

# Minutes

## Ordinary Meeting of Council

Held at 10:30am, Wednesday 25 September 2024  
Council Chamber, Tallangatta Council Office  
32 Towong Street, Tallangatta, Victoria

### **Our Community Vision**

Towong Shire will be the ideal place to be: welcoming, vibrant and diverse communities with quality facilities and services.

This information is available in alternative formats on request.

**Minutes for the Ordinary Meeting of Council held at  
32 Towong Street, Tallangatta, Victoria  
at 10:30am on Wednesday 25 September 2024.**

**Commonly Used Acronyms**

Abbreviation	Title
Council Officers	
CEO	Chief Executive Officer
DIE	Director Infrastructure and Environment
DCP	Director Community and Planning
DCOD	Director Corporate and Organisational Development
MF	Manager Finance
SAE	Senior Asset Engineer
Government/Organisation	
CH	Corryong Health (formerly Upper Murray Health and Community Services)
DFFH	Department of Families, Fairness and Housing
DJSIR	Department of Jobs, Skills, Industry and Regions
DTP	Department of Transport and Planning
DEECA	Department of Energy, Environment and Climate Action
GMW	Goulburn Murray Water
HRGLN	Hume Region Local Government Network
MAV	Municipal Association of Victoria
NECMA	North East Catchment Management Authority
NERPEN	North East Regional Procurement Excellence Network
NEW	North East Water
NEWRRG	North East Waste and Resource Recovery Group
RCV	Rural Councils Victoria
RDA	Regional Development Australia
RDV	Regional Development Victoria
THS	Tallangatta Health Service
VGC	Victorian Grants Commission
WBNC	Walwa Bush Nursing Centre

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The Mayor declared the meeting open, the time being 10:33 am.

## 1 Opening Prayer

“Almighty God, we ask that you be present at this meeting to assist us in our service to the Community through Local Government.

We pray that our decisions will be wise and taken with goodwill and clear conscience.

Amen.”

## 2 Councillor and Officer Presence at the Meeting

### Councillor Attendance

Crs Whitehead, Anderson, Scales, Wortmann and Dikschei

Officer Attendance:	Title:
Ms Phelps	Chief Executive Officer
Ms Taylor	Director Corporate and Organisational Development

## 3 Apologies and Granting of Leave of Absence

Nil.

## 4 Disclosure of Conflicts of Interest

Section 130 of the Act requires that a ‘Relevant person’ (which means a person who is a Councillor, a member of a delegated committee who is not a Councillor or a member of Council staff) disclose any conflict of interest in the manner required by Council’s Governance Rules and exclude themselves from the decision making process in relation to the matter including any discussion or vote on the matter at any Council meeting.

Council’s *Governance Rules* state as follows:

## **A2 Obligations with regards to conflict of interest**

*Councillors, members of delegated committee, and Council staff are required to:*

- a. Avoid all situations which may give rise to conflicts of interest;*
- b. Identify any conflicts of interest; and*
- c. Disclose or declare all conflicts of interest.*

## **A3 Disclosure of a conflict of interest at a Council meeting**

*A Councillor who has a conflict of interest in a matter being considered at a Council meeting at which he or she:*

*A3.1 is present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the Council meeting immediately before the matter is considered; or*

*A3.2 intends to be present must disclose that conflict of interest by providing to the Chief Executive Officer before the Council meeting commences a written notice:*

*A3.2.1 advising of the conflict of interest;*

*A3.2.2 explaining the nature of the conflict of interest; and*

*A3.2.3 detailing, if the nature of the conflict of interest involves a Councillor's relationship with or a gift from another person, the:*

- a. name of the other person;*
- b. nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and*
- c. nature of that other person's interest in the matter, and then immediately before the matter is considered at the meeting announcing to those present that he or she has a conflict of interest and that a written notice has been given to the Chief Executive Officer under this sub-Rule.*

*The Councillor must, in either event, leave the Council meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.*

Ms Phelps advised of a material conflict of interest in relation to agenda item 9.5 'Chief Executive Officer - Annual Performance Review'.

## 5 Confirmation of Minutes

The minutes of the meetings listed below were circulated to Councillors following each respective meeting. Confirmation of the minutes is now sought.

- Special Council Meeting held on 6 August 2024
- Ordinary Council Meeting held on 28 August 2024

### Recommendation:

That the Minutes of the Special Council Meeting held on the 6 August 2024 and Ordinary Council Meeting held on 28 August 2024, be confirmed.

### Council Resolution:

**CR SCALES  
CR DIKSCH EI**

**THAT THE MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON THE 6 AUGUST 2024 AND ORDINARY COUNCIL MEETING HELD ON 28 AUGUST 2024, BE CONFIRMED.**

**CARRIED**

## 6 Petitions and Joint Letters

Nil.

## 7 Public Question Time

In accordance with Council's Governance Rules, Public Question Time will not be held during the election period. Any questions submitted will be addressed at the next Council meeting after the election period.

## 8 Informal Meetings of Councillors

In accordance with Council's *Governance Rules*, a written summary of the matters discussed at each informal meeting of Councillors is to be tabled at the next convenient Council meeting and recorded in the minutes of that meeting.

The Meeting Records from the Informal Meeting of Councillors held on 10 July 2024, 24 July 2024, 14 August 2024 and 28 August 2024 are attached as follows:

1. Workshop Meeting Records 10 July 2024 [**8.1.1** - 2 pages]
2. Workshop Meeting Records 24 July 2024 [**8.1.2** - 3 pages]
3. Workshop Meeting Records 14 August 2024 [**8.1.3** - 2 pages]
4. Workshop Meeting Records 28 August 2024 [**8.1.4** - 2 pages]

### Recommendation:

That the information be noted.

### Council Resolution:

**CR DIKSCHAI  
CR ANDERSON**

**THAT THE INFORMATION BE NOTED.**

**CARRIED**

## 9 Organisational Improvement

### 9.1 Action Sheet Report (CEO-06/06/0010)

#### **Election Period Statement:**

The recommendation is not a prohibited decision as defined by s69(2) or s69(3) of the *Local Government Act 2020*, nor is it a decision that could be reasonably deferred, or should not be made in accordance with Council's *Election Period Policy*.

#### **Disclosure of Interests (S.130):**

This report was prepared by Mr Justin Troy, Coordinator Governance and Compliance.

At the time of preparation of this report, the officer did not have a general or material conflict of interest in any matter to which the report or advice relates.

#### **Purpose of Report:**

The purpose of this report is to provide information.

#### **Summary:**

The attached report shows the progress made in relation to the resolutions from the 28 August 2024 Ordinary Council meeting.

#### **Recommendation:**

That the report be noted.

#### **Attachment:**

1. Action Sheet from Ordinary Council Meeting 28 August 2024 [9.1.1 - 6 pages]

#### **Background/History:**

Not applicable.

#### **Relevant Law (s.9(2)(a)):**

Not applicable.



**Options – Best Outcomes for the Community (s.9(2)(b)):**

Not applicable.

**Sustainability Implications (s.9(2)(c)):**

Not applicable.

**Community Engagement (s.9(2)(d)):**

Not applicable.

**Innovation and Continuous Improvement (s.9(2)(e)):**

Not applicable.

**Collaboration (s.9(2)(f)):**

Not applicable.

**Financial Viability/Budget Impact (s.9(2)(g)):**

Not applicable.

**Regional, State and National Plans and Policies (s.9(2)(h)):**

Not applicable.

**Council Plans and Policies:**

Not applicable.

**Transparency of Decision (s.9(2)(i)) :**

It is the officer's view that it is appropriate to consider this matter in a Council meeting that is open to the public.

**Risk Assessment:**

Not applicable.

**Officer's View:**

It is the officer's view that good progress has been made by the responsible officers.

**Council Resolution:**

**CR WORTMANN  
CR ANDERSON**

**THAT THE REPORT BE NOTED.**

**CARRIED**

Confirmed

## 9.2 Quarterly Budget Report (DCOD)

### **Election Period Statement:**

The recommendation is not a prohibited decision as defined by s69(2) or s69(3) of the *Local Government Act 2020*, nor is it a decision that could be reasonably deferred, or should not be made in accordance with Council's *Election Period Policy*.

### **Disclosure of Interests (S.130):**

This report was prepared by Mr Dylan Howard, Manager Finance.

At the time of preparation of this report, the officer did not have a general or material conflict of interest in any matter to which the report or advice relates.

### **Purpose of Report:**

To present the Quarterly Budget Report in accordance with the requirements of the *Local Government Act 2020*.

### **Summary:**

The quarterly budget report presented in the appendix demonstrates that Council has finished up the year with a deficit of \$2.47 million for the year end 30 June 2023/24 against budget of \$7.3 million deficit. The main reason for the significantly reduced deficit is the higher amount of income received against budget, in particular Capital Grants and other income.

### **Recommendation:**

That the report be noted.

### **Attachment:**

1. Quarterly Budget Report as at 30 June 2024 [9.2.1 - 8 pages]

### **Background/History:**

This report provides a quarterly update on the financial performance of the organisation.

**Relevant Law (s.9(2)(a)):**

Section 97 of the *Local Government Act 2020* requires the following:

- (1) *As soon as practicable after the end of each quarter of the financial year, the Chief Executive Officer must ensure that a quarterly budget report is presented to the Council at a Council meeting which is open to the public.*
- (2) *A quarterly budget report must include –*
  - (1) *a comparison of the actual and budgeted results to date; and*
  - (2) *an explanation of any material variations; and*
  - (3) *any other matters prescribed by the regulations.*

This report meets the requirements of the Act.

**Options – Best Outcomes for the Community (s.9(2)(b)):**

Not Applicable.

**Sustainability Implications (s.9(2)(c)):**

Not applicable.

**Community Engagement (s.9(2)(d)):**

Not Applicable.

**Innovation and Continuous Improvement (s.9(2)(e)):**

Not Applicable.

**Collaboration (s.9(2)(f)):**

Not Applicable.

**Financial Viability/Budget Impact (s.9(2)(g)):**

Council has achieved a net operating deficit that is less than anticipated primarily due to the increase in capital grant income and other income relating to insurance payments, resulting in Council exceeding the budgeted income. There is still a significant deficit with future deficits forecast, highlighting the need for our operating results to be balanced into the future.

**Regional, State and National Plans and Policies (s.9(2)(h)):**

Not Applicable.

**Council Plans and Policies:**

Council Plans:  
Not applicable.

Council Policies:  
Not applicable.

**Transparency of Decision (s.9(2)(i)):**

It is the officer's view that it is appropriate to consider this matter in a Council meeting that is open to the public.

**Risk Assessment:**

Whilst the quarterly budget report presents a positive operating result and the cash position remains strong, a large portion of this is committed to projects (operating and capital) for which the funding was obtained.

**Officer's View:**

The organisation is still in a strong financial position, however a significant portion of Council resources are committed to budgeted capital works and services such as flood recovery funding. The presentation of the budget for 2024/25 highlighted that into the future, Council remains dependent on the receipt of one-off grant funding to support renewal of its aging infrastructure into the future. Significantly, the funding being supplied by State and Federal governments is more often tied to construction of new infrastructure, as opposed to the renewal of roads, bridges and drainage assets. An increase in untied government grant support is required to facilitate this asset renewal, as Council will be unable to commit Council funds to the to the extent that we are budgeting for in the next financial year.

*Director Corporate and Organisational Development expanded on the nature of expenditure over budget. The most significant expense over budget was depreciation. The forecast depreciation was calculated on the asset values at the time of completing the budget. Actual depreciation was charged on the asset values after we had completed an independent external valuation of our assets which resulted in significant increases to in asset values, and accordingly an increase in depreciation expense.*

*Materials and services expenses also exceeded budget, notably in contractors and consultants. Our employee expenses were below budget, and the contractors and consultants cost overruns were predominantly due to the cost of filling the gap of staff vacancies.*

**Council Resolution:**

**CR SCALES  
CR WORTMANN**

**THAT THE REPORT BE NOTED.**

**CARRIED**

Confirmed

### 9.3 Quarterly Performance Reporting Graphs (07/05/0022 - DCOD)

#### **Election Period Statement:**

The recommendation is not a prohibited decision as defined by s69(2) or s69(3) of the *Local Government Act 2020*, nor is it a decision that could be reasonably deferred, or should not be made in accordance with Council's *Election Period Policy*.

#### **Disclosure of Interests (S.130):**

This report was prepared by Ms Narelle Taylor, Director Corporate and Organisational Development.

At the time of preparation of this report, the officer did not have a general or material conflict of interest in any matter to which the report or advice relates.

#### **Purpose of Report:**

The purpose of the report is to provide information.

#### **Summary:**

The performance reporting graphs are provided to Council on a quarterly basis to provide a high-level picture of the key areas of Council operations.

A graph is provided for each of the following areas:

- Council Plan Priorities
- Top 5 Service Request Types
- Service Requests Closed and Open
- Corryong Visitor Information Centre Visitation
- Capital Expenditure
- Cash Position
- Rates Debtors
- Incident Reports
- Building Permits Issued
- Planning Applications Lodged
- Council Resolutions
- Technical Service Inspections

#### **Recommendation:**

That the report be noted.

**Attachment:**

1. Monthly Council Reporting Graphs - 2024-25 [9.3.1 - 1 page]

**Background/History:**

Not applicable.

**Relevant Law (s.9(2)(a)):**

Not applicable.

**Options – Best Outcomes for the Community (s.9(2)(b)):**

Not applicable.

**Sustainability Implications (s.9(2)(c)):**

Not applicable.

**Community Engagement (s.9(2)(d)):**

In accordance with our *Community Engagement policy* this matter did not require community engagement.

**Innovation and Continuous Improvement (s.9(2)(e)):**

This report provides information relevant to our progress in performance and continuous improvement against key areas of Council's operations.

**Collaboration (s.9(2)(f)):**

Not applicable.

**Financial Viability/Budget Impact (s.9(2)(g)):**

Cash balances indicate that the Council is currently in a strong liquid position; the capital forecast also indicates that the cash reserves are committed, and that beyond the forecast budget for 12 months the financial position is less secure.

**Regional, State and National Plans and Policies (s.9(2)(h)):**

This report does not relate to Regional, State and National Plans and Policies.



**Council Plans and Policies:**

Not applicable.

**Transparency of Decision (s.9(2)(i)) :**

It is the officer's view that it is appropriate to consider this matter in a Council meeting that is open to the public.

**Risk Assessment:**

The Performance Reporting Graphs provide a snapshot of how Council is tracking against its key operational objectives, helping to provide a high-level guide as to any emerging risks.

**Officer's View:**

The Performance Reporting Graphs are provided to illustrate key aspects of Council's performance and results. This data indicates Council officers' efforts to achieve strong outcomes for the community are coming to fruition.

**Council Resolution:**

**CR WORTMANN  
CR DIKSCHAI**

**THAT THE REPORT BE NOTED.**

**CARRIED**

## 9.4 Annual Financial Statements and Performance Statements (06/02/0054-DCOD)

### **Election Period Statement:**

The recommendation is not a prohibited decision as defined by s69(2) or s69(3) of the *Local Government Act 2020*, nor is it a decision that could be reasonably deferred, or should not be made in accordance with Council's *Election Period Policy*.

### **Disclosure of Interests (S.130):**

This report was prepared by Mr Dylan Howard, Manager Finance.

At the time of preparation of this report, the officer did not have a general or material conflict of interest in any matter to which the report or advice relates.

### **Purpose of Report:**

The purpose of this report is to present the draft annual Financial Statements and Performance Statement for the year ended 30 June 2024 for review and in-principle approval.

### **Summary:**

The *Local Government Act 2020* (LGA 2020) requires Council to prepare Financial Statements and a Performance Statement in respect of each financial year. The statements must be approved in principle by Council prior to submission to the auditor. Council officers have prepared the draft Financial Statements and a draft Performance Statement in line with legislative and regulatory requirements and they are now ready to be considered for in-principle approval.

### **Recommendation:**

That:

1. The draft Annual Financial Statements and the draft Performance Statement for the year ended 30 June 2024 be approved in-principle; and
2. Two Councillors be authorised to certify the Financial Statements and the Performance Statement for the year ended 30 June 2024 on behalf of Council once any amendments or changes are made as requested by the Victorian Auditor General.

**Attachment:**

1. TSC Financial Report 2023-24 DRAFT [9.4.1 - 54 pages]
2. Performance Statement 2023 24 DRAFT [9.4.2 - 24 pages]

**Background/History:**

*Legislative Context*

Section 98 of the LGA 2020 requires Council to prepare an Annual Report in respect of each financial year, which must contain:

- *report of operations of the Council;*
- *an audited performance statement;*
- *audited financial statements;*
- *a copy of the auditor’s report on the performance statement;*
- *a copy of the auditor’s report on the financial statements under Part 3 of the Audit Act 1994;*
- *any other matters prescribed by the regulations.*

Items a), b) and c) are to take the form described by Section 98 of the LGA 2020 and any supporting regulations.

Section 99 of the LGA 2020 specifies that Council must prepare the financial statements and performance statement as soon as practicable after the end of the financial year. Council must pass a resolution approving the financial statements and the performance statement in principle prior to submitting them to the auditor. Council must ensure that the statements in their final form and after any changes recommended or agreed by the auditor have been made, are certified by two Councillors, prior to final certification by the auditor. The auditor must then submit reports on the statements to the Minister for Local Government, and the Mayor must present the Annual Report at a Council meeting open to the public.

*Financial Statements*

The financial statements show Council’s financial performance, financial position and cash flows against the previous year.

Council achieved a deficit of \$2.47 million for the year ended 30 June 2024, compared to a budgeted deficit of \$7.3 million. The higher than anticipated result was primarily due to:

- Receipt of \$1.5 million insurance settlement relating to the 2019/20 Bushfire

damage and increased cost of working at the Corryong Resource Recovery Centre;

- Interest income of \$1.1 million over what was included in the budget, due to additional funds being received and invested throughout the year; and
- Non-recurrent grant income exceeding budget by \$3 million.

### *Performance Statement*

The Performance Statement provides an overview of Council's progress against key performance indicators. The Local Government Performance Reporting Framework (LGPRF) provides the basis of these indicators to enable a uniform Performance Statement across all Victorian councils.

### **Relevant Law (s.9(2)(a)):**

The Financial Statements and the Performance Statement have been prepared in accordance with the requirements section 98 of the LGA 2020 and the associated *Local Government (Planning and Reporting) Regulations 2020*.

Both statements are now ready for consideration for approval in principle in accordance with section 99 of the LGA 2020.

### **Options – Best Outcomes for the Community (s.9(2)(b)):**

Not applicable.

### **Sustainability Implications (s.9(2)(c)):**

Not applicable.

### **Community Engagement (s.9(2)(d)):**

Not applicable.

### **Innovation and Continuous Improvement (s.9(2)(e)):**

Not applicable.

### **Collaboration (s.9(2)(f)):**

Not applicable.

**Financial Viability/Budget Impact (s.9(2)(g)):**

The financial result for the year ended 30 June 2024 reflects a deficit, noting that it is a smaller deficit than was forecast.

Long term financial sustainability continues to remain dependent on the receipt of one-off grants to fund renewal of Council's aging infrastructure. The decrease in availability of state and federal funding is cause for concern in regard to our ability to attain such funding into the future.

**Regional, State and National Plans and Policies (s.9(2)(h)):**

Not applicable.

**Council Plans and Policies:**

Council Plans:  
Not applicable.

Council Policies:  
Not applicable.

**Transparency of Decision (s.9(2)(i)):**

It is the officer's view that it is appropriate to consider this matter in a Council meeting that is open to the public.

**Risk Assessment:**

At the time of submitting this report the Financial Statements and the Performance Statement have been substantially reviewed by the auditor. They will be presented to the Audit and Risk Committee at the October meeting.

It is noted that this report relates to Council's in-principle approval only and that the final statements may still vary as any final auditor recommendations are addressed.

**Officer's View:**

The Financial Statements and Performance Statement for the financial year ending 30 June 2024 have been prepared in accordance with all relevant legislation and regulations and have been subject to substantial auditor review. It is the officer's view that the Financial Statements and Performance Statement as presented should be approved in principle.

**Council Resolution:**

**CR SCALES  
CR WORTMANN**

**THAT:**

- 1. THE DRAFT ANNUAL FINANCIAL STATEMENTS AND THE DRAFT PERFORMANCE STATEMENT FOR THE YEAR ENDED 30 JUNE 2024 BE APPROVED IN-PRINCIPLE; AND**
- 2. MAYOR WHITEHEAD AND DEPUTY MAYOR ANDERSON BE AUTHORISED TO CERTIFY THE FINANCIAL STATEMENTS AND THE PERFORMANCE STATEMENT FOR THE YEAR ENDED 30 JUNE 2024 ON BEHALF OF COUNCIL ONCE ANY AMENDMENTS OR CHANGES ARE MADE AS REQUESTED BY THE VICTORIAN AUDITOR GENERAL.**

**CARRIED**

Ms Phelps left the meeting due to a conflict of interest disclosed at Item 4, the time being 10.44am.

## 9.5 Chief Executive Officer - Annual Performance Review (Mayor)

### **Election Period Statement:**

The recommendation is not a prohibited decision as defined by s69(2) or s69(3) of the *Local Government Act 2020*, nor is it a decision that could be reasonably deferred, or should not be made in accordance with Council's *Election Period Policy*.

### **Disclosure of Interests (S.130):**

This report was prepared by Cr Andrew Whitehead, Mayor.

At the time of preparation of this report, the officer did not have a general or material conflict of interest in any matter to which the report or advice relates.

### **Purpose of Report:**

The purpose of this report is to present for consideration the annual Performance Review of the Chief Executive Officer for the period 1 December 2023 to 31 July 2024.

### **Summary:**

The Chief Executive Officer's performance is reviewed annually in line with the requirements of the *Local Government Act 2020* and the Chief Executive Officer's *Contract of Employment*. Given that the twelve month review period occurs less than one month after the swearing in of the new Council (following the election on 26 October 2024), Council considered it appropriate to conduct the performance review in advance of the election. This approach was considered appropriate as the Chief Executive Officer's Key Performance Indicators had been set by the current Councillors and it was felt that a newly elected Council would not have firsthand experience over a reasonable period of time of the Chief Executive Officer's performance and therefore be able to conduct a far and informed view of the performance.

The Performance Review for the period 1 December 2023 to 31 July 2024 was conducted during August 2024 by the Chief Executive Officer Employment and Remuneration Committee, with the review process facilitated by independent consultant, Mr Sean Callanan, General Manager – McArthur Talent Architects VIC.

**Recommendation:**

That:

1. the Performance Review for Council's Chief Executive Officer Ms Juliana Phelps, for the period 1 December 2023 to 31 July 2024, be adopted;
2. the Chief Executive Officer be congratulated on her performance; and
3. a recommendation be made to the incoming Council that the Chief Executive Officer's remuneration package be increased by at least CPI as at 1 December 2024.

**Attachment:**

The Performance Review has been provided to Councillors prior to the meeting.

**Background/History:**

Section 45 of the *Local Government Act 2020* requires that Council maintain a Chief Executive Officer Employment and Remuneration Policy that provides for, amongst other things, performance monitoring and an annual review of the Chief Executive Officer.

In accordance with Council's Chief Executive Officer Employment and Remuneration Policy, the annual review of the Chief Executive Officer's performance was overseen by the Chief Executive Officer Employment and Remuneration Committee comprising and Independent Chairperson and all Councillors. The Committee conducted a Request For Quotation process and recommended the selection of the independent consultant, Mr Sean Callanan, General Manager – McArthur Talent Architects VIC to lead the review.

Mr Callan subsequently facilitated the review and provided a report to the Committee and the Chief Executive Officer. The appraisal was made against the Performance Criteria set out in the Chief Executive Officer's *Contract of Employment*.

It is also a requirement of the Chief Executive Officer's *Contract of Employment* that a review of the Chief Executive Officer's Remuneration Package be reviewed annually within one month following the Performance Review having regard to:

(a) the Employment and Remuneration Policy;

and, to the extent the following are not inconsistent with the Employment and Remuneration Policy,

(b) the Officer's achievement of the Performance Criteria;



(c) the extent of any increase over the preceding 12 months in the Consumer Price Index (All Groups, Melbourne) as issued by the Australian Statistician;

(d) market rates for comparable positions; and

(e) the acquisition and satisfactory utilisation of new or enhanced skills by the Officer is beneficial to or required by the Council.

Given that the contract of employment anniversary falls on 1 December 2024, the Council is not recommending any alternation to the remuneration package at this time, but rather recommend to the incoming Council that that the Chief Executive Officer's remuneration package be increased by at least CPI as at 1 December 2024.

**Relevant Law (s.9(2)(a)):**

The *Local Government Act 2020*, section 45(2)(b)(iv) states that Council must undertake an annual review of the Chief Executive Officer's employment and remuneration.

**Options – Best Outcomes for the Community (s.9(2)(b)):**

Not applicable.

**Sustainability Implications (s.9(2)(c)):**

Not applicable.

**Community Engagement (s.9(2)(d)):**

Not applicable.

**Innovation and Continuous Improvement (s.9(2)(e)):**

The establishment of the Chief Executive Officer Employment and Remuneration Committee, led by an Independent Chairperson, has strengthened the robustness and independence of the annual review of the Chief Executive Officer.

**Collaboration (s.9(2)(f)):**

Not applicable.

**Financial Viability/Budget Impact (s.9(2)(g)):**

The total cost of the Performance Review is estimated to be \$9,000 (excluding GST).

**Regional, State and National Plans and Policies (s.9(2)(h)):**

Not applicable.

**Council Plans and Policies:**

The Performance Review was conducted in accordance with the Chief Executive Officer Employment and Remuneration Policy.

**Transparency of Decision (s.9(2)(i)):**

It is the Mayor's view that it is appropriate to consider this matter in a Council meeting that is open to the public.

**Risk Assessment:**

The Local Government Inspectorate highlights several risks in their 2019 report "Protecting Integrity: Leading the way – Managing the employment cycle of a council CEO" given that there has historically been a lack of sector guidance for Councillors regarding how the employment cycle of the Chief Executive Officer is to be managed.

The *Local Government Act 2020* has introduced additional controls by requiring that councils adopt a Chief Executive Officer Employment and Remuneration Policy. Further, Council's policy requires that the employment cycle is overseen by a Chief Executive Officer Employment and Remuneration Committee which is led by an Independent Chairperson, providing additional independence and assurance.

**Mayor's View:**

The performance of our CEO over the review period has once again been of a high standard and the independent review process demonstrated that Juliana has performed well against the Key Performance Indicators that we set last year.

Juliana continues to be a hardworking, loyal and dedicated employee of the Council who uses her experience and knowledge to benefit both the Council and our Towong communities. This has been particularly evident over recent months with the vacancies we have in key positions. We are fortunate to have a CEO who is prepared to do whatever it takes to ensure the work gets done, often to the detriment of her work-life balance.

It is my recommendation that the Performance Review for the period 1 December 2023 to 31 July 2024 be adopted and Juliana be congratulated on her performance.

**Council Resolution:**

**CR SCALES  
CR WORTMANN**

**THAT:**

- 1. THE PERFORMANCE REVIEW FOR COUNCIL'S CHIEF EXECUTIVE OFFICER MS JULIANA PHELPS, FOR THE PERIOD 1 DECEMBER 2023 TO 31 JULY 2024, BE ADOPTED;**
- 2. THE CHIEF EXECUTIVE OFFICER BE CONGRATULATED ON HER PERFORMANCE; AND**
- 3. A RECOMMENDATION BE MADE TO THE INCOMING COUNCIL THAT THE CHIEF EXECUTIVE OFFICER'S REMUNERATION PACKAGE BE INCREASED BY AT LEAST CPI AS AT 1 DECEMBER 2024.**

**CARRIED**

Ms Phelps returned to the meeting, the time being 10.49am.

## **10 Community Wellbeing**

There are no Community Wellbeing reports to present this meeting.

## **11 Asset Management**

There are no Asset Management reports to present this meeting.

## **12 Land Use Planning**

There are no Land Use Planning reports to present this meeting.

Confirmed

## 13 Environmental Sustainability

### 13.1 Circular Economy and Environment Report (CEO)

#### **Election Period Statement:**

The recommendation is not a prohibited decision as defined by s69(2) or s69(3) of the *Local Government Act 2020*, nor is it a decision that could be reasonably deferred, or should not be made in accordance with Council's *Election Period Policy*.

#### **Disclosure of Interests (S.130):**

This report was prepared by Mr Greg Karlson, Coordinator Circular Economy and Environment.

At the time of preparation of this report, the officer did not have a general or material conflict of interest in any matter to which the report or advice relates.

#### **Purpose of Report:**

The purpose of this report is to provide information.

#### **Summary:**

This report provides a quarterly update on environmental sustainability activities throughout the Shire for the period March to June 2024.

Council's environmental sustainability activities continue to be focused on the management of recycling operations at resource recovery centres along with actions related to the circular economy waste and recycling transition processes.

#### **Recommendation:**

That the report be noted.

#### **Attachment:**

Nil

**Background/History:****Waste and recycling services**

Over the quarter to June 2024 the team continuously engaged with Cleanaway regarding the introduction of the new Glass and Food Organics and Garden Organics (FOGO) kerbside collection service ahead of service transition that commenced in the first week of June 2024. Collection routes have been finalised which resulted in a change in collection dates.

Information packs, which included a calendar and waste management information, were mailed out to households. Activities also focused on the development and distribution of digital and print media as part of the community education program. The above activities were partly funded through Circular Economy and Household Education Fund.

Households in rural residential, farming and rural living zones had the opportunity to opt out of the FOGO kerbside collection service on the proviso that adequate evidence of alternative arrangements for correctly managing FOGO on their properties was supplied in support. Approx 73% or 850 rural households have opted out of the FOGO Bin service.

**Container Deposit Scheme (CDS)**

Local business and community groups in Tallangatta and Corryong were successfully established as operators for the State Government's 10c Container Deposit Scheme for eligible glass, plastic, aluminium and cardboard drink containers.

**Resource Recovery Centres**

The retaining wall upgrades at both Recovery Resource Centres (RRC) were successfully completed in June 2024. The new walls have a modified configuration to accommodate additional skip bins. These new bins will allow for FOGO drop off for households throughout the Shire. This project was supported by the State Government's Transfer Station Upgrade Fund.

The Tallangatta RRC booth office was damaged after severe weather and was replaced in March.

Corryong Landfill status – the facility has reached full capacity and public access has been closed since October 2023. An external consultant has prepared a suitable capping design for the closed cell and prepared an Aftercare and Environmental Management Plan which has been ratified by the EPA.

Proposed capital project works are to be released for tender submission shortly.

### **Climate Action**

A Climate Action Plan has been produced by Ironbark Sustainability Group who recommended investment in environmental sustainability with changes to Council vehicle fleet and landfill management practices. The removal of putrescible waste was strongly recommended which has now been addressed partly following the introduction of Food and Garden Organics Bins Kerbside collection service.

Passenger fleet vehicles are also recommended to be transitioned to electric vehicles or hybrids to reduce carbon emissions. This will be further explored vehicles come due for renewal/replacement.

To measure emission levels in 2019, Council adopted the Trellis software tool which primarily enabled a method to measure emission levels from Council owned assets. Broadly it allowed Council to manage data relating to its consumption of utilities, including electricity, gas, water, waste disposal, business travel and other resources such as fuel and refrigerant gas.

For the 23/24 financial year carbon emission levels measured 2,568TCo2-e generated across Council-owned assets which is up 18.4% on prior year.

Main resource contributor to emission levels was derived from waste 55.49% or 1425TCo2-e with fuel consumption measured at 29.26%.

### **Tree and Weed Programs**

The roadside weed and pest program was finalised and completed in May 2024 with approximately 1500km of roadside areas across four (4) defined areas treated.

Tree planting within the Shire commenced in early June and to date there have been:

- 20 Chinese elms planted along Strezelecki Way, Corryong;
- 30 Chinese pistachios And Eucalyptus leucoxydon at Walwa Recreation Reserve; and
- 40 trees across 12 species at Playles Hill, Corryong.

An audit count of the elm trees with the Shire has identified approximately 100 trees that will require treatment for Dutch elm beetle disease. A request for quote is being prepared for these works. Treatment is anticipated to commence mid-October.

**Relevant Law (s.9(2)(a)):**

All environmental sustainability actions have been undertaken in accordance with the service performance principles outlined in the *Local Government Act 2020*, *Environmental Protection Act 2017* and the *Circular Economy (Waste Reduction and Recycling Act) 2021*.

**Options – Best Outcomes for the Community (s.9(2)(b)):**

Not Applicable.

**Sustainability Implications (s.9(2)(c)):**

*Economic*

Enhanced recycling methods will diminish the volume of waste sent to landfills, while adopting a four-stream waste system enhances the circular economy framework for waste management in Victoria.

*Social*

The projects mentioned in this report promote sustainability education for the community.

*Environmental/Climate Change*

Actions undertaken on recycling of materials and ongoing review of tree management practice and climate adaption will contribute positively towards the mitigation of Council's impact on the environment and adherence to risk management best practice.

**Community Engagement (s.9(2)(d)):**

Community Education on Recycling: Council received grant funding from Sustainability Victoria under the Circular Economy Household Education Fund (CEHEF). The community education package includes digital and print material as well as a program for the delivery of community engagement activities in the months leading up to the start of the 3 bin FOGO service delivery.

**Innovation and Continuous Improvement (s.9(2)(e)):**

Not Applicable.



**Collaboration (s.9(2)(f)):**

Council officers liaise regularly with representatives of the Goulburn Murray Climate Alliance, waste management officers from councils in the Hume region and government representatives from the Department of Energy, Environment and Climate Action (DEECA), Environmental Protection Authority (EPA) and Sustainability Victoria relating to environmental and sustainability activities..

**Financial Viability/Budget Impact (s.9(2)(g)):**

		Jun 2024 YTD	Jun 2024 YTD	Jun 2024 YTD	Jun 2024 YTD	2023/24 Full Year
	Note	(Actual) \$	(Budget) \$	(Variance ) \$	(Variance) %	(Budget) \$
<b>Income</b>						
Kerbside collection		1,506,125	1,500,000	6,125	0%	1,500,000
Waste facilities management	1	492,780	534,000	(41,220)	(8%)	534,000
<b>Total Income</b>		<b>1,998,905</b>	<b>2,034,000</b>	<b>(35,095)</b>	<b>(2%)</b>	<b>2,034,000</b>
<b>Expenditure</b>						
Kerbside collection	2	966,197	1,384,120	417,923	30%	1,384,120
Waste facilities management		691,124	724,670	33,546	5%	724,670
<b>Total Expenditure</b>		<b>1,657,321</b>	<b>2,108,790</b>	<b>451,469</b>	<b>21%</b>	<b>2,108,790</b>
<b>Net Income / (Expenditure)</b>		<b>341,584</b>	<b>(74,790)</b>	<b>416,374</b>	<b>(557%)</b>	<b>(74,790)</b>

1. Lower than expected fee revenues from resource recovery centres.
2. Lower than anticipated waste collection expenses. Not yet billed for caddies and implementation costs associated with 3 bin transition which will be reflected in first half FY 2024.

**Regional, State and National Plans and Policies (s.9(2)(h)):**

Not Applicable.

## **Council Plans and Policies:**

Council Plans:

This report supports the following *Council Plan 2021-2025* priorities.

5.0 Environmental Sustainability - Integrate sustainable environmental management practices into all of our activities.

- 5.8 Continue to implement noxious weed control and monitoring along roadsides within available funding
- 5.9 Continue to implement the tree planting strategy to achieve 40% canopy coverage in urban streets by 2025
- 5.12 Develop a climate change action plan (including actions to reduce carbon emissions, electric vehicle charging, etc)
- 5.13 Transition waste and recycling services operations as per Victorian Government Circular Economy Strategy to deliver a four bin system for waste and recycling collection including separation of glass, green waste and organics
- 5.14 Invest in community education programs and a waste services survey to improve waste and recycling separation
- 5.16 Replace the retaining wall at the Tallangatta Transfer Station
- 5.17 Investigate options for the future of the Corryong Landfill
- 5.18 Implement required measures to ensure management of closed landfills is compliant with EPA requirements

Council Policies:

- *Climate Adaptation Policy;*
- *Kerbside Refuse and Recycling Collection Policy*
- *Tree Policy*

## **Transparency of Decision (s.9(2)(i)):**

It is the officer's view that it is appropriate to consider this matter in a Council meeting that is open to the public.

## **Risk Assessment:**

Not Applicable.

## **Officer's View:**

Good progress has been made in relation to the *Council Plan 2021-2025* Environmental Sustainability strategic priorities.

**Council Resolution:**

**CR ANDERSON  
CR SCALES**

**THAT THE REPORT BE NOTED.**

**CARRIED**

Confirmed

## 14 Economic and Tourism Development

There are no Economic and Tourism Development reports to present this meeting.

## 15 Councillor Reports

An opportunity is provided for Councillors to table or present a Delegate's report.

Nil.

## 16 Urgent Business

In accordance with Council's Governance Rules, matters of urgent business can only be considered if:

- a) It relates to or arises out of a matter which has arisen since distribution of the agenda; and
- b) It cannot safely or conveniently be deferred until the next Council meeting; and
- c) The Council resolves to admit an item considered to be urgent business.

### Council Resolution:

**CR DIKSCHAI  
CR ANDERSON**

**THAT WE ACCEPT A REPORT ON THE DEBT COLLECTION POLICY.**

**CARRIED**

### Council Resolution:

**CR DIKSCHAI  
CR ANDERSON**

**THAT THE AMENDED DEBT COLLECTION POLICY BE ADOPTED.**

**CARRIED**

## **17 Committee Minutes**

There are no Committee Meeting minutes for review or confirmation this meeting.

## **18 Council Policies**

There are no policies for review or adoption.

## **19 Sealing of Documents**

Nil.

Confirmed

## 20 Confidential

Section 66 of the *Local Government Act 2020* declares that meetings are to be open to the public unless the following specified circumstances apply:

1. *A Council or delegated committee must keep a meeting open to the public unless the Council or delegated committee considers it necessary to close the meeting to the public because a circumstance specified in subsection (2) applies.*
2. *The circumstances are –*
  - a) *the meeting is to consider confidential information; or*
  - b) *security reasons; or*
  - c) *it is necessary to do so to enable the meeting to proceed in an orderly manner.*
3. *If the circumstance specified in subsection (2)(b) or (2)(c) applies, the meeting can only be closed to the public if the Council or delegated committee has made arrangements to enable the proceedings of the meeting to be viewed by members of the public as the meeting is being held.*
4. *For the purposes of subsection (3), the arrangements may include provision to view the proceedings on the Internet or on closed circuit television.*
5. *If a Council or delegated committee determines that a meeting is to be closed to the public to consider confidential information, the Council or delegated committee must record in the minutes of the meeting that are available for public inspection –*
  - a) *the ground or grounds for determining to close the meeting to the public by reference to the grounds specified in the definition of confidential information in section 3(1); and*
  - b) *an explanation of why the specified ground or grounds applied.*

*As defined in section 3(1) of the Local Government Act 2020 "confidential information" means the following information*

- a. *Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released;*
- b. *Security information, being information that if released is likely to endanger the security of Council property or the safety of any person;*
- c. *Land use planning information, being information that if prematurely released is likely to encourage speculation in land values;*

- d. Law enforcement information, being information which if released would be reasonably likely to prejudice the investigation in an alleged breach of the law or the fair trial or hearing of any person;*
- e. Legal privileged information, being information to which legal professional privilege or client legal privilege applies;*
- f. Personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;*
- g. Private commercial information, being information provided by a business, commercial or financial undertaking that –
  - (i) relates to trade secrets; or*
  - (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;**
- h. Confidential meeting information, being the records of meetings closed to the public under section 66(2)(a);*
- i. Internal arbitration information, being information specified in section 145;*
- j. Councillor Conduct Panel confidential information, being information specified in section 169;*
- k. Information prescribed by the regulations to be confidential information for the purposes of this definition; and*

*Information that was confidential information for the purposes of section 77 of the Local Government Act 1989.*

Nil.

## **21 Closure of Meeting**

There being no further business, the Mayor declared the meeting closed, the time being 10:58am.