

Purpose:

We will provide leadership, good governance and engage with the community to grow the social, economic and environmental viability and sustainability of Indigo Shire.

HELD: Tuesday, 30 July 2019 at 6.30pm

LOCATION: Beechworth Council Chambers

ATTENDEES: NAME

TITLE

Cr Bernard Gaffney

Mayor

Cr Barb Murdoch

Deputy Mayor

Cr Larry Goldsworthy

Councillor

Cr Jenny O'Connor

Councillor

Cr Sophie Price

Councillor

Cr Diane Shephard

Councillor

Cr James Trenery

Councillor

Trevor Ierino

Chief Executive Officer

Kate Biglin

Acting Director Community & Economic Development

Greg Pinkerton

Director Planning & Corporate Services

Ian Ellett

Director Infrastructure Services

Alexandra Digby

Secretariat

Vision:

INDIGO: Heritage Shire - Bold Future.

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

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

TABLE OF CONTENTS

1. WELCOME	4
2. ACKNOWLEDGEMENT OF THE TRADITIONAL OWNERS OF THE LAND	4
3. APOLOGIES AND LEAVE OF ABSENCE	4
4. DECLARATION OF CONFLICT OF INTEREST	4
5. OPEN FORUM	4
6. CONDOLENCES.....	4
6A. RECOGNITION.....	5
7. CONFIRMATION OF MINUTES FROM PREVIOUS MEETING(S).....	5
8. BUSINESS ARISING FROM PREVIOUS MINUTES	6
9. DEPUTATIONS AND PETITIONS	8
10. PLANNING & CORPORATE SERVICES	9
10.1 Planning Permit Application PP-0158.1 (Billson's Beverages Pty Ltd)	9
10.2 Heritage Fund Loan Application - 161 High Street Rutherglen	22
10.3 Cue Springs Water Extraction Monthly Monitoring	25
10.4 Assembly of Councillors Records	27
11. COMMUNITY & ECONOMIC DEVELOPMENT.....	30
11.1 Beechworth Railway Precinct Land Management Plan	30
12. INFRASTRUCTURE SERVICES	36
12.1 Climate Change Policy.....	36
12.2 Environment Strategy	42
12.3 Municipal Fire Management Plan Review.	47
12.4 Renewable Energy Power Purchase Agreement	51
13. EXECUTIVE MANAGEMENT.....	60
13.1 Advisory Committee Minutes	60
14. NOTICES OF MOTION	64
14.1 Climate Emergency	64
15. COUNCILLORS REPORT	68
15.1 Mayor's Diary - June 2019	68

16. DECISIONS REGISTER.....	69
16.1 Decisions Register	69
17. GENERAL BUSINESS.....	76
18. CONFIDENTIAL.....	77
18.1 Contract No. 11/2848 - Regional Kerbside Collection Contract	77

DRAFT

1. WELCOME

Mayor Gaffney welcomed all to this meeting of Council and noted that this meeting will be live streamed and recorded, and the voices and images of those participating in the meeting, and in the gallery, may be captured as part of this recording.

2. ACKNOWLEDGEMENT OF THE TRADITIONAL OWNERS OF THE LAND

Mayor Gaffney acknowledged the original owners of the land on which the meeting was held and paid respects to their elders past and present and welcomed any descendants who may be there on behalf of all Councillors and those present.

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

3. APOLOGIES AND LEAVE OF ABSENCE

Nil

4. DECLARATION OF CONFLICT OF INTEREST

Nil

5. OPEN FORUM

Nil

6. CONDOLENCES

Cr Murdoch moved a condolence motion for Olive Nesbitt from Chiltern. Olive was with the Red Cross for sixty years. She was the Regional Representative in Melbourne for many years and the Regional Chairman and the Emergency Liaison Officer for 24 years. Olive was a wonderful person and the work that she did for the Red Cross was huge.

MOTION

That Council write a letter of condolence to Olive Nesbitt's family under seal.

Moved: Cr Murdoch

Seconded: Cr Price

CARRIED

6A. RECOGNITION

Cr Shephard congratulated Maree Terrill of Rutherglen who recently received an award in recognition for her 50 year contribution to Red Cross. Maree, the group's event manager, continues to bake for fundraising street stalls every three months and helped cater for the Blood Bank when it used to visit Rutherglen. During this period, she also donated blood herself more than 100 times. Maree is also a long term volunteer for SES, St Vincent de Paul, and Rutherglen show, just to name a few. At 87, Maree is still a valuable member and pillar of the community and we would like to thank and recognise her for her volunteering work over many years

MOTION

That Council write a letter of recognition to Maree Terrill under seal.

Moved: Cr Shephard

Seconded: Cr Goldsworthy

CARRIED

7. CONFIRMATION OF MINUTES FROM PREVIOUS MEETING(S)

RESOLUTION

That the Minutes of the Ordinary Council Meeting held on 25 June 2019, as published on Council's website, be confirmed.

Moved: Cr Price

Seconded: Cr Murdoch

CARRIED

8. BUSINESS ARISING FROM PREVIOUS MINUTES

8.1 RESPONSE TO QUESTION ON NOTICE TAKEN FROM THE JUNE COUNCIL MEETING – OPEN FORUM

The following correspondence is in response to Jonathan Riley's open forum question at the June Council Meeting, which was taken on notice.

From: Trevor Ierino
Sent: Thursday, 27 June 2019 5:33 PM
To: Jonathan Riley
Subject: Open Forum question to Council

Hi Jonathan

I write in response to your question to Council at its Ordinary Meeting of 25 June 2019 in Open Forum.

You asked whether a permit had been reissued for B-Doubles to use Havelock Street Barnawartha.

I can advise that a current permit is in place, issued by the National Heavy Vehicle Regulator which is current until May 2020.

I trust this addresses your question.

Regards

Trevor

Trevor Ierino
Chief Executive Officer
INDIGO SHIRE COUNCIL

8.2 RESPONSE TO QUESTION TAKEN ON NOTICE FROM JUNE COUNCIL MEETING – NORTH EAST CATCHMENT MANAGEMENT AUTHORITY DEPOT PURCHASE

North East Catchment Management Authority (NECMA) Depot Purchase

General Business item from the June Council Meeting:

Cr O'Connor requested an update on the NECMA land in Kiewa Tangambalanga to come back to Council. I have been approached by a member of the community asking for an update. Hopefully we will see access to the Kiewa River for the people of that community sometime in the near future.

Response from Greg Pinkerton, Director, Planning and Corporate Services.

In late 2017 Council became aware that the North East Catchment Management Authority (NECMA) Depot at Kiewa was surplus to requirements and was going to be offered for sale. Council then resolved to purchase this site and, due to the State Government process for disposal of excess land, currently has a first preference from NECMA to purchase this property.

This land will allow for community access to the Kiewa River, an objective that Council and the community has been pursuing for many years. At this stage, the focus has been on the purchase of the site and no planning has taken place to understand the specific details of how the site will be used in the future. This work will take place after the purchase has been completed and in conjunction with the community.

The time taken to progress this purchase is due to a number of factors that make this a challenging site.

1. Titles. This site did not have a modern Torrens title and this conversion needed to be completed. As part of this process it was discovered that the land survey information required an update. This survey added some time to the title conversion process.
2. Being an old depot site there are a number of due diligence processes that are required on the land and buildings. This is the final piece that is still underway and council has been working with NECMA to understand the current condition of the site. NECMA has provided the following summary of the status of this work;
 - As would be expected, the North East CMA has been undertaking due diligence to ensure that the site is safe for sale.
 - This process has identified the need to remove an old Chemical Store, and some surrounding soil.
 - The process has commenced, in partnership with the Indigo Shire, to identify suitable contractors who can undertake this work in a safe and appropriate way.

The removal of the old chemical store is supported by Council staff as this building was identified as having little value for the future community use of the site. Staff will work with NECMA to assist where possible and it is hoped that this rectification work will be completed soon.

The longer than expected process has been frustrating to all stakeholders, however this site is an important part of the future of the Kiewa/Tangambalanga community and making certain that everything is properly dealt with now will ensure that the site is able to fulfil the long-term requirements of the community. Some more work is required before the sale can take place, however it is progressing and both Council and NECMA remain committed to finalising this as soon as possible.

9. DEPUTATIONS AND PETITIONS

Nil reports

10. PLANNING & CORPORATE SERVICES

10.1 PLANNING PERMIT APPLICATION PP-0158.1 (BILLSON'S BEVERAGES PTY LTD)

File No: 2019/558

Ian Scholes - Manager Planning & Statutory
Services

Planning & Corporate Services

For Decision

RECOMMENDATION

That Council refuses application PP18-0158.1 and that Council issue a notice of decision to refuse to grant an amendment to a permit on the following grounds;

1. The proposal would adversely affect the residential amenity of the surrounding area in terms of noise, hours of operation, potential patron numbers, patron behaviour (including noise, access and egress), and car parking.
2. The proposal is inconsistent with principles of orderly and proper planning.
3. Existing noise sensitive residential uses will not be satisfactorily protected from unreasonable live music and entertainment noise associated with the proposed events.
4. The extension of the red line area would have an unreasonable impact on the amenity of the area.

RESOLUTION

That Council refuses application PP18-0158.1 and that Council issue a notice of decision to refuse to grant an amendment to a permit on the following grounds;

1. The proposal would adversely affect the residential amenity of the surrounding area in terms of noise, hours of operation, potential patron numbers, patron behaviour (including noise, access and egress), and car parking.
2. The proposal is inconsistent with principles of orderly and proper planning.
3. Existing noise sensitive residential uses will not be satisfactorily protected from unreasonable live music and entertainment noise associated with the proposed events.
4. The extension of the red line area would have an unreasonable impact on the amenity of the area.

Moved: Cr Goldsworthy

Seconded: Cr Shepherd

CARRIED

PURPOSE OF REPORT

The purpose of this report is to facilitate Councils consideration of an application to amend Planning Permit PP18-0158 under the relevant provisions of the Indigo Planning Scheme in accordance with the Planning and Environment Act 1987.

Council considered the original permit application for the use and development of land at 29 Last Street, Beechworth for the purposes of a brewery, distillery and food and drink premises at its 25th September 2018 Ordinary Meeting and resolved to approve the application subject to conditions.

An appeal against Council's decision was lodged at VCAT which was subsequently settled with the consent of the parties allowing Planning Permit PP18-0158 to issue on the 9th November 2018.

A copy of the current Planning Permit and the request to amend it are included in attachments 1 and 2.

The proposal to amend the permit includes

- extending the hours of operation of the business;
- allowing for the holding of 26 one off events (with extended trading hours) within a 12-month calendar period;
- extending the 'red line' area for the on-site consumption of liquor to an outdoor smoker's area between the breezeway of the main Brewery Building and Production Building, and;
- deferring completion of the on-street car park sealing and line-marking requirements in Last Street until October/November 2019.

Notice of the application was given to surrounding and nearby properties as well as objectors to the original permit application. At the date of writing 58 submissions to the application to amend the permit have been received. Of these, 17 are objections and 41 are submissions in support of the application. A full copy of submissions have been provided to Councillors for consideration when making a determination on this application.

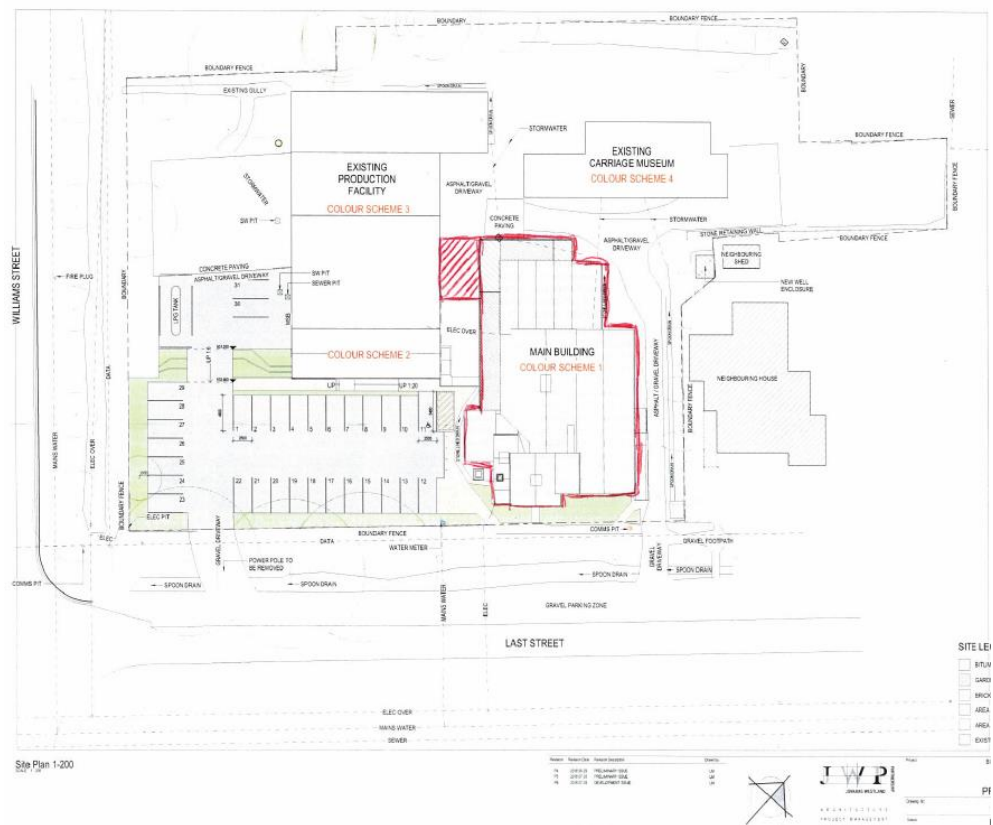
The applicant has been provided with the opportunity to address submissions and has considered modifying the application. In weighing up the likely course of events and associated timeframes, the applicant has requested Council make a determination based on the requested amendment as originally submitted (see correspondence at attachment 3).

Just as an application needs to be acceptable under all applicable provisions of the planning scheme for which a permit is required, all parts of an application must be found to be acceptable in order for it to be supported. That is, while some parts of an application may have merit, it is not possible to cannibalise it and only approve those parts of the proposal. If one part is found to be unacceptable, then the entire application must be refused.

The application is now presented to Council for decision with a recommendation that Council refuse the application on the grounds included in the recommendation at the beginning of this report and that Council issue a notice of decision to refuse to grant an amendment to a permit.

SUMMARY OF APPLICATION

Application Number	PP18-0158.1
Applicant/Owner	Billson's Beverages Pty Ltd
Subject Land	29 Last Street, Beechworth being Lot 2 on Plan of Subdivision PS403188H
Proposal	The application to amend the permit seeks to: <ul style="list-style-type: none">• Include an outdoor smoker's area within the 'red line' area for the consumption of alcohol as shown crosshatched in the plan extract below.



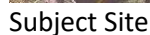
The application proposes this via an amendment to condition 2 of the permit to include the designated area.

It is noted that it would also be necessary to amend condition 1 and the Site Management Plan which also restrict the consumption of alcohol to designated areas within the building.

- Amend the hours of operation of the business by making changes to condition 6 of the permit. Note that this would also necessitate changes to condition 1 of the permit and the Site Management Plan.

Proposed changes to condition 6 are shown in red text in the extract from the application below:

	<p>Hours of Operation</p> <p>6. The approved uses may operate only between the following hours:</p> <p><i>Manufacturing/Production:</i></p> <ul style="list-style-type: none"> Monday to Friday, 8:00am to 5:00pm; Saturday, 8:00am to 4:00pm. <p><i>Retail Sales, Café, Museum/Gallery & Carriageway Museum:</i></p> <ul style="list-style-type: none"> Seven days, 9:00am to 5:00pm 7:30am to 5:30pm. <p><i>Barber:</i></p> <ul style="list-style-type: none"> Monday to Saturday, 9:30am to 5:00pm. <p><i>Whisky lounge:</i></p> <ul style="list-style-type: none"> Seven days, Noon to 5:00pm. Sunday to Thursday, Noon to 7:30pm; Friday and Saturday, Noon to 10:30pm. <p><i>One of Events:</i></p> <ul style="list-style-type: none"> Limited to 26 single day events within a 12-month calendar period; Located within the whisky lounge/downstairs area and café area; Seven days, Noon to 12 midnight. <p><i>Service of liquor:</i></p> <ul style="list-style-type: none"> Seven days, Noon to 5:00pm. Sunday to Thursday, Noon to 7:30pm; Friday and Saturday, Noon to 10:30pm; One-off events, Noon to 12 midnight. <ul style="list-style-type: none"> Defer the construction of on-street car parking until the end of September 2019 by amending condition 7 of the permit.
Site Context	<p>The subject land is located on the northern corner of Last Street and Williams Street and falls to the north/northwest. It contains a series of large and distinctive industrial heritage buildings of brick and stone with later additions and buildings being timber and iron clad. The site has traditionally been used for activities such as cordial manufacture and sales and bottling of spring water. The site is also used as a museum.</p> <p>More recently the site has been used in accordance with Planning Permit 18-058 which allows the operation of a brewery, distillery and food and drink premises (whisky lounge, retail sales and café).</p> <p>The lot extends behind several abutting dwellings, sits within a wholly residential context and is isolated from land in any other zone than the General Residential Zone.</p>



The cellar or basement level of the building accommodates the whisky cellar/lounge and museum/gallery. The barber shop and industry (brewery and distillery) is located to the rear of these spaces. The carriage museum is located in a building to the rear of the site.

Page 13

	<ul style="list-style-type: none"> • an increase in the floor area or site area of an existing use; or • an increase to an existing use by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use. <p>Under Clause 52.06-3 a permit is required to:</p> <ul style="list-style-type: none"> • Reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5. • Provide some or all of the car parking spaces required under Clause 52.06-5 on another site. <p>Clause 52.27 Licensed Premises provides that a permit is required to use land to sell or consume liquor if any of the following apply:</p> <ul style="list-style-type: none"> • The hours of trading allowed under a licence are to be extended. • The area that liquor is allowed to be consumed or supplied under a licence is to be increased.
Referrals:	There are no statutory referrals in relation to the application to amend the permit. Previous EPA conditions in relation to the industry continue to apply.
Internal Departmental Advice	Discussions are still ongoing between the applicant, Planning and the Infrastructure Services Division regarding the finalisation of on street car parking design.

COMMUNITY ENGAGEMENT

Notice of the application was given to surrounding and nearby properties as well as objectors to the original permit application. At the date of writing 58 submissions to the application to amend the permit have been received. Of these, 17 are clear and detailed objections and 41 are submissions in support of the application. A full copy of submissions have been provided to Councillors for consideration when making a determination on this application.

The applicant has been provided with the opportunity to address submissions and has considered modifying the application. In weighing up the likely course of events and associated timeframes, the applicant has requested Council make a determination based on the requested amendment as originally submitted (see correspondence at attachment 3).

Objections are quite detailed and a number show the perspective gained from the operation of the site over the last 6 months. Objections revolve around the impacts on the amenity of the area and raise issue with: noise; hours of operation; patron numbers; consumption of alcohol and antisocial behaviour, and; car parking.

While there is still a sentiment expressed in support of the reinvigoration of the site and its restoration, as also witnessed in the submissions in support of the current application, submissions from objectors qualify this on the need to ensure that impacts on the amenity of the area are acceptable.

DISCUSSION

Impacts on the amenity of the area were canvassed in relation to the original permit application considered by Council at its 25th September 2018 meeting where Council resolved to issue Planning Permit PP18-0158 subject to Conditions designed to ameliorate the offsite impacts of the proposal.

An appeal against Council's September 2018 decision was lodged with VCAT. Following discussions between the appellant and Billson's certain hours of operation were further reduced allowing a consent order to be issued by VCAT, directing that a Planning Permit issue.

The table below provides a summary comparison of hours of operation between Council's decision of the 25th September 2018, the permit as issued following the VCAT consent order and the current application.

The first column shows the hours as per Council's decision. The second column shows the differences between Council's decision and the VCAT consent order highlighted in blue. This represents the current permit requirements. The third column shows the changes proposed by the current application to amend the permit in red.

Council decision	Objector/VCAT consent PERMIT	Proposed Amendment
Manufacturing Production: Mon – Fri 7am – 5pm Sat 8am – 4pm	Manufacturing/Production: Mon – Fri 8am – 5pm; Sat 8am – 4pm	Manufacturing/Production: Mon – Fri 8am – 5pm; Sat 8am – 4pm
Retail, café, history cellar & carriage museum Seven days 9am – 5pm	Retail Sales, Café, Museum/Gallery & Carriage Museum: Seven days, 9:00am to 5:00pm.	Retail Sales, Café, Museum/Gallery & Carriage Museum: Seven days, 7:30am to 5:30pm.
Barber Mon – Fri 9:30am – 5pm Fri & Sat 9:30am – 8:30pm	Barber: Monday to Saturday, 9:30am to 5:00pm.	Barber: Monday to Saturday, 9:30am to 5:00pm.
Whisky Lounge Fri & Sat 12noon – 8:30pm Sun – Thur 12noon – 5pm	Whisky lounge: Seven days, Noon to 5:00pm.	Whisky Lounge: Fri & Sat 12noon – 10:30pm Sun – Thur 12noon – 7:30pm
Events Nil	Events: Nil	Events: 26/year Seven days 12noon – 12midnight
Service of liquor Fri & Sat 12noon – 8:30pm Sun – Thur 12noon – 5pm	Service of liquor: Seven days, Noon to 5:00pm.	Service of liquor Fri & Sat 12noon – 10:30pm Sun – Thur 12noon – 7:30pm Events 12noon – 12midnight

Council's decision regarding the original permit application was based on a reasonably thorough examination of the proposal having regard to its planning and environmental context and represented a balanced position that took into account the interrelationship between the uses and spaces on the site and how these could be managed to assist in reducing the amenity impacts of the proposal.

The current application goes well beyond this and seeks to extend trading in the whisky lounge well into the evening (7:30pm) with extended hours on Friday and Saturday (10:30pm) as well as allowing for 26 events running until midnight and operating across both the whisky lounge area and café area (basement level as well as ground floor). In this regard, it is noted that some of the ameliorative measures that contributed to the previous decision to allow later trading in the whisky lounge (up to 8:30pm Friday and Saturday) included the ability to restrict patrons to the basement level of the site with access after 5pm being internalised. The operation of the proposed events goes beyond this and

begins to lose some of the physical and management measures that may have made later operation of parts of the site acceptable.

The subject site is covered by the provisions of the Mixed Use Zone (MUZ). The MUZ is one of the suite of residential zones in the Victorian Planning Provisions. While application of the MUZ allows consideration of a range of uses, it is not particularly helpful in the exercise of that discretion as it lacks any specific decision guidelines for applications other than for industries or warehouses.

Other than requiring consideration under the broad decision guidelines of Clause 65, the MUZ does not provide any real guidance for consideration of the current application. Relevantly however Clause 65 provides that 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 Clause 65 which requires a consideration of:

- The matters set out in section 60 of the Act which include:
 - the relevant planning scheme; and
 - the objectives of planning in Victoria; and
 - all objections and other submissions which it has received and which have not been withdrawn; and
 - 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; and
 - any significant social effects and economic effects which the responsible authority considers the use or development may have. When considering this, the responsible authority must (where appropriate) have regard to the number of objectors in considering whether the use or development may have a significant social effect.
- The orderly planning of the area.
- The effect on the amenity of the area.

The term or concept of 'amenity' is widely used in the planning scheme and Victorian Planning Provisions, however it is not a defined term. It is impossible to firmly categorise the concept of amenity and the decision maker is called on to exercise a wide and fairly subjective discretion as to what it is and whether it is unreasonably impacted on by a proposal. In the editorial at 12 AATR some fundamental principles reinforcing the concept of 'amenity' are noted, including:

- Amenity is an elusive and subjective concept that goes further than the pleasantness of an area. It embraces all the features, benefits and advantages inherent in the environment in question.
- Amenity can be affected by psychological and social concerns as it can be by physical characteristics.
- Some aspects of amenity can be protected by the imposition of conditions on a planning permit.
- A change in amenity is not in itself a reason to refuse a proposal. Frequently instances arise where amenity benefits exist that are not sought to be preserved by the provisions of a planning scheme.

Legitimate expectations as to the level of amenity, or its protection, have been held to be different for residents on the border of a residential zone compared with residents in the midst of a residential area.

Despite the subject land having a Mixed Use Zoning, it must be acknowledged that this is still a residential zone and that the site is within the midst of a residential area. It must also be

acknowledged and it can be observed that it is a residential area that enjoys high levels of residential amenity after 5pm.

Impacts on the amenity of the locality are fundamental to the consideration of this application which seeks to allow the use to occur after 5pm. To allow the uses to occur after 5pm it would be necessary to form the opinion that amenity impacts are reasonable and that they can be managed by the 'agent of change' at an acceptable level. The 'agent of change' principle puts the onus on the applicant proposing a new use or development to mitigate external effects (to align with reasonable amenity expectations).

Determination of whether the proposal is acceptable depends on a consideration of the amenity impacts from noise; hours of operation, and; patron behaviour in relation to movements through the site, consumption of alcohol and antisocial behaviour, and; car parking.

NOISE

There are two main potential sources of noise associated with the site. One stems from and is associated with the existing use of the land for industrial purposes and some objections and recent correspondence relate to this. The other is related to the proposal to allow uses controlled by the existing permit to operate before 9am and after 5pm (the subject of this application to amend the permit).

Policy at Clause 13.05 seeks to ensure that development is not prejudiced and community amenity is not reduced by noise emissions. Policy introduces relevant State Environmental Protection Policies (SEPPs) such as SEPP No. N-2 (Control of Music Noise from Public Premises) to assist the control of noise effects on sensitive land uses.

Noise requirements based on this policy are often included in a venue's liquor licence by the Victorian Commission for Gambling and Liquor Regulation and/or the relevant planning permit.

The application states that no noise generating equipment or amplified music is proposed and the permit and Site Management Plan currently restrict this. Objections raise concern over the potential for portable devices to be introduced particularly in association with events and some objectors allege this already occurs. Despite current restrictions in the Site Management Plan regarding amplified music there is still the potential for live music entertainment to be offered. If the proposal is approved, this has the potential to be quite intrusive in this otherwise pure residential environment in the evening (i.e. after 5pm and particularly up to midnight).

Clause 53.06 of the planning scheme deals specifically with this and codifies the 'agent of change' principle. While recognising that live music is an important part of the State's culture and economy Clause 53.06 seeks to ensure that noise sensitive residential uses are satisfactorily protected from unreasonable levels of live music and entertainment noise.

Clause 53.06-3 provides that a food and drink premises that includes live music entertainment must be designed, constructed and managed to minimise noise emissions from the premises and provide acoustic attenuation measures that would protect a noise sensitive residential use within 50 metres of the venue.

Unlike the previous proposal, the current application seeks to use both the basement and ground floor levels of the site after 5pm for events that could run to midnight. While segregation of activity in limited numbers in the basement level may have been acceptable for longer hours (previously considered to 8:30pm Friday and Saturday) use of the ground floor level for extended periods does

not offer the same opportunities for sound attenuation (via either physical or management intervention).

Given the proposed hours of operation as well as potential issues for site and patron management associated with events across both the basement and ground floor levels, it is considered that the noise associated with the proposed events has the potential to unreasonably impact on the amenity of the area.

HOURS OF OPERATION

As mentioned above there is a temporal aspect to the levels of amenity experienced in the locality. While a certain level of commercial activity is approved and occurs before 5pm, after this time, the area reverts to a relatively pure residential environment.

Amenity impacts from patronage of the site after 5pm will manifest in association with car parking, access and patron behaviour above and beyond that which would normally be expected in a general residential area of this nature (separated from other commercial activity and trip generators).

The substantial increase in the proposed hours of operation increase the potential for unreasonable amenity impacts every night of the week (to 7:30pm generally and 10:30pm Fridays and Saturdays) and the proposal seeks to exacerbate this with the introduction of 26 events running to midnight (potentially any day of the week). It is considered that operating for the hours proposed will have unreasonable impacts on the amenity of the area.

PATRON NUMBERS

Patron numbers are currently restricted by the provisions of the Site Management Plan (Attachment 4) and conditions of the Planning Permit. The Site Management Plan limits the total patronage of the site to 95 at any given time and places a maximum patronage on the whisky lounge of 40 which is also reflected in Condition 7 of the Planning Permit.

The application to amend the permit points to these limitations as assisting in ameliorating the amenity impacts of the proposal and in general terms they would. Introduction of the proposed events in the manner proposed however, would allow a potential increase in patronage by operation of the ground floor level in addition to the basement level (potentially an additional 38 patrons).

Previous consideration of the operation of the whisky lounge after 5pm was closely aligned with limitations on patron numbers and the availability of car parking onsite as well as measures to manage patron behaviour (including access and egress to the limited area to be used). The current proposal for events goes beyond this and will have offsite amenity impacts on the locality up to and potentially after midnight. This is considered to be an unreasonable intrusion.

LIQUOR LICENCE

Clause 52.27 applies to premises licensed, or to be licensed, under the Liquor Control Reform Act 1998 and provides that a permit is required to use land to sell or consume liquor. The purpose of this is:

- To ensure that licensed premises are situated in appropriate locations.
- To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.

Before deciding on an application, in addition to the decision guidelines in Clause 65, the Council must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.

- The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.
- The impact of the hours of operation on the amenity of the surrounding area.
- The impact of the number of patrons on the amenity of the surrounding area.
- The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.

As mentioned above there is a relative policy vacuum in the Municipal Strategic Statement (MSS) for the application of the Mixed Use Zone to the subject land. Relevantly however, there are policies in relation to tourism development that applies to the development and/or use of tourism and recreation facilities, including visitor accommodation, wineries, art and craft centres, outdoor recreation facilities and the like.

The basis of the policy is that Clause 21.04.2-2 of the MSS recognises that tourism is significant in the economy of the Shire and that tourism and recreation facilities need to be compatible with surrounding land uses and the natural and built environments. The challenge is to achieve (and maintain) a delicate balance between tourism, the environment and protecting the amenity of existing residents.

The focus of policy (heritage, tourism and residential) as it applies to the subject site and this application, is on supporting a viable use of the site while protecting the amenity of the neighbourhood.

Council's previous decision was based on a multifaceted approach to managing the operation of the whisky lounge for an extended period (8:30pm) Fridays and Saturdays and this may still have merit. Likewise, a change in focus of the café (originally proposed as a secondary activity reliant on offsite catering) to a more traditional restaurant use (focus on food rather than liquor) may be acceptable.

While some extension of time to some uses onsite might be reasonable (provided the consumption of liquor can be internalised, noise can be managed, hours are restricted, numbers are capped and patron behaviour can be managed), the cumulative intensity of activity currently proposed (hours of operation, potential patron numbers, and increased licensed area) is considered unreasonable.

CAR PARKING

The Planning Permit as issued required the completion of all car parking (on and offsite) prior to the commencement of various uses. On the 27th November 2018 a staged approach to the provision of car parking was agreed to. This required the eastern section of onsite parking and the access to be constructed as a first stage, offsite parking (road upgrades) to be completed by the end of March 2019 and the balance of the onsite parking to be completed by the end of May 2019.

The unfinished section of onsite car parking is currently available for use and delaying its completion until October 2019 is considered reasonable under the circumstances. Likewise, discussions are still ongoing regarding finalisation of the detailed design for the upgrade of on-street parking. As a final design has not yet been settled, it has not been possible for the applicant to carry out road upgrades.

Regardless of the above, it is not possible to make a favourable determination on this aspect of the application if the other components of the application are found to be unreasonable. If the application to extend the hours of operation (including events) and licenced area is unacceptable, the application in its entirety must be refused.

There is generally some lag time between a Council decision and any associated appeal being heard at VCAT which essentially means that by the time a decision on delaying car parking construction is tested, it will have been constructed in accordance with the original request. Putting aside the fact that final designs of the on-street car parking have not yet been approved, forcing construction of the car park via enforcement action is potentially hamstrung by the same potential sequence of events.

RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
If Councillors resolve to approve the application subject to conditions, objectors may appeal the decision at VCAT.	Probable	Minor	Low	Council will be required to defend the decision at VCAT.
If Council resolve to refuse the application, the applicant may appeal the decision at VCAT.	Probable	Minor	Low	Council will be required to defend the decision at VCAT.

SOCIAL / CULTURAL IMPLICATIONS

The proposal will lead to an alteration of the perception of the place and the amenity of the area generally. Given the proposed hours of operation, there is an increased potential for adverse social impacts, particularly anti-social behaviour.

ENVIRONMENTAL IMPLICATIONS

The site is currently required to satisfy relevant environmental standards as established by the EPA. This includes standards in relation to noise and odour emissions. Further environmental impacts such as impacts on the amenity of the area have been commented on above and it is considered that the proposal will have an unacceptable impact on the environment.

LEGISLATIVE IMPLICATIONS

There are no legislative implications associated with this application.

CONCLUSION

As noted in relation to the original permit application, there are various amenity impacts on the area during the day associated with bottling, forklifts, truck and bus movements, car parking and patrons. After 5pm and an associated lag time for the “dust to settle”, the locality reverts to a relatively pure residential area.

Existing activities on the site are considered to be acceptable but this has been achieved because their management, scale and intensity are restricted to a point where the potential impacts on the amenity of the area are not unreasonable.

In this regard, while application of the MUZ provides an indication that this site is different, it must also be acknowledged that it is within the midst of a General Residential Zone within a neighbourhood with a high level of residential amenity particularly after 5pm.

Operation of the site after 5pm in the manner proposed is considered to be an unreasonable intrusion and will have unacceptable impacts on the amenity of the area in terms of noise, hours of

operation, potential patron numbers, patron behaviour (including noise, access and egress), and car parking.






Having regard to the above, the proposed hours of operation, noise and other likely off-site amenity impacts, and the objections received, it is therefore recommended that the application be refused on the grounds included in the recommendation at the beginning of this report and that Council issue a notice of decision to refuse to grant an amendment to a permit.

DECLARATION OF CONFLICT OF INTEREST

Under Section 80C of the Local Government Act 1989, the following Officers declare that they have no conflict of interests to disclose in providing this report:

- Greg Pinkerton – Director Planning & Corporate Services
- Ian Scholes – Manager Planning & Statutory Services
- Travis Basham – Team Leader Planning

Attachments

1.  Current Planning Permit
2.  Application to Amend PP18-0158
3.  Correspondence
4.  Site Management Plan
5.  Grounds for Refusal

10.2 HERITAGE FUND LOAN APPLICATION - 161 HIGH STREET RUTHERGLEN

File No: 2019/456

Ian Scholes - Manager Planning & Statutory
Services

Planning & Corporate Services

For Decision

RECOMMENDATION

That Council approves a Heritage Loan, for the amount of \$20,000 for the replacement of four front windows, two side windows and roofing at 161 High Street Rutherglen (former Rutherglen Courthouse). This loan will be over a period of three years at an interest rate of 1% in keeping with Council's Heritage Loan Policy.

RESOLUTION

That Council approves a Heritage Loan, for the amount of \$20,000 for the replacement of four front windows, two side windows and roofing at 161 High Street Rutherglen (former Rutherglen Courthouse). This loan will be over a period of three years at an interest rate of 1% in keeping with Council's Heritage Loan Policy.

Moved: Cr Shephard

Seconded: Cr Murdoch

CARRIED

PURPOSE OF REPORT

An application has been received to access funds from Council's Heritage Loan Fund. The report recommends the application be approved.

BACKGROUND

Indigo Shire Council has funds available for low interest loans to owners of heritage properties for capital works to conserve, preserve or enhance Indigo's heritage properties.

The loans are provided to assist owners in maintaining and enhancing properties. Maintenance of properties is achieved through repair works to building fabric and restoration of architectural features. The total amount of the fund which was originally transferred from the State Government was \$71,000. Of this, \$8,642.00 is currently on loan.

Under the general conditions of the Heritage Loan Scheme, for works exceeding \$20,000 a maximum of one third of the value of the works can be applied for, with a maximum loan to any one applicant of \$20,000.

Loan approvals requires the Planning Department, in consultation with the Heritage Advisor, to first review the application and if in agreement forward the application to Council for its approval.

DISCUSSION

The former Rutherglen Courthouse, now a dwelling, at 161 High Street Rutherglen retains most of its original features and form and is of historical significance.

The current owner wishes to replace deteriorating windows and roofing. \$65,972.00 is the total amount quoted to complete the works involved with the replacement of the 4 front and 2 side windows and roofing. The works are in accordance with Planning Permit PP18-0121 issued on 3 September 2018 and involves alterations to the existing dwelling including replacing the windows and roofing to the same detail and profile as the existing.

The applicant has quoted the cost of works as being \$65,972. As the maximum loan amount that can be granted is a third of this amount (not exceeding \$20,000), the loan amount considered appropriate therefore is \$20,000. This will leave approximately \$49,000 available for future loan applications.

Options

Not applicable.

STRATEGIC CONTEXT

COUNCIL PLAN 2017 – 2021	
Theme	2. Indigo's Places, Township & Infrastructure
Strategic Objective	2.4 Heritage and cultural assets are maintained and protected
Strategic Action	2.4.1 Implement the approved actions of the Heritage Strategy

The Heritage Strategy Action Plan provides support including the Heritage Loan Fund the purpose of which is to provide low-interest loans for conservation works to heritage places.

SOCIAL/COMMUNITY IMPLICATIONS

Indigo Shire's historic streetscapes is an important part of the community. Council's heritage loans help to facilitate the continued upkeep of these streetscapes.

ENVIRONMENTAL IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The \$71,000 that is available for heritage loans comes from an allocation from the state government and is therefore not a direct cost to Indigo Shire Council.

The approval of this loan would still allow adequate funds for anticipated future demand on the heritage loan fund.

LEGISLATIVE IMPLICATIONS

Nil.

RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
Applicant defaults on loan	Possible	Minor	Low	Heritage loans are managed through Council's usual finance systems. This includes debt collection processes if required.

COMMUNITY ENGAGEMENT

No community engagement has been performed, or is proposed, in relation to this application. The works at are in accordance with Planning Permit PP18-0121 issued on 3 September 2018

CONCLUSION

The Former Rutherglen Courthouse is an important element in High Street and contributes to the historic character of both the conservation area and Rutherglen generally. The proposed work satisfies good conservation measures and assisting with a loan from the Heritage Loan Fund is supported.

DECLARATION OF CONFLICT OF INTEREST

Under section 80C of the *Local Government Act 1989*, the following officers declare that they have no interests to disclose in providing this report:

- Greg Pinkerton – Director Planning and Corporate Services
- Ian Scholes – Manager Planning & Statutory Services
- Robin Thom – Executive & Planning Assistant

Attachments

Nil

10.3 CUE SPRINGS WATER EXTRACTION MONTHLY MONITORING

File No: 2019/559

Ian Scholes - Manager Planning & Statutory Services

Planning & Corporate Services

For Decision

RECOMMENDATION

That Council notes the Cue Springs Water Extraction facility monitoring report content, and the action undertaken where required.

RESOLUTION

That Council notes the Cue Springs Water Extraction facility monitoring report content, and the action undertaken where required.

Moved: Cr Shepherd

Seconded: Cr Price

CARRIED

PURPOSE OF REPORT

Council resolved at the March 2016 meeting that a monthly report on the operations and compliance to planning permit conditions of the Cue Springs Water Extraction facility be provided at each Council meeting.

BACKGROUND

The following table provides the latest update for the current year to date:

Cue Springs Water Extraction Monthly Compliance Report			
DATE	FACILITY STATUS	COMPLIANCE STATUS	COMMENTS/ ACTIONS
January 2019 February 2019	Operating	Compliant. No issues reported.	
March 2019	Operating	Compliant. No issues reported.	
April 2019	Operating	Compliant. No issues reported.	
May 2019	Operating	Compliant. No issues reported.	
June 2019	Operating	Compliant. No issues reported.	
July 2019	Operating	Compliant. No issues reported.	

CONCLUSION

Ongoing monitoring and reporting will continue.

DECLARATION OF CONFLICT OF INTEREST

Under section 80C of the *Local Government Act 1989*, the following officers declare that they have no interests to disclose in providing this report:

- Greg Pinkerton – Director Planning and Corporate Services
- Ian Scholes – Manager Planning & Statutory Services
- Robin Thom – Executive & Planning Assistant

Attachments

Nil

10.4 ASSEMBLY OF COUNCILLORS RECORDS

File No: 2019/505

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

For Decision

RECOMMENDATION

That Council accepts the attached Assembly of Councillors records.

RESOLUTION

That Council accepts the attached Assembly of Councillors records.

Moved: Cr O'Connor

Seconded: Cr Murdoch

CARRIED

PURPOSE OF REPORT

The purpose of this report is to present Assembly of Councillors records to Council for acceptance.

BACKGROUND

The *Local Government Act 1989* ('Act') defines an assembly of councillors as a meeting of an advisory committee of Council, if at least one Councillor is present, or 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.

An assembly of councillors does not include a meeting of the Council, a special committee of the Council, an audit committee established under section 139, a club, association, peak body, political party or other organisation.

DISCUSSION

As required by the Act, the attached Assembly of Councillors records are presented to Council for acceptance (summarised in the table below):-

MEETING	DATE
Council Briefing	4 June 2019
Council Briefing	11 June 2019
Indigo Environment Advisory Committee	12 June 2019
Indigo Economic Development and Tourism Advisory Committee	12 June 2019
Council Briefing	18 June 2019
Council Briefing	25 June 2019
Council Briefing	2 July 2019

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.

COUNCIL PLAN/STRATEGY/POLICY

Theme	5. Indigo's Civic Leadership & Governance
Strategic Objective	5.2 Council provide good governance and its business is open and transparent

An Assembly of Councillors record is a mechanism for Councillors and officers to openly declare and report any conflicts that may have arisen during a defined assembly of councillors. This demonstrates to Council and the community that the decision-making occurring in these meetings is conducted with transparency and good governance.

FINANCIAL IMPLICATIONS

There are no financial implications with this report.

LEGISLATIVE IMPLICATIONS

Section 80A (2) of the Act requires that a written record of an Assembly of Councillors to be reported as soon as practicable to an Ordinary Council meeting and incorporated in the minutes.

This reports details the Assembly of Councillors that have occurred since the last Council meeting, and is prepared in accordance with the requirements of section 80A.

RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
That a defined assembly of councillors is not reported to Council.	Likely	Insignificant	Medium	Regular reminders to officers about the requirement to report assemblies. Follow up of missing assemblies for known meetings.

CONCLUSION




The Assembly of Councillor records attached to this report are a true and accurate record of all assemblies reported since the last report to Council.

DECLARATION OF CONFLICT OF INTEREST

Under section 80C of the *Local Government Act 1989*, the following officers declare that they have no interests to disclose in providing this report.

- Greg Pinkerton - Director Corporate Services
- Annabel Harding - Governance Officer

Attachments

1.  Assembly of Councillors - Council Briefing - 4 June 2019
2.  Assembly of Councillors - Council Briefing - 11 June 2019
3.  Assembly of Councillors - Indigo Environment Advisory Committee - 12 June 2019

4.  Assembly of Councillors - Indigo Economic Development and Tourism Advisory Committee - 12 June 2019
5.  Assembly of Councillors - Council Briefing - 18 June 2019
6.  Assembly of Councillors - Council Briefing - 25 June 2019
7.  Assembly of Councillors - Council Briefing - 2 July 2019

11. COMMUNITY & ECONOMIC DEVELOPMENT

11.1 BEECHWORTH RAILWAY PRECINCT LAND MANAGEMENT PLAN

File No: 2019/461

Mark Florence - Director Community &
Economic Development

Community & Economic Development

For Decision

RECOMMENDATION

That Council adopts the Beechworth Railway Precinct Land Management Plan July 2019.

MOTION

To defer this motion until such time that discussions that are currently underway with DEWLP are finalised.

Moved: Cr O'Connor

Seconded: Cr Goldsworthy

CARRIED

PURPOSE OF REPORT

The purpose of this report is to present the final Beechworth Railway Precinct Land Management Plan following feedback received during the public exhibition period.

BACKGROUND

In March 2018, Council was successful in securing a Regional Jobs and Infrastructure Program (RJIP) grant to refurbish the Beechworth Goods Shed. Creating jobs and economic growth are the primary objectives of this Federal funding.

The refurbishment of the Goods Shed Building is currently underway. Running alongside the refurbishment is an investment attraction process to attract a suitable tenant into the building to activate the Goods Shed and the Railway Precinct.

To assist in the refurbishment of the Goods Shed, and to realise the potential of the Railway Precinct as a whole, a Land Management Plan has been developed to establish the vision and directions for the future management of the Beechworth Railway Precinct.

Council considered a draft plan of management in the March 2019 meeting and endorsed it for public exhibition.

DISCUSSION

Council received five written submissions during the public exhibition period. During this time, two listening posts were also held and were attended by 32 people, primarily residents of Beechworth. The submissions are summarised below.

Submission received from	Submission format	Feedback	Officer Comments and Actions
	Written	Not supportive of a coffee shop to be located in the Goods Shed.	This response is related to the refurbishment of the Beechworth Goods Shed which is subject to a separate process. The comments have been noted, but no changes have been made to the Plan.
	Written	Consider a water refilling station within the Railway Precinct Development. Consider the inclusion of solar panels to shade the parking area which could then generate power for the precinct.	Plan has been updated to include the provision of a water refilling station. Plan has been updated to include this consideration.
	Written	Beechworth already has enough food premises/café/wine bar businesses and so this should not be allowed in the precinct. Positive of the refurbishment of the goods shed and surrounding infrastructure but would like to see if used as a museum.	There are a number of allowable uses of the site outlined in the document, of which this type of business is only one. This comment refers primarily to the Beechworth Goods Shed which is subject to a separate process. This comment has been referred to the separate Goods Shed tenancy process.
	Written	Correction required to the date of the last train from Everton to Beechworth.	The Plan has been updated to reflect this error.
Beechworth Senior Citizens Croquet Club	Written	The Management Plan states that the 'Activity Zone' will be unfenced. The Croquet courts are fenced as measure of protection for the courts and the public. The existing fencing is aesthetically unappealing and there is a case for upgrading.	The Management Plan has been updated to reflect this comment. Noted. Referred to Infrastructure team for consideration.

Submission received from	Submission format	Feedback	Officer Comments and Actions
		<p>The Courts to continue to be used solely for the purposes of the Beechworth Senior Citizens Croquet Club.</p> <p>Include the Old Railway Shed building is used to store equipment and needs to be noted in its current location in the Plan. The shed requires some repair work including repainting.</p> <p>The Croquet Club expressed their interest in managing the Platelayers Cottage should it be refurbished. Any market or similar activities in and around the Goods Shed and Railway Precinct should not impinge on the activities of the Croquet Club.</p> <p>The Croquet Club expressed an interest in being involved in any tourism opportunities for the Railway precinct.</p>	<p>The Management Plan has been updated to reflect this comment.</p> <p>The Management plan has been updated to include the Shed and comments regarding painting have been noted and referred to Infrastructure Team for consideration.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p>
	Verbal Submissions captured at 3rd April drop in session (13 people in attendance)	<p>Update map to include existing parking area on other side of Goods Shed.</p> <p>Management Plan should include plans for more trees in the open space area.</p> <p>Clarify where the line between area A and area B is – perhaps include a buffer between area B, activity space and the residential land.</p> <p>Parking area needs to be big enough to accommodate multiple buses.</p> <p>Generally supportive of the activation of the site – reassured by the inclusion of the historical significance of the site in the plan.</p> <p>Consider recovering the turntable as</p>	<p>Map updated.</p> <p>Management Plan has been updated to reflect this comment.</p> <p>Noted and map updated to reflect this change.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p>

Submission received from	Submission format	Feedback	Officer Comments and Actions
		part of the Plan. More Trees planted in open space.	Management Plan has been updated to reflect this comment.
	Verbal Submissions captured at 5th April drop in session (19 people in attendance)	<p>Confirm the Croquet Club fencing will remain.</p> <p>Consider upgrades to existing parking area.</p> <p>Include the former library building and Senior Citizens Centre as part of the Plan and include those sites in the overall principles of the Plan.</p> <p>Include rubbish bins in the plan for the site.</p> <p>Against the use of the Goods Shed as a coffee shop.</p>	<p>Addressed in submission from Croquet Club</p> <p>Noted and referred to Infrastructure team for consideration.</p> <p>Management Plan has been updated to reflect this comment.</p> <p>Management Plan has been updated to reflect this comment.</p> <p>This comment has been referred to the separate Goods Shed tenancy process</p>

Options

Rezoning the land is not an available option as the land is publicly owned and there is no other appropriate zoning.

STRATEGIC CONTEXT

COUNCIL PLAN 2017 – 2021	
Theme	3. Indigo's Economy
Strategic Objective	3.2 Indigo Shire has a thriving tourism industry
Strategic Action	3.2.4 Progress development of the Beechworth Railway Station and Goods Shed precinct

Development of the Railway Precinct is also supported by the Economic Development and Tourism Strategies.

SOCIAL/COMMUNITY IMPLICATIONS

The Beechworth Railway Precinct is a site of high social and cultural significance for the Beechworth Community. The refurbishment of heritage buildings develops a sense of community pride and enhances the overall features of a township. Vibrant and active town centres are vital to increasing the liveability of townships, attracting investment and providing a positive experience for visitors and the community alike.

ENVIRONMENTAL IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

	Approved Budget \$	This Proposal \$	Variance to Approved Budget \$	Comments
Revenue	0	0	0	
Expense	\$1,500	\$1,500	0	Expenditure funded from current Economic Development budget
Net Result	(\$1,500)	(\$1,500)	0	

There are no financial implications associated with the development of the Plan. Projects outlined in the Plan will be subject to the Capital works program.

LEGISLATIVE IMPLICATIONS

There are no specific legislative implications in adopting the Land Management Plan.

RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
Community concern regarding heritage aspects of the precinct	Likely	Moderate	Medium	Land and buildings are subject to the Heritage Overlay. Heritage Advisor and Planning Department have been involved in the development of the Plan.

Feedback from the Community has been taken into consideration.

COMMUNITY ENGAGEMENT

CONSULTATION/COMMUNICATION UNDERTAKEN

Level of public participation	Promise to the public/stakeholders	Examples of techniques used/to use
Consult	We will consult with you for input into the Land Management Plan	Individual conversations with internal and external stakeholders regarding the draft plan.
Consult	We will consult with you for input into the Plan	Heritage Advisor and Planning Department have been involved in the development of the Plan.
Consult	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how input influenced the decision.	Documents on public display on website, in Council Libraries and Customer service centres. Particular stakeholder for whom the

		plan has significance will be consulted (i.e. Food Coop, EOI Applicants (Goods Shed Business Investment) Local businesses, Tourism North East etc.).
Consult	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how input influenced the decision.	All residents in the Beechworth locality received a notice advising that the draft Management Plan will be going to a Council meeting and advised of community consultation sessions.
Consult	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how input influenced the decision.	2 Community Feedback sessions were held onsite.

CONSULTATION/COMMUNICATION PROPOSED

Level of public participation	Promise to the public/stakeholders	Examples of techniques used/to use
Inform	We will keep you informed.	Final document on public display on Council website

CONCLUSION

Future increases in visitation including the extension of the Beechworth to Yackandandah Rail Trail and the Epic Trail development will further enhance the Beechworth Railway Precinct as a key tourism destination. The Plan of Management will provide guidance for future development to consider and protect the sites' community and historical value.

DECLARATION OF CONFLICT OF INTEREST

Under section 80C of the *Local Government Act 1989*, the following officers declare that they have no interests to disclose in providing this report.

- Mark Florence – Director Community & Economic Development
- Kate Biglin – Acting Director Community & Economic Development
- Karen Gardner – Economic Development Officer

Attachments

1.  Beechworth Railway Precinct Land Management Plan - July 2019

12. INFRASTRUCTURE SERVICES

12.1 CLIMATE CHANGE POLICY

File No: 2019/579

Ian Ellett - Director

Infrastructure Services

For Decision

RECOMMENDATION

That Council:

1. Notes the submissions received in relation to the draft Climate Change Policy and endorses the officer comments and recommendations;
2. Adopts the Climate Change Policy 2019 (version 2.3).

RESOLUTION

That Council:

1. Notes the submissions received in relation to the draft Climate Change Policy and endorses the officer comments and recommendations;
2. Adopts the Climate Change Policy 2019 (version 2.3).

Moved: Cr Shepherd

Seconded: Cr Goldsworthy

CARRIED

PURPOSE OF REPORT

The purpose of this report is to present the submissions received in response to the public exhibition of the Draft Climate Change Policy and to recommend the adoption of the updated policy.

BACKGROUND

At the May 2019 meeting, Council endorsed the draft Climate Change Policy 2019 for public exhibition for a period of one month. The exhibition period has now finished and 43 submissions were received.

DISCUSSION

Climate change action involves both mitigation and adaptation, the meaning of these terms used throughout this document are as follows:

Adaptation: Changes in natural or human systems to prepare for actual or expected changes in the climate in order to minimise harm, act on opportunities or cope with the consequences.

Mitigation: Refers to efforts to minimise the extent of climate change by reducing or preventing emission of greenhouse gases.

In simple terms, climate change adaptation and climate change mitigation are related, and both are important for local government. However, they serve different ends: climate change adaptation is about dealing with the problems created by climate change, and climate change mitigation is about doing what we can to avoid making the problem worse.

The original climate change policy (2016) had a focus on climate change adaptation and included enabling, non-prescriptive commitments. The 2019 policy has been broadened to include:

- Acknowledgement of the scientific basis and present reality of a changing climate, and recognition that Indigo Shire's services contribute to climate change.
- Highlighting the urgency of the issue of climate change, and the need to take decisive action to reduce greenhouse gas emissions
- Recognition that climate change will impact on not only council services, but the economy and liveability of our community.
- A commitment to supporting the community to abate emissions and adapt to climate change.
- Expansion of Policy details, noting we will achieve the intent of the Policy by a combination of specific mitigation and adaptation actions, as well as via advocacy and collaborating with partners.
- A commitment to embedding and resourcing stronger and more specific action across all council departments and business units to realise transformational change.

Public exhibition

In response to placing the draft policy on public exhibition, 43 submissions were received. The submissions, in full, are provided as an attachment to this report.

Overall, there is a strong theme for supporting the updated Climate Change Policy (2019) with a number of submissions also putting forward additional comments and/or recommended actions that support the implementation of the policy. There was also a small number of submissions not in support of the policy as well as a number providing general comments but not specifically supporting or opposing the policy. These are summarised briefly as follows:

	Number of submissions (43 total)
Submissions in support of the policy	10
Submissions in support of the policy with additional comments and/or recommendations	28
Submissions not in support of the policy	2
Submissions providing general comments	3

The submissions are summarised in a table attached to this report with officer comments and recommendations.

The submissions received were helpful in understanding the community view on climate change and the actions expected of Indigo Shire Council. The majority of submissions contained suggestions that related to the implementation of the policy rather than the policy position itself; which was overwhelmingly supported. Therefore, no changes are being recommended to the policy as a result of the submissions, however these inputs will be used to assist in the identification of projects and to guide future implementation actions.

The updated Climate Change Policy 2019 (version 2.3) is also provided as an attachment.

Options

Indigo Shire is not required to have a Climate Change Policy, however given the strong emphasis on this topic in the Council Plan as well as community aspirations, it is appropriate that Indigo Shire continues to have a Policy.

The submissions received make a number of recommendations in relation to the draft policy. Each of these creates options in relation to what level of detail or to what extent actions are contained in the policy or in relation to the direction of the policy itself. Officers have considered each of the submissions and recommendations have been provided in relation to any changes.

STRATEGIC CONTEXT

COUNCIL PLAN 2017 – 2021	
Theme	4. Indigo's Environment & Sustainability
Strategic Objective	4.1 We support the reduction of carbon emissions and climate change adaption and mitigation actions
Strategic Action	4.1.4 Implement the Council's Climate Change Adaption Plan covering Council operations

There is no specific Council Plan action to implement or review the Climate Change Policy, but it firmly contributes to strategic objective 4.1 – focusing on both adaptation and mitigation actions.

In addition, the ISC Environment Strategy (2009) identified the need to use resources more efficiently, reduce greenhouse gas emissions and adapt to a changing climate, and protect and enhance natural and municipal assets. These sentiments carry through to the draft Environment Strategy 2019.

SOCIAL/COMMUNITY IMPLICATIONS

Climate change has significant implications for our community, including health and wellbeing impacts, frequency and severity of emergency events and economic impacts due to changes to agriculture and tourism. Climate change also impacts many of Councils range of services to the community. Indigo Shire is well placed, in partnership with State agencies and community groups, to support the communities' climate change mitigation and adaptation efforts. Committing to strong action on climate change, including continual review and improvement, meets community expectations, evidenced by the prominent content of climate change related strategic objectives in the council plan and the strong community response following the exhibition of the draft policy.

ENVIRONMENTAL IMPLICATIONS

The significant implications on the environment are the focus of this report and provide the basis for the Policy which is recommended.

FINANCIAL IMPLICATIONS

The policy does not propose any specific initiative that involves a budget. It should be noted however that adequate planning for climate change adaptation now can reduce future financial implications for Council, which may be seen via increased insurance premiums, litigation from the community or businesses, the need to retrofit buildings to enable installation of solar panels, and response actions following emergency events. Accordingly, allocation of resources should be strategically provided to better place Council to undertake action on climate change, strengthen local resilience, and reduce long term exposure to additional operational cost burden. Mitigating climate change has a dual benefit of operational cost savings, via reduced energy bills and fuel savings. Often, capital

expenditure is required upfront to enable mitigation projects, but the return on investment over few-to-several years can be realised.

The Climate Change Policy 2019 aims for consideration of emissions reduction opportunities, as well as adaptation needs, in applicable decisions. The costs and benefits of doing so should be assessed in each case, considering the triple bottom line of financial, environmental and social benefits.

Financial implications of climate change also apply to the community. Agriculture and tourism are prominent in the Indigo Shire economy, and both of these sectors are particularly vulnerable to climate change. The World Economic Forum regularly registers climate change as the highly significant risk to our global economy.

LEGISLATIVE IMPLICATIONS

The Victorian *Climate Change Act 2017* sets state government targets (40% renewable by 2025, net zero by 2050). This Act provides a framework for optional emissions reductions pledges by Councils.

The exposure draft of Local Government Bill 2018 (section 8) indicated the new Victorian Local Government Act is likely to include climate change as an overarching governance principle:

The following are the overarching governance principles:

- (a) Council decisions are to be made and actions taken in accordance with the relevant law;*
- (b) priority is to be given to achieving the best outcomes for the municipal community, including future generations;*
- (c) the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;*

RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
Climate change impacts to community wellbeing; the economy, increased incidence of emergencies	Likely	Moderate	High	Council to play its part in reducing emissions; support our community to reduce emissions; advocate for stronger Federal government action on reducing emissions. Implement adaptation actions for the organisation and support the community to adapt.

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
Failure by Indigo Shire Council to adapt to climate change resulting in significant ongoing disruption to Council service delivery.	Possible	Moderate	Medium	Increased inclusion and focus on adaptation in the revised Climate Change Policy. Strong organisational commitment to implementing agreed actions from the climate change adaptation plan (CCAAP). Regular monitoring and reporting on CCAAP actions (included as a council plan action) Review and update of CCAAP.

Failure to adapt to climate change is the key risk that encompasses the plethora of more detailed risks identified during the development of the climate change adaptation action plan. The recent *Managing Climate Change Risk in Agriculture* conference highlighted the risks of litigation, economic transition risks and physical risks to council assets, public land and private property.

COMMUNITY ENGAGEMENT

CONSULTATION/COMMUNICATION UNDERTAKEN

Level of public participation	Promise to the public/stakeholders	Examples of techniques used/to use
Collaborate	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.	IEAC meeting Working group meetings and correspondence to develop revised policy. Draft policy placed on public exhibition for a period of one-month.

The draft policy was placed on public exhibition and 43 submissions were received. The consideration of and response to these submissions is the focus of this report.

CONSULTATION/COMMUNICATION PROPOSED

Level of public participation	Promise to the public/stakeholders	Examples of techniques used/to use
Inform	We will keep you informed.	Policy will be available on website Feedback to the IEAC

The existing Climate Change Policy (2016) is available on the Indigo Shire website, and will be replaced with the new Climate Change Policy 2019 once adopted. It is evident that the Indigo Shire

community is highly engaged with climate change, and supports action by Council to reduce emissions and support the community to adapt.

CONCLUSION

As an understanding of the significant, multi-sector impacts of climate change grow there is no scope for complacency. Climate Change is a compelling issue that needs a committed response.

Indigo Shire, and its communities in particular, have displayed leadership in some respects for acting on climate change. However, it is necessary to commit to action to strengthen the mitigation and adaptation actions through a stronger and more prescriptive policy that becomes embedded into all applicable council decisions.



Continual improvement also requires regular monitoring, evaluation and review of the policy, plans and delivery. An updated climate change response policy, supported by enhanced processes for embedding climate change considerations and adaptation actions into existing organisational processes, will assist Council in achieving more effective climate change mitigation and adaptation, and strengthens Indigo Shire's resilience into the future.

DECLARATION OF CONFLICT OF INTEREST

Under section 80C of the *Local Government Act 1989*, the following officers declare that they have no interests to disclose in providing this report:

- Ian Ellett, Director Infrastructure Services.
- Jill Croome, Coordinator Environment and Sustainability
- Cydoni Edwards, Coordinator Environment and Sustainability.

Attachments

1. Climate Change Policy 2019 Final
2.  Submissions summary with Officer comments
3.  Submissions in full - Climate Change Policy

12.2 ENVIRONMENT STRATEGY

File No: 2019/578

Ian Ellett - Director

Infrastructure Services

For Decision

RECOMMENDATION

That Council:

1. Notes the submissions received in relation to the draft Environment Strategy and endorses the officer comments and recommendations; and
2. Adopts the Environment Strategy 2019.

MOTION

That Council:

1. Notes the submissions received in relation to the draft Environment Strategy and endorses the officer comments and recommendations;
2. Adopts the Environment Strategy 2019; and
3. That goal one on page four should read, "Our Council will aspire to a net zero greenhouse gas emissions and our communities are resilient in the face of a changing climate and more extreme climatic events".

Moved: Cr Goldsworthy

Seconded: Cr Shepherd

CARRIED

PURPOSE OF REPORT

The purpose of this report is to present the submissions received in response to the public exhibition of the Draft Environment Strategy and to recommend the adoption of the updated strategy.

BACKGROUND

A new environment strategy has been developed, in consultation with the Indigo Environment Advisory Committee (IEAC), to provide direction and alignment across Indigo Shire on progressing environment and sustainability management.

The previous environmental strategy was developed in 2009, funded through the State Government's Sustainability Accord grant program. A complementary document, the Greenhouse Action Plan, was also developed in 2009 and aimed at addressing climate change. Although these two documents did not have a stated end date, it became apparent that they had become outdated given the rapidly changing field of environment and sustainability.

The new draft Strategy was endorsed to be placed on public exhibition for a period of one month at the May Council meeting. The exhibition period has now finished and 14 submissions were received.

DISCUSSION

The 2009 Environment Strategy was a local-government leading, ambitious document. The previous strategy contained myriad detailed actions that, over the course of the strategy's implementation, did not always remain appropriate, flexible and measurable. Additionally, the previous strategy was

not well integrated or used across the organisation. The new (2019) strategy reflects a deliberately different approach, via:

- A non-technical document – with the goal of being an accessible strategy that can be understood and referenced by staff, Councillors and the community.
- A focus on guiding principles and high level goals – that can be highly visible, frequently referenced and understood across the organisation. Alignment and understanding at this high level is achievable, compared with gaining understanding and agreement to a broad set of detailed, possibly technical, strategic actions and performance measures.
- The strategy does not contain a detailed action plan with performance indicators for the life of the strategy. Instead, the strategy is supported by a two-year action plan that presents a more flexible approach to changing priorities, opportunities and advancements in data and performance measurement capabilities in the organisation. Additionally, the short-medium term action plan can be more closely linked to other annual processes such as budgeting and appraisals, which ultimately results to greater achievement of the actions, which support the high level goals. The action plan is included as Attachment 2 of this report, and is not intended to be included as an appendix of the strategy, as it will be subject to annual update and modification.

Public exhibition

The draft Environment Strategy was placed on public exhibition alongside the draft Implementation and Action Plan for a period of one month. 13 submissions were received. The submissions, in full, are provided as an attachment to this report.

Overall, there is a strong theme for supporting the updated Environment Strategy 2019 with a number of submissions also putting forward additional comments and/or recommended actions that support the implementation of the Strategy. There was one submission not in support of the Strategy.

The submissions received were helpful in understanding the community view on environmental challenges as outlined by the five themes of the Strategy and the actions expected of Indigo Shire Council. The majority of submissions contained suggestions that related to the implementation of the Strategy rather than the Environment Strategy position itself; which was overwhelmingly supported. These inputs will be used to assist in the identification of projects and to guide future implementation plans.

Minor changes have been made to the Environment Strategy following the consultation process, the changes while not significant, provide clarity of information content and Council's role.

Changes can be summarised:

- Final edit review for publication purposes including consistency in language, correct terminology and reference to supporting documents referred to in the Strategy.
- Inclusion of Council's role in Biodiversity focus area for consistency with other areas.
- Broadening reference to include community in Strategies to achieve goals (Biodiversity focus area).
- Enhanced description of indicators in Biodiversity focus area.

The updated Environment Strategy 2019 is provided as an attachment.

Options

There is no legislative requirement for Council to have an Environmental Strategy. However, having a strategy enables improved performance, increased alignment and greater efficiencies when responding to environmental issues and queries. Having a Strategy also provides for improved opportunities for partnerships and access to aligned grant funding.

There are various options within the scope of the Strategy from the themes to the goals and the strategic measures. The submissions received in response to the public exhibition process have given a strong overall endorsement around the content of the Strategy and level of detail contained.

STRATEGIC CONTEXT

COUNCIL PLAN 2017 – 2021	
Theme	4. Indigo's Environment & Sustainability
Strategic Objective	4.4 Protect native habitat and biodiversity

There is no specific Council Plan action to develop or update the Strategy. However, adopting and implementing the new environment and sustainability strategy assists achievement of the following strategic objectives:

- 4.1 We support the reduction of carbon emissions and climate change adaptation and mitigation actions
- 4.2 We support reduction in community consumption of non-renewable resources
- 4.4. Protect native habitat and biodiversity

The environment strategy is listed as a supporting plan in section 4 of the council plan. The new environment strategy proposes an even stronger link between the strategy and council plan, with the strategy guiding actions in the next revision of the council plan.

SOCIAL/COMMUNITY IMPLICATIONS

Environment and health are increasingly being linked. This is reflected in the Municipal Health and Wellbeing plans which now require a direct discussion on climate change adaptation actions. Additionally, the State government's biodiversity strategy has personal connection with nature as a key pillar. The health benefits of living in a non-polluted environment, having exercise and relaxation opportunities in nature are well known. This strategy aims to improve the community's connection with the environment and provide further opportunities for the community to contribute to environmental management.

ENVIRONMENTAL IMPLICATIONS

Environmental implications are discussed in detail within the Strategy in terms of context, challenges and goals. The Strategy discusses five focus areas: climate change, biodiversity, waste, water and sustainable development.

FINANCIAL IMPLICATIONS

	Approved Budget \$	This Proposal \$	Variance to Approved Budget \$	Comments
Revenue	0	0	0	Nil
Expense	1,500	1,500	0	Graphic design and printing
Net Result	(1,500)	(1,500)	0	Nil

The Strategy is supported by an Implementation and Action Plan which contains actions to be delivered as part of normal business within the operating budget as well as other initiatives which will be subject to budget consideration in the future. Adoption of the Strategy does not have any direct financial implications.

LEGISLATIVE IMPLICATIONS

Nil

RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
Funding is not available to progress implementation of the strategy	possible	minor	medium	Alignment to the State Government's Biodiversity Strategy Commitment to TAKE2, the State Government's climate change pledge program Maintenance of collaboration and partnership arrangements
Priorities change in response to community concerns, State government policy or Council views.	possible	minor	medium	Format of strategy to be high level without extensive detail allows ongoing focus on the principles and goals, whereas the specific actions and different methodologies to achieve the goals is removed from the strategy and treated in an annual action plan. The action plan is reviewed annually.

COMMUNITY ENGAGEMENT

CONSULTATION/COMMUNICATION UNDERTAKEN

Level of public participation	Promise to the public/stakeholders	Examples of techniques used/to use
Collaborate	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	Focus groups, IEAC meetings, one-on-one interviews with various staff and Councillors. Draft policy placed on public exhibition for a period of one-month.

The IEAC was heavily involved in review and development of the strategy, through the official meetings, as well as working group meetings and out of session consultation. A broad range of staff and Councillors were interviewed during the strategy development, outlined in Appendix A of the strategy. The broader community have also had an opportunity to comment during the public exhibition period.

The draft policy was placed on public exhibition for a month and 13 submissions were received.

CONSULTATION/COMMUNICATION PROPOSED

Level of public participation	Promise to the public/stakeholders	Examples of techniques used/to use
Consult	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	Public exhibition/comment period for draft Strategy
Inform	We will keep you informed.	Website, Facebook, media release for adopted Strategy. IEAC updates on progress.

CONCLUSION




Finalising a new Environment Strategy will signify Council's commitment to work with the community and partner agencies to prioritise environment and sustainability, both within the Indigo Shire organisation, and for our communities and visitors.

DECLARATION OF CONFLICT OF INTEREST

Under section 80C of the *Local Government Act 1989*, the following officers declare that they have no interests to disclose in providing this report.

- Ian Ellett, Director Infrastructure Services.
- Cydoni Edwards, Coordinator Environment & Sustainability.

Attachments

1.  Environment Strategy 2019
2.  Submissions with Officer comments
3.  Submissions in full - Environment Strategy

12.3 MUNICIPAL FIRE MANAGEMENT PLAN REVIEW.

File No: 2019/581

Brett Direen - Manager of Municipal Operations Infrastructure Services

For Decision

RECOMMENDATION

That Council endorses the Municipal Fire Management Plan 2019-2022

MOTION

To defer the Municipal Fire Management Plan Review until Council is presented with further information at a future Council Briefing meeting.

Moved: Cr Price

Seconded: Cr Shepherd

CARRIED

PURPOSE OF REPORT

The Country Fire Authority Act 1958 (CFA Act) and Emergency Management Act 1986 (EM Act) require that a municipality is to have a Municipal Fire Management Plan (MFMP). This report presents an updated plan for Council's consideration.

BACKGROUND

Indigo Shire has a history of consistent and lengthy fire seasons due to its climate, topography and environment. The nature and lifestyle of Indigo Shire Communities create a range of risks associated with the occurrence of fire in the environment. This Municipal Fire Management Plan has been prepared by the joint efforts of emergency services and land managers to reduce the risk posed by fire to life and property throughout the Indigo Shire.

The bushfire danger period usually commences in November each year with seasonal fire restrictions being introduced around this time. Over the last 20 years, there have been three significant bushfires within the municipality.

Council first developed its plan in 2012 but while there have been a number of largely administrative updates, the plan has not been formally reviewed since its original adoption. In that time, there have been various changes to state legislation, policies and organisations and department names. These changes have been incorporated as part of the current MFMP review.

DISCUSSION

The Municipal Fire Management Planning Committee (MFMPC) has reviewed and amended the Municipal Fire Management Plan in accordance with s20 of the Emergency Management Act 1986. Major stakeholders involved in the review MFMP review included:

- Representatives from Indigo Shire,
- Victoria Police,
- Country Fire Authority (CFA),
- Parks Victoria,

- Department of Environment, Land, Water and Planning (DELWP)
- Hancock Victoria Plantations (HVP).

Consultation has also been conducted with Telstra, North East Water, SP Ausnet, the Victorian State Emergency Service (VICSES), Department of Economic Development, Jobs, Transport and Resources (DEDJTR) & Department of Education & Training (DET).

The MFMP was endorsed by the Municipal Emergency Management Planning Committee (MEMPC) through a formal motion by the MEMPC at their meeting on 20 March 2019.

The existence of this revised MFMP will for all purposes fulfil the responsibilities of section 55A of the CFA Act.

The Road Fire Management Strategy (endorsed by Council in November 2015) is included as an attachment (7) to the Municipal Fire Management Plan. Note that this strategy is currently being reviewed and will be presented to Council at a future meeting once completed.

Options

It is a legislative requirement that regional municipalities prepare, maintain and review their Municipal Fire Management Plans and no other alternative options for Fire Management are available.

STRATEGIC CONTEXT

COUNCIL PLAN 2017 – 2021	
Theme	4. Indigo's Environment & Sustainability
Strategic Objective	4.3 Our Emergency Management is effective

SOCIAL/COMMUNITY IMPLICATIONS

Community safety is essential and Council's preparedness for fire events is constantly evolving. The revised Municipal Fire Management Plan assesses a number of factors when establishing risk. Human life is paramount in this assessment and overrides the other factors when considering options for mitigation of the risk.

ENVIRONMENTAL IMPLICATIONS

Weather conditions and climate have a significant impact on fire management. The bushfire season, and its associated restrictions, is generally longer than that of other areas. Typically, the municipality experiences spring rains and mild conditions that promote growth followed by hot summers which lead to high fuel loads.

Climate change should be considered and is likely to exacerbate many of the known disaster risks and affect those already especially vulnerable to natural hazards.

Significant fires have capacity to severely impact or destroy key areas of the Shire's natural environment and habitat.

The Road Fire Management Strategy is currently being reviewed in conjunction with the new Roadside Conservation Management Plan to ensure that significant areas of vegetation and habitat are not impacted.

FINANCIAL IMPLICATIONS

Cost associated with the review of the Municipal Fire Management Plan have been absorbed into operational budgets in Emergency Services. There are no financial implications associated with the recommendation in this report.

Upon finalisation of the Road Fire Management Strategy, further costs may be identified and will be presented to Council for consideration in the future.

LEGISLATIVE IMPLICATIONS

The Country Fire Authority Act 1958 and Emergency Management Act 1986 require a municipality to have a Municipal Fire Management Plan. Adoption of this updated plan will ensure that Council remains compliant with this legislation.

RISK & OPPORTUNITY MANAGEMENT

Integrated fire management planning involves a risk management process to establish priority setting for fire management activities. This process is consistent with the international standard for Risk Management ISO 31000. Fire Risks have been assessed and identified using the Community Emergency Risk Assessment (CERA) process in the Emergency Management Plan

Using this risk management process, the Municipal Fire Management Planning Committee has been able to prepare a Bushfire and Structural Fire Risk Register with relevant risk ratings across the Indigo Shire. These are identified in detail in pages 17-18 of the MFMP.

A number of high and moderate risks have been identified and the fire management plan put in place strategies and actions to respond to those risks.

COMMUNITY ENGAGEMENT

CONSULTATION/COMMUNICATION UNDERTAKEN

Level of public participation	Promise to the public/stakeholders	Examples of techniques used/to use
Collaborate	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	The review of this plan has been conducted in consultation with Victoria Police, CFA, Parks Victoria, DELWP, Hancock Victoria Plantations, Telstra, North East Water, Ausnet Services VICSES, DEDJTR & DET.

CONSULTATION/COMMUNICATION PROPOSED

Consultation with the above organisations will continue as they are all participants in the Municipal Emergency Management planning process.

Consultation shall also include the community so we ensure:

- Active participation of the community, the sector and government, working together in fire management planning to reduce the destructive impact of fire on communities and the environment
- Communities that are resilient to fire
- Greater understanding of the fire sector within the community
- Healthy natural, social and built economic environments.

CONCLUSION


The endorsement of the revised Municipal Fire Management Plan will provide Council and its partner agencies a clear direction in fire preparation and planning if fire occurs within Indigo Shire Council.

DECLARATION OF CONFLICT OF INTEREST

Under section 80C of the *Local Government Act 1989*, 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
- Chris Rule – Emergency Management Coordinator
- Jill Croome – Coordinator Environment & Sustainability
- Nicholas McDonald – Fire Prevention Officer

Attachments

1.  Municipal Fire Management Plan 2019-2022

12.4 RENEWABLE ENERGY POWER PURCHASE AGREEMENT

File No: 2019/590

Ian Ellett - Director

Infrastructure Services

For Decision

RECOMMENDATION

That Council:

1. Commits to participate in the tender process for the collaborative Victorian Government Power Purchase Agreement project for the purchase of renewable energy;
2. Confirms its commitment to procure 100% of its electricity needs (i.e. unmetered Streetlighting, Large Market and Small Market sites) under this contract;
3. Notes that the decision to enter into a contract will be made by a tender evaluation panel, but only where the final contract offer is assessed to cost no more than the "business as usual" purchase of 100% renewables over the contract term, and where the offer is considered to be a favourable outcome for the participating Councils; and
4. Delegates the authority to the Chief Executive Officer to finalise and execute the retail supply agreement contract(s) on behalf of Indigo Shire Council.

RESOLUTION

That Council:

1. Commits to participate in the tender process for the collaborative Victorian Government Power Purchase Agreement project for the purchase of renewable energy;
2. Confirms its commitment to procure 100% of its electricity needs (i.e. unmetered Streetlighting, Large Market and Small Market sites) under this contract;
3. Notes that the decision to enter into a contract will be made by a tender evaluation panel, but only where the final contract offer is assessed to cost no more than the "business as usual" purchase of 100% renewables over the contract term, and where the offer is considered to be a favourable outcome for the participating Councils; and
4. Delegates the authority to the Chief Executive Officer to finalise and execute the retail supply agreement contract(s) on behalf of Indigo Shire Council.

Moved: Cr Shepherd

Seconded: Cr Price

CARRIED

PURPOSE OF REPORT

The purpose of this report is to present details of the Local Government Renewable Energy Power Purchase Agreement (LG PPA) project and to seek a commitment on Council's participation in the project and the portion of its total electricity needs to be purchased from the renewable energy market.

BACKGROUND

While Power Purchase Agreements (PPA) can take on many forms, in their most basic form a PPA is simply an agreement for the sale and supply of energy to a customer. Indigo Shire Council is collaborating with more than 40 other Victorian Councils (Buyers Group) in the Local Government Power Purchase Agreement (LG PPA) project. The project was initiated via the Victorian Greenhouse Alliances - Local Government Electricity Contract Working Group. The Working Group was

established in November 2017 to help Victorian Councils save money and reduce greenhouse gas emissions through their electricity contracting.

One of the key opportunities identified by this group was the development of a Power Purchase Agreement. This could enable Councils to procure low-cost electricity from renewable energy sources typically over a seven to ten year period.

The intent of the collaborative project is to explore the industry interest and financial viability of this new customer-led method to electricity procurement from renewable energy sources. The approach the LG PPA project has chosen is to purchase energy and the renewable energy certificates from a facility (e.g. solar or wind farm) via an electricity retailer. By having an intermediary (the retailer) between the energy facility and the customer, Councils can be protected from risks associated with the generation project (e.g. project delay, supply volume and reliability) or the energy market (e.g. wholesale markets volatility).

Over the past two years, a number of commercial PPA deals have been struck as clients recognise how PPA's can deliver stronger outcomes against many traditional two/three year fixed price agreements. Most relevant to the LG PPA project is the Melbourne Renewable Energy Project (MREP) consisting of a Buyers Groups of 14 members, led by the City of Melbourne and including four Councils, and South Sydney Region of Councils (SSROC), which included a Buyer Group of 18 NSW Councils. Other commercial PPA's have been brokered by entities such as the Victorian Government, Telstra, the Universities of Queensland, NSW and Newcastle, the Commonwealth Bank and Westpac, and Sydney Airport and BlueScope, just to name a few.

During the LG PPA project inception each Council committed a minimum of 20% of their electricity load to the first stage of the project – development of a business case. This load could be derived from large, small or unmetered street lighting accounts. Expert energy market consultants, Energetics were appointed to assess the PPA market options, appetite and risk for the Buyer Group. (Energetics were also engaged in the Melbourne Renewable Energy Project (MREP) with learnings being transferred to the LG PPA).

In May 2019, the Buyers Group completed an independent and objective business case analysing the costs and benefits, and risks of entering into a long term PPA to meet their long term electricity needs. The Business Case Executive Summary is included as an attachment to this report.

The work completed by *Energetics* outlined the following key recommendations:

- future stages of the project would require the Buyers Group to commit to a medium to long term (seven to ten years) electricity contract;
- in light of a volatile electricity market, tender participation would require up front commitment to both nominating particular energy loads, as well as pre-authorisation for delegated authorities to sign retail contracts - this is consistent with current non-PPA electricity tendering practices;
- to maximise market competition, accept PPA offers that come from both new and existing facilities, and not to preference technology type (e.g. wind or solar);
- establish an upfront price assessment that considers the cost of offers received from the PPA tender process to a "business as usual" equivalent for renewable power; and
- be flexible to a variety of pricing model offers, except those that expose the customer to the electricity wholesale spot market. This will enable a balance of price certainty, lowest price while managing the group's risk exposure over the contract term.

The business case highlights that there is significant opportunity to procure Councils' electricity supplies under this model as well as substantially reducing local government emissions. Based on the combined electrical load of the Councils participating, the LG PPA Project could equate to the single largest Council emissions reduction activity undertaken by a local government group in Australia.

The results of the business case also showed there was a high level of interest from retailers to supply a PPA to the Buyers Group. It indicated that pricing for renewable electricity may be cheaper over the life of the PPA (10 years) when compared to business as usual (BAU).

The business case generated a modelling tool which assesses three long-range electricity price series influenced by different renewable energy uptake scenarios within the National Electricity Market.

- The three scenarios developed accommodate the impacts of low, mid and high uptake of renewables generation on the electricity market.
- The scenarios include all known new gas and renewable projects which will feed into the grid, planned closure dates for coal-fired power stations at the end of technical life, and planned upgrades to the transmission network.

Based on the results of the business case, the Buyers Group has collectively agreed that it wishes to progress to the tender stage and seek potential offers. Each participating Council will now need to confirm its level of involvement. New Councils that have yet to commit to the project have also been provided with an opportunity to participate. Interested Councils are required to confirm their involvement to a tender stage by 9 August 2019. The Municipal Association of Victoria (MAV) has agreed to undertake the contract administration for the LG PPA on behalf of participating Councils. It is expected that the Buyers Groups will expand as additional Councils consider the participation in the tender process.

Currently Indigo Shire Council is part of the Procurement Australia (PA) collaborative buying group for its current electricity supply. The majority of this electricity is sourced from coal powered sources. The PPA under development is seeking to procure low cost renewable power from 2020/21, at the conclusion of each Council's current retail contracts.

For the Business Case phase of this project, Indigo Shire nominated the "Pines Office" for inclusion in the PPA which equates to approximately 20% of Council's total electrical load. In addition to the obvious environmental benefits, the modelling reveals there is also financial merit in strengthening Council's load allocation to for the next stages of this project to deliver increased emissions reductions across its corporate profile. Council now has an opportunity to review this percentage with the potential for it to be increased to 100%. Not only would this action substantially deliver on many of Council's strategic environmental aspirations, it would also negate the need for two energy contracts and deliver resource and procurement process efficiencies. Accordingly, several of the 39 Councils have now increased their nominated electricity load to 100%.

At least 15 new Councils are considering the invitation to join the Buyers Group, bringing the total number of participating Councils to in excess of 40 and likely more than 50.

DISCUSSION

Standard two to three year coal based power contracts are fully exposed to the volatility of the energy markets. Lots of variables influence power prices, including policy uncertainty, weather and ageing large scale power stations, and current market conditions are keeping current prices high. The rate of uptake of renewables into the future though, remains uncertain, and this in turn creates uncertainty about future pricing of both renewable and non-renewable energy.

Pricing for retail PPA's are less associated with traditional energy markets and more closely aligned with the operational cost of the renewable energy facility. Retail PPAs are usually for much longer periods (e.g. 10 years) and therefore decrease the risk of the retailer losing a customer and having no-one to sell the energy to. As a result, PPAs can typically attract better prices than current short term and predicted (modelled) long term pricing. To protect the customer, the project will adopt typical PPA aspects like interim price resets etc. to ensure Councils continue to receive an attractive deal over the contract term.

Whilst PPAs require long term commitments from customers, the project is proposing to implement key financial evaluation parameters to ensure offers are holistically assessed over the full contract period.

Councils are being asked to nominate their PPA commitments at the tender stage, without final contracts available to review. To manage these risks, specific contract conditions will be included in the tender specification, such as a clause for the tender not proceeding to contract should the price not meet the business as usual price for renewable procurement across the project members.

Indigo Price Modelling

- PPA Process is only considering the purchase of electricity and not other non-contestable electricity charges such as network charges.
Note that electricity makes up only a portion (approximately 40%) of the total cost of electricity purchases. While the figures presented in the table below are only the modelled electricity costs, the total amount payable under a contract entered into as a result of this tender would include the non-contestable charges as well.
- 'like for like' = Renewable LG PPA versus Purchasing 100% Renewables through current procurement methodology.
- Comparison of 'like for like' in NPC (10 years) will determine success of tender submissions across the Buyer Group.
- Three tiers of pricing sensitivity analysed.

OPTION	EXPECTED	AS LOW AS	AS HIGH AS
BUSINESS AS USUAL: 100% RENEWABLE (Green Power – conventional purchase)	\$640,442	\$528,801	\$709,810
LG PPA: 100% RENEWABLE	\$525,459- \$572,003	\$500,188- \$564,101	\$541,163- \$576,054
BUSINESS AS USUAL: (Coal based grid supply with base level or compliant renewables only)	\$588,690	\$477,050	\$658,058

INFLUENCE	Current trajectory for development	Accelerated development	Slower development
Renewable power industry in Australia			

Over the 10 year period, the PPA is projected to perform better than each of the scenarios for the equivalent conventional green power purchase, as well as the expected and high range of BAU with only the compliant purchase renewables. On balance, this indicates there is merit for further exploring the LG PPA for both the environmental and financial perspective.

Beyond cost savings, other benefits of a PPA include:

- **Dramatically improved emissions profile.**
- **Increased electricity budget certainty:** A PPA can be used to reduce budget uncertainty via some or all of the electricity volume is set at a fixed price for the period of the contract.
- **Leadership and reputational benefits:** PPA's show clearly that increasing renewable energy supplies, reducing emissions and addressing the climate emergency can be achieved at scale.
- **Economic and social benefits:** increased investment in renewable generation.

To participate in the LG PPA tender, confirmation must be provided to the Buyers Group by 9 August 2019.

Options

Alternative options to being involved in the LG PPA Project are:

1. **Continue with current electricity procurement practices** - under this option, Council would not be involved in the LG PPA project and revert to typical two to three year fixed price (or possibly progressive procurement). Council could choose to purchase GreenPower either via the same electricity contract or separately. The modelling suggests that purchasing under this arrangement will be more exposed to wholesale price volatility and more costly to Council. This option is therefore not recommended.
2. **Explore alternatives that just focus on purchasing large quantities of renewable energy certificates (LGCs)** - this option would seek to essentially de-couple Council's power and LGC purchases. The modelling results indicate however that the majority of price efficiencies achieved through a PPA, are derived through a reduction in power prices and not the certificates. This option is therefore not recommended.
3. **Keep current level of commitment** - The current load commitment would have a positive impact on emissions reduction and modelling suggests improved financial outcomes across most scenarios. However, the project enables access to increased opportunity to implement wider emissions reduction without the typical price premium and hence a higher level of commitment is encouraged by Council.

STRATEGIC CONTEXT

COUNCIL PLAN 2017 – 2021	
Theme	4. Indigo's Environment & Sustainability
Strategic Objective	4.1 We support the reduction of carbon emissions and climate change adaption and mitigation actions

Participation in a group procurement agreement aligns with a number of Indigo Shire Council Plan 2017-2021 directions. While participation strongly aligns with Strategic Objective 4.1 to support the reduction of carbon emissions and climate change adaption and mitigation options, is also strongly aligns with Theme 5 “Indigo’s Civic Leadership & Governance item 5.3.1 Conduct a review of all Council services to recommend opportunities for efficiencies”.

This emissions reduction action also has significant context in numerous other Council documents as described below under the *Environment Implications* heading, as well as the state targets on emissions reduction, and Indigo’s commitment’s through its Take 2 membership.

SOCIAL/COMMUNITY IMPLICATIONS

Indigo shire has demonstrated strong support for renewable technology and emissions reductions. As a Local Government sector it has one of the highest percentages of domestic rooftop solar in the state of Victoria. It is also home to proactive and engaged communities who have made bold statements on emissions reduction and backed their ambitions with action.

Totally Renewable Yackandandah has an objective of supplying its community with 100% renewable energy by 2022. Totally Renewable Beechworth, Indigo Power, and Sustainable Power Indigo North all have similar core principles.

As such, this activity strongly compliments these groups’ overarching agenda.

ENVIRONMENTAL IMPLICATIONS

Council is committed to corporate responsibility, and to act in the interests of the Indigo community, those who interact with our services, and lead by example. Council has recognised that we have a responsibility to undertake action to reduce the impacts of climate change from Council operations and service delivery. Opportunities should be considered and progressed with speed, to reduce the impacts on our community through carbon emissions.

In order to ensure strong and sustainable communities, action on emissions reduction, such as this project, are key objectives in many of Council strategic documents; notably Indigo’s Council Plan, Climate Change Policy, Environment Strategy and Greenhouse Action Plan (2009). It will also play a significant role in the development of an Emissions Reduction Plan.

The 2009, ISC Greenhouse Action Plan identified electricity consumption used at Council Buildings and for Street Lighting as the 2 largest operational sectors contributing to Indigo’s corporate emissions profile. Implementation of energy efficiency has an important role in reducing emissions, in conjunction with integrated renewables (through both onsite installations and purchase of renewable energy) to address gaps and to reduce these impact.

Based on the combined electricity loads of the Councils, the LG PPA Project could reduce emissions by approximately 120,000 tonnes of CO₂-e (carbon dioxide equivalent) per annum or the equivalent to power approximately 20,000 homes. Based on these figures, the LG PPA project would be the single largest Council emissions reduction activity undertaken by a local government group in Australia. These figures will increase further with additional Councils coming on board and greater load commitments being confirmed.

FINANCIAL IMPLICATIONS

Council’s total costs associated with the purchase of electricity in 2018/19 was approximately \$270,000. This includes both electricity costs as well as network and other charges and is broken down approximately as follows.

- Large and Small Market Sites \$224,000
- Streetlighting (unmetered) \$46,000
- \$270,000**

Billing between large market sites, small market sites and un-metered streetlighting is quite different and the network charges and other (non-electricity) costs vary considerably. Overall, the variable cost of electricity makes up approximately 40% of this total cost, broken down approximately as follows:

- Large Market Sites (1 site – The Pines office building) 19%
- Small Market Sites (73 accounts) 64%
- Streetlighting 17%

The electricity itself is the contestable part of the total billing and is the subject of the business case and the price comparisons presented in this report. The total value of the contract will be inclusive of the non-contestable components (network charges etc.) as well as the electricity costs.

The conditions of the tender will be that the contract would only proceed if the final contract offer is assessed to cost no more than the “business as usual” purchase of 100% renewables over the contract term.

Tendering and establishment costs have been kept to a minimum by sharing the project cost between the participating Councils. The cost for small rural Councils is \$3,000 which will be met from operational budgets.

LEGISLATIVE IMPLICATIONS

The Victorian Government has set a zero net emissions target for 2050. It is currently engaged an independent review of this target and is seeking submissions on interim targets for 2025 and 2030. The Goulburn Broken Greenhouse Alliance (GBGA) will be placing a joint submissions on behalf of its member councils advocating for stronger interim targets to realise urgent action.

RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
Electricity prices fall after Council enters into a contract.	Likely	Insignificant	Low	The tender will assess various pricing options including partially fixed and partially variable pricing as well as the possibility of a mid-contract price review to mitigate this risk.

Retail PPA contracts differ significantly from standard retail services contracts. In addition, no single PPA is the same. Therefore, the project will be engaging external legal advisors with PPA experience to act on behalf of the Buyers’ Group during the tender development, evaluation, negotiation and contract award stages. This will ensure all regulatory, legal and counter-party responsibilities are captured and enforceable in the appropriate documentation.

The worst case financial scenario from the modelling would be that electricity prices fall due to the accelerated uptake of renewables and that Council is paying more than the market rate over the life

of the contract. By using the sensitivity modelling, this could equate to around \$55,000 (NPV) over 10 years or \$5,500 per year at the high end. However, conditions within the tender to evaluate different pricing models (including partially fixed/partially variable pricing and a mid-contract price review) will mitigate this risk considerably.

On the opportunity side, the potential uptake of 100% renewable energy is a significant environmental benefit and will contribute to a major reduction in Council's emissions. Emissions through streetlighting and electricity usage in buildings was estimated in Council's Greenhouse Action Plan (2009) to account for over 60% of total emissions. This percentage will have reduced to some extent since that time through initiatives such as LED streetlights and various solar installations but would still be the highest contributor to Council's total emissions.

COMMUNITY ENGAGEMENT

CONSULTATION/COMMUNICATION UNDERTAKEN

Level of public participation	Promise to the public/stakeholders	Examples of techniques used/to use
Inform	We will keep you informed.	Collation of feedback on the draft climate change policy to drive action

In general project discussion has only been conducted within Council, GBGA and relevant members of the buyers group and wider project partners.

Feedback from the recent ISC Climate Change draft Policy community consultation phase included commentary on emissions reduction. In particular, several submissions support the provision of resources to ensure facilitation of actions and delivery on Councils climate change commitments on emissions reductions. Accordingly, this project has the ability to dramatically impact the objectives outlined in that policy and strongly respond to those community sentiments

CONCLUSION

Involvement in the LG PPA Project is a unique opportunity to demonstrate leadership in the local government sector, and help drive a significant emissions reduction opportunity at the group level.

The project to date has demonstrated that there is sufficient interest from both Councils as customer and retailers as providers to make a local government PPA viable. Further, the business case analysis has also demonstrated that PPAs can drive price competitive outcomes compared with business as usual approaches.

The Project has undergone a robust development stage, having harnessed the power of bulk procurement and economies of scale to access expert advice on the energy market (Energetics), procurement (Landells) and contracting (MAV). The market testing has suggested promising outcomes and favourable business cases across most levels of sensitivity for an enhanced renewable electricity product. While financial savings are not necessarily the major driver, it appears they are likely against various BAU scenarios.


Accordingly it is recommend that Council elect to enhance its position and nominate 100% of its electricity load for consideration through the LG PPA request for tender process.

DECLARATION OF CONFLICT OF INTEREST

Under section 80C of the *Local Government Act 1989*, the following officers declare that they have no interests to disclose in providing this report:

- Ian Ellett – Director Infrastructure Services
- Helen Jones - Environmental Projects Officer

Attachments

1.  Executive Summary - Business Case LG PPA

13. EXECUTIVE MANAGEMENT

13.1 ADVISORY COMMITTEE MINUTES

File No: 2019/508

Dalene Voigt - Manager Organisational
Development

Executive Management

For Decision

RECOMMENDATION

That Council receives the attached unconfirmed Advisory Committee minutes and endorses the officer comments.

RESOLUTION

That Council receives the attached unconfirmed Advisory Committee minutes and endorses the officer comments.

Moved: Cr Price

Seconded: Cr Murdoch

CARRIED

PURPOSE OF REPORT

To provide Council with minutes, resolutions and accompanying officer comments from Council's advisory committees for Council noting and endorsement of Officer comments.

BACKGROUND

Created under section 3(1) of the *Local Government Act 1989* (Act), Council currently has 7 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
Indigo Economic Development & Tourism Advisory Committee	12 June 2019
Indigo Community Access Committee	8 July 2019

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 be recorded in the following month.

The resolutions from this Advisory Committee meeting and Officer Comments are outlined below:

COMMITTEE	DATE OF MEETING	RESOLUTION	OFFICER COMMENT
Indigo Economic Development & Tourism Advisory Committee	12 June 2019	The Economic Development Officer will prepare a briefing report with the assistance of Nerida Kerr for Council detailing the threats, issues and advocacy points for the current dairy and water issues.	Supported. Staff will work with Nerida to prepare report.
Indigo Economic Development & Tourism Advisory Committee	12 June 2019	That the total funding for the IEDTAC Festival & Events grant be increased from \$26,000 to \$30,000. The increase in this funding will allow for a smaller number of events to receive a larger amount of funding, and then in subsequent years reduce to promote festival and events becoming self-sustainable. A greater level of funding will allow event committees and industry to work with event companies to engage events that are in line with the tourism strategy and spend a greater amount of money of marketing events to out of region audiences.	This recommendation was incorporated into the 2019-20 Budget.
Indigo Economic Development & Tourism Advisory Committee	12 June 2019	Recommendation that Council create a new grant stream of \$15,000 for community events that do not align with the strategic direction of the IEDTAC Festival and Events Grant.	This recommendation was incorporated into the 2019-20 Budget. Officers are currently working on this program for Community Grants to be rolled out this calendar year.
Indigo Community Access Committee	8 July 2019	The committee moves to investigate the appropriate avenues to advocate for an exemption to the disability parking requirements in heritage towns i.e. MAV and the possible creation of a new parking category.	Officers have identified that advocacy for an exemption is not the appropriate avenue to action this motion. The Ageing Well Officer in consultation with the

			Infrastructure department will investigate the current Standards and safety issues surrounding disability parking in heritage towns, particularly Chiltern and Rutherglen. Possible changes to current disability parking will be investigated with ICAC.
Indigo Community Access Committee	8 July 2019	The committee moves to progress Dementia Friendly accreditation for other towns across Indigo Shire Council.	Dementia is the largest growing disability worldwide. Council can support the growth of dementia friend communities across Indigo Shire via the accreditation process.

STRATEGIC CONTEXT

COUNCIL PLAN 2017 – 2021	
Theme	5. Indigo's Civic Leadership & Governance
Strategic Objective	5.2 Council provide good governance and its business is open and transparent

The provision of advisory committee minutes and resolutions to Council at the monthly meeting ensures that Council endorses the advice of the committees. This allows transparent decision-making and good governance.

FINANCIAL IMPLICATIONS

There are no financial implications with this report.

LEGISLATIVE IMPLICATIONS

Under section 3(1) of the *local Government Act 1989*, an advisory committee is defined as:

" any committee established by the [Council](#), other than a [special committee](#), that provides advice to—

- (a) the [Council](#); or
- (b) a [special committee](#); or
- (c) a [member of Council staff](#) who has been delegated a power, duty or function of the [Council](#) under section 98."

Council's advisory committees do not have any delegated decision-making powers, instead they work under a terms of reference and provide advice to Council. The advice occurs in a variety of forms, including advice to relevant Council departments, as well as advice contained within resolutions that are reported to Council.

Some advisory committee meetings are open to the public and some are closed, however all minutes are reported to Council (with the exception of the Audit Committee - these meetings are held 'in camera' and the minutes are not available to the public – a Chair's report is provided instead).

RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
That advisory committee minutes and recommendations are not duly reported to Council.	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, resolutions and officer comments included in this report are presented to Council for noting and the officer comments for endorsement.

DECLARATION OF CONFLICT OF INTEREST

Under section 80C of the *Local Government Act 1989*, the following officers declare that they have no interests to disclose in providing this report:

- Dalene Voigt – Manager Organisational Development
- Annabel Harding - Governance Officer

Attachments

1.  Minutes - Indigo Economic Development & Tourism Advisory Committee - 12 June 2019
2.  Minutes - Indigo Community Access Committee - 8 July 2019

14. NOTICES OF MOTION

14.1 CLIMATE EMERGENCY

TAKE NOTICE that at a meeting of Ordinary Council to be held on 30 July 2019, I intend to move the following motion:

MOTION

That Indigo Shire Council declares a climate emergency and in response:

1. Directs the CEO to;
 - Prepare an advocacy Plan to encourage the State and Federal Government to do more to combat the effects of Climate Change;
 - Develop a Notice of Motion declaring a climate emergency for presentation at the next MAV and RCV State Council meetings.
 - Convene a series of public meetings to address and educate our community on the threat from Climate Change and develop a suite of ideas that they can undertake to mitigate and prepare for the changing environment.
 - Report back to Council on merits and efficacy of;
 - Selling the Council owned Bulla Gas operation to fund the Environment and Sustainability Strategy Action Plan.
 - Applying to the Essential Services Commission for a rate cap variation to fund specific actions within the Environment and Sustainability Strategy Action Plan.
 - Purchasing low productivity cleared land within the Indigo Shire to plant it out with trees to capture carbon or encouraging other organisations and land owners to do the same.
2. Requests the Municipal Emergency Management Planning Committee to critically examine the likely Emergency Management effects of Climate Change in the Indigo Shire and report back to Council on how best Council and the Community can prepare and plan in the long term to mitigate the risks and adapt to the increased likelihood of extreme events.
3. Notes that there will be a global day of action on 20 September 2019 and requests that the CEO use Council's communication resources to help publicise this event.

MOTION

That Indigo Shire Council declares a Climate Emergency and in response:

1. Directs the CEO to;
 - Develop a Notice of Motion declaring a Climate Emergency for presentation at the next MAV and RCV State Council meetings.
 - Prepare an Advocacy Plan to encourage the State and Federal Government to do more to combat the effects of Climate Change;
 - Develop a Climate Change Policy Action Plan in consultation with the Indigo Shire Environmental Advisory Committee and the community, that will at a minimum examine the merits and efficacy of;
 - Convening a series of public meetings to address and educate our community on the threat from Climate Change and develop a suite of ideas that they can undertake to mitigate and prepare for the changing environment.
 - Selling the Council owned Buller Gas operation to fund the Environment and Sustainability Strategy Action Plan and the Climate Change Action Plan.
 - Apply to the Essential Services Commission for a rate cap variation to fund specific actions within the Environment and Sustainability Action Plan.
 - Purchasing low productivity cleared land within the Indigo Shire to plant it out

with trees to capture carbon or encouraging other organisations and land owners to do the same.

2. Requests the Municipal Emergency Management Planning Committee to critically examine the likely Emergency Management effects of Climate Change in the Indigo Shire and report back to Council on how best Council and the Community can prepare and plan in the long term to mitigate the risks and adapt to the increased likelihood of extreme events.
3. Notes that there will be a global day of action on 20 September 2019 and requests that the CEO use Council's communication resources to help publicise this event

Moved: Cr Goldsworthy

Seconded: Cr O'Connor

For: Crs Larry Goldsworthy, Barb Murdoch, Jenny O'Connor, Sophie Price and Diane Shephard

Against: Crs Bernard Gaffney and James Trenery

CARRIED

The Mayor vacated the Chair, the Deputy Mayor took the Chair.

MOTION

That Indigo Shire Council

1. Request the Federal Minister for the Environment to appear before Council to discuss the climate and climate emergency;
2. Request the Federal Member for INDI to appear before Council to discuss the climate and climate emergency and her plan to address climate change;
3. Request the State Member for Benambra to appear before Council to discuss the climate and climate emergency;
4. Request the CEO of the CSIRO to appear before Council to discuss the climate and climate emergency including newly announced proposals to halve greenhouse gas emissions in Australia; and
5. Request the Chief Scientist to appear before Council to discuss the climate and the climate emergency.

Moved: Cr Gaffney

Seconded: Cr Trenery

For: Crs Bernard Gaffney and James Trenery

Against: Crs Larry Goldsworthy, Barb Murdoch, Jenny O'Connor, Sophie Price and Diane Shephard

LOST

The Mayor returned to the Chair.

MOTION

That Indigo Shire Council

1. Invite our local State and Federal representatives and the Minister for the Environment to speak to Council in a public forum; and
2. If at a later date Council determines that we would like to hear from further experts then we make that invitation available.

Moved: Cr Goldsworthy

Seconded: Cr O'Connor

For: Crs Larry Goldsworthy, Barb Murdoch, Jenny O'Connor, Sophie Price and Diane Shephard

Against: Crs Bernard Gaffney and James Trenery

CARRIED

Explanatory comment

The 9 hottest years on record globally have occurred in the last 15 years.

With an increased change in the mean temperatures of 2 to 3 degrees globally in Australia we will see upward temperature variations of 5 to 6 degrees with increased frequency and effects from emergencies like bushfires, heatwaves and wind storms.

The climate has been changing across the ages, but it is the rate of change from the effects of human influence that is devastating the planet. The largest contributor to the change has been the level of carbon in the atmosphere. At the moment it is sitting at about 414 ppm, for the last million years it has been less than 300 ppm. The change has occurred over the last 100 years and this rate of change has been unprecedented for the last 66 million years. The long term trend is pointing towards an ever increasing concentration of Carbon in the atmosphere.

The impact on the environment is shown when things like 50% of the coral reefs at the Great Barrier Reef have been affected by coral bleaching in the last decade, with a 2-degree global increase in temperature it is estimated that up to 90% of shallow reefs will be lost. Acidification along with the increase of disease and pestilence due to increased temperature means the reefs are unable to cope with the rate of change.

Polar ice caps are melting at an accelerating rate, the ice itself reflects light and heat back into the atmosphere. The reduced reflective area means more water that is left behind is absorbing the light and heat, further impacting the oceans.

With a 2-degree increase in temperature it is forecast 90% of Australia's eucalyptus tree varieties will be halved in number. Roughly 2/3 of the food produced in Australia relies on bees for pollination in some way and bees rely heavily on our Eucalyptus trees for pollen and nectar to survive.

Big business, like the banks and insurance companies recognise Climate Change, they are planning for it and are changing their practises and processes.

On the 27th of June the ABC reported that the city of Sydney was the 26th Australian local government to declare a climate emergency, after the UK became the first country to declare a climate emergency in early May, following weeks of climate-change street protests. On the 16th of July the City of Melbourne declared a Climate and Biodiversity Emergency.

Ireland, France, and Canada have now added their signatures to the cause, and nearly half of New Zealand's local governments have also joined more than 800 local, state and federal governments worldwide. Most recently the city of New York declared a climate emergency. There would be few among us that hasn't sat down with the family and watch Sir David Attenborough present incredible wildlife scenes and information on our TV screens, those slices of paradise are fast disappearing. Listen to David, David knows it's an emergency, let's be like David.

The Indigo Shire needs to lead the way locally, partnering with our community to mitigate and adapt to the Emergency that is Climate Change.

Cr Larry Goldsworthy

Date received 21 July 2019

Attachments

Nil

15. COUNCILLORS REPORT

15.1 MAYOR'S DIARY - JUNE 2019

For Information

DATE	TIME	FUNCTION/EVENT	LOCATION
1/6/2019	5:30 pm	Beechworth Debutante Ball 2019	Beechworth
5/6/2019	8:30am	Rutherglen Wine Centre Board Meeting	Rutherglen
5/6/2019	10.00am	Interview ABC Radio – Environmental Strategy	Phone
6/6/2019	11.30am	Interview Win TV – Winery Walkabout	Rutherglen
07/6/2019	6:00 pm	Official launch of the Chiltern Art Prize	Chiltern
09/6/2019	12:00 pm	Celebrity Grape Stomp	Rutherglen
10/6/2019	11:00am	Citizenship Ceremony	Beechworth
11/6/2019	6:00pm	Yackandandah Community Forum	Yackandandah
13/6/2019	10:00am	LGBTIQ Inclusion workshop – Hume region	Wodonga
16/6/2019	5.00pm	2019 National General Assembly – Welcome Ceremony	Canberra
17/6/2019	9.00am	2019 National General Assembly	Canberra
18/6/2019	9.00am	2019 National General Assembly	Canberra
19/6/2019	9.00am	2019 National General Assembly	Canberra
26/6/2019	4.00pm	Wodonga Office Opening – Tim Quilty MP	Wodonga
27/6/2019	11.00am	Meeting with Tania Maxwell MP	Beechworth
27/6/2019	1.30pm	Meeting with Malcolm Campbell re Lake Moodemere	Rutherglen
30/6/2019	11.00am	Wooragee Landcare Tree Distribution meeting	Wooragee

Attachments

Nil

16. DECISIONS REGISTER**16.1 DECISIONS REGISTER**

File No: 2019/532

Alexandra Digby - EA Mayor & Councillors

Executive Management

For Information

Item 12.1	Beechworth RSL Lease
Date	30 April 2019
Resolution	<p>That Council:</p> <ol style="list-style-type: none"> 1. Rescinds its decision of 27 February 2018 to grant a maximum 20-year lease to the Returned and Services League of Australia (Victorian Branch) for the property at 111-113 Ford Street Beechworth; 2. Confirms its intention to enter into a lease with the Beechworth Returned and Services League (RSL) for a period of 50 years for its current club-rooms at 111-113 Ford Street Beechworth, and to enter into a separate lease with the RSL for the additional adjacent room (the Long Room) for a maximum 20-year period (10-year initial term plus 2 x five-year extension options) for an amount of \$1.00 per annum for each lease;" 3. Officers place a public notice of the terms of the proposed new leases and receive submissions from the public in accordance with sections 190 and 223 of the Local Government Act 1989; 4. Should no objections be received by the nominated deadline in response to the public submission process, the leases be granted, signed and sealed by the Chief Executive Officer; and 5. Should any objections be received, a further report be brought to Council for it to consider the submissions and to make a decision in relation to the proposed leases.
Status	In progress – public submission process completed, no submissions received. Lease documents currently being prepared.

Item 13.4	Confidentiality Policy
Date	30 April 2019
Resolution	That the Confidentiality Policy be adjourned for two months for further consideration, so that it is more principle based and less prescriptive.
Status	Completed. Adopted at June Council Meeting.

Item 10.2	Procurement Policy 2019
Date	28 May 2019
Resolution	That Council releases the Draft Procurement Policy for a two week period for consultation with the community.
Status	Completed. Adopted at June Council Meeting.

Item 12.1	Climate Change Policy
Date	28 May 2019
Resolution	That Council endorses as a Draft Climate Change Policy 2019 and places it on exhibition for public comment for a period of one month.
Status	In progress. To be considered at the July Council Meeting.

Item 12.4	Environment Strategy
Date	28 May 2019
Resolution	That Council endorses the attached draft Environment Strategy 2019 and places it and the action plan on exhibition for public comment for a period of one month.
Status	In progress. To be considered at the July Council Meeting.

Item 4a	Changing the order of items in the agenda
Date	25 June 2019
Resolution	That Council consider that item 13.2 on the agenda, Review of Council Plan 2017-2021 be moved to item 10.2a, to be considered prior to item 10.3.
Status	Completed

Item 6	Condolences
Date	25 June 2019
Resolution	That Council write a letter of condolence to Mary Dunn's family under seal
Status	Completed

Item 7	Confirmation of Minutes from previous Meeting
Date	25 June 2019
Resolution	That the Minutes of the Ordinary Council Meeting held on 28 May 2019 and Special Council Meeting held on 13 June 2019, as published on Council's website, be confirmed.
Status	Completed

Item 9	Deputations and Petitions
Date	25 June 2019
Resolution	That a petition for the installation of street lights in various locations along pathways in Yackandandah for the safe passage of pedestrians in traffic, be received
Status	This request is being assessed in reference to the capital works priorities and future budget availability. A response to the petition will be sent as soon as possible and a copy of this response will appear in a future Council agenda

Item 10.1	May 2019 Finance Report
Date	25 June 2019
Resolution	That Council accepts the Monthly Financial Report as at 31 May 2019
Status	Completed

Item 10.2	Consideration of 2019-2020 Budget Submissions
Date	25 June 2019
Resolution	That Council: <ol style="list-style-type: none"> 1. Considers and notes the attached budget submissions and officer responses 2. Endorses the attached recommendations in relation to each of the 2019-2020 Budget submissions 3. Makes no changes to the budget as a result of the submissions; and 4. Directs Council staff to respond to each submitter with a copy of this report and attached summary of officer recommendations and the Council resolution.
Status	Completed

Item 13.2	Review of Council Plan 2017-2021
Date	25 June 2019
Resolution	That Council adopts the reviewed and updated Council Plan 2017-2021 as attached
Status	Completed

Item 10.3	Adoption Indigo Shire Council 2019/20 Budget
Date	25 June 2019
Resolution	That: <ol style="list-style-type: none"> 1. Council, having given public notice in accordance with Section 129(1) of the Local Government Act 1989, and having received and considered submissions, adopts the attached Budget, including the Budgeted Financial Statements as defined by the Local Government (Finance and Reporting) Regulations 2014, for 2019/20. 2. The Fees and Charges for 2019/20, as listed in Attachment 1, be effective from 1 July 2019. 3. The Chief Executive Officer or delegate gives public notice of this decision to adopt the Budget in accordance with Section 130(2) of the Local Government Act 1989. 4. Council records the following reasons for the decision to adopt the 2019/20 Budget: <ol style="list-style-type: none"> a) It reflects the efficient and effective allocation of resources having regard to the objectives, roles and functions of Council. b) It is appropriate to the priorities of Council having regard to the Revised Council Plan 2017-21 and Council's Long Term Financial Strategy. 5. Declaration of rates and charges <ol style="list-style-type: none"> 5.1 Amount intended to be raised The amount of \$16,873,118 (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

	<p>calculated as follows: General rates \$11,292,208 (including supplementary valuations) Municipal charge \$2,613,294 Waste management charges \$2,967,616</p>
5.2	<p>General rates</p> <p>(a) A general rate be declared in respect of and for the entire duration of the 2019/20 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"> ☐ A rate of 0.3266% (0.3266 cents in the dollar of Capital Improved Value (CIV)) for all rateable general properties; ☐ A rate of 0.6532% (0.6532 cents in the dollar of CIV) for all rateable residential vacant properties; ☐ A rate of 0.2450% (0.2450 cents in the dollar of CIV) for all rateable rural 1 properties; ☐ A rate of 0.2939% (0.2939 cents in the dollar of CIV) for all rateable rural 2 properties; ☐ A rate of 0.4409% (0.4409 cents in the dollar of CIV) for all rateable commercial/industrial properties.
5.3	<p>Municipal charge</p> <p>A municipal charge of \$312.60 be declared in respect of the 2019/20 financial year.</p>
5.4	<p>Waste management charges</p> <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. Waste management charge for the collection and disposal of refuse for residential land, non-residential land or non-rateable land:</p> <p>Urban domestic garbage collection 140 litre bin \$111.80</p> <p>Urban domestic garbage collection 240 litre bin \$188.15</p> <p>Rural domestic garbage collection 240 litre bin \$188.15</p> <p>Domestic recycling collection 240 litre bin \$85.85</p> <p>Domestic recycling collection 360 litre bin \$103.90</p> <p>Domestic organics collection 140 or 240 litre bin \$157.95</p> <p>Environmental Management Contribution \$74.60</p>

	<p>6. Payment options</p> <p>In accordance with Section 167 of the Local Government Act 1989, payment of rates and charges can be made: By one annual payment - pay on or before 30 September Or</p> <p>Council issue rate notices and collect all rates via four instalment plan process, with instalments due on:</p> <p>1st Instalment - 30 September 2019 2nd Instalment - 30 November 2019 3rd Instalment - 28 February 2020 4th Instalment - 31 May 2020</p> <p>Where the payment due date falls on a weekend or public holiday, the payment date will be the next business day. No additional instalment options be declared.</p> <p>7. 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 1989.</p> <p>(b) Council in accordance with Section 172 of the Local Government Act 1989 requires any person to pay interest on any amounts of rates and charges which: That person is liable to pay, and</p> <p>Have not been paid by the date specified for their payment.</p> <p>8. Borrowings</p> <p>8.1 Council proposes \$1 million of borrowings over two years for 2019/20 – 2020/21 for the Epic Mountain Bike Trail project.</p> <p>8.2 In accordance with the requirements of Section 146(1) of the Local Government Act 1989, sufficient financial capability has been included in the 2019/20 Budget and the associated Strategic Resource Plan to meet existing repayment options.</p> <p>9. a) That the budget for the Festivals and Events Grants be increased from \$26,000 to \$30,000 and a new Community Events Grant be created with a budget of \$15,000</p> <p>b) That the funds for these grants be taken from the accumulated surplus.</p>
Status	Completed

Item 10.4	Procurement Policy 2019
Date	25 June 2019
Resolution	That Council adopts the attached Procurement Policy 2019
Status	Completed

Item 10.5	Assembly of Councillors Records
Date	25 June 2019
Resolution	That Council accepts the attached Assembly of Councillors records
Status	Completed

Item 10.6	Cue Springs Water Extraction Monthly Monitoring
Date	25 June 2019
Resolution	That Council notes the Cue Springs Water Extraction facility monitoring report content, and the action undertaken where required.
Status	Completed

Item 10.7	PP18-0228 - 12-Lot Subdivision and Native Vegetation Removal - Yackandandah-Wodonga Rd Yackandandah - EDM Group
Date	25 June 2019
Resolution	That Council: <ol style="list-style-type: none"> 1. Approves the Planning Permit application 18-0116 subject to conditions at Attachment 3; and 2. Issues a Notice of Decision to grant a permit.
Status	Completed

Item 11.1	Swimming Pools Season Review 2018/19
Date	25 June 2019
Resolution	That Council: <ul style="list-style-type: none"> • Notes the report and the outcomes of the 2018/19 swimming pool season. • Continues the existing early morning swimming and season extension arrangements at the Yackandandah and Rutherglen pools. • Confirms the introduction of five morning swimming days per week at the Beechworth Swimming Pool for future seasons. • Confirms the introduction of early morning swimming at Beechworth Swimming Pool for four weeks after the scheduled season close for future seasons. • Endorses the decision making process for free entry days.
Status	Completed

Item 12.1	Future use of the Platelayers Cottage - Harper Avenue Beechworth
Date	25 June 2019
Resolution	That: <ol style="list-style-type: none"> 1. The Platelayers Cottage in Harper Avenue, Beechworth not be retained for long-term lease as a property available for lease in commercial terms; and 2. That Council does not approve expenditure to be included in the 2019/20 Budget.
Status	Completed

Item 12.2	Resource Recovery and Waste Management Strategy
Date	25 June 2019
Resolution	That Council: <ul style="list-style-type: none"> • Endorses the draft Resource Recovery and Waste Management Strategy 2019 to be placed on public exhibition for a period of one month. • Notes the associated Background Report and Draft Action Plan, which will be exhibited alongside the draft Strategy.
Status	In progress, on public exhibition

Item 13.1	Advisory Committee Minutes
Date	25 June 2019
Resolution	That Council receives the attached unconfirmed Advisory Committee minutes.
Status	Completed

Item 13.3	Confidentiality Policy
Date	25 June 2019
Resolution	That Council adopts the attached Confidentiality Policy.
Status	Completed

Attachments
Nil

17. GENERAL BUSINESS

In the Mayor's absence, Cr Murdoch attended the launch of the Biodiesel Plant at Barnawartha on the 17 July. The clean burning of the biodiesel products produces 86% in fewer lifecycle greenhouse gasses than petroleum diesel, creates 47% less particular matter and it reduces hydro carbon emissions by 67%. This is the reopening of a factory that had been closed down. There are 12 people employed there in the small town of Barnawartha.

18. CONFIDENTIAL

RESOLUTION

That the Ordinary Meeting of Council move into Confidential session in accordance with Section 89(2)(d) of the Local Government Act 1989.

Moved: Cr Murdoch

Seconded: Cr Shephard

CARRIED

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

18.1 CONTRACT NO. 11/2848 - REGIONAL KERBSIDE COLLECTION CONTRACT

This matter is considered to be confidential under Section 89(2) (d) of the Local Government Act, as it deals with contractual matters.

This meeting moved out of Confidential; members of the gallery were invited into the Chamber; recording and live streaming recommenced at 8.44pm.

Meeting Concluded: 8.45pm

Next Meeting: Tuesday, 27 August 2019 at 6.30pm