

Strathbogie Shire Council

Council Meeting Minutes / Decisions

April 18, 2023

Acknowledgement of Country

We acknowledge the traditional custodians of the lands on which we strive, the peoples of the rivers and the hills of the Strathbogie Shire region who walked these lands for generations.

We pay our respects to the elders of the past, and the speakers of the first words, who lived in harmony with this country.

We acknowledge the elders of the present, who seek to regain their culture, and to teach the elders of the future their law, their history and their language.

We pay our respects to them and extend that respect to all Aboriginal and Torres Strait Islander peoples today.

We honour their spirit – and the memory, culture, art and science of the world's oldest living culture through 60,000 years.

Minutes/Decisions

Council Meeting

Tuesday, April 18, 2023, at 6pm

Meeting held at the Nagambie Lakes Regatta Centre and livestreamed on Council's website:

<https://www.strathboogie.vic.gov.au/council/our-council/council-meetings-and-minutes/>

Council:

Cr Laura Binks (Mt Wombat Ward) – Mayor
Cr Paul Murray (Hughes Creek Ward) – Deputy Mayor
Cr David Andrews (Lake Nagambie Ward)
Cr Reg Dickinson (Lake Nagambie Ward)
Cr Kristy Hourigan (Seven Creeks Ward)
Cr Chris Raeburn (Honeysuckle Creek Ward)

Officers:

Julie Salomon – Chief Executive Officer
Amanda Tingay – Director Community and Planning
Vlad Adamek – Director Sustainable Infrastructure
Tara Whitsed – Acting Executive Manager Communications and Engagement

Index

1. Welcome
2. Acknowledgement of Country
3. Apologies / Leave of Absence
 - Councillor Sally Hayes-Burke (Seven Creeks Ward)
 - Dawn Bray – Director People and Governance
 - Kristin Favalaro – Acting Executive Manager Communications and Engagement
4. Disclosure of Conflicts of Interest
 - Cr Binks declared a material conflict of interest under section 128 of the Local Government Act 2020 in Item 9.6.1 - Request to attend the Australian Local Government Association National General Assembly of Local Government in Canberra, 13-16 June, 2023 – Councillor Laura Binks
5. Confirmation of Minutes of Previous Meetings

MOVED: COUNCILLOR RAEBURN
SECONDED: COUNCILLOR ANDREWS

That the minutes of the Council Meeting held on Tuesday, March 21, 2023, be confirmed.

82-22/23 **CARRIED**

6. Petitions
Nil
7. Reports of Mayor and Councillors and Delegates
 - Cr Murray
 - Attended Euroa Action Group Community Garden Breakfast on 26 March 2023
 - Attended Avenel Equine Hospital official opening on 29 March 2023
 - Attended farewell for Jen Arnold, a long-standing Avenel community member who has worked tirelessly for the community over the years
 - Attended farewell for Kevin Preece, former GV Libraries Chief Executive Officer, and welcome new GV Libraries CEO, Felicity Macchion
 - Will be attending the unveiling of plaque to Sir Charles Ryan, at Telegraph Park, Euroa, this Thursday 20 April. Sir Charles was born at 'Killeen', Longwood, and was a surgeon who served with the Turkish Army in the 1890s and later the Australian Army
 - Cr Andrews
 - Together with Cr Dickinson, attended the launch of the Explorer's Way Tourist Drive at Tahbilk this morning, as part of 2023 Australian Heritage Festival

7. Reports of Mayor and Councillors and Delegates (cont.)

Mayor

- Voting for Public Art Sculpture opens on Share Strathbogie engagement hub today – details at [Home | Share Strathbogie](#)
- Nature Stewards Program now open for applications. The program is hosted by Strathbogie Shire Council in partnership with Department of Energy, Environment and Climate Action and Victorian National Parks Association. Registrations via VNPA website - <https://vnpa.org.au/programs/nature-stewards/>
- L2P Driver Program – eligible learner drivers encouraged to sign up. More information on Council's website at [L2P Learner Driver Program | Strathbogie Shire](#)
- ANZAC Day next Tuesday 25 April 2023. Services at various locations around the Shire – more details on Council's website at [Anzac Day Service Details - Strathbogie Shire](#). Council offices and Resource Recovery Centres will be closed.

8. Public Question Time

Council Ref: MH: 08/2023

I wish the answer in regards to the council meeting in January where permission for Mini Diggers to set up and run a business in Taylor Drive, Miepoll was denied by Council.

They have not stopped and are growing using the property 7 days a week with the truck coming and going many times a day. All the earth moving equipment has been hidden behind the existing shed and now with no enforcement of the decision by yourselves, the Council, it just runs free.

Has the decision been upheld for them to go ahead and, if so, why were we not notified being the neighbouring properties.

Can and will you enforce your decision.

The property has no residential house but just sheds. For this battle to stop an industry from setting up and running in a rural residential estate has been going for over two years.

I believe this is why there is industrial estates for businesses like Mini Diggers to base themselves.

Response provided by CEO

Thank you, Martin, for your questions. Firstly, I would like to advise that the meeting at which this matter was considered was held in November 2022.

I can advise that this matter has been referred to the Council's Compliance Team who are currently in the process of working with the business operator to confirm timeframes for the ceasing of the storage of earthmoving equipment on the land.

I understand that you have been in contact with the Compliance Officer in relation to a number of compliance matters in Taylor Drive.

Please be assured that Council's Compliance Team is committed to ensuring that the Notice of Refusal issued on 18 November 2022, for the Use of the land for the storage of earthmoving equipment is enforced.

8. Public Question Time (cont.)

Council Ref: CH/AH/MH: 09/2023

Permit No: P2021-052 Lot 29 Taylor drive Miepoll MOTION was not in favour and CARRIED. Question; Why has this not been ENFORCED. Stopping Business working from this property. Cars, Utes, Trucks, Trailers etc. Stop Business totally using it as base.

Response provided by CEO

Thank you, Carolyn, Aaron and Martin, for your question.

In answer to the questions raised, I provide the following:

- The matter has been referred to the Council's Compliance Team who are currently in the process of working with the business operator in terms of ceasing the business.*
- If you have any further questions about this matter, please contact our Compliance Team directly - they are more than happy to discuss this in further detail with you.*

Council Ref: EW: 10/2023

To its great credit the Shire of Strathbogie supported the vision of the 26/5/2017 Uluru Statement from the Heart.

Question 1. What steps will the Shire be taking to support its proposal for the establishment of a First Nations Voice enshrined in the Constitution?

Question 2. Are Councillors keeping informed and have, for example, read Thomas Mayor's book "Finding the Heart of the Nation"? (Thomas Mayor, entrusted with the canvas of the Statement, visited the Shire on his 18th month tour around Australia)

Response provided by Mayor

- 1. In February 2019 Strathbogie Shire voted to support the sentiments of the Uluru Statement from the Heart, the process for Aboriginal Recognition and reform of the constitution, a referendum campaign and process to enshrine a First Nations Voice to federal parliament, and to assist in broader awareness of the need for constitutional reform by using Council communication, marketing, and promotional avenues and display of posters and postcards etc in Council owned buildings.*

The MoU signed with the Taungurung Land and Water Council states in the Principles 3.1.g that we will support recognition of the Aboriginal sovereignty in the Australian constitution.

Whilst we have yet to commit to specific actions, in my capacity as Mayor sitting on Dr Helen Haines MP Indi Local Government Mayoral and CEO Round Table, the matter has been raised and the federal member for Indi is working with the Local Government Areas in the seat of Indi to support them through this process.

Additionally, I am seeking information as to what support will be offered to local government areas through our peak bodies, Australian Local Government Association and the Municipal Association of Victoria.

- 2. I can only speak to this item personally as I haven't had time to seek input from fellow councillors. I have read Thomas Mayor's book and have so far participated in a number of state and national forums explaining the Voice to Parliament. I will continue to seek information and participate in this important process.*

9. Officer Reports
 - 9.1 Strategic and Statutory
 - 9.2 Community
 - 9.3 Infrastructure
 - 9.4 Corporate
 - 9.5 Governance and Customer Service
 - 9.6 Executive
10. Notices of Motion
11. Notices of Rescission
12. Urgent Business
13. Confidential Business

Next meeting

The next monthly meeting of the Strathbogie Shire Council is scheduled to be held on Tuesday, May 16, 2023, at the Euroa Community Conference Centre, at 6pm.

Reports Index

9.	OFFICER REPORTS	
9.1	Strategic and Statutory Planning	
9.1.1	Planning Applications Received and Planning Applications Determined - 1 to 31 March 2023	1
9.2	Community	
9.2.1	Inquiry into the 2022 Flood Event in Victoria – Submission	2
9.2.2	Grant Variations Received 2022/2023: Community Grants Program Funding and Community Action Group Funding	3
9.3	Infrastructure	
9.3.1	Tender for Contract No. 22/23-36: Provision of Flood Damage Rectification – Culvert Repair including Debris Removal – Panel of Suppliers option	5
9.3.2	Tender for Contract No. 22/23-37: Provision of Flood Damaged Rectification Bridge Repairs – Package 1 – with optional Panel of Suppliers provisions	6
9.3.3	Contracts and Works Awarded Under Delegation	7
9.4	Corporate	
9.5	Governance and Customer Service	
9.5.1	Monthly Performance Report	8
9.6	Executive	
9.6.1	Request to attend the Australian Local Government Association National General Assembly of Local Government in Canberra, 13-16 June, 2023 – Councillor Laura Binks	9
10.	NOTICES OF MOTION	11
	Nil	
11.	NOTICES OF RESCISSION	11
	Nil	
12.	URGENT BUSINESS	11
	Nil	
13.	CONFIDENTIAL BUSINESS	11
	Nil	

9. OFFICER REPORTS

9.1 STRATEGIC AND STATUTORY PLANNING

9.1.1 Planning Applications Received and Planning Applications Determined - 1 to 31 March 2023

Author: Manager Planning and Investment

Responsible Director: Director Community and Planning

EXECUTIVE SUMMARY

This report provides listings of all Planning Applications Received (Attachment 1) and Planning Applications Determined (Attachment 2) for the period of 1 to 31 March 2023. The latest available Planning Permit Activity Performance (PPARS) Figures are also attached (Attachment 3). It should be noted that the latest PPARS Figures are for the month of February 2023. The March PPARS Figures were not available at the time of writing this report as the monthly figures are not updated until 15th of each month. The contents of this report are provided for information purposes only.

It is noted that there were fifteen (15) new planning applications received and thirteen (13) planning applications decided upon during the reporting period.

***MOVED: COUNCILLOR HOURIGAN
SECONDED: COUNCILLOR MURRAY***

That Council:

- 1. Note that there were fifteen (15) new planning applications received, and thirteen (13) planning applications decided on during the period of 1 to 31 March 2023.***
- 2. Note the report.***

83-22/23 CARRIED

9.2 COMMUNITY

9.2.1 Inquiry into the 2022 Flood Event in Victoria – Submission

Author/Responsible Director: Director Community and Planning

EXECUTIVE SUMMARY

In October 2022, the vast majority of the state of Victoria was severely impacted by a major flood event. Specifically, Strathbogie Local Government Area, was impacted and left with significant damage and consequently a long road to recovery with our community. The Sevens Creek, Hughes Creek and Goulburn River all experienced major flooding. A number of homes were inundated with water above floor level, our road network surfaces severely compromised, community facilities unable to operate and many impacts to our agricultural and economic sectors. The full impacts of the flood are still coming to realisation.

In response to the October 2022 Floods, the Legislative Council Environment and Planning Committee has been tasked with investigating how prepared the state was, and how it handled the flood event. The Environment and Planning Committee invites submissions from individuals and organisations addressing one or more of the issues identified in the terms of reference.

The inquiry will look at what caused or contributed to the flooding and the adequacy and effectiveness of early warning systems.

The committee is accepting written submissions up to 5pm Monday, 8 May, and intends to follow up submissions by holding public hearings in flood-affected areas.

Strathbogie Shire Council has developed a submission to the Inquiry (refer attachment 1), taking into consideration the feedback both internally and externally heard from our officers and community through the flood event. The inquiry also presents an opportunity for Strathbogie Shire Council to continue its advocacy and voice following the devastating October 2022 flood event.

MOVED: COUNCILLOR DICKINSON

SECONDED: COUNCILLOR HOURIGAN

That Council note the submission to the Inquiry into the 2022 Flood Event in Victoria.

84-22/23

CARRIED

9.2.2 Grant Variations Requests 2022/2023: Community Grants Program Funding and Community Action Group Funding

Author: Manager Community and Culture

Responsible Director: Director Community and Planning

EXECUTIVE SUMMARY

Council delivers several community funding programs throughout the course of the year to support the community to deliver important community projects and initiatives.

Council has received requests for three variations to projects which were previously funded: one under the Community Action Group Project Funding 2022/23, and two variations under the Community Grant Funding Program (round 1 and round 2 2022/23). For various reasons detailed in the background of this report, the following variations have been requested by the respective community organisations:

- Community Action Group Funding 2022/23: Avenel Active Incorporated are seeking a variation to utilise an underspend of \$893.93 towards the 'Get Me to the Shops' Community Transport Program following savings in one of their approved projects.
- Community Grants Round 1 2022/23: Euroa Farmers Market are requesting a new project. The project originally funded was for the installation of water Hydration Station in Rotary Park, which was completely paid for Goulburn Valley Water.
The new project request is for the purchase of 'A frames' signage, new trestle tables and a marquee for the Farmers Market.
- Community Grants Round 2 2022/23: Friends of the Nagambie Pool are requesting a new project. The project originally funded was for the installation of a shared BBQ facility. This was required to be located outside the fenced area of the pool deeming it unsafe for patrons.
The new project request is for marketing collateral including new additional signage to improve visibility of the pool to residents and visitors.

This report seeks Council consideration and approval to support variations to the abovementioned community organisations to enable the delivery of community projects.

**MOVED: COUNCILLOR HOURIGAN
SECONDED: COUNCILLOR RAEBURN**

That Council:

1. ***Approve the variation submitted by Avenel Active Inc. to reallocate the unspent funds to the value of \$893.93 from their portable ramp purchase to their 'Get Me To the Shops' initiative;***
2. ***Approve the variation submitted by the Euroa Farmer Market, to reallocate funds to the value of \$2,680 from the Hydration Station Project to the purchase of Euroa Farmers Market 'A Frames' to further promote the market, a marquee and trestle tables;***

9.2.2 Grant Variations Requests 2022/2023: Community Grants Program Funding and Community Action Group Funding (cont.)

MOTION (cont.)

3. ***Approve the variation submitted by Friends of the Nagambie Pool, to reallocate funds to the value of \$5,000 from the Nagambie Recreation Reserve Shared BBQ Facility to the Nagambie Pool Signage Project (excluding the printing of brochures), subject to the provision of a proposed signage map, approved (by Council's Communication and Marketing Department) design concepts consistent with Council's Brand Strategy and relevant quotes for the installation of signage by the 12 May 2023; and***
4. ***Authorise Officers to prepare new funding arrangements incorporating the details of these variations and any specific terms and conditions relevant to the project including permit requirements.***

85-22/23 **CARRIED**

9.3 INFRASTRUCTURE

9.3.1 Tender for Contract No. 22/23-36: Provision of Flood Damage Rectification – Culvert Repair including Debris Removal – Panel of Suppliers option

Author: Manager Assets Planning

Responsible Director: Director Sustainable Infrastructure

EXECUTIVE SUMMARY

Council has undertaken a competitive tender process for the rectification of the flood damage to the culverts on our road network caused by the October 2022 flood event (AGRN 1037) as a component of the Flood Recovery Program to be funded through the National Disaster Funding Assistance (NDFA). The Department of Transport and Planning assesses submitted flood defects for funding approval on behalf of Emergency Management Victoria (EMV). Since the start, Council have had regular update meetings with the assessor and received provisional approval to commence immediate reconstruction works.

Council met the required compliance obligations under the Local Government Act 2020 and the Strathbogie Procurement Policy (2021) by undertaking formal public request for tender.

The tender was released on “Tendersearch” via the Council website on the 27th of January 2023. The tender was advertised in Saturday’s The Age newspaper (state-wide reach) on the 28th January 2023, Shepparton News and Benalla Ensign, in the week following release. By the close of tenders at 4.00pm on 22nd February 2023, two (2) submissions had been received.

MOVED: COUNCILLOR MURRAY
SECONDED: COUNCILLOR DICKINSON

That Council:

- 1. Awards the tender for Contract No 22/23-36 – Provision of Flood Damaged Rectification Culvert Repairs including Debris Removal as a panel contract, awarding contracts to the following contractors for a combined maximum value of \$425,700 inclusive of GST, as follows:**
 - **Cleave’s Earthmoving & Drainage Pty and**
 - **Girdwood Contracting Pty Ltd;**
- 2. Authorises the Chief Executive Officer to Award individual contracts to members of the panel to a maximum value of \$425,700, including GST, with the maximum value of all of the packages to be not greater than \$425,700, inclusive of GST; and**
- 3. Authorises the Chief Executive Officer to execute the Contract by signing and affixing with the Common Seal of Strathbogie Shire Council.**

86-22/23

CARRIED

9.3.2 Tender for Contract No. 22/23-37: Provision of Flood Damaged Rectification Bridge Repairs – Package 1 – with optional Panel of Suppliers provisions

Author: Manager Assets Planning

Responsible Director: Director Sustainable Infrastructure

EXECUTIVE SUMMARY

Council has undertaken a competitive tender process for the rectification of the flood damage to our bridges caused by the October 2022 flood event (AGRN 1037) as a component of the Flood Recovery Program to be funded through the National Disaster Funding Assistance (NDFA). The Department of Transport and Planning assesses submitted flood defects for funding approval on behalf of Emergency Management Victoria (EMV). Since the start, Council have had regular update meetings with the assessor and received provisional approval to commence immediate reconstruction works.

Council met the required compliance obligations under the Local Government Act 2020 and the Strathbogie Procurement Policy (2021) by undertaking formal public request for tender.

The tender was released on “Tendersearch” via the Council website on the 27 January 2023. The tender was advertised in Saturday’s The Age newspaper (state-wide reach) on the 28 January 2023, Shepparton News and Benalla Ensign, in the week following release. By the close of tenders at 4.00pm on 22 February 2023, two (2) submissions had been received.

MOVED: COUNCILLOR DICKINSON
SECONDED: COUNCILLOR RAEBURN

That Council:

- 1. Awards the tender for Contract No 22/23-37 – Bridge Repairs – Package 1 – Provision of Flood Damaged Rectification as a lump sum breakdown contract to the value of \$180,598, inclusive of GST, to the preferred tender to Waratah Constructions, based in Benalla Victoria;***
- 2. Authorises the Chief Executive Officer Award the contract with a maximum value of \$180,598, including GST, to Waratah Constructions;***
- 3. Authorises officers to advise the unsuccessful tenderers; and***
- 4. Authorises the Chief Executive Officer to execute the Contract by signing and affixing with the Common Seal of Strathbogie Shire Council.***

87-22/23 **CARRIED**

9.3.3 Contracts and Works Awarded Under Delegation

Author: Procurement and Tenders Officer

Responsible Directors: Director Community & Planning / Director Corporate Operations

EXECUTIVE SUMMARY

The purpose of this report is to inform Council and the community of the status of request for the publicly advertised tenders, invitations for written quotations and quotations provided using collaborative and/or third party contracts which have been awarded under delegation for the period 1 March 2023 to 31 March 2023. This report specifically relates to works that form part of Council's 2022/23 budget.

MOVED: COUNCILLOR MURRAY

SECONDED: COUNCILLOR RAEBURN

That Council note the:

- 1. Contracts awarded under delegated authority by the Chief Executive Officer;***
- 2. Contracts and works awarded under delegated authority by a Director; and***
- 3. Works awarded under delegated authority by a Manager.***

88-22/23 CARRIED

9.5 GOVERNANCE AND CUSTOMER SERVICE

9.5.1 Monthly Performance Report

The April 2023 Monthly Performance Report includes reports as follows:-

- Building Department – March 2023 Statistics
- Planning Department – Planning Application Approvals – Development Cost (Capital Improved Value) – March. 2023
- Customer Enquiry Analysis Report – Report for March 2023
- Waste Management Reporting ~ Year to Date – March 2023
- Transfer Station Date - March 2023
- Actioning of Council Reports Resolutions – Council Meeting Tuesday March 21, 2023, and Extraordinary Council Meeting Tuesday April 11, 2023
- Outstanding Actions of Council Resolutions to March 31, 2023
- Review of Council Policies and Adoption of new Policies – March/April 2023
- Records of Informal Council Briefings / Meetings – 1 to 31 March 2023

By reporting on a monthly basis, Council can effectively manage any risks that may arise. The Business Management System will also incorporate Council's corporate goals and objectives.

MOVED: COUNCILLOR HOURIGAN
SECONDED: COUNCILLOR RAEBURN

That the report be accepted.

89-22/23 CARRIED

9.6 EXECUTIVE

6.43 pm: The Mayor left the meeting due to declaring a material conflict of interest.

The Deputy Mayor assumed the role of Chair.

9.6.1 Request to attend the Australian Local Government Association National General Assembly of Local Government in Canberra, 13-16 June, 2023 – Councillor Laura Binks

Author: Policy Research and Councillor Support Officer

Responsible Director: Executive Manager Communications and Engagement

EXECUTIVE SUMMARY

The Australian Local Government Association (ALGA) is hosting the 2023 National General Assembly at the National Convention Centre in Canberra from Tuesday 13 June until Thursday 16 June 2023. The event provides a unique opportunity for Local Government to engage directly with the Federal Government, to develop national policy, and to influence the future direction of our councils and our communities.

The 2023 NGA theme is ‘*Our Communities, Our Future*’ and reflects the important role local government plays in building a stronger, more inclusive, and more sustainable Australia and its role in working with other governments to support community outcomes and the nations recovery post COVID.

The Mayor of Strathbogie Shire Council, Councillor Laura Binks has expressed interest to attend this national conference and represent interest of the Shire (see Attachment 1).

Given that this is an interstate conference that supports Councils advocacy as detailed in Councils recently released Advocacy Ask, all costs associated with attendance (registration, accommodation, travel and meals) will be sourced from the Councillors’ expenses budget allocation. Under the Council Expenses Policy, a Council resolution is required for the approval of any interstate travel and costs exceeding \$1501 for any one Councillor.

MOVED: COUNCILLOR RAEBURN

SECONDED: COUNCILLOR HOURIGAN

That Council:

- 1. Note and endorse the request from the Mayor, Councillor Laura Binks to travel interstate to attend the 2023 National General Assembly (NGA23) in Canberra as part of Strathbogie Shire Council’s advocacy strategy and campaign;***
- 2. Fund the cost of conference registration, transport, car parking, accommodation and meal expenses incurred through attendance to the NGA23 in Canberra, estimated at \$2,883.70 for the Mayor, Councillor Laura Binks; and***

- 9.6.1 Request to attend the Australian Local Government Association National General Assembly of Local Government in Canberra, 13-16 June, 2023 – Councillor Laura Binks (cont.)

MOTION (cont.)

- 3. Receive a conference and advocacy evaluation report outlining the learnings and municipal benefits received upon Mayor Laura Binks' return from the NGA23 in Canberra in accordance with the Council Expenses Policy.**

90-22/23 **CARRIED**

6.47 pm: The Mayor returned to the meeting after the vote on this matter had been conducted, and assumed the role of Chair

10. NOTICES OF MOTION

Nil

11. NOTICES OF RESCISSION

Nil

12. URGENT BUSINESS

Nil

13. CONFIDENTIAL BUSINESS

Nil

NEXT MEETING

The next monthly meeting of the Strathbogie Shire Council is scheduled to be held on Tuesday, May 16, 2023, at the Euroa Community Conference Centre, at 6pm.

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 6.48 P.M.

Confirmed as being a true and accurate record of the Meeting

.....
Chair

.....
Date