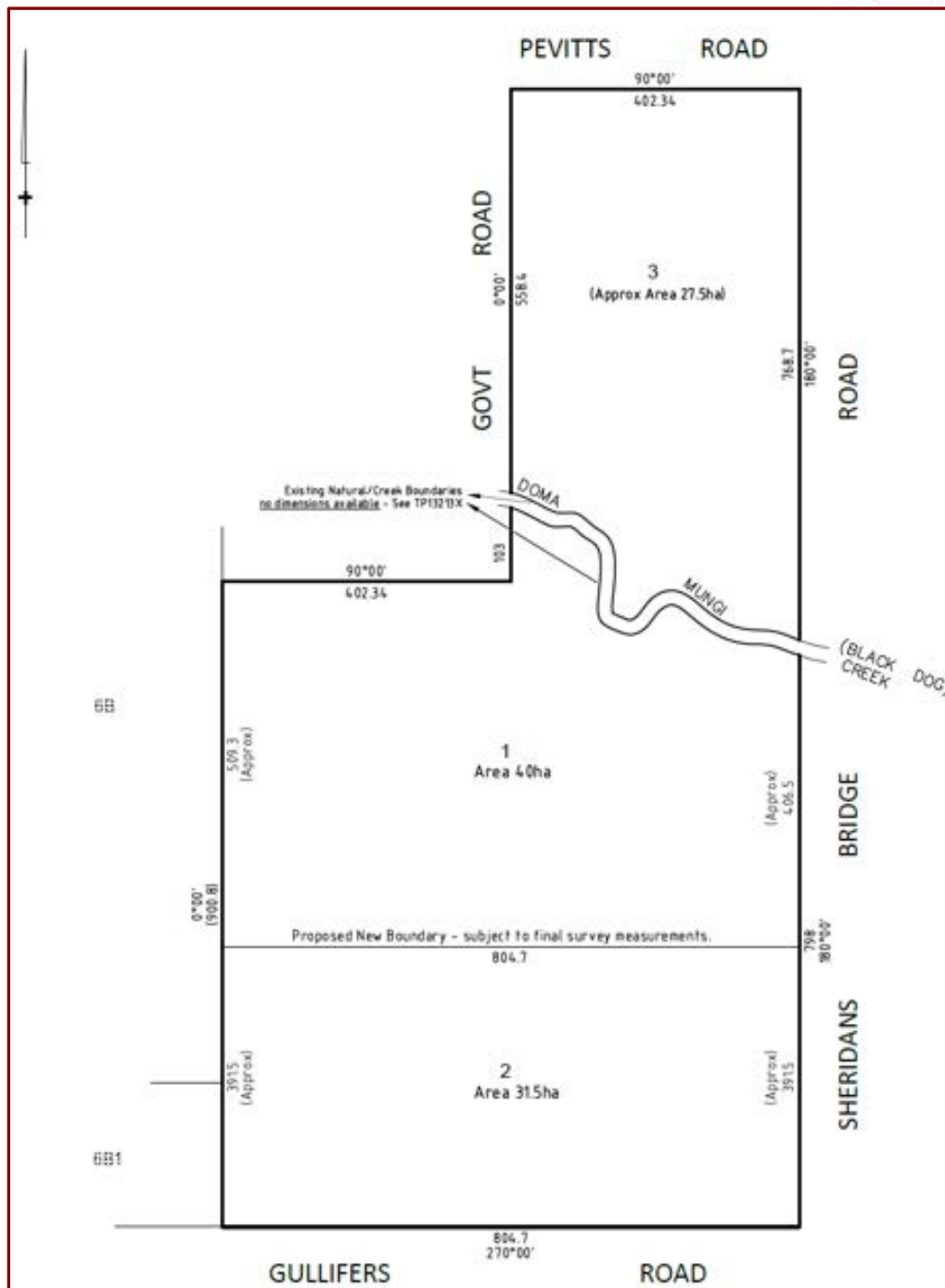


Figure 2: Proposed plan of subdivision.



## Delegates Report

### Zone/s:

The land is zoned:

- Farming Zone (FZ)



Figure 3: Zoning Map. Source: VicPlan.

### Permit Triggers:

A planning permit is triggered under the following Clause(s):

Clause 32.08-3 – A planning permit is required to subdivide land.

### Overlay/s:

The land is covered by the following overlay/s:

- Environmental Significance Overlay – Schedule 3 (ESO3)
- Bushfire Management Overlay (BMO)









## Delegates Report

- Clause 65.01 – Approval of an Application or Plan
- Clause 65.02 – Approval of an Application to Subdivide Land
- Clause 66.01 – Subdivision Referrals

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### Site/ Locality:

#### Site Inspection:

An inspection of the site and the surrounding area has been undertaken as part of this assessment.

#### Land Area:

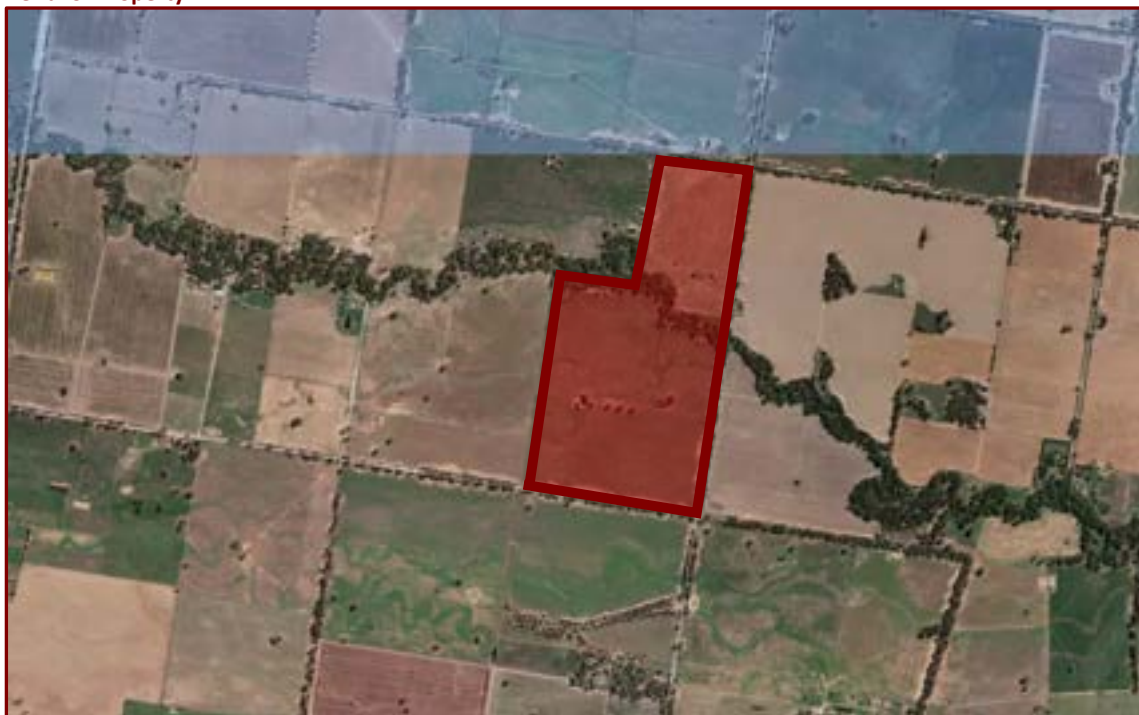
The directly affected lots have a total area of 98.8ha . The total land in the same ownership is 196.705 ha.

The subject land is formally identified on Certificate Of Title Volume 10436 Folio 150 as Crown Allotments 4A, 4B, 5B and 5B1 Section O, Parish of Lilliput, and commonly referred to as Lilliput-Norong Road, Lilliput. The subject land comprises four parcels. It is located to the south of Lilliput-Norong Road, between Sheridans Bridge Road to the east and Jacks Road to the west.

The subject land has a land area of 196.85 hectares, is irregular in shape and is currently used for the purposes of animal production (sheep farming/rearing). Black Dog Creek traverses through the centre of the site. It is not within a designated special water supply catchment area. The area surrounding Black Dog Creek is within the BMO and is an area of aboriginal cultural heritage sensitivity.

The surrounding locality is similar in nature, consisting of mainly farming land. The surrounding allotments are varied in sizes, ranging from 16 hectares to 178 hectares. The surrounding sites are either vacant and used for horticultural/agricultural activities or consists of one dwelling with associated outbuildings.

#### Aerial of Property





## Delegates Report

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### Permit/Site History:

There is no permit/Site history relevant to the application

#### Officer Comments:

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### Restrictive Covenant or Section 173 Agreement:

The land is not subject to any restrictive covenants or Section 173 Agreement

#### Officer Comments:

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### Aboriginal Cultural Sensitivity:

The subject land is located within an area identified as being of Aboriginal Cultural heritage Significance.

#### Officer Comments:

A small portion within the centre of the site is identified within the Aboriginal Cultural Heritage Significance area.

Section 7 of the Aboriginal Heritage Regulations 2018, No.59 states:

*A cultural heritage management plan is required for an activity if—*

- (a) all or part of the activity area for the activity is an area of cultural heritage sensitivity and*
- (b) all or part of the activity is a high impact activity.*

A Cultural Heritage Management Plan is not required as the subdivision is not a high impact activity under Regulation 49 of the *Aboriginal Heritage Regulations 2018* as the proposed lots are not less than 8 hectares in area.

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### Special Water Supply Catchment

The land is not located within a Special Water Supply Catchment.

#### Officer Comments:





## Delegates Report

### Procedural Matters

#### Referral Responses:

External referrals/Notices required by the Planning Scheme:

Section 55 Referrals	Advice/Response/Conditions
AusNet Services	No objection, subject to conditions.
CFA	No objection, no conditions. Click or tap here to enter text.

Section 52 Notices	Advice/Response/Conditions
North East Water	No objection. Permit note requested. Click or tap here to enter text. Click or tap here to enter text.

Internal Council Referrals	Advice/Response/Conditions/ RESPONSE
Nil	Click or tap here to enter text. Click or tap here to enter text. Click or tap here to enter text.

#### Public Notice Outcomes

The application was advertised pursuant to section 52 of the Act for a period of 14 days via letters to adjoining and surrounding owners/occupiers. No signage or newspaper advertisement was considered necessary.

#### Objector Concerns:

No objections have been received for the application

#### Officer comments:

Notice was carried out satisfactorily in accordance with the Planning and Environment Act 1987 and Council requirements.

#### Application Amendments

The application was not amended.



# Delegates Report

## Final Assessment & Discussion

### Planning Policy Framework:

#### Municipal Planning Statement

##### Clause 02.03-1 – Settlement

This clause contains the following relevant strategic directions:

- *Direct the majority of population growth to townships serviced by reticulated infrastructure and good social infrastructure.*

By allowing an additional as-of-right dwelling, the proposal is not consistent with this direction.

- *Direct population growth to serviced and zoned land to make efficient use of infrastructure and land.*

The proposal allows growth outside appropriately zoned land.

- ...
- *Accommodate a diverse range of residential, lifestyle and tourism developments whilst protecting agriculture, rural landscapes, rural character, and environmental assets.*

The proposal does not protect agriculture.

- ...
- *Reduce the proportion of new housing development in rural areas.*

The proposal fails to minimise the proportion of new housing in rural areas.

None of the relevant town statements apply, as the site is outside any township.

##### Clause 02.03-4 Natural resource management

This clause has the following directions:

- *Protect agricultural land for primary production and discourage incompatible uses and development in rural areas.*

The proposed subdivision creates two lots that are too small for productive agriculture, and allows a dwelling as-of-right on the other lot. Neither outcome is compatible with this direction.

- *Encourage land use consistent with sustainable rural land management.*

N/A.

- *Avoid the fragmentation of productive agricultural land to ensure the productive capacity of land is maintained and to prevent land use conflicts.*

Despite reducing the total number of lots, the proposal creates a lot that is inappropriately sized to contain the existing dwelling and results in agricultural land being fragmented. The reduction in lots only results in the consolidation of one small lot compared to the existing arrangements.

- *Discourage rural subdivision and dwellings for hobby farming and rural residential purposes in the Farming Zone.*

The proposed arrangement of lots will practically result in the use of the land as a hobby farm. The two residual lots are too small for productive agriculture. While the application includes some indication of future agricultural use, the proposal is not well fleshed out, and it is not clear that the subdivision is *required* to facilitate these uses in



## Delegates Report

any event. While the 40ha lot might be able to be used for agriculture, the information to support this is sparse, and if a dwelling is constructed it too risks becoming a hobby farm.

- *Direct dwellings to the Rural Living Zone and the Rural Activity Zone in Rutherglen.*

N/A, no dwelling directly proposed.

- *Encourage consolidation of existing isolated small lots in the Farming Zone.*

The proposal partially archives this, by reducing the total lots from 4 to 3, but still results in a two inappropriately sized lots.

- *Discourage development of isolated small lots in the Farming Zone for use for single dwellings, rural living, or other incompatible uses.*

N/A, not proposed.

### Clause 02-03-6 – Housing

Under the heading of *Rural residential and rural living development*, the following directions are listed:

- *Provide for a range of residential and lifestyle opportunities while protecting agriculture, heritage assets and the natural environment.*

The proposal permits two small farming zone lots that do not protect or enhance agricultural productivity.

- *Direct rural living, rural residential development, and hobby farm development into areas zoned for that purpose.*

The proposal does not comply with this requirement, by facilitating potential future hobby farms.

- *Protect the residential amenity of the Rural Living and Rural Activity Zone areas.*

N/A.

### Planning Policy Framework

#### Clause 13.02-1S - Bushfire Planning

This policy applies due o the sites location within the BMO.

The objective of this policy is:

*To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.*

The proposed subdivision does not alter the bushfire risk directly, but if the land is not being appropriately managed there is a risk of an overall increase in fire risk.

None of the listed strategies are directly relevant to the proposal.

#### Clause 13.02-1L – Bushfire Planning

This clause builds on the guidance in clause 13.02-1S, but does not contain guidance relevant to the current application.

#### Clause 14.01-1S – Protection of agricultural land

This policy has the following objective:

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



## Delegates Report

The proposed re-subdivision of the land is not consistent with the ongoing agricultural use of the land, in particular by facilitating an additional dwelling.

Relevant strategies include:

- *Identify areas of productive agricultural land, including land for primary production and intensive agriculture.*

Strategic direction.

- *Consider state, regional and local, issues and characteristics when assessing agricultural quality and productivity.*

The land has been identified as suitable for cropping, and while the agricultural values of the land is not high, it is not negligible either.

- *Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.*

The proposed arrangement of the land means it will not be economic to continue to use the lots for productive agricultural production.

- *Protect productive farmland that is of strategic significance in the local or regional context.*

N/A, not strategically significant land.

- *Protect productive agricultural land from unplanned loss due to permanent changes in land use.*

The proposal risk this occurring in practise.

- *Prevent inappropriately dispersed urban activities in rural areas.*

N/A, not proposed.

- *Protect strategically important agricultural and primary production land from incompatible uses.*

N/A.

- *Limit new housing development in rural areas by:*
  - *Directing housing growth into existing settlements.*

N/A.

- *Discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses.*

N/A, not proposed.

- *Encouraging consolidation of existing isolated small lots in rural zones.*

The proposal partially complies.

- *Identify areas of productive agricultural land by consulting with the Department of Energy, Environment and Climate Action and using available information.*

Strategic direction.

- *In considering a proposal to use, subdivide or develop agricultural land, consider the:*
  - *Desirability and impacts of removing the land from primary production, given its agricultural productivity.*



## Delegates Report

The removal of the land from production is not desirable, as it can be productive when conglomerated into an appropriate size.

- *Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.*

The proposed small lot will be valued, due to the potential for dwelling, at a rate meaning it will not be commercially viable to farm or acquire to consolidate into an existing agricultural enterprise.

- *Compatibility between the proposed or likely development and the existing use of the surrounding land.*

No incompatibilities identified.

- *The potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.*

Not anticipated as a result of this proposal.

- *Land capability.*

The proposed lot arrangement can adequately provide for effluent disposal.

- *Avoid the subdivision of productive agricultural land from diminishing the long-term productive capacity of the land.*

The proposed subdivision arrangement risks diminishing the productive capacity of the land.

- *Give priority to the re-structure of inappropriate subdivisions where they exist on productive agricultural land.*

Partially complies, due to consolidating 4 lots into 2.

- *Balance the potential off-site effects of a use or development proposal (such as degradation of soil or water quality and land salinisation) against the benefits of the proposal.*

N/A, no significant off-site effects identified.

### **Clause 14.01-1L-01 – House lot excisions**

N/A, not proposed.

### **Clause 14.01-1L-02 Subdivision in rural areas**

This policy applies due to the site being in the Farming Zone.

The objectives of this policy are:

- *To ensure that the subdivision of land does not prejudice agricultural industries or productive capacity.*

The proposed subdivision reduces the practical productive capacity of the land.

- *To encourage the expansion of agricultural industries.*

The proposal does not support agricultural expansion.

- *To encourage subdivision that responds to site opportunities and constraints, including biodiversity, access to water and land capability.*

To the extent relevant, complies.

The clause lists the following strategies:



## Delegates Report

- *Retain land in larger parcels suitable to the relevant production requirements of agriculture in the Farming Zone.*

Does not comply – the smaller lots are too small for practical agriculture.

- *Encourage the consolidation of lots in the Farming Zone.*

Partially complies – the proposal reduces 4 lots to 3.

- *Discourage subdivision within water supply catchment areas to protect water quantity and quality.*

N/A.

- *Discourage the subdivision of land in the Farming Zone, unless it:*
  - *Is necessary for genuine intensive agriculture or rural production.*

The proposed subdivision has not been justified for agricultural purposes.

- *Is compatible with the existing average farm size in the locality.*

While individual lots of the size of the smaller lots exist, generally holdings in one ownership exceed this size.

- *Facilitates agricultural use of the land.*

The proposed subdivision of the land does not facilitate increased agricultural use.

- *Incorporates boundary adjustments so that no extra lots are created.*

Complies.

- *Is not to be used solely for the purposes of a dwelling.*

Compliance is questionable on the 40ha lot, considering the vague nature of the agricultural proposal.

- *Discourage subdivision in the Farming Zone that results in a dwelling not associated with agriculture.*

The proposed subdivision potentially results in such a dwelling.

- *Provide for subdivision in the Farming Zone that is at or above default zone minimum lot sizes where it:*
  - *Supports the production requirements of the agricultural activity conducted on the land.*
  - *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.*

N/A, proposed subdivision creates a lot of less than the zone minimum default.

- *Discourage subdivision of land where it would result in the fragmentation or loss of areas of native vegetation or biolinks.*

Not proposed.

Overall the proposal is not consistent with the requirements of the Municipal Planning Statement or the Planning Policy Framework.

### Zone – Purpose and Decision Guidelines:

#### Clause 35.07 – Farming Zone

The Farming Zone has the following purpose:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*



## Delegates Report

Discussed earlier in this report.

- *To provide for the use of land for agriculture.*

The proposal includes a very vague proposal to use the land for “high yield farming and horticultural/viticulture activities including the planting and processing of grapevines”. No information has been provided as to the nature of this proposal, or why it is necessary to support agricultural productivity, and the proposed subdivision allows the as-of-right construction of an additional dwelling.

- *To encourage the retention of productive agricultural land.*

The vague nature of the proposal makes it difficult to assess agricultural uses will be retained.

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

The proposed lot arrangement would also allow the as-of-right use of the new lot for an additional dwelling, contributing to the undesirable proliferation of dwellings in the Farming Zone.

- *To encourage the retention of employment and population to support rural communities.*

The proposed use of the land for agricultural production is positive, if vague. This vagueness makes it difficult to assess employment and population outcomes. Given the size of two of the lots is less than 40ha, and the current market difficulties in wine grape production, it is unlikely that the proposed subdivision will ultimately result in high value agricultural production.

- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*

No information provided, but not determinative of the application.

- *To provide for the use and development of land for the specific purposes identified in a schedule to this zone.*

N/A.

Normally, a subdivision below the minimum area of 40ha is not permitted in the FZ, however the proposal has the benefit of one exemption:

- *The subdivision is the re-subdivision of existing lots and the number of lots is not increased.*

Clause 35.07-6 sets out the following decision guidelines in the FZ for subdivision permits in addition to the provisions of Clause 65.

### General issues

- *The Municipal Planning Strategy and the Planning Policy Framework.*

Discussed earlier in this report.

- *Any Regional Catchment Strategy and associated plan applying to the land.*

The strategy does not provide guidance at the individual application level.

- *The capability of the land to accommodate the proposed use or development, including the disposal of effluent.*

No change to existing arrangements.

- *How the use or development relates to sustainable land management.*

No information provided, but not highly relevant to the current application.





## Delegates Report

- *Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.*

At a high level, the continued use of the land for agriculture is desirable, and the proposed subdivision jeopardises this.

- *How the use and development makes use of existing infrastructure and services.*

No change to existing arrangements.

*Agricultural issues and the impacts from non-agricultural uses*

- *Whether the use or development will support and enhance agricultural production.*

The proposed development does not support agricultural use. It also allows the future construction of a dwelling on the larger lot, with flow on effects relating to land sales and agricultural consolidation.

- *Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.*

The proposed development will not affect soil quality, but practically removes land from agricultural production.

- *The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.*

The proposed development, by potentially allowing a new dwelling, may limit future agricultural uses.

- *The capacity of the site to sustain the agricultural use.*

The proposed use for viticulture does not appear sustainable.

- *The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.*

The land has not been identified as high-quality agricultural land, or as low values land that can be lost.

- *Any integrated land management plan prepared for the site.*

No such plan prepared.

- *Whether Rural worker accommodation is necessary having regard to:*
  - *The nature and scale of the agricultural use.*
  - *The accessibility to residential areas and existing accommodation, and the remoteness of the location.*

N/A.

- *The duration of the use of the land for Rural worker accommodation.*

N/A.

*Accommodation issues*

No additional accommodation has been proposed.

*Environmental issues*

- *The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.*

No direct impacts identified.

- *The impact of the use or development on the flora and fauna on the site and its surrounds.*



## Delegates Report

No direct impacts identified.

- *The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.*

No direct impacts identified.

- *The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.*

No impact as a result of this proposal, though some risk in the case of a future dwelling.

*Design and siting issues*

- *The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.*

No new buildings proposed, and the existing dwelling complies with this requirement.

- *The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.*

N/A, no new buildings proposed.

- *The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.*

The proposed subdivision does not directly alter the character of the area.

- *The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.*

No new infrastructure proposed.

- *Whether the use and development will require traffic management measures.*

N/A.

- *The need to locate and design buildings used for accommodation to avoid or reduce noise and shadow flicker impacts from the operation of a wind energy facility if it is located within one kilometre from the nearest title boundary of land subject to:*
  - *A permit for a wind energy facility; or*
  - *An application for a permit for a wind energy facility; or*
  - *An incorporated document approving a wind energy facility; or*
  - *A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the Environment Effects Act 1978.*

N/A.

- *The need to locate and design buildings used for accommodation to avoid or reduce the impact from vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.*

N/A.



## Delegates Report

Overall, the proposal is not consistent with the purpose or decision guidelines for the zone.

### **Overlay – Purpose and Decision Guidelines:**

#### **Clause 44.06 – Bushfire Management Overlay**

The BMO has the following objectives:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*

Discussed earlier in this report.

- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*

No increase in bushfire risk as a result of this proposal.

- *To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.*

Strategic direction.

- *To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.*

The proposed subdivision does not increase bushfire risk above an acceptable level.

In accordance with clause 44.06-6, the application was referred to the CFA who consented without conditions.

The decision guidelines appear at clause 44.06-8:

- *The Municipal Planning Strategy and the Planning Policy Framework.*

Discussed earlier in the report.

- *Any other matters specified in a schedule to this overlay.*

No other matters specified.

The application is acceptable under the BMO.

#### **Clause 42.01 – Environmental Significance Overlay, Schedule 3**

The ESO3 has the following objectives:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*

Discussed earlier in this report.

- *To identify areas where the development of land may be affected by environmental constraints.*

Strategic direction.

- *To ensure that development is compatible with identified environmental values.*

Schedule 3 contains the following statement of significance:

*The North Eastern section of the Ovens River Basin includes a number of smaller water courses which drain directly to the Murray upstream of Lake Mulwala including the Black Dog Creek. The Black Dog Creek Waterway Management District displays a number of significant drainage problems.*

The environmental objective to be achieved is:

- *To maintain the quality of water within the catchment.*

The proposed subdivision will not affect water quality.



## Delegates Report

- *To prevent buildings and works from impeding the flows of water within the Black Dog Creek catchment and maintain its ability to carry natural flows including floods.*

No water impedance identified as part of this proposal.

- *To provide a framework to assist in decisions regarding drainage works within the catchment.*

N/A.

Clause 42.01-5 contains the following decision guidelines:

- *The Municipal Planning Strategy and Planning Policy Framework.*

Discussed earlier in this report.

- *The statement of environmental significance and the environmental objective contained in a schedule to this overlay.*

Discussed above, with no impacts from this proposal.

- *The need to remove, destroy or lop vegetation to create a defensible space to reduce the risk of bushfire to life and property.*

N/A.

- *Any other matters specified in a schedule to this overlay.*

The schedule contains the following additional decision guidelines:

- *All applications must comply with the North East Catchment Management Authority Guidelines for Drainage Approval Within the Black Dog Creek Improvement District.*

This document is no longer current and does not reflect current standards.

- *The following decision guidelines apply to an application for a permit to develop land under Clause 42.01, in addition to those specified in Clause 42.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:*
  - *Comments of the North East Catchment Management Authority.*

Not sought and not required in this case.

- *Specified flood level pursuant to the Building Code of Australia.*

No buildings or works proposed.

- *The need to design and construct buildings in accordance with the "Permissible works and structures" section of the report "Flood Plain Management in Victoria" prepared by the Australian Water Resources Council.*

No buildings or works proposed.

- *The existing drainage pattern of the land and its effectiveness and suitability to cope with any development.*

No change to existing conditions.

- *The need to retain natural vegetation in the vicinity of streams and watercourses.*

No impacts on vegetation identified.

- *The need to minimise the effects of increased run-off, erosion or siltation.*

No change to existing arrangements.



## Delegates Report

- *Comments from the Department of Environment, Land, Water and Planning where any proposed development abuts Crown Land.*

No comments sought or required.

Overall, the proposal is acceptable under this overlay.

### Particular Provisions:

#### Clause 53.01 – Public open space contribution and subdivision

As there is no defined rate in the schedule, a requirement would need to be made under the *Subdivision Act 1988*.

As there is no identified demand for open space, the requirements in the *Subdivisions Act 1988* are not met, and no demand can be made.

#### Clause 53.02 – Bushfire Planning

This clause contains specific guidance for development in bushfire areas.

The purpose of this clause is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*

Discussed earlier in this report.

- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*

N/A to this proposal.

- *To ensure that the location, design and construction of development appropriately responds to the bushfire hazard.*

Complies, to the extent relevant.

- *To ensure development is only permitted where the risk to life, property and community infrastructure from bushfire can be reduced to an acceptable level.*

The proposed subdivision does not meaningfully change bushfire risk.

- *To specify location, design and construction measures for a single dwelling that reduces the bushfire risk to life and property to an acceptable level.*

N/A, no dwelling proposed.

In this case, given the nature of the proposal, a full assessment against the approved measure is not required, as any future dwelling will require further planning permission if built within the BMO area. That said, the approved measure at 53.02-4.4 apply:

Approved measure	Response
AM5.1	The proposed lots under this subdivision can meet this requirement
AM5.2	N/A.
AM 5.3	N/A
AM 5.4	N/A.

The proposal is consistent with the requirements of this clause.



## Delegates Report

### General Provisions:

#### Clause 65.01 – Approval of an application or plan

The following decision guidelines appear in this clause:

- *The matters set out in section 60 of the Act.*

All relevant matters considered.

- *Any significant effects the environment, including the contamination of land, may have on the use or development.*

No effects identified.

- *The Municipal Planning Strategy and the Planning Policy Framework.*

The proposal is not consistent with the MPS and PPF.

- *The purpose of the zone, overlay or other provision.*

The proposal is not consistent with the purpose of the Farming Zone.

- *Any matter required to be considered in the zone, overlay or other provision.*

All relevant matters considered.

- *The orderly planning of the area.*

The proposal represents orderly planning.

- *The effect on the environment, human health and amenity of the area.*

No negative effects identified.

- *The proximity of the land to any public land.*

The proposal will not directly impact any public land.

- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*

As no additional buildings or works have been proposed, no relevant factors have been identified.

- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*

No change to existing arrangements.

- *The extent and character of native vegetation and the likelihood of its destruction.*

No native vegetation removal proposed. Depending on the exact final location of the boundary, it is possible some vegetation which currently requires a permit for removal will be able to be removed under exemptions under clause 52.17.

- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*

No native vegetation plantings proposed.

- *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.*

No increase in risk as a result of this proposal.



## Delegates Report

- *The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*

N/A.

- *The impact the use or development will have on the current and future development and operation of the transport system.*

No impacts identified.

### Clause 65.02 – Approval of an application to subdivide land

The following decision guidelines apply to subdividing land:

- *The suitability of the land for subdivision.*

The land is potentially suitable for subdivision, but the current proposal is not acceptable.

- *The existing use and possible future development of the land and nearby land.*

The land is currently being used for agricultural purposes, as is surrounding land. The proposed subdivision removes some of this land from practical agricultural production.

- *The availability of subdivided land in the locality, and the need for the creation of further lots.*

No demand for more subdivided land has been identified.

- *The effect of development on the use or development of other land which has a common means of drainage.*

No change to existing arrangements.

- *The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.*

Putting aside the suitability of the subdivision, the subdivision plan is consistent with the physical characteristics of the land.

- *The density of the proposed development.*

N/A.

- *The area and dimensions of each lot in the subdivision.*

Two lots is smaller than the minimum listed in the zone, while the other meets this requirement.

- *The layout of roads having regard to their function and relationship to existing roads.*

N/A, no roads proposed.

- *The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.*

N/A.

- *The provision and location of reserves for public open space and other community facilities.*

N/A.

- *The staging of the subdivision.*

N/A.

- *The design and siting of buildings having regard to safety and the risk of spread of fire.*

N/A, none proposed.





## Delegates Report

- *The provision of off-street parking.*

N/A.

- *The provision and location of common property.*

N/A, none proposed.

- *The functions of any owners corporation.*

N/A, none proposed.

- *The availability and provision of utility services, including water, sewerage, drainage, electricity, and, where the subdivision is not a residential subdivision, gas.*

Services are not available, and not proposed for connection. Given the rural nature of the subdivision, this is appropriate.

- *If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.*

Complies, each lot is larger enough to absorb any future effluent generation.

- *Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.*

N/A.

- *The impact the development will have on the current and future development and operation of the transport system.*

No impacts identified.

### VCAT Decisions

There are a number of cases in recent years that are relevant to this particular application, namely the subdivision of land creating additional dwelling entitlements. The *Estate of JE Walker v Wangaratta RCC [2021] VCAT 1257* is one such case. The Member in this instance reiterates the following principle with respect to a proposal for the creation of lots of 40ha;

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.*

It is clear then that any subdivision proposal that merely meets the minimum 40ha minimum lot size should not be supported simply on this basis. Instead, achieving minimum lot size requirements is taken as the minimum milestone to simply be able to make an application. Any such application then, must be able to demonstrate how the subdivision is an acceptable planning outcome in the context of relevant strategic and policy direction as well as the purpose and decision guidelines of the relevant zone.



## Delegates Report

Phillips v Wodonga CC [2023] VCAT 1014 the Member points out the commonality that the farming of single agricultural lots is unlikely to provide sufficient income to support the farmer(s) and their families;

28. *'economically viable in its own right and requiring off-farm income, or needing to be farmed in conjunction with other land holdings is not an uncommon situation in agricultural areas'.*

To be a viable agriculture enterprise does not mean that the enterprise needs to be sufficient to support a person, rather it is that the purpose of the enterprise is profit. This is well summarised in the case of *Brown v Macedon Ranges SC [2024] VCAT 400*:

*To clarify, by referring to viability, I am not suggesting that an agricultural activity should provide the equivalent of a full time income. Rather, I would expect a Business Plan to demonstrate that the proposal agricultural activity can run at a profit, rather than a loss, and that the upfront costs can be recouped over a reasonable period of time. This is important as if the proposed agricultural activity is to run at a loss, then it will likely not be pursued over the medium to long term. Alternatively if the upfront establishment costs are too high, as compared to the expected returns, then the agricultural activity may never be commenced at all.*

Greg Chalmers Pty Ltd v Greater Geelong CC [2007] VCAT 292:

20. *Generally speaking, the more rural land is fragmented into smaller pieces, the less useful and useable it is for farming purposes. It has long been held recognised in rural planning, indeed for decades, that fragmentation of rural land, with or without proliferation of non-farm rural houses not required for farming purposes are a very serious threat to the continued usefulness and useability of farming land. Fiddly bits of land are less useful, particularly if of an appropriate (sic) shape and location, than larger areas. The whole trend of farming practice has been to increase areas required for farming enterprises whilst there has been continuing pressure to cut land up into smaller amounts to exploit its residential value. Good town and country planning looks for residential uses to be located in or on the edge of towns, or at least in areas planned for that purpose, rather than spread over rural zones areas.*

Bailey v Bass Coast SC [2014] VCAT 1480;

36. *While I am sympathetic at a personal level if Mr Bailey is allegedly having issues running the subject land profitably as a single enterprise:*

- *It is overly simplistic and misguided for any of us to simply assume that a current landholding has to be made profitable and then 'work backwards from there' – farm viability needs to be considered at a broader level.*
- *It is not obvious to me how creating 'more smaller lots' fixes this 'viability' issue. If anything, the relevant planning framework is pointing to 'farm consolidation' (ie merging multiple landholdings together) as being a more relevant possibility to consider.*

---

### Conclusion

The proposed re-subdivision of the land lacks an adequate agricultural basis, allows the proliferation of dwellings in the Farming Zone, and fails to meet the requirements of the *Indigo Planning Scheme*. The application should be refused.

---

### Declaration



## Delegates Report

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:

Planning Officer      Steven Hawkins, Coordinator Planning

---

### Recommendation

That a permit be issued for [Click or tap here to enter text.](#)

**Recommendation approved in accordance with the Indigo Shire Council's Instrument of Delegation under Section 188 of the Planning & Environment Act 1987.**

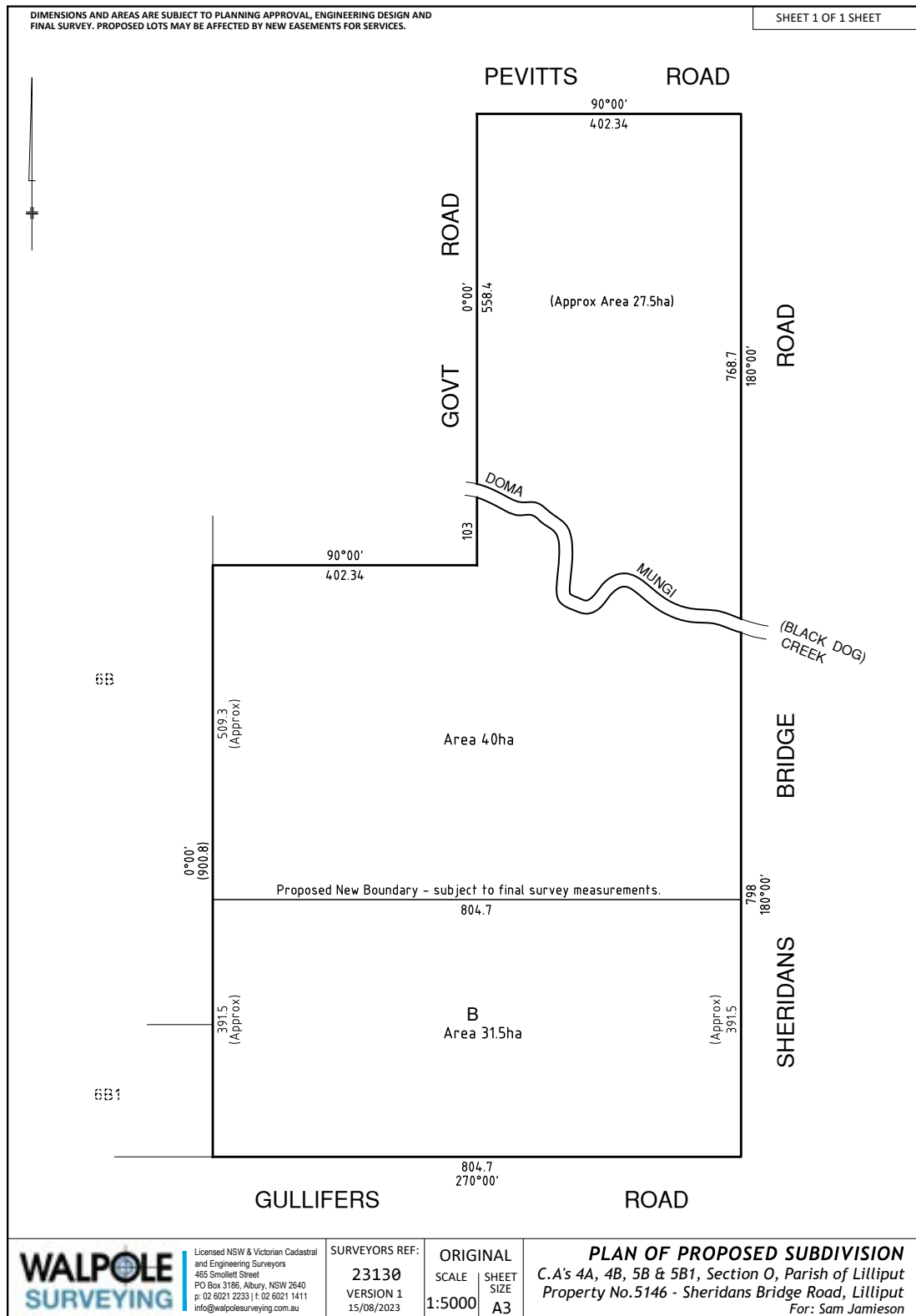
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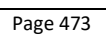
**Report Officer:** Steven Hawkins **Date:** 8/07/2024

**Delegate Officer:** [Click or tap here to enter text.](#)

☐ Approve

**Comments:** [Click or tap here to enter text.](#) **Date:** \_\_\_\_\_







# 11.8

## PLANNING PERMIT APPLICATION PP23-0215 - 1780 INDIGO CREEK ROAD, INDIGO VALLEY

2	PP23-0215 - Plans - 1780 Indigo Creek Road - Indigo Valley - PN 7834 ..... 476
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### Application for Planning Permit for a Subdivision

Supplied by Andrew Rotherham  
Submitted Date 14/11/2023

#### Application Details

Application Type Planning Permit for a Subdivision  
Version 1  
Applicant Reference Number P000676  
Application name or Estate name Dale  
Responsible Authority Name Indigo Shire Council  
Responsible Authority Reference Number(s) PP23-0215  
SPEAR Reference Number S221930B  
Application Status Lodged with Responsible Authority  
Planning Permit Issue Date NA  
Planning Permit Expiry Date NA

#### The Land

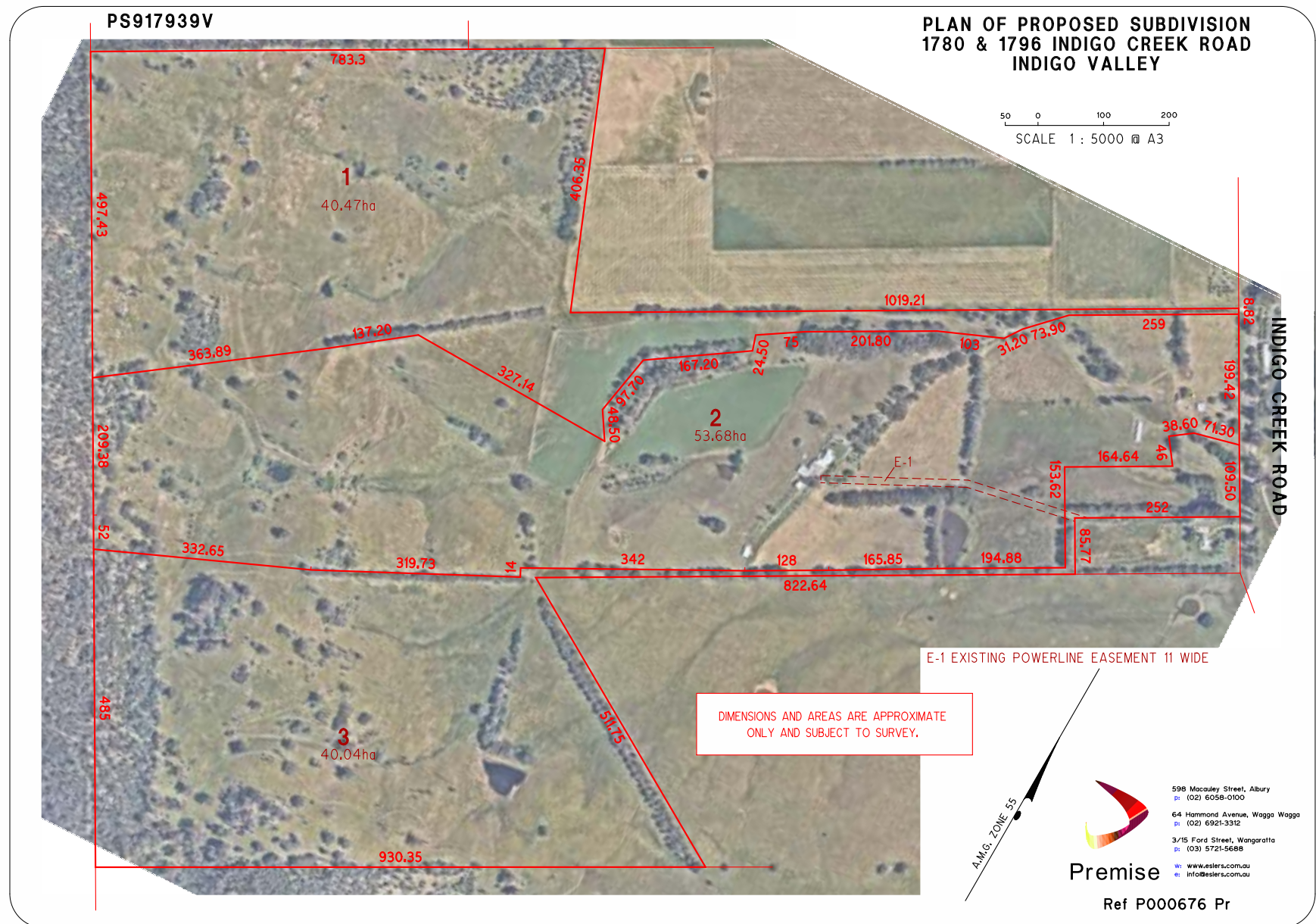
**Primary Parcel**  
1780 INDIGO CREEK ROAD, INDIGO VALLEY  
VIC 3688  
Lot 2/Plan PS432262  
SPI 2\PS432262  
CPN 7834  
**Zone:** 35.07 Farming  
**Overlay:** 43.01 Heritage  
44.06 Bushfire  
Management

**Parcel 2**  
1780 INDIGO CREEK ROAD, INDIGO VALLEY  
VIC 3688  
Lot 3/Plan PS432262  
SPI 3\PS432262  
CPN 7834  
**Zone:** 35.07 Farming  
**Overlay:** 43.01 Heritage  
44.06 Bushfire  
Management

**Parcel 3**  
1796 INDIGO CREEK ROAD, INDIGO VALLEY  
VIC 3688  
Lot 1/Plan PS432262  
SPI 1\PS432262  
CPN 8829  
**Zone:** 35.07 Farming

#### The Proposal

Plan Number PS917939V  
Number of lots 3  
Proposal Description Re-subdivision of existing lots to create 3 lots greater than 40ha without increasing the number of lots.





1780 & 1796 Indigo Creek Rd - Contours and waterways

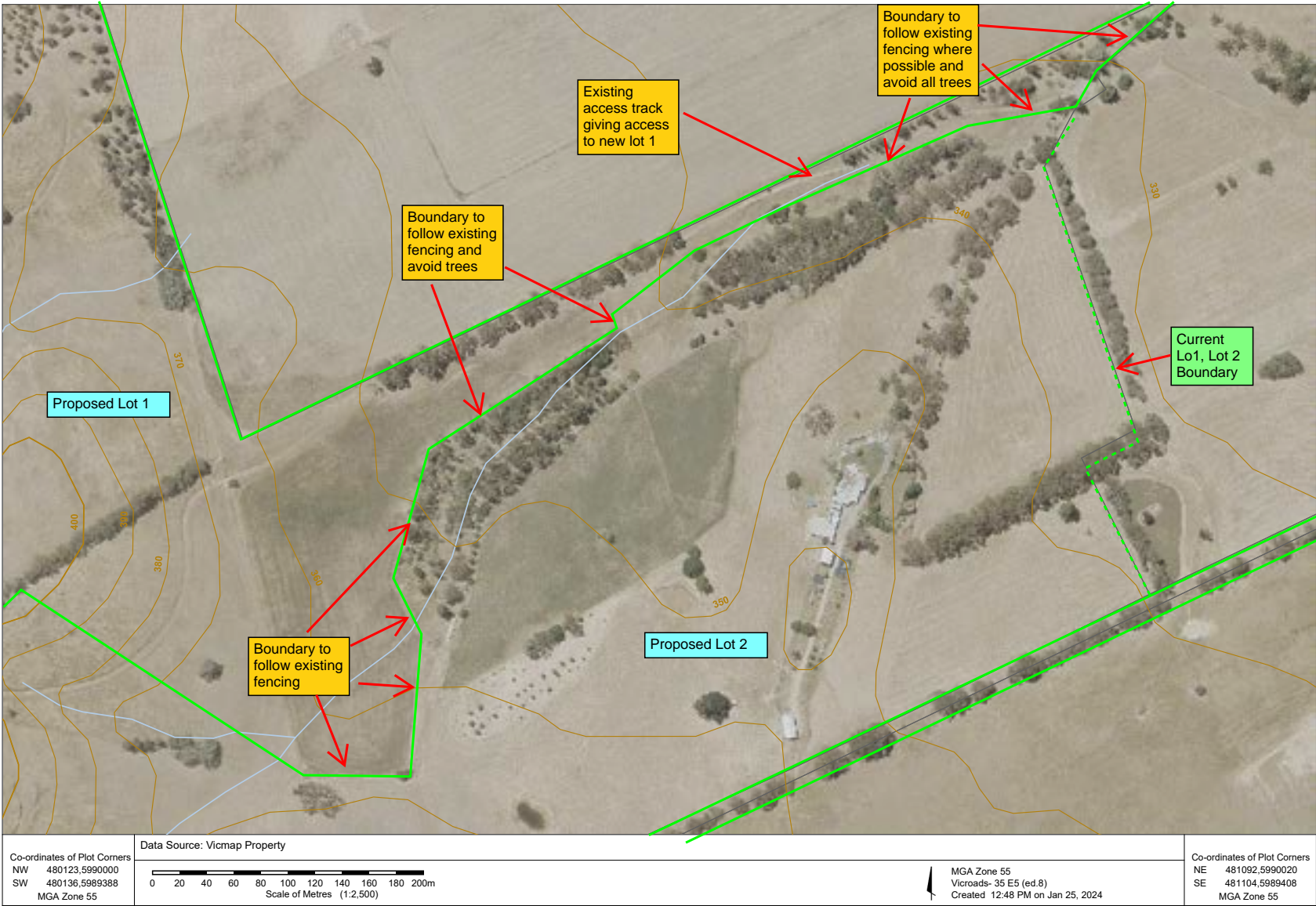


## 1780 &amp; 1796 Indigo Creek Road Frontage Details - proposed re-subdivision PS917939V

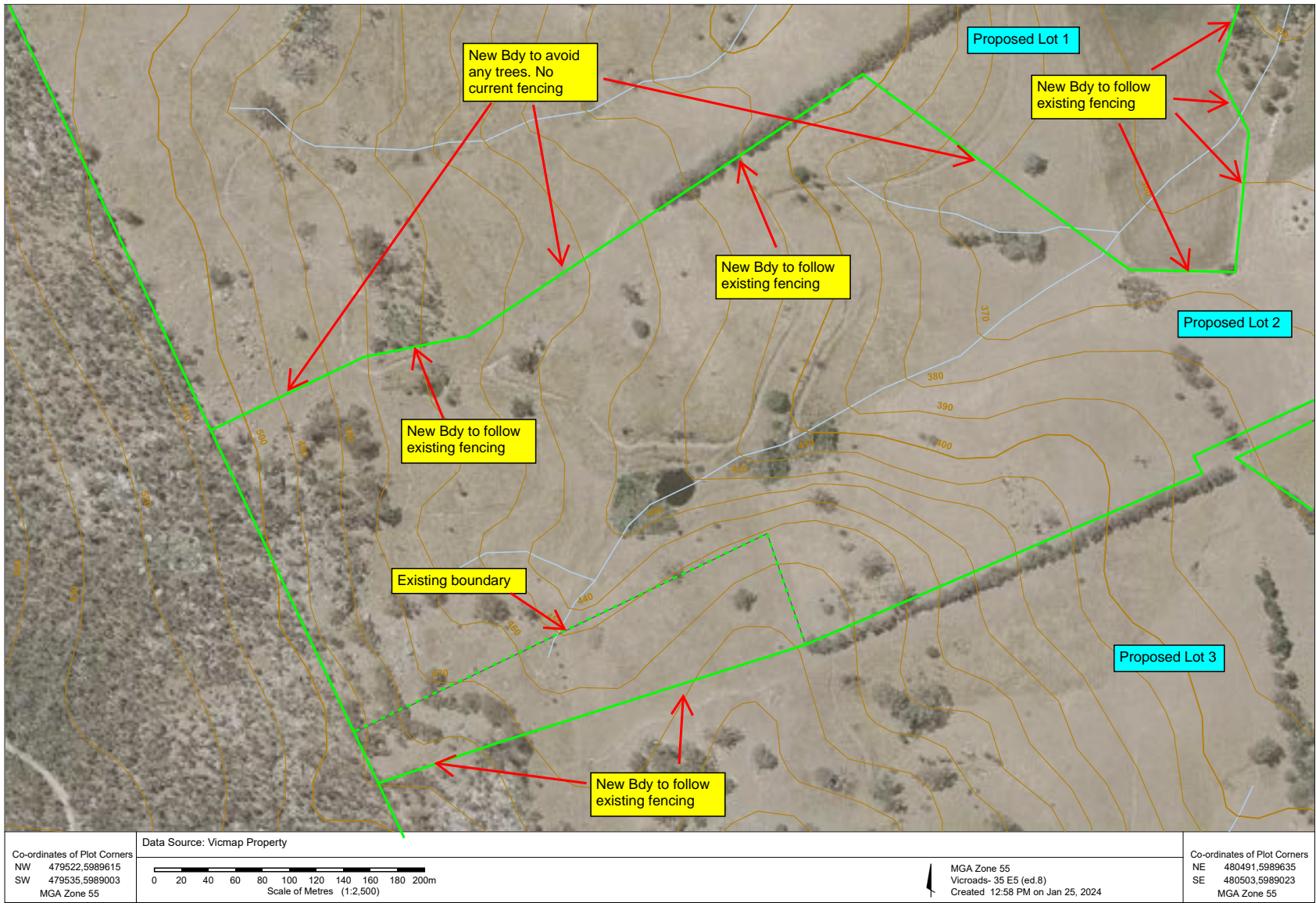




1780 & 1796 Indigo Creek Road boundary location details - proposed re-subdivision PS917939V



1780 & 1796 Indigo Creek Road boundary location details - proposed re-subdivision PS917939V





# **BUSHFIRE HAZARD LANDSCAPE ASSESSMENT 1780 & 1796 INDIGO CREEK ROAD INDIGO VALLEY**

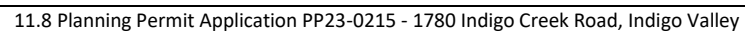


**Premise**

598 Macaulay Street, Albury  
 ph (02) 6058-0100  
 64 Hammond Avenue, Wagga Wagga  
 ph (02) 6921-3312  
 3/15 Ford Street, Wangaratta  
 ph (03) 5721-5688  
 w: [www.eslers.com.au](http://www.eslers.com.au)  
 e: [info@eslers.com.au](mailto:info@eslers.com.au)

Ref P000676 BHA





# 11.9

## PLANNING PERMIT APPLICATION PP23-0225 - ANDERSON ROAD, RUTHERGLEN

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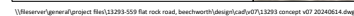




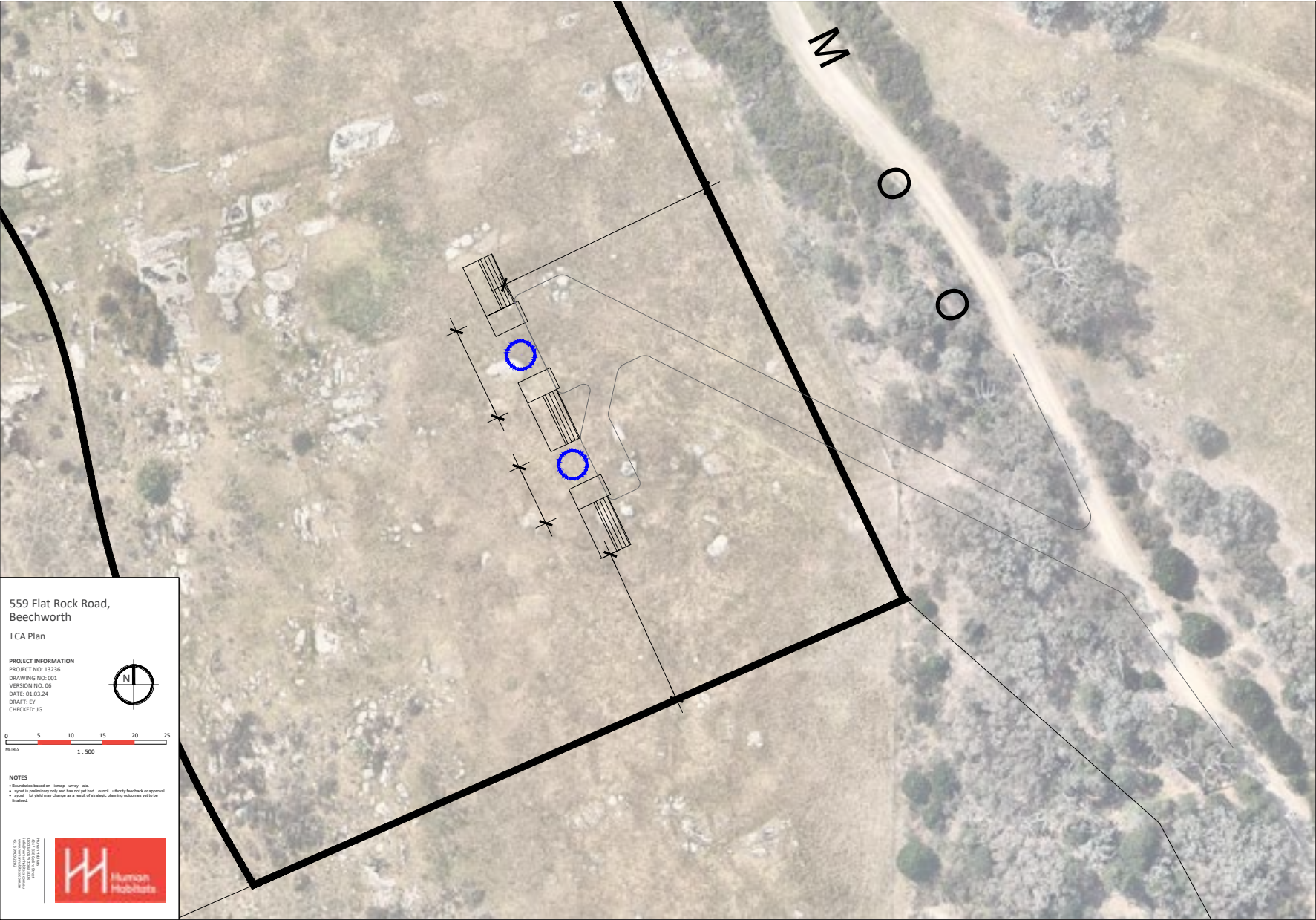
# 11.11

## PLANNING PERMIT APPLICATION PP23-0007 - 559 FLAT ROCK ROAD, BEECHWORTH

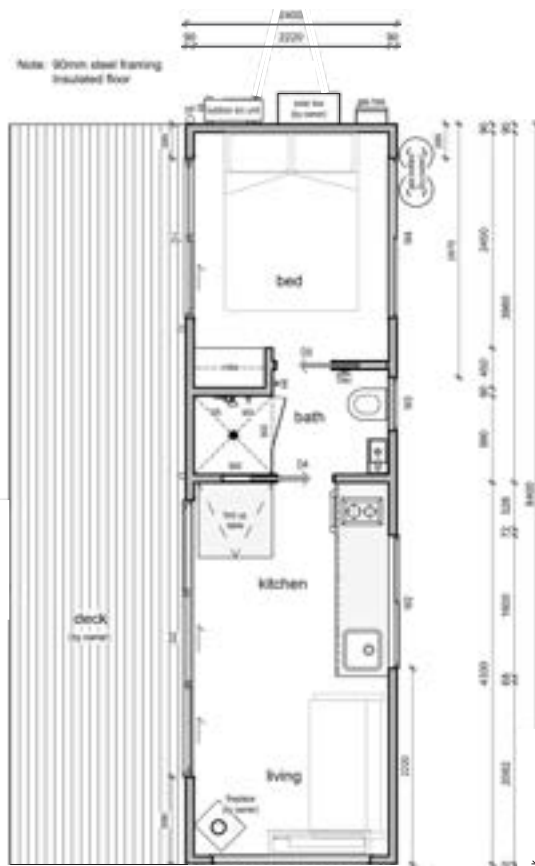
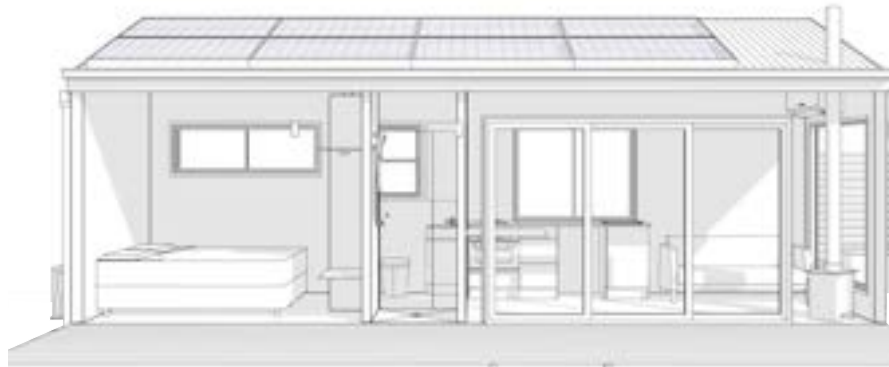
1	PP23-0007 - Plans - 559 Flat Rock Road - Beechworth - PN 8220.....	488
3	PP23-0007 - Bushfire Documents - 559 Flat Rock Road - Beechworth - PN 8220.....	493
4	PP23-0007 - Referral Responses - 559 Flat Rock Road - Beechworth - PN 8220.....	538











**Bushfire Protection Measures**

**Bushfire Attack Level**

The dwellings must be constructed to a BAL29 construction standard.

**Vegetation Management**

Defendable space must be provided 25m to the south, east and west to the property to the east and the vegetation must be managed in accordance with the following requirements:

- Grass must be short cropped and maintained during the declared fire danger period.
- All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
- Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
- Plants greater than 10 centimetres in height must not be placed within 3 metres of a window or glass feature of the building.
- Shrubs must not be located under the canopy of trees.
- Individual and clumps of shrubs must not exceed 5 square metres in area and must be separated by at least 5 metres.
- Trees must not overhang or touch any elements of the building.
- The canopy of trees must be separated by at least 5 metres.
- There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

**Water Supply**

A 10,000lt water tank must be provided for each dwelling and they must:

- Be stored in an above ground water tank constructed of concrete or metal.
- Have all fixed above ground water pipes and fittings required for firefighting purposes made of corrosion resistant metal.
- Include a separate outlet for occupant use.
- Be readily identifiable from the building or appropriate identification signs to the satisfaction of the relevant fire authority.
- Be located within 60 m of the outer edge of the approved building.
- The outlet/s of the water tank must be within 4 m of the accessway and unobstructed.
- Incorporate a separate gate valve (British standard pipe (BSP 65 mm) and coupling (64 mm CFA 3 thread per inch male fitting).
- Any pipework and fittings must be a minimum of 65 mm (excluding the CFA coupling).

**Access**

The access to the dwellings must comply with the following:

- All-weather construction.
- A load limit of at least 15 tonnes.
- Provide a minimum trafficable width of 3.5 metres.
- Be clear of encroachments for at least 0.5 metres on each side and at least 4 metres vertically.
- Curves must have a minimum inner radius of 10 metres.
- The average grade must be no more than 1 in 7 (14.4%) (8.1°) with a maximum grade of no more than 1 in 5 (20%) (11.3°) for no more than 50 metres.
- Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.



Mountain Planning  
e. nickv@mountainplanning.com  
m. 0409 723 259  
w. www.mountainplanning.com

Bushfire Management Plan  
559 Flat Rock Road, Beechworth

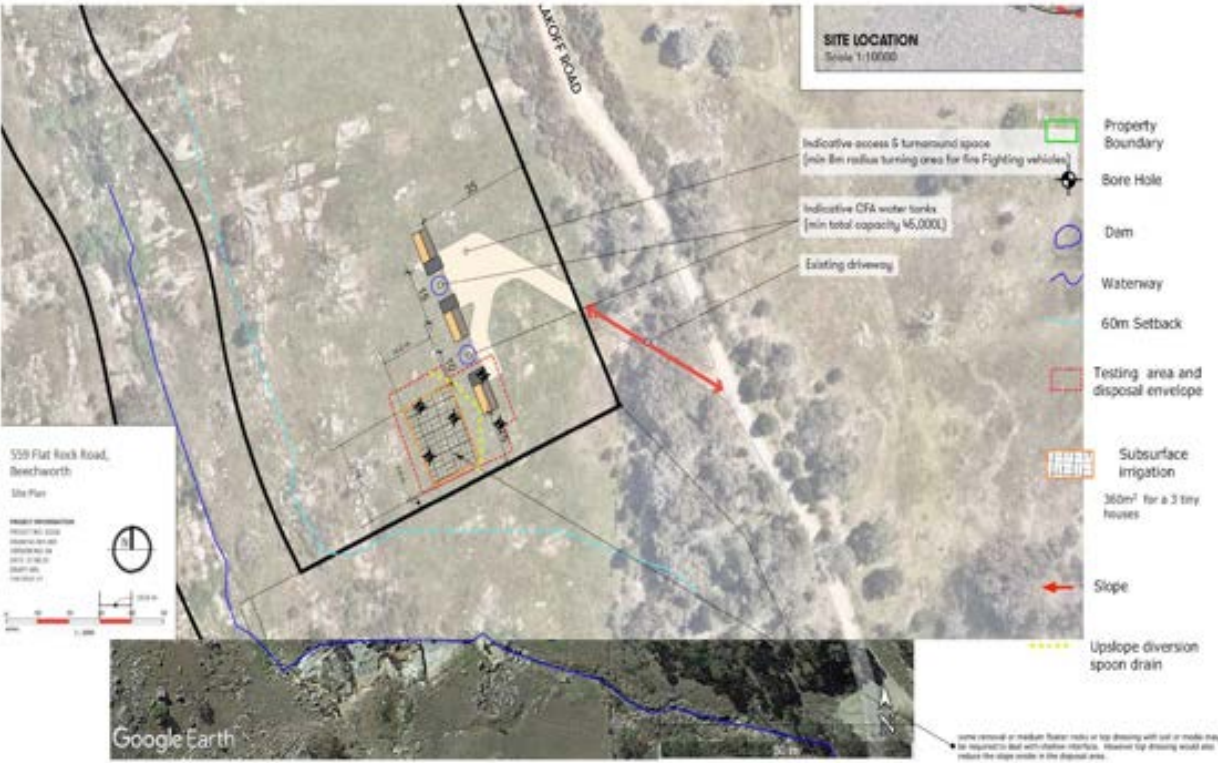


Drawn by: Nick V  
Date: 8 March 2024  
Ref: 559 Flat Rock Road, Beechworth BMP  
Rev: 0  
Scale: 1 : 2,400

APPENDIX A: Suggested Disposal Field Site Plan Overview.

1

559 Flat Rock Rd Beechworth : Wastewater Disposal Field Site Plan





# Bushfire Management Statement

Proposal: Use of the land for Group Accommodation (Three Cabins)  
Address: 559 Flat Rock Road, Beechworth  
Applicant: Mountain Planning  
Date: March 2024

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## 1. Introduction

Mountain Planning was engaged by the client to undertake a reassessment of the bushfire assessment previously undertaken by another consultant. In approaching this project, Mountain Planning took a fresh look at the proposal; Mountain Planning did not use any of the previous work (the BMS) undertaken by the previous bushfire consultant. This was important as we wanted to undertake an independent assessment of the proposal from scratch. Our methodology is always to firstly undertake a site inspection, capturing drone photography, and assess the surrounding topography and vegetation, and more broadly, the larger landscape risk of the subject site and surrounds. Following this part of the work we then undertake a desktop analysis to determine the appropriate defensible space required for the proposed development. Once this is undertaken, we can then advise the architect on the appropriate siting of the proposed buildings.

With this project, we did have regard to the fact that a Bushfire Emergency Management Plan (BEMP) had been prepared by the previous bushfire consultant. We always advocate for the use of a BEMP for accommodation proposals in any case, and we do wish to submit this BEMP as part of this overall bushfire risk assessment. The use of a BEMP also allows for Table 2 defensible space to be utilised rather than Table 3; this reduces the overall defensible space requirements for the project. As such, having regards to the BEMP and the Table 2 defensible space requirements we concluded that 25 m of defensible space was required for the proposed development based on the greatest defensible space outcome resulting from Forest upslope, which is located to the south of the subject land. Adopting the normal principles of defensible space, the 25 m of defensible space must be applied around the entire development.

The previous plans, under consideration by the CFA only showed a 15 m defensible space area to the south of the proposed cabins, and in our opinion, based on our independent assessment, this did not comply with the provisions of Clause 53.02. As a result of our assessment, we required that the proposed development have an increased setback from the southern boundary of 25 m to ensure that the defensible space can be contained entirely within the subject land. The amended plans, and the BEMP, in our opinion, results in the development complying with clause, 53.02, and provides the best protection to life and property in the event of a bushfire.

This Bushfire Management Statement has been prepared in response to the requirements of Clause 44.06-1 – Bushfire Management Overlay, and in accordance with the application requirements of Clause 53.02 – Planning for Bushfire.


The statement contains five components:

1. A **bushfire hazard landscape assessment** in plan form that describes the bushfire hazard of the general locality more than 150 metres from the site (this is provided at **Attachment A**).
2. A **bushfire hazard site assessment** in plan form that describes the bushfire hazard within 150 metres of the proposed development. The description of the hazard has been prepared in accordance with Section 2.2.3 to 2.2.5 of AS3959:2009 Construction of buildings in bushfire prone areas (Standards Australia) – this is provided as **Attachment B**.
3. A **bushfire management plan** – this is provided as **Attachment C**.
4. Photos of the site are provided as **Attachment D**.

**Please note that this BMS was compiled in March 2024 in response to the concerns raised via email by Glenn Cockram on 25<sup>th</sup> September 2023. The findings of this assessment in terms of surrounding vegetation and topography are the same as stated by the CFA in the letter dated 25 September 2023.**



2. Site Description

Site Shape	Irregular
Site Dimensions	<p>Please refer to the attached site plan for site dimensions. The proposed site is shown below:</p>  <p><b>SITE LOCATION</b> Scale 1:10000</p>
Site Area	19.36 ha
Existing use and siting of buildings and works on and near the land	<p>The subject land located on the northern side of Flat Rock Road, to the west of the Beechworth township, however, the proposed site is accessed directly off Malakoff Road via an existing accessway. The subject land is a large parcel of approximately 19.36 ha in area. The subject land contains a site has an existing dwelling 285 metres west of the proposed development. The remainder of the property, including the development site, is currently used for grazing purposes</p> <p>The subject land does not contain any covenants or easements.</p>

	Surrounding the proposed site, the land is largely cleared however there is significant remnant vegetation in the Public Conservation and Resource Zone to the south and east. The land to the east comprises of Spring Creek. The Spring Creek riparian area is a steep gully with rocky outcrops and scrub vegetation which is very sparse in areas.
<b>Existing vehicle arrangements</b>	The subject site is accessible from Malakoff Road.
<b>Location of nearest fire hydrant</b>	As this is a rural area, there are no nearby fire hydrants.
<b>Any other features of the site relevant to bushfire considerations</b>	<p>The proposed site is largely grassland with some forest, woodland, shrubland and scrub, as mentioned above. The site is a variation of flat, downslope and upslope. The surrounding land is similarly undulating.</p> <p>The high variation in classification surrounding the site reflects the landscape risk to the site surrounded by highly modified agricultural land, with scattered patches of native vegetation. The site is located 3.5 km from, the township of Beechworth and 3.5 kilometres from the Beechworth Neighbourhood Safer Place. The site is granitic in nature, and there are large portions of exposed granite scattered around the site, providing large breaks between sections of vegetation. Additionally, the site is bounded by Malakoff Road to the east, Flat Rock Road to the south, and Graveyard Creek to the West, which each provide extra barriers of protection by preventing a fire from running large distances before reaching the proposed accommodation units.</p> <p>The broader landscape risk for the township of Beechworth is a Type Three due to the extent of vegetation surrounding the township and access in-and-out from the Wodonga, Wangaratta and Myrtleford directions.</p>

**Refer to Attachment A for a scaled plan that shows the following:**

- 150 metre assessment around the location of proposed buildings and around reasonable siting options for proposed buildings (if they are available)
- Property boundaries
- Orientation
- Contours
- Classifiable vegetation within the assessment area
- Excludable vegetation within the assessment area
- Distance between the classifiable vegetation and the proposed buildings
- Slope under the classifiable vegetation (slope is based on the slope under the classifiable vegetation and not the slope between the vegetation and the building)

### 3. Bushfire Hazard Assessment

Classification of the vegetation within 150 metres of the proposed development in accordance with AS3959:2009 Construction of buildings in bushfire prone areas.

	Direction (Aspect)			
	North	South	East	West
<b>Vegetation</b> (within 150m of proposed building/works)	Forest	Forest	Forest	Scrub
<b>Effective Slope</b> (under the classifiable vegetation within 150m)	Upslope	Upslope	Upslope	Scrub Downslope (10-15)
<b>Distance (m) to Classifiable Vegetation</b>	103m	175m (Forest in the PCRZ)	283m (Forest in the PCRZ)	35m

#### 4. 53.02-4 Landscape, siting and design objectives

##### Objective

Development is appropriate having regard to the nature of the bushfire risk arising from the surrounding landscape.

Development is sited to minimise the risk from bushfire.

Development is sited to provide safe access for vehicles, including emergency vehicles.

Building design minimises vulnerability to bushfire attack.

#### 4.1 Approved Measures AM 2.1, 2.2 and 2.3

##### Approved measures

<p><b>The bushfire risk to the development from the landscape beyond the site can be mitigated to an acceptable level.</b></p>	<p>The subject land is located on the periphery of the Beechworth township and abuts Spring Creek to the east. The predominant bushfire risk to the subject land is from the north and south with a bushfire travelling through the forest vegetation in these directions. The Spring Creek riparian area has sparse vegetation which is classified as Scrub; this is due to the rocky nature of the gully and shallow soils. All the other surrounding vegetation is Forest. This is different to the previous assessment undertaken as we have extended the assessment area to 500m due to the landscape risk; the previous BHSA only assessed 150m and resulted in differing classification. As a result of our assessment we have required 25m defendable space around the proposed cabins which is more than was originally proposed; the previous layout only proposed 15m of defendable space to the south which, in our opinion, was not sufficient. The increased defendable space, BAL29 construction standard of the cabins and the implementation of the BEMP will mitigate the bushfire risk to an acceptable standard.</p>
<p><b>A building is sited to ensure the site best achieves the following:</b></p> <ul style="list-style-type: none"> <li>• <b>The maximum separation distance between the building and the bushfire hazard.</b></li> <li>• <b>The building is in close proximity to a public road.</b></li> </ul>	<p>The proposed cabins have an increased setback from the southern boundary with a 25 meter setback, now proposed, which has been increased from the previous 15 meter setback proposed initially. A greater setback is not feasible due to the presence of aboriginal artefacts.</p> <p>The buildings will be located within close proximity to the existing gravel accessway which will be upgraded in accordance with AM 4.2 to provide access for fire fighting vehicles.</p>

<ul style="list-style-type: none"> <li>Access can be provided to the building for emergency service vehicles.</li> </ul>	Access can be obtained from Malakoff Road.
A building is designed to be responsive to the landscape risk and reduce the impact of bushfire on the building.	The proposed tiny homes will be required to be constructed to a BAL 29 construction standard required under Clause 53.02. The design of the proposed tiny houses are very simple with a simple rectangular form and a gable roof.
Any other comments	The proposed layout has been amended following the independent assessment undertaken by Mountain Planning following the previous bushfire assessment undertaken. As discussed above, we firstly undertook a site inspection and drone photography and assessed the surrounding vegetation and topography from scratch. Furthermore, we increased the assessment area from 150 m to 500 m due to the landscape risk of the subject land. This has resulted in different vegetation classifications from the previous bushfire assessment as it only assessed vegetation and topography within 150 m of the proposed cabins. Our methodology, and our recommendations of increased defensible space, and an increased bushfire attack level construction standard minimises the risk to life and property as a result of bushfire.
Has Approved Measures AM 2.1, 2.2 and 2.3 been fully met?	YES

5 53.02-4.2 Defendable space and construction objective

Objective

Defendable space and building construction mitigate the effect of flame contact, radiant heat and embers on buildings.

5.1 Approved Measures AM 3.1 and 3,2

Approved measures

<p>A building used for a dwelling (including an extension or alteration to a dwelling), a dependant person's unit, industry, office or retail premises is provided with defendable space in accordance with:</p> <ul style="list-style-type: none"><li>• Table 2 Columns A, B or C and Table 6 to Clause 53.02-5 wholly within the title boundaries of the land; or</li><li>• If there are significant siting constraints, Table 2 Column D and Table 6 to Clause 53.02-5.</li></ul> <p>The building is constructed to the bushfire attack level that corresponds to the defendable space provided in accordance with Table 2 to Clause 53.02-5.</p>	
<p>A building used for accommodation (other than a dwelling or dependent person's unit), a child care centre, an education centre, a hospital, leisure and recreation or a place of assembly is:</p> <ul style="list-style-type: none"><li>• Provided with defendable space in accordance with Table 3 and Table 6 to Clause 53.02-5 wholly within the title boundaries of the land.</li></ul>	<p>The defendable space requirements of Table 3 can cannot be contained entirely within the boundaries of the subject land due to significant site constraints space. (the cultural heritage assessment has found aboriginal artefacts on the subject land, which has restricted the sighting of the proposed cabins). As a result, we seek to use Table 2 defendable space as permissible in the alternative measures.</p>

<ul style="list-style-type: none"> <li>Constructed to a bushfire attack level of BAL12.5.</li> </ul>	
<b>Has Approved Measure AM 3.1 and 3.2 been fully met?</b>	<b>NO</b>
<p><b>AltM 3.6</b></p> <p><b>A building used for accommodation (other than a dwelling or small second dwelling), child care centre, education centre, hospital, leisure and recreation or place of assembly may provide defendable space in accordance with Table 2 Columns A, B or C and Table 6 to Clause 53.02-5 where it can be demonstrated that:</b></p> <ul style="list-style-type: none"> <li><b>An integrated approach to risk management has been adopted that considers:</b> <ul style="list-style-type: none"> <li>The characteristics of the likely future occupants including their age, mobility and capacity to evacuate during a bushfire emergency.</li> <li>The intended frequency and nature of occupation.</li> <li>The effectiveness of proposed emergency management arrangements, including a mechanism to secure implementation.</li> </ul> </li> <li><b>Less defendable space and a higher construction standard is appropriate having regard to the bushfire hazard landscape assessment.</b></li> </ul>	<p>In accordance with alternative measure 3.6 a building used for Accommodation may provide defendable space in accordance with Table 2 columns, A, B or C where it can be demonstrated that a number of matters have been complied with. For the purposes of this development, we have adopted column C to be used for the purposes of defendable space, and a construction standard.</p> <p>The required defendable space is:</p> <p>North: 25m South: 25m East: 25m West: 19m</p> <p>The greatest defendable space must be applied around the entire development. The 25m can be contained within the subject land.</p> <p>For ease of management and practicality, we have extended the defendable air space area to the east to the property boundary.</p> <p>In regard to the dot points within alternative measure 3.6 we provide the following:</p> <ul style="list-style-type: none"> <li>An integrated approach to risk management has been adopted through the independent assessment of the bushfire risk within close proximity of the subject land and also the broader area.</li> <li>It is also likely that the future occupants will be fit and healthy, and will be able to evacuate the buildings during a bushfire emergency. To this point. We would also add that the implementation of a BEMP provides for the early evacuation in the event of a bushfire and also the closure of the facility during a catastrophic bushfire declared day.</li> <li>The intended frequency of the proposed tiny homes will be short term only and the land owner will have the ability to cancel any bookings. If the subject land is at risk of a bushfire.</li> <li>The attached BEMP provides the management of the property during a bushfire event; the implementation of the BEMP will ensure that guest will not be located on the subject land in the event of a bushfire.</li> <li>Having regards to all of the above, we submit that a reduced defendable space area, using table 2, and an increased construction standard from BAL 12.5 to a BAL 29 Will minimise the impacts of a bushfire on life and property and that it is appropriate having regards to the bushfire hazard landscape assessment.</li> </ul>



6 53.02-4.3 Water supply and access objectives

Objective

A static water supply is provided to assist in protecting property.

Vehicle access is designed and constructed to enhance safety in the event of a bushfire.

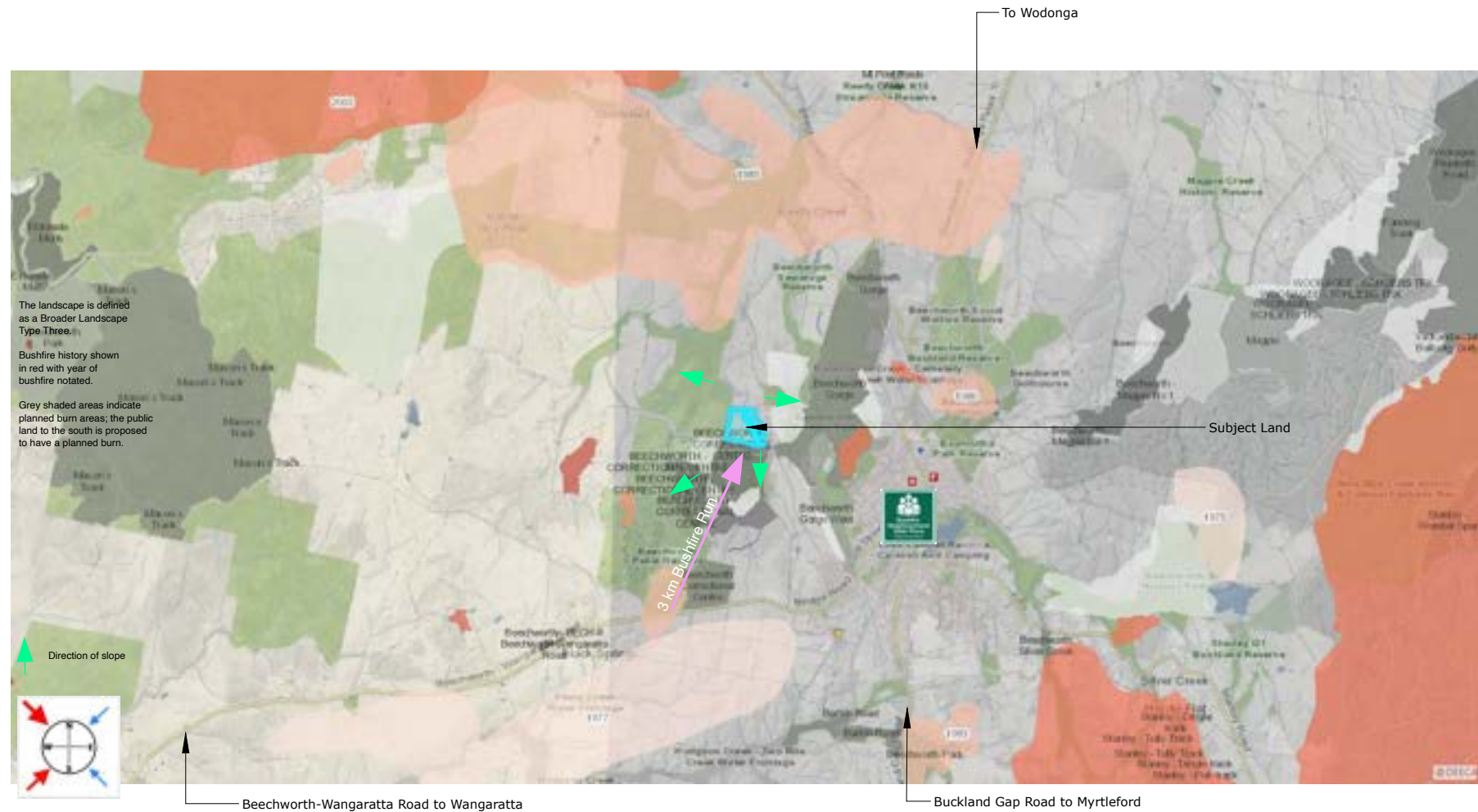
6.1 Approved Measures AM 4.1 and 4,2

Approved measures

<p>A building used for a dwelling (including an extension or alteration to a dwelling), a dependant person's unit, industry, office or retail premises is provided with:</p> <ul style="list-style-type: none"><li>• A static water supply for fire fighting and property protection purposes specified in Table 4 to Clause 53.02-5.</li><li>• Vehicle access that is designed and constructed as specified in Table 5 to Clause 53.02-5.</li></ul> <p>The water supply may be in the same tank as other water supplies provided that a separate outlet is reserved for fire fighting water supplies.</p>	<p>The tiny homes will be provided with onsite water supply in accordance with Table 4 to Clause 53.02-5 as noted on the attached plans</p> <p>The tiny homes will be also provided with vehicle access in accordance with Table 5 to Clause 53.02-5.</p>
<p>A building used for accommodation (other than a dwelling or dependent person's unit), child care centre, education centre, hospital, leisure and recreation or place of assembly is provided with:</p>	<p>N/A</p>

<ul style="list-style-type: none"><li>• A static water supply for fire fighting and property protection purposes of 10,000 litres per 1,500 square metres of floor space up to 40,000 litres.</li><li>• Vehicle access that is designed and constructed as specified in Table 5 to Clause 53.02-5.</li><li>• An integrated approach to risk management that ensures the water supply and access arrangements will be effective based on the characteristics of the likely future occupants including their age, mobility and capacity to evacuate during a bushfire emergency.</li></ul> <p>The water supply may be in the same tank as other water supplies provided that a separate outlet is reserved for fire fighting water supplies.</p>	
Has Approved Measure AM 4.1 and 4.2 been fully met?	YES

## Attachment A – Bushfire Hazard Landscape Assessment



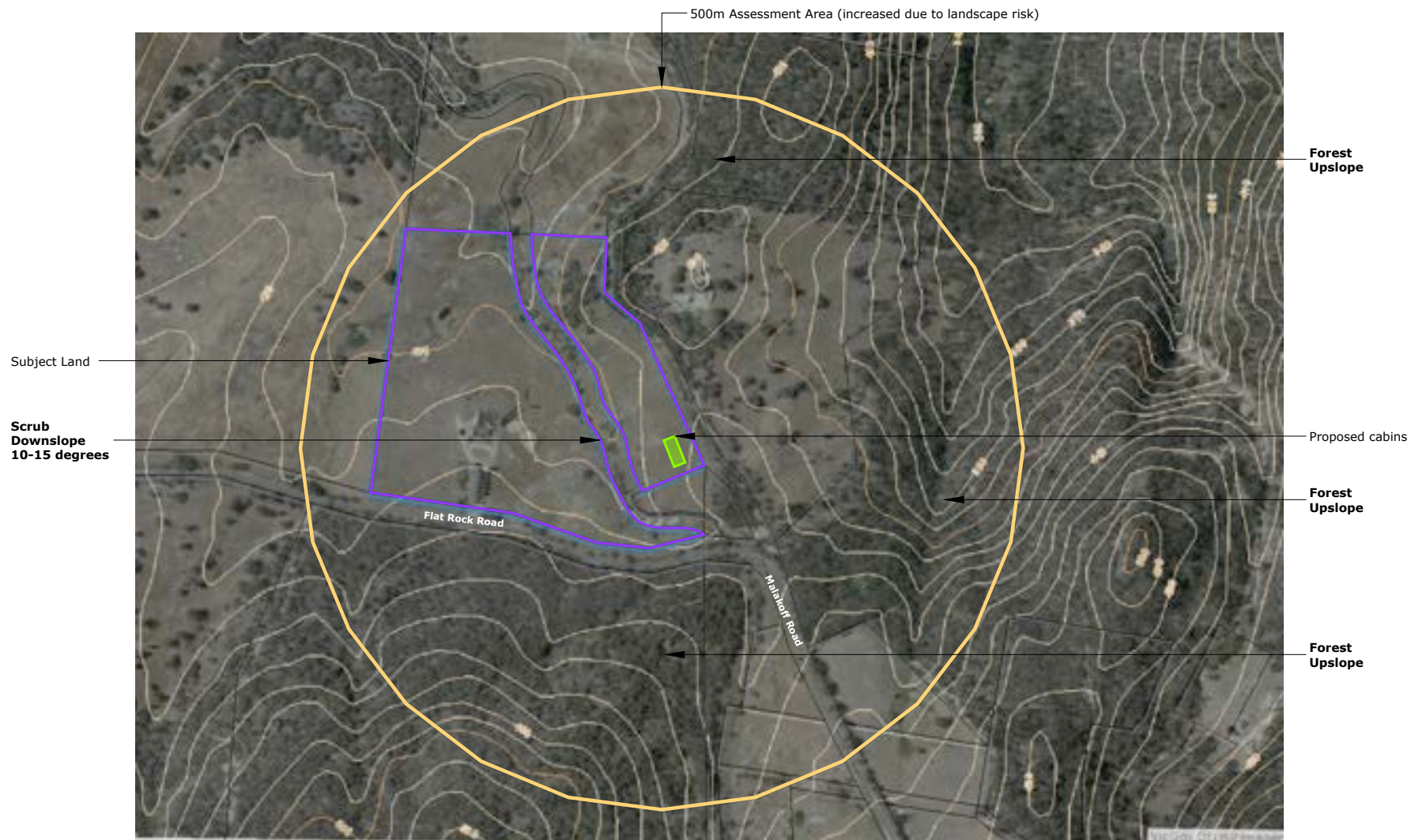
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Bushfire Hazard Landscape Assessment  
559 Flat Rock Road, Beechworth



Drawn by: Nick V  
Date: 8 March 2024  
Ref: 559 Flat Rock Road, Beechworth BHLA  
Rev: 0  
Scale: Not to Scale

## Attachment B – Bushfire Hazard Site Assessment



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Bushfire Hazard Site Assessment  
 559 Flat Rock Road, Beechworth



Drawn by: Nick V  
 Date: 8 March 2024  
 Ref: 559 Flat Rock Road, Beechworth BHS  
 Rev: 0  
 Scale: Not to Scale

## Attachment C – Bushfire Management Plan



**Bushfire Protection Measures**

**Bushfire Attack Level**

The dwellings must be constructed to a BAL29 construction standard.

**Vegetation Management**

Defendable space must be provided 25m to the south, east and west to the property to the east and the vegetation must be managed in accordance with the following requirements:

- Grass must be short cropped and maintained during the declared fire danger period.
- All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
- Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
- Plants greater than 10 centimetres in height must not be placed within 3 metres of a window or glass feature of the building.
- Shrubs must not be located under the canopy of trees.
- Individual and clumps of shrubs must not exceed 5 square metres in area and must be separated by at least 5 metres.
- Trees must not overhang or touch any elements of the building.
- The canopy of trees must be separated by at least 5 metres.
- There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

**Water Supply**

A 10,000lt water tank must be provided for each dwelling and they must:

- Be stored in an above ground water tank constructed of concrete or metal.
- Have all fixed above ground water pipes and fittings required for firefighting purposes made of corrosive resistant metal.
- Include a separate outlet for occupant use.
- Be readily identifiable from the building or appropriate identification signs to the satisfaction of the relevant fire authority.
- Be located within 60 m of the outer edge of the approved building.
- The outlet/s of the water tank must be within 4 m of the accessway and unobstructed.
- Incorporate a separate gate valve (British standard pipe (BSP 65 mm) and coupling (64 mm CFA 3 thread per inch male fitting).
- Any pipework and fittings must be a minimum of 65 mm (excluding the CFA coupling).

**Access**

The access to the dwellings must comply with the following:

- All-weather construction.
- A load limit of at least 15 tonnes.
- Provide a minimum trafficable width of 3.5 metres.
- Be clear of encroachments for at least 0.5 metres on each side and at least 4 metres vertically.
- Curves must have a minimum inner radius of 10 metres.
- The average grade must be no more than 1 in 7 (14.4%) (8.1°) with a maximum grade of no more than 1 in 5 (20%) (11.3°) for no more than 50 metres.
- Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.



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Bushfire Management Plan  
559 Flat Rock Road, Beechworth



Drawn by: Nick V  
Date: 8 March 2024  
Ref: 559 Flat Rock Road, Beechworth BMP  
Rev: 0  
Scale: 1: 2,400

## Attachment D – Photos



*Current aerial of subject site*



*Subject site looking north along Malakoff Road*



*Subject land looking west along Flat Rock Road*



*Subject land looking south*



*Subject land looking east toward Spring Gully*

Use of the land for Group Accommodation

559 Flat Rock Road, Beechworth

Page 21 of 27



*Graveyard Creek to the west of proposed site*





*Vegetation to the south of the subject land abutting Flat Rock Road*



*Spring Creek to the east*



*Malakoff Road looking south*



*Malakoff Road looking north*

## Attachment D – Bushfire Emergency Management Plan

# Bushfire Emergency Management Plan

## 559 Flat Rock Road, Beechworth

**Prepared by:** Mountain Planning

**Date:** 13<sup>th</sup> March 2024

**Revision:** A

### Version Control

Version	Prepared by	Authorised by
A	Mountain Planning	Nick V



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## 1.0 Review

This Bushfire Emergency Management Plan (BEMP) has been prepared by Mountain Planning in regards to the **short-term accommodation (group accommodation)** at 559 Flat Rock Road, Beechworth.

To ensure that this plan is up-to-date regularly the BEMP must be reviewed and amended as necessary prior to the commencement of the declared Fire Danger Period.

Following any amendment, all staff must be made aware of the amendments and the BEMP must be made available to all staff.

## 2.0 FACILITY DETAILS

This BEMP has been designed to assist management to protect life and property in the event of a bushfire.

The BEMP has been prepared for the short-term accommodation ("the premises") located within 559 Flat Rock Road, Beechworth.

The subject premises is to be used for short-term accommodation (three cabins).

This BEMP outlines procedures for the **CLOSURE OF THE PREMISES**, **EVACUATION** and **SHELTER-IN-PLACE** (remaining on-site) to enhance the protection of occupants from the threat of a bushfire.

The **Primary Action** to follow under normal bushfire conditions is to:

<b>EVACUATE</b>	✓	<b>SHELTER-IN-PLACE</b>	
-----------------	---	-------------------------	--

<b>Street address:</b>	559 Flat Rock Road, Beechworth
<b>Business name:</b>	n/a
<b>Contact person:</b>	Derek Welsh
<b>Position/role:</b>	Owner/operator
<b>Office phone numbers (BH and AH):</b>	0450 648 008
<b>Type of facility:</b>	Short-term accommodation
<b>Number of buildings:</b>	3
<b>Number of employees:</b>	2
<b>Number of patrons:</b>	6
<b>Number of occupants with 'special needs':</b>	Unknown and subject to change
<b>Provide description of special needs</b>	
<b>This copy is to be kept at:</b>	Main house

A copy must also be provided within the accommodation to make guests aware of the procedures during a bushfire.

## 2.1 ROLES AND RESPONSIBILITIES

The following outlines who has the responsibility of implementing the Emergency Procedures in the event of a bushfire.

POSTION	NAME OF PERSON	BUILDING / AREA OF RESPONSIBILITY	MOBILE PHONE NUMBER
Fire Warden	Derek Welsh	Managing and overseeing of any emergency procedures. Accounting for all persons during the emergency procedures.	0450 648 008
Deputy Warden	Lynsey Welsh	Maintaining a calm atmosphere among the occupants. Following established procedures. Assisting with moving of occupants.	0450 648 008

## 2.2 EMERGENCY CONTACTS

NAME OF ORGANISATION	NAME OF CONTACT	PHONE NUMBER
Country Fire Authority (CFA)	Emergency	000
Victorian Police Force	Emergency Police Station, Beechworth	000 03 5728 1032
Victorian Ambulance Service	Emergency	000
State Emergency Services	Emergency State-wide	000 132 500
Local Hospital	Beechworth	03 5728 0200
Indigo Shire Council	Administration	03 5728 8000
Electricity supplier	Ausnet	13 1799
Gas supplier	N/A	

## 2.3 STAFF AND SUPPLIER EMERGENCY CONTACT NUMBERS

CONTACT	PHONE NUMBERS	EMAIL
No contractors envisioned now, will update if required in future	Will update if contractors are required	

## 2.4 BUSHFIRE UPDATES

ORGANISATION	WEBSITE	PHONE NUMBER
Victorian Bushfire Information Line		1800 240 667
Country Fire Authority	<a href="http://cfa.vic.gov.au">cfa.vic.gov.au</a>	
Department of Energy, Environment and Climate Action (DEECA)	<a href="http://deeca.vic.gov.au">deeca.vic.gov.au</a>	03 5761 1611
VIC Emergency smartphone app VIC Emergency Hotline	<a href="http://emergency.vic.gov.au">emergency.vic.gov.au</a>	1800 226 226
Emergency broadcasters	ABC Local 106.5 FM	
Parks Victoria - Parks and forest information including closures	<a href="http://parkweb.vic.gov.au">parkweb.vic.gov.au</a>	13 19 63
Vic Roads – road closures and traffic information	<a href="http://vicroads.vic.gov.au">vicroads.vic.gov.au</a>	

### 3.0 ACTIONS BEFORE COMMENCEMENT OF BUSHFIRE DANGER PERIOD

The following are the actions that will be undertaken each year before the beginning of summer.

ACTIONS		PERSON RESPONSIBLE
Ensure the right amount of insurance coverage	Review the insurance policy every year before the bushfire season to ensure full coverage. This is also inclusive of public liability insurance.	Lynsey Welsh
Ensure that cancellation policy is clear to all occupants	It will be part of terms and conditions when making bookings. There will also be a summary document that a full refund will be offered in case of cancellations due to bushfires.	Lynsey Welsh
Check that the latest bushfire information resources available for occupants	Review CFA source material every year to see if there are any updates or changes to advisories.	Lynsey Welsh
Ensure that vegetation is managed around accommodation main house	Ensure that grasses are cut and maintained at less than 100mm around the accommodation buildings and the main house. Also ensure that any dry fuel on ground is gathered and removed to another location.	Derek Welsh
Review the Bushfire Emergency Management Plan	Spend time to go through the Bushfire Emergency Management Plan before every season to ensure that we know what to do in case of emergencies. Make any updates or changes as necessary.	Lynsey Welsh
Ensure any firefighting equipment (i.e. hoses) are in good condition	Carry out test on equipment every year before season begins to make sure all equipment is functioning properly.	Derek Welsh
Contact off-site evacuation/refuge locations for availability of use during a bushfire emergency	Make sure that the locations which have been identified are still able to receive people in case of an emergency.	Lynsey Welsh
Contact and update emergency services of the premises contact details	Update local emergency services if any changes are made to the contact details of the property or evacuation/refuge sites.	Lynsey Welsh
Provide a copy of BEMP to local Fire Service	Ensure the Beechworth CFA has a current copy of the BEMP so that it can be included in pre-incident planning arrangements for bushfire emergencies.	Lynsey Welsh

#### 4.0 ACTIONS AT COMMENCEMENT OF BUSHFIRE DANGER PERIOD

The following are the actions that will be undertaken each year upon the commencement of the bushfire danger period.

TRIGGER	ACTION	
Every day	Check Fire Danger Ratings (FDRs) and warnings	Go to VicEmergency website ( <a href="https://emergency.vic.gov.au">https://emergency.vic.gov.au</a> ) before 9am.
There will be an information pack provided to all occupants both on the web and in the booking email familiarising occupants with emergency procedures – this will include emergency assembly points, and evacuation procedures.		
	Have VicEmergency App installed on all occupants' devices	Make it mandatory that occupants install VIC Emergency app on their devices prior to visiting or upon arrival at accommodation and that they have a watch zone set up for monitoring.
	Ensure vegetation is managed around accommodation.	Ensure that any dry fuel on ground is gathered and moved to another location.
High FDR and above days	Check if there is a Total Fire Ban in force. If so, inform occupants about what they can and can't do	Check the VicEmergency website ( <a href="https://emergency.vic.gov.au">https://emergency.vic.gov.au</a> ) before 9am. Send SMS to occupants. If acknowledgement is not received then do a door knock to inform in person.
		Ensure Fire Warden has mobile phone and is contactable.
Extreme and Catastrophic days	Activate cancellation policy – cancel any bookings for the forecast Extreme and Catastrophic days.	Contact and advise forward-booked guests of upcoming Extreme and Catastrophic days, what conditions will be like and need to cancel booking for their safety. Reschedule booking.
	Inform existing occupants/customers of Extreme or Catastrophic forecast and close accommodation  Ensure vegetation is managed around accommodation.	Talk directly to occupants and advise them to leave the premises the night before or early i.e. before 10am on the day of the Extreme or Catastrophic. If guests are away from the property, notify via SMS.  Close accommodation and put notification on website of closure as well as at front gate.

## 5.0 ACTIONS DURING A BUSHFIRE

In the event of a bushfire in the surrounding area, occupants of the premises shall follow the procedure outlined below.

<b>TRIGGER</b>	Emergency warning issued by Emergency Services OR when aware of fire in the surrounding area
<b>ACTION</b>	
Fire Warden to consult the VicEmergency Hotline (1800 226 226), VIC Emergency smartphone app and local emergency service for fire situation and updates.	
Occupants to be advised of an advancing bushfire as soon as possible and that an evacuation may be initiated. Send SMS to occupants onsite – if no acknowledgment door knock to inform in person. If occupants are away from the property, contact them by mobile or through the booking website.	
Ensure that the Fire Warden has a mobile phone and is contactable.	
Make arrangements for transportation (for evacuation), confirming with occupants that they will travel in their personal vehicles. Ensure occupants' personal vehicles are available, that there are drivers available and that all occupants have transport.	
Fire Warden to consult the VicEmergency Hotline (1800 226 226), VIC Emergency smartphone app and local emergency service for fire situation and updates.	



## 6.0 EVACUATION PROCEDURE

In the event that a bushfire is within 2 hours or 20kms of the site, **ALL** occupants are to **ECAVUATE** to a planned refuge site by following the procedure below.


This procedure will also be followed during Extreme and Code Red Bushfire Conditions if emergency services decide a pre-emptive evacuation of the site is necessary for public safety.

TIME TO REQUIRED TO EVACUATE PREMISES:	5 minutes
DESIGNATED ASSEMBLY POINT	
1) Car park in front of accommodation	

TRANSPORTATION ARRANGEMENTS	
Number of vehicles required:	Occupants to use their own private vehicles.
Name of organisation providing transportation:	N/A
Contact phone number:	N/A
Time required to have transportation available:	N/A
Estimated travelling time to destination:	10 minutes

PLANNED EVACUATION SITE/REFUGE (PRIMARY)	
Name of venue:	Memorial Hall Neighbourhood Safer Place
Address of venue:	Ford Street (between Williams Street and Camp Street)
Nearest cross-street:	Williams Street

PLANNED EVACUATION SITE/REFUGE (alternative in the event the Primary Site is not available)	
Name of venue:	Police Paddocks Neighbourhood Safer Place
Address of venue:	High St (between Williams St & Camps St - Rear of Police Station)
Nearest cross-street:	Williams Street

TRIGGER	<p>There is a bushfire threatening the premises within 2 hours or a bushfire is 20kms from the premises. The map below shows a radius of 20km from the site which must be monitored.</p>  <p>OR</p> <p>Emergency Services have called for a pre-emptive evacuation/evacuation signal from CFA</p>
<b>ACTION</b>	
Fire Warden to take control of situation, sound siren/alarm signal and send SMS for occupants to move to emergency assembly point at car park in front of the accommodation.	
Fire warden will assemble occupants and inform them of the evacuation site/refuge and details of how to get there.	
Fire Warden to advise local emergency service that the facility is being evacuated (including how many people and where they are going)	
Planned refuge to be contacted by Fire Warden and informed of pending arrival.	
Fire warden will check that all occupants are accounted for (using guest register) and ensure all occupants have transport prior to departure.	
Fire warden will then ensure that all occupants evacuate without delay (leave personal property behind etc.)	
Occupants will travel in a convoy to the refuge with one Warden leading and the other Warden at the back.	
Once at the refuge, move all occupants inside and ensure all occupants are accounted for and safe.	
Fire Warden to advise local emergency service that all persons have been evacuated, accounted for and are safe at the designated refuge.	
Maintain situational awareness through radio [ABC Local 106.5FM] (Beechworth), CFA website (cfa.vic.gov.au), VIC Emergency smartphone app etc.	

## 8.0 AFTER A BUSHFIRE PROCEDURE

TRIGGER	When the bushfire threat has passed, and the area is deemed safe by emergency services.
<p style="text-align: center;"><b>ACTION</b></p> <p><b>Appendix 1 – Site Layout of Premises (including Emergency Assembly Points and Egress Paths)</b>  <b>Appendix 2 – Occupant/Guest Register</b></p>	
Fire Warden to contact emergency service to ensure property is safe to enter – do not enter any evacuated building/property until advised it is safe to do so by the emergency services.	
Fire Warden to check property for any damage and put out any spot fires remaining.	
Keep monitoring fire warnings via radio [ABC Local 106.5 FM (Beechworth)], CFA website (cfa.vic.gov.au), VIC Emergency smartphone app etc.	

## APPENDIX 1 – SITE LAYOUT OF PREMISES (INCLUDING EMERGENCY ASSEMBLY POINT AND EGRESS PATH)



## APPENDIX 2 – OCCUPANT/GUEST REGISTER

Room Number	Name of Person	Any Special Needs	Phone Number	Person Accounted For (tick)



Hangan Tiny Homes (Aust) Pty Ltd

A.1995 Warburton Hwy

Launching Place Vic 3139

P.0425 408 487

W.[www.tinyhouse.com.au](http://www.tinyhouse.com.au)

B : : :

o hom it may concern,

his is to certify that hangan tiny homes can build and certify to B fire rating under our commercial domestic building unlimited number. ( B )

Henry Hangan

Managing Director

Hangan Tiny Homes



**Patron: Her Excellency Professor the Honourable Margaret Gardner AC, Governor of Victoria**

CFA Fire Risk, Research and Community Preparedness  
8 Lakeside Drive Burwood East Vic 3151  
Email: firesafetyreferrals@cfa.vic.gov.au

**CFA Ref: 24000-79418-136768**  
**Council Ref: PP23-0007**

28<sup>th</sup> May 2024

Vickie McLellan  
Indigo Shire Council  
PO BOX 28  
**BEECHWORTH VIC 3747**  
[info@indigoshire.vic.gov.au](mailto:info@indigoshire.vic.gov.au)

Dear Vickie,

#### **CONDITIONAL CONSENT TO THE GRANT OF A PERMIT**

**Application No:** PP23-0007  
**Site Address:** 559 Flat Rock Road, Beechworth  
**Proposal:** Group accommodation (Three cabins)

I refer to correspondence dated 23<sup>rd</sup> May 2024 seeking comments on the above application.

CFA, as a Referral Authority pursuant to Section 55 of the *Planning and Environment Act 1987* (Act) has considered and does not object to the grant of a permit for the above proposal subject to –

- Any mandatory conditions specified within the planning scheme; and
- The following conditions being included on any planning permit that may be issued.

#### **– Start of Conditions –**

##### **1. Amended Bushfire Management Plan**

Before the development starts, a Bushfire Management Plan must be prepared to the satisfaction of CFA and then submitted to the Responsible Authority for endorsement. Once endorsed the plan must not be altered unless agreed to in writing by CFA and the Responsible Authority.

The plan must be generally in accordance with the plan prepared by Mountain Planning (Rev 0, dated 8 March 2024) but modified as follows:

- a) Replace the preamble under the heading “Vegetation Management” with:  
“Defendable space for a distance of 35 metres around the proposed building (or to the property boundary, whichever is the lesser distance) must be provided where vegetation (and other flammable materials) will be modified and managed in accordance with the following requirements:”
- b) Amend the plan to show the increased defendable space.

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**2. Site Closure**

The site must be closed to all guests after 10am on days predicted to have a Fire danger rating of Extreme (where the FBI is 75 or greater) or Catastrophic.

**3. Bushfire Emergency Management Plan**

Prior to the dwellings being occupied, the Bushfire Emergency Management Plan submitted with the application (prepared by Mountain Planning, version A, dated 13 March 2024) must be amended to reflect the current Fire Danger Rating system and submitted to the CFA for approval.

The site must be managed in accordance with the approved Bushfire Emergency Management Plan.

**– End of Conditions –**

**Further Comments**

The previous CFA response to this referral required the applicant to address the high-risk landscape as required by AM 2.1 and detailed in the CFA guideline “Applying the bushfire hazard landscape assessment in a bushfire management overlay”. The most recent response did not propose any additional measures to address the high-risk landscape. Accordingly, CFA has required the defendable space to be increased to 35m in order to address this increased risk.

CFA requests that a copy of any permit and a copy of any notice given under section 64 or 65 of the Act be sent to CFA pursuant to section 66 of the Act.

If you wish to discuss this matter in more detail, please do not hesitate to contact David Parker on 0457 092 453.

Yours sincerely,



**Glenn Cockram**  
**Bushfire Planning Coordinator**  
**CFA Fire Risk, Research & Community Preparedness**

cc: Human Habitats  
[jgrech@humanhabitats.com.au](mailto:jgrech@humanhabitats.com.au)

**MEMO****TO: Planning Department****FROM: Nadia Corsini****DATE: 23 May 2024****SUBJECT: PP23-0007 — Amending Planning proposal from Camping/Caravan Park to Group Accommodation (3 cabins) - 559 Flat Rock Road Beechworth – Welsh – PN 8220**

Environmental Health has no objections to this proposal providing that

- The wastewater generated from the 3 short-term accommodation units is dealt with in accordance with LCA provided by Porta Environmental, Report No. DE02062023-1A, dated January 2023
- If the portable accommodation units can be considered M s (Unregistrable Moveable Dwellings) they will trigger a registration under the Residential Tenancies Act 1997 & Residential Tenancies (Caravan Parks and Moveable Dwellings Registration and Standards Regulations 2020) for a caravan park.

**Footnotes**

- A permit to install a Septic System must be obtained from Council.
- If units are determined to be UMDs, a permit for a Caravan Park must be obtained from Council.



Nadia Corsini  
Environmental Health Officer

**Infrastructure Services Division**

PP23-0007



559 Flat Rock Road, Beechworth

Date: 20 June 2024

---

**Group Accommodation****Engineering Conditions**

If it is determined to approve the application the following conditions are required:

- Prior to the issuing of the statement of compliance, the owner at the time must construct the vehicle driveway crossing to rural IDM SD 255 standard. Works within Road Reserve Permit must be obtained from the Responsible Authority prior to the commencement of any works.
- The internal access roads to the accommodation sites, car parks & turning area must be constructed to a minimum all-weather standard of;
  - 3m metre pavement width
  - 100 mm compacted depth of crushed rock or gravel suitable for road construction
  - Longitudinal roadside drains and culverts as required
  - Single car parking spaces to be provided for all sites
  - Turning area for fire fighting vehicle
- All stormwater emanating from the internal road and car park pavements approved by this permit must be disposed of within the curtilage of the property. Any concentrated storm water flows due to the development must be dispersed prior to entering natural systems. Methods such as contour drains or infiltration trenches should be used for this purpose. Flow dispersal must be employed at the point of discharge of any house drain constructed.
- All works to be constructed in accordance with approved plans.

**Kaden Bruce****Acting Development Engineer**



## Department of Energy, Environment and Climate Action

15 Hume & Hovell Road  
PO Box 879, Seymour  
Victoria 3660  
Telephone: 03 8624 3004  
[pe.assessment@delwp.vic.gov.au](mailto:pe.assessment@delwp.vic.gov.au)

Our Ref: 00004653  
Your Ref: PP23-0007  
Contact: armel O wyer  
Date: 08/07/2024

Indigo Shire Council  
Planning Department  
Via email: [info@indigoshire.vic.gov.au](mailto:info@indigoshire.vic.gov.au)

Dear Sir/Madam ,

### Planning Permit Application No: PP23-0007

**Proposal:** Use and development of the land for a group accommodation  
**Location:** 559 Flat Rock Road , Beechworth

I refer to the above described proposal received by the Department of Energy, Environment and Climate Action (DEECA) on 10 May 2024 pursuant to Section 52 of the *Planning and Environment Act 1987*.

DEECA requested further information for this proposal on 22 May 2024 and received further information from the Shire on 24 June 2024.

The proposal is for the use and development of the site for Group Accommodation including three portable cabins to be located on Lot 6 PS511556 (*shown in figure 1 below*). The land is zoned Farming (FZ) and is affected by the Bushfire Management (BMO) Overlay controls of the Indigo Shire Planning Scheme.

The Graveyard Creek crown water frontage, managed by DEECA, abuts the southern and western boundaries of the subject land.

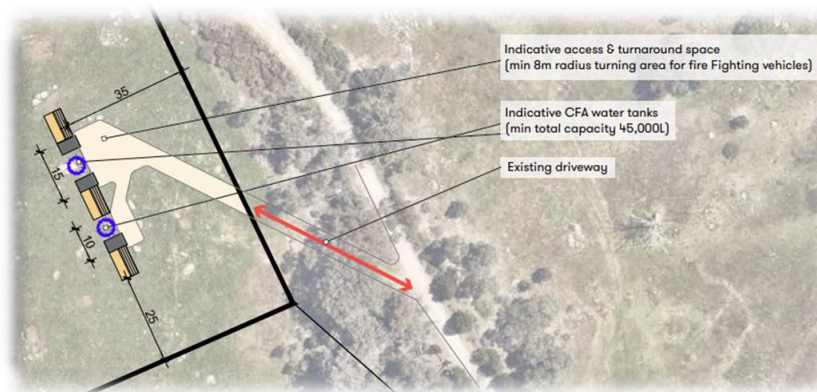


Figure 1 – proposed group accommodation and access

Any personal information about you or a third party in your correspondence will be protected under the provisions of the *Privacy and Data Protection Act 2014*. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorized by law. Enquiries about access to information about you held by the Department should be directed to [foi.unit@delwp.vic.gov.au](mailto:foi.unit@delwp.vic.gov.au) or FOI Unit, Department of Environment, Land, Water and Planning, PO Box 500, East Melbourne, Victoria 8002.

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**Comments/Issues:**

- It is advised that the application has not provided specific details regarding native vegetation and biodiversity impacts that may be incurred as a result of the proposed development.
- If any native vegetation is to be removed or impacted as part of the proposed development; including assumed and consequential losses, the application needs to address the requirements of Clause 52.17 including the objectives and decision guidelines of this clause and provide all of the application requirements for the development, in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (Guidelines, DELWP 2017).
- Where an application seeks to rely on the vehicle access from the public road exemption under Clause 52.17-7, it must observe the requirements, including that native vegetation to be removed, destroyed or lopped, must be to the minimum extent necessary, unless further opportunity to avoid native vegetation impacts is available.
- DEECA advises that prior considering the application, Council needs to ensure, and be satisfied that all the above requirements in accordance with Clause 52.17 of the Indigo planning scheme and the *Guidelines* have been met.
- As per advice provided by DEECA on 22 May 2024, the applicant is responsible for undertaking due diligence to ensure the requirements for any native vegetation removal that may be associated with the proposed development are addressed and the responsible authority needs to seek all required information to be able to fully consider the application.
- All native vegetation impacts must be considered, including grasses, shrubs, herbs, forbs and trees; and any impacts on Tree Protection Zones in accordance with the Australian Standard AS 4970-2009; and including any impacts from access to the proposed development.
- It was mentioned in the application that there will be impacts on grasslands for the accommodation sites and access point from Malakoff Road. The extent of native vegetation impacts needs to be assessed to determine if the development requires a permit for native vegetation removal, and for the application to be able to be correctly assessed in accordance with legislative requirements and valid permit conditions applied.
- The application documents provided had identified patches of native vegetation present at the site (that may be within the development footprint). Photos and maps provided clearly show areas of native vegetation, including the proposed access point from Malakoff Rd which is a Government Road under the care and control of Indigo Shire Council.
- The department received advice from Human Habits on Friday 14 June 2024 regarding native vegetation impacts, however the advice was unfortunately contradictory and did not provide any details on native vegetation impacts resulting from the proposed development.

**The Department of Energy, Environment and Climate Action (DEECA) requests the following further information is provided to fully consider the application to remove, lop or destroy native vegetation :**

1. information about the native vegetation to be removed, including:
  - a. The assessment pathway and reason for the assessment pathway. This includes the location category of the native vegetation to be removed.
  - b. A description of the native vegetation to be removed that includes:
    - i. whether it is a patch or a scattered tree (or both)
    - ii. the extent (in hectares)
    - iii. the number and circumference (in centimetres measured at 1.3 metres above ground level) of any large trees within a patch
    - iv. the number and circumference (in centimetres measured at 1.3 metres above ground level) of any scattered trees, and whether each tree is small or large

- v. the strategic biodiversity value score
    - vi. the condition score
    - vii. if it includes endangered ecological vegetation classes
    - viii. if it includes sensitive wetland or coastal areas.
  - c. Maps showing the native vegetation and property in context and containing:
    - i. scale, north point and property boundaries
    - ii. location of any patches of native vegetation and the number of large trees within the patch proposed to be removed
    - iii. location of scattered trees proposed to be removed, including their size.
  - d. The offset requirement, determined in accordance with section 5 of the Guidelines, that will apply if the native vegetation is approved to be removed.
2. Topographic and land information relating to the native vegetation to be removed, showing ridges, crests and hilltops, wetlands and waterways, slopes of more than 20 percent, drainage lines, low lying areas, saline discharge areas, and areas of existing erosion, as appropriate. This may be represented in a map or plan.
  3. Recent, dated photographs of the native vegetation to be removed.
  4. Details of any other native vegetation approved to be removed, or that was removed without the required approvals, on the same property or on contiguous land in the same ownership as the applicant, in the five-year period before the application for a permit is lodged.
  5. An avoid and minimise statement. The statement describes any efforts to avoid the removal of, and minimise the impacts on the biodiversity and other values of native vegetation, and how these efforts focussed on areas of native vegetation that have the most value.
- the statement should include a description of the following:
- a. Strategic level planning - any regional or landscape scale strategic planning process that the site has been subject to that avoided and minimised impacts on native vegetation across a region or landscape.
  - b. Site level planning - how the proposed use or development has been sited or designed to avoid and minimise impacts on native vegetation.
  - c. That no feasible opportunities exist to further avoid and minimise impacts on native vegetation without undermining the key objectives of the proposal.
6. A copy of any Property Vegetation Plan contained within an agreement made pursuant to section 69 of the *Conservation, Forests and Lands Act 1987* that applies to the native vegetation to be removed.
  7. Where the removal of native vegetation is to create defensible space, a written statement explaining why the removal of native vegetation is necessary. This statement must have regard to other available bushfire risk mitigation measures. This statement is not required when the creation of defensible space is in conjunction with an application under the Bushfire Management Overlay.
  8. If the application is under Clause 52.16, a statement that explains how the proposal responds to the Native Vegetation Precinct Plan considerations at decision guideline 8 (in *Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017)* (Guidelines)).
  9. An offset statement providing evidence that an offset that meets the offset requirements for the native vegetation to be removed has been identified and can be secured in accordance with the Guidelines. A suitable statement includes evidence that the required offset:
    - a. is available to purchase from a third party, or

- b. will be established as a new offset and has the agreement of the proposed offset provider, or
- c. can be met by a first party offset.

If the application is in the **detailed** assessment pathway, then the following will be additionally required:

10. A **site assessment report** of the native vegetation to be removed from the subject site, including:

- a. A habitat hectare assessment of any patches of native vegetation, including the condition, extent (in hectares), Ecological Vegetation Class and bioregional conservation status.
- b. The location, number, circumference (in centimetres measured at 1.3 metres above ground level) and species of any large trees within patches.
- c. The location, number, circumference (in centimetres measured at 1.3 metres above ground level) and species of any scattered trees, and whether each tree is small or large.

11. Information about impacts on rare or threatened species habitat, specific to the subject site.

More information about meeting the information requirements to support an application to remove, destroy or lop native vegetation is available on the DELWP website at:

<http://environment.vic.gov.au/native-vegetation>.

If the above information is not provided, DEECA is not able to fully assess and consider the proposal and may object to the issue of a permit for this application as it does not satisfy the requirements of Clause 52.17 of the Indigo planning scheme.

If you have any questions regarding this matter, please contact me at [pe.assessment@delwp.vic.gov.au](mailto:pe.assessment@delwp.vic.gov.au).

Yours sincerely



**Carmel O'Dwyer**

Senior Planning Officer  
DEECA Planning Services (North)





## Department of Energy, Environment and Climate Action

15 Hume & Hovell Road  
PO Box 879, Seymour  
Victoria 3660  
Telephone: 03 8624 3004  
[pe.assessment@delwp.vic.gov.au](mailto:pe.assessment@delwp.vic.gov.au)

Our Ref: 00004653  
Your Ref: PP23-0007  
Contact: armel Owyer  
Date: 22/05/2024

Indigo Shire Council  
Planning Department  
Via email: [info@indigoshire.vic.gov.au](mailto:info@indigoshire.vic.gov.au)

Dear Sir/Madam,

### **REQUEST FOR FURTHER INFORMATION**

**Planning Permit Application No: PP23-0007**

**Proposal: Use and development of the land for a group accommodation**

**Location: 559 Flat Rock Road, Beechworth**

I refer to the above described proposal received by the Department of Energy, Environment and Climate Action (DEECA) on 10 May 2024 pursuant to Section 52 of the *Planning and Environment Act 1987*.

The proposal is for the use and development of the site for Group Accommodation including three portable cabins to be located on Lot 6 PS511556. The land is zoned Farming (FZ) and is affected by the Bushfire Management (BMO) Overlay controls of the Indigo Shire Planning Scheme.

The Graveyard Creek crown water frontage, managed by DEECA, abuts the southern and western boundaries of the subject land.

#### **Comments/Issues:**

It is advised that the application has not included details regarding any native vegetation and biodiversity impacts that may be incurred as a result of the proposed development.

It is noted the application documents provided identify patches of native vegetation present at the site (that may be within the development footprint). Photos and maps provided clearly show areas of native vegetation, including the proposed access point from Malakoff Rd which is a Government Road under the care and control of Indigo Shire Council.

The proposal needs to consider all relevant requirements of the Indigo Shire planning scheme, including in relation to the removal of, and impacts on native vegetation as a result of the proposed development. The current application does not consider the objectives and strategies of Clause 52.17 or the *Guidelines for the removal, destruction or lopping of native vegetation (Guidelines, DELWP 2017)*, and has not provided the application requirements under this clause.

Any personal information about you or a third party in your correspondence will be protected under the provisions of the *Privacy and Data Protection Act 2014*. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorized by law. Enquiries about access to information about you held by the Department should be directed to [foi.unit@delwp.vic.gov.au](mailto:foi.unit@delwp.vic.gov.au) or FOI Unit, Department of Environment, Land, Water and Planning, PO Box 500, East Melbourne, Victoria 8002.



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All native vegetation impacts need to be considered, including :

- grasses, shrubs, herbs, forbs and trees.
- any impacts on Tree Protection Zones in accordance with the *Australian Standard AS 4970-2009*.
- any impacts from access to the proposed development.

**The Department of Energy, Environment and Climate Action (DEECA) requests the following further information is provided to fully consider the application to remove, lop or destroy native vegetation :**

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    - vi. the condition score
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    - viii. if it includes sensitive wetland or coastal areas.
  - c. Maps showing the native vegetation and property in context and containing:
    - i. scale, north point and property boundaries
    - ii. location of any patches of native vegetation and the number of large trees within the patch proposed to be removed
    - iii. location of scattered trees proposed to be removed, including their size.
  - d. The offset requirement, determined in accordance with section 5 of the Guidelines, that will apply if the native vegetation is approved to be removed.
2. Topographic and land information relating to the native vegetation to be removed, showing ridges, crests and hilltops, wetlands and waterways, slopes of more than 20 percent, drainage lines, low lying areas, saline discharge areas, and areas of existing erosion, as appropriate. This may be represented in a map or plan.
3. Recent, dated photographs of the native vegetation to be removed.
4. Details of any other native vegetation approved to be removed, or that was removed without the required approvals, on the same property or on contiguous land in the same ownership as the applicant, in the five-year period before the application for a permit is lodged.
5. An avoid and minimise statement. The statement describes any efforts to avoid the removal of, and minimise the impacts on the biodiversity and other values of native vegetation, and how these efforts focussed on areas of native vegetation that have the most value.

The statement should include a description of the following:

- a. Strategic level planning - any regional or landscape scale strategic planning process that the site has been subject to that avoided and minimised impacts on native vegetation across a region or landscape.

- b. Site level planning - how the proposed use or development has been sited or designed to avoid and minimise impacts on native vegetation.
  - c. That no feasible opportunities exist to further avoid and minimise impacts on native vegetation without undermining the key objectives of the proposal.
- 6. A copy of any Property Vegetation Plan contained within an agreement made pursuant to section 69 of the *Conservation, Forests and Lands Act 1987* that applies to the native vegetation to be removed.
- 7. Where the removal of native vegetation is to create defensible space, a written statement explaining why the removal of native vegetation is necessary. This statement must have regard to other available bushfire risk mitigation measures. This statement is not required when the creation of defensible space is in conjunction with an application under the Bushfire Management Overlay.
- 8. If the application is under Clause 52.16, a statement that explains how the proposal responds to the Native Vegetation Precinct Plan considerations at decision guideline 8 (in *Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017)* (Guidelines).
- 9. An offset statement providing evidence that an offset that meets the offset requirements for the native vegetation to be removed has been identified and can be secured in accordance with the Guidelines. A suitable statement includes evidence that the required offset:
  - a. is available to purchase from a third party, or
  - b. will be established as a new offset and has the agreement of the proposed offset provider, or
  - c. can be met by a first party offset.

If the application is in the **detailed** assessment pathway, then the following will be additionally required:

- 10. A **site assessment report** of the native vegetation to be removed from the subject site, including:
  - a. A habitat hectare assessment of any patches of native vegetation, including the condition, extent (in hectares), Ecological Vegetation Class and bioregional conservation status.
  - b. The location, number, circumference (in centimetres measured at 1.3 metres above ground level) and species of any large trees within patches.
  - c. The location, number, circumference (in centimetres measured at 1.3 metres above ground level) and species of any scattered trees, and whether each tree is small or large.
- 11. Information about impacts on rare or threatened species habitat, specific to the subject site.

More information about meeting the information requirements to support an application to remove, destroy or lop native vegetation is available on the DELWP website at:  
<http://environment.vic.gov.au/native-vegetation>.

If the above information is not provided, DEECA is not able to fully assess and consider the proposal and may object to the issue of a permit for this application as it does not satisfy the requirements of Clause 52.17 of the Indigo planning scheme.

If you have any questions regarding this matter, please contact me at [pe.assessments@delwp.vic.gov.au](mailto:pe.assessments@delwp.vic.gov.au).

Yours sincerely



**Carmel O'Dwyer**

Senior Planning Officer  
DEECA Planning Services (North)

# 12.2

## DRAFT STANLEY COMMUNITY RESILIENCE PLAN

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# Indigo Shire Council Community Resilience Conversations Stanley & Barnawartha

*December, 2023*

*Prepared by Paul Ryan, Australian Resilience Centre*



Community Resilience Conversations  
December 2023

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## Overview

This document summarises the outputs from a series of resilience focused conversations held with Barnawartha and Stanley communities in Indigo Shire during October 2023. The purpose of these conversation sessions was to identify actions to strengthen resilience from the household to local community and Shire scale.

The process was driven in large part by the need for Indigo Shire communities to prepare for more extreme weather events, although non-climate related disasters and disruptions were also considered as part of the discussion.

The specific actions identified for Barnawartha and Stanley are intended to address issues the community assessed to be undermining resilience capacity in their communities. The actions range from small scale, short term 'easy wins' through to bigger picture visionary projects. Both levels of projects have their place in resilience building.

The conversations and the identified actions documented here are one part of an ongoing process to build resilience and emergency response capacities at different levels across the focus communities and the wider Indigo Shire community.



## Key overarching findings

### ***Barnawartha and Stanley are strong active communities, but they face challenges that undermine Preparedness and community resilience.***

Both Barnawartha and Stanley are passionate, proactive small communities. Both communities have previously undertaken a range of locally initiated and driven actions to support place making and the health and wellbeing of their local communities. However, there are several longer-term issues relating to trust in Governance and Decision making, Infrastructure and Service provision, Economic Opportunities and Information Flows and Emergency Capacity that undermine their capacity to locally prepare for, respond to and recover from disaster and disruption.

### ***Careful 'community centred' integrated planning is required in both Barnawartha and Stanley to address long term community resilience building, particularly Economic opportunities and Infrastructure and services challenges.***

Limited and/or vulnerable physical, economic and social infrastructure, limited local services and economic opportunities, changing demographics and the natural and geographic setting create specific vulnerabilities (eg vulnerability to fire in Stanley's case or potential for a major transport disaster in Barnawartha's) and challenges for both communities. Moving towards more resilient communities in the face of a changing and more extreme climate requires navigating a complex space between social change, economic development, town and landscape planning and changing and sometimes conflicting community aspirations.

### ***Strengthening trust in governance and decision making is an immediate priority for both Stanley and Barnawartha.***

Both communities expressed significant frustration with Shire and government agency Governance and Decision-making processes. In particular, they highlighted poor engagement and communication, frustration with investment priorities and spending, and confusing or inconsistent processes. A pilot program to test approaches for strengthening trust in Governance and Decision Making across both the Barnawartha and Stanley communities is an immediate high priority to create a foundation for both communities to work effectively with the Shire on other resilience building and planning processes.

### ***Household and Community Emergency Planning is an immediate priority in both Barnawartha and Stanley.***

In the very short-term, Household and Community emergency planning will help to raise awareness of the need for household and community preparedness and help to clarify roles and responsibilities between the various elements of agency, municipal and local community emergency awareness, planning and actions.

### ***These resilience focused community conversations have paved the way for further discussions about community resilience and development.***

All the actions identified through the community conversations are valuable 'seedbanks' of innovative ideas. They are an important starting point for ongoing resilience building efforts in Barnawartha and Stanley and other communities within the Shire. Further processes to engage a wider range of community members and supporting small scale community actions are important next steps to build more resilient communities.

## Actions to strengthen household and community resilience.

### Barnawartha

**Important note:**

*The actions presented below are focused on short term 'quick wins' to address immediate resilience challenges and build connections, as a step towards addressing some of the deeper, long term resilience challenges. They are also within the scope of the current capacity and resources of the community and Shire.*

*The more significant resilience challenges for Barnawartha relating to 'Governance and Decision making' and 'Economic Opportunities' dimensions require longer term dedicated, integrated resourcing and processes to achieve the desired progress. See pages 30-33 for the full list of actions.*

#### Shorter term, lower effort/higher impact actions

To achieve important 'quick wins' as a way of strengthening resilience preparedness, engaging community and building connections:

##### **1. i. Emergency Planning – household and community level emergency planning**

While CFA undertake excellent annual awareness sessions there was overall agreement that more general household and community 'emergency' training would be beneficial. Indigo Shire is in the process of developing household and community focused emergency awareness material and processes. Stanley and Barnawartha will be the first communities targeted for these activities.

##### **ii. Emergency warning /evacuation awareness raising**

Related to emergency planning, there were a number of issues raised around awareness of emergency warning and evacuation points.

##### **2. Community groups needs documented and communicated to council**

Community groups are crucial to the functioning of any small community. Understanding their needs and the services they offer will help to clarify priorities for support and identify skills, resources and services that may not be well known to other parts of the community. An emphasis on emergency preparedness as part of the information gathering process will better help to inform both the Shire and the community regarding the needs and capacities of groups during emergencies.

##### **3. Community mapping**

There is currently relatively limited understanding about the communities basic demographics and needs, including the number of elderly, people with special needs and other vulnerable people. Similarly, an understanding of those with limited access to technology (to receive emergency warnings) may help to target these people for support to help them prepare for emergencies and disaster response.

##### **4. Neighbour connect**

Neighbor Connect could be a series of activities to help households to connect and have conversations with neighbours about emergency planning and looking after each other. The suggested activities were to encourage households to connect and host small conversations and events to strengthen community connection and help new residents to learn about the emergency risks. The initial activities might involve producing post cards to encourage households to have conversations and an information sheet to support local neighbourhood conversations. The Indigo Shire's emergency planning initiatives may provide the information and the impetus for this action.

#### **5. Support and buy local**

Actions (potentially linked to the community directory process) to raise awareness of local services and encourage people to buy local and support local services where possible.

#### **6. Community events/pop up spaces/farmers/craft market – (moderate effort, moderate benefit)**

With limited commercial spaces available, creating opportunities for local economic opportunities, pop up commercial spaces (to test the market and allow revolving and mobile retailers, etc) not only helps to generate local economic activity but creates opportunities for different types of community interactions and strengthens community connection.

Longer term, higher impact/higher effort actions

To achieve progress against the deeper long term challenges:

#### **7. Volunteer register**

A register to link potential volunteers with needs/tasks to create opportunities for more short term 'spontaneous' volunteering rather than the more traditional process of joining a group and participating over longer time frames.

Linked to a register and community group mapping a volunteer 'come and try' day or community group expo might help new residents or people looking to volunteer with an opportunity to connect.

#### **8. Community Group support**

Support for training, governance, administration, skills and funding for community groups is required to support some groups. There are funding sources for community group support and training, but a coordinated 'whole of Barny' approach will reduce the burden on individual groups organising their own funding and support.

#### **9. Community emergency scenario event**

A dedicated emergency planning scenario event to test both community preparedness and community integration with emergency services and municipal emergency planning. An emergency scenario session would allow the community to come together to work through an emergency scenario, highlighting the current local strengths and gaps in community level awareness and connections.

#### **10. Heritage Centre**

The development of a heritage centre, while a longer term process, provides an opportunity for the community to achieve specific aspects of its longer term vision of maintaining a connection with its farming heritage, creating specific infrastructure and social and economic opportunities. The community is currently self organising the planning process and requires clear support and assistance from the Shire to continue to drive this project forward.

#### **11. Critical infrastructure review and repair**

Critical infrastructure underpins any community. Understanding the current status of infrastructure, maintenance/repair of current critical infrastructure and understanding of future needs is fundamental to the social, economic and environmental health and wellbeing of the community. An audit of current and future critical infrastructure provides a basis for future investment.

#### **12. Business Hub and community co-working space**

Creation of a business hub and community co-working space will help to strengthen economic opportunities and support local businesses and may reduce the need for some people to travel out of the community daily.

#### **13. Mens Shed**

The benefits of mens' and womens' sheds in providing social connection are well documented. Creating a dedicated space for men and women to connect, to learn new skills and work collectively is a fundamental part of strengthening communities.

### Stanley

#### *Important note:*

*The actions presented below are focused on short term 'quick wins' to address immediate resilience challenges and build connections, as a step towards addressing some of the deeper, long term resilience challenges. They are also within the scope of the current capacity and resources of the community and Shire.*

*The more significant resilience challenges for Stanley including building trust in 'Governance and Decision making' and 'Infrastructure and services' dimensions require major longer term dedicated and integrated resources and processes to achieve the desired progress. See pages 45-47 for the full list of actions.*

#### Shorter term, lower effort/higher impact actions

To achieve important 'quick wins' as a way of strengthening resilience Preparedness, engaging community and building connections:

##### **1. Emergency Planning – household and community level emergency planning**

While CFA undertake annual community awareness sessions there was overall agreement that more general 'emergency' training would be beneficial. Indigo Shire is in the process of developing household and community focused emergency awareness material and

processes. Stanley and Barnawartha will be the first communities targeted for these activities.

## **2. Household Connect**

Household Connect is a series of activities to help households to connect and have conversations about emergency planning and looking after each other. The suggested activities were to encourage households to connect and host small conversations and events to strengthen community connection and help new residents to learn about the emergency risks. The initial activities might involve producing post cards to encourage households to have conversations and an information sheet to support local neighbourhood conversations.

Longer term, higher impact/higher effort actions

To achieve progress against the deeper long term challenges:

### **1. Shire Connect – shire information sessions**

Participants felt that a regular opportunity for residents to have direct contact with Shire staff would improve the relationship between residents and the Shire. Building trust and transparency in the Shire's decision making processes, improving the understanding of local issues and sharing information is critical to progressing some of the longer term challenges the Stanley community faces with regards to planning and development.

### **2. Community Emergency Planning and Awareness**

Coupled with household and ensuring it complements the existing CFA information and awareness sessions, there is scope for community emergency planning sessions to strengthen the wider communities knowledge of emergency procedures including the role of the Municipal Emergency Management Planning and protocols and the role of other important land managers in the Stanley landscape.

### **3. Toy Library/Play group**

With a lot of young families moving to Stanley since the pandemic, there is a need to create local support and connection opportunities for young parents and young children. A toy library/play group that operates from the community hall or the school site may provide an important opportunity to increase community cohesion and local networks and share information. There are currently grants available for establishing toy libraries through the Dept. Families, Fairness and Housing.

### **4. Community Connect**

A number of previously regular community events and gatherings have not occurred since the pandemic. The decline of community events and volunteering is not unique to the Stanley community, it is a wider trend playing out across all communities. This action would target the running of 3-4 small 'themed' community events to draw the community back together and provide opportunities for connecting, sharing information and generating support for community actions.

### **5. Childcare capacity**

There is currently limited opportunity for childcare within Stanley. This limits household capacity to work and to participate in community activities. Some focus on developing local childcare services would increase connection, household and community capacity.

#### **6. Infrastructure and energy security planning**

As highlighted by most participants, the vulnerability of communication, energy and other infrastructure undermines household and community resilience in multiple ways. Focused planning on improving the security of energy and services and infrastructure is fundamental to the development of a resilient future for Stanley.

#### **7. Community Centre**

The Stanley community currently relies heavily of the community run post office and volunteer networks to coordinate community activities. The community also lacks a geographic and 'metaphoric' centre. A community centre (operating from existing community infrastructure) could potentially create a community hub around which social connections, information, 'bumping' opportunities and community activities could revolve. There are currently no funding opportunities for community centre establishment. A partnership relationship with adjacent community centres may be a viable option in the short term.

## Introduction

Indigo Shire has instigated a series of conversations with the Barnawartha and Stanley communities to better understand their capacity to cope with disasters. The community conversations form part of a wider focus across Indigo Shire on community resilience and emergency capacity.

These initial conversations will form the foundation for liaison with other community groups and organisations, businesses and agencies within and associated with these communities.

The focus of these initial conversations was on understanding and base-lining current resilience capacity. Understanding and building resilience requires ongoing conversations, action and learning. As communities change and evolve over time so too does their capacity to cope with disaster and disruption. The nature of the risks communities face also changes over time. The community resilience conversations summarised in this document reflect current community understanding and perceptions about current risks.

The outputs from the conversations provide a basis for actions by individuals, households, community organisations and the Shire. They also provide a baseline, however coarse, from which progress towards resilience building can be measured.



### Understanding resilience

Resilience is a widely used, and some would argue, over-used word. It is used in a range of contexts from mental health, personal wellbeing, community, disasters, infrastructure economics and business. For the purposes of this current project, we define resilience as:

‘the *capacity* to cope with *disaster and disruption* and continue to function in a desired way’

That *capacity* maybe of an individual person, of a family, a business, vulnerable groups or the whole community. We also recognise the important relationship between the resilience of individuals and the communities of which they are part. An individual’s resilience will be determined in part by the resilience of the wider community and vice versa.

The *disasters and disruptions* people and communities have to cope with may be rapid and destructive events such as a natural disaster, pandemics, an accident or the failure of critical infrastructure. However, it may also include slower changes such as the decline of a key industry or demographic changes that undermine the communities longer term capacity to cope with those more rapid events.

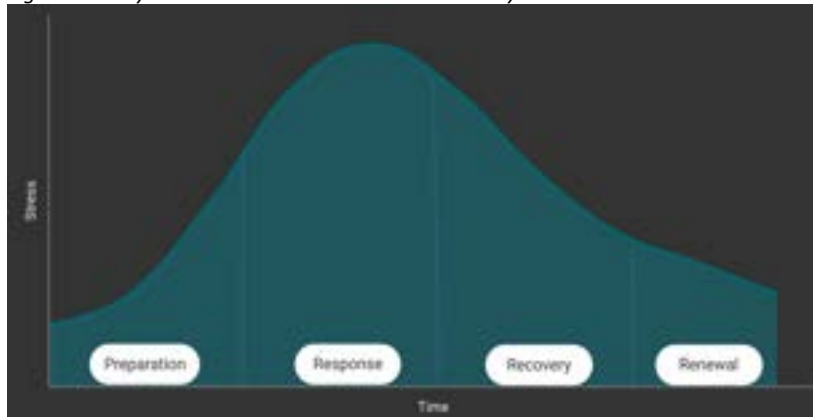
### Understanding resilience capacity and its benefits

During disaster and disruption, individuals and communities experience a range of psychological, physical, social and economic stresses. Those stresses rise and collectively peak at the height of the response phase (Figure 1), although specific aspects of stress will continue and may peak at much later stages for individuals.

The shape of the ‘stress curve’ will vary for each individual, household and community and will be partly influenced by pre-existing conditions. There is emerging understanding that stress and trauma for individuals is cumulative, that is, that stress and trauma from previous events is carried forward, accumulating over time. Individuals, households and communities from lower socio-economic, marginalised, special needs and otherwise vulnerable groups with pre-existing stresses are likely to suffer most during and after disaster and disruption.

Resilience building cannot fully remove or reduce external risks. However, it can reduce the stress experienced by individuals and communities across the disaster cycle. It can also reduce the direct and indirect economic costs of disasters. Recent studies suggest for every \$1 invested in resilience (risk reduction, prevention and planning for disasters) we save \$4 - \$10 in the recovery phase. The flow on effects from disasters have significant indirect costs, with one estimate putting the cost of disruption to peoples’ lives from the 2009 Black Saturday fires equal to the direct \$3.9B cost of property and infrastructure losses. The key message here is that any efforts to better prepare communities for disasters and disruption makes good social and economic sense.

Figure 1. A 'stylised' stress curve across the disaster cycle

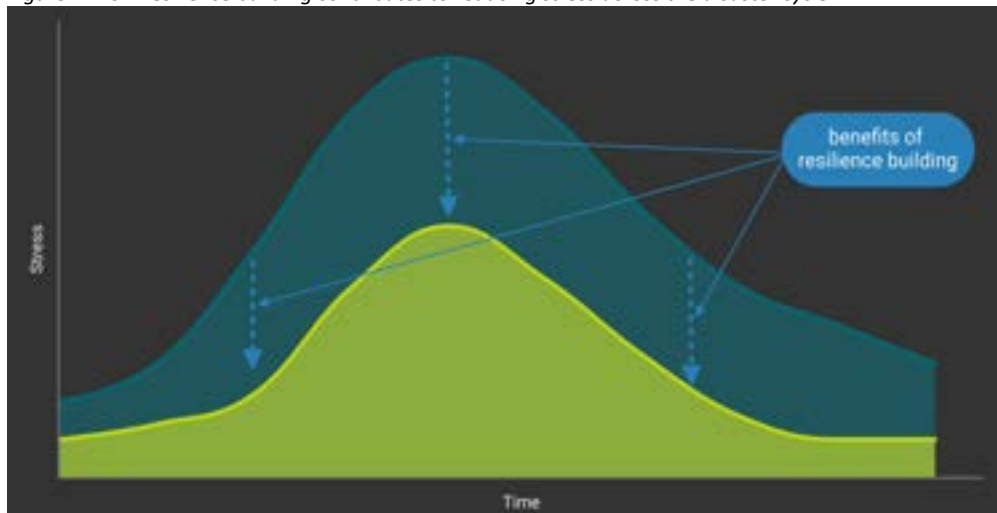


#### Resilience building

While there is a popular view that resilience is primarily about recovery and bouncing back after disaster, evidence clearly shows that proactive action (ie in the Preparation and early Response phase) is a significantly better investment reducing the impact of events and speeding Recovery.

Good resilience building increases the capacity to cope in *all* phases of the disaster and disruption cycle from Preparation, Response, Recovery and Renewal and lowers stress across the disaster cycle (Fig. 2).

Figure 2. How resilience building contributes to reducing stress across the disaster cycle



Multi-level focus – resilience is a shared responsibility.

While the focus of this current project is not on the formal Response activities undertaken by emergency service organisations, individuals and households must still undertake their own emergency preparations and response actions during an event.

Importantly, it is often the relationship *between* individual and household responses and decision making and the formal emergency services response that has a large bearing on the outcomes of a disaster event. For example, making decisions at the household level to evacuate early in response to emergency warnings reduces pressure on emergency services and allows them to concentrate resources where they are needed most.

Hence, resilience is a *shared responsibility* where individual, households, community, emergency services and organisations like Local Government must work together to achieve the best outcomes.

### Assessing resilience

There is no definitive understanding of what constitutes resilience capacity, however numerous studies, reviews and on ground experience suggest that the following 'dimensions' are important for resilience (Table 1., FRRR & USyd, 2022).

These overlapping dimensions collectively support the capacity to cope during disaster and disruption across the disaster cycle. They create the *preconditions* for resilience. For example, without adequate infrastructure, without good flows of information or without a cohesive community that looks out for the most vulnerable members, no community will be able to prepare well, respond to and recover from a disaster. The impact of a disaster on any community lacking those attributes will be much greater and the recovery time much longer than on a community that has worked on those things prior to any event.

In the context of this project, these dimensions provide a way to assess resilience and structure conversations about what can be a vague concept for many people. While subjective, assessment of the dimensions also provides an initial baseline for assessing the effectiveness of resilience building over time.

*Table 1. Definitions of the 10 resilience dimensions assessed during the community conversations.*

Dimension	Explanation
<b>1. Social cohesion</b>	Social cohesion is important during times of community stress. It allows differing individuals and groups to make decisions and work effectively together during planning and during any disruptions and disasters without being hampered by social, cultural, religious or political differences.
<b>2. Inclusion &amp; diversity</b>	During times of stress, marginalised people are often excluded, overlooked or at worst actively discriminated against, further compounding the direct impact of disruption and disaster. Marginal and diverse individuals and groups should be actively engaged in community planning.
<b>3. Economic opportunities</b>	The capacity for people to earn a sufficient income is fundamental to personal and community resilience. Diverse local economic opportunities are better able to withstand disruption and disaster while a narrower or less diverse local economy may be more severely impacted and take longer to recover.
<b>4. Infrastructure &amp; services</b>	Communities require adequate and reliable infrastructure and services to support their health, wellbeing and prosperity. Infrastructure and services must be able to cope with expected <i>and</i> unexpected disruptions and disasters.
<b>5. Emergency response capacity</b>	The ability for local communities to prepare for, respond to and recover from disruptions and disasters is fundamental to community resilience. While State and regional level emergency organisations will support communities as quickly as possible, communities need capacity to cope in the first 72 hours to reduce impacts on human physical and mental health and wellbeing.

Dimension	Explanation
<b>6. Governance &amp; decision making</b>	Governance and decision making processes that are responsive, fair, transparent and accountable ensure that communities can plan for and act on the needs of their communities. Lack of good governance and decision-making leads to disengagement and conflict, reducing capacity in other ways.
<b>7. Information flows</b>	Information flows must be multi-directional ensuring required information (about planning, issues, resourcing, priorities, decision making, practical on ground issues) flow to the right people at the right times to ensure decisions and actions are appropriate and timely. In particular, flows of <i>local knowledge</i> are critical to community resilience as it includes information not contained elsewhere in the information 'system'.
<b>8. Networks &amp; connection</b>	Connections <i>between</i> different people, organisations, decision makers and decision-making processes, at different levels from household to state help communities to organise and influence many of the resilience dimensions.
<b>9. Self-organisation capacity</b>	The ability for communities to self-organise support is important when faced with disruptions and disasters. Experience has shown that formal communication and decision-making processes at higher levels often breaks down or are overlooked at finer scale details. The ability for communities to get together, make decisions and organise action when other systems fail or are yet to kick into gear is an important capacity.
<b>10. Resourcing</b>	Communities that can access resources quickly are better able to respond to the needs of individuals and groups and recover more quickly from disruption and disaster. Resources are more than money. They include skills, expertise and equipment and local and cultural knowledge that can be important at different phases in the disruption and disaster cycle.

### Community discussion process

Three 2hr sessions were held in Stanley and Barnawartha. The focus for the discussion sessions were as follows (Figure 3).

#### Session 1.

- Identifying visions for future. How do you want this community to look and feel in the future?
- Resilience of what? What is it we want to make resilient?
- Resilience to what? What are the risks to our community?

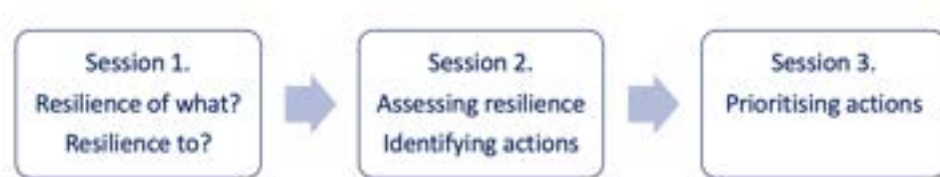
#### Session 2.

- Assessing resilience against the 10 'dimensions' of resilience
- Actions to address perceived resilience deficiencies, at the household, community and in partnership with the Shire and other agencies.

#### Session 3.

- Prioritising actions to inform household, community and Shire efforts and activities.

*Figure 3. The focus of the 3 related sessions undertaken in Barnawartha and Stanley*



The intention was to have the same group of community members attend each session, however for the Stanley community each session was attended by mostly new people. This allowed for a wider range of perspectives to be heard within the three sessions but meant there was limited continuity and sharing of discussion across sessions.

In contrast the Barnawartha sessions had a core group of people that attended all three sessions. This allowed for greater continuity of discussion across the three sessions.

## Summary outputs

### Barnawartha - Summary of outputs

#### Visioning

The collective visions identified by the Barnawartha participants emphasised a well-planned and cared for physical environment. Designated shopping and light industrial zones fit alongside clean and well-maintained recreational, community and green spaces creating opportunities for people to live, work and connect within their local community. This physical and built environment helps to create a place that feels welcoming and 'worth stopping' in. The place is loved, and among other things there is a sense of pride, safety, energy and belonging.



#### Resilience of what?

(What needs to be resilient for Barnawartha to function well?)

*Please note, the below summary is not in any priority order*

- **Diverse and large number of community groups** – for a relatively small community, Barnawartha has a large number of different community groups. These groups (many working away quietly) provide many services and opportunities for social connection and support.

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- **Geographic location** – Barnawartha’s location provides the best of both worlds. It is a small community setting in a rural landscape but just a short commute to larger centres. While the geographic location obviously won’t change, the proximity and dependence on the larger centres of Wodonga and Wangaratta could lead to rapid changes in community character depending on planning, housing and economic opportunities within the town. Maintaining the physical and social character of the community requires deliberate, careful attention from the Shire and community.
- **Community meeting place** - Places for informal and incidental ‘bumping’ are fundamental to maintaining social networks and cohesion and for information to flow within the community. The pub, petrol station, general store/post office are not just crucial services but fundamentally important for maintaining wellbeing and social connection.
- **Caring community** – the many community groups and social networks within the community provide a caring ‘safety net’ through which people connect and feel cared for. Ensuring that safety net continues to function and expands when needed (eg to embrace new residents) is a fundamental part of maintaining and building a resilient community.
- **Property prices** – the availability of larger lifestyle blocks and still relatively affordable housing will continue to attract a range of people to the town. This brings with it an opportunity of new skills, volunteers and economic opportunities.
- **Open spaces** – the green spaces and access to nature are an important part of the character of Barnawartha and provide opportunities for people to spend time in nature, something that has been shown to be as effective as prescribed medication for treating some types of mental health issues.
- **Farming history** – Barnawartha has a rich farming history. Valuing and maintaining this rich cultural and other heritage is an important part of maintaining a sense of place.
- **People** – the diversity, friendliness and sense of fun and humour are crucial to creating a sense of community. Maintaining existing and creating new opportunities and places for people to meet is fundamental to building a strong cohesive community that can face future challenges as they arise.



Resilience to what?

(what are the risks the Barnawartha community needs to be resilient to?)

- **Bushfire risk** – the direct impact of fires on people, businesses and infrastructure was identified as a key risk for the community. The lack of suitable shelter and evacuation points was also identified as a key issue related to fire and other emergencies.
- **Climate change and extreme climate events** – extreme rainfall events, extreme temperature events.
- **Barriers to progress and decreasing community ‘agency’** – agency refers to the community having the drive, authority and opportunity to manage local issues themselves where and when they would like to. For example, the prevention of locally managed fuel reduction burning or small scale maintenance of local public infrastructure by the Shire and other central formal authorities disempowers the community and undermines community willingness to participate in future activities.
- **Train derailment** – with increased train speeds and increased movement of goods by rail, Barnawartha is exposed to the risk of a major derailment or hazardous material incident.

- **Loss, damage and disruption to key infrastructure and services** – the continuous provision of energy, communication, internet and transport infrastructure and services was seen as important to peoples' health and well-being and economic opportunities and viability. Damage to key infrastructure such as bridges, culverts and crossing from flood events was identified as being disruptive, with unnecessarily long repair times. Loss of services can impact directly on some groups more than others such as elderly or young families.
- **Heavy vehicle traffic** - Increasing heavy vehicle traffic through the town represents a direct risk to local residents (particularly elderly and young families/children) and impacts on road infrastructure. There is also increased risk of hazardous material incidents associated with increased heavy vehicle traffic.
- **Loss of community identity** – rapid influx of people moving for cheaper land and housing prices, and the drive in/drive out commuters could undermine community identity and cohesion. Similarly, the lack of community hubs like cafes and local businesses undermines the community's capacity to connect and work together.
- **Decline of volunteers** – having adequate volunteers to support CFA, SES and other critical community-based organisations is fundamental to community preparedness, response and recovery from disasters.
- **Lack of economic opportunities or closure of major employers near the community** - with existing economic opportunities already limited, any loss of local economic opportunities further undermines community viability and forces residents to travel out of the community for work.

Further broader societal changes such as increasing isolation, cost of living pressures, increased trauma from exposure to threats and negative external events undermine household and community resilience in various ways.



### Assessing resilience

The resilience assessment was carried out using the 10 dimensions of resilience. Participants were asked to indicate on 'spider diagrams' if they thought the dimension was –

- Okay and just required maintaining (towards the outer green ring)
- Required some work to maintain and strengthen (towards the orange ring)
- Required significant work to build up (towards the central red ring)

Please see pages 24 and 25 below for the individual and averaged responses from the community assessment.

The resilience assessment for Barnawartha identified three areas for significant work to build resilience:

#### i. Governance and decision making

This dimension was interpreted as '*Trust in governance and decision making*'. There was strident criticism of Indigo Shires investment decision making and communication processes by some participants. There were a number of comments and questions from participants about how decisions are made, how priorities are set and how to influence priorities and decision making. While much of community criticism relates to longer standing broader community priorities and projects, lack of trust in governance and decision making reduces community engagement, undermining the willingness to work closely with the Shire and agencies to address more immediate resilience building work.

#### ii. Information flows

Poor information flows undermines trust (related to Governance and Decision Making) and reduces engagement and connection. Information flows between the Barnawartha community and the Shire and agencies and within some parts of the community itself was highlighted as an issue that requires attention.

#### iii. Economic opportunities

The lack of local economic opportunities reduces potential to create income and employment opportunities within the community and limits the chance for informal community interactions (ie at cafes and restaurants). Diverse economic opportunities ensure income and access to local goods and services during emergencies and helps to speed up recovery following emergencies.

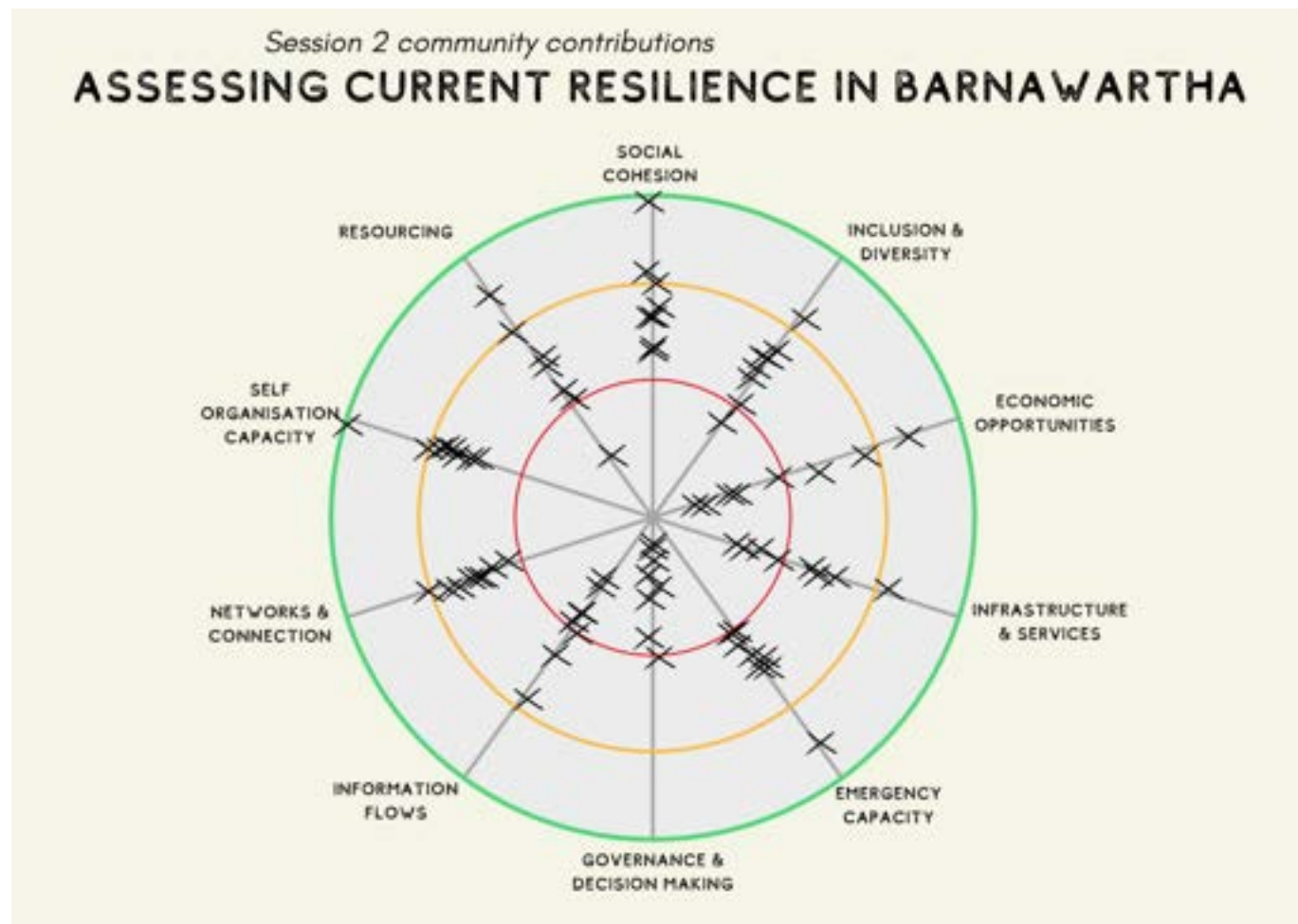
Additionally, two other areas requiring work to **maintain and strengthen** were identified:

i. **Emergency services capacity**

While the high level of CFA experience and equipment was acknowledged, the lack of other emergency capacities within the community was noted. It was also noted that during fires, CFA and other services can be called away from the town. Developing an understanding of emergency and evacuation procedures, what other capacity exists in the community and what are the most significant community scale gaps to be addressed were seen as potentially important actions.

ii. **Infrastructure and services**

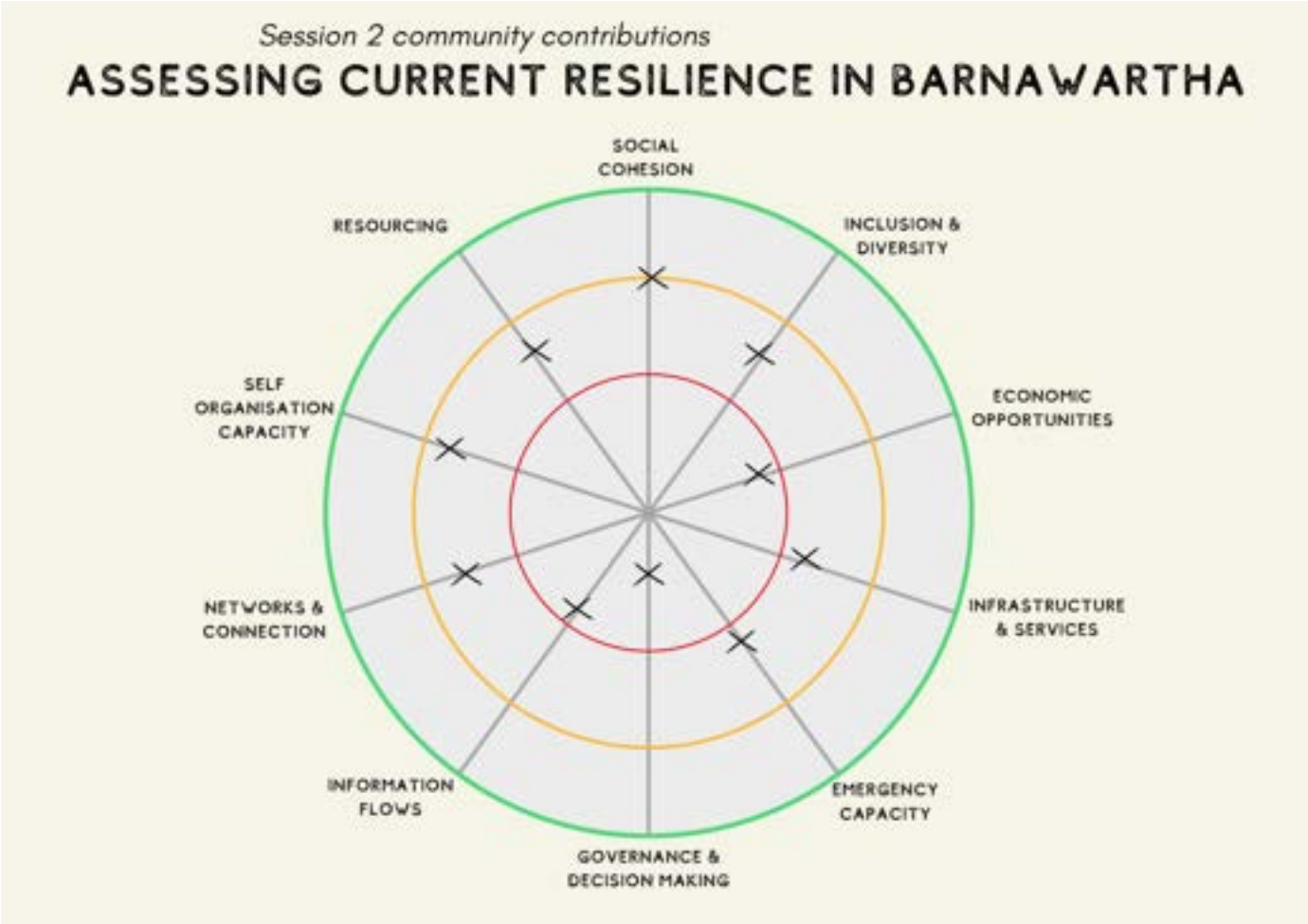
Changing demographics including the dual challenge of a rapid influx of young families following covid and with new housing opportunities and also an ageing population in some pockets of the community highlights the need for differing infrastructure and services to meet community needs. Basic infrastructure like footpaths assist elderly residents to remain mobile, accessing local services and maintain social contact and connection. At the other end of the demographic cycle playgrounds and walking tracks allow young families to meet and encourage community interactions.



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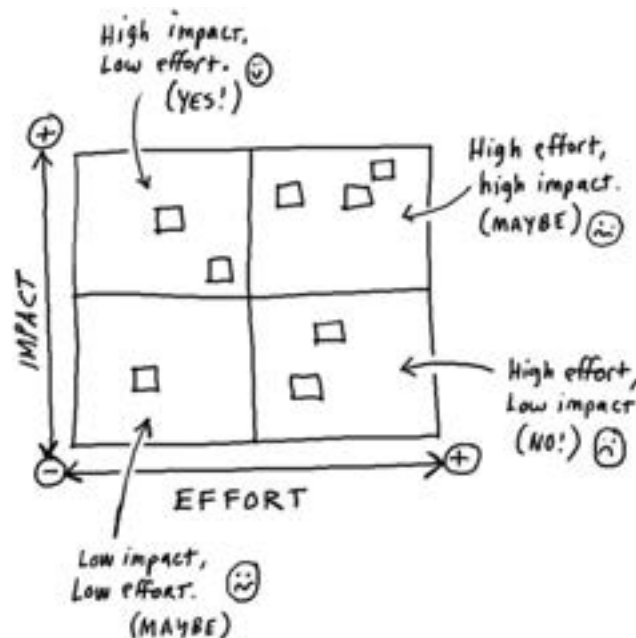


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### Actions

Participants were asked to identify the 'next most important actions required' to address the resilience challenges identified through the assessment of resilience dimensions at the household, community, and Shire/Community partnership level. **The full list of these actions (below) provides an important seed bank of ideas. These suggested actions can inform multiple Shire and community planning processes.**

Actions identified by the community were then grouped and organised according to the amount of Effort and Impact (pages 27-29).



**Important note:** The groupings do not reflect a strict prioritisation, it is a way to identify 'quick win' actions, that is, things that can be done in the shorter term with minimal resources to create some positive momentum towards more significant resilience building activities.

The more significant resilience challenges (eg for Barnawartha, building trust in 'Governance and Decision making' and 'Economic Opportunities' dimensions) require longer term dedicated resources and processes to resolve.

**These actions are fundamental to strengthening the resilience of households and the community. They will need to be incorporated into the appropriate Shire and other agencies core planning processes to ensure they are addressed.**

**High Impact / Low Effort actions (Yes!)**

**14. Emergency Planning – household and community level emergency planning**

While CFA undertake excellent annual awareness sessions there was overall agreement that more general household and community 'emergency' training would be beneficial. Indigo Shire is in the process of developing household and community focused emergency awareness material and processes. Stanley and Barnawartha will be the first communities targeted for these activities.

**Emergency warning awareness raising**

Related to emergency planning, there were a number of issues raised around awareness of emergency warning and evacuation points.

**15. Community groups needs documented and communicated to Council**

Community groups are crucial to the functioning of any small community. Understanding their needs and the services they offer will help to clarify priorities for support and identify skills, resources and services that may not be well known to other parts of the community. An emphasis on emergency preparedness as part of the information gathering process will better help to inform both the Shire and the community regarding the needs and capacities of groups during emergencies.

**16. Community mapping**

There is currently relatively limited understanding about the communities basic demographics and needs, including the number of elderly, people with special needs and other vulnerable people. Similarly, an understanding of those with limited access to technology (to receive emergency warnings) may help to target these people for support to help them prepare for emergencies and disaster response.

**17. Neighbour connect**

Neighbour Connect could be a series of activities to help households to connect and have conversations with neighbours about emergency planning and looking after each other. The suggested activities were to encourage households to connect and host small conversations and events to strengthen community connection and help new residents to learn about the emergency risks. The initial activities might involve producing post cards to encourage households to have conversations and an information sheet to support local neighbourhood conversations. The Indigo Shire's emergency planning initiatives may provide the information and the impetus for this action.

**18. Support and buy local**

Actions (potentially linked to the community directory process) to raise awareness of local services and encourage people to buy local and support local services where possible.

**19. Community events/pop up spaces/farmers/craft market – (moderate effort, moderate benefit)**

With limited commercial spaces available, creating opportunities for local economic opportunities, pop up commercial spaces (to test the market and allow revolving and mobile retailers etc) not only helps to generate local economic activity but creates opportunities for different types of community interactions and strengthens community connection.

**High Impact/High Effort (How?)****20. Volunteer register**

A register to link potential volunteers with needs/tasks to create opportunities for more short term 'spontaneous' volunteering rather than the more traditional process of joining a group and participating over longer time frames.

Linked to a register and community group mapping a volunteer 'come and try' day or community group expo might help new residents or people looking to volunteer with an opportunity to connect.

**21. Community Group support**

Support for training, governance, administration, skills and funding for community groups is required for some groups. There are funding sources for community group support and training, but a coordinated 'whole of Barny' approach will reduce the burden on individual groups organising their own funding and support.

**22. Community Emergency Planning and Awareness**

Coupled with households and ensuring it complements the existing CFA information and awareness sessions, there is scope for community emergency planning sessions to strengthen the wider communities knowledge of emergency procedures including the role of the Municipal Emergency Management Planning and protocols.

**23. Community emergency scenario event**

The chance for the community to come together to work through an emergency scenario will highlight the current local strengths and gaps in community level awareness and connections.

**24. Heritage Centre**

The development of a heritage centre, while a longer term process, provides an opportunity for the community to achieve specific aspects of its longer term vision of maintaining a connection with its farming heritage, creating specific infrastructure and social and economic opportunities. The community is currently self organising the planning process and requires clear support and assistance from the Shire to continue to drive this project forward.

**25. Critical infrastructure review and repair**

Critical infrastructure underpins any community. Understanding the current status of infrastructure, maintenance/repair of current critical infrastructure and understanding of future needs is fundamental to the social, economic and environmental health and wellbeing of the community. An audit of current and future critical infrastructure provides a basis for future investment.

**26. Business Hub and community co-working space**

Creation of a business hub and community co-working space will help to strengthen economic opportunities and support local businesses and may reduce the need for some people to travel out of the community daily.

**27. Mens Shed**

The benefits of mens' and womens 'sheds in providing social connection are well documented. Creating a dedicated space for men and women to connect, to learn new skills and work collectively is a fundamental part of strengthening communities.

*Session 2 community contributions*

## PRACTICAL ACTIONS TO BUILD OR STRENGTHEN RESILIENCE IN BARNAWARTHA

DIMENSION	HOUSEHOLD	COMMUNITY	COMMUNITY & SHIRE PARTNERSHIP
<b>SOCIAL COHESION</b>	<ul style="list-style-type: none"> <li>• Invite neighbours to meet</li> </ul>	<ul style="list-style-type: none"> <li>• Community events &amp; street parties</li> <li>• Better promotion of community events</li> </ul>	<ul style="list-style-type: none"> <li>• support community events</li> <li>• Planning that allows for additional housing on properties</li> <li>• Shire needs to listen</li> </ul>
<b>INCLUSION &amp; DIVERSITY</b>	<ul style="list-style-type: none"> <li>• Chat with neighbours &amp; share a meal</li> <li>• Be kind, invite friendship</li> </ul>	<ul style="list-style-type: none"> <li>• Build understanding of community (ie age, living alone, dementia etc)</li> <li>• Multicultural gatherings</li> <li>• Open day for community groups</li> <li>• Invite people to attend events</li> </ul>	<ul style="list-style-type: none"> <li>• Host activities in Barnawartha</li> <li>• Provide a social profile so we know who lives in our community</li> </ul>

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*Session 2 community contributions*

## PRACTICAL ACTIONS TO BUILD OR STRENGTHEN RESILIENCE IN BARNAWARTHA

DIMENSION	HOUSEHOLD	COMMUNITY	COMMUNITY & SHIRE PARTNERSHIP
<b>ECONOMIC OPPORTUNITIES</b>	<ul style="list-style-type: none"> <li>• Support local</li> </ul>	<ul style="list-style-type: none"> <li>• Pop up short term businesses to test concepts</li> <li>• Craft/Farmers Market</li> <li>• Business dinners</li> <li>• Chamber of commerce</li> <li>• Website that promotes local businesses/directory</li> </ul>	<ul style="list-style-type: none"> <li>• Rent free community spaces to test concepts</li> <li>• Rezoned business areas</li> <li>• Structure plan with industrial zoning</li> <li>• Plans to manage transport &amp; logistics in township</li> <li>• Council procure from locals</li> </ul>
<b>INFRASTRUCTURE &amp; SERVICES</b>	<ul style="list-style-type: none"> <li>• Volunteer for community projects</li> <li>• Maintain private assets</li> </ul>	<ul style="list-style-type: none"> <li>• Community directory for all Barnawartha clubs &amp; groups</li> <li>• Organise community service projects ie Clean up Aust Day</li> <li>• Maintain &amp; develop local facilities</li> <li>• Groups to feedback to council re needs</li> </ul>	<ul style="list-style-type: none"> <li>• Pop up services ie MCHN</li> <li>• Heritage centre, men's shed, business hub, community rooms</li> <li>• Council to plan collaboratively with community</li> <li>• Support investment in development of sporting &amp; country assets</li> </ul>

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DIMENSION	HOUSEHOLD	COMMUNITY	COMMUNITY & SHIRE PARTNERSHIP
EMERGENCY CAPACITY	<ul style="list-style-type: none"> <li>• Know your neighbours &amp; who might need help</li> <li>• Be aware &amp; prepared</li> <li>• Take action &amp; assist</li> </ul>	<ul style="list-style-type: none"> <li>• Encourage neighbours to be vigilant</li> <li>• Education on how information is communicated</li> <li>• Neighbourhood watch</li> <li>• Support local CFA &amp; Emergency Services</li> <li>• Develop community plan</li> </ul>	<ul style="list-style-type: none"> <li>• Practice emergency</li> <li>• Repair bridges/roads/creeks faster</li> <li>• Assist with emergency planning</li> <li>• Help groups find &amp; secure funding</li> </ul>
GOVERNANCE & DECISION MAKING	<ul style="list-style-type: none"> <li>• Get involved, attend meetings</li> <li>• Commit to a project, organise and contribute</li> </ul>	<ul style="list-style-type: none"> <li>• Be more tolerant &amp; understanding of restricted decisions</li> <li>• Present a united front, come together and stand together</li> <li>• Maintain our strong community governance</li> <li>• Short, sharp projects to build success. Inclusive &amp; fun</li> </ul>	<ul style="list-style-type: none"> <li>• Communicate reasons for decisions and provide a contact to discuss</li> <li>• Ongoing &amp; regular (quarterly) meetings</li> <li>• Provide more detail on website about processes &amp; requirements</li> <li>• Listen &amp; take positive steps with quick wins</li> <li>• Council to support volunteer groups</li> </ul>

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DIMENSION	HOUSEHOLD	COMMUNITY	COMMUNITY & SHIRE PARTNERSHIP
INFORMATION FLOWS	<ul style="list-style-type: none"> <li>Talk to family &amp; friends</li> <li>Choose 3 areas of interest, focus &amp; get informed on those</li> </ul>	<ul style="list-style-type: none"> <li>One stop area for group information, community discussions &amp; input</li> <li>Find a way to communicate with community</li> <li>Take charge, ask questions &amp; invite "those in the know" to answer</li> </ul>	<ul style="list-style-type: none"> <li>Communicate via mail AND electronic means</li> <li>Regular forums (residents, families, aged, business)</li> <li>Audit communication platforms for each community &amp; use them</li> </ul>
NETWORKS & CONNECTION		<ul style="list-style-type: none"> <li>Community groups should be transparent</li> </ul>	<ul style="list-style-type: none"> <li>Support Barry to establish networks &amp; maintain existing ones</li> </ul>
SELF ORGANISATION CAPACITY		<ul style="list-style-type: none"> <li>Build on existing capacity</li> <li>Encourage volunteering</li> <li>Invite people to join organisations</li> <li>Groups to work together</li> </ul>	
RESOURCING		<ul style="list-style-type: none"> <li>Raise funds &amp; in kind support</li> <li>Delegate members of the community to help in small ways</li> </ul>	<ul style="list-style-type: none"> <li>Council to value the skills and expertise of local people &amp; organisations</li> </ul>

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## Stanley - Summary of outputs

### Visioning

- The collective visions for Stanley have a strong emphasis on the combined *landscape* and *community* character. Participants envisage careful progress towards a small but vibrant village centre and surrounding community, maintaining the unique character and feel of the community and the natural and production landscapes surrounding the village.



### Resilience of what?

(what are we trying to make resilient?)

- The existing emergency capacity and preparedness is essential to maintain for future resilience. The Stanley community, including the local CFA, has extensive experience from previous events. Recognising this experience and local knowledge and supporting and strengthening this existing capacity is critical.
- Services, communication and community infrastructure are critical to the resilience of Stanley, during both emergency and non-emergency periods. Maintaining and improving existing services and communication infrastructure is fundamental to resilience in times of crisis.
- Community infrastructure, places for community to come together, to hold events and to 'bump' into one another strengthens social connections and builds trust. It

allows for sharing of knowledge and allows different sub groupings (eg new residents, online workers, young families, older generations) within the community to connect when they otherwise may not overlap much during day-to-day living.

- Understanding who is vulnerable in the community and why is an important resilience building strategy. New residents, residents with special needs, those that have limited access to information technology or those visiting may be less aware of risks or be less prepared for emergencies than those with more experience, more resources, stronger social and information networks etc.



Resilience to what?

(what are the risks the Stanley community should prepare for?)

- Bushfire - Stanley is geographically vulnerable to bushfire, with extensive areas of forests in the surrounding landscape, limited refuge areas and susceptible evacuation routes.
- Extreme rainfall, wind and storms - that impact on infrastructure and block access can lead to isolation or social and economic impacts.
- Mass resource extraction – any large scale resource extraction industry has potential to severely disrupt ecosystems, hydrological systems and the character of the landscape and community.
- Water quantity and quality - Stanley is vulnerable to loss and interruption to water supply for domestic, emergency and economic use.
- Less common but nevertheless serious risks such as pandemics, biosecurity threats and rapid technological change such as the role of artificial intelligence (AI) have potential to severely impact the Stanley community.
- Longer term issues that will reduce the community's capacity to organise and respond to emergencies including 'brain drain' and ageing demographics.



#### Assessing resilience

The resilience assessment was carried out using the 10 dimensions of resilience. Participants were asked to indicate on 'spider diagrams' if they thought the dimension was –

- Okay and just required maintaining (towards the outer green ring)
- Required some work to maintain and strengthen (towards the orange ring)
- Required significant work to build up (towards the central red ring)

The resilience assessment for Stanley identified three areas for focus:

#### *I. Governance and Decision making*

There was strident criticism from a number of community members across the three sessions around Indigo Shire decision making. Community members questioned how decisions are made around council planning, priorities and investment in infrastructure and services, maintenance and other council responsibilities. There was also criticism and confusion around land tenure and management responsibilities regarding fire risk, fuel reduction, weeds etc. Additionally, there was discussion around how the Stanley community itself can work effectively together to prioritise community actions and lobby the Shire and other agencies.

The lack of trust between parts of the community and the Shire and between groups within the community itself undermines capacity to work together to resolve other issues central to the resilience of the Stanley community.

#### *II. Infrastructure and Services*

Declining infrastructure and services undermines household and community resilience in multiple ways. The fragile energy supply and poor mobile coverage impacts day-to-day life, but is also a major concern for community members during emergencies. The increasing reliance by emergency services on using mobile and internet warnings and information updates means that Stanley residents are particularly vulnerable during power and mobile outages.

#### *III. Economic opportunities*

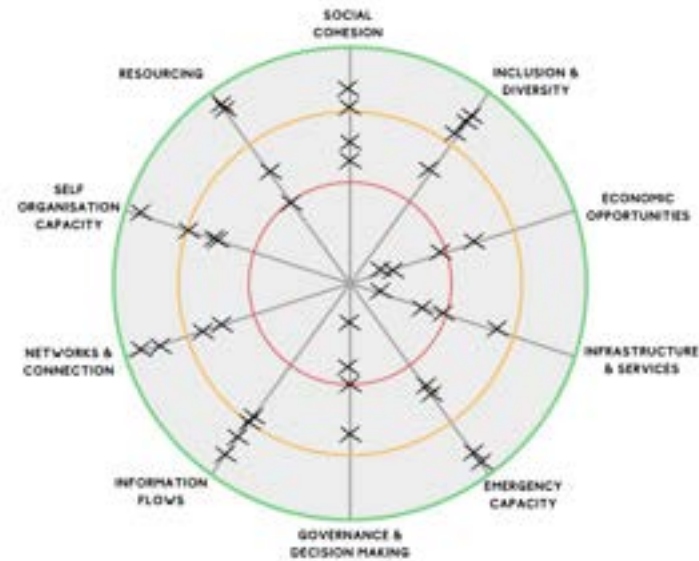
Appropriate economic development allows people to live and work locally, to diversify income and to be able to shop locally for essential items. Development of appropriate local economic opportunities such as cafes, while currently constrained by the planning overlays, also creates further opportunities to strengthen social connection, communication and networks.

***Important note:***

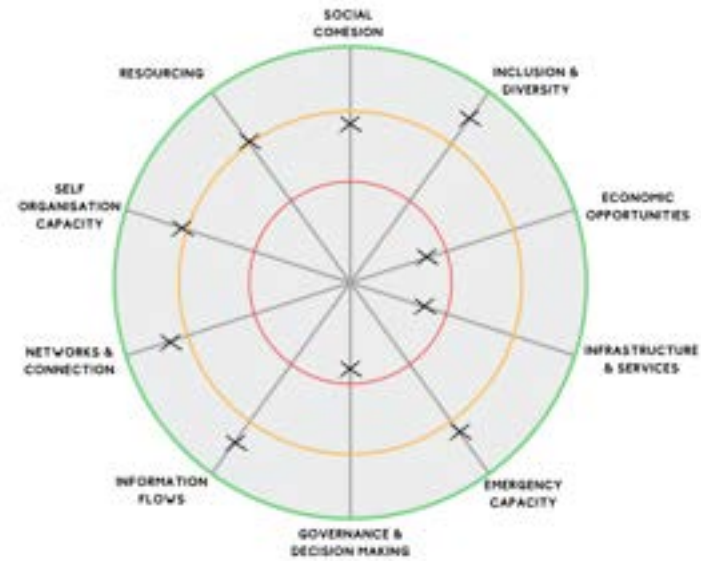
*Issues around planning, specifically planning overlays and town planning/housing planning were raised extensively during consultation with the Stanley community. Clearly there is a link between some of the resilience dimensions and planning issues. Growth management and economic development opportunities for Stanley will be explored through the forthcoming 2024 Housing Review process, with the resilience assessment providing important context for that review process.*



Session 2 community contributions  
**ASSESSING CURRENT RESILIENCE IN STANLEY**



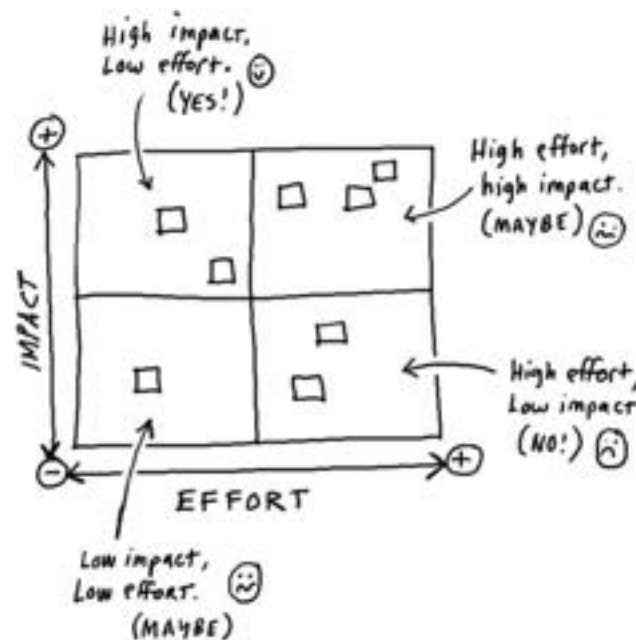
Session 2 community contributions  
**ASSESSING CURRENT RESILIENCE IN STANLEY**



### Actions

Participants were asked to identify the 'next most important actions required' to address the resilience challenges identified through the assessment of resilience dimensions at the household, community, and Shire/Community partnership level. **The full list of these actions (below) provide an important seed bank of ideas. These suggested actions can inform multiple Shire and community planning processes.**

Actions identified by the community were then grouped and organised according to the amount of Effort and Impact (pages 43-44).



### Important note:

*The groupings do not reflect a strict prioritisation, it is a way to identify 'quick win' actions, that is, things that can be done in the shorter term with minimal resources to create some positive momentum towards more significant resilience building activities.*

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The more significant resilience challenges (eg for Stanley, 'Infrastructure and Services' and 'Economic Opportunities' dimensions) require major longer term dedicated resources and processes to resolve. **These actions are fundamental to strengthening the resilience of households and the community. They will need to be incorporated into the appropriate Shire and other agencies core planning processes to ensure they are addressed.**

**High Impact / Low Effort actions (Yes!)****8. Emergency Planning – household and community level emergency planning**

While CFA undertake annual community awareness sessions there was overall agreement that more general ‘emergency’ training would be beneficial. Indigo Shire is in the process of developing household and community focused emergency awareness material and processes. Stanley and Barnawartha will be the first communities targeted for these activities.

**9. Household Connect**

Household Connect is a series of activities to help households to connect and have conversations about emergency planning and looking after each other. The suggested activities were to encourage households to connect and host small conversations and events to strengthen community connection and help new residents to learn about the emergency risks. The initial activities might involve producing post cards to encourage households to have conversations and an information sheet to support local neighbourhood conversations.

**High Impact/High Effort (How?)****1. Shire Connect – shire information sessions**

Participants felt that a regular opportunity for residents to have direct contact with Shire staff would improve the relationship between residents and the Shire. Building trust and transparency in the Shire’s decision making processes, improving the understanding of local issues and sharing information is critical to progressing some of the longer term challenges the Stanley community faces with regards to planning and development.

**2. Community Emergency Planning and Awareness**

Coupled with households and ensuring it complements the existing CFA information and awareness sessions, there is scope for community emergency planning sessions to strengthen the wider communities knowledge of emergency procedures including the role of Municipal Emergency Management Planning and protocols and the role of other important land managers in the Stanley landscape.

**3. Toy Library/Play group**

With a lot of young families moving to Stanley since the pandemic, there is a need to create local support and connection opportunities for young parents and young children. A toy library/play group that operates from the community hall or the school site may provide an important opportunity to increase community cohesion and local networks and share information. There are currently grants available for establishing toy libraries through the Dept. Families, Fairness and Housing.

**4. Community Connect**

A number of previously regular community events and gatherings have not occurred since the pandemic. The decline of community events and volunteering is not unique to the Stanley community, it is a wider trend playing out across all communities. This action

would target the running of 3-4 small 'themed' community events to draw the community back together and provide opportunities for connecting, sharing information and generating support for community actions.

#### **5. Childcare capacity**

There is currently limited opportunity for childcare within Stanley. This limits household capacity to work and to participate in community activities. Some focus on developing local childcare services would increase connection, household and community capacity.

#### **6. Infrastructure and energy security planning**

As highlighted by most participants, the vulnerability of communication, energy and other infrastructure undermines household and community resilience in multiple ways. Focused planning on improving the security of energy and services and infrastructure is fundamental to the development of a resilient future for Stanley.

#### **7. Community Centre**

The Stanley community currently relies heavily of the community run post office and volunteer networks to coordinate community activities. The community also lacks a geographic and 'metaphoric' centre. A community centre (operating from existing community infrastructure) could potentially create a community hub around which social connections, information, 'bumping' opportunities and community activities could revolve. There are currently no funding opportunities for community centre establishment. A partnership relationship with adjacent community centres may be a viable option in the short term.

#### **Low impact/Low effort**

#### **8. Fire bunker info session**

Participants highlighted the interest and risks associated with fire bunkers. An information session every 2-3 years may help to provide residents with necessary information to make an informed personal choice regarding fire bunkers.

*Session 2 community contributions*

## PRACTICAL ACTIONS TO BUILD OR STRENGTHEN RESILIENCE IN STANLEY

DIMENSION	HOUSEHOLD	COMMUNITY	COMMUNITY & SHIRE PARTNERSHIP
<b>SOCIAL COHESION</b>	<ul style="list-style-type: none"> <li>• Progressive dinners</li> <li>• Visit each other</li> <li>• Get involved/volunteer</li> <li>• Hold activities in own home</li> </ul>	<ul style="list-style-type: none"> <li>• Social gatherings at public facilities</li> <li>• Creative community activities</li> <li>• Activities for 'new/young' and 'old' to connect</li> </ul>	<ul style="list-style-type: none"> <li>• Childcare centre</li> <li>• Toy library</li> <li>• Community Centre</li> <li>• Community businesses to service local community (not tourism)</li> </ul>
<b>INCLUSION &amp; DIVERSITY</b>	<ul style="list-style-type: none"> <li>• House concerts</li> <li>• Be welcoming</li> </ul>	<ul style="list-style-type: none"> <li>• Festivals &amp; cultural events</li> <li>• Support minority groups</li> </ul>	<ul style="list-style-type: none"> <li>• Accessible facilities</li> <li>• Assist community to support diversity through planning and social support</li> </ul>
<b>ECONOMIC OPPORTUNITIES</b>	<ul style="list-style-type: none"> <li>• Use &amp; promote local businesses</li> </ul>	<ul style="list-style-type: none"> <li>• Market at school</li> </ul>	<ul style="list-style-type: none"> <li>• Rezone as township to allow commercial possibilities &amp; employment</li> </ul>

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DIMENSION	HOUSEHOLD	COMMUNITY	COMMUNITY & SHIRE PARTNERSHIP
INFRASTRUCTURE & SERVICES		<ul style="list-style-type: none"> <li>Investigate shared power options</li> <li>Put pressure on shire/state/federal govt &amp; utility providers</li> </ul>	<ul style="list-style-type: none"> <li>Support with water supply &amp; power consistency</li> <li>Advocate to infrastructure providers to improve roads, sewerage, power, comms</li> <li>Identify &amp; support funding applications</li> <li>Sewerage treatment facility</li> </ul>
EMERGENCY CAPACITY	<ul style="list-style-type: none"> <li>Radios</li> <li>Solar batteries</li> <li>Volunteer at the CFA</li> <li>Have a fire plan</li> <li>Learn about emergency management</li> <li>Install fire bunker</li> </ul>	<ul style="list-style-type: none"> <li>Provide training</li> </ul>	<ul style="list-style-type: none"> <li>Provide training</li> <li>Support/subsidise bunkers</li> </ul>
GOVERNANCE & DECISION MAKING	<ul style="list-style-type: none"> <li>Communicate</li> </ul>	<ul style="list-style-type: none"> <li>Encourage involvement, visit, talk &amp; understand each other</li> <li>Listen to regional needs - we are 'special'</li> <li>Build trust</li> <li>Provide clarity</li> </ul>	<ul style="list-style-type: none"> <li>Foster understanding of specific needs of Stanley</li> <li>Programs to inform &amp; educate</li> <li>Review policies for consistency</li> </ul>

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*Session 2 community contributions*

## PRACTICAL ACTIONS TO BUILD OR STRENGTHEN RESILIENCE IN STANLEY

DIMENSION	HOUSEHOLD	COMMUNITY	COMMUNITY & SHIRE PARTNERSHIP
INFORMATION FLOWS			<ul style="list-style-type: none"> <li>Regular public information/feedback sessions</li> </ul>
NETWORKS & CONNECTION		<ul style="list-style-type: none"> <li>Understand the needs of others (visitation roster?)</li> </ul>	<ul style="list-style-type: none"> <li>Adequate mobile network coverage</li> </ul>
SELF ORGANISATION CAPACITY	<ul style="list-style-type: none"> <li>Set up emergency kit</li> </ul>	<ul style="list-style-type: none"> <li>Better networking</li> </ul>	
RESOURCING			<ul style="list-style-type: none"> <li>Maintenance of facilities</li> <li>Support grant applications</li> </ul>

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## **Always Was. Always Will Be.**

Indigo Shire Council acknowledges 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 respects to the elders of the past, present, and emerging.

This document has been prepared by Indigo Shire Council in collaboration with the Stanley community. The work has been made possible through flood recovery funding from Emergency Recovery Victoria.



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## EXECUTIVE SUMMARY

The purpose of this Community Plan is to provide a framework for achievable and place-based action that will enable the Stanley community to meet its existing and future needs.

It provides a roadmap for what needs to be preserved, protected, and improved to retain the unique rural, historic, agricultural, and natural environments that defines Stanley. This plan has been developed entirely through consultation with those who live and work in Stanley and it builds on previous community and Council planning processes.

This Community Plan provides a well-coordinated approach to make the village even better and address the changes driven by and for the community. This plan tackles the core challenges that Stanley may face in the future by being proactive and suggesting ways to leverage the village's unique strengths.

## PART A: THE PROJECT





## PART A: THE PROJECT

### INTRODUCING STANLEY

Stanley, a quaint village with a population of 371 people, is renowned for its natural beauty, scenic walking paths, and refreshing swimming spots. The village's primary agricultural focus is on tree sales, pine plantations, berries, nuts, and apples. Stanley has an engaged and progressive community, with numerous volunteer-led organisations. There are several significant buildings and trees that tell the story of Stanley's past, with committed individuals ensuring their future.

The residents of Stanley take pride in shaping the aesthetics and atmosphere of their hometown. They strongly believe in the strength of community and its ability to achieve goals. Their vision includes a sustainable future that aligns with the natural surroundings and boosts the local economy. Additionally, they aim for a secure environment with reliable access to energy, water, communications, and preparedness for extreme weather events.

### THE PROJECT

At Council's April 2023 meeting, a proposal was supported to undertake small township community planning. Stanley was selected due to its expressed need for community planning to support infrastructure, capacity building, strategic planning, and facilities management. Stanley has proactive community advocates and established community groups enthusiastic to partner with Council to improve their profile and undertake community planning for their town.

#### Drivers

- The need for improved Council collaboration across a range of community, social, and planning issues
- Increasing birth rates in Stanley and an increase in young families moving to Stanley
- Comparatively higher climate action needs – particularly bushfire
- Existing strong community advocacy

#### Objectives

The Stanley Community Resilience Plan:

- Consolidates what the local community values into a unified vision
- Provides strategic reference for future community development
- Helps inform Council policies and projects
- Encourages a place-based approach for local decision making across Stanley
- Supports and inspires residents, businesses, and Council

## Visioning

The shared vision for Stanley highlights the importance of both the landscape and community characteristics. Participants envision careful development towards a vibrant village centre and adjacent community, while preserving the distinctive essence of the community and the natural landscapes that envelop the village.

## Key Themes

This work was funded through Emergency Recovery Victoria with a focus on emergency preparedness and community resilience. Consultation was themed across the four environments of recovery, Social, Economic, Built and Natural, as a guide to thinking about Stanley holistically, and with a forward focused resilience frame.

Stanley is a community of diverse individuals with many varying opinions and priorities. This was identified as one of the greatest things about Stanley, and also one of the things that makes the town work as it does. The diversity in opinions generated key themes as priority focus areas throughout the consultation process:



**Sustainable growth  
and good planning**



**Investment in  
community  
connections and  
assets**



**Innovation and  
collaboration on  
climate action and  
resilience**

The actions developed by the Stanley community have been themed into these three priority areas in Part C of this plan.

## Core Challenges

As the fabric of Stanley was explored, some key challenges that the community needs to be resilient to, to thrive became apparent. A snapshot is provided below and are discussed in more detail in part B of this plan.

### Ageing Population

Stanley is home to Indigo Shire's oldest demographic. The expected increase in older residents will generate greater demand for health care and medical services, of which none are in Stanley. The closest facilities are located Beechworth, approximately 10km away. There is no community transport available, or public transport.

### Ageing Infrastructure

This historic village has the challenges of preserving important historic assets and of improving ageing assets, such as the Recreation Reserve and the former Stanley School site. A collaborative approach involving the owners / managers of this infrastructure and the community is required to ensure the future of the buildings and collections.

### Extreme Bushfire Risk

Stanley is in an extreme bushfire risk location. It is ringed by natural bushland and pine plantations managed by Hancock Victoria Plantations (HVP). It is in an elevated position, with the roads in and out surrounded by bush. This means that housing growth and tourism has strict regulations in Stanley regarding population growth and overnight visitation. It also means that residents and businesses constantly need to manage their properties with a bushfire risk lens.

### Water Access and Management

There are several aspects to the water challenges faced in Stanley:

- No access to reticulated water
- No reticulated sewerage system
- Limited supply of water sources for bushfire management
- Commercial water extraction

### Climate Resilience

Stanley locals want to ensure resilience of agricultural businesses to the impacts of a changing climate. Stanley is traditionally a cooler climate with a higher-than-average rainfall which has made it ideal for specific crops. Ongoing capacity to adapt crops and agricultural management to suit the climate is essential for continuing success. Extreme weather events and smoke taint have been challenges in the past five years, while a heavy fuel load and community preparedness for bushfire are present issues.

### Economic Opportunities

Stanley is zoned Farming Zone under the Victorian Planning Provisions. A thriving agricultural future is essential to residents, particularly in the face of declining intergenerational farms, and competition from mega farms. The zoning does not allow for any new business – other than those related to agriculture – to open where there has not been a continuity of use. Locals would like to see a rezoning that allows for new businesses to open in the village centre, and where the future of the Post Office is ensured.

## What is Community Planning?

Community planning is an ongoing and strategic process that puts the community and its people at the centre of decision-making. It focuses on developing grass roots social capital and resilience. This approach aims to have communities taking the lead and ownership of their township plans and working collaboratively towards achieving their own goals and ambitions. This approach involves significant relationship building between Council and community.

This plan analyses Stanley as it is today and envisions how it might look over the decades to come. It documents a collective vision for how residents see the past converging with the future and identifies actions that both Council and the community can take to make the vision for the future of Stanley a reality. There are myriad ways that the plan can be used to progress the collective visions of the community for example:

- To initiate and energise direct action
- As a supporting document for grant applications and funding
- Strategic rationale to lobby for change
- Basis for letter of support from Council for community initiatives
- To support advocacy and inform decision making

It's important to remember that while the plan is ready in 2024, many of the actions may be subject to grant or other funding conditions and the strategic position or priorities of the Commonwealth, State, and local Governments. There may also be significant disruptors that we can't yet foresee that could change the plan.

Community Planning is: ✓	Community Planning is not: ✗
About creating places that people love	Delivering a project
People focused	A design-led masterplan or policy
Inclusive and collaborative	One-off events or artworks
Visionary, but also practical	Just about visible outcomes
Letting go and sharing the responsibility	Done by one person or team
Flexible and adaptable	Infrastructure upgrades alone
Designed for sustainable development	Strategic or Statutory Planning decision making

## PROJECT STAGES

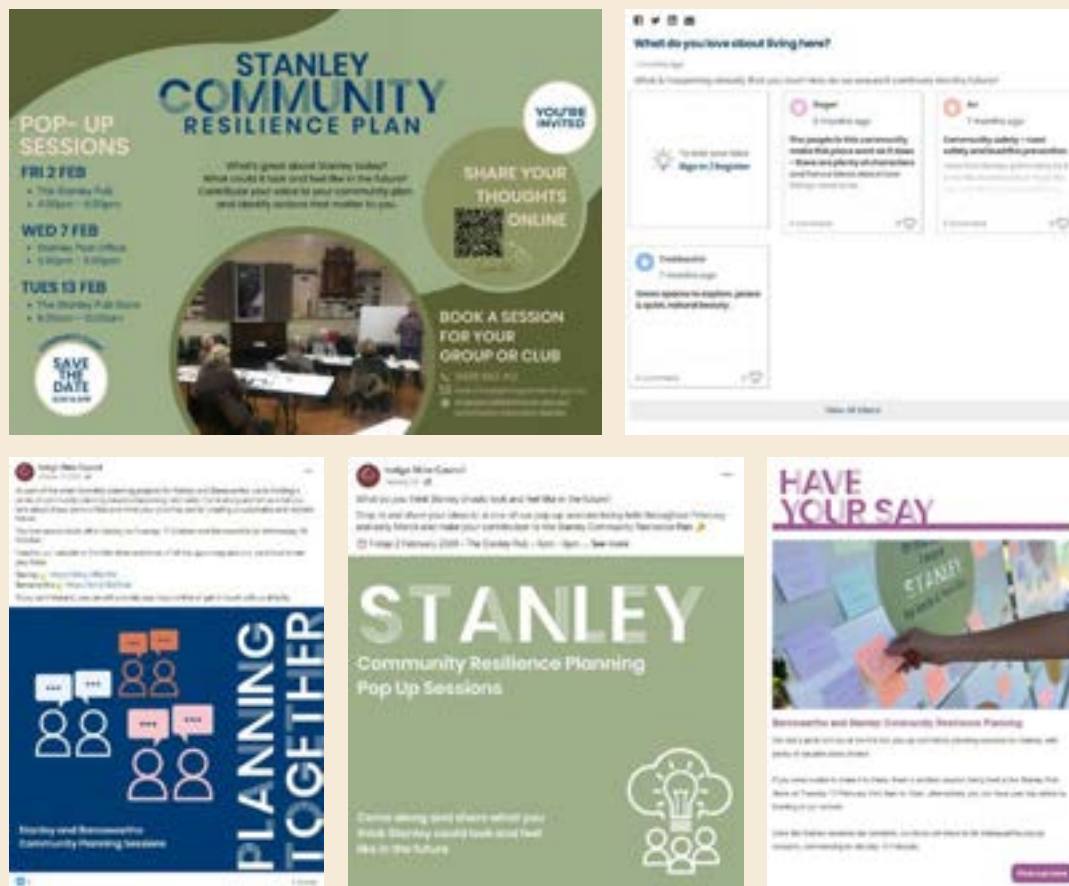
The project, detailed in Part C of this document, was broken into the following stages:



## What's next?

The plan belongs to the community. The community has identified actions which will preserve what residents love about Stanley and in what ways they want to see growth and change. Some of these are easily achieved at a community or individual level, without the need for Council involvement or additional funding. Others are more complex and will require collaboration between community and Council, and sometimes businesses or other key stakeholders. Many actions will require external funding sources to make them a reality.

The Community Plan will be used to inform the next Council Plan (2025) as well as Councils ongoing decision making. Where there is a Council-led action it will be referred to the relevant Council department to progress. Actions within the Community Plan that align with Councils Strategic position and Shire wide perspective will be pursued through Councils various ongoing programs, projects, and service delivery.



## Project Promotion

The following methods were used to communicate to Stanley residents about the plan, the process, and ways to get involved:

- Engaged Indigo Website – The project and process were explained here, as well as key milestones, project updates and options for leaving feedback.
- The Your Indigo Newsletter – Weekly updates from Indigo Shire Council
- The Nine Mile News – Local Stanley publication that kept residents up to date on the opportunities and progress of the planning process.
- Stanley Community Email – The Stanley community email is a volunteer run initiative that keeps all subscribed residents informed.
- Stanley Community Facebook Page
- Council Facebook Page
- Posters on notice boards, local businesses, and Post Office
- Letterbox Drop



## PART B: THE PLACE



## PART B: THE PLACE

Stanley is a small rural village surrounded by thick native vegetation around a ten kilometre drive from the township of Beechworth, in Victoria's northeast High Country. Nestled just below the snowline at an elevation of 800m, Stanley boasts an engaged community comprising long-time residents dedicated to agricultural endeavours and newcomers seeking a change of scenery, drawn to the unique agricultural and creative opportunities the village provides.

The village centre is condensed, featuring the Stanley Pub and wine store with a coffee shop, the Post Office located at the former Stanley School site, Athenaeum, Memorial Hall, Sinclair's Cidery, and the Uniting church. Positioned centrally behind the school are the Recreation Reserve and CFA facilities. Numerous agricultural properties in the area specialise in chestnuts, apples, pears, stone fruit, berries, and tree cultivation.

The Spring Ditch wetlands and Stanley Barge Dam, situated just beyond the pub, offer vital spaces for fishing, recreation, and bushfire management. Tourist accommodations are limited, with bed and breakfasts are allowed to host a maximum of ten guests under the current planning regulations without requiring a planning permit. Walking tourism is highly regarded, with the Stanley Village and Plateau boasting scenic walking trails and stunning vistas.



## HISTORIC STANLEY

It is important to recognise that there is a vast amount of information about the gold rush and white settlement era in Stanley and its surrounding regions, while there is comparatively very little documentation on the First Nations people who originally lived on and cared for the land. This makes it challenging to move beyond the inherent bias in historical records, which often depict the gold rush as the white man's settlement of the area, overlooking the impact on and displacement of the Dhudhuroa Waveroo inhabitants.

Similarly, it is crucial to acknowledge that Aboriginal people, as the original custodians of the land, hold the knowledge and history of their own experiences. Any efforts to uncover this history should be done in close collaboration with Aboriginal communities and in line with all relevant protocols. There has been some excellent local research and documentation on the Traditional Owners of the Stanley region, notably by Jacqui Durrant that can be accessed through her blog.

In 1852 gold was discovered in the vicinity of Stanley and the locality was named the Nine Mile Diggings; the track from Beechworth to the diggings covered nine miles. In a short time, the diggings comprised two localities, Upper Nine Mile and Lower Nine Mile, the former being closed for the surveyed town of Stanley in 1857. Stanley was gazetted in 1860. It is thought that the name was given as a compliment to Lord Stanley, British Prime Minister (Victorian Places, 2015).

The school, athenaeum and public room opened in 1857, while it is recorded that by 1865 a post office, courthouse and seven hotels were operating – although some sources claim that up to nineteen hotels operated in this time! By 1880 timber was being cut around Stanley and two sawmills were working in 1887. There was also farming on the lower land near Nine Mile



## STANLEY TODAY

### Natural Environment

While the gold interests have diminished, HVP owned plantations and subsequent logging still dominate the surrounds. Many parts of this rural community have the remains of gold diggings from the Victorian gold rush of the mid-1800s. Agriculture continues to be the main economic activity, with new ventures such as flower farms and cool climate wine production. Concern over the impacts of climate on crop yield, harvest timeframes and damage to crops were consistent themes during consultation. Growers are seeking ways to adapt their crops and practices to the projected environment of Stanley, considering climate change and sustainability in the face of large disruptors, such as global pandemics and conflicts.

There is significant natural vegetation to be enjoyed in the Stanley State Forrest, with several walking loops and cycle trails, most notably the recently opened Indigo Epic Trail – a 56km single track mountain biking trail linking the towns of Beechworth, through Stanley Forest, to Yackandandah. Fuel loads are a task that require constant management both in the state forest and on private land. Weed management and blackberry control are an ongoing challenge.

The orchards and significant ornamental plantings and gardens in harmony with the surround bushland make Stanley a place of exceptional natural beauty. Also of note is the National Trust listed Cork Oak (*Quercus suber*), a rare specimen thought to be over one-hundred and forty years old growing in Main Street, Stanley.

Perched at the top of a mountain range Stanley has had its share of natural disasters and lives with the ongoing risk of bushfire. This has influenced the community to be an engaged, aware, and proactive community who are committed to preserving the natural and social fabric of their town. Devastating fires around Beechworth, Stanley, Rosewhite and Mudgegonga in February 2009 had a huge impact on the community and were the catalyst for the first round of community-based planning with Stanley in 2009/10. These fires were also the driver for Stanley to be zoned to Farming Zone at the request of the CFA. Fire on the Plateau: The history of fire and its management in Stanley, published in 2020 is an excellent resource by local writer Jacqui Durrant that explores the historical management of fire and the upcoming risks.

## Social Environment

The community boasts many volunteer groups and committees, including:

- Stanley Rural Community Incorporated (SRCI) and Post Office Committee
- Stanley Landcare Group
- Stanley Country Fire Brigade
- Stanley Recreation Reserve Committee
- Stanley Soldiers Memorial Hall and Atheneum Committee
- Stanley Artists
- Stanley Cemetery Trust
- Spring Ditch Wetlands Committee
- Nine Mile News
- Stanley Plateau Chorus and Stanley Social Group - Uniting Church

There are many activities that take place regularly, including yoga, tai chi, new parents' group, book clubs, children's arts, and crafts, and youth focused activities. The Beechworth Montessori School is supported to use the community garden and cooking facilities at the school.

The Stanley New Year's Sports Day was a huge part of the community fabric which ceased in 1995 after 145 continuous years of being held at the Stanley Recreation Reserve. Spring Ditch! is a new music event held in the beautiful backdrop of Stanley with live music, food and fun filled events based on the former New Year's Sports Day.

Community gathering places include:

- Stanley Soldiers Memorial Hall
- Stanley School
- Stanley Recreation Reserve
- Spring Ditch Wetlands
- Stanley Pub and General Store

A strong theme from the engagement process was for improvement of the existing community spaces to better enable social gatherings and functions.

This is particularly the case for the Recreation Reserve, which requires both facilities and grounds improvements. It is home to the Stanley Cutters, a social cricket club. The reserve has a football oval, ageing tennis courts, a playground, public toilets and two ageing pavilions. The adjacent clubrooms are the designated Bushfire Place of Last Resort - Neighbourhood Safer Place.





Stanley demonstrates a high level of cohesiveness and social connection within the community. It is unique in Indigo Shire as having a Stanley resident email list, which is managed by SRCI. Most residents are on this mailing list and are subsequently better informed about activities that impact them. Other methods the residents use to communicate and stay connected include:

- Nine Mile News – volunteer run publication in both print and e-newsletter form distributed in Stanley and surrounds that promotes local groups, events, and provides local insights, activities, and recipes.
- Community Facebook page.
- The Stanley Community Fireguard group established in late 2023 that supports communities to be bushfire resilient and to support their neighbours.

According to the Australian Bureau of Statistics (ABS, 2021) Stanley has the oldest demographic in the shire, with a median age of 54 years. It also has the most highly educated demographic and zero unemployment – defined in this case as zero people identifying that they are seeking work, separate from those who are retired from the workforce. This presents many opportunities in the form of an engaged, intelligent community who have time to volunteer and experience to offer. Stanley is not immune to the challenges of engaging volunteers; however, they have demonstrated ingenuity and creativity in exploring new ways to engage the community. This has been demonstrated in the recent transition of the SRCI committee focusing on addressing challenges, to identifying areas of opportunity and growth. There are challenges that are particularly exacerbated in Stanley in relation to the lack of aged care and transport, that do not have any simple, short-term solutions. This is discussed further in part C.

It's important to note that the most recent census doesn't capture any changes in demographic as a direct impact of the Covid pandemic. Regional population data from the Australian Bureau of Statistics shows that Melbourne and Sydney were the largest net exporters to the country, with Sydney losing 110,180 people and Melbourne 81,857. Flexible work from home options and less restrictive conditions made rural living more appealing. While Queensland and small coastal communities have proven to be the target location for many, most people moved within their state. 86.1% of people who moved from Melbourne moved to other Victorian locations. Overall, regional Victoria saw the largest net gain of people, totalling 61,787. Millennials – people aged 25–39 years – were more likely to move to an inland regional location. This may account for the anecdotal evidence that there has been a large increase in young people and young families in Stanley.







## Built Environment

There are several significant historic buildings in Stanley, including the Stanley Athenaeum and the Stanley School which opened in 1857. The general store and Post Office opened in 1857 also, however the general store was since closed and the Post Office has traded with volunteer support since 2010. The Stanley Pub has a history dating back to 1854 and has been operating for over 150 years. A recent rejuvenation has seen the pub refurbished, along with the beer garden and a newly opened General Store and Wine Store.

The Stanley Athenaeum plays a significant role in the social fabric of the community. It is host to social functions, fundraising events, and public meetings, as well as significant exhibitions and events. The Stanley Athenaeum Collection hosts over 3,000 volumes of fiction (adult and children's) and nonfiction published between 1820 and 1970, including reference, biography, government, history, philosophy, poetry, politics, science and natural history and travel. It also holds a significant archive of the social and natural history of Stanley. The initial wooden building built in 1856 was destroyed in fire, the present brick building replaced it on the same site and was opened 1874. Protecting the building and its precious collection against fire in the future is key action for the committee.

The Stanley School was destaffed and education was no longer offered to the 11 remaining students in 2013. It is now leased from the Department of Education as a community space, under the management of the Stanley Rural Community Incorporated (SRCi) and the Post Office is managed from this site, primarily by volunteers. The destaffing of the school has been a significant change for the community, with strong community sentiment to see it operate as a school again the future. There is also a strong, united desire to see the Post Office continue to operate sustainably.

The Stanley Soldiers Memorial Hall was erected in 1956 as a commemoration to those who have served in the various conflicts in which Australia has been involved. The Memorial Hall plays host to community gathering, meetings and social events, such as jazz nights. The public toilets are located to the rear of the building. Community interest in further developing this site as a community hub was established throughout consultation.

In the early 1870s Presbyterian, Methodist, Catholic and Anglican churches were opened. They all continued until 1942 when the Presbyterian church closed. The Anglican and Catholic churches closed in the 1980s. The Stanley Uniting Church – formerly the Stanley Methodist Church – is the only remaining operational church who hosts several social groups and openly welcomes people of all faith.

In terms of other built environments, Stanley is recorded as having 367 private houses in the 2021 census, with 0 unoccupied houses. The housing crisis facing Australians is also felt in Indigo Shire. The influx of new residents during the pandemic has placed more pressure on an already stretched market.



Housing growth is limited in Stanley due to the extreme bushfire risk. Stanley is designated as a Bushfire Prone Area (BPA), which are areas that are subject to or likely to be subject to bushfires. Specific construction and planning requirements apply to development in a BPA. Stanley is also subject to the Bushfire Management Overlay (BMO), a planning scheme provision used to guide the development of land in areas of very high to extreme bushfire hazard. The Farming Zone applies to all of Stanley and surrounds. Due to the constraints and risks impacting the area, the suite of planning provisions that applies is highly restrictive for new buildings as well as new commercial endeavours.

A further factor to consider for increased housing and commercial development in Stanley is the lack of a reticulated sewerage and water system. Stanley is in a special water catchment and is the only township in Indigo Shire which is not connected to a reticulated water and sewerage system. It is located upstream of a declared water supply catchment and has a higher-than-average annual rainfall. Homes use septic tank systems, many of which are aged and no longer compliant with current standards. Poorly installed or maintained systems can be a risk to human health and the environment. This is especially true of older systems. Risks can include, polluted drinking water, land and waterway contamination, and offensive smells.

In 2023 Council offered free inspections of sewerage systems within Stanley to assist residents to better understand, maintain and manage their system into the future. Council is exploring a Stanley Wastewater Management Project feasibility study in 2024. Apart from the wastewater concern, residents rely on tank and natural spring water as Stanley is not connected to water mains. This does not present as significant an issue as the wastewater, however, the availability of piped water is a hand break to some activities, such as camping at the Stanley Recreation Reserve, and is a consideration for new developments.

Other significant community infrastructure includes the CFA shed. The CFA and Council worked collaboratively in 2023 to improve access to bushfire infrastructure, such as the standpipe at the Barge Dam. Actions regarding further infrastructure investment in water storage for fighting bushfires at the Barge Dam are discussed in part C.

## Economic Environment

According to December 2023 REMPLAN data, there are 142 businesses registered in Stanley, including Hurdle Flat, with agriculture, forestry and fishing being the largest sector. Of these, 19 registered in the past 12 months. Stanley has a strong creative community of artists, musicians, jewellery makers and crafters. Stanley's demographic has changed considerably since the previous community plan was developed in 2010. While many intergenerational farming families continue their practice, a growing number of young people and young families have moved to Stanley for the lifestyle and quality of community connection. Many are operating businesses from home including technical support, various consultancy / design services, horticulture, trades services, and a wide a range of creative practices. The graph below shows the amount and type of businesses registered with an address in Stanley, however it does not capture the people who live in Stanley and work remotely. For context, across Indigo Shire most employed residents work in Indigo Shire, followed by Wodonga, then Albury.

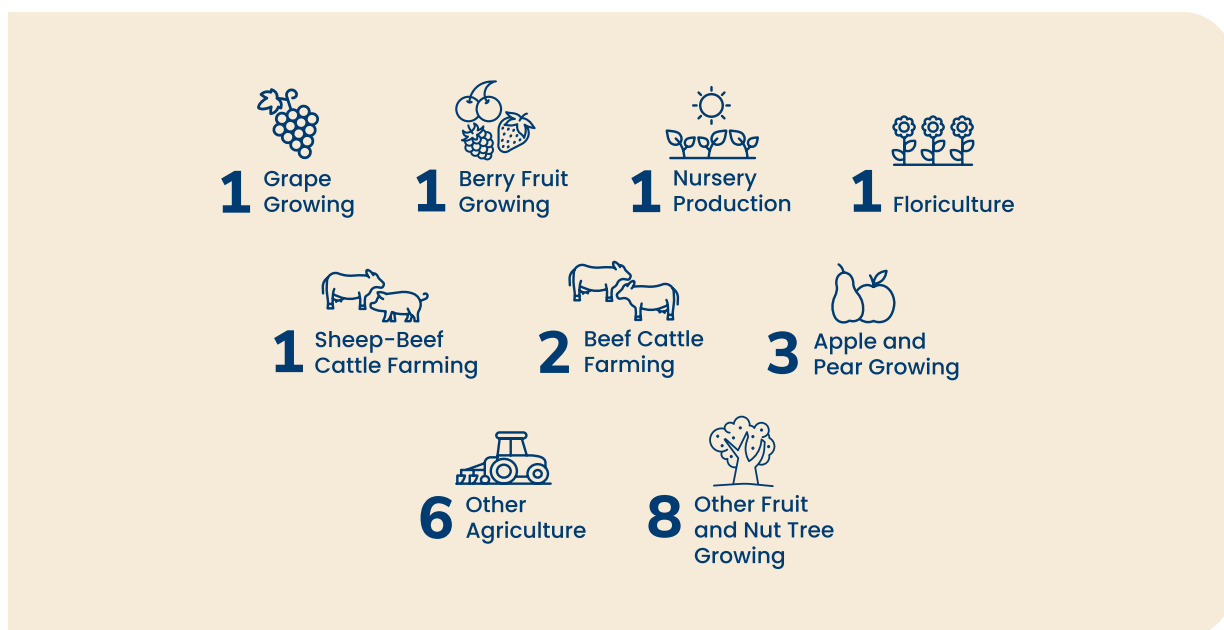


Reviewing the zoning of Stanley has been a long-held commitment of Council to the residents. It was attempted in 2020, however this unfortunately coincided with the 2019/20 bushfires and the application for Township Zone was not viewed favourably by the CFA and was refused by the State Government. The dangers of living in an extreme bushfire area, compounded by the lack of reticulated sewerage and water cannot be dismissed. However, 21 DRAFT – Stanley Community Resilience Plan 2024 the Council remains committed to supporting farming and other land uses to co-exist in Stanley.

Preparation of Indigo Shire's Growth Strategy is underway as this Community Plan is being developed. Zoning for Stanley is being assessed in conjunction with the community to allow for renewed economic development in the village centre, while balancing the risk of unsustainable housing growth with the existing constraints. The outcome for rezoning Stanley will be known in late 2024.

The current Farming Zone protects agricultural activities in Stanley and restricts dwelling growth but does not prevent it. It also allows for farm-related tourism and retailing and there are many farm-gate stores that operate either seasonally, or all year round.

A break-down of the 25 registered businesses trading in agriculture as of December 2023 shows:



At its peak, there were thirty family-owned apple orchards in Stanley but by 2021 the number was just three. Residents reported that next generation family farmers were becoming less frequent, and smaller farms had been cleared for lifestyle blocks. Regenerative farming can in some part be credited with the revival of family-owned orchards and farms that use a smaller food-based permaculture system. A contentious farming issue since 2013 has been the extracting and selling of groundwater as bottled spring water. While many Stanley residents supported legal action to prevent water mining that depletes the local groundwater resource, they were ultimately unsuccessful. To date, the rights to extract groundwater for commercial use in Stanley are upheld as lawful under the Water Act 1989. Many residents raised this as an issue that they would like to see addressed as a legislative change.

## PART C: THE PLAN



## PART C: THE PLAN

### COMMUNITY PLANNING CONTEXT

Council was enabled to progress with community planning in Indigo due to grant funding for community resilience building from Emergency Recovery Victoria (ERV). Given Stanley's extreme bushfire risk profile it was a good fit for the grant funding to build social capacity for disaster resilience building. Stanley has a highly motivated community keen to see change to support infrastructure, capacity building, strategic planning, and facilities management. Additionally, it has strong community advocacy and established groups to drive the community planning process, and to carry it into the future. The timing with the current Growth Strategy review was ideal, as it allowed for the consultation processes from community development and strategic planning to support the review into the zoning of Stanley.

The project was broken into the following stages:

- Exploration - What have we already been told, and what has happened since?
- Consultation Stage 1 - Resilience Conversations - what is the resilience capacity of Stanley now, and where needs to change to build that capacity?
- Consultation Stage 2 - Pop-Up Consultations - have we heard from everyone?
- Refinement - presenting the draft plan to community and Council - did we hear you correctly?
- Endorsement and Action - the final plan is live and ready for collaborative action.





## 1

**Stage 1:  
EXPLORATION**

## Stage 1: EXPLORATION

The initial exploration phase of the project process involved looking back to see what we had already been told. All the original documents can be found on the Council website along with this plan.

The Stanley Community Plan, 2010 was part of Indigo Shire's Community Strengthening Project, which commenced in September 2009. Like the current Community Plan, it was externally funded, with the aim of helping people create stronger more resilient communities from within. It was completed in tandem with the Victorian Bushfire Recovery and Reconstruction Authority (VBRRA) led - Stanley Community Recovery Plan in the wake of the Black Saturday bushfires of 2009.

The community ideas were collated under the headings of Infrastructure, Business Development, Recreation and Tourism, and Community. A total of eighteen ideas were established and the community voted on their key priorities.

The three key priority projects were:

- Explore the opportunity for a community cooperative store
- Improve telecommunications / fix up phone tower
- Bike paths both between Stanley & Beechworth and in and around Stanley. E.g.: Explore Stanley Walking Tracks.

The majority of the eighteen projects have either been completed, or partially progressed, or have been supplanted by different issues - such as the closure of the school and post office. Poor telecommunications and connectivity, community spaces and social connection continue to be key issues for the community in 2024.

In March of 2021 the Stanley community made a submission to the Council Plan 2021-2025 titled STANLEY COMMUNITY PLAN 2021 – 2025. The submission was led by the SRCI and developed through feedback via a community visioning workshop and input via email and conversations with Stanley residents. The plan describes the unique makeup of the plateau, compiles the actions needed and requests that Stanley be specifically included in Council planning and budget allocation.



## 1

**Stage 1:  
EXPLORATION**

---

Key actions included:

- Rezoning to enable commerce
- Off-road cycle and walking tracks connecting Stanley to Beechworth
- Sustainable water management – discouragement of future commercial water mining
- Stanley branding
- Upgrade telecommunications and power supply
- Community spaces developed – school, memorial hall, and Spring Ditch wetlands
- A focus on arts and entertainment development and nature based tourism
- Local fire protection plan with Stanley Barge Dam as a static supply

It is important to highlight that the actions outlined in this community plan established the strategic foundation that allowed the current Council-led community plan to move forward. For those with an interest in understanding the policy and planning context further, optional documents to review include:

- Hume Regional Growth Plan
- Regional Bushfire Planning Assessment: Hume Region
- Hume Bushfire Management Strategy 2020 – Safer Together
- Indigo Shire Council Municipal Fire Management Plan
- Indigo Planning Scheme
- Planning Policy Framework
- Local Planning Policy Framework

## 2

**Stage 2:  
RESILIENCE CONVERSATIONS**

## Stage 2: RESILIENCE CONVERSATIONS

In October 2023, Indigo Shire initiated discussions with the Stanley community to enhance its ability to handle disasters, disruptions, and difficulties. These community dialogues are a crucial aspect of Indigo Shire's broader commitment to community resilience and emergency preparedness. The conversations were led by Paul Ryan from the Australian Resilience Centre, which created the Community Resilience Discussions Report, December 2023, that can be accessed in its entirety on the Council website.

The focus of these initial conversations was on understanding and base-lining current resilience capacity. For this project, resilience is defined as the capacity to cope with disaster and disruption and continue to function in a desired way. Understanding and building resilience requires ongoing conversations, action, and learning. As communities change and evolve over time so too does their capacity to cope with disaster and disruption. The nature of the risks communities face also changes over time.

During disasters, stresses peak during the response phase, with ongoing impacts. The impacts of stress vary based on pre-existing conditions and accumulate over time, affecting vulnerable groups the most. Resilience-building can't eliminate risks but helps reduce stress and economic costs. Investing in resilience saves money in the recovery phase and benefits society economically and socially.

Resilience is a shared responsibility where individuals, households, communities, emergency services, and organisations like Local Government must collaborate for optimal disaster outcomes. Individual and household preparations play a crucial role in disaster response, alleviating pressure on emergency services and enabling effective resource allocation.

The conversation yielded actions that can be owned by individuals, households, community organisations and Council. The community resilience conversations summarised here reflect current community understanding and perceptions about current risks. The initial discussions laid the groundwork for collaborating with various community groups, organisations, businesses, and agencies linked to Stanley to build the Plan.

## 2

**Stage 2:**  
**RESILIENCE CONVERSATIONS****The Process**

Three two-hour sessions were held at the Soldiers Memorial Hall in Stanley.

The focus for the discussion sessions were as follows:

**Session 1**

- Identifying visions for future. How do you want this community to look and feel in the future?
- Resilience of what? What is it we want to make resilient?
- Resilience to what? What are the risks to our community?

**Session 2**

- Assessing resilience against the ten dimensions of resilience.
- Actions to address perceived resilience deficiencies, at the household, community and in partnership with the Shire and other agencies.

**Session 3**

- Prioritising actions to inform household, community and Shire efforts and activities.
- The intention was to have the same group of community members attend each session, however for the Stanley community each session was attended by mostly new people. This allowed for a wider range of perspectives to be heard within the three sessions but meant there was limited continuity and sharing of discussion across sessions.



## 2

## Stage 2: RESILIENCE CONVERSATIONS

### Visioning

The participants spoke passionately about their home and what it means to them now, and how they want it to look in the future. In the process of the three conversation sessions a collective vision for how residents see the past converging with the future emerged.

*"The collective visions for Stanley have a strong emphasis on the combined landscape and community character. Participants envisage careful progress towards a small but vibrant village centre and surrounding community, maintaining the unique character and feel of the community and the natural and production landscapes surrounding the village."*



## 2

## Stage 2: RESILIENCE CONVERSATIONS

### Resilience of what?

#### “What are we trying to make resilient?”

- The existing emergency capacity and preparedness is essential to maintain for future resilience. The Stanley community, including the local CFA, has extensive experience from previous events. Recognising this experience and local knowledge and supporting and strengthening this existing capacity is critical.
- Services, communication, and community infrastructure are critical to the resilience of Stanley, during both emergency and non-emergency periods. Maintaining and improving existing services and communication infrastructure is fundamental to resilience in times of crisis.
- Community infrastructure, places for community to come together, to hold events and to ‘bump’ into one another strengthens social connections and builds trust. It allows for sharing of knowledge and allows different sub groupings (e.g. new residents, online workers, young families, older generations) within the community to connect when they otherwise may not overlap much during day-to-day living.
- Understanding who is vulnerable in the community and why is an important resilience building strategy. New residents, residents with special needs, those that have limited access to information technology or those visiting may be less aware of risks or be less prepared for emergencies than those with more experience, more resources, stronger social and information networks etc.

### Resilience to what?

#### “What are the risks the Stanley community should prepare for?”

- Bushfire – Stanley is geographically vulnerable to bushfire, with extensive areas of forests in the surrounding landscape, limited refuge areas and susceptible evacuation routes.
- Extreme rainfall, wind, and storms – that impact on infrastructure and block access can lead to isolation or social and economic impacts.
- Mass resource extraction – any large-scale resource extraction industry has potential to severely disrupt ecosystems, hydrological systems and the character of the landscape and community.
- Water quantity and quality – Stanley is vulnerable to loss and interruption to water supply for domestic, emergency, and economic use.
- Less common but nevertheless serious risks such as pandemics, biosecurity threats and rapid technological change such as the role of artificial intelligence (AI) have potential to severely impact the Stanley community.
- Longer term issues that will reduce the community’s capacity to organise and respond to emergencies including ‘brain drain’ and ageing demographics.

## 2

## Stage 2: RESILIENCE CONVERSATIONS

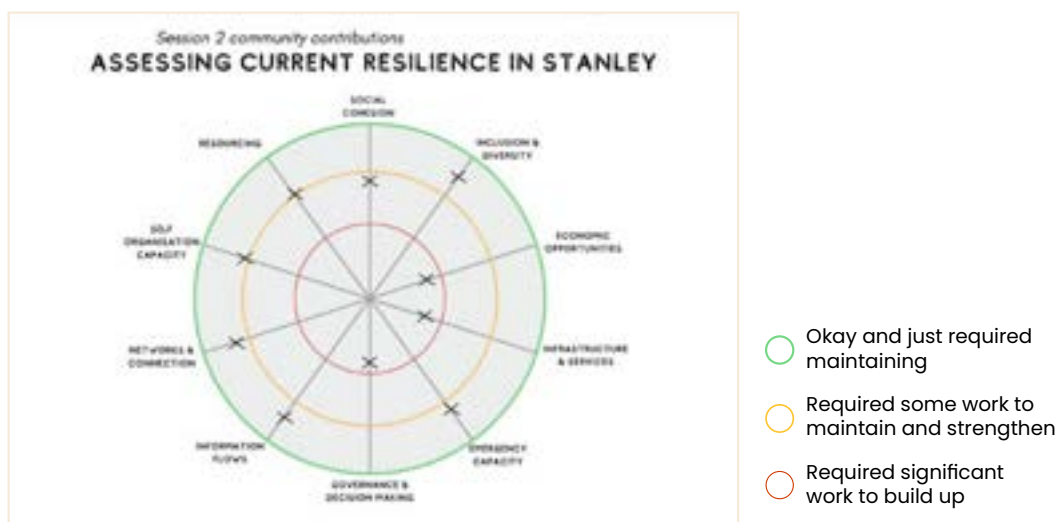
### Assessing Resilience

Paul Ryan used the following ten dimensions of resilience to benchmark the current capacity of the Stanley community.

1. Social cohesion
2. Inclusion and diversity
3. Economic opportunities
4. Infrastructure and services
5. Emergency response capacity
6. Governance and decision making
7. Information flows
8. Networks and connection
9. Self-organisation capacity
10. Resourcing

These overlapping dimensions collectively support the capacity to cope during disaster and disruption across the disaster cycle. They create the preconditions for resilience. For example, without adequate infrastructure, without good flows of information or without a cohesive community that looks out for the most vulnerable members, no community will be able to prepare well, respond to and recover from a disaster. The impact of a disaster on any community lacking those attributes will be much greater and the recovery time much longer than on a community that has worked on those things prior to any event.

Participants were asked to indicate if they thought the dimension was:



## 2

**Stage 2:  
RESILIENCE CONVERSATIONS**

The resilience assessment for Stanley identified three areas for focus. Key aspects of the discussion about these three areas included the following:

**1. Governance and Decision making**

There was strident criticism from several community members across the three sessions around Indigo Shire decision making. Community members questioned how decisions are made around council planning, priorities and investment in infrastructure and services, maintenance, and other council responsibilities. There was also criticism and confusion around land tenure and management responsibilities regarding fire risk, fuel reduction, weeds etc. Additionally, there was discussion around how the Stanley community itself can work effectively together to prioritise community actions and secure funding and support through partnerships. The lack of trust between parts of the community towards Council and between groups within the community itself undermines capacity to work together to resolve other issues central to the resilience of the Stanley community.

**2. Infrastructure and Services**

Declining infrastructure and services undermine household and community resilience in multiple ways. The fragile energy supply and poor mobile coverage impacts day-to-day life but is also a major concern for community members during emergencies. The increasing reliance by emergency services on using mobile and internet warnings and information updates means that Stanley residents are particularly vulnerable during power and mobile outages.

**3. Economic opportunities**

Appropriate economic development allows people to live and work locally, to diversify income and to be able to shop locally for essential items. Development of appropriate local economic opportunities such as cafes, while currently constrained by the planning provisions, also creates further opportunities to strengthen social connection, communication, and networks.



## 2

## Stage 2: RESILIENCE CONVERSATIONS

### Identified Activities

Participants were asked to identify the next most important activities required to address the resilience challenges identified through the assessment of resilience dimensions at the household, community, and Council/Community partnership level.

Activities identified by the community were then grouped and organised according to the amount of effort and impact.

<b>High Impact / Low Effort Activities</b> To achieve important quick wins as a way of strengthening resilience preparedness, engaging community, and building connections: <ol style="list-style-type: none"> <li>1. Emergency Planning – household and community level emergency planning</li> </ol>	<b>High Impact / High Effort Activities</b> To achieve progress against the deeper long-term challenges: <ol style="list-style-type: none"> <li>2. Shire Connect – Council information sessions on a regular basis</li> <li>3. Community Emergency Planning and Awareness</li> <li>4. Toy Library/Playgroup</li> <li>5. Community Connection activities</li> <li>6. Childcare capacity</li> <li>7. Infrastructure and energy security planning</li> <li>8. Community Centre</li> </ol>
	<b>Low Impact / Low Effort Activities</b> <ol style="list-style-type: none"> <li>9. Fire bunker info session</li> </ol>

These top ten activities – as well as the full list of activities identified through the Resilience Conversations were then collated to take to the broader Stanley community for the second stage of consultation.

## 3

### Stage 3: TO THE PEOPLE

## Stage 3: TO THE PEOPLE

Consultation Stage 2 was an opportunity for everyone to be heard in places where they usually gather, feel comfortable and can contribute in varied ways. This stage of consultation enabled people to pop in for a couple of minutes or stay and chat with Council staff to share topics important to them. This stage of consultation included:

- Pop-Up Consultations – have we heard from everyone?
- What We heard – Collating and summarising information from the Resilience conversations, website contributions and pop-ups to create an action plan
- Community Celebration – Prioritising, refining, and celebrating community contribution



### Pop-up Conversations

The actions and themes from the previous planning documents, Resilience Conversations, and website engagement were taken to the community for feedback and growth through pop up sessions. A series of pop-ups at the Stanley School and Stanley Pub and General Store generated additional actions and further established the key priorities.

The pop-ups were structured around the same lines of enquiry that were explored through the Resilience Conversations, and grouped into the recovery domains of social, economic, built, and natural:

- In the future I want Stanley to look and feel like...
- For this to happen, the community needs...
- As an individual I can contribute to make this happen...
- To be successful we need to be resilient to challenges such as...



## 3

### Stage 3: TO THE PEOPLE

Through these pop-ups we heard from young people and their families, long-term residents, and newer arrivals. We also heard from people who lived close-by who regularly visit the area as they feel a strong connection to the place.

This phase of the engagement was markedly different to the Resilience Conversations and the priorities that had the most community support were quite different to the focus in the Conversations, despite structuring the engagement on the same lines of enquiry. The Conversations required a high level of community buy-in in terms of time and energy. To engage in the Conversations, people had to have a large amount of time available to them to begin with. The sessions predominantly attracted people who had a good understanding of Council processes and a desire to see the changes that they had already been advocating for.



Conversely, the people who engaged with the pop-up sessions and the community event showed very low interest in actions that prioritised Council process. Often the interactions were incidental, such as in the beer garden where people were not there primarily to talk to Council. For those that chose to engage with the project at the pop-ups, they were often focused on immediate community level actions that are very visible in the community and impact their day-to-day life. This was magnified at the community event where people could see the draft action table of all the priorities. Those that enhanced their community directly were prioritised over those that were centred around improving Council processes for community benefit.



## 3

### Stage 3: TO THE PEOPLE

## What We Heard

### Stanley people want to connect with others and their environment

Stanley residents are keen to connect with each other but feel they don't have places to do this informally. Consciously creating opportunities to connect requires time, money and/or access to a vehicle – assets that are becoming increasingly scarce for many in the community, but even more so for the most vulnerable who would benefit the most from this connection.

Safe and clearly defined commuter trails would benefit across all ages and allow for active travel. We heard from a primary school student that she would like to *“walk to my friends’ houses, they don’t live that far away, but I have to walk on the road to get there and it’s not safe.”* A couple with school aged children said *“We’d really love to be able to ride to Beechworth on the weekends, but the trail is just too difficult to navigate. I’d ride to work if it were easier too.”* And the ability to exercise locally is not considered safe, one woman mentioned that she *“used to run in the forest for fitness, but I will not do so now, after attacks in other parts of the state. There is no safe option to run in town.”*

People were quick to acknowledge the multiple benefits of safer paths noting that it would make the village look loved and cared for, increase connectedness by ‘bumping into each other on walks’ and increase visitor and tourism access. *“We have so many great places in Stanley, and we’d love more people to be able to see them. It would be great to see more picnic spots and defined lookouts so that others can appreciate the beauty that we know we are surrounded by.”* The natural environment came up time and time again, and the Stanley Community are keen to share it – and see it protected and cared for.

**“ I wish I could walk to my friends’ houses. They don’t live that far away, but I have to walk on the road, and it’s not safe. ”**

12 year old Stanley resident

**“ We don’t have a supermarket where you just bump into people, the Post Office has limited hours, and even our letter boxes are sometimes kilometres apart. To catch up with people or meet new people you have to invite them to your home or attend an event. ”**

**“ Imagine the Stanley wetlands as a showcase of endemic fauna and flora with weeds and feral animals eliminated. ”**

## 3

**Stage 3:  
TO THE PEOPLE**

### The Value of Community Assets in Creating Connections

The school as a community asset raises deep, emotions for many residents who see this space as central to holding their community together. When asked to talk about the value of this space many lacked words and deferred to their hands and faces to convey the value it has in their village. It is one of those spaces you need to 'see to believe'. On a day when the school sits empty, it does not look abandoned and unloved as you might expect from a destaffed school needing repair. It looks as though it is quietly waiting with calm and safety to welcome the community back.

To see the space come alive at an event such as the Community Celebration held on Sunday 14 April is a sight many strive for when aiming to create cohesive connected communities.

The tree canopy creates a nurturing umbrella that creates an involuntary drop of the shoulders and instant relaxation. The intergenerational nature of play and conversation between families, neighbours and new acquaintances is noticeable for its ease. At this event, while looking at the 'sticky dots of engagement' one newer resident was dazed to see "how many people really, deeply care about our town and its people". This desire to connect, engage and care is truly rare for communities and incredibly difficult to capture in words - but it can be felt, and it is this feeling the Stanley community is so keen to see strengthened and preserved.

“ If the school site we're to be boarded up it would have a huge impact on how the town looks and feels. Especially because it's right on the main street at the entrance to town. If it were to be fenced off and left to fall apart it would make the whole town look deserted. ”

“ The recreation reserve holds so many memories of fun community activities. It was a real hub for the community back in the day and I'd love to see it used in the same way for future generations. A lot of money is needed, and we're only a small community, but the impact that it would have for the people of Stanley - I think it's worth it. ”

The committees of management for the community assets, including the school, hall, athenaeum, and recreation reserve all spoke passionately about the need to preserve and improve these spaces. Members from the recreation reserve and Spring Ditch in particular spoke about the need to "show the space some love" to bring it to life. The SRCI committee is dedicated to ensuring the future of the school site as a community asset.

## 3

**Stage 3:  
TO THE PEOPLE****Creativity and innovation require basic infrastructure to be met first.**

There is no shortage of innovation, creativity, and grit in Stanley. There is also significant frustration and resignation about this being hamstrung by the lack of basic services and reliable infrastructure.

The community isn't asking for grand buildings, high speed train services or sparkly tourism attractions. It wants basic, reliable communication infrastructure, appropriate water services and to feel safe and cared for.

We heard it time and time again across all areas of living.

“We’d never rely on phones and internet in an emergency. They don’t work well on any given day anyway.”

“Our septic system sits across the boundary to our property and the easement. There isn’t enough room with in the property boundary to put in a new system. The house is 100 years old. The old system really needs to be replaced, but we don’t have any flexibility in how to make this work. So, we’re not sure what to do now.”

“We live just at the start of town, within the 60km zone but without streetlights or a footpath it’s not safe for us to walk home from community events in the hall or pub. There are power poles there, but no lights on them...”

“We’ve all just gone to Star Link now, we hate that it’s expensive and supports privatisation, but if you want reliable connectivity, especially for work, it’s the only option.”

“There are no outreach health services, no transport and an ageing population. My elderly mother is completely isolated and she’s certainly not the only one.”



## 3

### Stage 3: TO THE PEOPLE

#### Community event

During the pop-up sessions, attendees voted on the location and activities for a community event. Participants were given three votes, in the form of ping-pong balls, to put into the vessel marking their choice. They were able to write under each heading examples of what they would like to see happen at the event.

The event was designed as a celebration of the community planning process, and to give back to the communities that had given so much of their time to support the planning process. Holding the community events also met one of the aims under the recovery funding to support community cohesion and resilience, as well as community-identified need for more events to bring people together.

The Stanley School was voted as the clear winner for location, followed by the Recreation Reserve, Spring Ditch Wetlands, and the Memorial Hall.

The Stanley Community Celebration was held on Sunday April 14, 2024, at the Stanley School. It was led by SRCI and showcased the community groups active in Stanley, local producers, and creatives. This event was the final in-person consultation with the community before the draft plan was completed and put to Council for endorsement in June 2024.



## 3

**Stage 3:**  
**TO THE PEOPLE**

The community visioning, themes, and key actions underwent testing once more during the celebration. The actions were ranked by the community to create a priority rating. Each participant was given five sticky dots to place next to their top priorities. People had the option to put more than one dot against an action, however they had to prioritise the most important things to them, right now. It also provided an essential space for the community to talk with the Council officers who had facilitated the project and to answer other questions.

Sixty-six community members ranked the actions to establish a priority rating. On the next page is the final list of actions, arranged according to community priority.

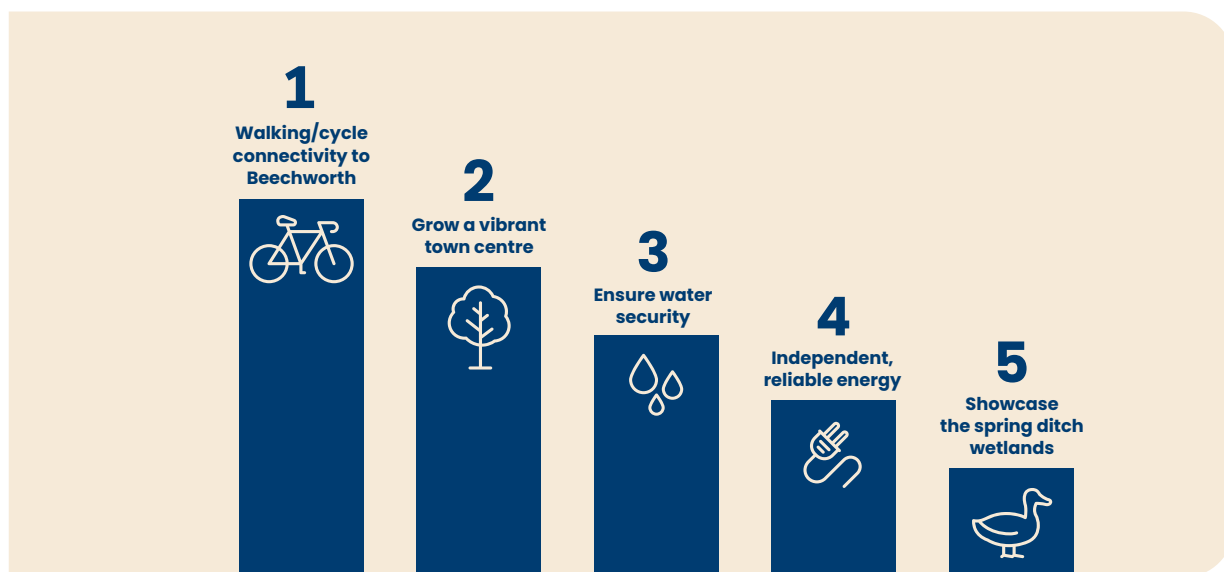
## 4

## Stage 4: DRAFT PLAN AND ACTIONS

### Stage 4: DRAFT PLAN AND ACTIONS

#### ACTION PLAN

The five actions that received the highest number of votes in the priority ranking are:



The action plan is organised into the three strategic themes as identified by the community. These actions aim to proactively address current and future challenges. Many of these actions can be initiated immediately at the community level without any input from Council. Other actions will require collaborations between Council, community, and relevant services, agencies, businesses, and levels of government. It needs to be acknowledged that the project lead may change over the duration of the project. Many of these actions will begin with community advocacy, seed funding, or grassroots movements. In time, and as required, the involvement of Council or other levels of Government will be required to progress and achieve a number of the identified actions.

Many projects will require additional external funding, community support, or technical expertise and/or feasibility studies etc before they can be progressed. This plan can be used to seek funding from various sources and to seek stakeholder support for future projects.

## 4

## Stage 4: DRAFT PLAN AND ACTIONS

### The Strategic Themes

#### Theme 1: SUSTAINABLE GROWTH AND GOOD PLANNING

- i. Residents want to preserve the rural character of Stanley.
- ii. Economic growth in the town centre to enable a variety of commercial, business and community activities to take place.
- iii. Planning for improved pedestrian and cycle paths is a high priority.

#### Theme 2: INVESTMENT IN COMMUNITY CONNECTIONS AND ASSETS

- i. Invest in the existing community spaces to ensure they are fit for future purpose.
- ii. Stanley is a connected community who are seeking more opportunities and spaces to connect, and to support the more vulnerable residents.
- iii. Stanley's natural resources need to be preserved, protected, and promoted.

#### Theme 3: INNOVATION AND COLLABORATION ON CLIMATE ACTION AND RESILIENCE

- i. The community wants to be better informed and prepared for a changing climate and more extreme weather events, as well as bushfire.
- ii. The community is knowledgeable and has the skills to establish energy resilience in Stanley, however it needs support to make it happen.
- iii. Managing risks requires collaboration and for everyone to do their part.

### Timing in the action tables

- **Short** 0–2 years
- **Medium** 0–5 years
- **Long** 0–10+ years

### Level of community support

As voted by 66 community members at the Stanley Community Celebration. Each person received five votes to prioritise projects important to them.

- **Very High** 25+ votes
- **High** 20–24
- **Medium** 10–19
- **Low** 5–9 votes
- **Very low** 0–4 votes



## 4

## Stage 4: DRAFT PLAN AND ACTIONS

### Theme 1: SUSTAINABLE GROWTH AND GOOD PLANNING

	ACTION	DESCRIPTION	WHO	TIMING
1.1	Grow a vibrant town centre.	Collaboratively support the growth of local businesses, community endeavours, creative enterprises, and a sustainably managed post office.	Local Businesses  Council – Economic Development	Medium
1.2	Ensure water security – potable, wastewater, farming.	Advocate to North East Water and Council regarding sewage and potable water needs. Protect the environment and farming from commercial groundwater extraction.	North East Water  Council – Environment and Building	Long
1.3	Preserve the rural character of Stanley.	Ensure the planning scheme discourages development that conflicts with the rural character and appeal of the existing Stanley community.	Council – Planning	Short
1.4	Explore innovative ways to promote the availability of seasonal products.	Support producers who would like to advertise seasonally available products in effective ways that works with the existing Signage laws.	Council – Planning and Local Laws, Tourism and Communications	Medium
1.5	Reduce speed limits in built up areas.	Install slower speed zones across town including 40 in the current 60 zone, and 60 in the current 80 zone.	Regional Roads	Medium
1.6	Make Stanley a walkable community with more trails and paths.	Improve and build on the existing walking trails to enhance Stanley as a walking destination.	Council – Tourism, Recreation, Operations, and Infrastructure	Medium
1.7	Support opportunities for formal education to be delivered locally to create diversity, vibrancy, and community connection.	Re-establish the Stanley School as an operational school. Explore options for school activities to operate alongside community activities.	Community  Department of Education	Long

4

Stage 4:

DRAFT PLAN AND ACTIONS

Theme 1:

SUSTAINABLE GROWTH AND GOOD PLANNING

	ACTION	DESCRIPTION	WHO	TIMING
1.8	Establish clear and specific town and rural boundaries.	Formally review the zoning of Stanley to establish a town centre with room for commercial development, surrounded by farming land.	Council – Planning Victorian Planning Authority  CFA	Medium

## 4

## Stage 4: DRAFT PLAN AND ACTIONS

### Theme 2: INVESTMENT IN COMMUNITY CONNECTIONS AND ASSETS

	ACTION	DESCRIPTION	WHO	TIMING
2.1	Build a bike path connecting Stanley to Beechworth for safe commuting to work, school, and recreation activities.	Create a cycle and walking path that facilitates safe commuting between the towns without having to go on the sealed road, or on the Epic Trail.	Council – Recreation and Capital Works	Long
2.2	Showcase the Spring Ditch wetlands.	Eradicate weeds and feral animals and improve the walking trails, signage and community gathering spaces. Showcase the unique flora and fauna endemic to this area.	DEECA Community Council	Short
2.3	Establish a sustainable model of future operation for the Post Office.	Work collaboratively with Australia Post, community, and local businesses to ensure the future operation of the Post Office without excessive reliance on volunteers.	Australia Post Community Local businesses	Medium
2.4	Support art and creativity as part of the economy.	Strengthen Stanley's identity as a creative hub by investing in arts education and the establishment of grants for creative projects and installations. Foster programs that support tourism around the arts.	Council – Creative Communities Community	Short
2.5	Preserve, maintain, and care for the natural environment.	Preserve and care for the natural landscape enjoyed for leisure and recreation activities. Consider regeneration initiatives and native plantings as well as walking paths and viewing areas.	Community DEECA Council – Sustainability	Short
2.6	Assist the ageing community to have access to health care, transport, and community connection.	Explore community car share models and communication models to support aging community.	Community	Medium



## 4

## Stage 4: DRAFT PLAN AND ACTIONS

### Theme 2: INVESTMENT IN COMMUNITY CONNECTIONS AND ASSETS

	ACTION	DESCRIPTION	WHO	TIMING
2.7	Create a masterplan for the Recreation Reserve.	The process of creating a masterplan will identify all current and future needs of the Stanley Recreation Reserve and provide the strategic justification for funding projects.	Council	Short
2.8	Create opportunities for the community to connect informally. e.g., "Bumping Places", cafes, outdoor spaces.	Get involved in community-led events to build relationships, reduce loneliness, share information, and support vulnerable community members.	Community Local Businesses Council – Community Development, Economic Development	Short
2.9	Support community activities that promote connection. e.g., Toy Library, Playgroup, Farmer's Market, community gardening group that maintain community spaces.	Invest in the existing community spaces to make them more inviting for gatherings and explore new options for activities and programs.	Community Local Businesses	Short
2.10	Support the preservation and sustainable management of community assets.	Annual and long-term maintenance plans of community buildings. Consider innovative ways to manage, use and maintain community assets.	Community Council – Assets, community development DEECA	Medium
2.11	Build local childcare capacity.	Explore options for local childcare to improve household capacity to work.	Community Local Business	Medium
2.12	Establish an old-style gymkhana.	Horses, people, fun and games	Community Groups	Short
2.13	Pilot Shire Connect – information sessions with council officers.	Trial monthly information sessions with council officers to build two-way communication channels.	Council – Community Development Community	Short

## 4

## Stage 4: DRAFT PLAN AND ACTIONS

### Theme 3: INNOVATION AND COLLABORATION ON CLIMATE ACTION AND RESILIENCE

	ACTION	DESCRIPTION	WHO	TIMING
3.1	Invest in independent, reliable energy security.	Establish independent energy supply to support the town during frequent power outages.	Community	Medium
3.2	In the event of resource extraction, it should be informed, sustainable and collaborative.	Community education and collaboration to be sourced if mass resource extraction is to occur.	Community Industry and business	Short
3.3	Invest in reliable communication infrastructure.	Explore and invest in reliable telecommunications and internet to enable home businesses and communication in emergencies.	Community External providers	Medium
3.4	Consider climate impacts on community and agriculture.	Investigate how future climate is likely to impact the way in which people live in Stanley. Develop education and future planning for agricultural activities based on climate predictions.	Community Council – Economic Development, Community Development	Short
3.5	Community to personally prepare for emergencies and help neighbours to plan and prepare.	Households to ensure properties and homes prepared for emergencies and develop a bushfire plan. Community to help more vulnerable residents to plan properly for an emergency. Attend community information and education sessions.	Community Council – Emergency Management CFA Red Cross	Short
3.6	Keep the roads in good repair and implement classifications for bushfire prevention.	Implement the systematic statewide program of bushfire risk assessment for all roads to ensure that they are meeting their obligations.	Regional Roads Parks Victoria Council	Medium

## 4

## Stage 4: DRAFT PLAN AND ACTIONS

### Theme 3: INNOVATION AND COLLABORATION ON CLIMATE ACTION AND RESILIENCE

	ACTION	DESCRIPTION	WHO	TIMING
3.7	Improve water infrastructure for bushfire management at the Barge Dam.	Extend the works at the Stanley Barge Dam to create a second static water supply for fighting bushfires.	DEECA Community Council	Medium
3.8	Explore broader community emergency planning and preparedness initiatives.	Develop community education and capacity building programs.  Connect and support community-led initiatives to enhance emergency preparedness and capacity.	Community  Council - Emergency Management Emergency Management and Recovery Services	Short

## SUMMARY

As the engagement progressed the community focused less on Council and individual needs and more on the preservation and growth of their community. This is particularly the case for securing the future of and enhancing community assets and natural resources. People understand that living in Stanley means balancing living in a beautiful environment with ongoing bushfire risk and that they have an individual as well as community responsibility to be prepared. The challenge ahead both as a community and as a Council is to support the progress of the identified actions to strengthen resilience in the landscape and community.

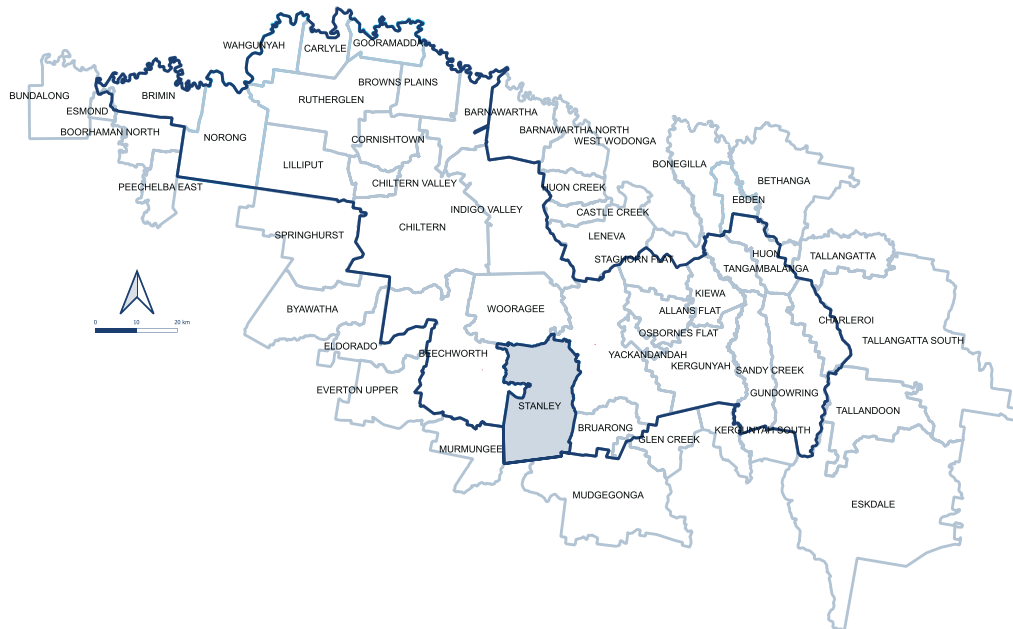
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## EVALUATION OF IMPLEMENTATION

This plan belongs to the community, with eventual success decided by the strength of collaboration, local leadership, and achievement of prioritised projects. The short, medium, and long-term success of this plan, and in particular the actions for change, can be measured over time. This plan will be measured against progress of the following success indicators as detailed in the three action tables.

THEME	SUCCESS INDICATORS
<b>Sustainable growth and good planning</b>	<p>The rural character of Stanley is preserved.</p> <p>The town centre is zoned to enable a variety of commercial, business and community activities to take place.</p> <p>Planning and implementation of improved pedestrian and cycle paths within the village and for connection is underway and ongoing.</p>
<b>Investment in community connections and assets</b>	<p>Annual and long-term maintenance plans of community buildings are in place and supported.</p> <p>Stanley residents are using the spaces to connect, and to support the more vulnerable residents. This is supported through Council planning and business initiatives.</p> <p>Stanley's natural resources are preserved, protected, and promoted and key projects – such as the Spring Ditch Wetlands are progressed.</p>
<b>Innovation and collaboration on climate action and resilience</b>	<p>The community is informed and prepared for a changing climate and more extreme weather events, as well as bushfire.</p> <p>The community has established energy resilience in Stanley and is supported to progress innovative projects.</p> <p>Responsible parties are working together to mitigate risks and manage assets, including water.</p>

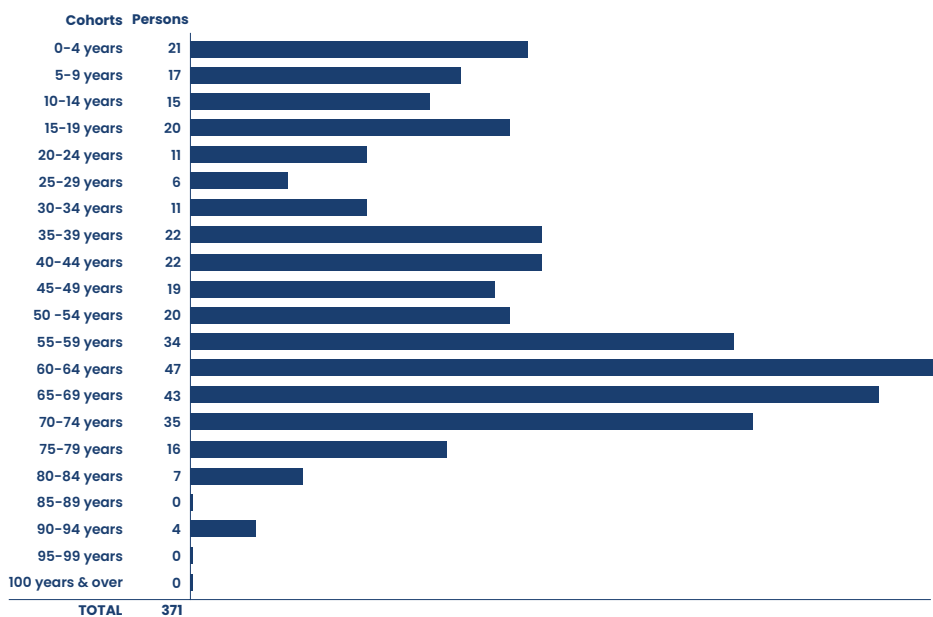
## STANLEY IN THE CONTEXT OF INDIGO SHIRE



The following data is taken from the 2021 ABS census. Home to **17,418** people, Indigo's median age is **47** years. There are **371** people living in Stanley.

With a median age of **32** years, Tangambalanga is the youngest locality in Indigo. The oldest is Stanley with a median age of **54** years.

### AGE



## Families

A family is defined as two or more persons, one of whom is at least 15 years of age, who are related by blood, marriage (registered or de facto), adoption, step or fostering, and who are usually resident in the same household.

In 2021, of the **4,856** applicable families in Indigo with two or more people:

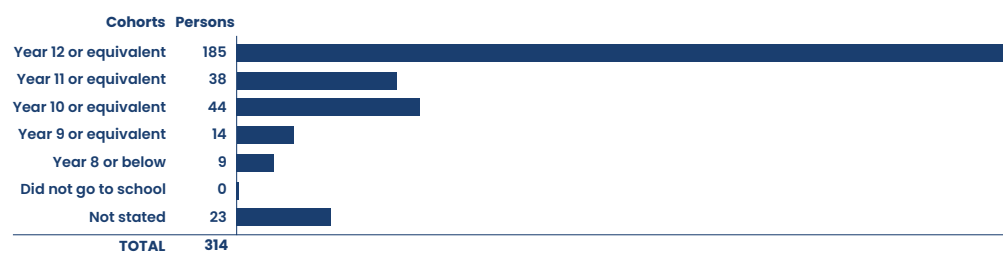
- **55.4%** were two person families
- **17.5%** were three person families
- **17.1%** were four person families.

The locality with the highest proportion of two person families (**65.2%**) is Stanley (Vic.), whereas Tangambalanga has the highest proportion of four person families (**23.6%**).

There are a total of **112** families in Stanley.

## Education

### SCHOOL COMPLETION



Stanley had the highest level of year 12 completion, and Wahgunyah had the lowest. School completion shows the highest level of primary or secondary school education that has been completed.

Of the **14,330** applicable residents in Indigo in 2021:

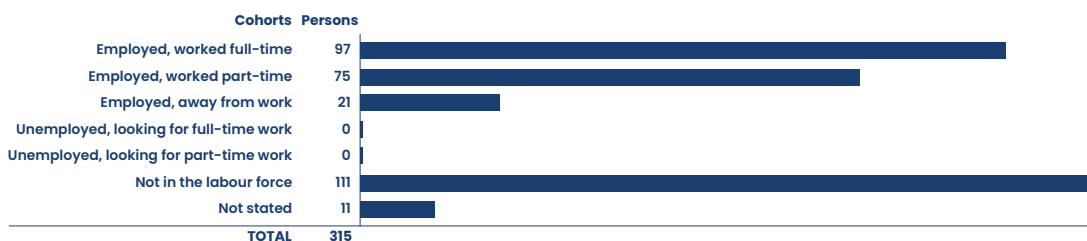
- **45.8%** completed Year 12 or equivalent
- **20.6%** completed Year 10 or equivalent
- **15.4%** completed Year 11 or equivalent.

## Work

In Stanley in 2021, **63.5%** of people aged 15 years and over were employed, **36.5%** were not in the labour force and **0.0%** were unemployed.

The unemployment rate is calculated as the proportion of unemployed people in the labour force, which includes employed people, as well as those unemployed and actively seeking employment. On this basis, the unemployment rate for Stanley in 2021 was **0.0%**.

### LABOUR FORCE STATUS



In Indigo in 2021, **62.1%** of people aged 15 years and over were employed, **36.3%** were not in the labour force and **1.6%** were unemployed.

The unemployment rate is calculated as the proportion of unemployed people in the labour force, which includes employed people, as well as those unemployed and actively seeking employment. On this basis, the unemployment rate for Indigo in 2021 was **2.5%**.

## Housing

Stanley is recorded as having **367** occupied private dwellings. There are 0 unoccupied dwellings of any type recorded.

Private dwellings include houses, units, and apartments, as well as residences in caravan parks, camping grounds, marinas, manufactured home estates and retirement villages. Non-private dwellings provide a communal type of accommodation. For example, hotels, motels, and boarding houses.

Of the **17,041** people counted in Indigo in 2021:

- **97.8%** lived in occupied private dwellings
- **2.2%** lived in non-private dwellings

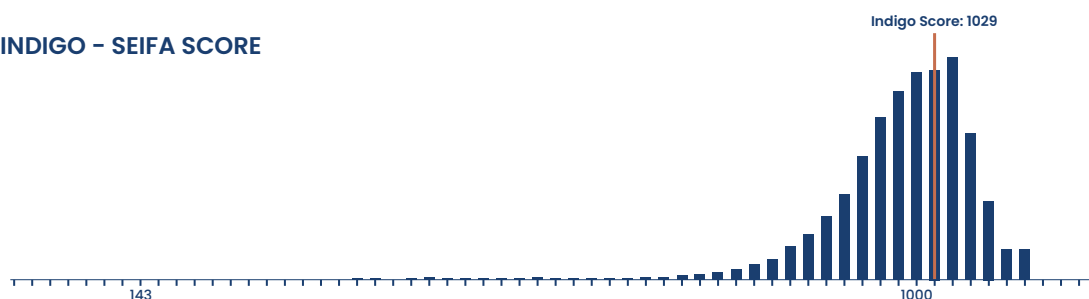


## Wellbeing

The Socio Economic Indexes for Areas (SEIFA) score for Indigo in 2021 was **1029**. Across Australia's local government areas SEIFA scores range from **143** (most disadvantaged) to **1207** (least disadvantaged).

- Indigo ranks **450** out of **547** local government areas with SEIFA scores in Australia,
- There are **97** local government areas which are less disadvantaged, and;
- There are **449** local government areas that are more disadvantaged

### INDIGO – SEIFA SCORE



SEIFA is a suite of indexes that have been created by the Australian Bureau of Statistics (ABS) from social and economic Census information.

Each index ranks geographic areas across Australia in terms of their relative socio-economic advantage and disadvantage.

A SEIFA low score indicates relatively greater disadvantage in general. For example, an area could have a low score if there are (among other things):

- Many households with low income, many people with no qualifications, or many people in low skill occupations.

A SEIFA high score indicates a relative lack of disadvantage in general. For example, an area may have a high score if there are (among other things):

- Few households with low incomes, few people with no qualifications, and few people in low skilled occupations.

## STANLEY IN THE CONTEXT OF GLOBAL INFLUENCES

With a deep understanding of Stanley and its community today, we can now shift our focus to the local and global influences shaping change in this village and its surroundings. Through the Community Plan research, we have identified these external pressures that largely exceed the capabilities of any single organisation to counteract. These forces are seen as moulding a different future, where current assumptions have shifted to create a new context.

This section of the Community Plan outlines the major influences that are currently affecting and will continue to shape its adaptation over an extended timeframe. Macro drivers, although global in nature, have tangible effects on the local environment. Recognising these drivers of change allows us to pose the right questions for better planning. Throughout the development of this Community Plan, the identified drivers have been integrated into the key strategic directions and action plans. The community has shown strong awareness of these drivers, particularly in acknowledging and engaging with the challenges at the macro level.

### Macro Drivers

Drivers of change are often labelled with jargon, which can sometimes make them appear complex and unrelated to local communities. However, through the establishment of community-led projects, Stanley has shown a deep understanding of these global shifts and its role in addressing their local impacts.

In examining external drivers of change this Plan references the research of the Arup Foresight and Innovation Team and their publication on Drivers of Change (2024). This source is the most detailed and well-researched, providing the latest insights. The research is designed to assist local communities like Stanley in considering how global trends affect them locally.

## Climate Change



DRIVERS OF CHANGE	WHAT DOES IT MEAN FOR STANLEY?
Food Supply: Climate change will affect the types of crops that can be grown in different regions and alter their growing seasons. Inland areas will experience shifts in crop seasons, leading to significant impacts on the agricultural sector.	<i>What will we be able to grow in the region if the climate changes (warms)?</i>  <i>To what extent do we rely on food produced in different regions?</i>
Resilience refers to the ability of individuals, cities, and the built environment to withstand and prosper in the face of natural and human challenges.	<i>How capable are our towns and landscapes in recovering after a natural disaster?</i>
Exploring Business Opportunities: Organisations are recognising the potential business advantages and market distinctions linked to climate change. The rise in green economy jobs is fostering an economic reaction to this complex issue.	<i>What new markets are being created and what opportunities do these present?</i>  <i>What role can Stanley play in creating these opportunities?</i>
Climate Stress refers to the collective physical, chemical, and biological limitations affecting ecosystem productivity.	<i>What are the drought and bushfire risks associated with decreased rainfall and increased temperatures?</i>
Long-term planning is crucial when considering the costs of climate change since they cannot be accurately measured within the usual two to six-year electoral cycle, whether through policy action or inaction.	<i>How are we planning for climate change beyond electoral cycles?</i>  <i>Do we have a long-term plan?</i>

## Energy



DRIVERS OF CHANGE	WHAT DOES IT MEAN FOR STANLEY?
Reducing peak power demand through dynamic demand involves establishing a direct and real-time connection between energy customers and suppliers.	<i>What projects and initiatives could help make renewables more reliable and less expensive locally?</i>
Diversified energy network with various producers and retailers, allowing consumers to select their preferred option.	<i>Can we create more competition and options for Stanley and the region?</i>
Distributed and Local Generation - Generation becomes decentralised when linked to a distribution network rather than a transmission network. This includes adaptable generation technologies situated near the areas they power, such as small businesses and communities.	<i>Can we learn from the example of Totally Renewable Beechworth and Totally Renewable Yack to be independently sustainable?</i>
Electricity storage plays a crucial role - expanding gridscale storage brings numerous advantages. It addresses the issue of intermittent generation for renewable energy sources.	<i>Can we increase renewable energy storage in Stanley?</i>  <i>Do we have the right advice?</i>

## Water



DRIVERS OF CHANGE	WHAT DOES IT MEAN FOR STANLEY?
Population growth is leading to an increasing global demand for water.	<i>How can we balance water use across Stanley (i.e., agriculture, groundwater mining, household etc.)</i>
Water Awareness – As water scarcity rises, there is a greater demand for improved water conservation. This process begins with raising awareness on both individual and community levels.	<i>How can we be more efficient with our water use?</i>
Efficiency – according to a recent UN Water Report, if efficiency does not improve, worldwide water demand will outstrip supply by 40% by 2030.	<i>What technology systems can help improve access and distribution of water, particularly without reticulated water?</i>  <i>How does this apply to living in the Stanley? To agriculture?</i>
Water Systems Advancement – Water recycling and circular systems are progressively enhancing water quality and decreasing the reliance on groundwater.	<i>Can we recycle our sewerage and reuse our grey water?</i>
Embedded water – water is essential for everything, yet often overlooked as a resource until it's visible. There is a significant amount of unseen water within the system that is now being recognised and considered.	<i>Can 'water footprinting' help us see the unseen water required to produce our food and non-food based services?</i>

## Waste



DRIVERS OF CHANGE	WHAT DOES IT MEAN FOR STANLEY?
A circular economy functions as a restorative closed loop system that minimises waste and pollution by reusing materials and products whenever feasible, thus reducing material and labour inputs significantly.	<i>What actions can we take to close the loop locally?</i>
Sharing – the “sharing economy” refers to the exchange and sequential co-use of goods between a group of users.	<i>Can we share resources to minimise consumption of items we won't use or don't need?</i>
Food – food waste has serious environmental consequences. The estimated carbon footprint of food waste is 3.3bn tons of CO2 a year.	<i>How can we shop and eat differently to avoid half of all fruit and vegetables being wasted?</i>
Upcycling is the process of transforming waste materials into new products of better quality.	<i>What items considered trash can be repurposed as someone else's treasure or utilised in a new way?</i>
Most of our solid waste is disposed of in landfills, which can be categorised into three major types: household rubbish, commercial and industrial waste, and construction and demolition waste.	<i>How can we collect waste differently?</i>

## Food



DRIVERS OF CHANGE	WHAT DOES IT MEAN FOR STANLEY?
Ethical food – collective buying power is changing the way food is produced and consumed, aligned with religious, health and ethical concerns.	<p><i>How ethical is our food production?</i></p> <p><i>Do residents value organic, local produce, and are they willing to pay for it?</i></p> <p><i>Do cooperatives have a place in helping to distribute food ethically?</i></p>
Farmers – modern farmers are profiting less from their labour, with mechanisation displacing labour, and an increase in landless agricultural workers.	<p><i>How can we strengthen our Shire's food supply and agricultural ecosystem?</i></p> <p><i>How can we keep up with technical advances in farming?</i></p>
Supply chain – with an increase in processed goods, food usually makes a minimum of one stop on its way to your plate, while huge quantities of fresh produce is often imported.	<p><i>How can we be more conscious of limiting farm to table journey our food?</i></p> <p><i>Can we collapse the supply chain and invest in local supply chains?</i></p>
Diversity – 75% of the human diet comes from just nine species. Loss of genetic diversity makes crops susceptible, leading to demand for centralised seed banks.	<p><i>How do we diversify the crops we are producing?</i></p> <p><i>How do we build demand for these crops?</i></p> <p><i>Should we start stockpiling our seeds?</i></p>
Satellite sensing – developing technologies are changing the way we farm, detecting, monitoring, and managing and in more efficient and cost effective ways.	<p><i>What innovations should we be considering to grow food in the future?</i></p> <p><i>How do we manage investment in technology while maintaining jobs?</i></p>
Internet of things – the growing importance of context awareness, targeting enriched experience, intuitive communications services, and an increasingly mobile society, requires intelligent services that are smart but invisible to users.	<p><i>If farms have the sensors already, when does it come to town?</i></p> <p><i>What do we want to sense and why?</i></p>

## Digital



DRIVERS OF CHANGE	WHAT DOES IT MEAN FOR STANLEY?
Artificial intelligence is leading to a shift where machines are increasingly taking on cognitive tasks. The automation and optimisation driven by AI have the potential to boost productivity and bring economic benefits. However, this advancement also brings along uncertainties and risks.	<p><i>How does this impact on the future of work and major employers?</i></p> <p><i>Do we need an AI Strategy?</i></p>
Autonomous vehicles are leading to a future where mobility can be readily available on demand without the need for human control.	<p><i>Connecting disconnected towns and freeing up parking spaces?</i></p> <p><i>Providing safe transport for those unable to drive?</i></p>
Open data is a movement aimed at providing civic data to the public for analysis and for developing new digital products that serve the public's interests.	<i>Transparent and free access to data available in the civic domain?</i>
The virtual workplace, enabling productive work connections through technology, is reshaping mobility and settlement trends.	<p><i>What are the needs of the virtual workforce in Stanley?</i></p> <p><i>What needs to improve to support this?</i></p>

## Housing



DRIVERS OF CHANGE	WHAT DOES IT MEAN FOR STANLEY?
The State of the Housing System 2024 reports that the housing affordability crisis will worsen in Australia, as it will globally, and that social and affordable housing is not on-track to meet demand.	<i>How do we ensure that planning supports the more vulnerable with sustainable, innovative housing?</i>
The global housing crisis is driven by shortages of land, lending, labour, and materials, partly driven by the global pandemic and insecure economic environments. Urban planning assists with growth needs, including migration.	<p><i>What can we do as a community to utilise the land available effectively?</i></p> <p><i>Can we plan for intergenerational living?</i></p>
As the impacts of climate change increase, existing homes are increasingly inefficient and not fit for purpose. Designing for climate using passive design principles is increasingly important.	<i>The capacity to build climate resilience homes is within our reach. How do we demand that this is the minimum standard for new builds?</i>
<p>Migration interstate during the pandemic has impacted housing prices, rental prices, and general availability. With very few homes to buy, limited land to build on and increased cost of living, the opportunities to live in rural Australia are diminishing.</p> <p>More homes are required, however rural areas struggle to attract developers to invest in the area, and planning legislation limits what can be built and where.</p>	<p><i>How do we advocate for developers to invest in critical enabling infrastructure – power, sewerage, drainage – to enable home building?</i></p> <p><i>How can planning for our region better meet current and future needs?</i></p>

## COMMUNITY PLANNING GLOSSARY

### ACTIVATION

Simple to complex interventions which encourage life and vibrancy to turn dull, unsafe, and underutilised spaces into more vibrant and active places.

### CHARACTER

Character is the collection of all the qualities that make a place distinct from others. Character tells the story and personality of a place and the people that are part of it.

### COMMUNITY-LED PLANNING

Community-Led Development involves local community members collaborating to identify and achieve goals, fostering relationships with stakeholders, and leveraging community strengths and leadership.

### CONNECTIVITY

Connectivity is how we are connected to places in our city, our neighbours, and the world. It can be physical, through better walking connections and improved transport options, or it can be digital through technology that allows us to participate in national and international discussions, events, and markets.

### DIVERSITY

Diversity refers to the range of things in our town or city. This can be a diversity of cultures and people, the diversity of things to see and do, and a diversity in the design of the built form. We know successful places have a range of diverse activities both day and night.

### INCLUSION

Inclusion is the policy or practice of making sure that everyone in society has access to resources and opportunities.

### PLACE PLANNING

Place planning, or placemaking, is a comprehensive approach to planning and development that aims to create vibrant and resilient places valued by communities and visitors. It involves understanding community culture and collaboration. Place planning includes masterplanning, urban design, social and economic development, community engagement, retail planning, arts and culture, and sustainable development. A community plan is a place plan developed in-house by a Council officer in conjunction with community collaboration.

### RESILIENCE

The capacity to cope with disaster and disruption and continue to function in a desired way.



### SENSE OF PLACE

A sense of place is a unique collection of qualities and characteristics, 'visual, cultural, social, and environmental', that provides meaning to a location. Sense of place provides authenticity, establishes the relationships people have with a place and builds the perceptions people hold.

### STRUCTURE PLANS

Structure plans guide a council's preferred direction of future growth in activity centres, tailored to each area's uniqueness. They implement state policies and cater to evolving community needs.

### SUSTAINABLE DESIGN

Sustainable design is ensuring the design of our built form reduces the impact of urban development on the environment and helps to withstand pressures of climate change and population increases to ensure healthy and happy environments for the people that live in them.

### UNIVERSAL DESIGN

*"The design of environments to be usable by all people to the greatest extent possible without the need for adaptation or specialised design"* – The Centre for Universal Design

### VIBRANCY

Vibrancy is the liveliness and general feeling of a place. A vibrant place or space is full of life and energy, diversity of experiences, activity, sights, sounds, economies. Successful places require two elements for them to be vibrant – population, and a reason to visit.

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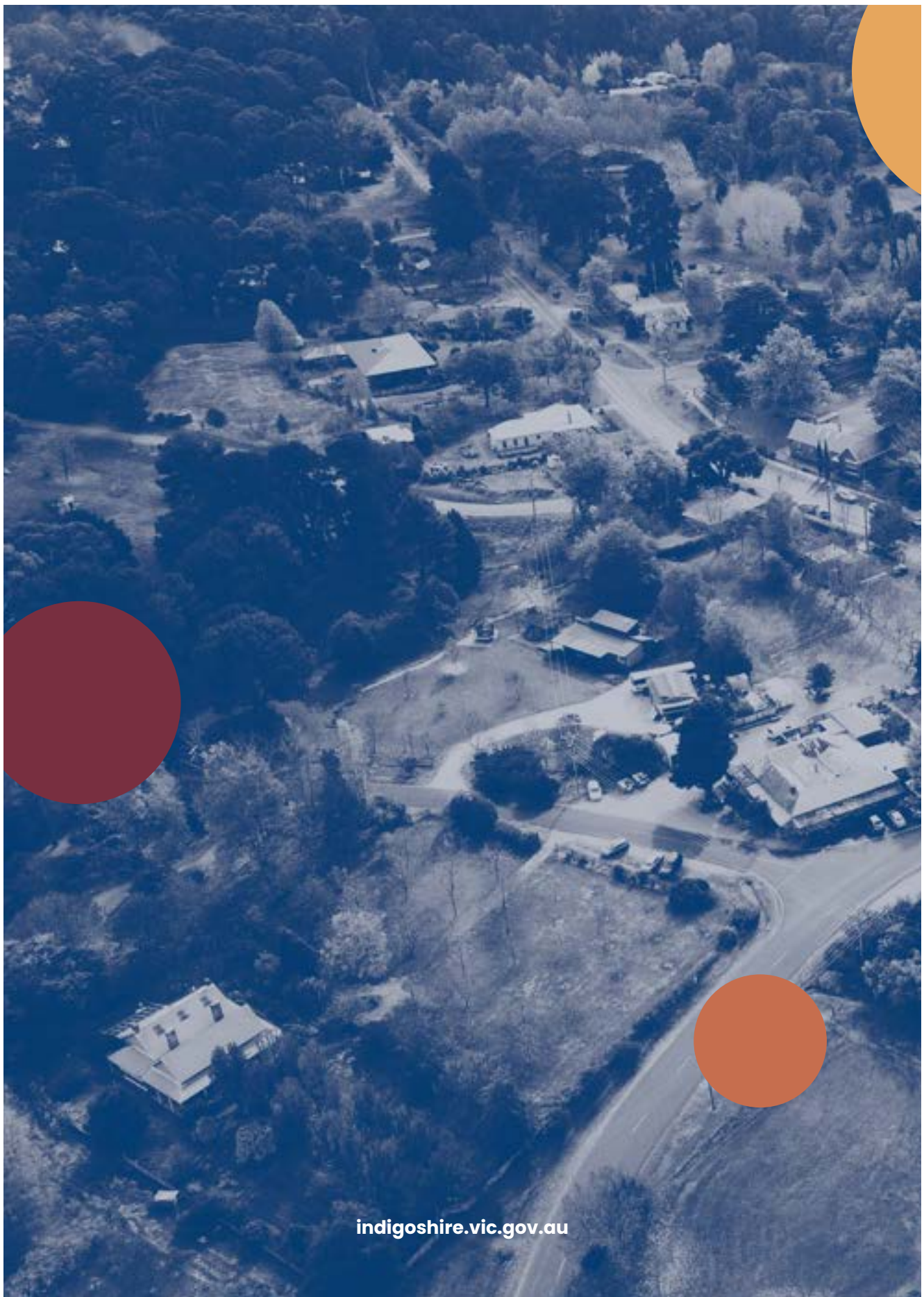
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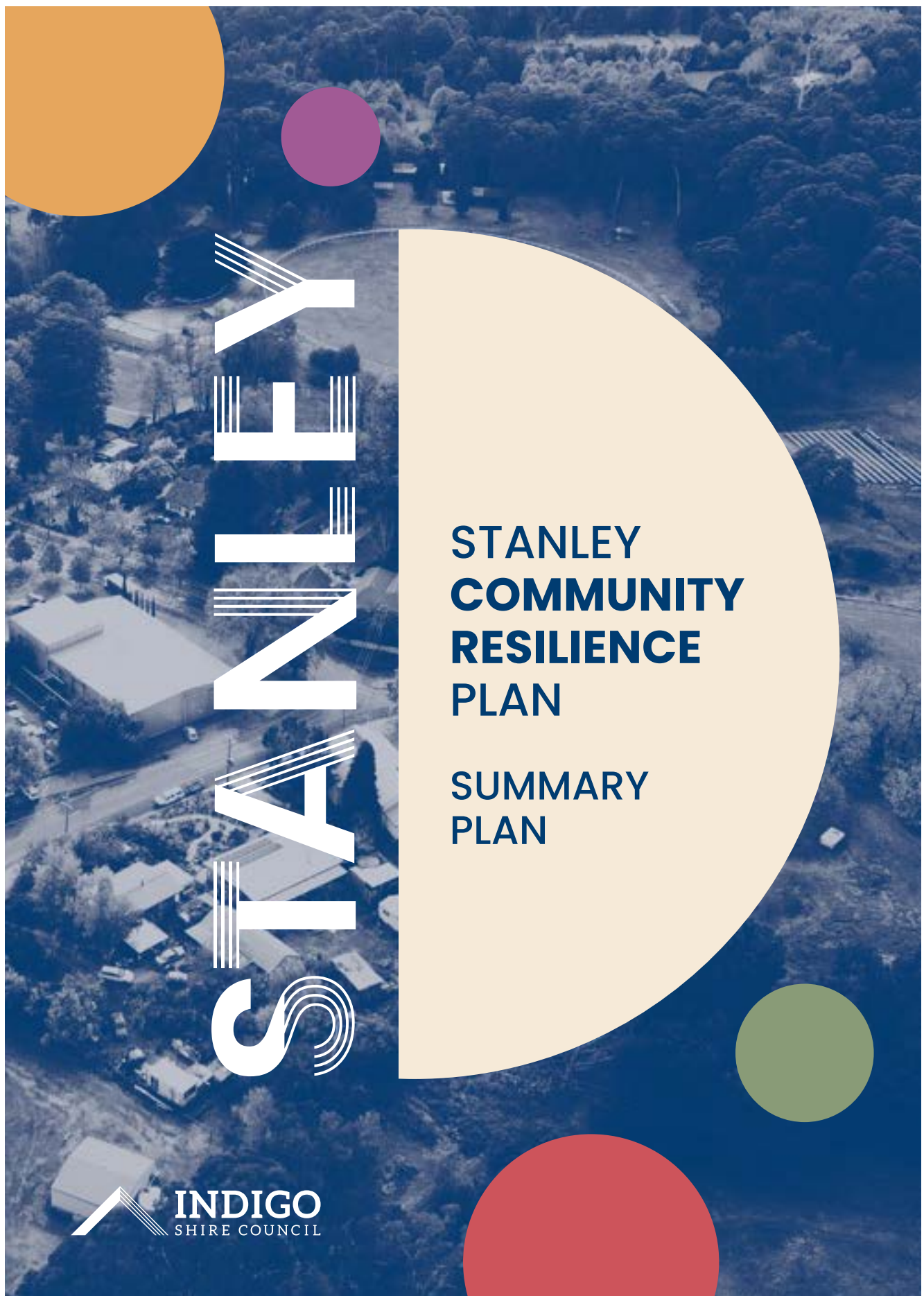
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## **Always Was. Always Will Be.**

Indigo Shire Council acknowledges 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 respects to the elders of the past, present, and emerging.

This document has been prepared by Indigo Shire Council in collaboration with the Stanley community. The work has been made possible through flood recovery funding from Emergency Recovery Victoria.



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## EXECUTIVE SUMMARY

The purpose of this Community Plan is to provide a framework for achievable and place-based action that will enable the Stanley community to meet its existing and future needs.

It provides a roadmap for what needs to be preserved, protected, and improved to retain the unique rural, historic, agricultural, and natural environments that defines Stanley. This plan has been developed entirely through consultation with those who live and work in Stanley and it builds on previous community and Council planning processes.

This Community Plan provides a well-coordinated approach to make the village even better and address the changes driven by and for the community. This plan tackles the core challenges that Stanley may face in the future by being proactive and suggesting ways to leverage the village's unique strengths.

*This document is an extract of the Community Plan. This short version of the Plan brings together the most relevant sections for easier access and wider community distribution.*



## PART A: THE PROJECT

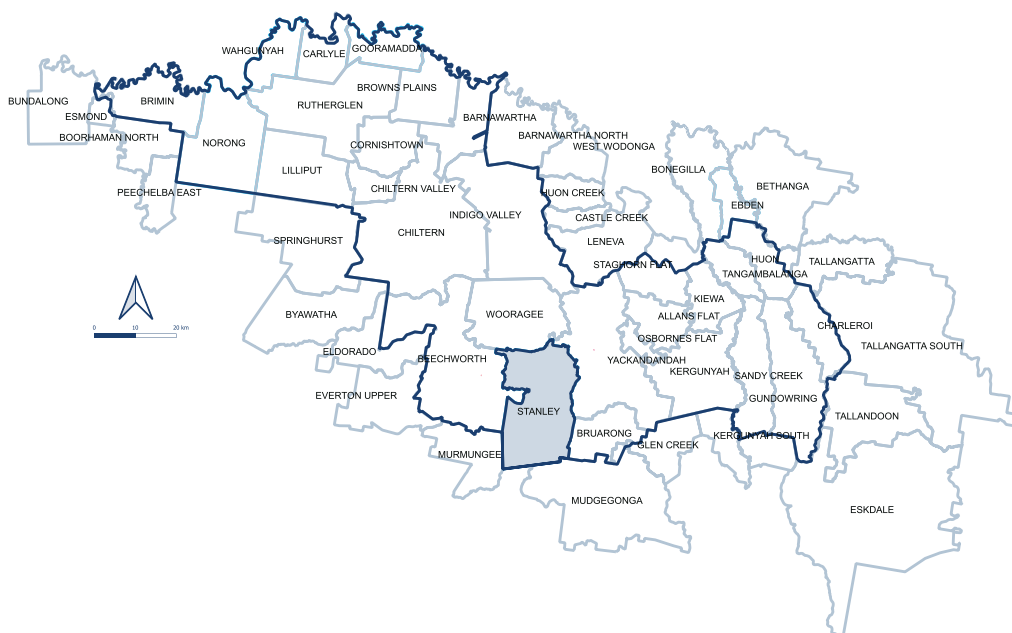


## PART A: THE PROJECT

### INTRODUCING STANLEY

Stanley, a quaint village with a population of 371 people, is renowned for its natural beauty, scenic walking paths, and refreshing swimming spots. The village's primary agricultural focus is on tree sales, pine plantations, berries, nuts, and apples. Stanley has an engaged and progressive community, with numerous volunteer-led organisations. There are several significant buildings and trees that tell the story of Stanley's past, with committed individuals ensuring their future.

The residents of Stanley take pride in shaping the aesthetics and atmosphere of their hometown. They strongly believe in the strength of community and its ability to achieve goals. Their vision includes a sustainable future that aligns with the natural surroundings and boosts the local economy. Additionally, they aim for a secure environment with reliable access to energy, water, communications, and preparedness for extreme weather events.





## THE PROJECT

At Council's April 2023 meeting, a proposal was supported to undertake small township community planning. Stanley was selected due to its expressed need for community planning to support infrastructure, capacity building, strategic planning, and facilities management. Stanley has proactive community advocates and established community groups enthusiastic to partner with Council to improve their profile and undertake community planning for their town.

### Drivers

- The need for improved Council collaboration across a range of community, social, and planning issues
- Increasing birth rates in Stanley and an increase in young families moving to Stanley
- Comparatively higher climate action needs – particularly bushfire
- Existing strong community advocacy

### Objectives

The Stanley Community Resilience Plan:

- Consolidates what the local community values into a unified vision
- Provides strategic reference for future community development
- Helps inform Council policies and projects
- Encourages a place-based approach for local decision making across Stanley
- Supports and inspires residents, businesses, and Council

## Visioning

The shared vision for Stanley highlights the importance of both the landscape and community characteristics. Participants envision careful development towards a vibrant village centre and adjacent community, while preserving the distinctive essence of the community and the natural landscapes that envelop the village.

## Key Themes

This work was funded through Emergency Recovery Victoria with a focus on emergency preparedness and community resilience. Consultation was themed across the four environments of recovery, Social, Economic, Built and Natural, as a guide to thinking about Stanley holistically, and with a forward focused resilience frame.

Stanley is a community of diverse individuals with many varying opinions and priorities. This was identified as one of the greatest things about Stanley, and also one of the things that makes the town work as it does. The diversity in opinions generated key themes as priority focus areas throughout the consultation process:



**Sustainable growth  
and good planning**



**Investment in  
community  
connections and  
assets**



**Innovation and  
collaboration on  
climate action and  
resilience**

The actions developed by the Stanley community have been themed into these three priority areas in Part C of this plan.

## Core Challenges

As the fabric of Stanley was explored, some key challenges that the community needs to be resilient to, to thrive became apparent. A snapshot is provided below and are discussed in more detail in part B of this plan.

### Ageing Population

Stanley is home to Indigo Shire's oldest demographic. The expected increase in older residents will generate greater demand for health care and medical services, of which none are in Stanley. The closest facilities are located Beechworth, approximately 10km away. There is no community transport available, or public transport.

### Ageing Infrastructure

This historic village has the challenges of preserving important historic assets and of improving ageing assets, such as the Recreation Reserve and the former Stanley School site. A collaborative approach involving the owners / managers of this infrastructure and the community is required to ensure the future of the buildings and collections.

### Extreme Bushfire Risk

Stanley is in an extreme bushfire risk location. It is ringed by natural bushland and pine plantations managed by Hancock Victoria Plantations (HVP). It is in an elevated position, with the roads in and out surrounded by bush. This means that housing growth and tourism has strict regulations in Stanley regarding population growth and overnight visitation. It also means that residents and businesses constantly need to manage their properties with a bushfire risk lens.

### Water Access and Management

There are several aspects to the water challenges faced in Stanley:

- No access to reticulated water
- No reticulated sewerage system
- Limited supply of water sources for bushfire management
- Commercial water extraction

### Climate Resilience

Stanley locals want to ensure resilience of agricultural businesses to the impacts of a changing climate. Stanley is traditionally a cooler climate with a higher-than-average rainfall which has made it ideal for specific crops. Ongoing capacity to adapt crops and agricultural management to suit the climate is essential for continuing success. Extreme weather events and smoke taint have been challenges in the past five years, while a heavy fuel load and community preparedness for bushfire are present issues.

### Economic Opportunities

Stanley is zoned Farming Zone under the Victorian Planning Provisions. A thriving agricultural future is essential to residents, particularly in the face of declining intergenerational farms, and competition from mega farms. The zoning does not allow for any new business – other than those related to agriculture – to open where there has not been a continuity of use. Locals would like to see a rezoning that allows for new businesses to open in the village centre, and where the future of the Post Office is ensured.

## What is Community Planning?

Community planning is an ongoing and strategic process that puts the community and its people at the centre of decision-making. It focuses on developing grass roots social capital and resilience. This approach aims to have communities taking the lead and ownership of their township plans and working collaboratively towards achieving their own goals and ambitions. This approach involves significant relationship building between Council and community.

This plan analyses Stanley as it is today and envisions how it might look over the decades to come. It documents a collective vision for how residents see the past converging with the future and identifies actions that both Council and the community can take to make the vision for the future of Stanley a reality. There are myriad ways that the plan can be used to progress the collective visions of the community for example:

- To initiate and energise direct action
- As a supporting document for grant applications and funding
- Strategic rationale to lobby for change
- Basis for letter of support from Council for community initiatives
- To support advocacy and inform decision making

It's important to remember that while the plan is ready in 2024, many of the actions may be subject to grant or other funding conditions and the strategic position or priorities of the Commonwealth, State, and local Governments. There may also be significant disruptors that we can't yet foresee that could change the plan.

Community Planning is: ✓	Community Planning is not: ✗
About creating places that people love	Delivering a project
People focused	A design-led masterplan or policy
Inclusive and collaborative	One-off events or artworks
Visionary, but also practical	Just about visible outcomes
Letting go and sharing the responsibility	Done by one person or team
Flexible and adaptable	Infrastructure upgrades alone
Designed for sustainable development	Strategic or Statutory Planning decision making

## PROJECT STAGES

The project, detailed in Part C of this document, was broken into the following stages:

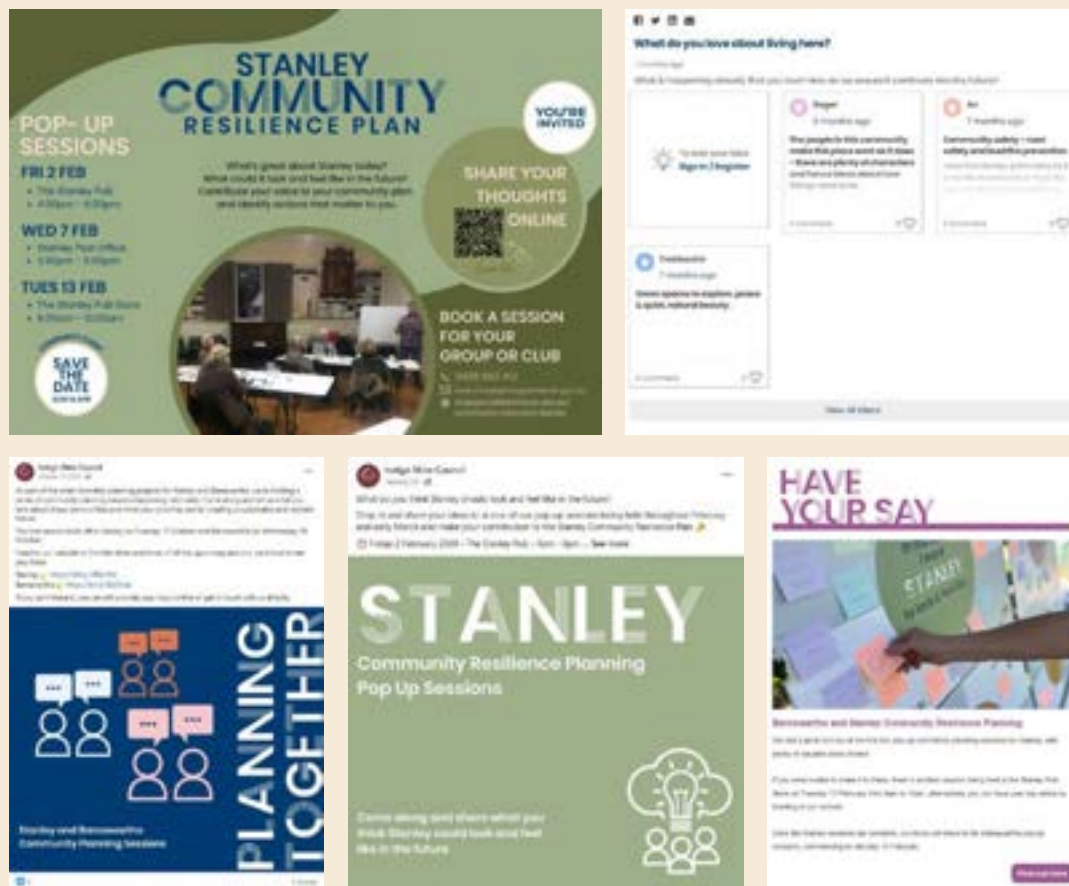




## What's next?

The plan belongs to the community. The community has identified actions which will preserve what residents love about Stanley and in what ways they want to see growth and change. Some of these are easily achieved at a community or individual level, without the need for Council involvement or additional funding. Others are more complex and will require collaboration between community and Council, and sometimes businesses or other key stakeholders. Many actions will require external funding sources to make them a reality.

The Community Plan will be used to inform the next Council Plan (2025) as well as Councils ongoing decision making. Where there is a Council-led action it will be referred to the relevant Council department to progress. Actions within the Community Plan that align with Councils Strategic position and Shire wide perspective will be pursued through Councils various ongoing programs, projects, and service delivery.



## Project Promotion

The following methods were used to communicate to Stanley residents about the plan, the process, and ways to get involved:

- Engaged Indigo Website – The project and process were explained here, as well as key milestones, project updates and options for leaving feedback.
- The Your Indigo Newsletter – Weekly updates from Indigo Shire Council
- The Nine Mile News – Local Stanley publication that kept residents up to date on the opportunities and progress of the planning process.
- Stanley Community Email – The Stanley community email is a volunteer run initiative that keeps all subscribed residents informed.
- Stanley Community Facebook Page
- Council Facebook Page
- Posters on notice boards, local businesses, and Post Office
- Letterbox Drop

## PART B: THE PLAN



## PART B: THE PLAN

### 1 Stage 1: EXPLORATION

The initial exploration phase of the project process involved looking back to see what we had already been told. All the original documents can be found on the Council website along with the full version of the Community Plan, where the findings from earlier plans are detailed.

### 2 Stage 2: RESILIENCE CONVERSATIONS

In October 2023, Indigo Shire initiated discussions with the Stanley community to enhance its ability to handle disasters, disruptions, and difficulties. The conversations were led by Paul Ryan from the Australian Resilience Centre, which created the Community Resilience Discussions Report, December 2023, that can be accessed in its entirety on the Council website.

#### The Process

Three two-hour sessions were held at the Soldiers Memorial Hall in Stanley.

The focus for the discussion sessions were as follows:

#### Session 1

- Identifying visions for future. How do you want this community to look and feel in the future?
- Resilience of what? What is it we want to make resilient?
- Resilience to what? What are the risks to our community?



## 2

**Stage 2:**  
**RESILIENCE CONVERSATIONS****Session 2**

- Assessing resilience against the ten dimensions of resilience.
- Actions to address perceived resilience deficiencies, at the household, community and in partnership with the Shire and other agencies.

**Session 3**

- Prioritising actions to inform household, community and Shire efforts and activities.
- The intention was to have the same group of community members attend each session, however for the Stanley community each session was attended by mostly new people. This allowed for a wider range of perspectives to be heard within the three sessions but meant there was limited continuity and sharing of discussion across sessions.

The focus of these initial conversations was on understanding and base-lining current resilience capacity. The conversations yielded actions that can be owned by individuals, households, community organisations and Council.

The community resilience conversations are summarised in the full version of the Community Plan and reflect current community understanding and preceptions about current risks. The initial discussions laid the groundwork for collaborating with various groups, organisations, businesses, and agencies linked to the community to build the Plan.

## 3

## Stage 3: TO THE PEOPLE

### Stage 3: TO THE PEOPLE

Consultation Stage 2 was an opportunity for everyone to be heard in places where they usually gather, feel comfortable and can contribute in varied ways. This stage of consultation enabled people to pop in for a couple of minutes or stay and chat with Council staff to share topics important to them. This stage of consultation included:

- Pop-Up Consultations – have we heard from everyone?
- What We heard – Collating and summarising information from the Resilience conversations, website contributions and pop-ups to create an action plan
- Community Celebration – Prioritising, refining, and celebrating community contribution



### Pop-up Conversations

The actions and themes from the previous planning documents, Resilience Conversations, and website engagement were taken to the community for feedback and growth through pop up sessions. A series of pop-ups at the Stanley School and Stanley Pub and General Store generated additional actions and further established the key priorities.

The pop-ups were structured around the same lines of enquiry that were explored through the Resilience Conversations, and grouped into the recovery domains of social, economic, built, and natural:

- In the future I want Stanley to look and feel like...
- For this to happen, the community needs...
- As an individual I can contribute to make this happen...
- To be successful we need to be resilient to challenges such as...







## 3

### Stage 3: TO THE PEOPLE

Through these pop-ups we heard from young people and their families, long-term residents, and newer arrivals. We also heard from people who lived close-by who regularly visit the area as they feel a strong connection to the place.

This phase of the engagement was markedly different to the Resilience Conversations and the priorities that had the most community support were quite different to the focus in the Conversations, despite structuring the engagement on the same lines of enquiry. The Conversations required a high level of community buy-in in terms of time and energy. To engage in the Conversations, people had to have a large amount of time available to them to begin with. The sessions predominantly attracted people who had a good understanding of Council processes and a desire to see the changes that they had already been advocating for.



Conversely, the people who engaged with the pop-up sessions and the community event showed very low interest in actions that prioritised Council process. Often the interactions were incidental, such as in the beer garden where people were not there primarily to talk to Council. For those that chose to engage with the project at the pop-ups, they were often focused on immediate community level actions that are very visible in the community and impact their day-to-day life. This was magnified at the community event where people could see the draft action table of all the priorities. Those that enhanced their community directly were prioritised over those that were centred around improving Council processes for community benefit.

## 3

## Stage 3: TO THE PEOPLE

### What We Heard

#### Stanley people want to connect with others and their environment

Stanley residents are keen to connect with each other but feel they don't have places to do this informally. Consciously creating opportunities to connect requires time, money and/or access to a vehicle – assets that are becoming increasingly scarce for many in the community, but even more so for the most vulnerable who would benefit the most from this connection.

Safe and clearly defined commuter trails would benefit across all ages and allow for active travel. We heard from a primary school student that she would like to *“walk to my friends’ houses, they don’t live that far away, but I have to walk on the road to get there and it’s not safe.”* A couple with school aged children said *“We’d really love to be able to ride to Beechworth on the weekends, but the trail is just too difficult to navigate. I’d ride to work if it were easier too.”* And the ability to exercise locally is not considered safe, one woman mentioned that she *“used to run in the forest for fitness, but I will not do so now, after attacks in other parts of the state. There is no safe option to run in town.”*

People were quick to acknowledge the multiple benefits of safer paths noting that it would make the village look loved and cared for, increase connectedness by ‘bumping into each other on walks’ and increase visitor and tourism access. *“We have so many great places in Stanley, and we’d love more people to be able to see them. It would be great to see more picnic spots and defined lookouts so that others can appreciate the beauty that we know we are surrounded by.”* The natural environment came up time and time again, and the Stanley Community are keen to share it – and see it protected and cared for.

**“ I wish I could walk to my friends’ houses. They don’t live that far away, but I have to walk on the road, and it’s not safe. ”**

12 year old Stanley resident

**“ We don’t have a supermarket where you just bump into people, the Post Office has limited hours, and even our letter boxes are sometimes kilometres apart. To catch up with people or meet new people you have to invite them to your home or attend an event. ”**

**“ Imagine the Stanley wetlands as a showcase of endemic fauna and flora with weeds and feral animals eliminated. ”**

## 3

**Stage 3:  
TO THE PEOPLE**

### The Value of Community Assets in Creating Connections

The school as a community asset raises deep, emotions for many residents who see this space as central to holding their community together. When asked to talk about the value of this space many lacked words and deferred to their hands and faces to convey the value it has in their village. It is one of those spaces you need to 'see to believe'. On a day when the school sits empty, it does not look abandoned and unloved as you might expect from a destaffed school needing repair. It looks as though it is quietly waiting with calm and safety to welcome the community back.

To see the space come alive at an event such as the Community Celebration held on Sunday 14 April is a sight many strive for when aiming to create cohesive connected communities.

The tree canopy creates a nurturing umbrella that creates an involuntary drop of the shoulders and instant relaxation. The intergenerational nature of play and conversation between families, neighbours and new acquaintances is noticeable for its ease. At this event, while looking at the 'sticky dots of engagement' one newer resident was dazed to see "how many people really, deeply care about our town and its people". This desire to connect, engage and care is truly rare for communities and incredibly difficult to capture in words - but it can be felt, and it is this feeling the Stanley community is so keen to see strengthened and preserved.

“ If the school site we're to be boarded up it would have a huge impact on how the town looks and feels. Especially because it's right on the main street at the entrance to town. If it were to be fenced off and left to fall apart it would make the whole town look deserted. ”

“ The recreation reserve holds so many memories of fun community activities. It was a real hub for the community back in the day and I'd love to see it used in the same way for future generations. A lot of money is needed, and we're only a small community, but the impact that it would have for the people of Stanley – I think it's worth it. ”

The committees of management for the community assets, including the school, hall, athenaeum, and recreation reserve all spoke passionately about the need to preserve and improve these spaces. Members from the recreation reserve and Spring Ditch in particular spoke about the need to "show the space some love" to bring it to life. The SRCI committee is dedicated to ensuring the future of the school site as a community asset.

## 3

**Stage 3:  
TO THE PEOPLE****Creativity and innovation require basic infrastructure to be met first.**

There is no shortage of innovation, creativity, and grit in Stanley. There is also significant frustration and resignation about this being hamstrung by the lack of basic services and reliable infrastructure.

The community isn't asking for grand buildings, high speed train services or sparkly tourism attractions. It wants basic, reliable communication infrastructure, appropriate water services and to feel safe and cared for.

We heard it time and time again across all areas of living.

“We’d never rely on phones and internet in an emergency. They don’t work well on any given day anyway.”

“Our septic system sits across the boundary to our property and the easement. There isn’t enough room with in the property boundary to put in a new system. The house is 100 years old. The old system really needs to be replaced, but we don’t have any flexibility in how to make this work. So, we’re not sure what to do now.”

“We live just at the start of town, within the 60km zone but without streetlights or a footpath it’s not safe for us to walk home from community events in the hall or pub. There are power poles there, but no lights on them...”

“We’ve all just gone to Star Link now, we hate that it’s expensive and supports privatisation, but if you want reliable connectivity, especially for work, it’s the only option.”

“There are no outreach health services, no transport and an ageing population. My elderly mother is completely isolated and she’s certainly not the only one.”



## 3

**Stage 3:  
TO THE PEOPLE****Community event**

During the pop-up sessions, attendees voted on the location and activities for a community event. Participants were given three votes, in the form of ping-pong balls, to put into the vessel marking their choice. They were able to write under each heading examples of what they would like to see happen at the event.

The event was designed as a celebration of the community planning process, and to give back to the communities that had given so much of their time to support the planning process. Holding the community events also met one of the aims under the recovery funding to support community cohesion and resilience, as well as community-identified need for more events to bring people together.

The Stanley School was voted as the clear winner for location, followed by the Recreation Reserve, Spring Ditch Wetlands, and the Memorial Hall.

The Stanley Community Celebration was held on Sunday April 14, 2024, at the Stanley School. It was led by SRCI and showcased the community groups active in Stanley, local producers, and creatives. This event was the final in-person consultation with the community before the draft plan was completed and put to Council for endorsement in June 2024.



## 3

**Stage 3:**  
**TO THE PEOPLE**

The community visioning, themes, and key actions underwent testing once more during the celebration. The actions were ranked by the community to create a priority rating. Each participant was given five sticky dots to place next to their top priorities. People had the option to put more than one dot against an action, however they had to prioritise the most important things to them, right now. It also provided an essential space for the community to talk with the Council officers who had facilitated the project and to answer other questions.

Sixty-six community members ranked the actions to establish a priority rating. On the next page is the final list of actions, arranged according to community priority.

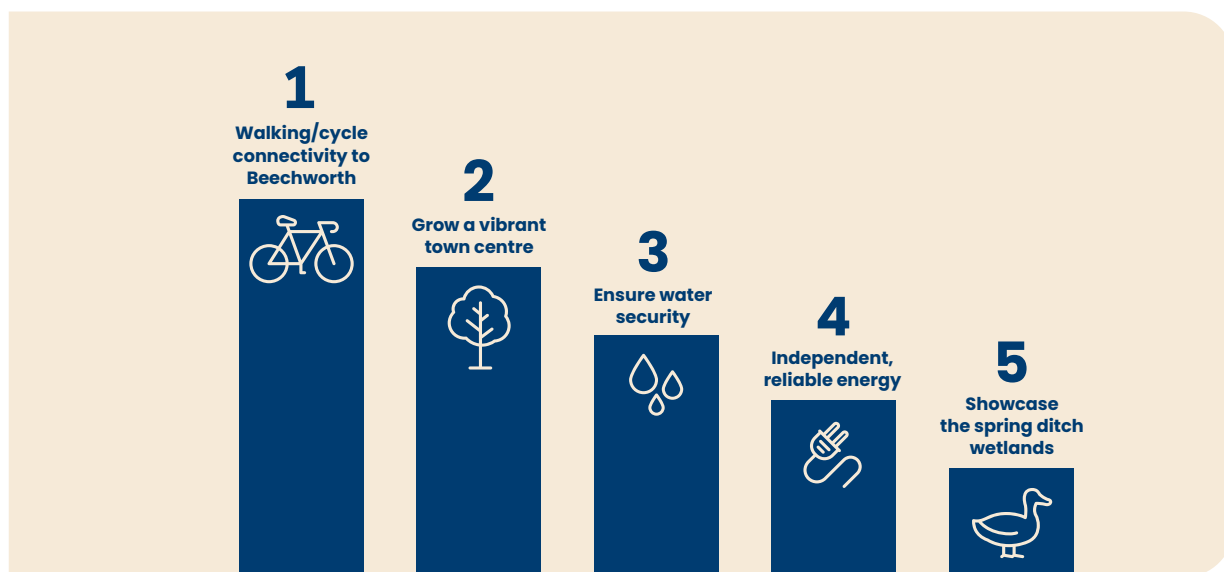
## 4

## Stage 4: DRAFT PLAN AND ACTIONS

### Stage 4: DRAFT PLAN AND ACTIONS

#### ACTION PLAN

The five actions that received the highest number of votes in the priority ranking are:



The action plan is organised into the three strategic themes as identified by the community. These actions aim to proactively address current and future challenges. Many of these actions can be initiated immediately at the community level without any input from Council. Other actions will require collaborations between Council, community, and relevant services, agencies, businesses, and levels of government. It needs to be acknowledged that the project lead may change over the duration of the project. Many of these actions will begin with community advocacy, seed funding, or grassroots movements. In time, and as required, the involvement of Council or other levels of Government will be required to progress and achieve a number of the identified actions.

Many projects will require additional external funding, community support, or technical expertise and/or feasibility studies etc before they can be progressed. This plan can be used to seek funding from various sources and to seek stakeholder support for future projects.



## 4

## Stage 4: DRAFT PLAN AND ACTIONS

### The Strategic Themes

#### Theme 1: SUSTAINABLE GROWTH AND GOOD PLANNING

- i. Residents want to preserve the rural character of Stanley.
- ii. Economic growth in the town centre to enable a variety of commercial, business and community activities to take place.
- iii. Planning for improved pedestrian and cycle paths is a high priority.

#### Theme 2: INVESTMENT IN COMMUNITY CONNECTIONS AND ASSETS

- i. Invest in the existing community spaces to ensure they are fit for future purpose.
- ii. Stanley is a connected community who are seeking more opportunities and spaces to connect, and to support the more vulnerable residents.
- iii. Stanley's natural resources need to be preserved, protected, and promoted.

#### Theme 3: INNOVATION AND COLLABORATION ON CLIMATE ACTION AND RESILIENCE

- i. The community wants to be better informed and prepared for a changing climate and more extreme weather events, as well as bushfire.
- ii. The community is knowledgeable and has the skills to establish energy resilience in Stanley, however it needs support to make it happen.
- iii. Managing risks requires collaboration and for everyone to do their part.

### Timing in the action tables

- **Short** 0–2 years
- **Medium** 0–5 years
- **Long** 0–10+ years

### Level of community support

As voted by 66 community members at the Stanley Community Celebration. Each person received five votes to prioritise projects important to them.

- **Very High** 25+ votes
- **High** 20–24
- **Medium** 10–19
- **Low** 5–9 votes
- **Very low** 0–4 votes

## 4

## Stage 4: DRAFT PLAN AND ACTIONS

### Theme 1: SUSTAINABLE GROWTH AND GOOD PLANNING

	ACTION	DESCRIPTION	WHO	TIMING
1.1	Grow a vibrant town centre.	Collaboratively support the growth of local businesses, community endeavours, creative enterprises, and a sustainably managed post office.	Local Businesses Council – Economic Development	Medium
1.2	Ensure water security – potable, wastewater, farming.	Advocate to North East Water and Council regarding sewage and potable water needs. Protect the environment and farming from commercial groundwater extraction.	North East Water Council – Environment and Building	Long
1.3	Preserve the rural character of Stanley.	Ensure the planning scheme discourages development that conflicts with the rural character and appeal of the existing Stanley community.	Council – Planning	Short
1.4	Explore innovative ways to promote the availability of seasonal products.	Support producers who would like to advertise seasonally available products in effective ways that works with the existing Signage laws.	Council – Planning and Local Laws, Tourism and Communications	Medium
1.5	Reduce speed limits in built up areas.	Install slower speed zones across town including 40 in the current 60 zone, and 60 in the current 80 zone.	Regional Roads	Medium
1.6	Make Stanley a walkable community with more trails and paths.	Improve and build on the existing walking trails to enhance Stanley as a walking destination.	Council – Tourism, Recreation, Operations, and Infrastructure	Medium
1.7	Support opportunities for formal education to be delivered locally to create diversity, vibrancy, and community connection.	Re-establish the Stanley School as an operational school. Explore options for school activities to operate alongside community activities.	Community Department of Education	Long

## 4

## Stage 4: DRAFT PLAN AND ACTIONS

### Theme 1: SUSTAINABLE GROWTH AND GOOD PLANNING

	ACTION	DESCRIPTION	WHO	TIMING
1.8	Establish clear and specific town and rural boundaries.	Formally review the zoning of Stanley to establish a town centre with room for commercial development, surrounded by farming land.	Council – Planning Victorian Planning Authority  CFA	Medium

## 4

## Stage 4: DRAFT PLAN AND ACTIONS

### Theme 2: INVESTMENT IN COMMUNITY CONNECTIONS AND ASSETS

	ACTION	DESCRIPTION	WHO	TIMING
2.1	Build a bike path connecting Stanley to Beechworth for safe commuting to work, school, and recreation activities.	Create a cycle and walking path that facilitates safe commuting between the towns without having to go on the sealed road, or on the Epic Trail.	Council – Recreation and Capital Works	Long
2.2	Showcase the Spring Ditch wetlands.	Eradicate weeds and feral animals and improve the walking trails, signage and community gathering spaces. Showcase the unique flora and fauna endemic to this area.	DEECA Community Council	Short
2.3	Establish a sustainable model of future operation for the Post Office.	Work collaboratively with Australia Post, community, and local businesses to ensure the future operation of the Post Office without excessive reliance on volunteers.	Australia Post Community Local businesses	Medium
2.4	Support art and creativity as part of the economy.	Strengthen Stanley's identity as a creative hub by investing in arts education and the establishment of grants for creative projects and installations. Foster programs that support tourism around the arts.	Council – Creative Communities Community	Short
2.5	Preserve, maintain, and care for the natural environment.	Preserve and care for the natural landscape enjoyed for leisure and recreation activities. Consider regeneration initiatives and native plantings as well as walking paths and viewing areas.	Community DEECA Council – Sustainability	Short
2.6	Assist the ageing community to have access to health care, transport, and community connection.	Explore community car share models and communication models to support aging community.	Community	Medium

## 4

## Stage 4: DRAFT PLAN AND ACTIONS

### Theme 2: INVESTMENT IN COMMUNITY CONNECTIONS AND ASSETS

	ACTION	DESCRIPTION	WHO	TIMING
2.7	Create a masterplan for the Recreation Reserve.	The process of creating a masterplan will identify all current and future needs of the Stanley Recreation Reserve and provide the strategic justification for funding projects.	Council	Short
2.8	Create opportunities for the community to connect informally. e.g., "Bumping Places", cafes, outdoor spaces.	Get involved in community-led events to build relationships, reduce loneliness, share information, and support vulnerable community members.	Community Local Businesses Council – Community Development, Economic Development	Short
2.9	Support community activities that promote connection. e.g., Toy Library, Playgroup, Farmer's Market, community gardening group that maintain community spaces.	Invest in the existing community spaces to make them more inviting for gatherings and explore new options for activities and programs.	Community Local Businesses	Short
2.10	Support the preservation and sustainable management of community assets.	Annual and long-term maintenance plans of community buildings. Consider innovative ways to manage, use and maintain community assets.	Community Council – Assets, community development DEECA	Medium
2.11	Build local childcare capacity.	Explore options for local childcare to improve household capacity to work.	Community Local Business	Medium
2.12	Establish an old-style gymkhana.	Horses, people, fun and games	Community Groups	Short
2.13	Pilot Shire Connect – information sessions with council officers.	Trial monthly information sessions with council officers to build two-way communication channels.	Council – Community Development Community	Short

## 4

## Stage 4: DRAFT PLAN AND ACTIONS

### Theme 3: INNOVATION AND COLLABORATION ON CLIMATE ACTION AND RESILIENCE

	ACTION	DESCRIPTION	WHO	TIMING
3.1	Invest in independent, reliable energy security.	Establish independent energy supply to support the town during frequent power outages.	Community	Medium
3.2	In the event of resource extraction, it should be informed, sustainable and collaborative.	Community education and collaboration to be sourced if mass resource extraction is to occur.	Community Industry and business	Short
3.3	Invest in reliable communication infrastructure.	Explore and invest in reliable telecommunications and internet to enable home businesses and communication in emergencies.	Community External providers	Medium
3.4	Consider climate impacts on community and agriculture.	Investigate how future climate is likely to impact the way in which people live in Stanley. Develop education and future planning for agricultural activities based on climate predictions.	Community Council – Economic Development, Community Development	Short
3.5	Community to personally prepare for emergencies and help neighbours to plan and prepare.	Households to ensure properties and homes prepared for emergencies and develop a bushfire plan. Community to help more vulnerable residents to plan properly for an emergency. Attend community information and education sessions.	Community Council – Emergency Management CFA Red Cross	Short
3.6	Keep the roads in good repair and implement classifications for bushfire prevention.	Implement the systematic statewide program of bushfire risk assessment for all roads to ensure that they are meeting their obligations.	Regional Roads Parks Victoria Council	Medium

## 4

## Stage 4: DRAFT PLAN AND ACTIONS

### Theme 3: INNOVATION AND COLLABORATION ON CLIMATE ACTION AND RESILIENCE

	ACTION	DESCRIPTION	WHO	TIMING
3.7	Improve water infrastructure for bushfire management at the Barge Dam.	Extend the works at the Stanley Barge Dam to create a second static water supply for fighting bushfires.	DEECA Community Council	Medium
3.8	Explore broader community emergency planning and preparedness initiatives.	Develop community education and capacity building programs.  Connect and support community-led initiatives to enhance emergency preparedness and capacity.	Community  Council - Emergency Management Emergency Management and Recovery Services	Short



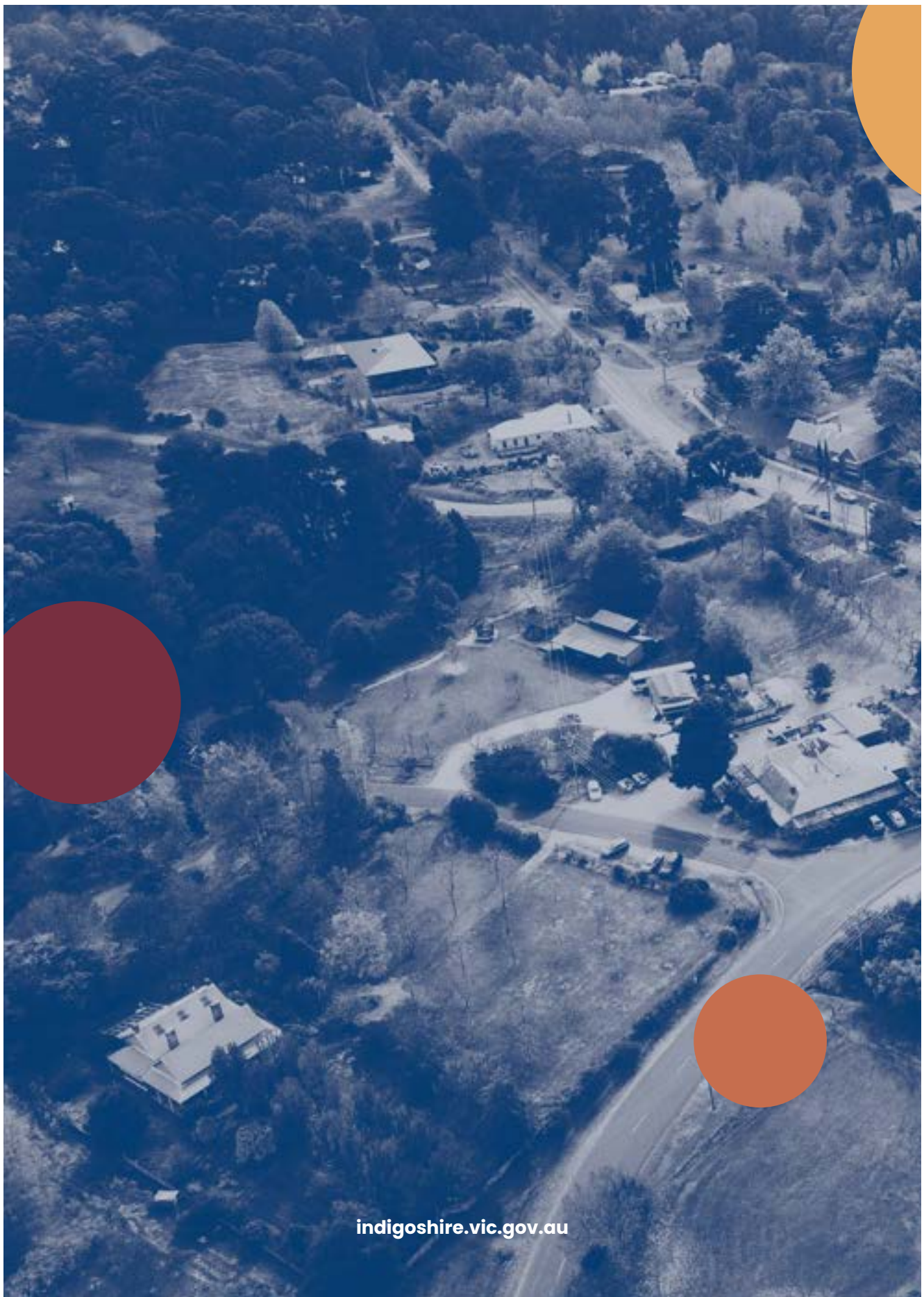
## SUMMARY

As the engagement progressed the community focused less on Council and individual needs and more on the preservation and growth of their community. This is particularly the case for securing the future of and enhancing community assets and natural resources. People understand that living in Stanley means balancing living in a beautiful environment with ongoing bushfire risk and that they have an individual as well as community responsibility to be prepared. The challenge ahead both as a community and as a Council is to support the progress of the identified actions to strengthen resilience in the landscape and community.

## EVALUATION OF IMPLEMENTATION

This plan belongs to the community, with eventual success decided by the strength of collaboration, local leadership, and achievement of prioritised projects. The short, medium, and long-term success of this plan, and in particular the actions for change, can be measured over time. This plan will be measured against progress of the following success indicators as detailed in the three action tables.

THEME	SUCCESS INDICATORS
<b>Sustainable growth and good planning</b>	<p>The rural character of Stanley is preserved.</p> <p>The town centre is zoned to enable a variety of commercial, business and community activities to take place.</p> <p>Planning and implementation of improved pedestrian and cycle paths within the village and for connection is underway and ongoing.</p>
<b>Investment in community connections and assets</b>	<p>Annual and long-term maintenance plans of community buildings are in place and supported.</p> <p>Stanley residents are using the spaces to connect, and to support the more vulnerable residents. This is supported through Council planning and business initiatives.</p> <p>Stanley's natural resources are preserved, protected, and promoted and key projects – such as the Spring Ditch Wetlands are progressed.</p>
<b>Innovation and collaboration on climate action and resilience</b>	<p>The community is informed and prepared for a changing climate and more extreme weather events, as well as bushfire.</p> <p>The community has established energy resilience in Stanley and is supported to progress innovative projects.</p> <p>Responsible parties are working together to mitigate risks and manage assets, including water.</p>



# 12.3

## DRAFT BARNAWARTHA AND SURROUNDS COMMUNITY RESILIENCE PLAN

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# Indigo Shire Council Community Resilience Conversations Stanley & Barnawartha

*December, 2023*

*Prepared by Paul Ryan, Australian Resilience Centre*



Community Resilience Conversations  
December 2023

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## Overview

This document summarises the outputs from a series of resilience focused conversations held with Barnawartha and Stanley communities in Indigo Shire during October 2023. The purpose of these conversation sessions was to identify actions to strengthen resilience from the household to local community and Shire scale.

The process was driven in large part by the need for Indigo Shire communities to prepare for more extreme weather events, although non-climate related disasters and disruptions were also considered as part of the discussion.

The specific actions identified for Barnawartha and Stanley are intended to address issues the community assessed to be undermining resilience capacity in their communities. The actions range from small scale, short term 'easy wins' through to bigger picture visionary projects. Both levels of projects have their place in resilience building.

The conversations and the identified actions documented here are one part of an ongoing process to build resilience and emergency response capacities at different levels across the focus communities and the wider Indigo Shire community.

## Key overarching findings

***Barnawartha and Stanley are strong active communities, but they face challenges that undermine Preparedness and community resilience.***

Both Barnawartha and Stanley are passionate, proactive small communities. Both communities have previously undertaken a range of locally initiated and driven actions to support place making and the health and wellbeing of their local communities. However, there are several longer-term issues relating to trust in Governance and Decision making, Infrastructure and Service provision, Economic Opportunities and Information Flows and Emergency Capacity that undermine their capacity to locally prepare for, respond to and recover from disaster and disruption.

***Careful 'community centred' integrated planning is required in both Barnawartha and Stanley to address long term community resilience building, particularly Economic opportunities and Infrastructure and services challenges.***

Limited and/or vulnerable physical, economic and social infrastructure, limited local services and economic opportunities, changing demographics and the natural and geographic setting create specific vulnerabilities (eg vulnerability to fire in Stanley's case or potential for a major transport disaster in Barnawartha's) and challenges for both communities. Moving towards more resilient communities in the face of a changing and more extreme climate requires navigating a complex space between social change, economic development, town and landscape planning and changing and sometimes conflicting community aspirations.

***Strengthening trust in governance and decision making is an immediate priority for both Stanley and Barnawartha.***

Both communities expressed significant frustration with Shire and government agency Governance and Decision-making processes. In particular, they highlighted poor engagement and communication, frustration with investment priorities and spending, and confusing or inconsistent processes. A pilot program to test approaches for strengthening trust in Governance and Decision Making across both the Barnawartha and Stanley communities is an immediate high priority to create a foundation for both communities to work effectively with the Shire on other resilience building and planning processes.

***Household and Community Emergency Planning is an immediate priority in both Barnawartha and Stanley.***

In the very short-term, Household and Community emergency planning will help to raise awareness of the need for household and community preparedness and help to clarify roles and responsibilities between the various elements of agency, municipal and local community emergency awareness, planning and actions.

***These resilience focused community conversations have paved the way for further discussions about community resilience and development.***

All the actions identified through the community conversations are valuable 'seedbanks' of innovative ideas. They are an important starting point for ongoing resilience building efforts in Barnawartha and Stanley and other communities within the Shire. Further processes to engage a wider range of community members and supporting small scale community actions are important next steps to build more resilient communities.



## Actions to strengthen household and community resilience.

### Barnawartha

#### *Important note:*

*The actions presented below are focused on short term 'quick wins' to address immediate resilience challenges and build connections, as a step towards addressing some of the deeper, long term resilience challenges. They are also within the scope of the current capacity and resources of the community and Shire.*

*The more significant resilience challenges for Barnawartha relating to 'Governance and Decision making' and 'Economic Opportunities' dimensions require longer term dedicated, integrated resourcing and processes to achieve the desired progress. See pages 30-33 for the full list of actions.*

#### Shorter term, lower effort/higher impact actions

To achieve important 'quick wins' as a way of strengthening resilience preparedness, engaging community and building connections:

##### **1. i. Emergency Planning – household and community level emergency planning**

While CFA undertake excellent annual awareness sessions there was overall agreement that more general household and community 'emergency' training would be beneficial. Indigo Shire is in the process of developing household and community focused emergency awareness material and processes. Stanley and Barnawartha will be the first communities targeted for these activities.

##### **ii. Emergency warning /evacuation awareness raising**

Related to emergency planning, there were a number of issues raised around awareness of emergency warning and evacuation points.

##### **2. Community groups needs documented and communicated to council**

Community groups are crucial to the functioning of any small community. Understanding their needs and the services they offer will help to clarify priorities for support and identify skills, resources and services that may not be well known to other parts of the community. An emphasis on emergency preparedness as part of the information gathering process will better help to inform both the Shire and the community regarding the needs and capacities of groups during emergencies.

##### **3. Community mapping**

There is currently relatively limited understanding about the communities basic demographics and needs, including the number of elderly, people with special needs and other vulnerable people. Similarly, an understanding of those with limited access to technology (to receive emergency warnings) may help to target these people for support to help them prepare for emergencies and disaster response.

##### **4. Neighbour connect**

Neighbor Connect could be a series of activities to help households to connect and have conversations with neighbours about emergency planning and looking after each other. The suggested activities were to encourage households to connect and host small conversations and events to strengthen community connection and help new residents to learn about the emergency risks. The initial activities might involve producing post cards to encourage households to have conversations and an information sheet to support local neighbourhood conversations. The Indigo Shire's emergency planning initiatives may provide the information and the impetus for this action.

#### **5. Support and buy local**

Actions (potentially linked to the community directory process) to raise awareness of local services and encourage people to buy local and support local services where possible.

#### **6. Community events/pop up spaces/farmers/craft market – (moderate effort, moderate benefit)**

With limited commercial spaces available, creating opportunities for local economic opportunities, pop up commercial spaces (to test the market and allow revolving and mobile retailers, etc) not only helps to generate local economic activity but creates opportunities for different types of community interactions and strengthens community connection.

Longer term, higher impact/higher effort actions

To achieve progress against the deeper long term challenges:

#### **7. Volunteer register**

A register to link potential volunteers with needs/tasks to create opportunities for more short term 'spontaneous' volunteering rather than the more traditional process of joining a group and participating over longer time frames.

Linked to a register and community group mapping a volunteer 'come and try' day or community group expo might help new residents or people looking to volunteer with an opportunity to connect.

#### **8. Community Group support**

Support for training, governance, administration, skills and funding for community groups is required to support some groups. There are funding sources for community group support and training, but a coordinated 'whole of Barny' approach will reduce the burden on individual groups organising their own funding and support.

#### **9. Community emergency scenario event**

A dedicated emergency planning scenario event to test both community preparedness and community integration with emergency services and municipal emergency planning. An emergency scenario session would allow the community to come together to work through an emergency scenario, highlighting the current local strengths and gaps in community level awareness and connections.

#### **10. Heritage Centre**

The development of a heritage centre, while a longer term process, provides an opportunity for the community to achieve specific aspects of its longer term vision of maintaining a connection with its farming heritage, creating specific infrastructure and social and economic opportunities. The community is currently self organising the planning process and requires clear support and assistance from the Shire to continue to drive this project forward.

#### **11. Critical infrastructure review and repair**

Critical infrastructure underpins any community. Understanding the current status of infrastructure, maintenance/repair of current critical infrastructure and understanding of future needs is fundamental to the social, economic and environmental health and wellbeing of the community. An audit of current and future critical infrastructure provides a basis for future investment.

#### **12. Business Hub and community co-working space**

Creation of a business hub and community co-working space will help to strengthen economic opportunities and support local businesses and may reduce the need for some people to travel out of the community daily.

#### **13. Mens Shed**

The benefits of mens' and womens' sheds in providing social connection are well documented. Creating a dedicated space for men and women to connect, to learn new skills and work collectively is a fundamental part of strengthening communities.

### Stanley

#### *Important note:*

*The actions presented below are focused on short term 'quick wins' to address immediate resilience challenges and build connections, as a step towards addressing some of the deeper, long term resilience challenges. They are also within the scope of the current capacity and resources of the community and Shire.*

*The more significant resilience challenges for Stanley including building trust in 'Governance and Decision making' and 'Infrastructure and services' dimensions require major longer term dedicated and integrated resources and processes to achieve the desired progress. See pages 45-47 for the full list of actions.*

#### Shorter term, lower effort/higher impact actions

To achieve important 'quick wins' as a way of strengthening resilience Preparedness, engaging community and building connections:

##### **1. Emergency Planning – household and community level emergency planning**

While CFA undertake annual community awareness sessions there was overall agreement that more general 'emergency' training would be beneficial. Indigo Shire is in the process of developing household and community focused emergency awareness material and

processes. Stanley and Barnawartha will be the first communities targeted for these activities.

## **2. Household Connect**

Household Connect is a series of activities to help households to connect and have conversations about emergency planning and looking after each other. The suggested activities were to encourage households to connect and host small conversations and events to strengthen community connection and help new residents to learn about the emergency risks. The initial activities might involve producing post cards to encourage households to have conversations and an information sheet to support local neighbourhood conversations.

Longer term, higher impact/higher effort actions

To achieve progress against the deeper long term challenges:

### **1. Shire Connect – shire information sessions**

Participants felt that a regular opportunity for residents to have direct contact with Shire staff would improve the relationship between residents and the Shire. Building trust and transparency in the Shire's decision making processes, improving the understanding of local issues and sharing information is critical to progressing some of the longer term challenges the Stanley community faces with regards to planning and development.

### **2. Community Emergency Planning and Awareness**

Coupled with household and ensuring it complements the existing CFA information and awareness sessions, there is scope for community emergency planning sessions to strengthen the wider communities knowledge of emergency procedures including the role of the Municipal Emergency Management Planning and protocols and the role of other important land managers in the Stanley landscape.

### **3. Toy Library/Play group**

With a lot of young families moving to Stanley since the pandemic, there is a need to create local support and connection opportunities for young parents and young children. A toy library/play group that operates from the community hall or the school site may provide an important opportunity to increase community cohesion and local networks and share information. There are currently grants available for establishing toy libraries through the Dept. Families, Fairness and Housing.

### **4. Community Connect**

A number of previously regular community events and gatherings have not occurred since the pandemic. The decline of community events and volunteering is not unique to the Stanley community, it is a wider trend playing out across all communities. This action would target the running of 3-4 small 'themed' community events to draw the community back together and provide opportunities for connecting, sharing information and generating support for community actions.

### **5. Childcare capacity**

There is currently limited opportunity for childcare within Stanley. This limits household capacity to work and to participate in community activities. Some focus on developing local childcare services would increase connection, household and community capacity.

#### **6. Infrastructure and energy security planning**

As highlighted by most participants, the vulnerability of communication, energy and other infrastructure undermines household and community resilience in multiple ways. Focused planning on improving the security of energy and services and infrastructure is fundamental to the development of a resilient future for Stanley.

#### **7. Community Centre**

The Stanley community currently relies heavily of the community run post office and volunteer networks to coordinate community activities. The community also lacks a geographic and 'metaphoric' centre. A community centre (operating from existing community infrastructure) could potentially create a community hub around which social connections, information, 'bumping' opportunities and community activities could revolve. There are currently no funding opportunities for community centre establishment. A partnership relationship with adjacent community centres may be a viable option in the short term.

## Introduction

Indigo Shire has instigated a series of conversations with the Barnawartha and Stanley communities to better understand their capacity to cope with disasters. The community conversations form part of a wider focus across Indigo Shire on community resilience and emergency capacity.

These initial conversations will form the foundation for liaison with other community groups and organisations, businesses and agencies within and associated with these communities.

The focus of these initial conversations was on understanding and base-lining current resilience capacity. Understanding and building resilience requires ongoing conversations, action and learning. As communities change and evolve over time so too does their capacity to cope with disaster and disruption. The nature of the risks communities face also changes over time. The community resilience conversations summarised in this document reflect current community understanding and perceptions about current risks.

The outputs from the conversations provide a basis for actions by individuals, households, community organisations and the Shire. They also provide a baseline, however coarse, from which progress towards resilience building can be measured.

### Understanding resilience

Resilience is a widely used, and some would argue, over-used word. It is used in a range of contexts from mental health, personal wellbeing, community, disasters, infrastructure economics and business. For the purposes of this current project, we define resilience as:

‘the *capacity* to cope with *disaster and disruption* and continue to function in a desired way’

That *capacity* maybe of an individual person, of a family, a business, vulnerable groups or the whole community. We also recognise the important relationship between the resilience of individuals and the communities of which they are part. An individual’s resilience will be determined in part by the resilience of the wider community and vice versa.

The *disasters and disruptions* people and communities have to cope with may be rapid and destructive events such as a natural disaster, pandemics, an accident or the failure of critical infrastructure. However, it may also include slower changes such as the decline of a key industry or demographic changes that undermine the communities longer term capacity to cope with those more rapid events.

### Understanding resilience capacity and its benefits

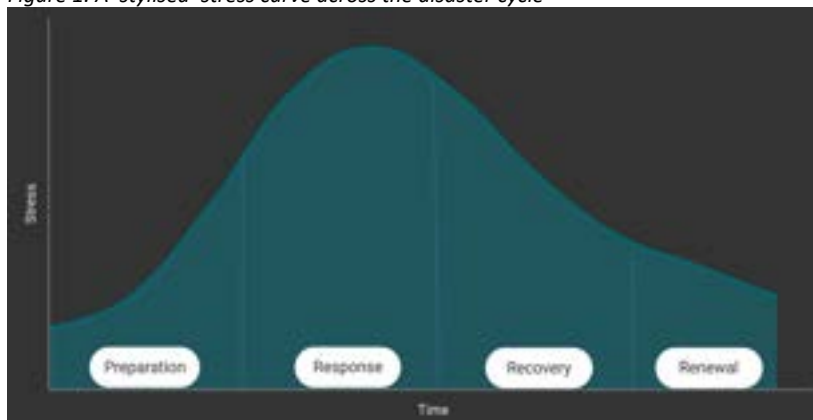
During disaster and disruption, individuals and communities experience a range of psychological, physical, social and economic stresses. Those stresses rise and collectively peak at the height of the response phase (Figure 1), although specific aspects of stress will continue and may peak at much later stages for individuals.

The shape of the ‘stress curve’ will vary for each individual, household and community and will be partly influenced by pre-existing conditions. There is emerging understanding that stress and trauma for individuals is cumulative, that is, that stress and trauma from previous events is carried forward, accumulating over time. Individuals, households and communities from lower socio-economic, marginalised, special needs and otherwise vulnerable groups with pre-existing stresses are likely to suffer most during and after disaster and disruption.

Resilience building cannot fully remove or reduce external risks. However, it can reduce the stress experienced by individuals and communities across the disaster cycle. It can also reduce the direct and indirect economic costs of disasters. Recent studies suggest for every \$1 invested in resilience (risk reduction, prevention and planning for disasters) we save \$4 - \$10 in the recovery phase. The flow on effects from disasters have significant indirect costs, with one estimate putting the cost of disruption to peoples’ lives from the 2009 Black Saturday fires equal to the direct \$3.9B cost of property and infrastructure losses. The key message here is that any efforts to better prepare communities for disasters and disruption makes good social and economic sense.



Figure 1. A 'stylised' stress curve across the disaster cycle

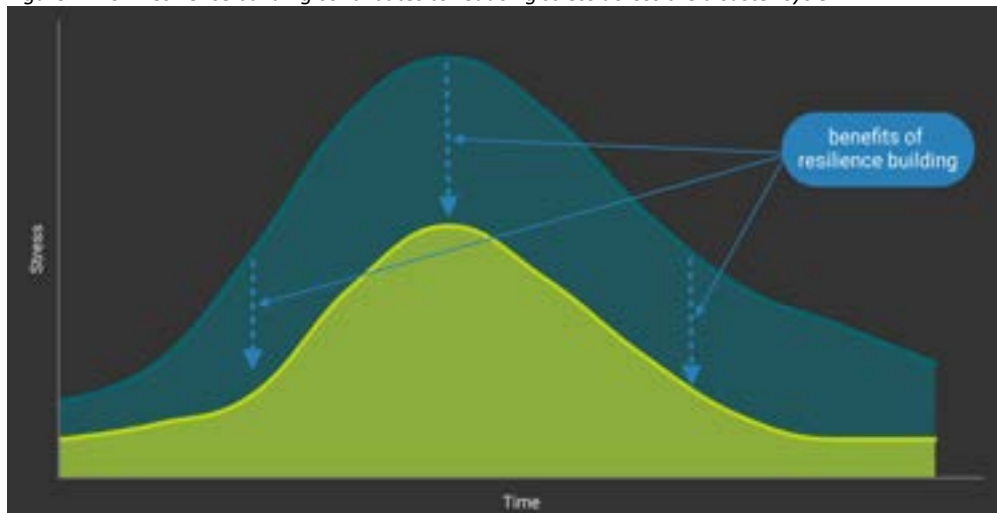


#### Resilience building

While there is a popular view that resilience is primarily about recovery and bouncing back after disaster, evidence clearly shows that proactive action (ie in the Preparation and early Response phase) is a significantly better investment reducing the impact of events and speeding Recovery.

Good resilience building increases the capacity to cope in *all* phases of the disaster and disruption cycle from Preparation, Response, Recovery and Renewal and lowers stress across the disaster cycle (Fig. 2).

Figure 2. How resilience building contributes to reducing stress across the disaster cycle



Multi-level focus – resilience is a shared responsibility.

While the focus of this current project is not on the formal Response activities undertaken by emergency service organisations, individuals and households must still undertake their own emergency preparations and response actions during an event.

Importantly, it is often the relationship *between* individual and household responses and decision making and the formal emergency services response that has a large bearing on the outcomes of a disaster event. For example, making decisions at the household level to evacuate early in response to emergency warnings reduces pressure on emergency services and allows them to concentrate resources where they are needed most.

Hence, resilience is a *shared responsibility* where individual, households, community, emergency services and organisations like Local Government must work together to achieve the best outcomes.

### Assessing resilience

There is no definitive understanding of what constitutes resilience capacity, however numerous studies, reviews and on ground experience suggest that the following 'dimensions' are important for resilience (Table 1., FRRR & USyd, 2022).

These overlapping dimensions collectively support the capacity to cope during disaster and disruption across the disaster cycle. They create the *preconditions* for resilience. For example, without adequate infrastructure, without good flows of information or without a cohesive community that looks out for the most vulnerable members, no community will be able to prepare well, respond to and recover from a disaster. The impact of a disaster on any community lacking those attributes will be much greater and the recovery time much longer than on a community that has worked on those things prior to any event.

In the context of this project, these dimensions provide a way to assess resilience and structure conversations about what can be a vague concept for many people. While subjective, assessment of the dimensions also provides an initial baseline for assessing the effectiveness of resilience building over time.

*Table 1. Definitions of the 10 resilience dimensions assessed during the community conversations.*

Dimension	Explanation
<b>1. Social cohesion</b>	Social cohesion is important during times of community stress. It allows differing individuals and groups to make decisions and work effectively together during planning and during any disruptions and disasters without being hampered by social, cultural, religious or political differences.
<b>2. Inclusion &amp; diversity</b>	During times of stress, marginalised people are often excluded, overlooked or at worst actively discriminated against, further compounding the direct impact of disruption and disaster. Marginal and diverse individuals and groups should be actively engaged in community planning.
<b>3. Economic opportunities</b>	The capacity for people to earn a sufficient income is fundamental to personal and community resilience. Diverse local economic opportunities are better able to withstand disruption and disaster while a narrower or less diverse local economy may be more severely impacted and take longer to recover.
<b>4. Infrastructure &amp; services</b>	Communities require adequate and reliable infrastructure and services to support their health, wellbeing and prosperity. Infrastructure and services must be able to cope with expected <i>and</i> unexpected disruptions and disasters.
<b>5. Emergency response capacity</b>	The ability for local communities to prepare for, respond to and recover from disruptions and disasters is fundamental to community resilience. While State and regional level emergency organisations will support communities as quickly as possible, communities need capacity to cope in the first 72 hours to reduce impacts on human physical and mental health and wellbeing.

Dimension	Explanation
<b>6. Governance &amp; decision making</b>	Governance and decision making processes that are responsive, fair, transparent and accountable ensure that communities can plan for and act on the needs of their communities. Lack of good governance and decision-making leads to disengagement and conflict, reducing capacity in other ways.
<b>7. Information flows</b>	Information flows must be multi-directional ensuring required information (about planning, issues, resourcing, priorities, decision making, practical on ground issues) flow to the right people at the right times to ensure decisions and actions are appropriate and timely. In particular, flows of <i>local knowledge</i> are critical to community resilience as it includes information not contained elsewhere in the information 'system'.
<b>8. Networks &amp; connection</b>	Connections <i>between</i> different people, organisations, decision makers and decision-making processes, at different levels from household to state help communities to organise and influence many of the resilience dimensions.
<b>9. Self-organisation capacity</b>	The ability for communities to self-organise support is important when faced with disruptions and disasters. Experience has shown that formal communication and decision-making processes at higher levels often breaks down or are overlooked at finer scale details. The ability for communities to get together, make decisions and organise action when other systems fail or are yet to kick into gear is an important capacity.
<b>10. Resourcing</b>	Communities that can access resources quickly are better able to respond to the needs of individuals and groups and recover more quickly from disruption and disaster. Resources are more than money. They include skills, expertise and equipment and local and cultural knowledge that can be important at different phases in the disruption and disaster cycle.

### Community discussion process

Three 2hr sessions were held in Stanley and Barnawartha. The focus for the discussion sessions were as follows (Figure 3).

#### Session 1.

- Identifying visions for future. How do you want this community to look and feel in the future?
- Resilience of what? What is it we want to make resilient?
- Resilience to what? What are the risks to our community?

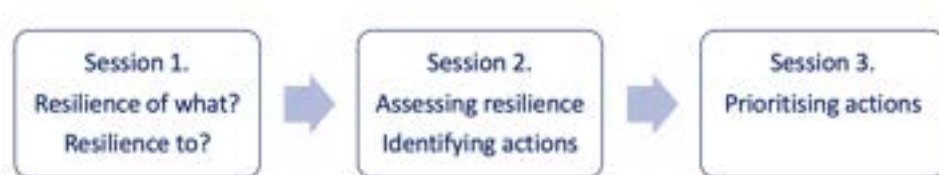
#### Session 2.

- Assessing resilience against the 10 'dimensions' of resilience
- Actions to address perceived resilience deficiencies, at the household, community and in partnership with the Shire and other agencies.

#### Session 3.

- Prioritising actions to inform household, community and Shire efforts and activities.

*Figure 3. The focus of the 3 related sessions undertaken in Barnawartha and Stanley*



The intention was to have the same group of community members attend each session, however for the Stanley community each session was attended by mostly new people. This allowed for a wider range of perspectives to be heard within the three sessions but meant there was limited continuity and sharing of discussion across sessions.

In contrast the Barnawartha sessions had a core group of people that attended all three sessions. This allowed for greater continuity of discussion across the three sessions.

## Summary outputs

### Barnawartha - Summary of outputs

#### Visioning

The collective visions identified by the Barnawartha participants emphasised a well-planned and cared for physical environment. Designated shopping and light industrial zones fit alongside clean and well-maintained recreational, community and green spaces creating opportunities for people to live, work and connect within their local community. This physical and built environment helps to create a place that feels welcoming and 'worth stopping' in. The place is loved, and among other things there is a sense of pride, safety, energy and belonging.



#### Resilience of what?

(What needs to be resilient for Barnawartha to function well?)

*Please note, the below summary is not in any priority order*

- **Diverse and large number of community groups** – for a relatively small community, Barnawartha has a large number of different community groups. These groups (many working away quietly) provide many services and opportunities for social connection and support.

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- **Geographic location** – Barnawartha’s location provides the best of both worlds. It is a small community setting in a rural landscape but just a short commute to larger centres. While the geographic location obviously won’t change, the proximity and dependence on the larger centres of Wodonga and Wangaratta could lead to rapid changes in community character depending on planning, housing and economic opportunities within the town. Maintaining the physical and social character of the community requires deliberate, careful attention from the Shire and community.
- **Community meeting place** - Places for informal and incidental ‘bumping’ are fundamental to maintaining social networks and cohesion and for information to flow within the community. The pub, petrol station, general store/post office are not just crucial services but fundamentally important for maintaining wellbeing and social connection.
- **Caring community** – the many community groups and social networks within the community provide a caring ‘safety net’ through which people connect and feel cared for. Ensuring that safety net continues to function and expands when needed (eg to embrace new residents) is a fundamental part of maintaining and building a resilient community.
- **Property prices** – the availability of larger lifestyle blocks and still relatively affordable housing will continue to attract a range of people to the town. This brings with it an opportunity of new skills, volunteers and economic opportunities.
- **Open spaces** – the green spaces and access to nature are an important part of the character of Barnawartha and provide opportunities for people to spend time in nature, something that has been shown to be as effective as prescribed medication for treating some types of mental health issues.
- **Farming history** – Barnawartha has a rich farming history. Valuing and maintaining this rich cultural and other heritage is an important part of maintaining a sense of place.
- **People** – the diversity, friendliness and sense of fun and humour are crucial to creating a sense of community. Maintaining existing and creating new opportunities and places for people to meet is fundamental to building a strong cohesive community that can face future challenges as they arise.





Resilience to what?

(what are the risks the Barnawartha community needs to be resilient to?)

- **Bushfire risk** – the direct impact of fires on people, businesses and infrastructure was identified as a key risk for the community. The lack of suitable shelter and evacuation points was also identified as a key issue related to fire and other emergencies.
- **Climate change and extreme climate events** – extreme rainfall events, extreme temperature events.
- **Barriers to progress and decreasing community ‘agency’** – agency refers to the community having the drive, authority and opportunity to manage local issues themselves where and when they would like to. For example, the prevention of locally managed fuel reduction burning or small scale maintenance of local public infrastructure by the Shire and other central formal authorities disempowers the community and undermines community willingness to participate in future activities.
- **Train derailment** – with increased train speeds and increased movement of goods by rail, Barnawartha is exposed to the risk of a major derailment or hazardous material incident.

- **Loss, damage and disruption to key infrastructure and services** – the continuous provision of energy, communication, internet and transport infrastructure and services was seen as important to peoples’ health and well-being and economic opportunities and viability. Damage to key infrastructure such as bridges, culverts and crossing from flood events was identified as being disruptive, with unnecessarily long repair times. Loss of services can impact directly on some groups more than others such as elderly or young families.
- **Heavy vehicle traffic** - Increasing heavy vehicle traffic through the town represents a direct risk to local residents (particularly elderly and young families/children) and impacts on road infrastructure. There is also increased risk of hazardous material incidents associated with increased heavy vehicle traffic.
- **Loss of community identity** – rapid influx of people moving for cheaper land and housing prices, and the drive in/drive out commuters could undermine community identity and cohesion. Similarly, the lack of community hubs like cafes and local businesses undermines the community’s capacity to connect and work together.
- **Decline of volunteers** – having adequate volunteers to support CFA, SES and other critical community-based organisations is fundamental to community preparedness, response and recovery from disasters.
- **Lack of economic opportunities or closure of major employers near the community** - with existing economic opportunities already limited, any loss of local economic opportunities further undermines community viability and forces residents to travel out of the community for work.

Further broader societal changes such as increasing isolation, cost of living pressures, increased trauma from exposure to threats and negative external events undermine household and community resilience in various ways.



### Assessing resilience

The resilience assessment was carried out using the 10 dimensions of resilience. Participants were asked to indicate on 'spider diagrams' if they thought the dimension was –

- Okay and just required maintaining (towards the outer green ring)
- Required some work to maintain and strengthen (towards the orange ring)
- Required significant work to build up (towards the central red ring)

Please see pages 24 and 25 below for the individual and averaged responses from the community assessment.

The resilience assessment for Barnawartha identified three areas for significant work to build resilience:

#### i. Governance and decision making

This dimension was interpreted as '*Trust in governance and decision making*'. There was strident criticism of Indigo Shires investment decision making and communication processes by some participants. There were a number of comments and questions from participants about how decisions are made, how priorities are set and how to influence priorities and decision making. While much of community criticism relates to longer standing broader community priorities and projects, lack of trust in governance and decision making reduces community engagement, undermining the willingness to work closely with the Shire and agencies to address more immediate resilience building work.

#### ii. Information flows

Poor information flows undermines trust (related to Governance and Decision Making) and reduces engagement and connection. Information flows between the Barnawartha community and the Shire and agencies and within some parts of the community itself was highlighted as an issue that requires attention.

#### iii. Economic opportunities

The lack of local economic opportunities reduces potential to create income and employment opportunities within the community and limits the chance for informal community interactions (ie at cafes and restaurants). Diverse economic opportunities ensure income and access to local goods and services during emergencies and helps to speed up recovery following emergencies.

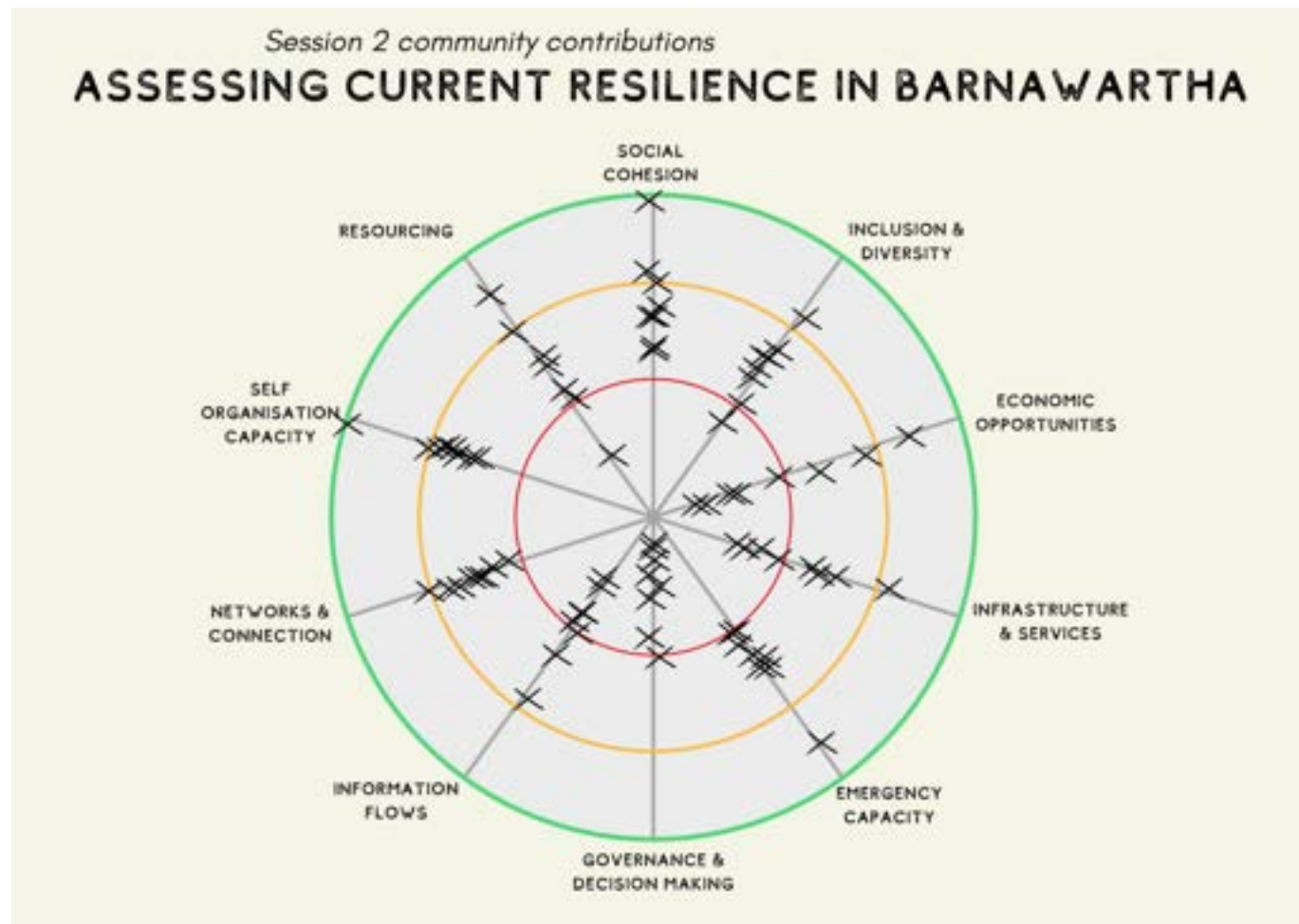
Additionally, two other areas requiring work to **maintain and strengthen** were identified:

i. **Emergency services capacity**

While the high level of CFA experience and equipment was acknowledged, the lack of other emergency capacities within the community was noted. It was also noted that during fires, CFA and other services can be called away from the town. Developing an understanding of emergency and evacuation procedures, what other capacity exists in the community and what are the most significant community scale gaps to be addressed were seen as potentially important actions.

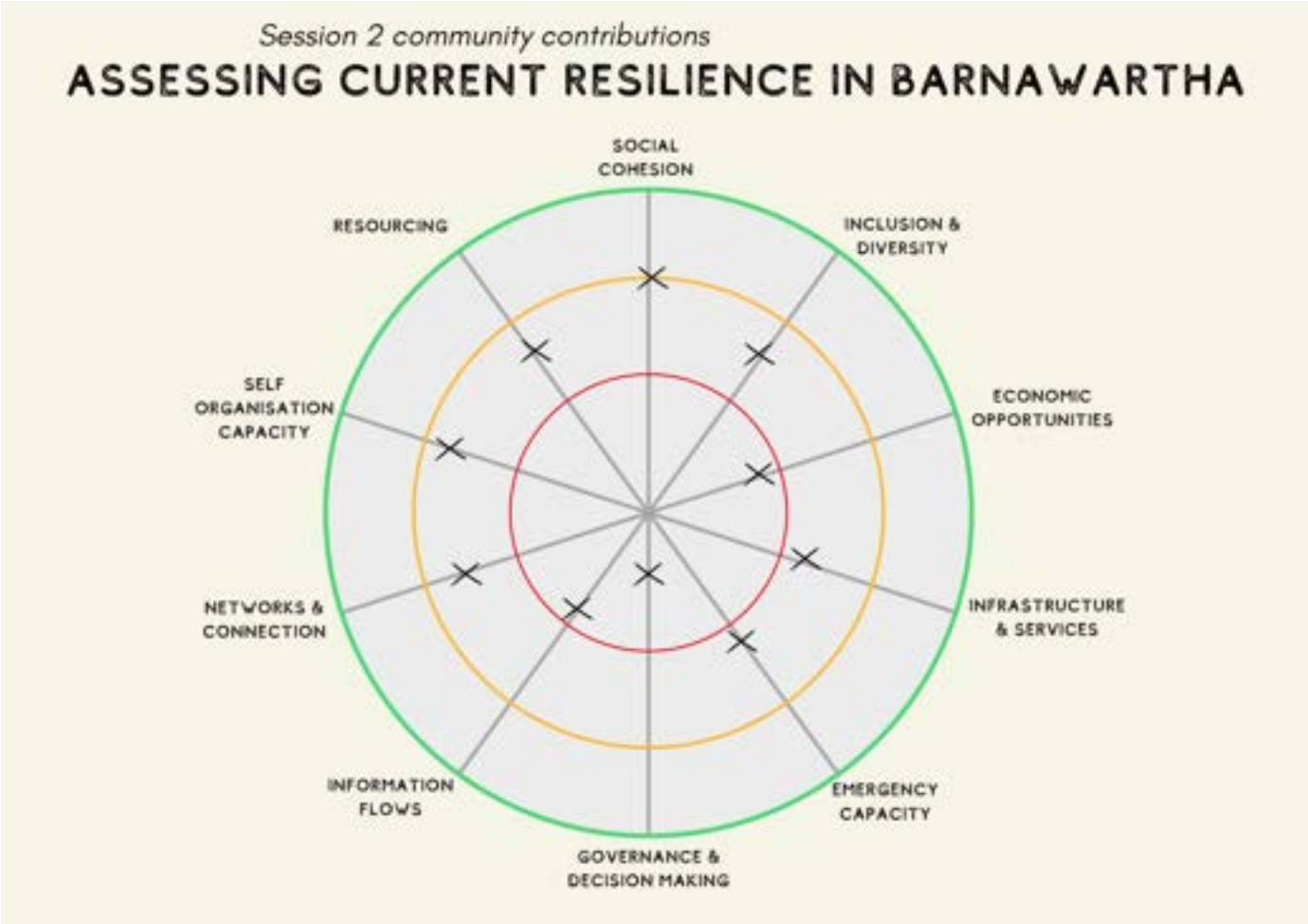
ii. **Infrastructure and services**

Changing demographics including the dual challenge of a rapid influx of young families following covid and with new housing opportunities and also an ageing population in some pockets of the community highlights the need for differing infrastructure and services to meet community needs. Basic infrastructure like footpaths assist elderly residents to remain mobile, accessing local services and maintain social contact and connection. At the other end of the demographic cycle playgrounds and walking tracks allow young families to meet and encourage community interactions.



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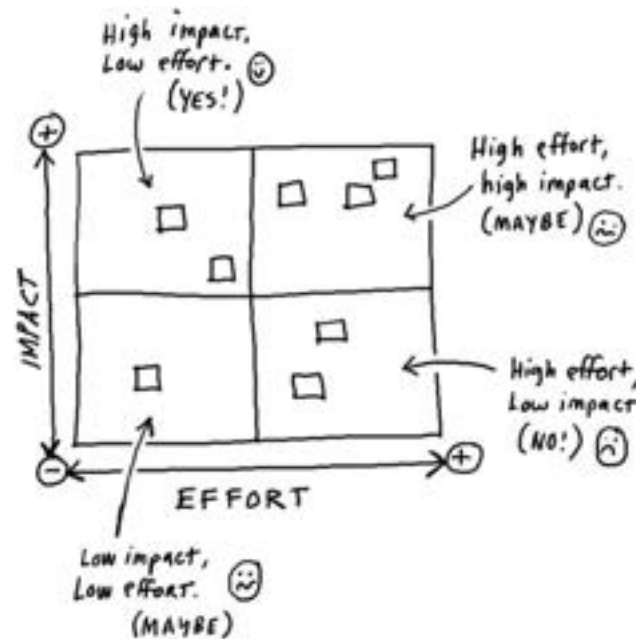
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### Actions

Participants were asked to identify the 'next most important actions required' to address the resilience challenges identified through the assessment of resilience dimensions at the household, community, and Shire/Community partnership level. **The full list of these actions (below) provides an important seed bank of ideas. These suggested actions can inform multiple Shire and community planning processes.**

Actions identified by the community were then grouped and organised according to the amount of Effort and Impact (pages 27-29).



**Important note:** The groupings do not reflect a strict prioritisation, it is a way to identify 'quick win' actions, that is, things that can be done in the shorter term with minimal resources to create some positive momentum towards more significant resilience building activities.

The more significant resilience challenges (eg for Barnawartha, building trust in 'Governance and Decision making' and 'Economic Opportunities' dimensions) require longer term dedicated resources and processes to resolve.

**These actions are fundamental to strengthening the resilience of households and the community. They will need to be incorporated into the appropriate Shire and other agencies core planning processes to ensure they are addressed.**

**High Impact / Low Effort actions (Yes!)**

**14. Emergency Planning – household and community level emergency planning**

While CFA undertake excellent annual awareness sessions there was overall agreement that more general household and community 'emergency' training would be beneficial. Indigo Shire is in the process of developing household and community focused emergency awareness material and processes. Stanley and Barnawartha will be the first communities targeted for these activities.

**Emergency warning awareness raising**

Related to emergency planning, there were a number of issues raised around awareness of emergency warning and evacuation points.

**15. Community groups needs documented and communicated to Council**

Community groups are crucial to the functioning of any small community. Understanding their needs and the services they offer will help to clarify priorities for support and identify skills, resources and services that may not be well known to other parts of the community. An emphasis on emergency preparedness as part of the information gathering process will better help to inform both the Shire and the community regarding the needs and capacities of groups during emergencies.

**16. Community mapping**

There is currently relatively limited understanding about the communities basic demographics and needs, including the number of elderly, people with special needs and other vulnerable people. Similarly, an understanding of those with limited access to technology (to receive emergency warnings) may help to target these people for support to help them prepare for emergencies and disaster response.

**17. Neighbour connect**

Neighbour Connect could be a series of activities to help households to connect and have conversations with neighbours about emergency planning and looking after each other. The suggested activities were to encourage households to connect and host small conversations and events to strengthen community connection and help new residents to learn about the emergency risks. The initial activities might involve producing post cards to encourage households to have conversations and an information sheet to support local neighbourhood conversations. The Indigo Shire's emergency planning initiatives may provide the information and the impetus for this action.

**18. Support and buy local**

Actions (potentially linked to the community directory process) to raise awareness of local services and encourage people to buy local and support local services where possible.

**19. Community events/pop up spaces/farmers/craft market – (moderate effort, moderate benefit)**

With limited commercial spaces available, creating opportunities for local economic opportunities, pop up commercial spaces (to test the market and allow revolving and mobile retailers etc) not only helps to generate local economic activity but creates opportunities for different types of community interactions and strengthens community connection.

**High Impact/High Effort (How?)****20. Volunteer register**

A register to link potential volunteers with needs/tasks to create opportunities for more short term 'spontaneous' volunteering rather than the more traditional process of joining a group and participating over longer time frames.

Linked to a register and community group mapping a volunteer 'come and try' day or community group expo might help new residents or people looking to volunteer with an opportunity to connect.

**21. Community Group support**

Support for training, governance, administration, skills and funding for community groups is required for some groups. There are funding sources for community group support and training, but a coordinated 'whole of Barny' approach will reduce the burden on individual groups organising their own funding and support.

**22. Community Emergency Planning and Awareness**

Coupled with households and ensuring it complements the existing CFA information and awareness sessions, there is scope for community emergency planning sessions to strengthen the wider communities knowledge of emergency procedures including the role of the Municipal Emergency Management Planning and protocols.

**23. Community emergency scenario event**

The chance for the community to come together to work through an emergency scenario will highlight the current local strengths and gaps in community level awareness and connections.

**24. Heritage Centre**

The development of a heritage centre, while a longer term process, provides an opportunity for the community to achieve specific aspects of its longer term vision of maintaining a connection with its farming heritage, creating specific infrastructure and social and economic opportunities. The community is currently self organising the planning process and requires clear support and assistance from the Shire to continue to drive this project forward.

**25. Critical infrastructure review and repair**

Critical infrastructure underpins any community. Understanding the current status of infrastructure, maintenance/repair of current critical infrastructure and understanding of future needs is fundamental to the social, economic and environmental health and wellbeing of the community. An audit of current and future critical infrastructure provides a basis for future investment.

**26. Business Hub and community co-working space**

Creation of a business hub and community co-working space will help to strengthen economic opportunities and support local businesses and may reduce the need for some people to travel out of the community daily.

**27. Mens Shed**

The benefits of mens' and womens 'sheds in providing social connection are well documented. Creating a dedicated space for men and women to connect, to learn new skills and work collectively is a fundamental part of strengthening communities.

*Session 2 community contributions*

## PRACTICAL ACTIONS TO BUILD OR STRENGTHEN RESILIENCE IN BARNAWARTHA

DIMENSION	HOUSEHOLD	COMMUNITY	COMMUNITY & SHIRE PARTNERSHIP
<b>SOCIAL COHESION</b>	<ul style="list-style-type: none"> <li>• Invite neighbours to meet</li> </ul>	<ul style="list-style-type: none"> <li>• Community events &amp; street parties</li> <li>• Better promotion of community events</li> </ul>	<ul style="list-style-type: none"> <li>• support community events</li> <li>• Planning that allows for additional housing on properties</li> <li>• Shire needs to listen</li> </ul>
<b>INCLUSION &amp; DIVERSITY</b>	<ul style="list-style-type: none"> <li>• Chat with neighbours &amp; share a meal</li> <li>• Be kind, invite friendship</li> </ul>	<ul style="list-style-type: none"> <li>• Build understanding of community (ie age, living alone, dementia etc)</li> <li>• Multicultural gatherings</li> <li>• Open day for community groups</li> <li>• Invite people to attend events</li> </ul>	<ul style="list-style-type: none"> <li>• Host activities in Barnawartha</li> <li>• Provide a social profile so we know who lives in our community</li> </ul>

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*Session 2 community contributions*

## PRACTICAL ACTIONS TO BUILD OR STRENGTHEN RESILIENCE IN BARNAWARTHA

DIMENSION	HOUSEHOLD	COMMUNITY	COMMUNITY & SHIRE PARTNERSHIP
<b>ECONOMIC OPPORTUNITIES</b>	<ul style="list-style-type: none"> <li>• Support local</li> </ul>	<ul style="list-style-type: none"> <li>• Pop up short term businesses to test concepts</li> <li>• Craft/Farmers Market</li> <li>• Business dinners</li> <li>• Chamber of commerce</li> <li>• Website that promotes local businesses/directory</li> </ul>	<ul style="list-style-type: none"> <li>• Rent free community spaces to test concepts</li> <li>• Rezoned business areas</li> <li>• Structure plan with industrial zoning</li> <li>• Plans to manage transport &amp; logistics in township</li> <li>• Council procure from locals</li> </ul>
<b>INFRASTRUCTURE &amp; SERVICES</b>	<ul style="list-style-type: none"> <li>• Volunteer for community projects</li> <li>• Maintain private assets</li> </ul>	<ul style="list-style-type: none"> <li>• Community directory for all Barnawartha clubs &amp; groups</li> <li>• Organise community service projects ie Clean up Aust Day</li> <li>• Maintain &amp; develop local facilities</li> <li>• Groups to feedback to council re needs</li> </ul>	<ul style="list-style-type: none"> <li>• Pop up services ie MCHN</li> <li>• Heritage centre, men's shed, business hub, community rooms</li> <li>• Council to plan collaboratively with community</li> <li>• Support investment in development of sporting &amp; country assets</li> </ul>

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DIMENSION	HOUSEHOLD	COMMUNITY	COMMUNITY & SHIRE PARTNERSHIP
EMERGENCY CAPACITY	<ul style="list-style-type: none"> <li>• Know your neighbours &amp; who might need help</li> <li>• Be aware &amp; prepared</li> <li>• Take action &amp; assist</li> </ul>	<ul style="list-style-type: none"> <li>• Encourage neighbours to be vigilant</li> <li>• Education on how information is communicated</li> <li>• Neighbourhood watch</li> <li>• Support local CFA &amp; Emergency Services</li> <li>• Develop community plan</li> </ul>	<ul style="list-style-type: none"> <li>• Practice emergency</li> <li>• Repair bridges/roads/creeks faster</li> <li>• Assist with emergency planning</li> <li>• Help groups find &amp; secure funding</li> </ul>
GOVERNANCE & DECISION MAKING	<ul style="list-style-type: none"> <li>• Get involved, attend meetings</li> <li>• Commit to a project, organise and contribute</li> </ul>	<ul style="list-style-type: none"> <li>• Be more tolerant &amp; understanding of restricted decisions</li> <li>• Present a united front, come together and stand together</li> <li>• Maintain our strong community governance</li> <li>• Short, sharp projects to build success. Inclusive &amp; fun</li> </ul>	<ul style="list-style-type: none"> <li>• Communicate reasons for decisions and provide a contact to discuss</li> <li>• Ongoing &amp; regular (quarterly) meetings</li> <li>• Provide more detail on website about processes &amp; requirements</li> <li>• Listen &amp; take positive steps with quick wins</li> <li>• Council to support volunteer groups</li> </ul>

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DIMENSION	HOUSEHOLD	COMMUNITY	COMMUNITY & SHIRE PARTNERSHIP
INFORMATION FLOWS	<ul style="list-style-type: none"> <li>• Talk to family &amp; friends</li> <li>• Choose 3 areas of interest, focus &amp; get informed on those</li> </ul>	<ul style="list-style-type: none"> <li>• One stop area for group information, community discussions &amp; input</li> <li>• Find a way to communicate with community</li> <li>• Take charge, ask questions &amp; invite "those in the know" to answer</li> </ul>	<ul style="list-style-type: none"> <li>• Communicate via mail AND electronic means</li> <li>• Regular forums (residents, families, aged, business)</li> <li>• Audit communication platforms for each community &amp; use them</li> </ul>
NETWORKS & CONNECTION		<ul style="list-style-type: none"> <li>• Community groups should be transparent</li> </ul>	<ul style="list-style-type: none"> <li>• Support Barry to establish networks &amp; maintain existing ones</li> </ul>
SELF ORGANISATION CAPACITY		<ul style="list-style-type: none"> <li>• Build on existing capacity</li> <li>• Encourage volunteering</li> <li>• Invite people to join organisations</li> <li>• Groups to work together</li> </ul>	
RESOURCING		<ul style="list-style-type: none"> <li>• Raise funds &amp; in kind support</li> <li>• Delegate members of the community to help in small ways</li> </ul>	<ul style="list-style-type: none"> <li>• Council to value the skills and expertise of local people &amp; organisations</li> </ul>

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## Stanley - Summary of outputs

### Visioning

- The collective visions for Stanley have a strong emphasis on the combined *landscape* and *community* character. Participants envisage careful progress towards a small but vibrant village centre and surrounding community, maintaining the unique character and feel of the community and the natural and production landscapes surrounding the village.



### Resilience of what?

(what are we trying to make resilient?)

- The existing emergency capacity and preparedness is essential to maintain for future resilience. The Stanley community, including the local CFA, has extensive experience from previous events. Recognising this experience and local knowledge and supporting and strengthening this existing capacity is critical.
- Services, communication and community infrastructure are critical to the resilience of Stanley, during both emergency and non-emergency periods. Maintaining and improving existing services and communication infrastructure is fundamental to resilience in times of crisis.
- Community infrastructure, places for community to come together, to hold events and to 'bump' into one another strengthens social connections and builds trust. It

allows for sharing of knowledge and allows different sub groupings (eg new residents, online workers, young families, older generations) within the community to connect when they otherwise may not overlap much during day-to-day living.

- Understanding who is vulnerable in the community and why is an important resilience building strategy. New residents, residents with special needs, those that have limited access to information technology or those visiting may be less aware of risks or be less prepared for emergencies than those with more experience, more resources, stronger social and information networks etc.



Resilience to what?

(what are the risks the Stanley community should prepare for?)

- Bushfire - Stanley is geographically vulnerable to bushfire, with extensive areas of forests in the surrounding landscape, limited refuge areas and susceptible evacuation routes.
- Extreme rainfall, wind and storms - that impact on infrastructure and block access can lead to isolation or social and economic impacts.
- Mass resource extraction – any large scale resource extraction industry has potential to severely disrupt ecosystems, hydrological systems and the character of the landscape and community.
- Water quantity and quality - Stanley is vulnerable to loss and interruption to water supply for domestic, emergency and economic use.
- Less common but nevertheless serious risks such as pandemics, biosecurity threats and rapid technological change such as the role of artificial intelligence (AI) have potential to severely impact the Stanley community.
- Longer term issues that will reduce the community's capacity to organise and respond to emergencies including 'brain drain' and ageing demographics.



### Assessing resilience

The resilience assessment was carried out using the 10 dimensions of resilience. Participants were asked to indicate on 'spider diagrams' if they thought the dimension was –

- Okay and just required maintaining (towards the outer green ring)
- Required some work to maintain and strengthen (towards the orange ring)
- Required significant work to build up (towards the central red ring)

The resilience assessment for Stanley identified three areas for focus:

#### *I. Governance and Decision making*

There was strident criticism from a number of community members across the three sessions around Indigo Shire decision making. Community members questioned how decisions are made around council planning, priorities and investment in infrastructure and services, maintenance and other council responsibilities. There was also criticism and confusion around land tenure and management responsibilities regarding fire risk, fuel reduction, weeds etc. Additionally, there was discussion around how the Stanley community itself can work effectively together to prioritise community actions and lobby the Shire and other agencies.

The lack of trust between parts of the community and the Shire and between groups within the community itself undermines capacity to work together to resolve other issues central to the resilience of the Stanley community.

#### *II. Infrastructure and Services*

Declining infrastructure and services undermines household and community resilience in multiple ways. The fragile energy supply and poor mobile coverage impacts day-to-day life, but is also a major concern for community members during emergencies. The increasing reliance by emergency services on using mobile and internet warnings and information updates means that Stanley residents are particularly vulnerable during power and mobile outages.

#### *III. Economic opportunities*

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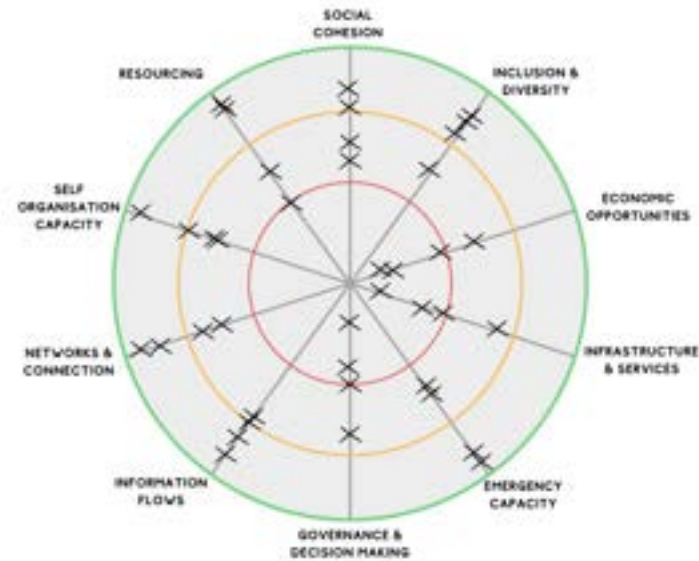
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Appropriate economic development allows people to live and work locally, to diversify income and to be able to shop locally for essential items. Development of appropriate local economic opportunities such as cafes, while currently constrained by the planning overlays, also creates further opportunities to strengthen social connection, communication and networks.

***Important note:***

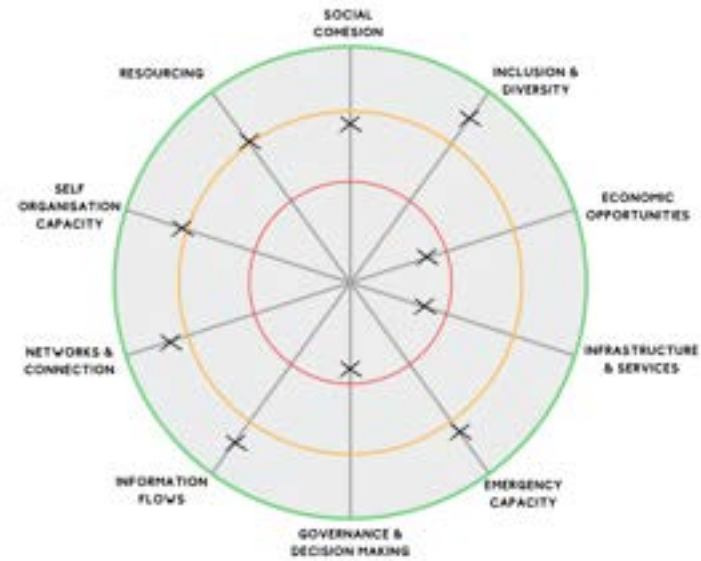
*Issues around planning, specifically planning overlays and town planning/housing planning were raised extensively during consultation with the Stanley community. Clearly there is a link between some of the resilience dimensions and planning issues. Growth management and economic development opportunities for Stanley will be explored through the forthcoming 2024 Housing Review process, with the resilience assessment providing important context for that review process.*

Session 2 community contributions  
**ASSESSING CURRENT RESILIENCE IN STANLEY**





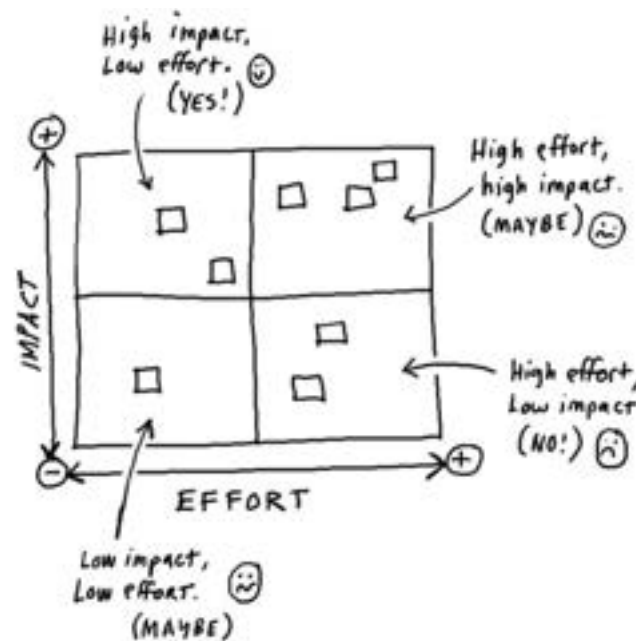
Session 2 community contributions  
**ASSESSING CURRENT RESILIENCE IN STANLEY**



### Actions

Participants were asked to identify the 'next most important actions required' to address the resilience challenges identified through the assessment of resilience dimensions at the household, community, and Shire/Community partnership level. **The full list of these actions (below) provide an important seed bank of ideas. These suggested actions can inform multiple Shire and community planning processes.**

Actions identified by the community were then grouped and organised according to the amount of Effort and Impact (pages 43-44).



### Important note:

*The groupings do not reflect a strict prioritisation, it is a way to identify 'quick win' actions, that is, things that can be done in the shorter term with minimal resources to create some positive momentum towards more significant resilience building activities.*

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The more significant resilience challenges (eg for Stanley, 'Infrastructure and Services' and 'Economic Opportunities' dimensions) require major longer term dedicated resources and processes to resolve. **These actions are fundamental to strengthening the resilience of households and the community. They will need to be incorporated into the appropriate Shire and other agencies core planning processes to ensure they are addressed.**

**High Impact / Low Effort actions (Yes!)****8. Emergency Planning – household and community level emergency planning**

While CFA undertake annual community awareness sessions there was overall agreement that more general ‘emergency’ training would be beneficial. Indigo Shire is in the process of developing household and community focused emergency awareness material and processes. Stanley and Barnawartha will be the first communities targeted for these activities.

**9. Household Connect**

Household Connect is a series of activities to help households to connect and have conversations about emergency planning and looking after each other. The suggested activities were to encourage households to connect and host small conversations and events to strengthen community connection and help new residents to learn about the emergency risks. The initial activities might involve producing post cards to encourage households to have conversations and an information sheet to support local neighbourhood conversations.

**High Impact/High Effort (How?)****1. Shire Connect – shire information sessions**

Participants felt that a regular opportunity for residents to have direct contact with Shire staff would improve the relationship between residents and the Shire. Building trust and transparency in the Shire’s decision making processes, improving the understanding of local issues and sharing information is critical to progressing some of the longer term challenges the Stanley community faces with regards to planning and development.

**2. Community Emergency Planning and Awareness**

Coupled with households and ensuring it complements the existing CFA information and awareness sessions, there is scope for community emergency planning sessions to strengthen the wider communities knowledge of emergency procedures including the role of Municipal Emergency Management Planning and protocols and the role of other important land managers in the Stanley landscape.

**3. Toy Library/Play group**

With a lot of young families moving to Stanley since the pandemic, there is a need to create local support and connection opportunities for young parents and young children. A toy library/play group that operates from the community hall or the school site may provide an important opportunity to increase community cohesion and local networks and share information. There are currently grants available for establishing toy libraries through the Dept. Families, Fairness and Housing.

**4. Community Connect**

A number of previously regular community events and gatherings have not occurred since the pandemic. The decline of community events and volunteering is not unique to the Stanley community, it is a wider trend playing out across all communities. This action

would target the running of 3-4 small 'themed' community events to draw the community back together and provide opportunities for connecting, sharing information and generating support for community actions.

#### **5. Childcare capacity**

There is currently limited opportunity for childcare within Stanley. This limits household capacity to work and to participate in community activities. Some focus on developing local childcare services would increase connection, household and community capacity.

#### **6. Infrastructure and energy security planning**

As highlighted by most participants, the vulnerability of communication, energy and other infrastructure undermines household and community resilience in multiple ways. Focused planning on improving the security of energy and services and infrastructure is fundamental to the development of a resilient future for Stanley.

#### **7. Community Centre**

The Stanley community currently relies heavily of the community run post office and volunteer networks to coordinate community activities. The community also lacks a geographic and 'metaphoric' centre. A community centre (operating from existing community infrastructure) could potentially create a community hub around which social connections, information, 'bumping' opportunities and community activities could revolve. There are currently no funding opportunities for community centre establishment. A partnership relationship with adjacent community centres may be a viable option in the short term.

#### **Low impact/Low effort**

#### **8. Fire bunker info session**

Participants highlighted the interest and risks associated with fire bunkers. An information session every 2-3 years may help to provide residents with necessary information to make an informed personal choice regarding fire bunkers.

*Session 2 community contributions*

## PRACTICAL ACTIONS TO BUILD OR STRENGTHEN RESILIENCE IN STANLEY

DIMENSION	HOUSEHOLD	COMMUNITY	COMMUNITY & SHIRE PARTNERSHIP
<b>SOCIAL COHESION</b>	<ul style="list-style-type: none"> <li>• Progressive dinners</li> <li>• Visit each other</li> <li>• Get involved/volunteer</li> <li>• Hold activities in own home</li> </ul>	<ul style="list-style-type: none"> <li>• Social gatherings at public facilities</li> <li>• Creative community activities</li> <li>• Activities for 'new/young' and 'old' to connect</li> </ul>	<ul style="list-style-type: none"> <li>• Childcare centre</li> <li>• Toy library</li> <li>• Community Centre</li> <li>• Community businesses to service local community (not tourism)</li> </ul>
<b>INCLUSION &amp; DIVERSITY</b>	<ul style="list-style-type: none"> <li>• House concerts</li> <li>• Be welcoming</li> </ul>	<ul style="list-style-type: none"> <li>• Festivals &amp; cultural events</li> <li>• Support minority groups</li> </ul>	<ul style="list-style-type: none"> <li>• Accessible facilities</li> <li>• Assist community to support diversity through planning and social support</li> </ul>
<b>ECONOMIC OPPORTUNITIES</b>	<ul style="list-style-type: none"> <li>• Use &amp; promote local businesses</li> </ul>	<ul style="list-style-type: none"> <li>• Market at school</li> </ul>	<ul style="list-style-type: none"> <li>• Rezone as township to allow commercial possibilities &amp; employment</li> </ul>

Community Resilience Conversations  
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DIMENSION	HOUSEHOLD	COMMUNITY	COMMUNITY & SHIRE PARTNERSHIP
INFRASTRUCTURE & SERVICES		<ul style="list-style-type: none"> <li>Investigate shared power options</li> <li>Put pressure on shire/state/federal govt &amp; utility providers</li> </ul>	<ul style="list-style-type: none"> <li>Support with water supply &amp; power consistency</li> <li>Advocate to infrastructure providers to improve roads, sewerage, power, comms</li> <li>Identify &amp; support funding applications</li> <li>Sewerage treatment facility</li> </ul>
EMERGENCY CAPACITY	<ul style="list-style-type: none"> <li>Radios</li> <li>Solar batteries</li> <li>Volunteer at the CFA</li> <li>Have a fire plan</li> <li>Learn about emergency management</li> <li>Install fire bunker</li> </ul>	<ul style="list-style-type: none"> <li>Provide training</li> </ul>	<ul style="list-style-type: none"> <li>Provide training</li> <li>Support/subsidise bunkers</li> </ul>
GOVERNANCE & DECISION MAKING	<ul style="list-style-type: none"> <li>Communicate</li> </ul>	<ul style="list-style-type: none"> <li>Encourage involvement, visit, talk &amp; understand each other</li> <li>Listen to regional needs - we are 'special'</li> <li>Build trust</li> <li>Provide clarity</li> </ul>	<ul style="list-style-type: none"> <li>Foster understanding of specific needs of Stanley</li> <li>Programs to inform &amp; educate</li> <li>Review policies for consistency</li> </ul>

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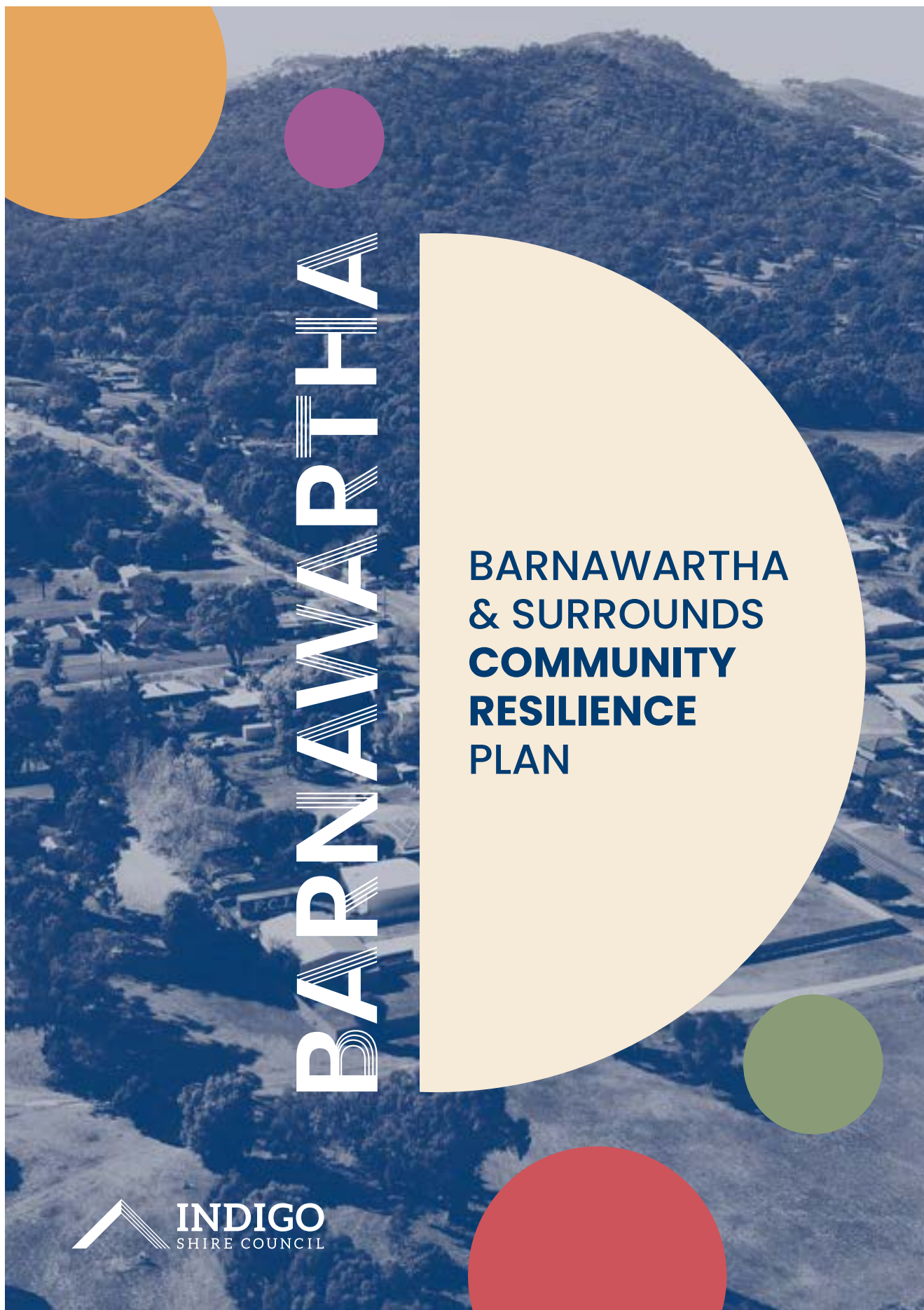
*Session 2 community contributions*

## PRACTICAL ACTIONS TO BUILD OR STRENGTHEN RESILIENCE IN STANLEY

DIMENSION	HOUSEHOLD	COMMUNITY	COMMUNITY & SHIRE PARTNERSHIP
INFORMATION FLOWS			<ul style="list-style-type: none"> <li>Regular public information/feedback sessions</li> </ul>
NETWORKS & CONNECTION		<ul style="list-style-type: none"> <li>Understand the needs of others (visitation roster?)</li> </ul>	<ul style="list-style-type: none"> <li>Adequate mobile network coverage</li> </ul>
SELF ORGANISATION CAPACITY	<ul style="list-style-type: none"> <li>Set up emergency kit</li> </ul>	<ul style="list-style-type: none"> <li>Better networking</li> </ul>	
RESOURCING			<ul style="list-style-type: none"> <li>Maintenance of facilities</li> <li>Support grant applications</li> </ul>

Community Resilience Conversations  
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## **Always Was. Always Will Be.**

Indigo Shire Council acknowledges 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 respects to the elders of the past, present, and emerging.

This document has been prepared by Indigo Shire Council in collaboration with the Barnawartha and surrounding communities. The work has been made possible through flood recovery funding from Emergency Recovery Victoria.



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## EXECUTIVE SUMMARY

The purpose of this Community Plan is to provide a framework for achievable and place-based action that will enable the Barnawartha and surrounding communities to meet its existing and future needs.

It provides a roadmap for what needs to be preserved, protected, and improved to retain the unique rural, historic, agricultural, and natural environments that defines Barnawartha and surrounds. This plan has been developed entirely through consultation with those who live and work in Barnawartha and surrounding communities and it builds on previous community and Council planning processes.

This Community Plan provides a well-coordinated approach to make the rural locality even better and address the changes driven by and for the community. This plan tackles the core challenges that residents may face in the future by being proactive and suggesting ways to leverage the town's unique strengths.

## PART A: THE PROJECT





## PART A: THE PROJECT

### INTRODUCING BARNAWARTHA AND SURROUNDS

Barnawartha is a rural township of 987 people, and the adjacent communities included in this plan include the Indigo Valley with 346 residents and Barnawartha North with 188 residents. The region is known for its rich agriculture, both past and present, and rugged natural outlooks and bushland. The communities residing here are passionate, engaged and have a strong sense of what is needed to grow resilience to weather future disruptions effectively and to bring a renewed vibrancy to the area.

The locals know how they want their home to look and feel. Firmly, they believe in the power of community and the capacity of community to get things done. They want an environment that is clean and modern, while being integrated into the natural environment and history. The community also wants a secure environment with energy, industry, communications and extreme weather preparedness and security.

### THE PROJECT

At Council's April 2023 meeting, a proposal was supported to undertake small township community planning. Barnawartha was selected due its expressed need for community planning to support infrastructure, capacity building, strategic planning, and facilities management. Barnawartha has proactive community advocates and established community groups prepared to partner with Council to improve its profile and to undertake community planning for their town. Given the small population sizes, geographical proximity, and interconnected communities; particularly economically for farming and industry, Indigo Valley and Barnawartha North are included in the planning process. While Barnawartha North is located in Wodonga City Council, rather than Indigo Shire, the natural attractions and employment opportunities afforded by the Logic Centre mean that this area is integral to planning for Barnawartha.

#### Drivers

- The need for improved Council collaboration across a range of community, social, and planning issues.
- Increasing birth rates in Barnawartha and an increase in young families moving to Barnawartha and surrounds.
- A history of bushfire and recent flood impacts.
- Existing strong community advocacy.

#### Objectives

The Barnawartha and Surrounds Community Resilience Plan:

- Consolidates what the local community values into a unified vision.
- Provides strategic reference for future community development.
- Helps inform Council policies and projects.
- Encourages a place-based approach for local decision making across Barnawartha and the surrounding communities.
- Supports and inspires residents, businesses, and Council.



## Visioning

The collective visions identified by the Barnawartha participants emphasised a well-planned and cared for physical environment. Designated shopping and industry fit alongside clean and well-maintained recreational, community and green spaces creating opportunities for people to live, work, and connect within their local community. This physical and built environment helps to create a place that feels welcoming and 'worth stopping' in. The place is loved, and among other things there is a sense of pride, safety, energy and belonging.

## Key Themes

This work was funded through Emergency Recovery Victoria with a focus on emergency preparedness and community resilience. Consultation was themed across the four environments of recovery – Social, Economic, Built and Natural, as a guide to thinking about Barnawartha and surrounds holistically, and with a forward focused resilience frame.

Barnawartha and the Indigo Valley are distinct communities that share a geographic location. The strengths and opportunities of the region are not identical, and planning for the unique regions of Indigo Valley, Barnawartha and Barnawartha North requires ongoing place-based consultation and collaboration. Throughout the consultation process key themes emerged strongly as areas of focus:



**Safe, connected,  
and empowered  
communities**



**Investment in  
recreation and  
destination**



**Sustainable  
planning for  
community and  
economy**

The actions developed by the Stanley community have been themed into these three priority areas in Part C of this plan.

## Core Challenges

While investigating the fabric of Barnawartha and its surrounding areas, several significant challenges emerged that the community must overcome to prosper. A summary is presented below and will be elaborated in part B of this plan.

### Commuter Community

As small communities in a rural landscape with a short commute to larger urban centres, much of the industry and economic opportunities are outside of the locality. The proximity and dependence on the larger centres of Albury and Wodonga impacts the community character given the large number of workers that commute and have limited time to spend in the community. Maintaining and building on the physical and social character of the community requires deliberate, careful planning from community in collaboration with Council and local business.

### Infrastructure and Service Insecurity

Maintaining a continuous supply of energy, communication, internet, and transportation infrastructure and services is crucial for the well-being of individuals and the sustainability of economic opportunities. Damage to essential infrastructure like bridges, culverts, and crossings due to floods can lead to significant disruptions and prolonged repair periods. Certain groups, such as the elderly or young families, are disproportionately affected by the loss of these services.

### Climate and Disaster Resilience

The community has recognised that fires pose a significant risk to individuals, businesses, and infrastructure. While the rise in extreme rainfall and temperature events, along with the looming threat of drought, is not exclusive to this area, it is especially concerning for communities heavily reliant on farming and agriculture. Concerns about train derailments and truck accidents arise due to the town's proximity to the freeway and railroad. Enhancing local readiness, response, and recovery capabilities to address disasters and disruptions presents a major challenge for the community.

### Economic Opportunities

With existing economic opportunities already limited, any loss of local economic opportunities or closure of major employers, further undermines community viability and forces residents to travel out of the community for work.

## What is Community Planning?

Community planning is an ongoing and strategic process that puts the community and its people at the centre of decision-making. It focuses on developing grass roots social capital and resilience. This approach aims to have communities taking the lead and ownership of their township plans and working collaboratively towards achieving their own goals and ambitions. This approach involves significant relationship building between Council and community.

This plan analyses Barnawartha and surrounds as it is today and envisions how it might look over the decades to come. It documents a collective vision for how residents see the past converging with the future and identifies the actions that both Council and the community can take to make the vision for the future of Barnawartha and surrounds a reality. There are myriad ways that the plan can be used to progress the collective visions of the community for example:

- To initiate and energise direct action
- As a supporting document for grant applications and funding
- Strategic rationale to lobby for change
- Basis for letter of support from Council for community initiatives
- To support advocacy and inform decision making

It's important to remember that while the plan is ready in 2024, many of the actions may be subject to grant or other funding conditions and the strategic position or priorities of the Commonwealth, State, and local Governments. There may also be significant disruptors that we can't yet foresee that could change the plan.

Community Planning is: ✓	Community Planning is not: ✕
About creating places that people love	Delivering a project
People focused	A design-led masterplan or policy
Inclusive and collaborative	One-off events or artworks
Visionary, but also practical	Just about visible outcomes
Letting go and sharing the responsibility	Done by one person or team
Flexible and adaptable	Infrastructure upgrades alone
Designed for sustainable development	Strategic or Statutory Planning decision making

## PROJECT STAGES

The project, detailed in Part C of this document, was broken into the following stages:



## What's next?

The plan belongs to the community. The community has identified actions which will preserve what residents love about Barnawartha and surrounds and in what ways they want to see growth and change. Some of these are easily achieved at a community or individual level, without the need for Council or additional funding. Others are more complex and will require collaboration between community and Council, and sometimes businesses. Many actions will require external funding sources to make them a reality.

The Community Plan will be used to inform the next Council Plan (2025) as well as Councils ongoing decision making. Where there is a Council-led action it will be referred to the relevant Council department to progress. Actions within the Community Plan that align with Councils Strategic position and Shire wide perspective will be pursued through Councils various ongoing programs, projects, and service delivery.



## Project Promotion

The following methods were used to communicate to residents about the development of the plan, the process, and ways to get involved:

- Engaged Indigo website o The project and process were explained here, as well as key milestones, project updates and options for leaving feedback.
- The Your Indigo Newsletter – weekly updates from Indigo Shire Council
- The Chiltern Grapevine o Local Chiltern, Barnawartha and surrounds publication that kept residents up to date on the opportunities and progress of the planning process.
- Good Neighbours – Barnawartha Facebook Page
- Council Facebook Page
- Posters on notice boards, local businesses, schools, and Post Office
- Letterbox Drop

## PART B: THE PLACE

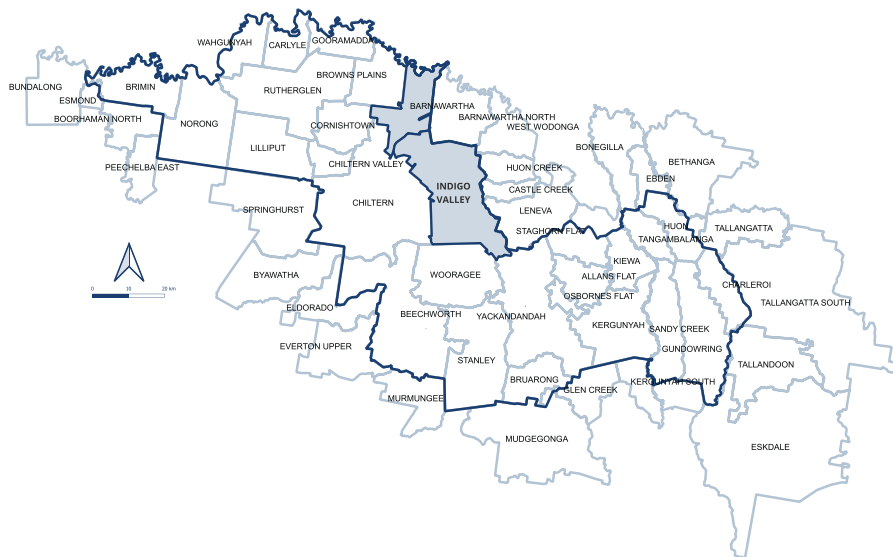




## PART B: THE PLACE

### REGIONAL CONTEXT

Indigo Shire covers an area of approximately 2,040 square kilometres, with land from the Murray River in the northwestern end of the Shire, through flatter broadacre rural land and foothills of the Alpine region in the eastern extent. The Shire comprises a diverse range of landscapes and rural communities.



Barnawartha is a rural township of 987 residents within the Indigo Shire, located in north-east Victoria. It is approximately 25 kilometres west of Albury-Wodonga via the Hume Freeway and only 10 kilometres east of Chiltern. Wangaratta is located 45 kilometres southwest, with the towns of Howlong, Corowa, Beechworth, Yackandandah, and Rutherglen all within a 50 kilometre radius of the town.

Barnawartha is in a significant natural setting. Both the Fryingpan Creek and Indigo Creek traverse the town as prominent watercourses with significant native vegetation corridors. The town is also situated between Chiltern-Mount Pilot National Park and Mount Lady Franklin.

Barnawartha's role in the wider local government area is that of a local village centre to the surrounding rural areas. A limited number of services in Barnawartha means that many local services are shared with, or provided in, nearby towns such as Chiltern. Major service centres are located at Albury, Wodonga, and Wangaratta, which are all highly accessible from the town.

Major employment centres are located within proximity to the town. This includes the regional centre of Albury Wodonga, Logic Centre at Barnawartha North which includes a variety of large scale industrial developments, and the Uncle Toby's manufacturing plant operating at Wahgunyah located within 30 kilometres west of Barnawartha and which employs 650 staff.



## THE STUDY AREA

The communities included in this plan are Barnawartha, Indigo Valley, and Barnawartha North.

Barnawartha is east of the hilly, bushland country of Chiltern Mt Pilot National Park, and has extensive open land used for grazing and agriculture north towards the Murray River. Nearby Mount Lady Franklin offers beautiful views of the region and there are many walks, scenic drives, and fishing spots in proximity. There are also many wineries in the broader region – Gehrigs Winery being one of the oldest, established in 1867 in Barnawartha North.

The commercial centre of Barnawartha is located around the junction of High and Havelock Streets, with historical buildings including the Soldiers Memorial Hall, General Store, and the Star Hotel. The Indigo Creek crosses the town, and the walking trail connects the commercial centre to Barnawartha Primary School.

Barnawartha North records 188 residents and borders the Murray River along the northern border and the Hume Freeway runs through the centre. The eastern border is shared with West Wodonga, the southern with the Indigo Valley, and Barnawartha to the west. The land is predominantly farming with some significant bushland. It is also home to Logic Wodonga – commonly called the Logic Centre – is a 567 hectare industrial estate that is positioned to provide for the region's industrial needs over the coming decades.

The Indigo Valley reports 346 residents living in the twenty-kilometre corridor, stretching between the Hume Freeway at Barnawartha, to the Wodonga-Beechworth Road near Yackandandah. The Valley consists of creek flats and hill country on both sides from Mt Pilot over into Wodonga, with the Indigo Creek flowing through the Valley. The creek and the Valley are reportedly named after the native *Indigofera* shrub that grows in the area and a local source of indigo dye (Victorian Places, 2015). The community currently has three points for gathering. Typically, the Middle Indigo Primary School, the Indigo Valley CFA fire shed or The Watchbox winery.



## HISTORIC BARNAWARTHA AND SURROUNDS

It bears acknowledging that there is a wealth of information available on the pastoral and white settlement years of Barnawartha and its surrounding areas, and precious little information is available on the First Nations people who originally inhabited and looked after the land. In early European sources, the First Nations people are named as belonging to the Wiradjuri or the Pangerang (Bangerang) people, who may have been part of the Yorta Yorta. An 1863 survey of Indigenous languages names the Indigenous people of Barnawartha as the Emu Mudjug (Smyth, 1878). Contemporary knowledge is that the land is Dhudhuroa Waywurru (Waveroo) Country, and it is certain that the Wiradjuri and Bangerang people, as clans of the Yorta Yorta, have a long history in the region.

There is some record of interactions with Aboriginal and European peoples in Hume and Hovel's journals; the first Europeans to explore the region. However, there is no mention of Aboriginal people explicitly in the Barnawartha region. As such it is difficult to step past the inherent bias of how history has been recorded (or not) and how it portrays white man's settlement of the area but largely ignores accounting how this settlement silenced and erased the Aboriginal inhabitants of the land.

Similarly, it is also important to acknowledge that Aboriginal people, as the first people of the land, are the knowledge owners and bearers of their own history and that any attempt to uncover this history should be undertaken in close collaboration with Aboriginal people and in accordance with all relevant protocols.

Aboriginal Cultural Heritage sensitivity is acknowledged within the Barnawartha area. Indigo Creek and Fryingpan Creek are identified as sensitive watercourses for Aboriginal Cultural Heritage, with a 200 metre buffer to the creeks shown. A number of mapped areas or items of cultural heritage are identified throughout the Barnawartha area, including along the Indigo and Fryingpan Creeks.

In 1837 a pastoral run along much of the Indigo Creek was taken up and given a name like Barnawartha – Barnawoodtha – possibly pronounced as “Barra-na-tha”. It is thought that the name is derived from an Aboriginal word, variously recorded as meaning ‘tall rushes’, or ‘long reeds’ (La Trobe University; Victorian Places, 2015). Barnawartha was formerly known as Indigo Crossing until it was named Barnawartha in the 1840s. The town was surveyed in 1857, with the Post Office opening in 1860.

Early European settlement was based around pastoral pursuits, namely cattle, sheep, wheat, grape vines, figs, and prunes. By the latter part of the century, the area around Barnawartha and Chiltern was home to four-fifths of all grape vines in Victoria. In 1891, 106 acres of land in Barnawartha grew grapes. Unlike its nearest neighbour Chiltern and many other Indigo Shire towns, gold of any significant amount was never found in Barnawartha. The region did benefit from the goldrush era with the growth to the area fed by the immigration to and from the gold fields. The Indigo Valley and Barnawartha were providers of goods and services for the needs of the gold fields (Bate, 2010).



The town was on a central route from Chiltern to Yackandandah, which made it ideal for trade between the towns. It was also situated on the main route between Melbourne and Sydney, making it ideal for the transport of timber and other goods. The town was established as a stop on the railway line between Melbourne and Albury in 1873, which helped to spur its growth. European settlers established themselves in the Indigo Valley at a similar time, with the 1836 exploration by Major Mitchell credited for establishing transport routes, river crossings and water sources.

Unlike the surrounding gold towns that saw a downturn in population and economic growth after the end of the gold rush, Barnawartha and surrounding regions continued to see a growth in agriculture and trade-based economy. This continued until the Great Depression which saw a large loss of employment and economic depression, locally and globally. Additionally, the 1952 bushfire destroyed many of Barnawartha's historic buildings, including the ruin of the Indigo Mill, some of its businesses, and devastated the town.

From a 1921 population of 278, the population in 1966 had dipped to 190, lower even than it had been seventy years before (Pendlebury, 1992, p. 67). While the population has recovered, a radical transformation of industry had taken place, taking Australia from its agricultural and pastoral foundation to a modern economy. This shift saw a move to mass agricultural and material production rather than local production. Barnawartha has also changed with the times, supporting the economy for Albury Wodonga and other surrounding towns, providing employment that Barnawartha now lacks. The Logic industrial estate is a major employer and a drawcard for young families looking to settle in a rural setting where lifestyle is prioritised. Modern Barnawartha and surrounds continue to be shaped by the broader context of its environment.



## BARNAWARTHA AND SURROUNDS TODAY

### Natural Environment

The region strongly showcases the agricultural land use, with picturesque farming land abutting many of the local roads. To the north, the Murray River is accessible for public recreation and camping. Richardson's Bend, often referred by the locals as Richos is a dispersed bush camping ground along the bank of the Murray. Access to the water for boating is available there.

The Mt Pilot Nation Park is a key attraction for bushwalks, vistas and waterfalls. The park is broader than the Barnawartha region alone, covering 21,636 hectares and including Mt Pilot Range, Woolshed Falls, box-ironbark forests, and several historic goldmining sites. Local accessible waterways include Fryngpan Creek, Indigo Creek, Black Dog Creek, and Mount Lady Franklin falls.

Mount Lady Franklin has an altitude 535m above sea level and is located 3.5km west of Barnawartha in Barnawartha North. The peaks are named after the wife of the Lieutenant Governor of Tasmania, Sir John Franklin. Lady Jane Franklin journeyed from Melbourne to Yass in 1839 and according to Edmund Charles Hobson's diary, she apparently climbed the peak and named it after herself. The peak is also known as The Kookaburra. It can be seen squatting above the town in many historic and current images of the town as an enduring natural landmark. Gem hunters visit the mountain to find the almandine garnet. The mountain is accessed from the Hume Freeway via an unsealed road.

There is a long history of recorded bushfire in the region, including the aforementioned 1952 Barnawartha fire that destroyed much of the town and killed three people. Twelve homes, four stores, two churches and a boarding house were also destroyed, and there was a huge loss of stock. Large grass and bushfires that are recorded since the 1900's include:

- 1917 - Indigo Valley/Rat's Castle Fire
- 1927 - Chiltern Beechworth Road Fire
- 1928 - North Barnawartha Fire
- 1929 - Indigo Valley/North Wooragee Fire
- 1940 - Indigo Valley Fire
- 1952 - Barnawartha Fire
- 2003 - Mount Pilot/Indigo Valley Fire (four houses in Yackandandah destroyed)
- 2015 - Indigo Valley Fire/Leneva Fire

The Indigo Valley community-led resilience planning process has identified that the physical shape of the Indigo Valley adds to the risk of fire as the valley runs north-west to south-east, which is the same direction as dangerous prevailing bushfire winds. The topography of the valley can affect fire patterns, making it more difficult to suppress fires. Many fires in the past have been fast moving grass fires, with the ever present threat of bushfire once fire moves into the Mount Pilot national park.

Flooding risks exist within the town from the alignment of the creek, its landform conditions and poor drainage conditions. A portion of Barnawartha is identified as being subject to inundation, however, it is isolated to the Indigo Creek surrounds. Flash flooding along Indigo Creek most recently impacted the region – the 2022 floods saw the culverts under Indigo Creek Road compromised, causing lengthy delays in repairs and the installation of a temporary bridge. The Indigo Creek suffers erosion and scouring during these events, as well as damage to crossings and culverts. The impacts from the most recent flooding can be seen along the creek with the present need to rehabilitate many sections of the creek.

Droughts have been common in the past, and have contributed to creating dangerous fire conditions, such as prior to the 2003 and 2009 bushfires. After a sustained period of La Nina there is a large amount of grass and undergrowth as well as a high fuel load due to conditions being too wet to conduct all planned burns. Predictions for future extreme weather patterns include the possibility of megadroughts – droughts that can last decades. The current conditions, as well as future predictions elevate the ever present risk of bushfire in the region.

## Social Environment

The communities have many volunteer groups and committees, including:

- Barnawartha Progress Association
- Country Women's Association
- Indigo Creek Landcare Group
- Barnawartha Country Fire Brigade
- Indigo Valley Country Fire Brigade
- Indigo Creek Fishing Club
- Barnawartha Recreation Reserve Committee
- Barnawartha Football Netball Club
- Barnawartha Soldiers Memorial Hall Committee
- Indigo Valley Crafty Crafter Group
- Chiltern Grapevine

Community gathering places include:

- Barnawartha Soldiers Memorial Hall
- Barnawartha Recreation Reserve
- Indigo Creek Playground
- Barnawartha General Store and Post Office
- Indigo Valley CFA Shed
- Middle Indigo Primary School

A strong theme from the engagement process was for an improvement of the existing community spaces to better enable social gatherings and functions. This is particularly the case in Indigo Valley, where there is a strong wish to have a community centre to gather in that is separate from the CFA shed.

The level of unpaid care is very high in this region. In Barnawartha 5.1% of people provide care to children, a person with a disability, aged, or affected by a health condition while the state average is 39.2%. In Indigo Valley, 20.8% provided unpaid

assistance to a person with a disability, health condition or due to old age compared to a state average is 12.9% (ABS 2021).

Through the Indigo Valley Community Led Planning, the community is identified as defined by kindness and caring. Examples of kindness and generosity during the Covid lockdowns are described, as well as the lengths that the community went to in order to keep connected. A welcome letter is given to new residents with information on community events, phone trees and how to connect within the Valley. This is facilitated via a volunteer basis. The residents communicate through a monthly community newsletter, Facebook page, word of mouth and in an emergency, they activate their phone trees.





Barnawartha has a strong community with many sporting, service and social groups that have endured for many years. Many residents noted that they are currently having difficulty with attracting and retaining volunteers and that this was something they would like to see improve in the future.

The methods the residents use to communicate and stay connected include:

- Chiltern Grapevine - volunteer run printed publication distributed in Barnawartha and surrounds that promotes local groups, events, and provides local insights and news.
- Good Neighbours - Community Facebook page, as well as local Facebook pages.
- General Store notice board.

According to the Australian Bureau of Statistics (ABS, 2021) Barnawartha has a slightly higher median age than the Victorian average, at 40 years. The median age in Indigo Valley is higher again at 47 years. There are challenges that are particularly exacerbated in Barnawartha and surrounds for ageing in place in relation to the lack of housing, aged care, and transport, that do not have any simple, short-term solutions.

It's important to note that the most recent census doesn't capture any changes in demographic as a direct impact of the Covid pandemic. Regional population data from the Australian Bureau of Statistics shows that Melbourne and Sydney were the largest net exporters to the country, with Sydney losing 110,180 people and Melbourne 81,857. Flexible work from home options and less restrictive conditions made rural living more appealing. While Queensland and small coastal communities have proven to be the target location for many, most people moved within their state. 86.1% of people who moved from Melbourne moved to other Victorian locations. Overall, regional Victoria saw the largest net gain of people, totalling 61,787. Millennials - people aged 25-39 years - were more likely to move to an inland regional location. This may account for the anecdotal evidence that there has been a large increase in young people and young families in Barnawartha.





## Built Environment

There are several significant historic buildings in Barnawartha that survived the 1952 fire. By 1859 Barnawartha had a Catholic school and Catholic church and two hotels, the Lady Franklin Hotel, and the Indigo Hotel. A Methodist church and The Indigo flour mill was built in 1860 using the dammed Indigo Creek to power it and the remains of the Barnawartha Wier can be seen today. Barnawartha Soldiers Memorial Hall was erected in 1920 and still stands at the intersection of High and Havelock Streets, along with the general store and Post Office. The 1873 railway precinct in Barnawartha with a goods shed and railway station has stood empty since it was closed in 1985. Cheesely's Bootmakers shop is now used to store hay and is in poor repair.

The scenic avenue of plane trees that today welcome people approaching Barnawartha from the direction of Howlong and along the High Street service road were planted by unemployed labourers in exchange for welfare payments during the Great Depression. A vineyard was begun in 1858 in Barnawartha North, becoming Gehrigs Winery in 1867. Gehrig's 'Barnawartha House' homestead was built in 1870. The historic homestead called The Hermitage was built in 1852–54 from local granite. The homestead is on the Australian and Victorian historic buildings registers.

The Sacred Heart church was established in 1899 and closed in 2018. It was sold privately in 2019. St Stephen's Uniting Church in Barnawartha does not have a recorded foundation date; however, it was closed in 2009. Sources suggest that a former Presbyterian church was established in Barnawartha by 1903 but was possibly destroyed by fire, as was the Methodist church in 1952. The Barnawartha All Souls Anglican church was established in 1921 with the foundation stone recording 1928. The church continues to hold Sunday services, along with the nearby Browns Plains Anglican Chapel. Cookinburra Community Church continues to offer services in Indigo Valley.



Barnawartha North had a school from 1870 to 1961. Indigo Valley is recorded as having five schools in the past, with the Middle Indigo Primary School educating 35 students presently. Barnawartha Primary School was built in 1875 and has historic war memorial gates with the inscription 1939 – 1945. It has seen significant redevelopment over the years, and currently has 45 students enrolled.

In terms of other built environments, Barnawartha has 409 private houses averaging 2.6 people per house and Indigo Valley has 147, with 0 unoccupied houses. Barnawartha North has 75 houses. Council approval data indicates that building approvals for new dwellings in Barnawartha have fluctuated since the late 1990s, but on average result in 4.5 new dwelling approvals per annum. Recent data also suggests an average of 2.3 new lots are also created per annum in Barnawartha, predominantly towards the north, with some rural living properties to the west.

In addition to the historic buildings of Barnawartha, other significant infrastructure includes the Recreation Reserve – home to the golf course, CFA shed, tennis courts, football and netball clubs and grounds, Pony Club, community centre, and the Indigo Medical Centre. The Barnawartha Post Office is in the General Store, with the Three Pigs Trattoria stationed adjacent. The Barnawartha Store provides a petrol station, take-away food, and general provisions. The current Star Hotel was damaged by fire in 2006 and has been rebuilt, providing meals, beverages, and accommodation.

## Economic Environment

According to 2021 ABS data, Barnawartha records 2.6% unemployment, which is half the rate of the Victorian average, and Indigo Valley and Barnawartha North record 0%. REMPLAN data from December 2023 record that there are 358 businesses registered in Barnawartha, Browns Plains, and Indigo Valley, with agriculture, forestry and fishing being the largest sector. The REMPLAN data is for Indigo Shire use and as such does not provide details for Barnawartha North in Wodonga.

In the outer northern and southern areas of Barnawartha, the land is primarily used for agriculture, focusing on broad acre grazing, with some scattered cropping and horticulture activities. The agricultural landscape in Barnawartha shows a mix of uses with a high number of large lots over 100 hectares and limited fragmentation. Properties ranging from 40 to 100 hectares suggest a blend of part-time hobby farms and full-time extensive operations.

Agricultural studies by the Albury Region Planning Committee highlight the high-quality agricultural land near Indigo Creek, as well as the northern and southern parts of the town. This area, known as the Browns Plains land unit, boasts favourable soil conditions and a suitable climate for winter crop production and pastures.

Conversely, land along the freeway corridor and nearby reserves is of average to poor quality, representing the Wodonga South land unit primarily used for sheep and beef production. The rural land north of the town falls within the Black Dog Creek catchment, known for its subpar drainage conditions.

The top occupations for people living in Barnawartha according to ABS 2021 data are Technicians and Trades Workers. The following occupations are close to even with roughly 12% of the population working in each: Clerical and Administrative Workers, Managers, Community and Personal Service Workers, Labourers, Professionals and Machinery Operators and Drivers.

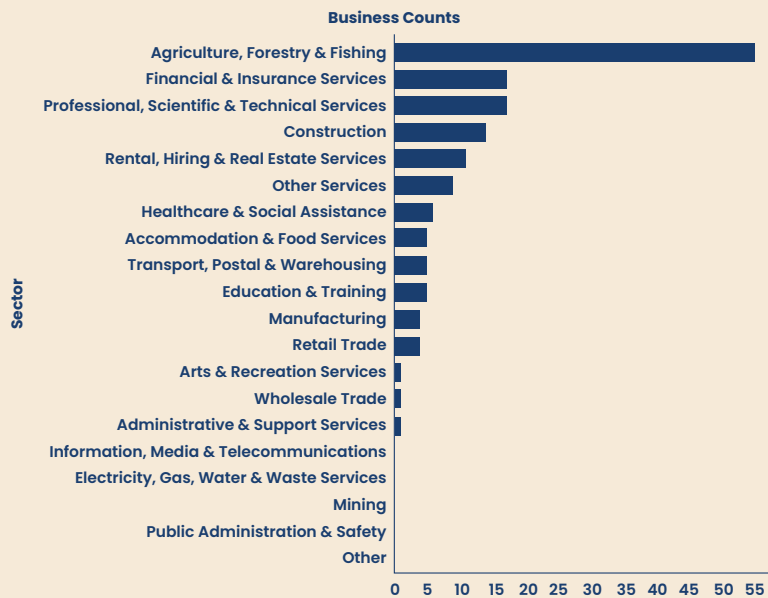
The following graphs show the 203 businesses registered with an address in Barnawartha and Browns Plains, however it does not capture the people who live in Barnawartha and work remotely. For context, across Indigo Shire most employed residents work in Indigo Shire, followed by Wodonga, then Albury.



## BARNAWARTHA BUSINESSES



## INDIGO VALLEY BUSINESSES



The Indigo Valley has rich alluvial soils on the valley floor that makes for productive farming. There are many intergenerational farming families in the Valley, as well as newer residents. As with the broader Barnawartha region, early farms provided for the goldfields with market gardens produce and wine. Cattle and sheep farming soon became popular in the Valley. Today, there are 55 registered agriculture businesses in the Valley, by far the largest economic provider in the area. There are smaller agricultural businesses, such as vineyards, nut orchards, olive groves, and livestock grazing businesses. Overall, there are 155 businesses registered in Indigo Valley.

Logic Wodonga is in Barnawartha North in the City of Wodonga, near West Wodonga, on the Hume Freeway. Covering an area of 567 hectares, Logic is currently selling land for industry. Logic is a multi-decade project that capitalises on its strategic position on the Hume Freeway. During the next 20 to 30 years, Logic aims to become home to large-scale industry which will generate significant employment for the region. It is presently a large employer for people in the region. According to 2021 ABS data almost a quarter of Barnawartha North residents are employed as Managers, followed by Technicians or Trade workers at 15%. Beef Cattle farming is the top industry, followed by sheep and beef cattle farming.

Oztek Holdings is an animal rendering plant that recycles animal products into biodiesel, tallow, and bone meal located in Barnawartha. This family owned business is a local employer in the region; however, it is also a source of concern for residents due to offensive smells produced. It was a strong priority for the community that the smell pollution be addressed through advocacy to the Environmental Protection Authority to enforce environmental legislation.

A review of Indigo Shire's Growth Strategy is underway as this Community Plan is being developed. Zoning for Barnawartha is being assessed in conjunction with the community to 26 DRAFT – Barnawartha and Surrounds Community Resilience Plan 2024. ensure that planning appropriate to growth is considered for both housing and industry. Many of the surrounding regions do not fall into the Growth Strategy planning as it is designed to focus on existing townships. The process to address the aspirations of Indigo Valley, Browns Plains and other rural areas is through the rural strategy space. This would require budget allocation for this to progress.

## PART C: THE PLAN





## PART C: THE PLAN

### COMMUNITY PLANNING CONTEXT

Council was enabled to progress with community planning in Indigo due to grant funding for community resilience building from Emergency Recovery Victoria (ERV). Given broader Barnawartha and the Indigo Valley's bushfire risk profile and history, it was a good fit for the grant funding to build social capacity for disaster resilience building. There is a motivated community keen to see change to support infrastructure, capacity building, strategic planning, and facilities management. Additionally, it has strong community advocacy and established groups to drive the community planning process, and to carry it into the future. The timing with the current Growth Strategy review was ideal, as it allowed for the consultation processes from community development and strategic planning to support the review into the zoning of Barnawartha and surrounds.

The project was broken into the following stages:

- Exploration - What have we already been told, and what has happened since?
- Consultation Stage 1 - Resilience Conversations - what is the resilience capacity of Barnawartha and surrounds now, and where needs to change to build that capacity?
- Consultation Stage 2 - Pop-Up Consultations - have we heard from everyone?
- Refinement - presenting the draft plan to community and Council - did we hear you correctly?
- Endorsement and Action - the final plan is live and ready for collaborative action.



## 1

**Stage 1:  
EXPLORATION**

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## Stage 1: EXPLORATION

The initial exploration phase of the project process involved looking back to see what we had already been told. All the original documents can be found on the Council website along with this plan.

Significant planning and community consultation has occurred in Barnawartha in the previous decades. There was frustration from residents, particularly given that many key projects are yet to be actioned. The exception to this is the Barnawartha Recreation Reserve which has seen significant and ongoing improvements. Much of what is important to the community today aligns with what Council has been told in the past. Lack of community trust in Council processes was a consistent issue throughout this place planning process, given the similarities in priorities, themes and key actions that continue to be raised in each planning process.

The question was raised of how the actions identified through community planning are progressed through Council processes and work plans, as well as funding allocations. Additionally, this planning process has identified that there needs to be processes for Council to communicate the progress of, or challenges to, implementing plans. While this plan addresses the priorities and needs of Barnawartha and surrounds, it is also acknowledged that the broader question of community planning delivery needs to be addressed within Council and communicated to community.

### Structure Plans

Structure plans guide a council's preferred direction of future growth in activity centres, tailored to each area's uniqueness. They implement state policies and cater to evolving community needs.

### Place Plans/Community Plans

Place planning, or placemaking, is a comprehensive approach to planning and development that aims to create vibrant and resilient places valued by communities and visitors. It involves understanding community culture and collaboration. Place planning includes masterplanning, urban design, social and economic development, community engagement, retail planning, arts and culture, and sustainable development. A community plan is a place plan developed in-house by a Council officer in conjunction with community collaboration.

### Community-Led Planning

Community-Led Development involves local community members collaborating to identify and achieve goals, fostering relationships with stakeholders, and leveraging community strengths and leadership.

## 1

## Stage 1: EXPLORATION

The following Council strategic, planning, and community planning and community-led planning documents were reviewed and are summarised:

- Shire of Chiltern Rural Living Area Structure Plan – Barnawartha, June 1992
- Barnawartha Urban Design Framework and Strategic Directions Plan 2003
- Chiltern and Barnawartha Our Future –Employment, Population, Housing and Community Impacts of Logic Industrial Park and Other Regional Developments 2007
- Community Plan – Barnawartha 2010
- Barnawartha Structure Plan – Version 6 – December 2019
- Draft – Indigo Valley Community Led Resilience Planning – Updated 28 March 2024

### Shire of Chiltern Rural Living Area Structure Plan – Barnawartha, June, 1992

This early structure plan explores Rural Living (planning zone) demands for Barnawartha in the former municipality of Chiltern. This was an initiative of the Albury Wodonga Regional Planning Committee in 1991 to create a rural living strategy. At the time, Barnawartha was zoned Urban, Rural Residential (4 hectares minimum) and Rural A (40 hectares minimum). This report established the desirability of establishing a rural living zone in Barnawartha to cater for future lifestyle growth of larger lots – 2 hectares – close to urban centres, but without the requirements of an urban zone to provide all services.

The plan explains the desirability of rural living – as opposed to urban fringe dwelling or hobby farming – as a lifestyle and values choice. It also highlights the costs of rural living, which includes many of the issues that Barnawartha residents have gone on to name as place-based issues, rather than an acknowledgement that they are an expected cost of rural living. These include:

- Landcare management costs – fencing, weed control, erosion control, water storage, bushfire control, road maintenance.
- Travel – additional time and cost to commute to urban centres. Additional costs to access employment, education, recreation, and shopping.
- Utilities – isolation from an urban centre often means access to utilities is problematic, particularly reticulated water, gas, and sometimes waste services. Road standards are frequently less than those closer to towns.
- Community services – local community is likely to incur more costs to provide for facilities.

While this plan is now quite dated, it helps explain the planning environment and the planning decisions that have shaped the growth of Barnawartha. It is also helpful in understanding the planning context around rural living, and the associated community and economic costs associated with rural living. Increased service provision in small regional

### Barnawartha Urban Design Framework and Strategic Directions Plan, 2003

This plan was funded through the former State Government Department of Infrastructure with the aim of identifying where improvements in planning practice and infrastructure should be directed to increase amenity and economic viability through the Pride of Place Program. Initiatives developed were aimed at:

- Increasing visitation and tourist expenditure
- Improving traffic amenity
- Boosting employment
- Providing opportunities to retain young people
- Providing improved and safer public infrastructure

In 2003 when the plan was developed the population was 450 residents. It was described as a predominantly small commuter settlement for Albury Wodonga, with that proximity being the main driver for low density residential development. The impending development of the Logic centre and the impacts on population growth and the need for improved services was a key focus of this report. The framework focuses heavily on the physical aspects of the town, including the town centre and all the town entries.

The plan makes detailed suggestions about plantings, street furniture, footpath, and kerb treatment. Many of these actions are still relevant to the town today, with residents still seeking an improved town appearance and a more walkable town. The railway station and goods shed are significant buildings that are identified as potential sites for arts, crafts, and a farmers' market. It is noted that this would require community support and action – which is still the case in 2024.

Another focus of the plan is the Indigo Creek and the Recreation Reserve. While the Recreation Reserve has been considerably improved and is about to receive a second master plan, the Indigo Creek corridor would benefit from a re-visitation of this plan.

This plan sets out the key actions that continue to be a predominant focus in all future plans, including this plan:

- More shade trees
- Rubbish dumping
- Creek fencing
- Youth events
- Recreation Reserve
- Footpaths
- Parking demarcation

Priority areas include:

- Natural gas
- BMX, motorbike, and skate facility
- Youth group activities
- Support local businesses

- Town services and lifestyle improvements (postal delivery, transport, rail crossing safety, rendering plant smells, childcare, police presence)
- Tourism
- Roadworks and traffic management

### Chiltern and Barnawartha Our Future Project – Employment, Population, Housing and Community Impacts of Logic Industrial Park and Other Regional Developments, 2007

This plan was developed in response to the newly built Logic centre and explored the possible regional growth implications for Barnawartha and Chiltern. The plan tells us that the resident population increased from 82 people in 1981 to 550 people in 2001. At the time the Chiltern and Barnawartha Our Future Project report was written in 2006, the growth of Barnawartha was projected to grow by up to 4.7% per annum to 1640 people by 2025 as a direct economic impact of the Logic Centre. The 2021 ABS data tells us that Barnawartha had 987 people, suggesting that growth was not as rapid as predicted. If Barnawartha North and Indigo Valley were included in the total it makes 1521 residents in 2021, which makes a projection of 1640 residents by 2025 realistic.

This plan predicted housing growth in Barnawartha at 25–40 residential allotments for three years, then 15–20 for the following five years. Actual housing growth is moderate at 5–7 allotments per year.

The plan sets out a series of actions to accommodate a projected growth that is faster than the actual growth of the town in the past 18 years.

The top eight priorities were:

- Boom gates at rail crossing
- Relocate Barnawartha Primary School to the Recreation Reserve and construction of a Community Centre
- Sprinter train connecting Wangaratta – Chiltern – Barnawartha – Logic – Wodonga (long-term) and a regular bus/public transport service (short-term)
- Provision of medical services
- Provision of natural gas
- School speed zone for the Middle Indigo Primary School
- Bike walking path connecting Chiltern, Barnawartha, and surrounding communities
- Community capacity building

It is of note that many of the actions suggested in this plan still loom large in the minds of long-term residents, while newer residents expressed some different priorities. The investment in Barnawartha can be considered commensurate with the resident growth and that a more rapid growth would equal shorter delivery times on actions.

### Community Plan – Barnawartha, 2010

The Barnawartha Community Plan, 2010 was part of Indigo Shire’s Community Strengthening Project, which commenced in September 2009. Like the current Community Plan, it was externally funded, with the aim of helping people create stronger more resilient communities from within.

The community ideas were collated under the headings of Sport and Recreation, Environment, Family and youth, Tourism, and Community assets. A total of seventy ideas were established and the community voted on their key priorities to establish the top ten. Out of the top ten, they then refined this through a voting process to the top three key priority projects:

- Recreation reserve facility upgrades
- Community events
- Clean up of Barnawartha’s town entrances and a strong emphasis on making Barnawartha a tidy town

Significant upgrades have occurred at the Recreation Reserve including a new facility, with additional works continuing over the coming year. There is still a desire for more community events – which requires residents to drive this action – and the overall appearance and cleanliness of the town continued to be an issue for participants in 2024. Of the top ten priorities, all except securing natural gas remain a priority and have been captured in the action table. Many of the seventy actions captured are still of interest to the community and the key themes are consistent.

The focus on creating a town hub, enhanced town centre, walking and cycling connectivity, public transport, recreation activities and community capacity building have been consistent since planning in 2003.

### Barnawartha Structure Plan – Version 6, December, 2019

This structure plan was not formally adopted by Council due to lack of community support for in a minority of aspects within the plan. However, the majority of the content is considered useful and relevant to Indigo Shire planners to guide how growth will be managed. The plan provides an overview of the rural centre, project context, consultation 33 DRAFT – Barnawartha and Surrounds Community Resilience Plan 2024 process and details the implementation of the structure plan based on differing rates of future growth.

The primary objective of the Structure Plan is to prepare a consolidated shared vision for the future of Barnawartha, with accompanying recommendations and actions to implement.

The aims of the plan are:

Provide the primary reference document for Council which sets out the future priorities for Barnawartha.

- Provide a clear framework to the community and landowners about how the town may change into the future.
- Support future work to make changes to the planning framework for Barnawartha to align with recommendations made.

- Assist Council with decision making processes for new development and growth of the town.
- Assist with informing Council's works program in relation to infrastructure upgrades and new capital works projects for Barnawartha.
- Guide changes and projects within the town which support identified community aspirations and priorities.

The structure plan is comprehensive and many of the key actions identified cross-over with actions identified through community planning. It identifies key issues – growth, rural village character, transport conflicts, bushfire, appearance and entries, industrial uses, and the natural environment. The policy and planning framework is explained in detail and is recommended reading for anyone with a keen interest in understanding the broader context.

The issues for Barnawartha identified for Barnawartha in 2019 were:

- Lack of defined commercial precinct with the ability to provide for the day to day needs of the residents.
- The impact of the Logic Centre on the amenity of the town.
- Provision of land appropriately zoned for industrial uses and development.
- Drainage issues and inundation of limited township areas.

In response to the identified issues for the town, several objectives and strategies were set out:

### Objectives

Establish a preferred character for the town by the establishment of a defined commercial precinct. Enhance commercial opportunities and services around the existing commercial uses.

Address gateway treatment to the township to provide attractive entry points.

- Promote and support a compact urban form, fully utilising existing and peripheral vacant residential areas which are provided with necessary infrastructure.
- Minimise the amenity and traffic impacts of the Logic Centre.
- Provide useable open space and recreation facilities, specifically the establishment of pedestrian and cycling linkages with Chiltern.
- Ensure areas subject to inundation and drainage issues remain free of development.

### Strategies

- Facilitate retail and service development centred on the existing commercial precinct.
- Ensure that the impact of traffic, land use and settlement patterns generated by the Logic Centre on Barnawartha is considered and minimised before further land is rezoned as part of the Logic Centre.
- Maintain and improve the quality of open space, recreational opportunities, and the pedestrian/cycling network within the town, between tourist attractions and between neighbouring towns.
- Review the demand for industrial land.



A detailed table was developed to address the statutory and non-statutory actions required to achieve the outcomes identified in the plan. The implementation schedule is broken into the following categories for action:

- Residential
- Commercial and Retail
- Industry and Employment
- Movement and Access
- Streetscape and Urban Design
- Environment, Open Space and Recreation
- Environmental Hazards
- Physical and Social Infrastructure

### **Draft Indigo Valley Community Led Resilience Planning, Updated 28 March, 2024**

The Indigo Valley Community Led Resilience Plan is a community plan developed by the community, for the community. It was initially developed through a community-led process after the Barnawartha-Indigo Valley bushfire in December 2015 and has continued to be updated to reflect the current needs of residents.

This plan explores strengths and challenges for building resilience in the Valley, particularly in response to a changing climate. It is informed by lived experience to be a tool for future planning for adaptation to and community based recovery from natural disasters.

The plan provides an overview of the region and the people, as well as the risks inherent in the geography of the space. It is strongly focused on emergency planning and resilience planning with careful documenting of the risks and vulnerabilities for each possible event. It also records the strengths and assets of the community and provides a detailed community analysis.

The next steps for the Indigo Valley community and the plan are to inform next steps for community led resilience building, as well as informing local government and supporting agencies of the needs within the community.

For those with an interest in understanding the policy and planning context further, optional documents to review include:

- Hume Regional Growth Plan
- Regional Bushfire Planning Assessment: Hume Region
- Hume Bushfire Management Strategy 2020 – Safer Together
- Indigo Shire Council Municipal Fire Management Plan
- Indigo Planning Scheme
- Planning Policy Framework
- Local Planning Policy Framework

## 2

**Stage 2:  
RESILIENCE CONVERSATIONS**

## Stage 2: RESILIENCE CONVERSATIONS

In October 2023, Indigo Shire initiated discussions with the Barnawartha and surrounding communities to enhance its ability to handle disasters, disruptions, and difficulties. These community dialogues are a crucial aspect of Indigo Shire's broader commitment to community resilience and emergency preparedness. The Conversations were led by Paul Ryan from the Australian Resilience Centre, which created the Community Resilience Discussions Report, December 2023, that can be accessed in its entirety on the Council website.

The focus of these initial conversations was on understanding and base-lining current resilience capacity. For this project, resilience is defined as the capacity to cope with disaster and disruption and continue to function in a desired way. Understanding and building resilience requires ongoing conversations, action, and learning. As communities change and evolve over time so too does their capacity to cope with disaster and disruption. The nature of the risks communities face also changes over time.

During disasters, stresses peak during the response phase, with ongoing impacts. The impacts of stress vary based on pre-existing conditions and accumulate over time, affecting vulnerable groups the most. Resilience-building can't eliminate risks but helps reduce stress and economic costs. Investing in resilience saves money in the recovery phase and benefits society economically and socially.

Resilience is a shared responsibility where individuals, households, communities, emergency services, and organisations like Local Government must collaborate for optimal disaster outcomes. Individual and household preparations play a crucial role in disaster response, alleviating pressure on emergency services and enabling effective resource allocation.

The conversation yielded actions that can be owned by individuals, households, community organisations and Council. The community resilience conversations summarised here reflect current community understanding and perceptions about current risks. The initial discussions laid the groundwork for collaborating with various community groups, organisations, businesses, and agencies linked to the community to build the Plan.

## 2

**Stage 2:**  
**RESILIENCE CONVERSATIONS****The Process**

Three two-hour sessions were held at the Barnawartha Recreation Reserve. The focus for the discussion sessions were as follows:

**Session 1**

- Identifying visions for future. How do you want this community to look and feel in the future?
- Resilience of what? What is it we want to make resilient?
- Resilience to what? What are the risks to our community?

**Session 2**

- Assessing resilience against the ten dimensions of resilience.
- Actions to address perceived resilience deficiencies, at the household, community and in partnership with the Shire and other agencies.

**Session 3**

- Prioritising actions to inform household, community and Shire efforts and activities.
- The intention was to have the same group of community members attend each session. The Barnawartha sessions had a core group of people that attended all three sessions. This allowed for greater continuity of discussion across the three sessions.



## 2

## Stage 2: RESILIENCE CONVERSATIONS

### Visioning

The participants spoke passionately about their home and what it means to them now, and how they want it to look in the future. In the process of the three conversation sessions, a collective vision for how residents see the past converging with the future emerged.

*"The collective visions identified by Barnawartha and surrounds participants emphasised a well-planned and cared for physical environment. Designated shopping and industry fit alongside clean and well-maintained recreational, community and green spaces creating opportunities for people to live, work and connect within their local community. This physical and built environment helps to create a place that feels welcoming and 'worth stopping' in. The place is loved, and among other things there is a sense of pride, safety, energy and belonging."*



## 2

## Stage 2: RESILIENCE CONVERSATIONS

### Resilience of what?

#### “What are we trying to make resilient?”

- **Diverse and large number of community groups** – for a relatively small community, Barnawartha has many different community groups. These groups (many working away quietly) provide many services and opportunities for social connection and support.
- **Geographic location** – Barnawartha’s location provides the best of both worlds. It is a small community setting in a rural landscape but just a short commute to larger centres. While the geographic location obviously won’t change, the proximity and dependence on the larger centres of Wodonga and Albury could lead to rapid changes in community character depending on planning, housing, and economic opportunities within the town. Maintaining the physical and social character of the community requires deliberate, careful attention from the Shire and community.
- **Community meeting place** – Places for informal and incidental ‘bumping into’ are fundamental to maintaining social networks and cohesion and for information to flow within the community. The pub, petrol station, general store/post office are not just crucial services but fundamentally important for maintaining wellbeing and social connection.
- **Caring community** – the many community groups and social networks within the community provide a caring ‘safety net’ through which people connect and feel cared for. Ensuring that safety net continues to function and expands when needed (e.g., to embrace new residents) is a fundamental part of maintaining and building a resilient community.
- **Property prices** – the availability of larger lifestyle blocks and still relatively affordable housing will continue to attract a range of people to the town. This brings with it an opportunity of new skills, volunteers, and economic opportunities.
- **Open spaces** – the green spaces and access to nature are an important part of the character of Barnawartha and provide opportunities for people to spend time in nature, something that has been shown to be as effective as prescribed medication for treating some types of mental health issues.
- **Farming history** – Barnawartha has a rich farming history. Valuing and maintaining this rich cultural and other heritage is an important part of maintaining a sense of place.
- **People** – the diversity, friendliness, and sense of fun and humour are crucial to creating a sense of community. Maintaining existing and creating new opportunities and places for people to meet is fundamental to building a strong cohesive community that can face future challenges as they arise.

## 2

## Stage 2: RESILIENCE CONVERSATIONS

### Resilience of what?

#### “What are the risks the Barnawartha and surrounds communities should prepare for?”

- **Bushfire risk** – the direct impact of fires on people, businesses and infrastructure was identified as a key risk for the community. The lack of suitable shelter and evacuation points was also identified as a key issue related to fire and other emergencies.
- **Climate change and extreme climate events** – extreme rainfall events, extreme temperature events.
- **Barriers to progress and decreasing community ‘agency’** – agency refers to the community having the drive, authority, and opportunity to manage local issues themselves where and when they would like to. For example, the prevention of locally managed fuel reduction burning or small-scale maintenance of local public infrastructure by the Council and other central formal authorities disempowers the community and undermines community willingness to participate in future activities.
- **Train derailment** – with increased train speeds and increased movement of goods by rail, Barnawartha is exposed to the risk of a major derailment or hazardous material incident.
- **Loss, damage and disruption to key infrastructure and services** – the continuous provision of energy, communication, internet and transport infrastructure and services was seen as important to peoples’ health and well-being and economic opportunities and viability. Damage to key infrastructure such as bridges, culverts and crossing from flood events was identified as being disruptive, with long repair times. Loss of services impacts directly on some groups more than others such as elderly or young families.
- **Heavy vehicle traffic** – Increasing heavy vehicle traffic through the town represents a direct risk to residents (particularly elderly and young families/children) and impacts on road infrastructure. There is also increased risk of hazardous material incidents associated with increased heavy vehicle traffic.
- **Loss of community identity** – rapid influx of people moving for cheaper land and housing prices, and the drive in/drive out commuters could undermine community identity and cohesion. Similarly, the lack of community hubs like cafes and local businesses undermines the community’s capacity to connect and work together.
- **Decline of volunteers** – having adequate volunteers to support CFA, SES and other critical community-based organisations is fundamental to community preparedness, response, and recovery from disasters.
- **Lack of economic opportunities or closure of major employers near the community** – with existing economic opportunities already limited, any loss of local economic opportunities further undermines community viability and forces residents to travel out of the community for work.

Further broader societal changes such as increasing isolation, cost of living pressures, increased trauma from exposure to threats and negative external events undermine household and community resilience in various ways.

## 2

## Stage 2: RESILIENCE CONVERSATIONS

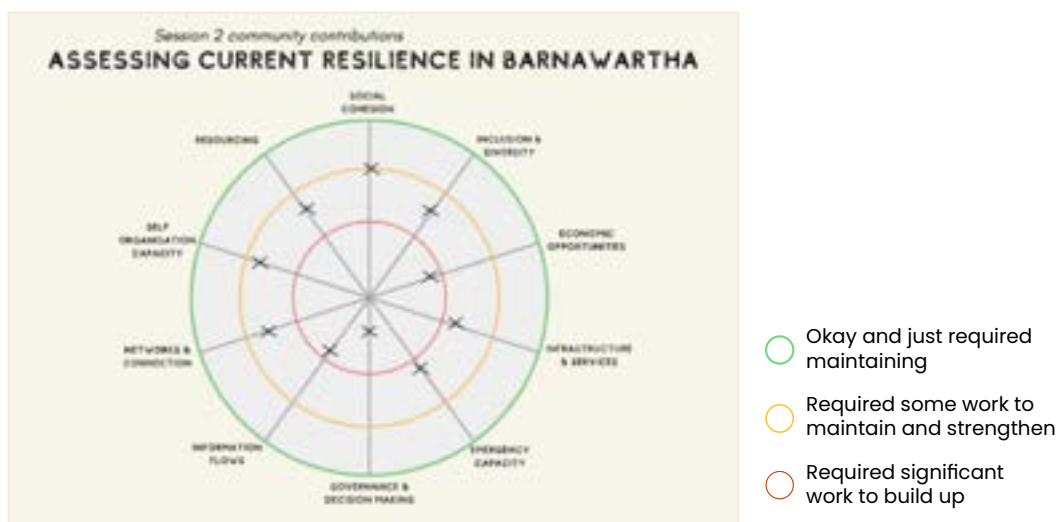
### Assessing Resilience

Paul Ryan used the following ten dimensions of resilience to benchmark the current capacity of the Stanley community.

1. Social cohesion
2. Inclusion and diversity
3. Economic opportunities
4. Infrastructure and services
5. Emergency response capacity
6. Governance and decision making
7. Information flows
8. Networks and connection
9. Self-organisation capacity
10. Resourcing

These overlapping dimensions collectively support the capacity to cope during disaster and disruption across the disaster cycle. They create the preconditions for resilience. For example, without adequate infrastructure, without good flows of information or without a cohesive community that looks out for the most vulnerable members, no community will be able to prepare well, respond to and recover from a disaster. The impact of a disaster on any community lacking those attributes will be much greater and the recovery time much longer than on a community that has worked on those things prior to any event.

Participants were asked to indicate if they thought the dimension was:





## 2

## Stage 2: RESILIENCE CONVERSATIONS

The resilience assessment for Barnawartha and surrounds identified three areas for significant work to build resilience. Key aspects of the discussion about these three areas included the following:

### 1. Governance and Decision making

This dimension was interpreted as 'Trust in governance and decision making'. There was strident criticism of Indigo Shire's investment decision making and communication processes by some participants. There were several comments and questions from participants about how decisions are made, how priorities are set and how to influence priorities and decision making. While much of community criticism relates to longer standing broader community priorities and projects, lack of trust in governance and decision making reduces community engagement, undermining the willingness to work closely with the Council and agencies to address more immediate resilience building work.

### 2. Information Flows

Poor information flows undermine trust (related to Governance and Decision Making) and reduces engagement and connection. Information flows between the Barnawartha community and the Council and agencies and within some parts of the community itself was highlighted as an issue that requires attention.

### 3. Economic Opportunities

The lack of local economic opportunities reduces potential to create income and employment opportunities within the community and limits the chance for informal community interactions (i.e., at cafes and restaurants). Diverse economic opportunities ensure income and access to local goods and services during emergencies and helps to speed up recovery following emergencies.

Additionally, two other areas requiring work to maintain and strengthen were identified:

### 4. Emergency services capacity

While the high level of CFA experience and equipment was acknowledged, the lack of other emergency capacities within the community was noted. It was also noted that during fires, CFA and other services can be called away from the town. Developing an understanding of emergency and evacuation procedures, what other capacity exists in the community and what are the most significant community scale gaps to be addressed were seen as potentially important actions.

### 5. Infrastructure and services

Changing demographics including the dual challenge of a rapid influx of young families following covid and with new housing opportunities and an ageing population in some 43 DRAFT – Barnawartha and Surrounds Community Resilience Plan 2024 pockets of the community highlights the need for differing infrastructure and services to meet community needs. Basic infrastructure like footpaths assist elderly residents to remain mobile, accessing local services and maintain social contact and connection. At the other end of the demographic playgrounds and cycle and walking tracks allow young families to meet and encourage community interactions.

## 2

## Stage 2: RESILIENCE CONVERSATIONS

### Identified Activities

Participants were asked to identify the next most important activities required to address the resilience challenges identified through the assessment of resilience dimensions at the household, community, and Council/Community partnership level.

Activities identified by the community were then grouped and organised according to the amount of effort and impact.

High Impact / Low Effort Activities	High Impact / High Effort Activities
<p>To achieve important quick wins as a way of strengthening resilience preparedness, engaging community, and building connections:</p> <ol style="list-style-type: none"> <li>1. Emergency Planning – household and community level emergency planning and awareness raising</li> <li>2. Community groups needs documented and communicated to Council</li> <li>3. Community mapping</li> <li>4. Neighbour connect</li> <li>5. Support and buy local</li> <li>6. Community events/pop up spaces/farmers/craft market – (moderate effort, moderate benefit)</li> </ol>	<p>To achieve progress against the deeper long-term challenges:</p> <ol style="list-style-type: none"> <li>7. Volunteer register</li> <li>8. Community Group support</li> <li>9. Community Emergency Planning and Awareness</li> <li>10. Community emergency scenario event</li> <li>11. Heritage Centre</li> <li>12. Critical infrastructure review and repair</li> <li>13. Business Hub and community co-working space</li> <li>14. Men's Shed</li> </ol>

These top fourteen activities – as well as the full list of activities identified through the Resilience Conversations were then collated to take to the broader community for the second stage of consultation.

## 3

**Stage 3:  
TO THE PEOPLE**

## Stage 3: TO THE PEOPLE

Consultation Stage 2 was an opportunity for everyone to be heard in places where they usually gather, feel comfortable and can contribute in varied ways. This stage of consultation enabled people to pop in for a couple of minutes or stay and chat with Council staff to share topics important to them. This stage of consultation included:

- Pop-Up Consultations – have we heard from everyone?
- What We Heard – Collating and summarising information from the Resilience conversations, website contributions and pop-ups to create an action plan
- Community Celebration – Prioritising, refining, and celebrating community contribution

The actions and themes from the previous planning documents, Resilience Conversations, youth engagement and website engagement were taken to the community for feedback and growth through pop up sessions located at:

- Barnawartha General Store
- Star Hotel – Barnawartha
- The Watchbox – Indigo Valley

### Pop-up Conversations

These sessions generated additional actions and further established the key priorities.

The Indigo Creek Playground pop-up was postponed due to high heat, and then ultimately moved online due to ongoing high heat. Direct youth consultation was undertaken with all the students at Middle Indigo Primary School and grade five and six students at Barnawartha Primary School.

The pop-ups were structured around the same lines of enquiry that were explored through the Resilience Conversations, and grouped into the recovery domains of social, economic, built, and natural:

- In the future I want Barnawartha and surrounds to look and feel like...
- For this to happen, the community needs...
- As an individual I can contribute to make this happen...
- To be successful we need to be resilient to challenges such as...



Barnawartha and Surrounds Community Resilience Plan 2024



## 3

### Stage 3: TO THE PEOPLE

Through these pop-ups we heard from young people and their families, long-term residents, and newer arrivals. We also heard from people who lived close-by who regularly visit the area as they feel a strong connection to the place.

This phase of the engagement was markedly different to the Resilience Conversations and the priorities that had the most community support were quite different to the focus in the Conversations, despite structuring the engagement on the same lines of enquiry. The Conversations required a high level of community buy-in in terms of time and energy. To engage in the Conversations, people had to have a large amount of time available to them to begin with. The sessions predominantly attracted people who had a good understanding of Council processes and a desire to see the changes that they had already been advocating for.



Conversely, the people who engaged with the pop-up sessions and the community event showed very low interest in actions that prioritised Council process. Often the interactions were incidental, such as in the beer garden where people were not there primarily to talk to Council. For those that chose to engage with the project at the pop-ups, they were often focused on immediate community level actions that are very visible in the community and impact their day-to-day life. This was magnified at the community event where people could see the draft action table of all the priorities. Those that enhanced their community directly were prioritised over those that were centred around improving Council processes for community benefit.

## 3

## Stage 3: TO THE PEOPLE

### What We Heard

1. That the community had been widely consulted in the past, but they didn't see the consultation result in action. They were frustrated to be asked their ideas again when many of the previous plans were still relevant.
2. That the Indigo Valley residents have different needs and wants to those of Barnawartha and feel they would benefit from a separate community planning process.

Overwhelmingly we heard two main concerns from the community regarding the process for Community Planning:

More information regarding previous planning process is detailed in Stage 1:

Exploration and requires careful consideration when looking at how this plan will be implemented, and actions or challenges communicated back to the communities. This feedback wasn't given flippantly, and it raised strong emotions and has caused significant challenges for the community to trust and collaborate with Council, which will impact both the implementation of this plan but also wider Council processes that rely on strong relationships.

Moving beyond this frustration of process, the community had many ideas about its wants, needs and dreams for its towns. These ideas have been drawn into three common themes:

### Barnawartha and surrounds need community spaces to connect

When we spoke to young people, they told us about all of the wonderful activities they are involved in, but also how they had to travel to all of them. When we spoke with older people, they told us of the seniors' groups and library activities they attend, and – have to travel for. Both groups, as well as those new to town, and long term-residents who work out of town, told us they wish they had opportunities to connect with their neighbours more easily.

“ We're relatively new to Barnawartha and we've discovered most people work out of town, it's hard to know where and how to connect with other local people. ”

“ I'd like a space just for kids, but with no adults and no rules, so we can just hang out and play our games. At the old train station would be cool. ”

12 year old Barnawartha resident

“ I wish the bus ran more often and had more stops so that I could go to my friend's house. It only runs to and from school, but I'd like to be able to catch the bus to visit friends too. ”

11 year old Indigo Valley resident

## 3

**Stage 3:  
TO THE PEOPLE**

Barnawartha residents love where they live. Opportunities to enjoy it and share it with visitors is important.

Residents value the history, the stories and the natural beauty that surrounds them and would like opportunities that highlight this for their community and visitors.

“ The Old Goods Shed is the perfect place to have a Heritage Centre as it is the oldest surviving brick building in the town. I'd like to see it being used as a museum... including a Historic Precinct, a cafe for the visitors to enjoy. Demonstrations of lost and forgotten trades... The 'Men's and Women's, all ages and all abilities Shed' could be housed here as well...”

“ Signage to promote Route 31, a café to stop at, some historical information – it wouldn't take much for Barny to become a place worth visiting.”

“ A dump point at Barnawartha and free camping available then more people would be encouraged to stay.”

“ It would be so cool to have a motorbike track in the Indigo Valley so I could ride my bike with my mates, without dad having to drive me all the time. I don't get to ride as much as I'd like.”

“ I wish the town entries and roundabout area looked nicer. It would really improve how people perceive the town if it looked nicer, we do what we can, but we can change things like the gutters and potholes.”



## 3

**Stage 3:  
TO THE PEOPLE****Balancing industry, housing and a rural lifestyle requires good planning**

A 12 year old Barnawartha resident told us *"I don't want anything to change. I don't want Barny to get bigger and busier. I like it just the way it is."* Many others – of all ages agreed, but also recognised the need for housing growth and particularly local economic opportunities.

**“ A few more businesses in town to really boost the vibrancy and economic opportunities locally would be great, but it needs to be sustainable. A space to test out business ideas, or host pop-ups could be great. ”**

**“ We love living in the Indigo Valley and we want our families to be able to stay here – for us to grow old here, and for our children to be able to build homes here. We lose capacity when our children have to leave because there is no land to build on. We'd like to see smaller lots of land made available, or changes to laws that allow second dwellings. ”**

**“ There is a fine balance between industry, economic opportunity and housing growth that raises strong emotions for the people of Barnawartha and surrounds. They are cautious regarding change, but would like to see small, considered steps that make their communities more beautiful, vibrant, and liveable. ”**

**“ There are constantly trucks parked in the centre of town and travelling through the main street. It would be great to see other alternatives so that the centre of town looked nicer. There needs to be a solution that suits the business owners and encourages safety and pride. ”**

## 3

## Stage 3: TO THE PEOPLE

### Community event

At the pop-up sessions participants also voted on where they would like a community event to be held and what they would like to happen at it. The three locations selected by the community were the Memorial Hall, Indigo Creek Playground, and the Barnawartha Recreation Reserve. Participants were given three votes, in the form of ping-pong balls, to put into the vessel marking their choice. They were able to write under each heading examples of what they would like to see happen at the event.

The students at Barnawartha Primary School and Middle Indigo Primary School also voted on their choice of location and filled a whiteboard full of event ideas. These ideas were very food heavy, but a concept of a family sporting carnival day emerged and ultimately shaped the events on the day.

The event was designed as a celebration of the community planning process, and to give back to the communities that had given so much of their time to support the planning process. Holding the community events also met one of the aims under the recovery funding to support community cohesion and resilience, as well as community-identified need for more events to bring people together.

The Barnawartha Recreation Reserve was voted as the winner based on the range of activities that could be hosted there – namely Al's Skate Co. pop-up skate park. However, The Indigo Creek Playground was voted as the clear winner for location, followed by the Recreation Reserve, and the Memorial Hall. The Reserve was chosen as it provided more flexibility, as well as an indoor option for poor weather.



## 3

**Stage 3:**  
**TO THE PEOPLE**

The community visioning, themes and key actions were tested again at the Barnawartha and surrounds Community Celebration held on Sunday 21 April 2024 at the Barnawartha Recreation Reserve. The actions were ranked by the community to create a priority rating. Each participant was given five sticky dots to place next to their top priorities. People had the option to put more than one dot against an action, however they had to prioritise the most important things to them, right now. It also provided an essential space for the community to talk with the Council officers who had facilitated the project and to answer other questions. In total, eighty-one people added their dots on the day. Below is the final list of actions, arranged according to community priority.

## 4

## Stage 4: DRAFT PLAN AND ACTIONS

### Stage 4: DRAFT PLAN AND ACTIONS

#### ACTION PLAN

The top three priorities in order of community support are:



It's fair to say that the children interpreted 'parks and gardens' to mean the Indigo Creek Playground, which is a favourite sport for many. It's interesting to note that two of the top three priorities were the same for both adults and children.

The action plan is organised into the key themes as identified by the community. These actions aim to proactively address current and future challenges. Many of these actions can be initiated immediately at the community level without any input from Council.

Other actions will require collaborations between Council, community, and relevant services, agencies, businesses, and levels of government. It needs to be acknowledged that the project lead may change over the duration of the project. Many of these actions will begin with community advocacy, seed funding, or grassroots movements. In time, and as required, the involvement of Council or other levels of Government will be required to progress and achieve a number of the identified actions.

Many projects will require additional external funding, community support, or technical expertise and/or feasibility studies etc before they can be progressed. This plan can be used to seek funding from various sources and to seek stakeholder support for future projects.

## 4

## Stage 4: DRAFT PLAN AND ACTIONS

### The Strategic Themes

#### Theme 1: SAFE, CONNECTED, AND EMPOWERED COMMUNITIES

- i. The community want their spaces to feel safe, modern, clean, and inviting and to reflect the love and pride they feel for their home.
- ii. Residents want to have more knowledge and capacity to increase their own resilience to manage emergencies, including communication and energy resilience
- iii. Community events and opportunities to connect are strongly valued.

#### Theme 2: INVESTMENT IN RECREATION AND DESTINATION

- i. The community strongly supports using what it already has, particularly the railway precinct to revitalise the town.
- ii. Invest in new destination spaces and events for community and tourism.
- iii. Recreation opportunities for biking, fishing, skating and connection to the water ways are valued, especially for young people.

#### Theme 3: SUSTAINABLE PLANNING FOR COMMUNITY AND INDUSTRY

- i. Residents want to preserve the rural lifestyle of Barnawartha and plan for a sustainable economy.
- ii. Indigo Valley residents want intergenerational living where they can age in place and where the future generations can secure housing in the Valley.
- iii. Planning for improved pedestrian and cycle paths is a high priority.

### Timing in the action tables

- **Short** 0–2 years
- **Medium** 0–5 years
- **Long** 0–10+ years

### Level of community support

As voted by 81 community members at the Community Celebration. Each person received five votes to prioritise projects important to them.

- **Very High** 25+ votes
- **High** 20–24
- **Medium** 10–19
- **Low** 5–9 votes
- **Very low** 0–4 votes

## 4

## Stage 4: DRAFT PLAN AND ACTIONS

### Theme 1: SAFE, CONNECTED AND EMPOWERED COMMUNITIES

	ACTION	DESCRIPTION	WHO	TIMING
1.1	Support community activities that promote connection. e.g. Men's/Women's Shed, Playgroup, Farmer's Market, Community Garden, co-working spaces.	Invest in the existing community spaces to make them more inviting for gatherings and explore new options for activities and programs in Indigo Valley and Barnawartha.	Community National Shed Development Programme DEECA Council	Medium
1.2	Build local childcare capacity.	Explore options for local childcare to improve household capacity to work.	Community Local Business	Medium
1.3	Grow options for youth activities.	Invest in spaces for youth to gather and collaborate with young people to organise recreation and social events.	Community Council – Youth Officer	Short
1.4	Create opportunities for the community to connect informally. e.g., "Bumping Places", cafes, outdoor spaces.	Get involved in community-led events to build relationships, reduce loneliness, share information, and support vulnerable community members.	Community	Short
1.5	Assist the ageing community to have access to health care, transport, and community connection.	Explore community car share models and communication models to support ageing community to age in place.	Community Indigo Medical Centre	Medium
1.6	Children and young people have purpose and involvement and ownership in their town.	Bring along young people in decision making and explore ways for them to lead meaningful projects in their town.	Community	Short
1.7	Engage in emergency management education.	Get involved in opportunities to be prepared for emergencies, including fire safety for industry, i.e. transport, solar farms; offered locally through CFA and Council.	Community	Short



## 4

## Stage 4: DRAFT PLAN AND ACTIONS

### Theme 1: SAFE, CONNECTED AND EMPOWERED COMMUNITIES

	ACTION	DESCRIPTION	WHO	TIMING
1.7	Engage in emergency management education.	Get involved in opportunities to be prepared for emergencies, including fire safety for industry, i.e. transport, solar farms; offered locally through CFA and Council.	Community	Short
1.8	Streamline processes to support community growth and development.	Reduce red tape in Council processes and make it easier to get help i.e. writing grant applications.	Council – Community and Economic Development	Short
1.9	Stables for the Pony Club “Bright Kids.”	Explore options to build stables at the Pony Club so young people can ride their horses more often without needing to transport their ponies.	Community	Medium
1.10	Reliable, sustainable, and effective communications, especially for emergency preparedness.	Invest in reliable communication infrastructure that can support connectedness during an emergency in Indigo Valley and surrounds.	Community Services	Short
1.11	Encourage community capacity building.	Seek out and engage in community capacity building opportunities offered locally.	Community	Short



## 4

## Stage 4: DRAFT PLAN AND ACTIONS

### Theme 2: INVESTMENT IN RECREATION AND DESTINATION

	ACTION	DESCRIPTION	WHO	TIMING
2.1	Invest in youth recreation activities in Indigo Valley and Barnawartha.	Young people want places to ride bikes and motorbikes, such as a pump track and bike trails, as well as a fishing pond.	DEECA Council - Recreation	Medium
2.2	Revitalise the Railway precinct.	Explore options for restoring and using the Goods Shed and Railway building for the community, i.e., youth centre, arts hub, farmer's markets, to provide a boost to the local economy and attract locals and tourists.	Community Local businesses VicTrack Council	Medium
2.3	Increase public access to Indigo Creek and rehabilitate the creek.	Link up existing paths to form a continuous path for walking and cycling and remove debris, weeds, and rubbish from the creek. Invest in native plantings.	Council Goulburn Murray Water	Medium
2.4	Concentrate new development of diverse shops and cafes at High and Havelock Streets intersection.	Collaboratively support the growth of local businesses, community endeavours, creative enterprises in a planned way at the town centre.	Community Local businesses	Short
2.5	Increase camping spots and investigate caravan park and dump point options.	Explore options for more free camping locations, particularly along the creeks for fishing. Investigate installing a dump point and short-term caravan parking.	Parks Victoria DEECA Council	Medium
2.6	Invest in public art.	Support place-based public art throughout the town and in gathering spaces.	Community Local artists Council – Creative Communities	Short

## 4

## Stage 4: DRAFT PLAN AND ACTIONS

### Theme 2: INVESTMENT IN RECREATION AND DESTINATION

	ACTION	DESCRIPTION	WHO	TIMING
2.7	Progress a Heritage Centre concept.	Source funding and prepare a project plan for a Heritage Centre that celebrates the farming history of the region, and provides a space to learn lost trades, as a destination attraction and learning centre.	Council – Community Development Community	Long
2.8	Create a community meeting space in Indigo Valley.	Explore options with the school for a community meeting space that is separate from the CFA shed.	Community	Long
2.9	Create more prominent and distinctive entry gateways.	Invest in plantings and unique signage and art to welcome people to the place.	Council	Medium
2.10	Invest in landscaping and tree planting.	Preserve and enhance the existing plantings and trees and plant more trees to define the boundaries of the town and to improve the entries	Council	Short
2.11	Support the preservation and sustainable management of community assets.	Annual and long-term maintenance plans of community buildings. Consider innovative ways to manage, use and maintain community assets.	DEECA Council – Assets, Community Development	Short
2.12	Continue to invest in the Recreation Reserve.	Develop a new master plan for the future needs of recreation at the Reserve including options for a gym.	Council	Short

## 4

## Stage 4: DRAFT PLAN AND ACTIONS

### Theme 3: SUSTAINABLE PLANNING FOR COMMUNITY AND INDUSTRY

	ACTION	DESCRIPTION	WHO	TIMING
3.1	Design for walking and cycle connectivity to Chiltern and Yackandandah.	Scope out the possibility of connecting Barnawartha and Indigo Valley to Chiltern and Yackandandah via a cycle trail.	Council	Medium
3.2	Investment in the town centre appearance.	Invest in town seating, shade, footpaths, public art, landscaping, and cleanliness to improve the overall look and feel.	Council Local businesses Community	Medium
3.3	Advocate to the EPA for environmental controls at Oztek Holdings to be complied with to minimise pollution.	Oztek Holdings – the rendering plant – are required to comply with environmental legislation to avoid a negative impact on the community.	Council & community – Advocacy Environmental Protection Agency	Short/ ongoing
3.4	Preserve the rural village feel.	Encourage future housing development to follow a grid layout for streets and minimise culs-de-sac.	Council – Planning	Short
3.5	Design for walking connectivity within the town.	Improve footpath system to ensure that footpaths run on at least one side of the street and that the new developments connect to the town assets.	Council	Medium
3.6	Invest in maintaining roads in good condition.	Ensure roads are maintained and repaired in a timely manner, particularly main thoroughfares.	Council	Ongoing
3.7	Advocate for increased public transport and more accessible pick-up locations in Indigo Valley and Barnawartha.	Advocate for more frequent public transport to connect to urban centres, as well as advocacy to get the Rutherglen High School bus to pick up students in Barnawartha.	Department of Transport Community	Medium

## 4

## Stage 4: DRAFT PLAN AND ACTIONS

### Theme 3: SUSTAINABLE PLANNING FOR COMMUNITY AND INDUSTRY

	ACTION	DESCRIPTION	WHO	TIMING
3.8	Improve traffic management and parking congestion.	Define angle parking in High Street through line marking and signage. Progress designated parking at Barnawartha Primary School.	Council	Short
3.9	Reduce speed limits.	Reduce the current 60 zone to 40 and extend 60 zones in key problem areas.	Regional Roads	Medium
3.10	Sustainable planning and growth, particularly to support intergenerational living in Indigo Valley	Continue to support commensurate housing growth that preserves the rural lifestyle with larger lots in Barnawartha. Explore how the rural strategy can support families to stay in the area in Indigo Valley.	Council – Planning	Long
3.11	Grow the local industry and economy.	Encourage local businesses to open in Barnawartha to provide more employment options and support youth retention.	Local businesses Community	Medium
3.12	Investigate demand and suitable location for light industrial activity.	Find creative solutions collaboratively to enable light industrial activity out of the town centre.	Community Local businesses Council – Planning	Medium
3.13	Support a pop-up model to trail new business ideas.	Utilise existing spaces for pop-ups, i.e., restaurant, shop, to test the interest from the town in the concept and build excitement.	Community Council – Economic Development	Short
3.14	Provide opportunities to learn about sustainable lifestyles.	Support the community to embrace new and emerging methods to live more sustainably and reduce their environmental impact.	Council – Environment and Sustainability Community External agencies	Short

## 4

## Stage 4: DRAFT PLAN AND ACTIONS

### Theme 3: SUSTAINABLE PLANNING FOR COMMUNITY AND INDUSTRY

	ACTION	DESCRIPTION	WHO	TIMING
3.15	Better promotion of clubs and services.	Explore creating a community directory separate to the Chiltern Grapevine that promotes the clubs and services.	Community	Short
3.16	Invest in truck driver education.	Develop and deliver an education program about using Murray Valley and Hume Hwy rather than going through town.	Community Local businesses	Short

## SUMMARY

As the engagement progressed the community focused less on Council and individual needs and more on the preservation and growth of their community. This is particularly the case for improving enhancing the town and tourism opportunities, as well as being connected to natural assets. The community understands that living here means balancing living in a beautiful environment with ongoing bushfire risk and that they have an individual as well as community responsibility to be prepared. The challenge ahead both as a community and as a Council is to support the progress of the identified actions to strengthen resilience in the landscape and community.

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## EVALUATION OF IMPLEMENTATION

This plan belongs to the community, with eventual success decided by the strength of collaboration, local leadership, and achievement of prioritised projects. The short, medium, and long-term success of this plan, and in particular the actions for change, can be measured over time. This plan will be measured against progress of the following success indicators as detailed in the three action tables.

THEME	SUCCESS INDICATORS
Safe, connected, and empowered communities	<p>The community spaces feel safe, modern, clean, and inviting and they reflect the love and pride that is felt.</p> <p>Residents are knowledgeable about what they need to do to support themselves and their community during emergencies. There are sustainable, independent communication and energy resources.</p> <p>Community events and opportunities to connect are occurring regularly in the town, driven by the community.</p>
Investment in recreation and destination	<p>Buildings and land are being utilised to their full potential for the benefit of the community.</p> <p>New destination spaces and events have been scoped, and where there are community drivers and funding, these projects have been realised.</p> <p>New recreation opportunities with a focus on young people to engage in biking, fishing, skating and connection to the waterways are established.</p>
Sustainable planning for community and industry	<p>Planning and development preserves the rural lifestyle and economy of Barnawartha. Planning for Indigo Valley residents supports intergenerational living where people can age in place and where future generations can secure housing in the Valley.</p> <p>Improved pedestrian and cycle paths are a reality.</p>

## BARNAWARTHA AND SURROUNDS IN THE CONTEXT OF GLOBAL INFLUENCES

With a deep understanding of Barnawartha and its community today, we can now shift our focus to the local and global influences shaping change in this village and its surroundings. Through the Community Plan research, we have identified these external pressures that largely exceed the capabilities of any single organisation to counteract. These forces are seen as moulding a different future, where current assumptions have shifted to create a new context.

This section of the Community Plan outlines the major influences that are currently affecting and will continue to shape its adaptation over an extended timeframe. Macro drivers, although global in nature, have tangible effects on the local environment. Recognising these drivers of change allows us to pose the right questions for better planning. Throughout the development of this Community Plan, the identified drivers have been integrated into the key strategic directions and action plans. The community has shown strong awareness of these drivers, particularly in acknowledging and engaging with the challenges at the macro level.

### Macro Drivers

Drivers of change are often labelled with jargon, which can sometimes make them appear complex and unrelated to local communities. However, through the establishment of community-led projects, Barnawartha has shown an understanding of these global shifts and its role in addressing their local impacts.

In examining external drivers of change this Plan references the research of the Arup Foresight and Innovation Team and their publication on Drivers of Change (2024). This source is the most detailed and well-researched, providing the latest insights. The research is designed to assist local communities like Barnawartha in considering how global trends affect them locally.



## Climate Change



DRIVERS OF CHANGE	WHAT DOES IT MEAN FOR BARNAWARTHA?
Food Supply: Climate change will affect the types of crops that can be grown in different regions and alter their growing seasons. Inland areas will experience shifts in crop seasons, leading to significant impacts on the agricultural sector.	<i>What will we be able to grow in the region if the climate changes (warms)?</i>  <i>To what extent do we rely on food produced in different regions?</i>
Resilience refers to the ability of individuals, cities, and the built environment to withstand and prosper in the face of natural and human challenges.	<i>How capable are our towns and landscapes in recovering after a natural disaster?</i>
Exploring Business Opportunities: Organisations are recognising the potential business advantages and market distinctions linked to climate change. The rise in green economy jobs is fostering an economic reaction to this complex issue.	<i>What new markets are being created and what opportunities do these present?</i>  <i>What role can Barnawartha play in creating these opportunities?</i>
Climate Stress refers to the collective physical, chemical, and biological limitations affecting ecosystem productivity.	<i>What are the drought and bushfire risks associated with decreased rainfall and increased temperatures?</i>
Long-term planning is crucial when considering the costs of climate change since they cannot be accurately measured within the usual two to six-year electoral cycle, whether through policy action or inaction.	<i>How are we planning for climate change beyond electoral cycles?</i>  <i>Do we have a long-term plan?</i>

## Energy



DRIVERS OF CHANGE	WHAT DOES IT MEAN FOR BARNAWARTHA?
Reducing peak power demand through dynamic demand involves establishing a direct and real-time connection between energy customers and suppliers.	<i>What projects and initiatives could help make renewables more reliable and less expensive locally?</i>
Diversified energy network with various producers and retailers, allowing consumers to select their preferred option.	<i>Can we create more competition and options for Barnawartha and the region?</i>
Distributed and Local Generation - Generation becomes decentralised when linked to a distribution network rather than a transmission network. This includes adaptable generation technologies situated near the areas they power, such as small businesses and communities.	<i>Can we learn from the example of Totally Renewable Beechworth and Totally Renewable Yack to be independently sustainable?</i>
Electricity storage plays a crucial role - expanding gridscale storage brings numerous advantages. It addresses the issue of intermittent generation for renewable energy sources.	<i>Can we increase renewable energy storage in Barnawartha?</i>  <i>Do we have the right advice?</i>

## Water



DRIVERS OF CHANGE	WHAT DOES IT MEAN FOR BARNAWARTHA?
Population growth is leading to an increasing global demand for water.	<i>How can we balance water use across Barnawartha? (i.e. agriculture, groundwater mining, household etc.)</i>
Water Awareness – As water scarcity rises, there is a greater demand for improved water conservation. This process begins with raising awareness on both individual and community levels.	<i>How can we be more efficient with our water use?</i>
Efficiency – according to a recent UN Water Report, if efficiency does not improve, worldwide water demand will outstrip supply by 40% by 2030.	<i>What technology systems can help improve access and distribution of water, particularly without reticulated water?</i>  <i>How does this apply to living in the Barnawartha? To agriculture?</i>
Water Systems Advancement – Water recycling and circular systems are progressively enhancing water quality and decreasing the reliance on groundwater.	<i>Can we recycle our sewerage and reuse our grey water?</i>
Embedded water – water is essential for everything, yet often overlooked as a resource until it's visible. There is a significant amount of unseen water within the system that is now being recognised and considered.	<i>Can 'water footprinting' help us see the unseen water required to produce our food and non-food based services?</i>

## Waste



DRIVERS OF CHANGE	WHAT DOES IT MEAN FOR BARNAWARTHA?
A circular economy functions as a restorative closed loop system that minimises waste and pollution by reusing materials and products whenever feasible, thus reducing material and labour inputs significantly.	<i>What actions can we take to close the loop locally?</i>
Sharing – the “sharing economy” refers to the exchange and sequential co-use of goods between a group of users.	<i>Can we share resources to minimise consumption of items we won't use or don't need?</i>
Food – food waste has serious environmental consequences. The estimated carbon footprint of food waste is 3.3bn tons of CO2 a year.	<i>How can we shop and eat differently to avoid half of all fruit and vegetables being wasted?</i>
Upcycling is the process of transforming waste materials into new products of better quality.	<i>What items considered trash can be repurposed as someone else's treasure or utilised in a new way?</i>
Most of our solid waste is disposed of in landfills, which can be categorised into three major types: household rubbish, commercial and industrial waste, and construction and demolition waste.	<i>How can we collect waste differently?</i>

## Food



DRIVERS OF CHANGE	WHAT DOES IT MEAN FOR BARNAWARTHA?
Ethical food – collective buying power is changing the way food is produced and consumed, aligned with religious, health and ethical concerns.	<p><i>How ethical is our food production?</i></p> <p><i>Do residents value organic, local produce, and are they willing to pay for it?</i></p> <p><i>Do cooperatives have a place in helping to distribute food ethically?</i></p>
Farmers – modern farmers are profiting less from their labour, with mechanisation displacing labour, and an increase in landless agricultural workers.	<p><i>How can we strengthen our Shire's food supply and agricultural ecosystem?</i></p> <p><i>How can we keep up with technical advances in farming?</i></p>
Supply chain – with an increase in processed goods, food usually makes a minimum of one stop on its way to your plate, while huge quantities of fresh produce is often imported.	<p><i>How can we be more conscious of limiting farm to table journey our food?</i></p> <p><i>Can we collapse the supply chain and invest in local supply chains?</i></p>
Diversity – 75% of the human diet comes from just nine species. Loss of genetic diversity makes crops susceptible, leading to demand for centralised seed banks.	<p><i>How do we diversify the crops we are producing?</i></p> <p><i>How do we build demand for these crops?</i></p> <p><i>Should we start stockpiling our seeds?</i></p>
Satellite sensing – developing technologies are changing the way we farm, detecting, monitoring, and managing and in more efficient and cost effective ways.	<p><i>What innovations should we be considering to grow food in the future?</i></p> <p><i>How do we manage investment in technology while maintaining jobs?</i></p>
Internet of things – the growing importance of context awareness, targeting enriched experience, intuitive communications services, and an increasingly mobile society, requires intelligent services that are smart but invisible to users.	<p><i>If farms have the sensors already, when does it come to town?</i></p> <p><i>What do we want to sense and why?</i></p>

## Digital



DRIVERS OF CHANGE	WHAT DOES IT MEAN FOR BARNAWARTHA?
Artificial intelligence is leading to a shift where machines are increasingly taking on cognitive tasks. The automation and optimisation driven by AI have the potential to boost productivity and bring economic benefits. However, this advancement also brings along uncertainties and risks.	<i>How does this impact on the future of work and major employers?</i>  <i>Do we need an AI Strategy?</i>
Autonomous vehicles are leading to a future where mobility can be readily available on demand without the need for human control.	<i>Connecting disconnected towns and freeing up parking spaces?</i>  <i>Providing safe transport for those unable to drive?</i>
Open data is a movement aimed at providing civic data to the public for analysis and for developing new digital products that serve the public's interests.	<i>Transparent and free access to data available in the civic domain?</i>
The virtual workplace, enabling productive work connections through technology, is reshaping mobility and settlement trends.	<i>What are the needs of the virtual workforce in Barnawartha?</i>  <i>What needs to improve to support this?</i>

## Housing



DRIVERS OF CHANGE	WHAT DOES IT MEAN FOR BARNAWARTHA?
The State of the Housing System 2024 reports that the housing affordability crisis will worsen in Australia, as it will globally, and that social and affordable housing is not on-track to meet demand.	<i>How do we ensure that planning supports the more vulnerable with sustainable, innovative housing?</i>
The global housing crisis is driven by shortages of land, lending, labour, and materials, partly driven by the global pandemic and insecure economic environments. Urban planning assists with growth needs, including migration.	<i>What can we do as a community to utilise the land available effectively?</i>  <i>Can we plan for intergenerational living?</i>
As the impacts of climate change increase, existing homes are increasingly inefficient and not fit for purpose. Designing for climate using passive design principles is increasingly important.	<i>The capacity to build climate resilience homes is within our reach. How do we demand that this is the minimum standard for our town?</i>
Migration interstate during the pandemic has impacted housing prices, rental prices, and general availability. With very few homes to buy, limited land to build on and increased cost of living, the opportunities to live in rural Australia are diminishing.  More homes are required, however rural areas struggle to attract developers to invest in the area, and planning legislation limits what can be built and where.	<i>How do we advocate for developers to invest in critical enabling infrastructure – power, sewerage, drainage, footpaths – to enable home building?</i>  <i>How can planning for our region better meet current and future needs?</i>

## COMMUNITY PLANNING GLOSSARY

### ACTIVATION

Simple to complex interventions which encourage life and vibrancy to turn dull, unsafe, and underutilised spaces into more vibrant and active places.

### CHARACTER

Character is the collection of all the qualities that make a place distinct from others. Character tells the story and personality of a place and the people that are part of it.

### COMMUNITY-LED PLANNING

Community-Led Development involves local community members collaborating to identify and achieve goals, fostering relationships with stakeholders, and leveraging community strengths and leadership.

### CONNECTIVITY

Connectivity is how we are connected to places in our city, our neighbours, and the world. It can be physical, through better walking connections and improved transport options, or it can be digital through technology that allows us to participate in national and international discussions, events, and markets.

### DIVERSITY

Diversity refers to the range of things in our town or city. This can be a diversity of cultures and people, the diversity of things to see and do, and a diversity in the design of the built form. We know successful places have a range of diverse activities both day and night.

### INCLUSION

Inclusion is the policy or practice of making sure that everyone in society has access to resources and opportunities.

### PLACE PLANNING

Place planning, or placemaking, is a comprehensive approach to planning and development that aims to create vibrant and resilient places valued by communities and visitors. It involves understanding community culture and collaboration. Place planning includes masterplanning, urban design, social and economic development, community engagement, retail planning, arts and culture, and sustainable development. A community plan is a place plan developed in-house by a Council officer in conjunction with community collaboration.

### RESILIENCE

The capacity to cope with disaster and disruption and continue to function in a desired way.

### SENSE OF PLACE

A sense of place is a unique collection of qualities and characteristics, 'visual, cultural, social, and environmental', that provides meaning to a location. Sense of place provides authenticity, establishes the relationships people have with a place and builds the perceptions people hold.

### STRUCTURE PLANS

Structure plans guide a council's preferred direction of future growth in activity centres, tailored to each area's uniqueness. They implement state policies and cater to evolving community needs.

### SUSTAINABLE DESIGN

Sustainable design is ensuring the design of our built form reduces the impact of urban development on the environment and helps to withstand pressures of climate change and population increases to ensure healthy and happy environments for the people that live in them.

### UNIVERSAL DESIGN

*"The design of environments to be usable by all people to the greatest extent possible without the need for adaptation or specialised design"* – The Centre for Universal Design

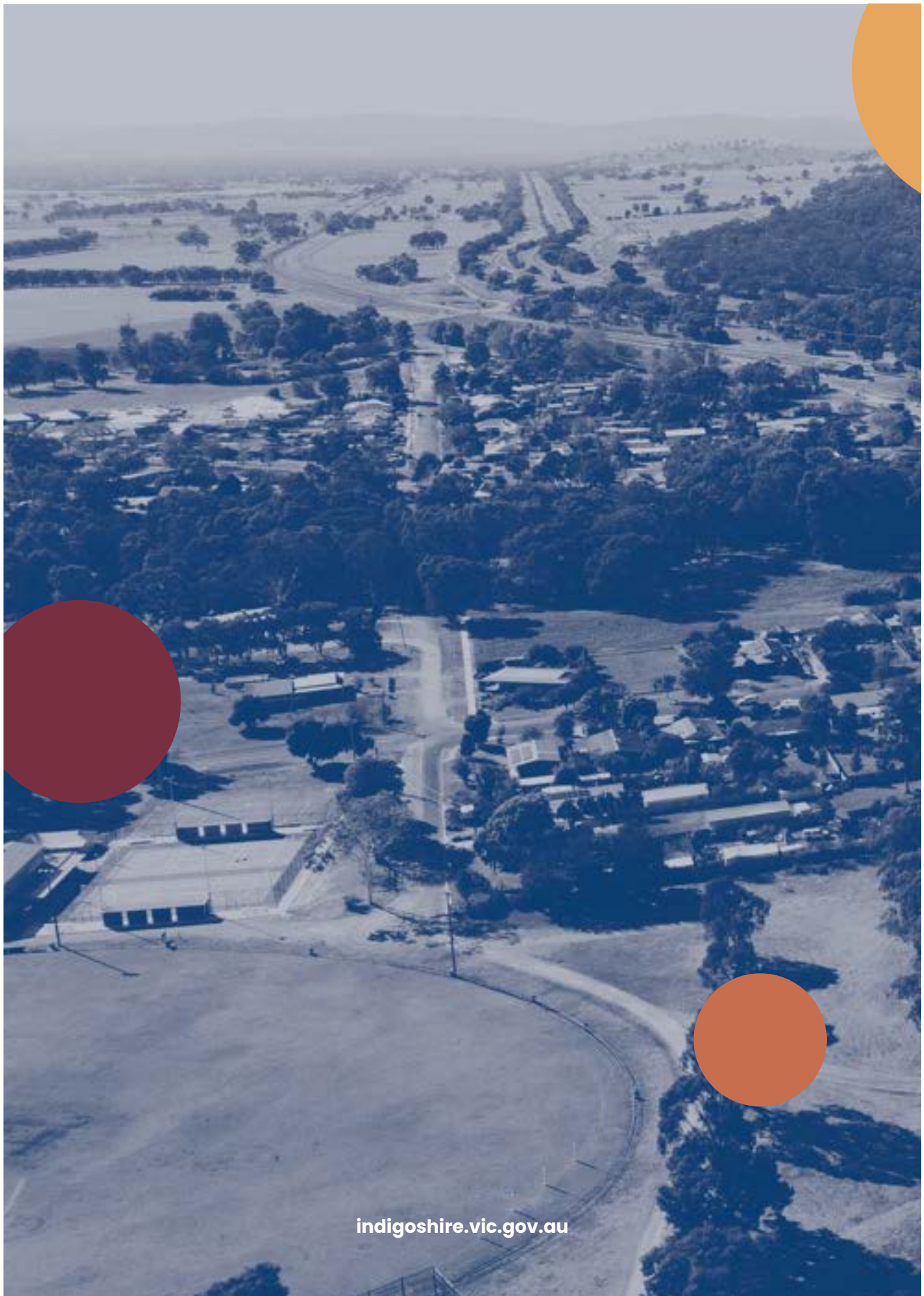
### VIBRANCY

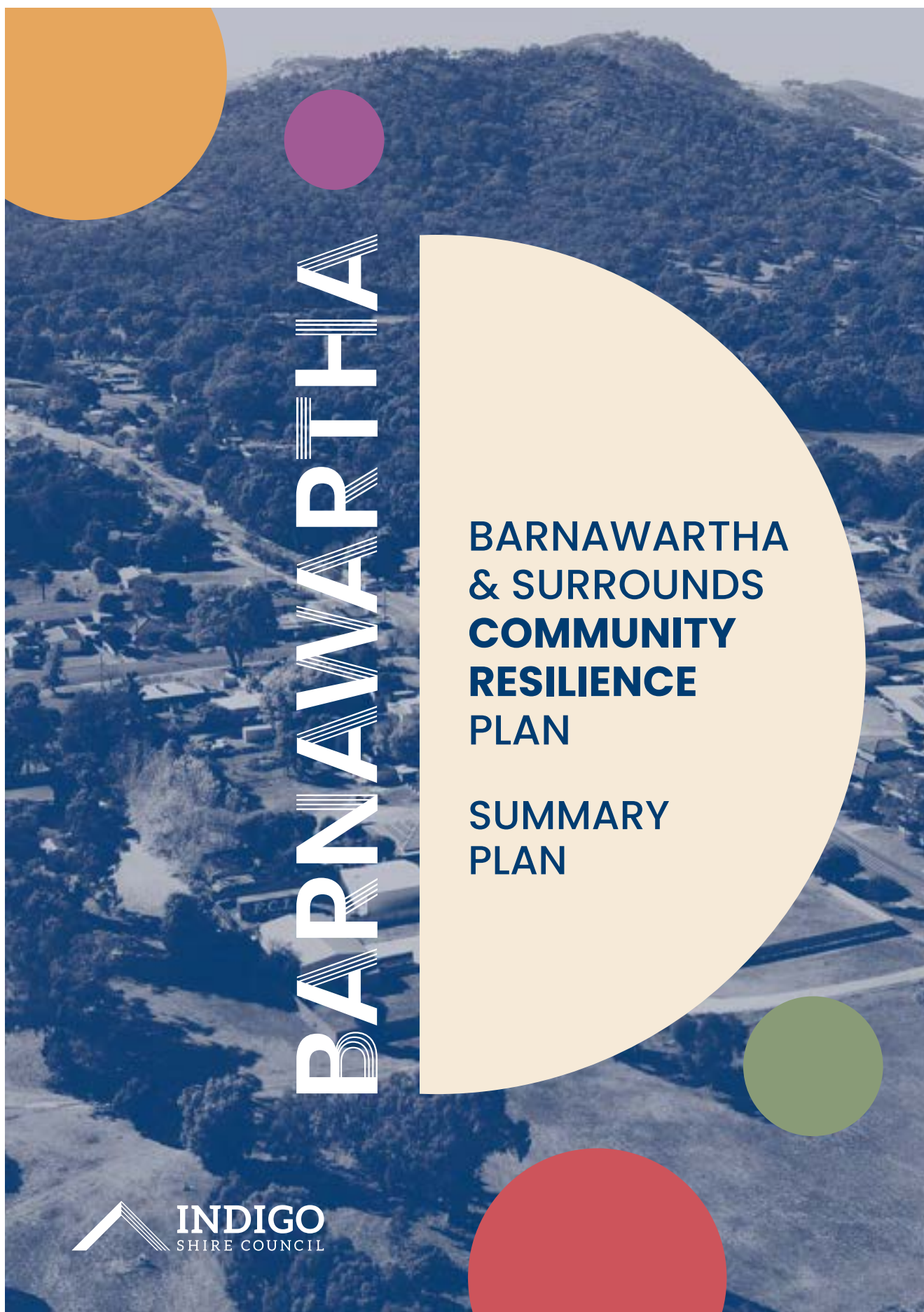
Vibrancy is the liveliness and general feeling of a place. A vibrant place or space is full of life and energy, diversity of experiences, activity, sights, sounds, economies. Successful places require two elements for them to be vibrant – population, and a reason to visit.

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## **Always Was. Always Will Be.**

Indigo Shire Council acknowledges 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 respects to the elders of the past, present, and emerging.

This document has been prepared by Indigo Shire Council in collaboration with the Barnawartha and surrounding communities. The work has been made possible through flood recovery funding from Emergency Recovery Victoria.



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## EXECUTIVE SUMMARY

The purpose of this Community Plan is to provide a framework for achievable and place-based action that will enable the Barnawartha and surrounding communities to meet its existing and future needs.

It provides a roadmap for what needs to be preserved, protected, and improved to retain the unique rural, historic, agricultural, and natural environments that defines Barnawartha and surrounds. This plan has been developed entirely through consultation with those who live and work in Barnawartha and surrounding communities and it builds on previous community and Council planning processes.

This Community Plan provides a well-coordinated approach to make the rural locality even better and address the changes driven by and for the community. This plan tackles the core challenges that residents may face in the future by being proactive and suggesting ways to leverage the town's unique strengths.

*This document is an extract of the Community Plan. This short version of the Plan brings together the most relevant sections for easier access and wider community distribution.*

## PART A: THE PROJECT

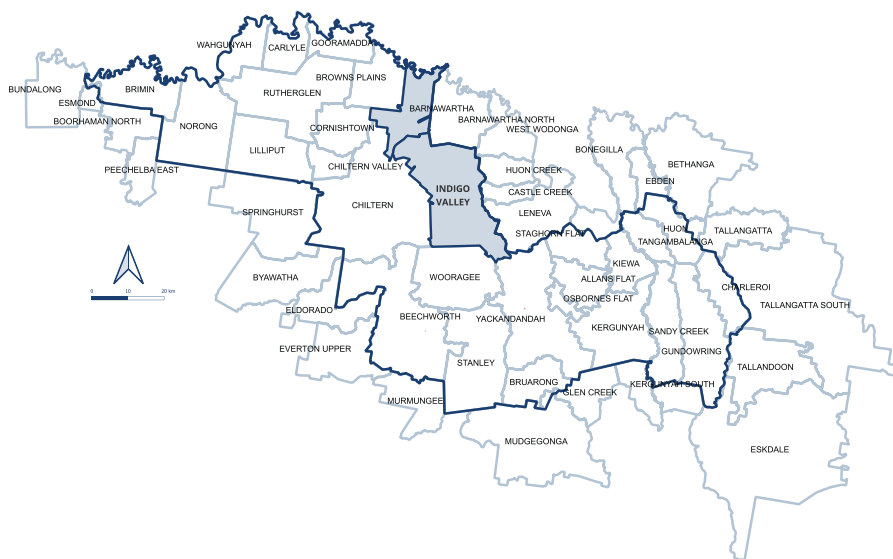


## PART A: THE PROJECT

### INTRODUCING BARNAWARTHA AND SURROUNDS

Barnawartha is a rural township of 987 people, and the adjacent communities included in this plan include the Indigo Valley with 346 residents and Barnawartha North with 188 residents. The region is known for its rich agriculture, both past and present, and rugged natural outlooks and bushland. The communities residing here are passionate, engaged and have a strong sense of what is needed to grow resilience to weather future disruptions effectively and to bring a renewed vibrancy to the area.

The locals know how they want their home to look and feel. Firmly, they believe in the power of community and the capacity of community to get things done. They want an environment that is clean and modern, while being integrated into the natural environment and history. The community also wants a secure environment with energy, industry, communications and extreme weather preparedness and security.







## THE PROJECT

At Council's April 2023 meeting, a proposal was supported to undertake small township community planning. Barnawartha was selected due its expressed need for community planning to support infrastructure, capacity building, strategic planning, and facilities management. Barnawartha has proactive community advocates and established community groups prepared to partner with Council to improve its profile and to undertake community planning for their town. Given the small population sizes, geographical proximity, and interconnected communities; particularly economically for farming and industry, Indigo Valley and Barnawartha North are included in the planning process. While Barnawartha North is located in Wodonga City Council, rather than Indigo Shire, the natural attractions and employment opportunities afforded by the Logic Centre mean that this area is integral to planning for Barnawartha.

### Drivers

- The need for improved Council collaboration across a range of community, social, and planning issues.
- Increasing birth rates in Barnawartha and an increase in young families moving to Barnawartha and surrounds.
- A history of bushfire and recent flood impacts.
- Existing strong community advocacy.

### Objectives

The Barnawartha and Surrounds Community Resilience Plan:

- Consolidates what the local community values into a unified vision.
- Provides strategic reference for future community development.
- Helps inform Council policies and projects.
- Encourages a place-based approach for local decision making across Barnawartha and the surrounding communities.
- Supports and inspires residents, businesses, and Council.

## Visioning

The collective visions identified by the Barnawartha participants emphasised a well-planned and cared for physical environment. Designated shopping and industry fit alongside clean and well-maintained recreational, community and green spaces creating opportunities for people to live, work, and connect within their local community. This physical and built environment helps to create a place that feels welcoming and 'worth stopping' in. The place is loved, and among other things there is a sense of pride, safety, energy and belonging.

## Key Themes

This work was funded through Emergency Recovery Victoria with a focus on emergency preparedness and community resilience. Consultation was themed across the four environments of recovery – Social, Economic, Built and Natural, as a guide to thinking about Barnawartha and surrounds holistically, and with a forward focused resilience frame.

Barnawartha and the Indigo Valley are distinct communities that share a geographic location. The strengths and opportunities of the region are not identical, and planning for the unique regions of Indigo Valley, Barnawartha and Barnawartha North requires ongoing place-based consultation and collaboration. Throughout the consultation process key themes emerged strongly as areas of focus:



**Safe, connected,  
and empowered  
communities**



**Investment in  
recreation and  
destination**



**Sustainable  
planning for  
community and  
economy**

The actions developed by the Stanley community have been themed into these three priority areas in Part C of this plan.

## Core Challenges

While investigating the fabric of Barnawartha and its surrounding areas, several significant challenges emerged that the community must overcome to prosper. A summary is presented below and will be elaborated in part B of this plan.

### Commuter Community

As small communities in a rural landscape with a short commute to larger urban centres, much of the industry and economic opportunities are outside of the locality. The proximity and dependence on the larger centres of Albury and Wodonga impacts the community character given the large number of workers that commute and have limited time to spend in the community. Maintaining and building on the physical and social character of the community requires deliberate, careful planning from community in collaboration with Council and local business.

### Infrastructure and Service Insecurity

Maintaining a continuous supply of energy, communication, internet, and transportation infrastructure and services is crucial for the well-being of individuals and the sustainability of economic opportunities. Damage to essential infrastructure like bridges, culverts, and crossings due to floods can lead to significant disruptions and prolonged repair periods. Certain groups, such as the elderly or young families, are disproportionately affected by the loss of these services.

### Climate and Disaster Resilience

The community has recognised that fires pose a significant risk to individuals, businesses, and infrastructure. While the rise in extreme rainfall and temperature events, along with the looming threat of drought, is not exclusive to this area, it is especially concerning for communities heavily reliant on farming and agriculture. Concerns about train derailments and truck accidents arise due to the town's proximity to the freeway and railroad. Enhancing local readiness, response, and recovery capabilities to address disasters and disruptions presents a major challenge for the community.

### Economic Opportunities

With existing economic opportunities already limited, any loss of local economic opportunities or closure of major employers, further undermines community viability and forces residents to travel out of the community for work.

## What is Community Planning?

Community planning is an ongoing and strategic process that puts the community and its people at the centre of decision-making. It focuses on developing grass roots social capital and resilience. This approach aims to have communities taking the lead and ownership of their township plans and working collaboratively towards achieving their own goals and ambitions. This approach involves significant relationship building between Council and community.

This plan analyses Barnawartha and surrounds as it is today and envisions how it might look over the decades to come. It documents a collective vision for how residents see the past converging with the future and identifies the actions that both Council and the community can take to make the vision for the future of Barnawartha and surrounds a reality. There are myriad ways that the plan can be used to progress the collective visions of the community for example:

- To initiate and energise direct action
- As a supporting document for grant applications and funding
- Strategic rationale to lobby for change
- Basis for letter of support from Council for community initiatives
- To support advocacy and inform decision making

It's important to remember that while the plan is ready in 2024, many of the actions may be subject to grant or other funding conditions and the strategic position or priorities of the Commonwealth, State, and local Governments. There may also be significant disruptors that we can't yet foresee that could change the plan.

Community Planning is: ✓	Community Planning is not: ✕
About creating places that people love	Delivering a project
People focused	A design-led masterplan or policy
Inclusive and collaborative	One-off events or artworks
Visionary, but also practical	Just about visible outcomes
Letting go and sharing the responsibility	Done by one person or team
Flexible and adaptable	Infrastructure upgrades alone
Designed for sustainable development	Strategic or Statutory Planning decision making

## PROJECT STAGES

The project, detailed in Part C of this document, was broken into the following stages:



## What's next?

The plan belongs to the community. The community has identified actions which will preserve what residents love about Barnawartha and surrounds and in what ways they want to see growth and change. Some of these are easily achieved at a community or individual level, without the need for Council or additional funding. Others are more complex and will require collaboration between community and Council, and sometimes businesses. Many actions will require external funding sources to make them a reality.

The Community Plan will be used to inform the next Council Plan (2025) as well as Councils ongoing decision making. Where there is a Council-led action it will be referred to the relevant Council department to progress. Actions within the Community Plan that align with Councils Strategic position and Shire wide perspective will be pursued through Councils various ongoing programs, projects, and service delivery.



## Project Promotion

The following methods were used to communicate to residents about the development of the plan, the process, and ways to get involved:

- Engaged Indigo website o The project and process were explained here, as well as key milestones, project updates and options for leaving feedback.
- The Your Indigo Newsletter – weekly updates from Indigo Shire Council
- The Chiltern Grapevine o Local Chiltern, Barnawartha and surrounds publication that kept residents up to date on the opportunities and progress of the planning process.
- Good Neighbours – Barnawartha Facebook Page
- Council Facebook Page
- Posters on notice boards, local businesses, schools, and Post Office
- Letterbox Drop



## PART B: THE PLAN



## PART B: THE PLAN

### 1 Stage 1: EXPLORATION

The initial exploration phase of the project process involved looking back to see what we had already been told. All the original documents can be found on the Council website along with the full version of the Community Plan, where the findings from earlier plans are detailed.

### 2 Stage 2: RESILIENCE CONVERSATIONS

In October 2023, Indigo Shire initiated discussions with the Barnawartha and surrounding communities to enhance its ability to handle disasters, disruptions, and difficulties. These community dialogues are a crucial aspect of Indigo Shire's broader commitment to community resilience and emergency preparedness. The Conversations were led by Paul Ryan from the Australian Resilience Centre, which created the Community Resilience Discussions Report, December 2023, that can be accessed in its entirety on the Council website.

#### The Process

Three two-hour sessions were held at the Barnawartha Recreation Reserve.

The focus for the discussion sessions were as follows:

#### Session 1

- Identifying visions for future. How do you want this community to look and feel in the future?
- Resilience of what? What is it we want to make resilient?
- Resilience to what? What are the risks to our community?



## 2

**Stage 2:**  
**RESILIENCE CONVERSATIONS**

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**Session 2**

- Assessing resilience against the ten dimensions of resilience.
- Actions to address perceived resilience deficiencies, at the household, community and in partnership with the Shire and other agencies.

**Session 3**

- Prioritising actions to inform household, community and Shire efforts and activities.
- The intention was to have the same group of community members attend each session. The Barnawartha sessions had a core group of people that attended all three sessions. This allowed for greater continuity of discussion across the three sessions.

## 3

**Stage 3:  
TO THE PEOPLE**

## Stage 3: TO THE PEOPLE

Consultation Stage 2 was an opportunity for everyone to be heard in places where they usually gather, feel comfortable and can contribute in varied ways. This stage of consultation enabled people to pop in for a couple of minutes or stay and chat with Council staff to share topics important to them. This stage of consultation included:

- Pop-Up Consultations – have we heard from everyone?
- What We Heard – Collating and summarising information from the Resilience conversations, website contributions and pop-ups to create an action plan
- Community Celebration – Prioritising, refining, and celebrating community contribution

The actions and themes from the previous planning documents, Resilience Conversations, youth engagement and website engagement were taken to the community for feedback and growth through pop up sessions located at:

- Barnawartha General Store
- Star Hotel – Barnawartha
- The Watchbox – Indigo Valley

### Pop-up Conversations

These sessions generated additional actions and further established the key priorities.

The Indigo Creek Playground pop-up was postponed due to high heat, and then ultimately moved online due to ongoing high heat. Direct youth consultation was undertaken with all the students at Middle Indigo Primary School and grade five and six students at Barnawartha Primary School.

The pop-ups were structured around the same lines of enquiry that were explored through the Resilience Conversations, and grouped into the recovery domains of social, economic, built, and natural:

- In the future I want Barnawartha and surrounds to look and feel like...
- For this to happen, the community needs...
- As an individual I can contribute to make this happen...
- To be successful we need to be resilient to challenges such as...



Barnawartha and Surrounds Community Resilience Plan 2024



## 3

### Stage 3: TO THE PEOPLE

Through these pop-ups we heard from young people and their families, long-term residents, and newer arrivals. We also heard from people who lived close-by who regularly visit the area as they feel a strong connection to the place.

This phase of the engagement was markedly different to the Resilience Conversations and the priorities that had the most community support were quite different to the focus in the Conversations, despite structuring the engagement on the same lines of enquiry. The Conversations required a high level of community buy-in in terms of time and energy. To engage in the Conversations, people had to have a large amount of time available to them to begin with. The sessions predominantly attracted people who had a good understanding of Council processes and a desire to see the changes that they had already been advocating for.



Conversely, the people who engaged with the pop-up sessions and the community event showed very low interest in actions that prioritised Council process. Often the interactions were incidental, such as in the beer garden where people were not there primarily to talk to Council. For those that chose to engage with the project at the pop-ups, they were often focused on immediate community level actions that are very visible in the community and impact their day-to-day life. This was magnified at the community event where people could see the draft action table of all the priorities. Those that enhanced their community directly were prioritised over those that were centred around improving Council processes for community benefit.

## 3

## Stage 3: TO THE PEOPLE

### What We Heard

1. That the community had been widely consulted in the past, but they didn't see the consultation result in action. They were frustrated to be asked their ideas again when many of the previous plans were still relevant.
2. That the Indigo Valley residents have different needs and wants to those of Barnawartha and feel they would benefit from a separate community planning process.

Overwhelmingly we heard two main concerns from the community regarding the process for Community Planning:

More information regarding previous planning process is detailed in Stage 1:

Exploration and requires careful consideration when looking at how this plan will be implemented, and actions or challenges communicated back to the communities. This feedback wasn't given flippantly, and it raised strong emotions and has caused significant challenges for the community to trust and collaborate with Council, which will impact both the implementation of this plan but also wider Council processes that rely on strong relationships.

Moving beyond this frustration of process, the community had many ideas about its wants, needs and dreams for its towns. These ideas have been drawn into three common themes:

#### Barnawartha and surrounds need community spaces to connect

When we spoke to young people, they told us about all of the wonderful activities they are involved in, but also how they had to travel to all of them. When we spoke with older people, they told us of the seniors' groups and library activities they attend, and – have to travel for. Both groups, as well as those new to town, and long term-residents who work out of town, told us they wish they had opportunities to connect with their neighbours more easily.

“ We're relatively new to Barnawartha and we've discovered most people work out of town, it's hard to know where and how to connect with other local people. ”

“ I'd like a space just for kids, but with no adults and no rules, so we can just hang out and play our games. At the old train station would be cool. ”

12 year old Barnawartha resident

“ I wish the bus ran more often and had more stops so that I could go to my friend's house. It only runs to and from school, but I'd like to be able to catch the bus to visit friends too. ”

11 year old Indigo Valley resident



## 3

**Stage 3:  
TO THE PEOPLE**

Barnawartha residents love where they live. Opportunities to enjoy it and share it with visitors is important.

Residents value the history, the stories and the natural beauty that surrounds them and would like opportunities that highlight this for their community and visitors.

“ The Old Goods Shed is the perfect place to have a Heritage Centre as it is the oldest surviving brick building in the town. I'd like to see it being used as a museum... including a Historic Precinct, a cafe for the visitors to enjoy. Demonstrations of lost and forgotten trades... The 'Men's and Women's, all ages and all abilities Shed' could be housed here as well...”

“ Signage to promote Route 31, a café to stop at, some historical information – it wouldn't take much for Barny to become a place worth visiting.”

“ A dump point at Barnawartha and free camping available then more people would be encouraged to stay.”

“ It would be so cool to have a motorbike track in the Indigo Valley so I could ride my bike with my mates, without dad having to drive me all the time. I don't get to ride as much as I'd like.”

“ I wish the town entries and roundabout area looked nicer. It would really improve how people perceive the town if it looked nicer, we do what we can, but we can change things like the gutters and potholes.”

## 3

**Stage 3:  
TO THE PEOPLE****Balancing industry, housing and a rural lifestyle requires good planning**

A 12 year old Barnawartha resident told us *"I don't want anything to change. I don't want Barny to get bigger and busier. I like it just the way it is."* Many others – of all ages agreed, but also recognised the need for housing growth and particularly local economic opportunities.

**“ A few more businesses in town to really boost the vibrancy and economic opportunities locally would be great, but it needs to be sustainable. A space to test out business ideas, or host pop-ups could be great. ”**

**“ We love living in the Indigo Valley and we want our families to be able to stay here – for us to grow old here, and for our children to be able to build homes here. We lose capacity when our children have to leave because there is no land to build on. We'd like to see smaller lots of land made available, or changes to laws that allow second dwellings. ”**

**“ There is a fine balance between industry, economic opportunity and housing growth that raises strong emotions for the people of Barnawartha and surrounds. They are cautious regarding change, but would like to see small, considered steps that make their communities more beautiful, vibrant, and liveable. ”**

**“ There are constantly trucks parked in the centre of town and travelling through the main street. It would be great to see other alternatives so that the centre of town looked nicer. There needs to be a solution that suits the business owners and encourages safety and pride. ”**

## 3

## Stage 3: TO THE PEOPLE

### Community event

At the pop-up sessions participants also voted on where they would like a community event to be held and what they would like to happen at it. The three locations selected by the community were the Memorial Hall, Indigo Creek Playground, and the Barnawartha Recreation Reserve. Participants were given three votes, in the form of ping-pong balls, to put into the vessel marking their choice. They were able to write under each heading examples of what they would like to see happen at the event.

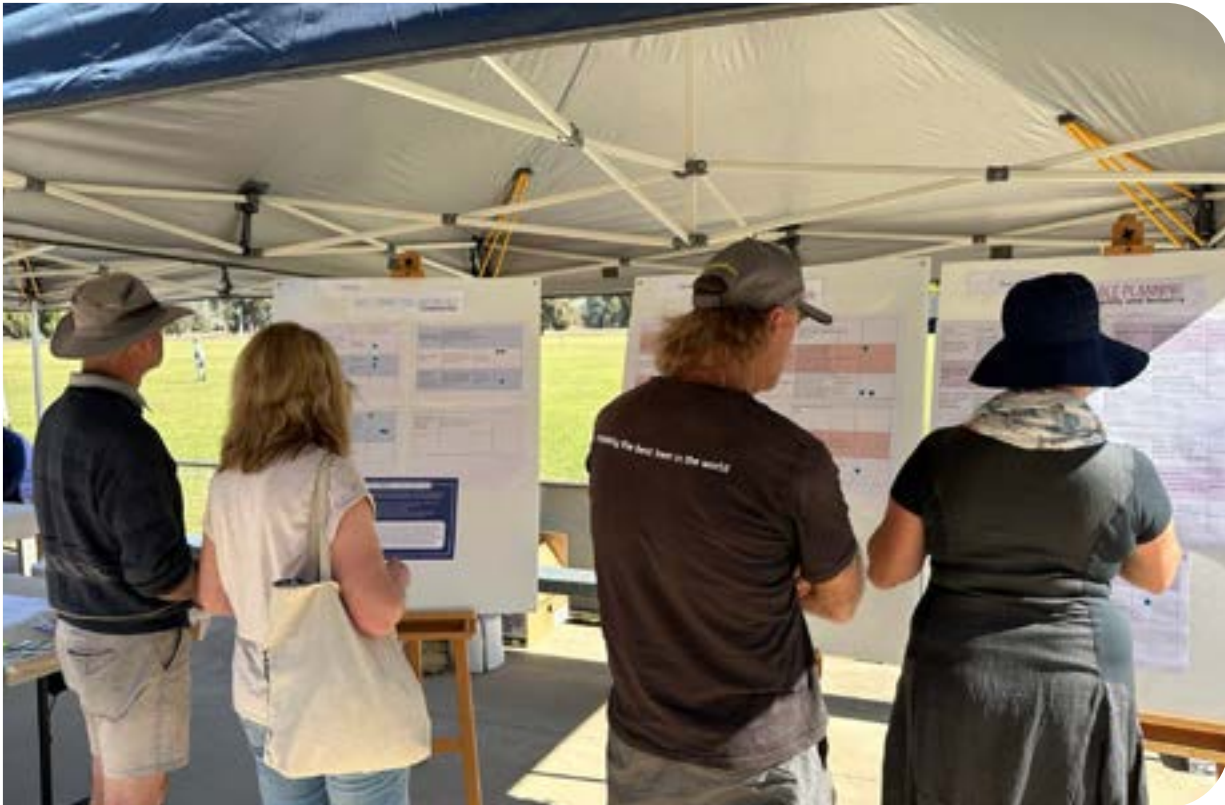
The students at Barnawartha Primary School and Middle Indigo Primary School also voted on their choice of location and filled a whiteboard full of event ideas. These ideas were very food heavy, but a concept of a family sporting carnival day emerged and ultimately shaped the events on the day.

The event was designed as a celebration of the community planning process, and to give back to the communities that had given so much of their time to support the planning process. Holding the community events also met one of the aims under the recovery funding to support community cohesion and resilience, as well as community-identified need for more events to bring people together.

The Barnawartha Recreation Reserve was voted as the winner based on the range of activities that could be hosted there – namely Al's Skate Co. pop-up skate park. However, The Indigo Creek Playground was voted as the clear winner for location, followed by the Recreation Reserve, and the Memorial Hall. The Reserve was chosen as it provided more flexibility, as well as an indoor option for poor weather.



## 3

**Stage 3:**  
**TO THE PEOPLE**

The community visioning, themes and key actions were tested again at the Barnawartha and surrounds Community Celebration held on Sunday 21 April 2024 at the Barnawartha Recreation Reserve. The actions were ranked by the community to create a priority rating. Each participant was given five sticky dots to place next to their top priorities. People had the option to put more than one dot against an action, however they had to prioritise the most important things to them, right now. It also provided an essential space for the community to talk with the Council officers who had facilitated the project and to answer other questions. In total, eighty-one people added their dots on the day. Below is the final list of actions, arranged according to community priority.

## 4

## Stage 4: DRAFT PLAN AND ACTIONS

### Stage 4: DRAFT PLAN AND ACTIONS

#### ACTION PLAN

The top three priorities in order of community support are:



It's fair to say that the children interpreted 'parks and gardens' to mean the Indigo Creek Playground, which is a favourite sport for many. It's interesting to note that two of the top three priorities were the same for both adults and children.

The action plan is organised into the key themes as identified by the community. These actions aim to proactively address current and future challenges. Many of these actions can be initiated immediately at the community level without any input from Council.

Other actions will require collaborations between Council, community, and relevant services, agencies, businesses, and levels of government. It needs to be acknowledged that the project lead may change over the duration of the project. Many of these actions will begin with community advocacy, seed funding, or grassroots movements. In time, and as required, the involvement of Council or other levels of Government will be required to progress and achieve a number of the identified actions.

Many projects will require additional external funding, community support, or technical expertise and/or feasibility studies etc before they can be progressed. This plan can be used to seek funding from various sources and to seek stakeholder support for future projects.

## 4

## Stage 4: DRAFT PLAN AND ACTIONS

### The Strategic Themes

#### Theme 1: SAFE, CONNECTED, AND EMPOWERED COMMUNITIES

- i. The community want their spaces to feel safe, modern, clean, and inviting and to reflect the love and pride they feel for their home.
- ii. Residents want to have more knowledge and capacity to increase their own resilience to manage emergencies, including communication and energy resilience
- iii. Community events and opportunities to connect are strongly valued.

#### Theme 2: INVESTMENT IN RECREATION AND DESTINATION

- i. The community strongly supports using what it already has, particularly the railway precinct to revitalise the town.
- ii. Invest in new destination spaces and events for community and tourism.
- iii. Recreation opportunities for biking, fishing, skating and connection to the water ways are valued, especially for young people.

#### Theme 3: SUSTAINABLE PLANNING FOR COMMUNITY AND INDUSTRY

- i. Residents want to preserve the rural lifestyle of Barnawartha and plan for a sustainable economy.
- ii. Indigo Valley residents want intergenerational living where they can age in place and where the future generations can secure housing in the Valley.
- iii. Planning for improved pedestrian and cycle paths is a high priority.

### Timing in the action tables

- **Short** 0-2 years
- **Medium** 0-5 years
- **Long** 0-10+ years

### Level of community support

As voted by 81 community members at the Community Celebration. Each person received five votes to prioritise projects important to them.

- **Very High** 25+ votes
- **High** 20-24
- **Medium** 10-19
- **Low** 5-9 votes
- **Very low** 0-4 votes



## 4

## Stage 4: DRAFT PLAN AND ACTIONS

### Theme 1: SAFE, CONNECTED AND EMPOWERED COMMUNITIES

	ACTION	DESCRIPTION	WHO	TIMING
1.1	Support community activities that promote connection. e.g. Men's/Women's Shed, Playgroup, Farmer's Market, Community Garden, co-working spaces.	Invest in the existing community spaces to make them more inviting for gatherings and explore new options for activities and programs in Indigo Valley and Barnawartha.	Community National Shed Development Programme DEECA Council	Medium
1.2	Build local childcare capacity.	Explore options for local childcare to improve household capacity to work.	Community Local Business	Medium
1.3	Grow options for youth activities.	Invest in spaces for youth to gather and collaborate with young people to organise recreation and social events.	Community Council – Youth Officer	Short
1.4	Create opportunities for the community to connect informally. e.g., "Bumping Places", cafes, outdoor spaces.	Get involved in community-led events to build relationships, reduce loneliness, share information, and support vulnerable community members.	Community	Short
1.5	Assist the ageing community to have access to health care, transport, and community connection.	Explore community car share models and communication models to support ageing community to age in place.	Community Indigo Medical Centre	Medium
1.6	Children and young people have purpose and involvement and ownership in their town.	Bring along young people in decision making and explore ways for them to lead meaningful projects in their town.	Community	Short
1.7	Engage in emergency management education.	Get involved in opportunities to be prepared for emergencies, including fire safety for industry, i.e. transport, solar farms; offered locally through CFA and Council.	Community	Short



## 4

## Stage 4: DRAFT PLAN AND ACTIONS

### Theme 1: SAFE, CONNECTED AND EMPOWERED COMMUNITIES

	ACTION	DESCRIPTION	WHO	TIMING
1.7	Engage in emergency management education.	Get involved in opportunities to be prepared for emergencies, including fire safety for industry, i.e. transport, solar farms; offered locally through CFA and Council.	Community	Short
1.8	Streamline processes to support community growth and development.	Reduce red tape in Council processes and make it easier to get help i.e. writing grant applications.	Council – Community and Economic Development	Short
1.9	Stables for the Pony Club "Bright Kids."	Explore options to build stables at the Pony Club so young people can ride their horses more often without needing to transport their ponies.	Community	Medium
1.10	Reliable, sustainable, and effective communications, especially for emergency preparedness.	Invest in reliable communication infrastructure that can support connectedness during an emergency in Indigo Valley and surrounds.	Community Services	Short
1.11	Encourage community capacity building.	Seek out and engage in community capacity building opportunities offered locally.	Community	Short

## 4

## Stage 4: DRAFT PLAN AND ACTIONS

### Theme 2: INVESTMENT IN RECREATION AND DESTINATION

	ACTION	DESCRIPTION	WHO	TIMING
2.1	Invest in youth recreation activities in Indigo Valley and Barnawartha.	Young people want places to ride bikes and motorbikes, such as a pump track and bike trails, as well as a fishing pond.	DEECA Council - Recreation	Medium
2.2	Revitalise the Railway precinct.	Explore options for restoring and using the Goods Shed and Railway building for the community, i.e., youth centre, arts hub, farmer's markets, to provide a boost to the local economy and attract locals and tourists.	Community Local businesses VicTrack Council	Medium
2.3	Increase public access to Indigo Creek and rehabilitate the creek.	Link up existing paths to form a continuous path for walking and cycling and remove debris, weeds, and rubbish from the creek. Invest in native plantings.	Council Goulburn Murray Water	Medium
2.4	Concentrate new development of diverse shops and cafes at High and Havelock Streets intersection.	Collaboratively support the growth of local businesses, community endeavours, creative enterprises in a planned way at the town centre.	Community Local businesses	Short
2.5	Increase camping spots and investigate caravan park and dump point options.	Explore options for more free camping locations, particularly along the creeks for fishing. Investigate installing a dump point and short-term caravan parking.	Parks Victoria DEECA Council	Medium
2.6	Invest in public art.	Support place-based public art throughout the town and in gathering spaces.	Community Local artists Council – Creative Communities	Short

## 4

## Stage 4: DRAFT PLAN AND ACTIONS

### Theme 2: INVESTMENT IN RECREATION AND DESTINATION

	ACTION	DESCRIPTION	WHO	TIMING
2.7	Progress a Heritage Centre concept.	Source funding and prepare a project plan for a Heritage Centre that celebrates the farming history of the region, and provides a space to learn lost trades, as a destination attraction and learning centre.	Council – Community Development Community	Long
2.8	Create a community meeting space in Indigo Valley.	Explore options with the school for a community meeting space that is separate from the CFA shed.	Community	Long
2.9	Create more prominent and distinctive entry gateways.	Invest in plantings and unique signage and art to welcome people to the place.	Council	Medium
2.10	Invest in landscaping and tree planting.	Preserve and enhance the existing plantings and trees and plant more trees to define the boundaries of the town and to improve the entries	Council	Short
2.11	Support the preservation and sustainable management of community assets.	Annual and long-term maintenance plans of community buildings. Consider innovative ways to manage, use and maintain community assets.	DEECA Council – Assets, Community Development	Short
2.12	Continue to invest in the Recreation Reserve.	Develop a new master plan for the future needs of recreation at the Reserve including options for a gym.	Council	Short

## 4

## Stage 4: DRAFT PLAN AND ACTIONS

### Theme 3: SUSTAINABLE PLANNING FOR COMMUNITY AND INDUSTRY

	ACTION	DESCRIPTION	WHO	TIMING
3.1	Design for walking and cycle connectivity to Chiltern and Yackandandah.	Scope out the possibility of connecting Barnawartha and Indigo Valley to Chiltern and Yackandandah via a cycle trail.	Council	Medium
3.2	Investment in the town centre appearance.	Invest in town seating, shade, footpaths, public art, landscaping, and cleanliness to improve the overall look and feel.	Council Local businesses Community	Medium
3.3	Advocate to the EPA for environmental controls at Oztek Holdings to be complied with to minimise pollution.	Oztek Holdings – the rendering plant – are required to comply with environmental legislation to avoid a negative impact on the community.	Council & community – Advocacy Environmental Protection Agency	Short/ongoing
3.4	Preserve the rural village feel.	Encourage future housing development to follow a grid layout for streets and minimise culs-de-sac.	Council – Planning	Short
3.5	Design for walking connectivity within the town.	Improve footpath system to ensure that footpaths run on at least one side of the street and that the new developments connect to the town assets.	Council	Medium
3.6	Invest in maintaining roads in good condition.	Ensure roads are maintained and repaired in a timely manner, particularly main thoroughfares.	Council	Ongoing
3.7	Advocate for increased public transport and more accessible pick-up locations in Indigo Valley and Barnawartha.	Advocate for more frequent public transport to connect to urban centres, as well as advocacy to get the Rutherglen High School bus to pick up students in Barnawartha.	Department of Transport Community	Medium

## 4

## Stage 4: DRAFT PLAN AND ACTIONS

### Theme 3: SUSTAINABLE PLANNING FOR COMMUNITY AND INDUSTRY

	ACTION	DESCRIPTION	WHO	TIMING
3.8	Improve traffic management and parking congestion.	Define angle parking in High Street through line marking and signage. Progress designated parking at Barnawartha Primary School.	Council	Short
3.9	Reduce speed limits.	Reduce the current 60 zone to 40 and extend 60 zones in key problem areas.	Regional Roads	Medium
3.10	Sustainable planning and growth, particularly to support intergenerational living in Indigo Valley	Continue to support commensurate housing growth that preserves the rural lifestyle with larger lots in Barnawartha. Explore how the rural strategy can support families to stay in the area in Indigo Valley.	Council – Planning	Long
3.11	Grow the local industry and economy.	Encourage local businesses to open in Barnawartha to provide more employment options and support youth retention.	Local businesses Community	Medium
3.12	Investigate demand and suitable location for light industrial activity.	Find creative solutions collaboratively to enable light industrial activity out of the town centre.	Community Local businesses Council – Planning	Medium
3.13	Support a pop-up model to trial new business ideas.	Utilise existing spaces for pop-ups, i.e., restaurant, shop, to test the interest from the town in the concept and build excitement.	Community Council – Economic Development	Short
3.14	Provide opportunities to learn about sustainable lifestyles.	Support the community to embrace new and emerging methods to live more sustainably and reduce their environmental impact.	Council – Environment and Sustainability Community External agencies	Short

4

Stage 4:

DRAFT PLAN AND ACTIONS

Theme 3:

SUSTAINABLE PLANNING FOR COMMUNITY AND INDUSTRY

	ACTION	DESCRIPTION	WHO	TIMING
3.15	Better promotion of clubs and services.	Explore creating a community directory separate to the Chiltern Grapevine that promotes the clubs and services.	Community	Short
3.16	Invest in truck driver education.	Develop and deliver an education program about using Murray Valley and Hume Hwy rather than going through town.	Community Local businesses	Short

## SUMMARY

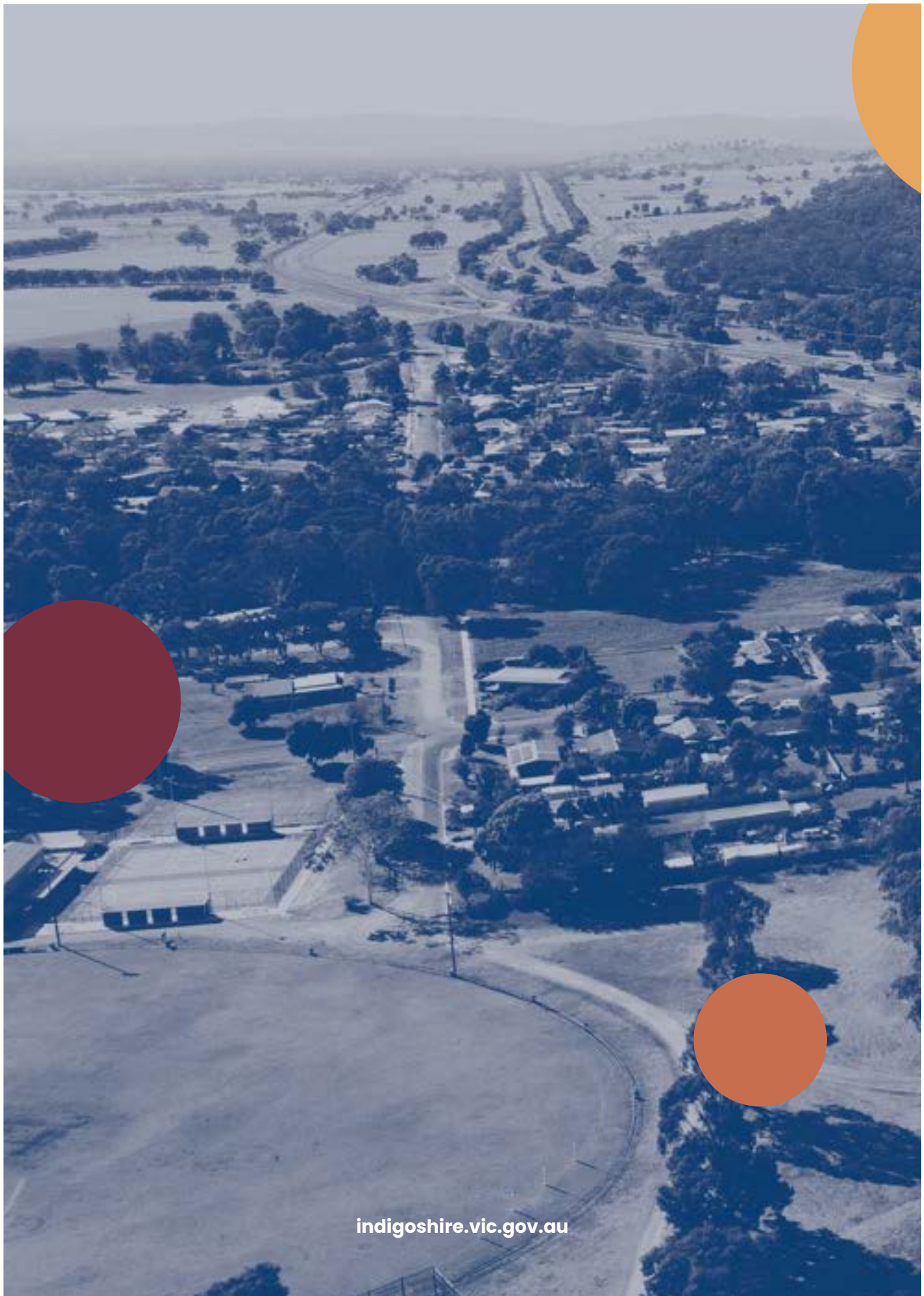
As the engagement progressed the community focused less on Council and individual needs and more on the preservation and growth of their community. This is particularly the case for improving enhancing the town and tourism opportunities, as well as being connected to natural assets. The community understands that living here means balancing living in a beautiful environment with ongoing bushfire risk and that they have an individual as well as community responsibility to be prepared. The challenge ahead both as a community and as a Council is to support the progress of the identified actions to strengthen resilience in the landscape and community.

## EVALUATION OF IMPLEMENTATION

This plan belongs to the community, with eventual success decided by the strength of collaboration, local leadership, and achievement of prioritised projects. The short, medium, and long-term success of this plan, and in particular the actions for change, can be measured over time. This plan will be measured against progress of the following success indicators as detailed in the three action tables.

THEME	SUCCESS INDICATORS
Safe, connected, and empowered communities	<p>The community spaces feel safe, modern, clean, and inviting and they reflect the love and pride that is felt.</p> <p>Residents are knowledgeable about what they need to do to support themselves and their community during emergencies. There are sustainable, independent communication and energy resources.</p> <p>Community events and opportunities to connect are occurring regularly in the town, driven by the community.</p>
Investment in recreation and destination	<p>Buildings and land are being utilised to their full potential for the benefit of the community.</p> <p>New destination spaces and events have been scoped, and where there are community drivers and funding, these projects have been realised.</p> <p>New recreation opportunities with a focus on young people to engage in biking, fishing, skating and connection to the waterways are established.</p>
Sustainable planning for community and industry	<p>Planning and development preserves the rural lifestyle and economy of Barnawartha. Planning for Indigo Valley residents supports intergenerational living where people can age in place and where future generations can secure housing in the Valley.</p> <p>Improved pedestrian and cycle paths are a reality.</p>

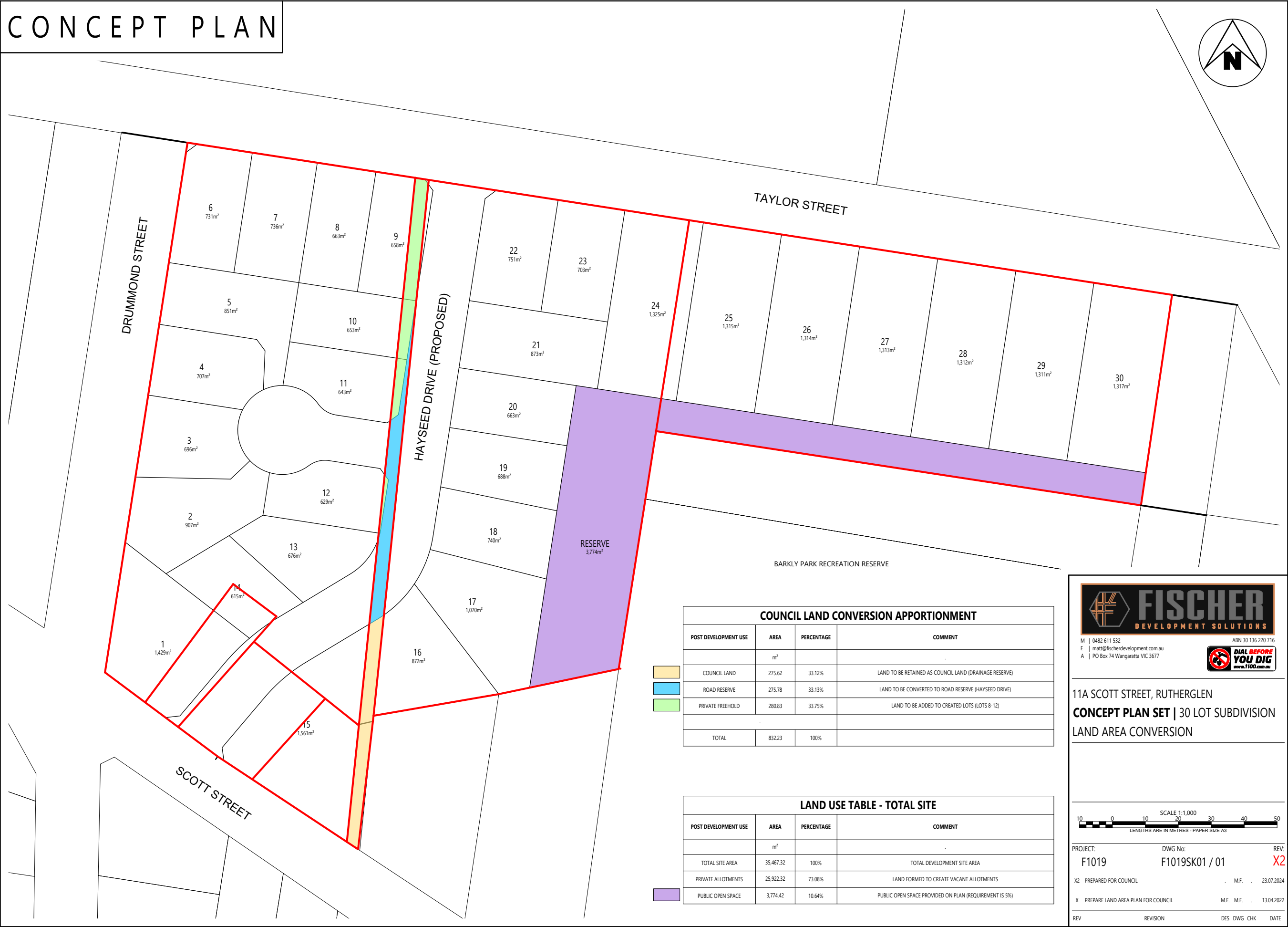




# 13.4

## TRANSFER OF LAND - 11A SCOTT STREET, RUTHERGLEN

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# 14.1

## GOVERNANCE RULES REVIEW

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INDIGO SHIRE COUNCIL

## GOVERNANCE RULES

2024



VERSION NUMBER	2024
CONTENT MANAGER FILE NUMBER	T1/9[v2]
APPROVAL DATE	TBC when adopted
APPROVED BY	Council Resolution
DEPARTMENT	People & Governance
RESPONSIBLE OFFICER	Executive Manager People & Governance
NEXT REVIEW DATE	2026
RELIANSYS REFERENCE	3962
CIRCULATION	Public Document



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## Part 1 – INTRODUCTION

### Part 1A: About these Rules

#### (1) Nature of these Rules

These are the Governance Rules of Indigo Shire Council, made in accordance with section 60 of the *Local Government Act 2020*.

#### (2) Matters not expressly provided for



For all matters not specifically provided for in these Rules, Council may determine these matters by resolution.

(3) Context

- (a) Good governance, integrity and accountability are central to the Act, to underpin local government democracy, accountability, conduct and enable our community to have confidence in Council. Council is committed to embedding the principles of good governance throughout its decision making, corporate governance and democratic governance by establishing and adhering to these Rules. The principles of good governance incorporate the principles outlined in the Act, including the overarching governance principles as well as the following principles:
  - (i) Community Engagement Principles (s56);
  - (ii) Public Transparency Principles (s58);
  - (iii) Strategic Planning Principles (s89);
  - (iv) Financial management Principles (s101); and
  - (v) Service Performance Principles (s106).
- (b) Council decision making will be founded on good governance and conducted with transparency. The process by which decisions will be made is transparent and clearly articulated in these Rules for the scrutiny of our community and accountability of Councillors and Officers. Council recognises that accountability, integrity and transparency are of fundamental importance to our community and are critical for enhancing good governance.
- (c) Council seeks to apply good governance in order to:
  - (i) engage our community in decision making;
  - (ii) achieve the best outcomes for the Indigo Shire community, including future generations;
  - (iii) ensure the transparency of Council decisions, actions and information;
  - (iv) ensure the ongoing financial sustainability of Indigo Shire Council; and
  - (v) give the community confidence that Council is spending public monies wisely.

(4) Related Documents

These rules are to be read in the context of and in conjunction with:

- (a) Community Engagement Policy;
- (b) Public Transparency Policy; and
- (c) Councillor Code of Conduct.



(5) Decision Making

- (a) In any matter in which a decision must be made by Council (including by a Delegate), Council must consider the matter and make a decision:
  - (i) fairly, by giving consideration and making a decision which is balanced, ethical and impartial; and
  - (ii) on the merits, free from favouritism or self-interest and without regard to irrelevant or unauthorised considerations.
- (b) Council must, when making any decision to which the principles of natural justice apply, adhere to the principles of natural justice (including, without limitation, ensuring that any person whose rights will be directly affected by a decision of the Council is entitled to communicate their views and have their interests considered).



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## Part 2 – PRE-MEETING

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### Part 2A: Meetings and Agendas

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#### (6) Scheduled Council Meetings

The Council –

- (a) Shall fix the day, time and location of all Scheduled Council Meetings for the coming 12 months at the Statutory Meeting; and
- (b) May, by resolution, alter the day, time and location of any Scheduled Council Meeting.

#### (7) Additional Council Meetings

- (c) An Additional Council Meeting will be held where –
  - (i) Written notice of the Additional Council Meeting is provided to the CEO by the Mayor or at least three Councillors; or
  - (ii) Council resolves to hold an Additional Council Meeting; or
  - (iii) The CEO after the day the returning officer for a general election publicly declares the result of the election and prior to the first Scheduled Meeting of Council.
- (d) The notice or resolution referred to in rule 7(c) shall specify the date, time and location of the Additional Council Meeting and the business to be transacted.
- (e) The date for the Additional Council Meeting specified in the notice or resolution referred to in rule 7(a)(i) must be no less than 7 days from the date the notice was provided to the CEO or the resolution was made.
- (f) The CEO must –
  - (i) As soon as possible notify all Councillors of the Additional Council Meeting; and
  - (ii) Provide such notice as is practicable, having regard to rule (8); and
  - (iii) Convene the Additional Council Meeting in accordance with the notice or resolution referred to in rule 7(a).
- (g) Unless all Councillors are present at an Additional Council Meeting and pass a resolution to deal with another matter, only the business specified in the notice of meeting or Council resolution may be transacted.



(8) Notice of meeting and agenda

- (a) Notice of a Council Meeting, including details of the date, time and location of the Council Meeting must be provided –
  - (i) To Councillors as soon as possible after the setting of the Council Meeting; and
  - (ii) To the public at least seven days prior to the Council Meeting.
- (b) The Agenda for a Council Meeting must be provided –
  - (i) To Councillors at least four business days prior to the Council Meeting; and
  - (ii) To the public at least three business days prior to the Council Meeting.
- (c) The CEO may include any matter on an Agenda which he or she believes should be considered by Council.
- (d) Despite anything in this rule (8), the CEO may provide such other notice of a Council Meeting, including such shorter notice, where he or she considers it necessary due to extraordinary circumstances.

(9) Cancellation or postponement of Council Meetings

- (a) The CEO may cancel or postpone a Scheduled Council Meeting either:
  - (i) in the case of emergency or other significant event likely to preclude the proper functioning of the meeting; or
  - (ii) because the business to be transacted at the Council Meeting has been otherwise disposed of.
- (b) Where the CEO postpones or cancels a Scheduled Council Meeting, he or she must give such notice to Councillors and the public as is practicable.
- (c) The CEO must submit a written report of the circumstances requiring the postponement or cancellation of a Scheduled Council Meeting under rule 9(a) to the next Scheduled Council Meeting.



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## Part 2B: Statutory Meeting

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### (10) Calling the Statutory Meeting

- (a) The Statutory Meeting must be held after the fourth Saturday in October but not later than 30 November each year.
- (b) The Statutory meeting is an Additional Meeting of Council.
- (c) The date of the:
  - (i) first Statutory Meeting after a general election will be fixed by the CEO; and
  - (ii) next Statutory Meeting after the first Statutory Meeting after a general election will be fixed at each Statutory Meeting and can only be varied by a resolution of Council.

### (11) Agenda for Statutory Meeting

- (a) The Agenda for the Statutory Meeting must state the time, date and location of the meeting and, unless the CEO determines otherwise, include the following items –
  - (i) Determination of the Mayoral term as one or two years.
  - (ii) Election of Mayor.
  - (iii) Election of Deputy Mayor.
  - (iv) Councillor appointments to external organisations and internal committees.
  - (v) Adoption of the annual schedule for Scheduled Council Meetings, including the next Statutory Meeting.
  - (vi) Any other administrative items relating to the operation of the Council for the following year.
  - (vii) Any other items required by the Act.
- (b) No ordinary business of Council is to be considered at the Statutory Meeting.

### (12) Temporary Chairperson

- (a) If the election of the Mayor is required, the CEO will chair the Statutory Meeting for the purposes of setting the Mayoral Term and electing the Mayor.
- (b) As Temporary Chairperson the CEO:
  - (i) has no voting rights, and;



- (ii) may determine Points of Order and perform other administrative actions under these Rules that are necessary for the smooth running of the Statutory Meeting.

### (13) Setting Mayoral term

The election of the Mayor will be for a period of either one or two years as determined by Council resolution, except in the final year of a Council term when the Mayor can only be elected up to the end of that Council term.

### (14) Election of Mayor

The election of the Mayor shall use the following procedure –

- (a) The Temporary Chairperson (CEO) must invite nominations for the office of Mayor.
- (b) A nomination that is not seconded will lapse and the Councillor nominated will not proceed to the Mayoral vote.
- (c) If there is only one nomination, that nomination must still go to a vote and receive an Absolute Majority of the votes to be declared successful.
- (d) Nominated Councillors may address the Statutory Meeting for up to five minutes on their candidacy. Nominated Councillors will be called in alphabetical order by surname.
- (e) Councillors present may only vote for one of the nominated Councillors, with nominated Councillors being put to the vote in alphabetical order by surname.
- (f) In the event of a nominated Councillor receiving an Absolute Majority of the votes that nominated Councillor is declared elected as Mayor for the term as previously decided by Council.
- (g) If no nominated Councillor receives an Absolute Majority of the votes –
  - (i) the nominated Councillor with the fewest votes is eliminated.
  - (ii) if more than two nominated Councillors are tied for the lowest number of votes, one nominated Councillor will be eliminated by the drawing of a Lot in accordance with rule (15).
  - (iii) The process of voting and elimination of nominated Councillors is repeated until:
    - (a) one nominated Councillor receives an Absolute Majority of the votes, and is therefore declared elected as Mayor for the term as previously decided by Council; or
    - (b) there are only two nominated Councillors remaining having an equal number of votes.
      - (i) Where two candidates have been nominated and no candidate receives an absolute majority of the Councillors of the Council, a second vote will be conducted.





- (ii) where, after a second vote, where two candidates have been nominated and no candidate receives an absolute majority of Councillors of the Council the Chief Executive Officer will seek the meeting to resolve to conduct a new election at a meeting to be held no later than two weeks from the Statutory Meeting.

(15) Elimination by lot

If required in accordance with rule (14)(g)(ii), the CEO shall conduct the Lot and the following procedure shall apply – <sup>1</sup>

- (a) One piece of paper (known as a lot) will be placed in a container for each nominated Councillor.
- (b) The word “Unsuccessful” shall be written on one piece of paper and the word “Successful” on the others.
- (c) The order of drawing lots will be determined by the alphabetical order of the nominated Councillors’ surnames.
- (d) Each nominated Councillor participating in the Lot will draw one lot.
- (e) The nominated Councillor who draws the paper with the word “Unsuccessful” written on will be eliminated by the Lot.

(16) Mayor to take chair

- (a) After the election of the Mayor is determined, the Mayor will chair the Statutory Meeting from that point forward.

(17) Election of the Deputy Mayor

- (a) The Mayor shall chair the Statutory Meeting for the election of the Deputy Mayor.
- (b) The election of the Deputy Mayor shall use the same procedure as the election of the Mayor, except for the term of office, which will be one year.

(18) Failure to elect a Mayor

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<sup>1</sup> This rule does not apply when only two candidates remain tied for the election of Mayor – see rule 14(g)(iii)(b)



In the event that a Mayor is not elected at a Statutory Meeting the Council must set a date no later than two weeks from the Statutory Meeting for the purpose of electing a Mayor.



## Part 2C: Conflicts of Interest

### (19) Application

This Part 2C of these Rules applies only upon Division 1A of Part 4 of the *Local Government Act 1989* being repealed.<sup>2</sup>

### (20) Disclosure of conflict of interest at a Council Meeting, Delegated Committee Meeting or Community Asset Committee Meeting

- (a) At the time indicated in the agenda, a Councillor with a conflict of interest in an item on that agenda must indicate they have a conflict of interest by clearly stating:
  - (i) the item for which they have a conflict of interest;
  - (ii) whether their conflict of interest is general or material; and
  - (iii) the circumstances that give rise to the conflict of interest.
- (b) If the conflict of interest would unreasonably release the personal affairs of a third party or is otherwise defined as confidential under section 3 of the Act, the nature of the conflict may be given to the CEO in writing.<sup>3</sup>
- (c) Immediately prior to the consideration of the item in which they have a conflict of interest, a Councillor must indicate to the meeting the existence of the conflict of interest and leave the Meeting until after the matter has been disposed of.
- (d) The time the Councillor left and re-entered the meeting, including the explanation given by the Councillor and whether the conflict of interest was said by the Councillor to be a general conflict of interest or a material conflict of interest, is to be recorded in the Minutes of the Meeting.

### (21) Disclosure of a conflict of interest at a meeting conducted under the auspices of Council

- (a) A Councillor who has a conflict of interest in a matter being considered by a meeting held under the auspices of Council at which that Councillor is present must:
  - (i) disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the meeting immediately before the matter is considered or
  - (ii) or if the conflict of interest would unreasonably release the personal affairs of a third party or is otherwise defined as confidential under section 3 of the Act, the

<sup>2</sup> Division 1A of Part 4 of the *Local Government Act 1989* was repealed on 24 October 2020.

<sup>3</sup> The ability to advise the CEO in writing of confidential circumstances of a conflict of interest allows for the protection of confidential information while still adhering to requirements to disclose a conflict of interest.



nature of the conflict may be given to the CEO in writing as soon as practicable following the Meeting; and

- (iii) absent themselves from any discussion of the matter; and
  - (iv) as soon as practicable after the meeting concludes provide to the CEO a written notice recording that the disclosure was made and accurately summarising the explanation given to those present at the meeting.
  - (v) If the meeting is an informal meeting of Councillors as described in rule (70), or a meeting of an Advisory Committee of which the councillor is a member, the conflict of interest is to be recorded in the record of the meeting.
- (b) A meeting conducted under the auspices of Council includes, but is not limited to:
- (i) an informal meeting of Councillors as described in rule (70); or
  - (ii) a meeting of an Advisory Committee of which one or more Councillors is a member.

**(22) Disclosure of conflict of interest by Officers preparing reports for Meetings**

- (a) An Officer who, in his or her capacity as an Officer, has a conflict of interest in a matter in respect of which that Officer is preparing or contributing to the preparation of an Officer Report for the consideration of a:
- (i) Council Meeting;
  - (ii) Delegated Committee Meeting;
  - (iii) Community Asset Committee Meeting; or
  - (iv) Any other meeting conducted under the auspices of Council
- must, immediately upon becoming aware of the conflict of interest, provide a written notice to the CEO disclosing the conflict of interest and explaining the nature of the conflict of interest.
- (b) The CEO must ensure that the Officer Report referred to in rule (22)(a) records the fact that an Officer disclosed a conflict of interest in the subject-matter of the Officer Report.
- (c) If the Officer referred to in rule (22)(a) is the CEO:
- (i) the written notice referred to in rule (22)(a) must be given to the Mayor; and
  - (ii) the obligation imposed by rule (22)(b) may be discharged by any other Officer responsible for the preparation of the Officer Report.



- (23) Disclosure of conflict of interest by Officers in the exercise of delegated powers or statutory function:
- (a) An Officer who has a conflict of interest in a matter requiring a decision to be made by the Officer as delegate must immediately upon becoming aware of the conflict of interest:
    - (i) provide a written notice to the CEO explaining the nature of the conflict of interest
    - (ii) In accordance with 130(2) of the Act, exclude themselves from the decision-making process in relation to that matter.
  - (b) If the Officer referred to in rule (23)(a) is the CEO the written notice must be given to the Mayor.

(24) Retention of written notices

The CEO must retain all written notices received under this Part 2C of these Rules for a period of three years.

(25) Conflict of interest and confidential items

Where the conflict of interest relates to a confidential item, the conflict may be declared in the confidential section of the Council Meeting.



## Part 2D: Physical and Remote Attendance

### (26) Mode of Attendance

- (a) Each notice of meeting must indicate whether the relevant *Council meeting* is to be conducted:
  - (i) wholly in person;
  - (ii) wholly by electronic means; or
  - (iii) partially in person and partially by electronic means.
- (b) The indication in the notice of meeting must be consistent with any Resolution of Council that has expressed a preference for, or otherwise specified, when Council meetings are to be conducted:
  - (i) wholly in person;
  - (ii) wholly by electronic means; or
  - (iii) partially in person and partially by electronic means.
- (c) If a Council meeting is to be conducted wholly in person a Councillor may nonetheless, in exceptional circumstances, request to attend by electronic means.
- (d) Any request made under sub-Rule 26(c) must:
  - (i) be in writing;
  - (ii) be given to the Chief Executive Officer no later than four hours prior to the commencement of the relevant Council meeting; and
  - (iii) specify the reasons why the Councillor is unable or does not wish to attend the Council meeting in person, for the purposes of noting these reasons in the meeting minutes.
- (e) The Chief Executive Officer must ensure that any request received in accordance with sub-Rule 26(c) and any other request received from a Councillor to attend by electronic means is made known at the commencement of the relevant Council meeting.
- (f) Council may approve and must not unreasonably refuse any request.
- (g) A Councillor who is attending a Council meeting by electronic means is responsible for ensuring that they are able to access such equipment and are present in such an environment that facilitates participation in the Council meeting.
- (h) Without detracting from anything said in sub-Rule 26(g), a Councillor who is attending a meeting by electronic means must be able to:
  - (i) hear the proceedings;
  - (ii) see all Councillors and members of Council staff who are also attending the Council meeting, at least while a Councillor or member of Council staff is speaking;



- (iii) be seen by all Councillors, members of Council staff and members of the public who are physically present at the Council meeting; and
- (iv) be heard when they speak.
- (i) If the conditions of sub-Rule 26 (h) cannot be met by one or more Councillors attending a Council meeting, whether because of technical difficulties or otherwise:
  - (i) the Council meeting will nonetheless proceed as long as a quorum is present; and
  - (ii) the relevant Councillor (or Councillors) will be treated as being absent from the Council meeting or that part of the Council meetingunless the Council meeting has been adjourned in accordance with these Rules.
- (j) Nothing in this Rule 26 prevents a Councillor from joining (or re-joining) a Council meeting at the time that they achieve compliance with sub-Rule 26(h) even if the Council meeting has already commenced or has continued in their absence.

#### (27) Meetings Conducted Remotely

If a Council meeting is conducted wholly or partially by electronic means, the Chair may, with the consent of the meeting, modify the application of any of the Rules in this part to facilitate the more efficient and effective transaction of the business of the meeting.





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## Part 3 – DURING MEETINGS

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### Part 3A: Meeting Administration

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#### (28) Meetings open to public

- (a) Unless rule 28(b) applies, all Council Meetings and Delegated Committee Meetings will be open to the public.
- (b) By resolution, Council, a Delegated Committee or Community Asset Committee may close a meeting to members of the public in the circumstances prescribed by section 66(2) of the Act.
- (c) A meeting is deemed to satisfy the requirement to be open to the public, subject to 28(b), if it is:
  - (i) held in premises where members of the public can attend subject to 28(b); or
  - (ii) Livestreamed on Council's Website or a recording of the meeting is placed on the council website as soon as practicable after the meeting.

#### (29) Chairperson

- (a) The Mayor must preside as Chairperson at all Council Meetings at which they are present, unless precluded from doing so because of a conflict of interest or otherwise under the Act or these Rules.
- (b) In the absence of the Mayor, the Deputy Mayor must preside as the Chairperson at any Council Meeting at which they are present unless precluded from doing so because of a conflict of interest or otherwise under the Act or these Rules.
- (c) In the event that both the Mayor and Deputy Mayor are absent from a Council Meeting, the CEO is to open and Chair the Council Meeting until Council elects a Chairperson to preside over the Council Meeting in accordance with these Rules.

#### (30) Agenda items: Scheduled Council Meetings

- (a) The Agenda for a Scheduled Council Meeting will be fixed by the CEO in consultation with the Mayor.
- (b) Unless determined otherwise by the CEO in consultation with the Mayor, the Agenda for a Scheduled Council Meeting will include:
  - (i) Welcome.



- (ii) Apologies and leaves of absence.
- (iii) Declaration of Conflict of Interest.
- (iv) Open Forum
- (v) Condolences.
- (vi) Community and Council achievements.
- (vii) Confirmation of previous minutes.
- (viii) Business arising from previous Council Meeting.
- (ix) Petitions.
- (x) Officer Reports.
- (xi) Report of Committees.
- (xii) Notices of motion.
- (xiii) Delegates<sup>4</sup> and Councillor reports.
- (xiv) General business.
- (xv) Confidential business.

(31) Agenda Items: Additional Council Meetings

Agendas for Additional Council Meetings will relate only to the item(s) for which the Additional Council Meeting was called.

(32) Adding or changing the items on the Agenda

- (a) By resolution Council may:
  - (i) change the order of items on the Agenda for a Council Meeting;
  - (ii) introduce an item or items of late business to a Scheduled Council Meeting Agenda in accordance with rule (45); or
- (b) Items of business can only be added to the Agenda for an Additional Council Meeting in accordance with rule (7)(g) of these Rules.

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<sup>4</sup> Member of a Delegated Committee who is not a Councillor.



(33) Welcome and preliminaries

- (a) Meeting preliminaries may include cultural ceremonial activities (such as acknowledgement of traditional owners, etc.)
- (b) Meeting preliminaries may also include, at the discretion of the Chairperson, items of community interest, such as:
  - (i) recognition of a significant award or milestone of a community member or group; and
  - (ii) acknowledgement of a significant regional event.
- (c) Items proposed to be included under rule 33(b) must be:
  - (i) items of general community interest and acknowledgement only that do not require a formal resolution of Council;
  - (ii) notified to all Councillors at least two hours prior to the Council Meeting at which they will be introduced; and
  - (iii) Apolitical and generally limited to good new stories and acknowledgment of community members or community group work.
- (d) Meeting preliminaries may be amended by Council resolution at any Scheduled Council Meeting or the annual Statutory Meeting.

(34) Apologies and leave of absence

If a Councillor will be absent from a Council Meeting, the Councillor should request a leave of absence prior to the period of absence.

(35) Open forum

- (a) Open Forum allows for questions to be asked of Council relating to the items at the Scheduled Council Meeting, and other matters.
- (b) Visitors present at a Scheduled Council Meeting may ask up to three questions of Council, but shall do so only after having submitted those questions in writing by the earlier of:
  - (i) 5:00pm on the day of the Scheduled Council Meeting; or
  - (ii) 90 minutes prior to the commencement of the Scheduled Council Meeting.
- (c) The Chairperson may, at their discretion, allow for late questions.
- (d) The time allowed at a Scheduled Council Meeting for questions and the number of questions from any one Visitor may be varied at the discretion of the Chairperson.



- (e) No question may be dealt with unless the questioner (or a nominated representative) is present at the Scheduled Council Meeting at which the question is to be asked.
- (f) A question must be disallowed by the Chairperson if it:
  - (i) relates to the personal circumstances of a Councillor or Officer; or
  - (ii) is not in the interest of the community; or
  - (iii) relates to a matter beyond or outside the Council's power; or
  - (iv) is a statement, or otherwise considered by the Chairperson as being not a genuine question; or
  - (v) is defamatory, indecent, abusive or objectionable; or
  - (vi) is asked with the intention of embarrassing a Councillor, an Officer or a member of the public; or
  - (vii) repeats a question already asked (whether at that Scheduled Council Meeting or a previous Council Meeting); or
  - (viii) involves the disclosure of Confidential Information; or
  - (ix) is otherwise deemed inappropriate by the Chairperson.
- (g) The Chairperson shall read the written question to Council.
- (h) The question asked will be in the form of the submitted written question without elaboration or addition.
- (i) Answers may be given during the Scheduled Council Meeting or taken on notice. Where appropriate, responses to questions taken on notice will be included in the Business Arising section of a future Agenda.
- (j) Where deemed appropriate by the Chair, a written response of the answer will be sent to the person who asked the question.
- (k) Councillors may discuss the questions raised or ask clarifying questions.
- (l) No additional discussion or debate is permitted by the questioner or members of the gallery.

#### (36) Condolences

- (a) Any Councillor may request that the passing of a current or former Councillor, officer or notable community member be recorded in the Minutes of the Scheduled Council Meeting at which it is raised.
- (b) The Councillor may give a brief description of the person and their contribution to the community.
- (c) Any Councillor may request, without the need for a Council Resolution, that a formal letter of condolence be sent to the family.



(37) Community and Council achievements

- (a) At each Scheduled Council Meeting Councillors will be provided an opportunity to highlight any notable achievements from the community or Council, such as:
  - (i) sporting achievements;
  - (ii) major awards; and
  - (iii) significant milestones
- (b) At the discretion of the Chairperson, a community member of a group may speak to the achievement.
- (c) A matter can only be raised under rule (37)(a) if:
  - (i) the achievement does not relate to an item already included on the Agenda for the Scheduled Council Meeting; and;
  - (ii) all Councillors have been notified of the intention to discuss a specific achievement at least 24 hours prior to the Scheduled Council Meeting at which it is to be raised; and
  - (iii) prior approval of the Chairperson has been obtained.
- (d) A maximum of three minutes is allocated for discussion of each achievement raised under rule 37(a).

(38) Confirmation of previous Minutes

- (a) Minutes of each Council Meeting will be confirmed by resolution of Council at the next available Scheduled Council Meeting.
- (b) No debate will be permitted on confirmation of the Minutes except at it relates to the accuracy of the Minutes as a record the relevant Council Meeting.

(39) Petitions

- (a) To be considered at a Scheduled Council Meeting, a petition must be received at Council's Beechworth Office at least one week prior to that Scheduled Council Meeting.
- (b) To be accepted by Council, a petition must:
  - (i) be legible; and
  - (ii) be addressed to Indigo Shire Council; and
  - (iii) be in English or accompanied by a certified English translation; and
  - (iv) be stated respectfully and be temperate in language; and
  - (v) state the action or remedy sought from Council on every page; and



- (vi) have at least one signature; and
  - (vii) contain the signatures, names and addresses of each petitioner (a person incapable of signing may have someone else sign on his or her behalf).
  - (viii) Electronic or online petitions must contain the name and email address of each petitioner or signatory, which details will, for the purposes of this rule, qualify as the address and signature of such petitioner or signatory; and
  - (ix) not contain signatures that have been pasted or in any other way transferred or attached to it; and
  - (x) if from a corporation, be made under its common seal.
- (c) Petitions may be formally submitted to Council's office at any time by providing one electronic copy (in PDF format emailed to [info@indigoshire.vic.gov.au](mailto:info@indigoshire.vic.gov.au)) or paper copy (via post or in person at Council's Beechworth Office).

A compliant petition will be included on the Agenda for the next available Scheduled Council Meeting with the names and addresses of the petitioners redacted. A summary report will contain the nature of the petition, the number of petitioners, and the number of petitioners' addresses from inside and outside Indigo Shire. Councillors will be provided with an un-redacted copy of the petition via confidential Agenda attachment

- (d) In acknowledging a compliant petition at a Council Meeting;
- (i) the Chairperson will state the action being requested by the petition, and;
  - (ii) the Chairperson will confirm the total number of signatures to the petition, and;
  - (iii) Council may pass a resolution to:
    - a. require the CEO to provide a response to the petition in accordance with Council's protocols for written communication; or
    - b. require the CEO to provide a response to the petition at a future Council Meeting; or
    - c. note the petition; or
    - d. require any other action that is appropriate to the petition, and within the powers of Council.
- (e) A response to the petition will be made in writing and addressed to the person who appears as the first signatory.
- (f) A copy of the response to a tabled petition will be sent to all Councillors and may be included on the Agenda for a future Council Meeting as a separate report or as business arising from the Council Meeting at which the petition was acknowledged.

(40) **Presentation of Officer Reports**

- (a) The Chairperson may, immediately before Council considers an Officer Report included on the Agenda for a Council Meeting, request that an Officer give a short introduction to the Officer Report.



- (b) An Officer Report will not be read in full at any Council Meeting unless Council resolves to the contrary.
- (c) A Councillor may, at the discretion of the Chairperson, ask a clarifying question of an Officer.

**(41) Notices of Motion**

- (a) A Councillor may include a matter on the Agenda for consideration at a Scheduled Council Meeting by submitting a Notice of Motion.
- (b) A Notice of Motion must be in writing and be lodged with the CEO with sufficient time to give each Councillor at least five business days' notice of such Notice of Motion.
- (c) A Notice of Motion may be rejected by the CEO if it:
  - (i) does not comply with these Rules or any legislation; or
  - (ii) is outside the powers of Council; or
  - (iii) does not clearly articulate a particular action of Council; or
  - (iv) seeks to rescind or alter a previous resolution that has already been acted on; or
  - (v) in the case of a Notice of Motion to rescind or amend a previous resolution of Council, if it does not conform to rule 64; or
  - (vi) contains defamatory statements or is otherwise offensive.
- (d) A Notice of Motion that is deemed by the CEO to contain Confidential Information must be presented in a confidential report.
- (e) The CEO must state in writing the reason for any rejection of a Notice of Motion under rule (41)(c), or classification as Confidential Information under rule (41)(d), and, subject to the notification requirements at rule (41)(b), allow the Councillor an opportunity to resubmit the Notice of Motion.
- (f) The full and unedited text of any Notice of Motion must be included on the Agenda for the Council Meeting at which it is to be considered.
- (g) Except by Council resolution, each valid Notice of Motion must be considered in the order in which they were received.
- (h) If a Councillor who has given a Notice of Motion is absent from the Council Meeting at which it is to be considered, or otherwise fails to move the motion when called upon by the Chairperson to do so, any other Councillor may move the motion.
- (i) A Councillor may move a motion that differs from the published Notice of Motion provided the motion that is moved is fundamentally similar to the published motion and does not vary in a significant way from the original motion.
- (j) A Notice of Motion that is moved, but not seconded, lapses.
- (k) In moving a Notice of Motion, a Councillor must move the motion only. Further comment or expansion of the topic must be saved for the debate.





- (l) Once moved and seconded, a Notice of Motion can be amended by Council resolution in accordance with the usual rules for amending a motion.
- (m) No additional or new motions (that do not meet the Notice of Motion requirements) can be moved in the section of a Scheduled Council Meeting set aside for the consideration of Notices of Motion.

**(42) Councillor Reports**

- (a) Council may require a Councillor to provide an individual periodic report on the Councillor's Council-related activities.
- (b) The format and content of any Councillor Reports required under this rule will be determined by Council from time to time.
- (c) A Councillor Report does not require a resolution and is considered to be a personal statement by a Councillor, not a formal Council report.
- (d) A Councillor may speak to their Councillor Report for up to 3 minutes but no debate on Councillor Reports will be permitted.

**(43) General business**

- (a) General Business Items shall be admitted for the consideration of Council at the discretion of the Chairperson.
- (b) General Business Items must:
  - (i) relate to the functions and powers of Council;
  - (ii) be limited to requests for a report or routine action; and
  - (iii) be rejected by the Chairperson if they relate to matters beyond the powers of Council.
- (c) Requests for action may be accepted by the CEO without the need for a formal vote.
- (d) At the request of any Councillor or the CEO a request for action must be put to a vote.

**(44) Confidential business**

- (a) Council may close a Council Meeting to the public in the circumstances prescribed by section 66(2) of the Act.
- (b) A Council resolution is required for Council to close a Council Meeting to the public.
- (c) The Council resolution must state the reason that the Council Meeting is being closed to the public by reference to the circumstances prescribed by the Act.
- (d) The Minutes of a Council Meeting closed to the public must record the:
  - (i) basis on which the Council Meeting was closed to the public; and



- (ii) where relevant, the matters required by section 66(5) of the Act.
- (e) Council shall resolve to re-open the Council Meeting to the public as soon as the purpose for which the Council Meeting was closed has been disposed of.
- (f) Separate Minutes of the matters dealt with by Council during a Council Meeting that is closed to the public shall be kept, including any confidential reports and, where the Minutes contain Confidential Information, they will be kept confidential until Council resolves otherwise.

**(45) Late business**

- (a) Business must not be admitted for consideration at a Council Meeting as late business unless:
  - (i) it is raised by either the CEO or a Councillor;
  - (ii) the consideration of the item at that particular Council Meeting is important to the efficient operation of Council; and
  - (iii) a resolution is passed to accept the late business.
- (b) This rule shall be used only where there is a genuine need to consider a matter urgently and must not be used to reduce transparency of Council business, or to circumvent the usual publication of Agenda items to Councillors or the community.

**(46) Meeting Minutes**

- (a) The CEO, or Delegate, must keep Minutes of each Council Meeting.
- (b) Minutes must include the following items:
  - (i) The body holding the Meeting to which the Minutes relate.
  - (ii) The date, place and time of the Meeting together with the time it commenced and concluded.
  - (iii) The names of the Councillors present.
  - (iv) Any interest or conflict of interest disclosed, including the explanation given by the Councillor or Officer and whether the conflict of interest was said by the Councillor or Officer to be a general conflict of interest or a material conflict of interest.
  - (v) Questions from the gallery, the names of the submitter and a summary of the response.
  - (vi) The failure to obtain or maintain a quorum.
  - (vii) Arrivals and departures (including temporary departures) of Councillors during the course of the Meeting.



- (viii) Each motion and amendment moved (including motions and amendments that lapse).
- (ix) The result of each vote including the names of Councillors voting for and against, and who did not in respect of, a motion.
- (x) Changes in the chairing of the Meeting.
- (xi) All reports submitted to the Meeting.
- (xii) The names of any presenters.
- (c) A copy of the Minutes must be supplied to each Councillor no later than two weeks after the Council Meeting to which they relate.
- (d) Any Minutes relating to Council's consideration of Confidential Information are also deemed to be confidential unless Council resolves otherwise.
- (e) Minutes are unconfirmed until confirmed at a subsequent Council Meeting in accordance with rule 38.



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## Part 3B: The running of the Meeting

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### (47) Time limits

- (a) The business and order of business of a Council Meeting is to follow the Agenda for that Council Meeting unless altered by Council resolution.
- (b) The Council Meeting must:
  - (i) start within 30 minutes of the advertised start time; and
  - (ii) not go longer than four hours in length unless Council resolves to extend the time for the Council Meeting.
- (c) If a Council Meeting:
  - (i) has not commenced by the time specified in rule (47)(b)(i); or
  - (ii) continues beyond four hours without a resolution of Council under rule (47)(b)(ii), the Council Meeting must stand adjourned to a future date; and
  - (iii) the Chairperson will announce the time, date and location of the adjourned Council Meeting; and
  - (iv) all remaining business will be included on the Agenda for the adjourned Council Meeting.

### (48) Quorum

- (a) A quorum for a Council Meeting is an Absolute Majority of the Councillors.
- (b) All Council Meetings must attain a quorum before the Council Meeting can commence.
- (c) If, after 30 minutes from the scheduled starting time of a Council Meeting, a quorum cannot be gained the Council Meeting is adjourned in the manner provided by rule (47)(c).
- (d) If a quorum cannot be maintained during the course of a Council Meeting due to the temporary absence of Councillors (e.g. due to the declarations of conflict of interest), Council will consider whether the decision can be made by dealing with the matter in an alternative manner, in accordance with section 67 of the Act and, if not, the Chairperson may adjourn the current item of business under consideration to allow the Council Meeting to continue.
- (e) If a quorum is lost during the course of the Council Meeting, and is unlikely to be regained, the Chairperson will adjourn the unfinished business to the next Council Meeting.

### (49) Adjourning a Council Meeting

- (a) A Council Meeting may be adjourned for a specified period of time by:



- (i) the Chairperson if there are no objections from a Councillor; or
  - (ii) resolution of Council pursuant to a Procedural Motion.
- (b) The Chairperson will announce the time, date and location of the adjourned Council Meeting.
- (c) All remaining business will be included on the Agenda for the adjourned Council Meeting.

**(50) Behaviour**

- (a) Councillors shall remain seated when speaking at a Council Meeting.
- (b) The Chairperson may allow a Councillor, Officer or Visitor to rise to address the Council Meeting.
- (c) A Councillor who is entitled to speak must not be interrupted except by the Chairperson or a Point of Order (including a request for a Personal Explanation under rule 60) from any Councillor.
- (d) If a Councillor is interrupted by the Chairperson or upon a Point of Order by another Councillor, that Councillor must remain silent until the Chairperson has ceased speaking, the Point of Order has been determined or the personal explanation has been given.
- (e) A Councillor must not digress from the subject matter of the motion or business under discussion.

**(51) Improper and disorderly conduct**

- (a) The Chairperson may require a Councillor, officer, visitor or any other person to withdraw any remark that the Chairperson considers to be offensive, disrespectful or defamatory and may ask that person to apologise to the Meeting.
- (b) The Chairperson must not accept any motion, question or statement that appears to the Chairperson to be derogatory, defamatory or intended to embarrass any Councillor, person or group.

**(52) Adjournment and suspensions**

- (a) Where the Chairperson is of the opinion that disorder at the Council table or in the gallery makes it desirable to adjourn the Council Meeting, the Chairperson may adjourn the Council Meeting to a later time on the same day or to some later day as appropriate.
- (b) Council may, by resolution, adjourn an item of business to facilitate the orderly conduct of the Council Meeting.
- (c) In addition to any powers of the Chairperson under section 19(1)(b) of the Act, Council may, by resolution, suspend any Councillor, for a particular item of business or the



remainder of the Council Meeting, whose actions have significantly and consistently disrupted the business of the Council, and have impeded its orderly conduct.

**(53) Removal from the Council Meeting**

- (a) The Chairperson shall call to order any member of the public who is disruptive or unruly during any Council Meeting.
- (b) If a member of the public continues to disrupt the Council Meeting after being called to order the Chairperson may order them to leave the Council Meeting.
- (c) The Chairperson may ask the CEO, an Authorised Officer or a member of the Victoria Police to remove from the Council Chamber any person who has refused to leave the Council Chamber after a direction issued under rule 53(b).

**(54) Recording of Council Meetings**

- (a) Council may record the voice or image of people attending Council Meetings and the recording may, at the discretion of Council, be retained, published online and/or live streamed.
- (b) The Chairperson of a Council Meeting that is open to the public must, at the commencement of the Council Meeting, inform all people in attendance that the Council Meeting may be recorded by Council, and that their voice or image may be captured as part of any recording.
- (c) Any recording or transmittal of voice or image, other than that performed by Council, is prohibited unless:
  - (i) permission has been requested at least three hours prior to the commencement of the Council Meeting with details of the type of recording/transmittal requested and the intended use of the recording/transmittal; and
  - (ii) permission to record/transmit has been granted in writing by the CEO, subject to such conditions, if any, that the CEO sees fit; and
  - (iii) the recording/transmittal is performed in a way that makes it clear to others in attendance at the Council Meeting that voice or image recording/transmittal is taking place; and
  - (iv) the recording or transmittal occurs in accordance with the details provided in the written request under rule 54(c)(i) and any conditions imposed under rule 54(c)(ii).

**(55) Motions and debate**

- (a) The Chairperson shall only accept motions that –
  - (i) comply with these Rules; and
  - (ii) relate to the powers or functions of Council; and



- (iii) if requested by the Chairperson or CEO, are given in writing; and
  - (iv) are relevant to an item of business on the Agenda (except in the case of Late or General Business); and
  - (v) clearly articulate a particular action of Council; and
  - (vi) do not contain Confidential Information; and
  - (vii) are not defamatory or objectionable in language or nature.
- (b) At the discretion of the Chairperson a Councillor may foreshadow a future motion at any stage by stating the wording of the foreshadowed motion in general terms without debating or discussing the foreshadowed motion or using the foreshadowing process to add to any other debate or discussion.

**(56) Moving and seconding a motion**

- (a) A motion may be moved and seconded by any Councillor.
- (b) The mover must not commence speaking to the motion until it has been seconded.
- (c) A motion or amendment which is not seconded lapses.
- (d) A motion or amendment that has been seconded must be dealt with and can only be withdrawn by a Procedural Motion to close the motion or amendment.

**(57) Motion or amendment from the Chairperson**

- (a) If the Chairperson wishes to move a motion or amendment–
  - (i) the Chair must be vacated; and
  - (ii) the vacant Chair must be taken in accordance with rule (29); and
  - (iii) the new Chairperson must physically (unless not possible due to physical constraints) move to the Chair's position at the meeting table; and
  - (iv) at the conclusion of the motion or amendment, the original Chairperson must resume their position.

**(58) Debating a motion or amendment**

If a motion or amendment is moved and seconded:–

- (a) The mover may address Council for a period not exceeding three minutes.
- (b) The seconder may speak to the motion or amendment for a period not exceeding three minutes, or reserve their right to speak at a later stage of the debate, always before the mover exercises, or declines to exercise, his or her right of reply under rule (58)(f).
- (c) Any other Councillor, including the Chairperson, may speak to the motion for a period not exceeding three minutes.





- (d) The Chairperson will determine the order of speakers and should, as far as practical, alternate between speakers for and against the motion.
- (e) A Councillor may speak no more than once on the same motion and no more than once on an amendment unless given leave to do so by the Chairperson.
- (f) The mover of a motion must, except in the case of an amendment, be given a right of reply for a maximum of three minutes.
- (g) The mover of a motion must not introduce any new matter when exercising a right of reply.
- (h) The Chairperson must then put the motion to the vote.

(59) Questions during motions and debate

- (a) Clarifying questions from Councillors may be asked of either Councillors or officers at any time at the discretion of the Chairperson.
- (b) Questions must be relevant to the Agenda item under consideration.
- (c) Questions must be for clarification and must be asked in a succinct manner without making unnecessary statements or entering into debate.
- (d) Questions must not be offensive, objectionable or otherwise inappropriate.

(60) Personal explanation

- (a) At the discretion of the Chairperson a Councillor may, at any time convenient to Council, make a brief personal explanation in respect of any statement (whether made at a Council meeting or not) affecting them as a Councillor.
- (b) The Chief Executive Officer may make a brief statement at a Council meeting in respect of any statement by a Councillor made at the Council meeting criticising or affecting them or any member of Council staff.
- (c) A personal explanation arising out of a statement at a Council Meeting must be made as soon as possible after the statement is made.
- (d) A personal explanation must not be interrupted or debated except upon a motion to censure the person making the explanation.

(61) Amending a motion

- (a) An amendment must retain the intent of the motion and may only add, remove or alter aspects that maintain the original intent of the motion.
- (b) No amendment shall be moved that is contrary in substance to, or the opposite of, the original motion.
- (c) The mover and seconder of a motion cannot move or second an amendment to it.



- (d) If an amendment is moved and seconded, and that amendment is accepted by both the mover and seconder of the original motion, then the motion is amended without the need for a seconder or a vote on the amendment.
- (e) Debate and voting on an amendment will be in accordance with rule (58), except that the mover of an amendment has no right of reply.
- (f) A second or subsequent amendment cannot be moved until the current amendment has been finalised.
- (g) If any Councillor intends to move a second or subsequent amendment, that Councillor may foreshadow that intention.
- (h) If an amendment is adopted it becomes the substantive motion.
- (i) A Councillor cannot move more than one amendment in succession, unless permitted by the Chairperson.

(62) **Voting on a motion**

- (a) Councillors must remain seated in silence while a vote is being taken.
- (b) Subject to the Act, and unless otherwise determined by resolution of Council, voting must be by a clear show of hands or other demonstration of support as recognised by the Chair.
- (c) The Chairperson may direct that the vote be re-counted as often as may be necessary for the Chairperson to be clear about the result.
- (d) The Chairperson must ask each Councillor wishing to vote for the motion to raise a hand, and, upon such request being made, each Councillor wishing to vote for the motion must clearly raise one of their hands or otherwise signify their support in a manner recognised by the Chair.
- (e) The Chairperson must ask each Councillor wishing to vote against the motion to raise a hand, and, upon such request being made, each Councillor wishing to vote against the motion must clearly raise one of their hands or otherwise signify their support in a manner recognised by the Chair.
- (f) The Chairperson must identify any Councillor who does not vote on the motion and request them to explain the reason for abstaining (in accordance with Rule 63).
- (g) The Chairperson must declare the motion as –
  - (i) carried, if a majority of Councillors present at the Council Meeting at the time that the vote is taken vote for the motion; or
  - (ii) lost, if less than a majority of Councillors present at the Council Meeting at the time that the vote is taken vote for the motion.
- (h) If the number of votes in favour of a motion is half the number of Councillors present at the Council Meeting at the time that the vote is taken, the Chairperson shall, subject to the Act, have a second and casting vote in addition to their vote as a Councillor.



- (i) The Chair may adjourn a meeting to consider how their casting vote will be cast.
- (j) The Minutes will record in respect of each motion and amendment moved and seconded at a Council Meeting:
  - (i) The names of Councillors voting for a resolution.
  - (ii) The names of Councillors voting against a resolution.
  - (iii) The names of Councillors abstaining from the vote.
  - (iv) The result of the vote as either “Carried” or “Lost”.
- (k) The resolution is not to be discussed after the vote.

**(63) Abstaining from a vote or division**

- (a) If a Councillor abstains from a vote, the Chairperson may ask the Councillor to clearly indicate to the Chair that they are abstaining and explain to the Council Meeting why they are abstaining from the vote.
- (b) A Councillor is not obliged to provide any explanation to the Chairperson when asked to do so under rule (63)(a).
- (c) A maximum of one minute is allowed for the explanation in rule 63(a).
- (d) If the majority of Councillors present at a Council Meeting abstain from a vote on a motion, the motion is lost.

**(64) Rescission or amendment of a previous resolution**

- (a) A proposal to rescind or amend a previous resolution of Council must be –
  - (i) provided to the CEO as a Notice of Motion under and in accordance with rule (41); or
  - (ii) included in an Officer report to Council.
- (b) A Notice of Motion to rescind or amend a previous resolution of Council must be endorsed in writing by at least two Councillors.
- (c) A motion to rescind or amend a previous resolution must not be introduced into General Business or Late Business.
- (d) A previous resolution of Council cannot be rescinded or amended if the resolution (or the part of the resolution that is being amended) has been acted on.
- (e) A resolution will be deemed to have been acted on if –
  - (i) it has been formally communicated to a person whose interests are materially affected by it; or
  - (ii) a statutory process has commenced so as to vest enforceable rights in, or obligations on, Council or any other person.



- (f) The Chief Executive Officer or an appropriate member of Council staff must defer implementing a resolution which:
  - (i) has not been acted on; and
  - (ii) is the subject of a notice of rescission which has been delivered to the Chief Executive Officer in accordance with sub-Rule (64)(a),
  - (iii) unless deferring implementation of the resolution would have the effect of depriving the resolution of efficacy.
- (g) If a motion for rescission is lost, a similar motion may not be put before Council for at least three months from the date it was last lost, unless Council resolves that the notice of motion be re-listed at a future meeting.
- (h) Unless sub-Rule 64(i) applies, a motion for rescission is not required where Council wishes to change policy.
- (i) The following standards apply if Council wishes to change policy:
  - (i) if the policy has been in force in its original or amended form for less than 12 months, a notice of rescission must be presented to Council; and
  - (ii) any intention to change a Council policy, which may result in a significant impact on any person, should be communicated to those affected and this may include publication and consultation, either formally or informally.

#### (65) Procedural Motions

- (a) A Procedural Motion may be moved at any time and must be dealt with immediately by the Chairperson. A full table of procedural motions can be found at Part 6.
- (b) All Procedural Motions must be moved and seconded.
- (c) Once voted upon, if a Procedural Motion is lost, the business of the Council Meeting continues unaffected.
- (d) A Procedural Motion cannot be debated or amended. However, at the request of the Chair, the mover may clarify their reason for the motion.
- (e) Meeting adjournment
  - (i) A meeting may be adjourned –
    - (a) for a set period of time; or
    - (b) to later on the same day; or
    - (c) to a future Council Meeting, the date, time and location of which is specified; or
    - (d) to a future Council Meeting immediately after the satisfaction of a Condition Precedent.
  - (ii) Procedural Motion wording –



***“That the meeting be adjourned until <Time> and/or <Date> and/or <Condition Precedent>”.***

- (iii) Adjournment for a set period of time or to later on the same day.

If passed, the Council Meeting is adjourned immediately without any further debate or discussion. The Council Meeting recommences at the point that it was adjourned.

- (iv) Adjournment to a subsequent day.

- (a) If the Council Meeting is adjourned to a subsequent day, any existing motion and debate lapses and the Council Meeting recommences at the start of the Agenda item under consideration at the time of the adjournment.
- (b) To the extent possible, notice of the rescheduled Council Meeting will be given in accordance with rule (8).
- (c) Subject to rule (45), no new business can be added to the Agenda of a Council Meeting that is adjourned to a later date.

- (f) Meeting closure

- (i) Procedural Motion wording –
- (ii) ***“That the meeting be closed”.*** If passed, this resolution closes the Council Meeting immediately without any further debate or discussion.
- (iii) Any unfinished business may be included on the Agenda for a subsequent Council Meeting at the discretion of the CEO.

- (g) Item deferral

- (i) An item of business may be deferred to –
  - (a) later in the same Council Meeting; or
  - (b) a future Council Meeting, the date, time and location of which is specified; or
  - (c) a future Council Meeting immediately after the satisfaction of a Condition Precedent.
- (ii) Procedural Motion wording –
 

***“That agenda Item <XX> be deferred until <Time> and/or <Date> and/or <Condition Precedent>”.***
- (iii) If passed, this resolution closes the Agenda item immediately without any further debate or discussion and any current motion lapses. The Council Meeting will move on to the next item of business on the Agenda and the deferred item will be brought back to a Council Meeting in accordance with the Procedural Motion.

- (h) Item closure

- (i) Procedural Motion wording –



***“That agenda Item <XX> be closed”***

- (ii) If passed, this closes the Agenda item immediately without any further debate or discussion and any current motion lapses.
- (iii) The Council Meeting will move on to the next item of business on the Agenda.
- (i) Motion/Amendment Closure
  - (i) Procedural Motion wording –  
***“That the current motion/amendment be closed”.***
  - (ii) If passed, all debate and discussion on the motion or amendment to the motion ceases immediately and the motion or amendment lapses.
  - (iii) If no other motions are moved, the Council Meeting moves to the next item of business on the Agenda.
- (j) Debate Closure
  - (i) Procedural Motion wording –  
***“Procedural Motion – That the motion be put to a Vote”***
  - (ii) This procedural motion is intended to progress a matter that has stalled or become bogged down in process. The use of this procedural motion to reduce valid debate on a motion is not permitted.
  - (iii) If passed, all debate and discussion on the motion or amendment ceases immediately and the motion or amendment is put to the vote.

**(66) Points of order**

**(a) Valid Points of Order.**

A Point of Order is taken when a Councillor officially draws the attention of the Chairperson to an alleged irregularity or breach in the proceedings.

The Point of Order may be taken on the grounds that the matter is –

- (i) contrary to these Rules;
- (ii) defamatory or offensive; or
- (iii) irrelevant to the matter under consideration; or
- (iv) outside Council’s power; or
- (v) constitutes improper behaviour; or
- (vi) constitutes a tedious repetition of something already said; or
- (vii) is an act of disorder; or
- (viii) is a statement that is verifiably incorrect.



A difference of opinion on an item of business or a trivial or inconsequential breach of meeting procedures is not a valid Point of Order.

- (b) Procedure for Point of Order.
  - (i) A Councillor raising a Point of Order must state the nature of the Point of Order; and
  - (ii) State the provision, rule, practice or precedent relevant to the Point of Order.
- (c) When a Point of Order is called the Councillor speaking at the time must stop and Councillors are to remain silent and seated until the Chairperson rules upon it.
- (d) No debate or discussion is permitted on the Point of Order except for clarifying questions asked by the Chairperson.
- (e) All motions, questions or any other business is suspended until the Point of Order is decided.
- (f) The Chairperson must decide all points of order by stating the provision, rule, practice or precedent which they consider applicable to the Point of Order raised.
- (g) The Chairperson may adjourn the Council Meeting to consider a Point of Order but otherwise must rule on it as soon as it is raised.
- (h) Dissent from Chairperson's ruling
  - (i) A Councillor may move that the Council Meeting disagree with the Chairperson's ruling on a Point of Order, by moving –  
***"That the Chairperson's ruling be nullified / changed to..."***.
  - (ii) When a motion of dissent is moved and seconded, the Chairperson must vacate the Chair and the vacant Chair must be taken in accordance with rule (29).
  - (iii) The temporary Chairperson must invite the mover to state the reasons for his or her dissent and the previous Chairperson may then reply. A maximum of 3 minutes per person will be allowed.
  - (iv) No other debate is permitted.
  - (v) The temporary Chairperson must put the motion.
- (i) If the motion is lost, the Chairperson's ruling stands, the Chairperson resumes the Chair and the Council Meeting proceeds.
- (j) If the motion is carried, the Chairperson must then resume the Chair, reverse or vary (as the case may be) his or her previous ruling and the Council Meeting proceeds accordingly.
- (k) The defeat of the Chairperson's ruling on a Point of Order is in no way a motion of censure or no confidence in the Chairperson, and should not be regarded as such by the Council Meeting.





(67) Suspension of standing orders

- (a) To expedite the business of a Council Meeting, standing orders may be suspended by resolution of Council.
- (b) The purpose of suspension is to enable the formalities of meeting procedure to be temporarily set aside while an issue is discussed.
- (c) The suspension of standing orders should:
  - (i) only be used to dispense with the processes and protocols of these Rules where they are not conducive to the free discussion of a matter before the Council Meeting for consideration; and
  - (ii) not be used to frustrate debate or otherwise limit a Councillor's access to procedural tools under these Rules.
- (d) Motion wording –
  - "That standing orders be suspended to enable a longer discussion about <xx>"***
  - "That standing orders be suspended to enable a presentation from <xx>"***
- (e) Once the action that prompted the suspension of standing orders has taken place the resumption of standing orders will be necessary.
- (f) Motion wording –
  - "That standing orders be resumed."***
- (g) No business can be transacted by Council while standing orders are suspended.



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## Part 4 – DELEGATED AND COMMUNITY ASSET COMMITTEES

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### (68) Delegated Committees

- (a) If Council establishes a Delegated Committee:
  - (i) unless the contrary intention appears, Parts 2 and 3 of these Rules apply to meetings of the Delegated Committee; and
  - (ii) any reference in Parts 2 and 3 of these Rules to:
    - (a) a Council Meeting is to be read as a reference to a Delegated Committee Meeting;
    - (b) a Councillor is to be read as a reference to a member of the Delegated Committee; and
    - (c) the Mayor or Chairperson is to be read as a reference to the Chairperson of the Delegated Committee.
- (b) Notwithstanding rule (68)(a), if Council establishes a Delegated Committee that is not composed solely of Councillors:
  - (i) Council may; or
  - (ii) the Delegated Committee may, with the approval of Council, resolve that any or all of the provisions of Parts 2 and 3 of these Rules are not to apply to a Delegated Committee Meeting, in which case the provision or those provisions will not apply until Council resolves, or the Delegated Committee with the approval of Council resolves, otherwise. This will only be done where the alteration does not significantly diminish the overall governance principles.

### (69) Community Asset Committees

Unless anything in the Instrument of Sub-Delegation from the CEO to the members of a Community Asset Committee made under section 47(1)(b) of the Act provides otherwise, the conduct of a Community Asset Committee Meeting is at the discretion of the Community Asset Committee.



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## Part 5 - MISCELLANEOUS

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### (70) Informal Meetings of Councillors

If there is a meeting that is:

- (a) a meeting of an Advisory Committee, if at least one Councillor is present; or
- (b) a planned or scheduled meeting of at least half the Councillors and one member of Council staff but not a Council Meeting, Delegated Committee Meeting or Community Asset Committee Meeting which considers matters that are intended or likely to be:
  - (i) the subject of a decision of Council; or
  - (ii) subject to the exercise of a function, duty or power of Council that has been delegated to a person or committee,

the CEO must ensure that a summary of the matters discussed at the meeting is:

- (iii) tabled at the next convenient Scheduled Council Meeting; and
  - (iv) recorded in the Minutes of that Scheduled Council Meeting.
- (c) Meetings to which this rule (70) applies will not be open to the public.

### (71) Confidential Information

- (a) Information is Confidential if it meets the definition of Confidential Information under section 3 of the Act.
- (b) If, after the repeal of section 77(2)(c) of the *Local Government Act 1989*, the CEO is of the opinion that information relating to a Meeting, including at an informal meeting of Councillors under rule (70), is Confidential Information as defined under section 3 of the Act, the CEO will advise Councillors and/or Officers in writing accordingly.
- (c) Notwithstanding 71(b) Councillors and Officers are bound by the section 125(1) not to disclose Confidential Information they know or should reasonably know is Confidential Information.



## Part 6 – DEFINITIONS

ITEM	DEFINITION
Absolute Majority	The number of Councillors or members of a Delegated Committee which is greater than half the total number of Councillors or members of a Delegated Committee
Act	the <i>Local Government Act 2020</i>
Advisory Committee	A committee established by Council that provides advice to: <ul style="list-style-type: none"> <li>i. Council; or</li> <li>ii. a Delegated Committee; or</li> <li>iii. a Delegate.</li> </ul>
Agenda	A document containing the date, time and place of a Meeting and a list of business to be transacted at the Meeting
Chairperson/Chair	The Chairperson of a Meeting and includes an acting, a temporary and a substitute Chairperson
Chief Executive Officer (CEO)	The person who is appointed to be the Chief Executive Officer of Council or, in their absence, their nominated representative.
Committee Meeting	A meeting of a Delegated Committee or Community Asset Committee
Community Asset Committee	A Community Asset Committee established under section 65 of the Act
Community Asset Committee Meeting	A meeting of a Community Asset Committee
Condition Precedent	An event or state of affairs that must occur before another.
Confidential Information	Has the same meaning as in section 3(1) of the Act.
Council	Indigo Shire Council
Council Meeting	Includes a Scheduled Council Meeting and an Additional Council Meeting
Councillor	A person who is an elected member of the Council
Council meeting	An Scheduled or Additional Meeting of Council



Delegate	Any Officer to whom powers, functions and duties have been delegated under the Act
Delegated Committee	A delegated committee established under section 63 of the Act
Delegated Committee Meeting	A meeting of a Delegated Committee
Deputy Mayor	The Councillor elected as Deputy Mayor at the Statutory Meeting
General Business	Business admitted for consideration at a Council Meeting under rule (43)
Late Business	Business admitted for consideration at a Council Meeting under rule (45)
Mayor	The Councillor elected as Mayor at the Statutory Meeting
Meeting	A Scheduled Council Meeting, an Additional Council Meeting, a Delegated Committee Meeting and a Community Asset Committee Meeting, as the context requires
Member	A Councillor or member of a Delegated Committee
Minutes	The records of proceedings of a Meeting.
Municipality	The municipal district of Council
Notice of Motion	A notice setting out the text of a motion which a Councillor proposes to move at a Meeting
Officer	A member of Council staff
Officer Report	A report prepared by an Officer for consideration by Council
Open Forum	A forum during a meeting where members of the public have pre-submitted questions regarding the Agenda are read out and answered by Council.
Petition	A formal written document requesting Council to take action from one or more persons, and signed by one or more persons (whose name and physical address appears on a page of the petition) bearing the wording of the whole of the Petition.
Point of Order	A query as to whether correct procedure is being followed raised in accordance with rule (66)
Procedural Motion	A motion dealing with the conduct of the Meeting as contained in rule (65) and in Attachment 1.



Quorum	At a Council Meeting or Delegated Committee Meeting means an Absolute Majority of Councillors or members of the Delegated Committee, as the case requires
these Rules	These Governance Rules
Statutory Meeting	<p>The annual meeting of the Council held for the purpose of –</p> <ul style="list-style-type: none"><li>• Electing the Mayor (or Deputy Mayor) in according with s25 of the Act and/or</li><li>• Appointing Councillors on committees</li><li>• Setting the meeting dates for Scheduled Meetings of Council for the coming year.</li></ul>



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**ATTACHMENT 1 – Procedural Motions Table**

Motion	Form	Mover/ Seconder	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
<b>Deferral of a matter (to a future meeting)</b>	That the debate on this matter be deferred until (insert meeting/date) to allow (purpose of deferral)	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	(a) During the election of the Mayor/Deputy Mayor; (b) During the election of a Chair; or (c) When another Councillor is speaking	Consideration/debate on the motion and/or amendment is postponed to the stated date and the item is re-listed for consideration at the resolved future meeting, where a fresh motion may be put and debated	Debate continues unaffected	Yes
<b>Closure of debate</b>	That the motion now be put	Any Councillor who has not moved or seconded the original motion or spoken for/against the original motion	During the nomination of Chair, or the election of the Mayor/Deputy Mayor	Motion or amendment is put to the vote immediately without further debate, subject to any Councillor exercising his or her right to ask any question concerning or arising out of the motion	Debate continues	No
<b>Closure of item</b>	That agenda item xx be	Any Councillor who has not moved or seconded	During the nomination of Chair, or the election	Closes the agenda item immediately without	Debate continues	No

Motion	Form	Mover/ Second	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
	closed	the original motion of spoken for / against the original motion.	of the Mayor/Deputy Mayor.	any further debate or discussion and any current motion lapses. Meeting moves to the next item on the agenda		
<b>Motion / amendment closure</b>	That the current motion / amendment be closed	Any Councillor who has not moved or seconded the original motion of spoken for / against the original motion.	During the nomination of Chair, or the election of the Mayor/Deputy Mayor			
<b>Laying a motion on the table (pausing debate)</b>	'That the motion be laid on the table'	A Councillor who has not spoken for/against the motion	During the nomination of Chair, or the election of the Mayor/Deputy Mayor	Motion not further discussed or voted on until the Council resolves to take the question from the table at the same meeting.	Debate continues unaffected	No
<b>Take a motion from the table (resume debate on a matter)</b>	'That the motion in relation to xx be taken from the table'	Any Councillor	When no motion is on the table	Debate of the item resumes	Debate of the item remains paused	No

Motion	Form	Mover/ Second	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
<b>Alter the order of business</b>	'That the item listed at xx on the agenda be considered before/after the item listed as xy'	Any Councillor	(a) At a Meeting to elect the Mayor; or (b) During any debate	Alters the order of business for the meeting	Items are considered in the order as listed in the agenda	No
<b>Suspension of Standing Orders</b>	'That Standing Orders be suspended to ...' (reason must be provided)  Eg. To enable a longer discussion about xx  To enable a presentation from xx	Any Councillor		The rules of the meeting are temporarily suspended for the specific reason given in the motion  No debate or decision on any matter, other than a decision to resume Standing Orders, is permitted	The meeting continues unaffected	No
<b>Resumption of Standing Orders</b>	'That Standing Orders be resumed'	Any Councillor	When Standing Orders have not been suspended	The temporary suspension of the rules of the meeting is removed	The meeting cannot continue	No

Motion	Form	Mover/ Seconder	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
<b>Consideration of confidential matter(s) (Close the meeting to members of the public)</b>	That, in accordance with section 66(2)(a) of the Local Government Act 2020 the meeting be closed to members of the public for the consideration of item xx	Any Councillor	During the election of the Mayor/Deputy Mayor	The meeting is closed to members of the public	The meeting Continues to be open to the public	Yes
<b>Reopen the meeting</b>	That the meeting be reopened to members of the public	Any Councillor		The meeting is reopened to the public	The meeting remains closed to the public	No
<b>Meeting adjournment (subject to rule 47(c), 48(c) and (e), 52(a), and 66(g))</b>	That the meeting be adjourned until <Time> and/or <Date> and/or <Condition Precedent>.	Any Councillor (subject to rule 47(c), 48(c) and (e), 52(a), and 66(g))		Meeting is immediately closed and scheduled for the nominated date	Meeting continues	No

Motion	Form	Mover/ Seconder	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
Meeting closure	That the meeting be closed.	Any Councillor, subject to relevant Governance Rule		Closes the Council Meeting immediately without any further debate or discussion.	Meeting closes	No



## ATTACHMENT 2 – Election Period Policy

### Election Period Policy 2024

Version No:	2
Trim File No:	T2/2 [v6]
Approval Date:	TBC
Approved By:	Council
Department:	People & Governance
Service Plan Area:	Governance
Responsible Officer:	Governance Coordinator
Next Review Date:	August 2028
RelianSys Obligation No:	3358
Circulation	Council Website

#### DEFINITIONS

The Act	The <i>Local Government Act 2020</i>
Caretaker Period	Has same meaning as Election Period
Election Manager	Means the person appointed in writing by the VEC to conduct the election.
Election Period	The Election Period is defined in the Act and means the period that <ul style="list-style-type: none"> <li>a) starts at the time that nominations close on nomination day (12PM); and</li> <li>b) ends at 6.00 PM on election day.</li> </ul>
Electoral Material	means an advertisement, handbill, pamphlet or notice that contains <a href="#">electoral matter</a> , but does not include an advertisement in a newspaper that is only announcing the holding of a meeting;
Electoral Matter	Under Section 3(4) of the Act, <b>electoral matter</b> means matter, which is intended or likely to affect voting in an election, but does not include any electoral material produced by or on behalf of the election manager for the purposes of conducting an election.
Publications	Publications are defined as advertisements, pamphlets, handbills, press releases, notices, or similar and include electronic information and web based productions.

#### PURPOSE

The purpose of this policy is to ensure that the 2024 Indigo Shire Council elections are conducted in a manner that is fair and equitable, and is perceived as such by the public. It is intended to assure the community that Council will not use public resources in election campaigning or make major decisions that may bind the incoming Council, while continuing to function on behalf of the community.



### SCOPE

This policy applies to all Indigo Shire Council Councillors and staff.

### POLICY

The Act requires Council to include an Election Period Policy in its Governance Rules.

Under Section 69 of the Act, an election period policy must prohibit any Council decision during the Election period for a general election that:

- (a) relates to the appointment or remuneration of the Chief Executive Officer but not to the appointment or remuneration of an Acting Chief Executive Officer; or
- (b) commits the Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year; or
- (c) the Council considers could be reasonably deferred until the next Council is in place; or
- (d) the Council considers should not be made during an election period.

An Election Period Policy must also prohibit any Council decision during the election period for a general election or by-election that would enable the use of Council resources in a way that is intended to influence, or is likely to influence voting at the election.

If the Council considers that there are extraordinary circumstances where the municipality or the local community would be significantly disadvantaged by the Council not making a particular decision, the Chief Executive Officer may make an application to the Minister for a compliance exemption in accordance with section 177 of the Act.

Council will avoid making decisions that would affect voting at an election or decisions that may unreasonably bind an incoming Council and could be deferred until after the election.

Examples of inappropriate decisions include:

- Allocating community grants or other direct funding to community organisations;
- Major planning scheme amendments;
- Changes to strategic objectives and strategies identified in the Council Plan;
- Adopting policy;
- Setting advocacy positions.





Council will not print, publish or distribute (or cause to be printed, published or distributed) any electoral material (anything containing electoral matter) during an election period.

#### 6.1 Media, communications and marketing

Council communications are an important way to promote Council activities and services and will continue to be used during the election period for the delivery of normal Council services.

- It is important that all Councillors have access to the Council's communication resources to enable them to fulfil their elected roles. However, they must not be used in support of a candidate's election campaign.
- Council media, publicity and communications will be restricted to promoting normal Council activities and services and for informing residents about the conduct of the election.
- A Council employee must not make any public statement that could be construed as influencing the election.
- Council logos, letterheads, or other branding must not be used for, or linked in any way to a candidate's election campaign.

##### Council Media Releases

- The CEO, or nominated officer, will be the official spokesperson/s in any council media release.
- Media releases will not refer to specific Councillors during Election Period. Where a spokesperson is required, the Chief Executive Officer or delegate will determine the appropriate person.
- A Councillor or candidate may issue their own media release in their own name and using their own resources (i.e. not using council staff or resources).

#### 6.2 Publications

Council will not print, publish or distribute (or cause to be printed, published or distributed) any electoral material (anything containing electoral matter) during an election period.

##### 6.2.1 Council and Committee Agendas, Minutes and Reports

All Council, Delegated and Community Asset Committee meetings may be suspended at the discretion of the Council (Council or Delegated Committee meetings) or the Chief Executive Officer (Community Asset Committee meetings).

For any Council, Delegated and Community Asset Committee meeting that is convened during the caretaker period, the following decisions are prohibited:

- Prohibited Decision - as described in Section 69(2) and (3) of the Act;
- Significant Decision – an irrevocable decision which significantly affects the municipality; and
- Inappropriate Decision - which would affect the voting in an election.



Open Forum questions submitted to a Council meeting will be reviewed to ensure that they comply with the principles of *The Act* and this policy.

#### 6.2.2 Annual report

Council is required by the Act to produce an Annual report during the election period. Accordingly, the Annual Report 2023/24 will not contain any material that could be regarded as overt electioneering or that inappropriately promotes individual Councillors.

#### 6.2.3 Website

Material published on Council's website prior to the caretaker period will be reviewed and any electoral matter will be removed.

References to the election will only relate to the election process. References to Councillors will be restricted to titles, names, and contact details and will not include promotional text (i.e. profiles) or photographs.

#### 6.2.4 Social Media

Councillors will not be profiled on council social media during the caretaker period.

Prior to the election period:

- Council's social media will be reviewed to identify anything that might be construed as electoral matter. Such items will be removed prior to the Election period.
- A statement will be posted on all Council social media sites informing the general public that Council is now in the election period, that restrictions apply to published content, and that comments are disabled during this time (link to website provided).
- Staff responsible for administering individual social media sites will monitor their respective sites during the election period and use moderation features where available to ensure no electoral matter is posted. Any inappropriate posts will be removed as soon as practicable.

#### 6.3 Events and functions

Councillors must seek CEO approval to attend events and functions during the election period. No election material or active campaigning is to be conducted at Council sponsored functions or events.

Councillors may continue to make speeches at Council organised or sponsored events and functions during the election period subject to the prior approval by the CEO.

Any speech made by a councillor must not be printed or published.

#### 6.4 Council Resources

It is essential that due propriety is observed in the use of all Council resources. It is also important that all Councillors have access to the resources necessary to fulfil their elected roles. In order to ensure the proper use of Council resources during the election period the following will apply:

- Council resources, including offices, support staff, hospitality, vehicles, equipment, email,



mobile phones and stationery will be used exclusively for normal Council business and will not be used in connection with election campaigning.

- Council staff are required to exercise appropriate discretion in that regard. In any circumstances where the use of Council resources might be construed as being related to a candidate's election campaign, advice will be sought from the relevant Director or the CEO.
- Council staff must not be asked to undertake any tasks connected with a candidate's election campaign.
- Prior to the election period the Chief Executive Officer will ensure that all members of Council staff are advise in regard to the application of the caretaker procedures.
- Council resource usage may be monitored during the caretaker period.

#### 6.4.1 Councillor Expense Reimbursement

Reimbursement of Councillors' out-of-pocket expenses in the election period will only apply to costs that have been incurred in the performance of normal Council duties, and not for expenses that could be perceived as supporting or being connected with a candidate's election campaign.

### 6.5 Information

#### 6.5.1 Candidate Access to Information

All election candidates have rights to information from the Council administration, subject to the *Privacy and Data Protection Act 2014 (VIC)*. All requests for information, either from a sitting councillor or a candidate, must be directed to the CEO and will be recorded on an Information Request Register. Any advice to be provided to candidates as part of the conduct of the Council election must be provided equally to all candidates.

All election process-related enquiries from candidates, whether sitting Councillors or not, must be directed to the Victorian Electoral Commission (VEC) or the Election Manager.

#### 6.5.2 Councillors Accessing Information

Section 123 of the Act prescribes serious penalties for any councillor who inappropriately makes use of their position or information obtained in the role of councillor, to gain an advantage. Sitting Councillors will continue to receive information that is necessary to fulfil their elected roles.

Councillors shall not request or receive information or advice from Council staff to support election campaigns, and there shall be complete transparency in the provision of all information and advice during the election period.

#### 6.5.3 Public Consultation

Council will avoid public consultations during the Election Period and will not undertake public consultation on a contentious topic which is subject to election matter.

Where a public consultation is deemed necessary and approved by the Chief Executive Officer, the results of such consultation will not be reported to Council until after the



election.

Public consultation includes but is not limited to:

- (a) Community forums
- (b) Focus groups
- (c) Postal or electronic surveys
- (d) Web polls
- (e) Social media forums

This Rule does not apply to public consultation required under the Planning and Environment Act 1987.

#### RELATED POLICIES AND DIRECTIVES

- Councillor Code of Conduct
- Employee Code of Conduct & Ethical Behaviour Handbook
- Governance Rules

#### RELATED LEGISLATION AND OTHER DOCUMENTS

- The *Local Government Act 2020*
- The *Victorian Charter of Human Rights and Responsibilities Act 2006*

#### REVIEW

The policy should be reviewed at least every four years from date of adoption.

The policy will be reviewed in line with Council's Community Engagement Policy.

Trigger points that require an earlier review period of the policy or associated document/s include (but are not limited to):

- change in legislation which has a bearing on the document
- change in senior management
- change in Council's position on a particular subject area
- recommendation from a governance body (eg Audit and Risk Committee recommendation, Internal or External Audit Recommendation, integrity agency)



- quality assurance due to continuous improvement initiatives, and/or
- changes in Council's agreed service levels.

#### DISCLAIMER

While this policy is intended to guide Council staff and Councillors, it is not a substitute for legal advice. Individuals should seek their own independent advice if they are unsure about any aspect of the *Local Government Act, 2020* in relation to the election period.

#### COMMUNICATION

- Discussion at Staff Meeting or specific training session for all staff.
- Internal Council communication channels
- Email to Councillors
- Policy to be placed on the Indigo Shire Council Website

#### VERSION CONTROL

Date	Review Details	Action
22 March 2024	<ul style="list-style-type: none"> <li>• Added definitions</li> <li>• Removed CEO certification references</li> <li>• Removed caretaker statement requirements on Council/CAC reports for meetings</li> <li>• Add more content to public consultations section</li> <li>• Updated to current policy template</li> <li>• Formatting changes</li> </ul>	<p>Presented to EMT 8 April 2024 and 6 May 2024</p> <p>Presented to Council Meeting 25 June 2024</p>

# 14.2

## ADVISORY COMMITTEE MINUTES

1	Minutes - Indigo Environment Advisory Committee 05 June 2024 .....	909
2	Minutes - Indigrow Advisory Committee - 14 June 2024.....	913
3	Minutes - Indigo Community Access Committee - 01 July 2024 .....	920



## Indigo Environment Advisory Committee

### *Our Vision:*

*We will work with our communities to secure a healthy, sustainable and progressive future for all.*

**HELD:** Wednesday 5<sup>th</sup> June 2024 @ 5.45pm

**LOCATION:** Chiltern Community Hub, Chiltern

**CHAIR:** Cr Emmerick Teissl

**REQUIRED TO ATTEND:**

Ian Ellett	Director Infrastructure Services
Sam Niedra	Coordinator Environment & Sustainability
Maureen Rogers	Sustainability Projects Officer
Isla Fitridge	Climate Change & Environment Officer
Jason Perna (left the meeting for urgent personal reasons at 7.15pm)	Coordinator Waste

**PRESENT:** Cr Emmerick Teissl (Chair), Cr Roberta Horne, Phillipa Noble, Jan Milhinch, Tom Colcott, Pat Giltrap.  
Via zoom: Nicki Munro, Helen Robinson

**APOLOGIES** Tim Smith (Deputy Chair), Jane Roots, Rik Thwaites, Peter Anfruns

### ITEM

- WELCOME FROM CHAIR**  
Acknowledgement of Country provided by Cr Teissl.
- DECLARATION OF CONFLICT OF INTEREST - Nil**
- CONFIRMATION OF MINUTES FROM LAST MEETING**

### RESOLUTION

That the Committee confirm the minutes of the previous meeting held on 3<sup>rd</sup> April, 2024.

**Moved:** Phillipa Noble

**Seconded:** Pat Giltrap





#### 4. BUSINESS FROM LAST MEETING

*Review of the current Action Sheet:*

Items 1, 4 and 5: remove as completed.

- Item 2: Waste – deferred to August meeting – Jason P called away on family emergency@ 7.15pm
- Item 6: Conservation Covenants – Nicki M reported that covenanted properties were deemed to be less valuable which was reflected in lower rates. Suggested that Council consider using different wording.
- Item 7: Sustainable Procurement Working Group – IEAC members to be invited to attend specific WG meetings as required rather than taking a regular seat at the table. Pat G to be invited to attend the next meeting.
- Item 9: Open Space Policy – Grace Perry from Planning to be invited to the August meeting.
- Item 11: Roadside firewood – strong discussion. Sam N & Ian E indicated the need to be strategic about the timing of a re-presentation of the recommendation to Council given the upcoming Local Government election period.

#### 5. CORRESPONDENCE

IN:

- **Plant-based Treaty** - Question submitted to Council's Meeting, 23<sup>rd</sup> April 2024 – received from Anni Turnbull, Stanley resident. "Will Indigo Shire council consider and endorse the Plant Based Treaty?" Council referred the request to the IEAC for consideration.

OUT: Nil

#### 6. COUNCIL OFFICER UPDATE

*Taken as read:*

- Sam N reflected on the first anniversary of Council's Our Climate Action (Kausal) platform – launched on World Environment Day one year ago.
- Phillipa N questioned if Indigo Shire was thinking ahead and ensuring new subdivisions were satisfying community expectations for an integrated approach.
- Sam N: Indigo is a member of CASBE and is engaged in the development of an Environmentally Sustainable Development (ESD) Policy. Indigo is one of the few Councils that has a Sustainable Subdivision Framework (SSF) development, the Alma Road Beechworth development.

**ACTION: Grace Perry from Planning to be invited to address the August meeting to talk to Council's ESD Policy and Open Space Policy.**

#### 7. REVIEW IEAC WORKPLAN

Nil



## **8. OTHER BUSINESS / PRESENTATIONS**

### **8.1 Draft Climate Change Policy 2024**

General support for the draft Policy. Individuals to provide feedback either directly to E&S or as a submission through the public exhibition period. Insufficient IEAC members in attendance to make a formal recommendation.

### **8.2 Urban Tree Canopy Strategy presentation** (Meg Caffin – consultant)

Reported overwhelming support for council's investment in trees and strong concern that Indigo's trees are not valued enough.

Jan M asked whether the recommendations will include a Significant Tree Register – (Meg C - Yes)

Cr Horne asked whether the management plan cover developments on private land – (Meg C - A well developed strategy and management plan will go a long way toward enabling better dialogue and decisions that occur on both private and public land).

### **8.3 Open Space Policy Discussion Paper** – tabled by Jan M

Noted: it is already in the Council plan, and assigned to Planning.

Jan M questioned whether the IEAC wanted to engage with Planning on the matter.

Sam N has spoken with and had a response from Greg Pinkerton.

### **8.4 Plant Based Treaty** – deferred to next meeting.

## **9. NEW BUSINESS**

Jan M raised three issues to be considered by the IEAC.

9.1 Fallen tree Policy - how to deal with the loss of old trees – (e.g. through lightning strike).

9.2 The need for a community group involved in the management of urban trees.

9.3 For the IEAC to be involved in the further development of the Significant Tree Register.

How can the community be involved?

IEAC members present felt that these issues are likely to be addressed in the Urban Tree Canopy Strategy. Consideration should be held over until the Strategy has been completed.

## **MEETING REFLECTION / EVALUATION**

Maureen R – reviewing the action sheet should not be seen as an opportunity for open discussion. The aim is to keep the committee accountable for stated actions, and to provide a brief update. If an item requires further action, it needs to be put on the agenda for a future meeting.

**Meeting Concluded:**

**8.38 pm**

**Next Meeting:**

**7<sup>th</sup> August, 2024**

**Informal meeting of Councillors (required for meetings that are closed to the public and have at least one Councillor in attendance) - TRIM Reference**

**SUMMARY OF RESOLUTIONS**

Resolution	Moved	Seconded
That the Committee confirm the minutes of the previous meeting held on 3rd April, 2024.	Phillipa Noble	Patrick Giltrap

(Note: Confidential minutes are recorded in the same manner as above)

**SUMMARY OF ACTIONS**

Action	Responsibility	To be completed by (date)
Grace Perry from Planning to be invited to address the August meeting to talk to Council's ESD Policy and Open Space Policy.	Sam N	Before August meeting.



## Indigrow committee meeting

### *Mission Statement:*

*A diverse population and economy that is optimised to prosper for generations through economic, social and environmental wellbeing.*

<b>HELD:</b>	Minutes - Friday 14 June 2024 12.30 – 2.30 pm - Ordinary Quarterly Meeting
<b>LOCATION:</b>	Rutherglen Library - Upstairs, 153 High St, Rutherglen For those unable to attend in person, a Teams Meeting link was provided
<b>CHAIR:</b>	Cr Diane Shephard

<b>REQUIRED TO ATTEND:</b>	<b>Cr. Diane Shephard</b>	<b>Alastair Clay (late arrival)</b>
	<b>Cr. Roberta Horne</b>	<b>Mervyn Rea</b>
	<b>Cr. Sue Gold</b>	<b>Lisa Turner</b>
	<b>Rob Hawkings</b>	Narelle James
	Darren Carr	<b>Neil Funston</b>
	<b>Nerida Kerr</b>	<b>Steven Vandenberg</b>
	<b>Bev Hoffmann</b>	Sally Rice
		<b>Sally McDonald</b>

<b>APOLOGIES:</b>	Sally Rice, Sussanah Doyle (Guest) Absent: Narelle James Resigned: Darren Carr (written advice received 14/06/24)
<b>GUEST:</b>	Speaker - Michelle Cobb and Charlene Donovan – nbn Local Speaker - Chloe Powell – Tourism Product Development, Indigo Shire Council Speaker - Penelope McGufficke – Coordinator Creative Communities, Indigo Shire Council Guest - Jane Dowsley – President, Yackandandah Chamber of Commerce

- ITEM**
- 1. WELCOME FROM CHAIR**
- 2. DECLARATION OF CONFLICT OF INTEREST**



**3. APOLOGIES**

No conflicts of interest were declared

**4. CONFIRMATION OF MINUTES FROM LAST MEETING**

It was noted that minutes of the December 2023 meeting had been circulated prior to the meeting in addition to the minutes of the March 2024 meeting. Due to lack of a quorum at previous meetings, the minutes of both meetings were endorsed.

**Moved:** Cr. Diane Shephard

**Seconded:**

**RESOLUTION**

Sally McDonald explained that she had received an email from Darren Carr in the morning of 14/06/24, as notification of his resignation from the group. A letter to express Council's gratitude for his contribution, time and effort will be sent.

**Moved:** Sally McDonald

**Seconded:**

**5.**

**5.1 CONFIRMATION MINUTES DEC 2023**

As above in 4.0

**5.2 ELECTION – DEPUTY CHAIR**

No nominations for the position of Deputy Chair had been received prior to the meeting. Cr. Diane Shephard explained that it was desirable to have a business community member as deputy chair. She applauded the role Natalie Ajay had played in that capacity. There was a further call for nominations from the floor – none forthcoming.

Cr. Sue Gold had expressed her willingness to fill the role. Lisa Turner nominated her, which was seconded by Rob Hawkings and all were in favour.

**5.3 IEAC FEEDBACK**

Sally M explained that IEAC meetings are open to members of the general public with an online link provided on the Council website. She also explained that recruitment for IEAC was not for a limited period or by special EOI. An online application form is permanently available on Council's website for Expressions of Interest. Applications are assessed when received with successful candidates and recommended to Council for formal approval.

The issue of numbers for a quorum was raised given a quorum not been achieved at two previous meetings. It was suggested that this should be given consideration when the Terms of Reference are due for revision. It was also suggested that there were a number of vacancies at present and whether they could be filled in the near term. The Chair suggested this should be an **Action Item – to review the numbers for a quorum and recruitment options**. Cr. Shephard explained her concern that members of the community were attending meetings where no decisions could be made. It was also discussed that a lunch time meeting on a single weekday might limit the involvement and attendance of members and that mixing up the times might allow more people to be involved.



### **5.3 Member Insight – MERVYN REA, CHILTERN**

Mervyn Rea gave the group an insightful look into his childhood and upbringing in Northern Ireland and his career progression to become Head of Risk – Engineering for Zurich based in Singapore. He spoke of his father's work in law enforcement in the late 1960's when the "troubles" escalated in Belfast and Northern Ireland giving him a perspective on risk as a child in that era. He also explained he had purchased Mortimer's Lodge in Chiltern with a keen interest in its history and during Covid19 had researched the cottage's connection to former Prime Minister John McEwan and the McEwan family who had also emigrated from Northern Ireland.

## **6. PLANNING – INDUSTRY FEEDBACK AND CASE STUDIES**

A member spoke of the ongoing delay in his personal planning application which had been raised at the Yackandandah IndiGrow meeting in December for follow up which had not occurred. Cr. Shepherd suggested she would enquire. However, it was important to note that this forum was about bigger picture planning issues impacting the whole shire, business and economic development.

Other members mentioned that ISC Planning Dept was often publicly criticized and some suggestions were put forward:

- better promotion of procedures and processes
- KPIs and benchmarking
- ways to proactively communicate with applicants

A member spoke of the planning portal used by Rural City of Wangaratta which allowed applicants to log on to review progress. He also suggested that viewing large documents on site at an Indigo Library was outdated and suggested that Council look at new ways to make planning information available to the public. Sally M explained that a new platform, Greenlight, was being introduced to Planning and Building this year which should resolve many issues mentioned.

Cr. Shepherd suggested that Greg Pinkerton be asked to present a planning update to all quarterly meetings of IndiGrow. Nerida K suggested that the committee needed to have input to both statutory and strategic planning issues.

**MOTION: That Greg Pinkerton be asked to attend all IndiGrow meetings as speaker for the Planning Standing Item**

**MOVED Alastair Clay SECONDED Rob Hawkings**

Cr. Shepherd brought the current planning application for a large service station outside Rutherglen to the attention of members and explained there were numerous community concerns emerging.

### **6.2 SUSTAINABILITY – REVIEW IEAC MINUTES**

Cr. Shepherd called for feedback – none raised. She informed the group that IEAC was currently undergoing a skills review.

## **7. GENERAL BUSINESS**

### **7.1 NBN LOCAL UPDATE PRESENTED BY MICHELLE COBB AND CHARLENE DONOVAN**

Michelle thanked IndiGrow for the opportunity to present to the group. She acknowledged that



mobile issues had been reported from the Roam Rutherglen weekend with Telstra mobile overloaded. She explained that Fixed Fibre is ready to be rolled out in Rutherglen and that Fixed Wireless upgrades were also underway to provide more capacity and broader net. She hoped that many satellite customers could then move to wireless NBN and enjoy faster downloads. She also acknowledged that there are still locations where Starlink is the only or best option.

Members raised examples of business connectivity problems for Stanley and Upper Everton rural districts. It was explained that bank EFTPOS cannot be operated through StarLink and a member explained that, to operate his business, he was using three separate internet providers, and that many of his services were run from remote locations.

It was agreed that an Action Item would be to share the information about local upgrades with the business community via the newsletter, to share Michelle Cobb's details with IndiGrow members and that the group would monitor responses to the issues raised.

Michelle mentioned there was still some work outstanding to complete on the Indigo Digital Plan which was initiated by Justin Forrester. It would reference both connectivity issues and digital literacy. Sally M explained that work would be continued by the incoming ED Coordinator, Paige Campbell, and the Digital Plan would form part of the new ED strategy currently underway.

Nerida K reminded the group that AgBiz initiatives such as Community Business Connect and SUSU Click Region should form part of the local digital plan as not-for-profit service providers.

Alastair C voiced concerns over health impacts from radiation from towers. Charlene explained that he could raise that concern with the Minister, Michelle Rowlands, as NBN was a government owned enterprise under her control.

Michelle and Charlene were thanked for their contribution to the meeting and nbn Local community drop-in & morning tea held prior to the meeting.

## **7.2 CHLOE POWELL – TOURISM UPDATE**

Chloe introduced herself as Tourism Product Development Officer. She also introduced other members of the tourism team including VIC services and historic precinct / museum staff.

Chloe's presentation provided details of the 2024 PAVE report on visitation data for Indigo with numbers increasing, but not quite back to pre-Covid levels. Overnights stays have increased which creates a better yield.

She spoke about the key tourism projects and various grant funding applications that council had made in support of them including:

- Rutherglen Loops – well underway
- Rutherglen Silo Art Precinct
- Rutherglen Wine Experience
- Indigo Gold Trail 2.0 and partnership UNESCO bid
- Historic Precinct Masterplan
- Betchworth – Yackandandah Rail Trail – official opening soon

She explained that these projects are well disbursed throughout the shire and would have significant impact on visitor offerings and numbers.





Members queried the massive investment / return on bike trails and were keen to understand how visitor usage is measured with some areas in the shire not seeing a lot of activity. A member reminded the group that trails and tracks are of benefit to locals and visitors.

Chloe explained that counters were in place on EPIC showing 1000/month, and that counters would be installed on the Beechworth-Yack trail once officially opened, including the extension to Osbornes Flat. She said that Tourism North East had done the research on return on investment and it was convincing. Further enhancements are now being considered to improve the trails experience.

The Victorian Goldfields World Heritage project was explained. It is a collaboration of 16 LGAs making a collective UNESCO bid. The final project may/may not include Indigo sites once assessment is completed. 12 sites across Victoria will be chosen to represent Victorian Goldfields Heritage project.

(See Chloe's Tourism data report which is shared as an attachment with the minutes)

### **7.3 PENELOPE MCGUFFICKE – CREATIVE COMMUNITIES UPDATE**

Penelope shared a brief presentation with the group about Creative Indigo 2023 – 2027 Strategy - 2024 update.

She shared the strategy vision that "Indigo Shire is one of Victoria's critical creative hubs, where arts is embedded in the way we do things and used to improve people's lives". She explained that Creative Communities unit covers libraries, Reconciliation Action Plan, and the delivery of the Creative Indigo Strategy.

She pointed out some key projects:

- Kinder Kulture
- Creative Libraries – series of workshops
- Events Grants Program \$80K opening 1<sup>st</sup> July 2024
- NAIDOC week
- Tiny Art Show – on track to be bigger this year
- Public Mural Project

Cr. Shepherd acknowledged the importance of art in the community. Penelope pointed out that Indigo had the highest number of art practitioners per capita in the nation, so in a business sense, creativity is an important part of our prosperity.

### **7.2 OTHER COUNCIL UPDATES**

#### **Draft budget**

It was explained that the consultation period on Engage Indigo had now closed, but Cr. Diane Shepherd invited members to email her with any submissions or feedback.

#### **Chiltern Land Development**

Sally Rice had provided a written update that the RPPP (Regional Precincts & Partnerships Program) had been unsuccessful. Another submission through the Federal Government's Housing Support Package Stream 1 had been submitted for a slightly lesser amount. Any further queries could be directed to Sally Rice via email.

**Why Leave Town Project**

Sally Rice provided an update on a new “Buy Local” initiative aimed at reducing spending bleed to other localities, known as “Why Leave Town”. As a new initiative, it was presented to Executive Management and Councillors as part of the budget design and planning process. It was seen to have a lot of merit and would be considered if operating in a less constrained budget environment.

**Business Sentiment Survey**

It was suggested by the Chair that time did not allow for full discussion of this report and that it should be an item on the September agenda.

**Update Economic Development Strategy**

Work is proceeding to pull together content from various sources including workshops held late last year and through community consultation via Engage Indigo.

It is planned that a draft will come forward before the next IndiGrow meeting and members were advised that an additional workshop may be required for members to provide important feedback at draft stage.

**8. MEMBER INSIGHTS****8.1 Guest – Jane Dowsley**

Jane was given a very brief opportunity to introduce herself as new president, Yackandandah Chamber of Commerce. She explained that she would see being part of IndiGrow as an important opportunity for Yack Chamber.

**9. ACTION ITEMS:**

Items to be reviewed or carried over to the September 2024 IndiGrow agenda:

- Review the numbers for a quorum and recruitment options as part of a review of the ToRs
- Approach Greg Pinkerton in regard to regular planning presence at all quarterly meetings as per motion passed **DONE** – Greg P is happy to attend quarterly meetings when available for high level discussion of planning matters.
- Share the nbn Local update presentation and Michelle Cobb’s details with members, and include the upgrades in the business newsletter – **DONE** see attachments and July newsletter and Facebook post shared to Barnawartha Community page 27/06/24
- Share the Tourism data report (PAVE) presented by Chloe via the newsletter - **DONE** see July newsletter Business Update
- Business Sentiment Survey to be discussed in more detail at the September meeting – share reports with agenda prior to the meeting.
- Letter of Appreciation sent to Darren Carr – done via email
- Further recruitment to IndiGrow to be considered in light of recent resignations

**Economic Development Strategy**

Draft to be issued to IndiGrow once prepared. Appraisal and feedback may require members to attend a separate workshop meeting. This will be prior to public exhibition and feedback period.



**Meeting Concluded:** 2:40pm

**Next Meeting:** Friday 13 September 2024 – Chiltern

**Other Dates 2024:**  
Friday December 6 2024 - Yackandandah

**Informal meeting of Councillors** Nil  
(required for meetings that are closed to the public and have at least one Councillor in attendance) - TRIM Reference

#### SUMMARY OF RESOLUTIONS

Resolution	Moved	Seconded
Election of Cr. Sue Gold as Deputy Chair	Nominated Lisa Turner	Rob Hawkings
<b>MOTION:</b> That Greg Pinkerton be asked to attend all IndiGrow meetings as speaker for Planning Standing Item	Alastair Clay	Rob Hawkings

(Note: Confidential minutes are recorded in the same manner as above)



## Minutes - Indigo Community Access Committee meeting

### *Our Vision:*

*We will work with our communities to secure a healthy, sustainable and progressive future for all.*

**HELD:** Monday 01 July, 2024, at 1:00pm

**LOCATION:** Kergunyah Hall, Kergunyah

**CHAIR:** Cr Peter Croucher

<b>REQUIRED TO ATTEND:</b>	Cr Sophie Price	ISC Councillor
	Cr Peter Croucher	ISC Councillor
	Lanelle Bailey	Committee Member
	Zoe Gephart	Committee Member
	Lindsey Jarvis	Committee Member
	Peter Royle	Committee Member
	Jan Toner	Committee Member
	Judith Doughty	Committee Member
	Justin Forrester	Indigo Shire Council
	Mark DeCampo	Indigo Shire Council

**GUESTS:** Nathan Mullane Indigo Shire Council

**APOLOGIES:** Cr Sophie Price, Justin Forrester

**MEETING OPENED:** 1:00pm

### ITEM

#### 1. ACKNOWLEDGEMENT OF COUNTRY AND WELCOME FROM THE CHAIR

#### 2. DECLARATION OF CONFLICT OF INTEREST

None

#### 3. CONFIRMATION OF MINUTES FROM LAST MEETING

##### RESOLUTION

That the Committee confirm the minutes of the previous meeting on Monday, 20 May



2024

**Moved: Lindsay**

**Seconded: Lanelle**

#### 4. BUSINESS FROM LAST MEETING

Mark met with Nathan Capital Works Manager regarding the Shire Wide Assessment Tool.

There is a need to consolidate information and check relevance and format.

It is recognised as a helpful document that Council can use to inform prioritisation of works and guide our investment.

**Action: Kellie will consolidate and bring to future meeting**

Lanelle - Just to clarify that this not a council operational document, more a get all concerns together to inform.

#### 5. INFRASTRUCTURE UPDATE

Nathan: On the Infrastructure Assessment tool – Infrastructure Dept sees the benefit of this group. ICAC can focus the call to action. We are at a far better placed to consider access needs and over recent years have increased our immediate knowledge of accessibility and the accessibility needs of our community.

Cr Croucher - Great to see all of the new builds and support ICAC can assist with.

Peter – Able bodied people also benefit from all the benefits of accessibility.

Lindsay – Important that this committee be involved in project design phase.

Nathan – We need to exceed the AS and take into consideration community need.

#### **2024/25 Council Budget Adopted**

Budget 18.3 million for Capital Works (6.7 new money- 11.5 carried forward)

Public toilet renewal 240K Access upgrades

Chiltern Kindergarten playspace 200K (grant) Universal access design principles.

Chiltern Snr Citz and Rutherglen MCH 180K Universal Design to improve access

Chiltern Changing places and toilet facilities 62K

Conversation about MLAK (Master Lock Access Key)

Action: Kellie to update minutes and Council website re MLAK

27K street and park furniture

41K play equipment

165K footpath renewals (replacement and repairs) – update Nathan re the

Infrastructure too on this point. New footpath in Wahgunyah to trails. Harper Ave in

Beechworth to skate park link to town.

Tangambalanga street scape- design work. Kiewa River side- local Landcare are doing work to access the river and will do path connections and planting. Over Kiewa River south side, new foot bridge to be installed by Parks Vic.

50K Tiny Towns – shelter and BBQ, footpath improvement at Pumptrack . Wahgunyah facilities also. Prioritise getting around the facilities.



Yack – clubhouse upgrades 500K

Tourism North East Railtrail Enhancement package- 500K Good shed in Beechworth – social public space. Landscape, nature-based play, tables and shelter, lighting. Working closely to support this project.

Lindsay: Kiewa Men's Shed?

Mark: Pleased to advise we have come to an agreement with Men's Shed and Coulston Park COM to relocate to Coulston Park. Great long-term outcome. Near Lions Den. Temporary Shipping containers. Currently seeking funding and council will support them to be grant ready.

#### 6. KERGUNYAH HALL TOUR

Lindsay led the committee on a tour of the facilities at the Kergunyah Hall.

#### 7. ACCESS CONCERNS

None to report.

#### 8. OPEN ALL

Jen: recent visit to QLD. Requested to the manager access to 2 steps. They were prepared and had a portable, light weight grading ramp and it worked perfectly. Could be a win for our communications to businesses across the shire.

**Action: Jen to liaise with Kellie regarding ramp details with view to share solutions with the group at future meeting.**

Judith: Being a new committee member. As severe hearing loss, in new builds, hearing friendly considerations?

Nathan: Where we can we do consider needs for hard of hearing community. For example, new Chiltern Hub has designed soft surfaces and sound baffling.

Peter: Mobility scooters (Gofer) takes up nearly all the footpath. Are the widths on paths taken into account when designing pedestrian paths on bridges?

Nathan: Australian Standards are 1.5m. It is possible, that you would have to give way.

Kellie: Rutherglen Silo Precinct update

Seniors Festival and grant program (08 July) update [Indigo Seniors Festival 2024 | Indigo Shire Council](#)

IPad loan program [iPad Loan Program | Indigo Shire Council](#)

Community Grants Program opens 01 July [Community Grants | Engaged Indigo \(indigoshire.vic.gov.au\)](#)

**Action: Kellie to send through email with links to share about these projects.**

Lindsay: Special thank you to Robert and Themla for providing our lunch today and the help to hold the meeting here at Kergunyah Hall.

**Action: Kellie to prepare letter of appreciation for the Kergunyah Hall Committee.**

#### 9. CORRESPONDENCE

Outgoing: letter of appreciation for Jenny Birthisel was read and accepted.



**Meeting Concluded:** 1:56pm

**Next Meeting:** 12 August, 2024

**Location:** Yackandandah Indigo Shire Offices,  
Main Meeting room

#### **SUMMARY OF RESOLUTIONS**

<b>Resolution</b>	<b>Moved</b>	<b>Seconded</b>
That the Committee confirm the minutes of the previous meeting on Monday 20 May, 2024.	Lindsay	Lanelle



# 14.3

## INFORMAL MEETINGS OF COUNCILLORS RECORDS

1	Informal Meeting of Councillors Record - Planning Site Visit - Michelle Drive - Kiewa - 04 June 2024 .....	925
2	Informal Meeting of Councillors Record - Planning Site Visit - Reids Way - Wooragee - 04 June 2024.....	927
3	Informal Meeting of Councillors Record - Council Briefing - 04 June 2024 .....	929
4	Informal Meeting of Councillors Record - Council Briefing -18 June 2024 .....	932
5	Informal Meeting of Councillors Record - Finance Committee - 18 June 2024.....	935
6	Informal Meeting of Councillors Record - Planning Site Visit - Lilliput Norong Road - Lilliput - 18 June 2024 .....	937
7	Informal Meeting of Councillors Record - Planning Site Visit - 106 Cornishtown Road - Cornishtown - 18 June 2024 .....	939
8	Informal Meeting of Councillors Record - Planning Site Visit - 105 Fraser Road - Browns Plains - 18 June 2024.....	941
9	Informal Meeting of Councillors Record - Council Briefing - 25 June 2024 .....	943
10	Informal Meeting of Councillors Record - Planning Site Visit - Slaughterhouse Road - Rutherglen - 16 July 2024.....	946
11	Informal Meeting of Councillors Record - Planning Site Visit - 41-47 Foord Street - Wahgunyah - 16 July 2024 .....	948
12	Informal Meeting of Councillors Record - Planning Site Visit - Carlyle Cemetery -- 16 July 2024.....	950



### INFORMAL MEETING OF COUNCILLORS RECORD

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For additional information please refer to TRIM reference: INTERNAL20/7700

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**MEETING DETAILS:**

**Meeting** Site visit – 80 Michelle Drive, Kiewa (PP22-0293.1)  
\_\_\_\_\_  
\_\_\_\_\_

**Date:** 04 June 2024  
\_\_\_\_\_

**Time:** 12:00 pm  
\_\_\_\_\_

**Meeting Location:** As above  
\_\_\_\_\_

**IN ATTENDANCE:** (circle / delete as appropriate)

	Name	Title
Councillors:	B Gaffney	
	P Croucher	
	S Price	
	E Teissl	
	R Horne	
	J Price	



Officers:

Steven Hawkins

Planning Coordinator

**MATTER/S DISCUSSED/CONSIDERED AT THE MEETING:**  
(Note: Conflicts of Interest must be disclosed and the person leave the assembly before discussion of the conflict matter (Sections 126 – 131 of the *Local Government Act 2020*))

Planning application to be presented at a future Council Meeting.

**CONFLICT OF INTEREST DISCLOSURES:**  
**ITEM:**

Councillor	Time of departure	Time of re-entry
Officer	Time of departure	Time of re-entry

Record Author:

Steven Hawkins



## INFORMAL MEETING OF COUNCILLORS RECORD

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### MEETING DETAILS:

**Meeting** Site visit – Reids Way, Wooragee (PP23-0125)  
\_\_\_\_\_  
\_\_\_\_\_

**Date:** 04 June 2024  
\_\_\_\_\_

**Time:** 1:00 pm  
\_\_\_\_\_

**Meeting Location:** As above  
\_\_\_\_\_

**IN ATTENDANCE:** (circle / delete as appropriate)

	Name	Title
<b>Councillors:</b>	B Gaffney	
	P Croucher	
	S Price	
	E Teissl	
	R Horne	
	J Price	



**Officers:**

Steven Hawkins  
Joshua Bellette

Planning Coordinator  
Planning Officer

**MATTER/S DISCUSSED/CONSIDERED AT THE MEETING:**  
(Note: Conflicts of Interest must be disclosed and the person leave the assembly before discussion of the conflict matter (Sections 126 – 131 of the *Local Government Act 2020*))

Planning application to be presented at a future Council Meeting.

**CONFLICT OF INTEREST DISCLOSURES:**  
**ITEM:**

Councillor	Time of departure	Time of re-entry
Officer	Time of departure	Time of re-entry

Record Author: Steven Hawkins



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### MEETING DETAILS:

Meeting	Council Briefing
Date:	4/6/2024
Time:	4:00pm
Meeting Location:	Council Chambers, 2 Kurrajong Way, Beechworth

### IN ATTENDANCE: (circle/delete as appropriate)

<b>Councillors:</b>	Cr Sophie Price	Mayor
	Cr Peter Croucher	Councillor
	Cr Sue Gold	Councillor (by Zoom)
	Cr Roberta Horne	Councillor
	Cr Diane Shephard	Councillor (by Zoom)
<b>Officers:</b>	Trevor Ierino	Chief Executive Officer
	Ian Ellett	Director Infrastructure Services
	Sally Rice	Director Community & Economic Development



Carla Hanlon	Executive Manager People & Governance
Mel Watson	Acting Executive Manager Customer Experience & Engagement
Sam Niedra	Coordinator Environment & Sustainability
Annabel Harding	Governance Coordinator

**MATTER/S DISCUSSED/CONSIDERED AT THE MEETING:**

(Note: Conflicts of Interest must be disclosed and the person leave the assembly before discussion of the conflict matter (Sections 126 – 131 of the *Local Government Act 2020*))

4.	COUNCILLOR AND CEO TIME .....
4.1	Councillor and CEO Update .....
5.1	Presentation by Murray Arts .....
5.2	Draft Diversity, Equity and Inclusion Policy .....
5.3	2023/2024 Swimming Pools Season Report .....
5.4	Climate Change Policy Review .....
5.5	Governance Rules Review .....
6.	GENERAL BUSINESS .....
6.1	Councillor Committee Reports .....
6.2	Upcoming Schedules - Briefing and Council Meetings .....
6.3	Governance Calendar .....
6.4	Actions From Previous Meetings .....

**CONFLICT OF INTEREST DISCLOSURES:**

ITEM:

nil

Councillor	Time of departure	Time of re-entry





<b>Officer</b>	<b>Time of departure</b>	<b>Time of re-entry</b>

Record Author:

Annabel Harding

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## INFORMAL MEETING OF COUNCILLORS RECORD

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For additional information please refer to TRIM reference: INTERNAL20/7700

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### MEETING DETAILS:

Meeting	Council Briefing
Date:	18/6/2024
Time:	2:30pm
Meeting Location:	Council Chambers, 2 Kurrajong Way, Beechworth

### IN ATTENDANCE: (circle/delete as appropriate)

Councillors:	Cr Sophie Price	Mayor
	Cr Bernard Gaffney	Deputy Mayor
	Cr Peter Croucher	Councillor
	Cr Sue Gold	Councillor (by Zoom)
	Cr Roberta Horne	Councillor
	Cr Diane Shephard	Councillor
	Cr Emmerick Teissl	Councillor
Officers:	Trevor Ierino	Chief Executive Officer
	Ian Ellett	Director Infrastructure Services



Sally Rice	Director Community & Economic Development (by Zoom)
Carla Hanlon	Executive Manager People & Governance
Melinda Collis	Executive Manager Customer Experience & Engagement
Sam Niedra	Coordinator Environment & Sustainability
Annabel Harding	Governance Coordinator

**MATTER/S DISCUSSED/CONSIDERED AT THE MEETING:**

(Note: Conflicts of Interest must be disclosed and the person leave the assembly before discussion of the conflict matter (Sections 126 – 131 of the *Local Government Act 2020*))

- 
1. PRESENT.....**ERROR! BOOKMARK NOT DEFINED.**
  2. APOLOGIES.....**ERROR! BOOKMARK NOT DEFINED.**
  3. DECLARATION OF CONFLICT OF INTEREST .....**ERROR! BOOKMARK NOT DEFINED.**
  4. COUNCILLOR AND CEO TIME .....**ERROR! BOOKMARK NOT DEFINED.**
  - 4.1 Councillor and CEO Update ..... **Error! Bookmark not defined.**
  5. BRIEFING NOTES .....**ERROR! BOOKMARK NOT DEFINED.**
  - 5.1 May Capital Works Report..... **Error! Bookmark not defined.**
  - 5.2 Monthly Planning Update..... **Error! Bookmark not defined.**
  - 5.3 Presentation from the Public Sector Gender Equality Commissioner.. **Error! Bookmark not defined.**
  - 5.4 June Council Meeting Agenda Review ..... **Error! Bookmark not defined.**
  6. GENERAL BUSINESS .....**ERROR! BOOKMARK NOT DEFINED.**
  - 6.1 Councillor Committee Reports ..... **Error! Bookmark not defined.**
  - 6.2 Upcoming Schedules - Briefing and Council Meetings**Error! Bookmark not defined.**
  - 6.3 Actions From Previous Meetings ..... **Error! Bookmark not defined.**
-



## CONFLICT OF INTEREST DISCLOSURES:

ITEM:

nil

Councillor	Time of departure	Time of re-entry
Officer	Time of departure	Time of re-entry

Record Author:

Annabel Harding



## INFORMAL MEETING OF COUNCILLORS RECORD

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For additional information please refer to TRIM reference: INTERNAL22/5863

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### MEETING DETAILS:

Meeting	Finance Committee
Date:	
Time:	6:30pm
Meeting Location:	Beechworth Council Chamber

**IN ATTENDANCE:** (circle / delete as appropriate)

	Name	Title
<b>Councillors:</b>	Sophie Price	Mayor
	Bernard Gaffney	Deputy Mayor
	Peter Croucher	
	Roberta Horne	
	Emmerick Teissl	
	Sue Gold	
<b>Officers:</b>	Trevor Ierino	Chief Executive Officer
	Greg Pinkerton	Director Planning & Corporate Services
	Sharon Phillips	Acting Manager Finance
	Carolyn Lingham	Executive Assistant – Planning & Corporate Services

**MATTER/S DISCUSSED/CONSIDERED AT THE MEETING:**

(Note: Conflicts of Interest must be disclosed and the person leave the assembly before discussion of the conflict matter (Sections 126 – 131 of the *Local Government Act 2020*))

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Rehabilitation of Landfill Sites

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Valuations

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May Finance Report 2024/2025

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Consideration of 2024/2025 Budget Submissions

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Adoption of Indigo Shire Council 2024/2025 Budget

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**CONFLICT OF INTEREST DISCLOSURES:****ITEM:**

Councillor	Time of departure	Time of re-entry
Officer	Time of departure	Time of re-entry

Record Author: Greg Pinkerton



## INFORMAL MEETING OF COUNCILLORS RECORD

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For additional information please refer to TRIM reference: INTERNAL20/7700

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### MEETING DETAILS:

Meeting	Site Visit – Lilliput Norong Road Lilliput (PP22-0073)
Date:	18 June 2024
Time:	11:00am
Meeting Location:	As Above

IN ATTENDANCE: (circle / delete as appropriate)

	Name	Title
Councillors:	P Croucher	
	S Price	Mayor
	B Gaffney	Deputy Mayor
	E Teissl	
Officers:	Greg Pinkerton	Director Planning & Corporate Services
	Steven Hawkins	Coordinator Planning





**MATTER/S DISCUSSED/CONSIDERED AT THE MEETING:**  
(Note: Conflicts of Interest must be disclosed and the person leave the assembly before discussion of the conflict matter (Sections 126 – 131 of the *Local Government Act 2020*))

Planning application to be considered at the June Council meeting

**CONFLICT OF INTEREST DISCLOSURES:**  
**ITEM:**

Councillor	Time of departure	Time of re-entry
Officer	Time of departure	Time of re-entry

Record Author: Steven Hawkins



## INFORMAL MEETING OF COUNCILLORS RECORD

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### MEETING DETAILS:

Meeting	Site Visit – 106 Cornishtown Road Cornishtown (PP23-0205)
Date:	18 June 2024
Time:	11:45am
Meeting Location:	As Above

IN ATTENDANCE: (circle / delete as appropriate)

	Name	Title
Councillors:	P Croucher	
	S Price	Mayor
	B Gaffney	Deputy Mayor
	E Teissl	
	R Horne	
Officers:	Greg Pinkerton	Director Planning & Corporate Services
	Steven Hawkins	Coordinator Planning



**MATTER/S DISCUSSED/CONSIDERED AT THE MEETING:**  
(Note: Conflicts of Interest must be disclosed and the person leave the assembly before discussion of the conflict matter (Sections 126 – 131 of the *Local Government Act 2020*))

Planning application to be considered at the June Council meeting

**CONFLICT OF INTEREST DISCLOSURES:**  
**ITEM:**

Councillor	Time of departure	Time of re-entry
Officer	Time of departure	Time of re-entry

Record Author: Steven Hawkins



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### MEETING DETAILS:

Meeting	Site Visit – 105 Fraser Road Browns Plains (PP24-0012)
Date:	18 June 2024
Time:	12:15pm
Meeting Location:	As Above

IN ATTENDANCE: (circle / delete as appropriate)

	Name	Title
Councillors:	P Croucher	
	S Price	Mayor
	B Gaffney	Deputy Mayor
	E Teissl	
	R Horne	
Officers:	Greg Pinkerton	Director Planning & Corporate Services
	Steven Hawkins	Coordinator Planning



**MATTER/S DISCUSSED/CONSIDERED AT THE MEETING:**  
(Note: Conflicts of Interest must be disclosed and the person leave the assembly before discussion of the conflict matter (Sections 126 – 131 of the *Local Government Act 2020*))

Planning application to be considered at the June Council meeting

**CONFLICT OF INTEREST DISCLOSURES:**  
**ITEM:**

Councillor	Time of departure	Time of re-entry
Officer	Time of departure	Time of re-entry

Record Author: Steven Hawkins



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### MEETING DETAILS:

Meeting	Council Briefing
Date:	Tuesday 25 June 2024
Time:	4.00pm
Meeting Location:	Council Chambers, 2 Kurrajong Way, Beechworth

### IN ATTENDANCE: (circle/delete as appropriate)

<b>Councillors:</b>	Cr Sophie Price	Mayor
	Cr Bernard Gaffney	Deputy Mayor
	Cr Peter Croucher	Councillor
	Cr Sue Gold	Councillor
	Cr Roberta Horne	Councillor
	Cr Emmerick Teissl	Councillor
	Cr Diane Shephard	Councillor
<b>Officers:</b>	Trevor Ierino	Chief Executive Officer
	Ian Ellett	Director Infrastructure Services



Greg Pinkerton	Director Planning & Corporate Services
Sally Rice	Director Community & Economic Development
Mel Collis	Executive Manager Customer Experience and Engagement
Carla Hanlon	Executive Manager People & Governance
Sam Niedra	Coordinator Environment & Sustainability
Annabel Harding	Governance Coordinator

#### MATTER/S DISCUSSED/CONSIDERED AT THE MEETING:

(Note: Conflicts of Interest must be disclosed and the person leave the assembly before discussion of the conflict matter (Sections 126 – 131 of the *Local Government Act 2020*))

- 
1. Present
  2. Apologies
  3. declaration of conflict of interest
  4. Councillor and CEO Time
    - 4.1 Councillor and CEO Update - Information Only, No Time Allocated
  5. briefing notes
    - 5.1 June Council Meeting Agenda Review
  6. General Business
    - 6.1 Councillor Committee Reports
    - 6.2 Upcoming Schedules - Briefing and Council Meetings
    - 6.3 Actions From Previous Meetings
- 

#### CONFLICT OF INTEREST DISCLOSURES:

ITEM:

nil

Councillor	Time of departure	Time of re-entry
Officer	Time of departure	Time of re-entry





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Record Author: Annabel Harding – Governance Coordinator



## INFORMAL MEETING OF COUNCILLORS RECORD

At the commencement of an applicable meeting, Council staff are required to identify that this is an Informal Meeting of Councillors as defined in Council's Governance Rules, and call for any Conflicts of Interest (Sections 126 - 131 *Local Government Act 2020*).

For additional information please refer to TRIM reference: INTERNAL20/7700

### NOTE:

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### MEETING DETAILS:

Meeting	Site Visit – Slaughterhouse Road Rutherglen (PP23-0174)
Date:	16 July 2024
Time:	11:45am
Meeting Location:	As Above

IN ATTENDANCE: (circle / delete as appropriate)

	Name	Title
Councillors:	P Croucher	
	R Horne	
	S Price	Mayor
Officers:	Greg Pinkerton	Director Planning & Corporate Services
	Steven Hawkins	Coordinator Planning



**MATTER/S DISCUSSED/CONSIDERED AT THE MEETING:**  
(Note: Conflicts of Interest must be disclosed and the person leave the assembly before discussion of the conflict matter (Sections 126 – 131 of the *Local Government Act 2020*))

Planning application to be considered at the July Council meeting

**CONFLICT OF INTEREST DISCLOSURES:**  
**ITEM:**

Councillor	Time of departure	Time of re-entry
Officer	Time of departure	Time of re-entry

Record Author: Steven Hawkins



## INFORMAL MEETING OF COUNCILLORS RECORD

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For additional information please refer to TRIM reference: INTERNAL20/7700

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### MEETING DETAILS:

Meeting	Site Visit – 41-47 Foord St Wahgunyah (PP23-0002)
Date:	16 July 2024
Time:	11:15am
Meeting Location:	As Above

IN ATTENDANCE: (circle / delete as appropriate)

	Name	Title
Councillors:	P Croucher	
	R Horne	
	S Price	Mayor
Officers:	Greg Pinkerton	Director Planning & Corporate Services
	Steven Hawkins	Coordinator Planning



**MATTER/S DISCUSSED/CONSIDERED AT THE MEETING:**  
(Note: Conflicts of Interest must be disclosed and the person leave the assembly before discussion of the conflict matter (Sections 126 – 131 of the *Local Government Act 2020*))

Planning application to be considered at the July Council meeting

**CONFLICT OF INTEREST DISCLOSURES:**  
**ITEM:**

Councillor	Time of departure	Time of re-entry
Officer	Time of departure	Time of re-entry

Record Author: Steven Hawkins



### INFORMAL MEETING OF COUNCILLORS RECORD

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For additional information please refer to TRIM reference: INTERNAL20/7700

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**MEETING DETAILS:**

<b>Meeting</b>	Site Visit – Carlyle Cemetery (PP23-0225)
<b>Date:</b>	16 July 2024
<b>Time:</b>	10:45am
<b>Meeting Location:</b>	As Above

**IN ATTENDANCE:** (circle / delete as appropriate)

	Name	Title
<b>Councillors:</b>	P Croucher	
	R Horne	
	S Price	Mayor

<b>Officers:</b>	Steven Hawkins	Coordinator Planning
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**MATTER/S DISCUSSED/CONSIDERED AT THE MEETING:**

(Note: Conflicts of Interest must be disclosed and the person leave the assembly before discussion of the conflict matter (Sections 126 – 131 of the *Local Government Act 2020*))

Planning application to be considered at the July Council meeting

**CONFLICT OF INTEREST DISCLOSURES:****ITEM:**

Councillor	Time of departure	Time of re-entry
Officer	Time of departure	Time of re-entry

Record Author: Steven Hawkins



Consequences Likelihood Matrix

			CONSEQUENCE					
			INSIGNIFICANT (1)		MINOR (2)	MODERATE(3)	MAJOR (4)	CATASTROPHIC (5)
<b>Guidance</b> <ul style="list-style-type: none"><li>• Use this matrix for all risk management (this includes decision-making at all levels, projects and planning activities)</li><li>• For further guidance or assistance with your risk management activities, please contact Council's Risk &amp; Governance Team</li></ul> <p>When considering risks, here are some idea's to get your started:</p> <ul style="list-style-type: none"><li>• Financial losses</li><li>• Breaches of legislation/regulations</li><li>• Damage to the environment</li><li>• Reduction in service quality or loss of a service</li><li>• Damage to Council assets or private property</li><li>• Inefficiencies and/or wasted resources</li><li>• Litigation</li><li>• Loss of reputation / Community dissatisfaction</li><li>• Inability to attract/retain qualified staff/volunteer</li></ul>	<b>Strategy &amp; Service Delivery</b>	Negligible effect on business processes and service delivery.	Some less critical strategic objectives will not be achieved in the period outlined in the Organisation Plan.	Some key strategic objectives will not be achieved in the period outlined in the Organisation Plan.	The majority of strategic objectives will not be achieved in the period outlined in the Organisation Plan.	No Organisation Plan strategic objectives will be achieved. Very high risk of State Government intervention		
		Up to \$10k financial loss Or 1% of service expense budget	Between \$10K and \$150K Or 2.5% of service expense budget	Between \$150K up to \$500K Or 5% of service expense budget	Between \$500K and \$1M Or 10% of service expense budget	Greater than \$1M Or 25% of service expense budget		
		Some isolated staff/volunteer dissatisfaction	General staff/volunteer morale problems and increase in turnover.	Widespread staff/volunteer morale problems and high turnover including key organisation roles.	High turnover of experienced/key staff/volunteer; Organisation not perceived as employer of choice.	Key positions unable to be filled.		
		Short term reversible injury which requires no first aid.	Reversible injury or disability which requires first aid intervention.	Serious reversible injury or disability requiring ongoing medical treatment, hospitalisation or lost time.	Serious Injury or multiple irreversible disabilities.	Single fatality or multiple significant irreversible disabilities		
		<b>Reputation / Credibility</b>	No impact to reputation or brand name, e.g. customer complaint, resolved in day-to-day management.	Minor local community concern manageable through good public relations.	Moderate customer sensitivity and damage to brand impacting noticeably on business activities and profitability.	State media and public concern / exposure with adverse attention and long-term loss of support from Indigo Shire residents.	Loss of State Government support with scathing criticism and removal of the Organisation.	
		<b>Environment</b>	Negligible effect on biological or physical environment.	Minor short term environmental damage which does not result in long term impact to ecosystem.	Moderate impact on the environment; no long term or irreversible damage.	Severe, long term or widespread resulting in impairment of the ecosystem and requiring significant remedial action	Widespread and irreversible environmental damage	
		<b>Governance / Compliance</b>	Negligible regulatory breaches that are detected early and rectified, does not require reporting. Insignificant legal issues or non-compliance.	Minor regulatory or contract breaches with potential minor fines which does not require reporting to regulators.	Regulatory or contract breaches causing investigation / report to authority and prosecution and moderate fines.	Major regulatory or contract breaches and litigation.	Regulatory or contract breaches causing very serious litigation, including major class action.	

LIKELIHOOD	Timeframes & Corporate Memory				RISK RATING			
	Time frame	Has it happened at your organisation in the last 5 years?	Has it happened at other organisations in the last 5 years?					
ALMOST CERTAIN (5)	The event has occurred or is expected to occur multiple times per year	Regularly	Regularly or MULTIPLE times at other organisations	HIGH	HIGH	EXTREME	EXTREME	
LIKELY(4)	The event may probably occur once every year.	Several times	Once at MULTIPLE organisations	MEDIUM	HIGH	HIGH	EXTREME	
POSSIBLE(3)	The event may occur once every 3 years.	A few times	MULTIPLE times at ONE other organisation	LOW	MEDIUM	HIGH	EXTREME	
UNLIKELY(2)	The event may occur once in 10 years.	Once	ONCE at ONE other organisation	LOW	MEDIUM	HIGH	HIGH	
RARE(1)	The event may only occur once in 10 years or greater	Never	Never	LOW	LOW	MEDIUM	HIGH	