

## ORDINARY COUNCIL MEETING MINUTES – 09.03.10

***Mission Statement:***

***To support and develop a sustainable, thriving and resilient Community  
through leadership and partnership.***

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**HELD:** Tuesday 3<sup>rd</sup> March 2010 at 3.00pm

**LOCATION:** Senior Citizens Hall, Yackandandah

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**ATTENDEES:**

Councillors:	Senior Management/Officers
Bernard Gaffney – Mayor	Brendan McGrath – CEO
Ali Pockley – Deputy Mayor	Mark Crouch
Peter Croucher	Mark Florence
Larry Goldsworthy	Frank Bonacci
Vic Issell	Diana Hempel
Barbara Murdoch	Jo Riley
Peter Graham	

**APOLOGIES:** Andre Kompler

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***Vision Statement:***

***INDIGO – A great place to live, work and visit.***

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**ORDINARY COUNCIL MEETING AGENDA – 09.03.10**

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**1.0 WELCOME**

Cr Gaffney welcomed all those in attendance.

**2.0 OPENING PRAYER & ACKNOWLEDGEMENT OF THE TRADITIONAL OWNERS OF THE LAND**

Cr Murdoch read the opening prayer and acknowledgement of the traditional owners of the land.

**3.0 APOLOGIES AND LEAVE OF ABSENCE**

Nil.

**4.0 DECLARATION OF CONFLICT OF INTEREST**

Cr Pockley declared a direct conflict of interest in regard to Item 11.6 “Youth Initiative Grant” as she is employed on a short-term contract of the Yackandandah Folk Festival.

**5.0 OPEN FORUM**

Cr Croucher introduced Elvie Rooney, a student at Yackandandah Primary School and a new member of the Junior Councillors. Alvie introduced herself to Council and provided a brief overview of herself, including her passion for the Cats!

The CEO read a letter sent from Joy Lee. The letter detailed a request for advertising funding from the Market Committee.

**6.0 CONDOLENCES**

Cr Croucher expressed condolences for Mr Jack Reid who passed away at the age of 91.

**7.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETING - 01.12.09 & 09.02.10**

**Moved: Cr Pockley  
Seconded: Cr Croucher**

**That the minutes from Special Meeting of Council held on 1<sup>st</sup> December 2009 and the minutes from the Council Meeting held on 9<sup>th</sup> February 2010 be confirmed.**

**UNANIMOUSLY CARRIED**

**8.0 BUSINESS ARISING FROM PREVIOUS MINUTES**

Nil.

**9.0 DEPUTATIONS AND PETITIONS**

Nil.

10.0 CORPORATE SERVICES

10.1 BURKE MUSEUM AND HISTORIC PRECINCT – ADVISORY COMMITTEE  
MEMBERSHIP APPOINTMENTS

File No.: 09/469 - Mark Crouch - General Manager Corporate Services

For Decision

**RECOMMENDATION**

That the following people be appointed to the Burke Museum and Historic Precinct Advisory Committee:

To be resolved by Council.

**Moved: Cr Issell  
Seconded: Cr Pockley**

**That this item be deferred to the April Meeting of Council.**

**UNANIMOUSLY CARRIED**

**INTRODUCTION**

At the February 9 2010 Council meeting, it was resolved;

**Moved: Cr Issell  
Seconded: Cr Goldsworthy**

**That this item be moved to the March meeting of Council to allow Councillors to further consider applications.**

**UNANIMOUSLY CARRIED**

This report and officer recommendation formalises the appointment of people to the Burke Museum and Historic Precinct Advisory Committee pursuant to the Local Government Act 1989 and Council resolution of December 8 2009.

This matter is not being considered in isolation and forms part of a number of actions agreed by Council as part of the Council resolution below in relation to the Burke Museum and Historic Precinct.

The expectation is that Councillors will consider the Expressions of Interest (EOI) Summary and individual submissions and will make a determination on committee membership based on the skills of listed people will bring to the committee in accordance with the committee delegation and membership structure. Councillors were provided with background material on committee delegation and membership structure in the lead up to the February 2010 Council meeting.

BACKGROUND

At the December 8 2009 Council meeting, Council resolved as follows:

*Reaffirm its support for the Burke Museum and the cultural and heritage significance the Burke Museum brings to Beechworth and the Indigo Shire as a whole.*

*Support the formation of an overarching advisory committee to advise Council on the future directions and policy for a combined Burke Museum and Beechworth Historical Precinct.*

*Adopt and sign and seal the Instrument of Delegation for a Burke Museum and Beechworth Historical Precinct Advisory Committee pursuant to Section 86 of the Local Government Act 1989.*

*Seek expressions of interest from suitably qualified and / or experienced people for the advisory committee pursuant to Section 86 of the Local Government Act 1989.*

*Investigate the potential for the development of an Archive and Heritage Centre in conjunction with the Burke Museum, to expand on the existing Public Records Office (PROV) capacity within the museum's operations, as well as the public display of the substantial indigenous collection held by the Burke Museum.*

*Instruct the Chief Executive Officer to prepare an appropriate staffing structure for a combined Museum and Historical Precinct operation together with estimated costs of implementing same for detailed consideration by Council in the framing of the Council Budget 2010/11.*

*Receive a recommendation at its February 2010 meeting re the employment options of a Manager.*

*That recommendation 8.2 that relates to signage be acted on sooner rather than later and is appropriate with the desired outcome of highlighting the museums presence in Beechworth*

The instrument of delegation was structured to have membership comprised as follows:

**Composition of the Committee**

- 3.1 The Committee shall comprise:
  - 3.1.1 One (1) Councillor of the Indigo Shire Council.
  - 3.1.2 Four (4) Special Interest or 'skills' based representatives. Representatives should have background or experience in at least one or more of the following fields or areas of expertise including - Museum management, curatorship, Archival, marketing, education, public records, and genealogy,
  - 3.1.3 One (1) representative of the Friends of the Burke Museum
  - 3.1.4 One (1) member representing the other museums / athenaeums operating in the Indigo Shire.
  - 3.1.5 Two (2) Community representatives.
  - 3.1.6 Indigo Shire Senior Staff member responsible for Burke Museum management.
  - 3.1.7 Indigo Shire Manager Tourism.
- 3.2 Changes to the composition of the Committee shall be considered by the Council upon recommendation of the Committee.
- 3.3 The Committee may co opt persons with special interests, qualifications and skills on an as needed basis.
- 3.4 Council staff members, and any person/s coopted from time to time to assist the committee in its advisory role, will have no voting rights.

There is merit in Council being prepared to modify the committee membership structure should circumstances warrant ensuring the best committee membership utilising the skills available within the community. Clauses 3.3 & 3.4 above will also provide ample scope to allow staff and other input into the workings of the committee.

#### KEY IMPLICATIONS

From a risk management perspective, the formation of a skills based advisory committee places Council in a better position to manage this facility going forward. There are 'risks' in having this facility continue in the current vein, as clearly highlighted in the Speirs report and associated recommendations.

From a legislative / regulatory perspective, there are a number of issues faced by Council. There are museum accreditation matters to be considered, and these matters and the role of the advisory committee have been canvassed at length in the Speirs report. From a Historic Precinct perspective, there are a considerable number of historical building, associated upkeep and maintenance issues and planning implications that must be recognised and observed. There are advantages in the formation of a skills based committee that can provide Council clear recommendations on a wide range of strategic and policy matters that have been assigned or delegated to the committee.

There are no environmental implications with regard the Burke Museum and Historic Precinct.

It is important for Council to recognise that the committee has responsibility for providing Council with strategic direction advice on the Burke Museum as well as the Historic Precinct. The Speirs report recommended:

#### *1.3. Integration*

*The operations of the Historic Precinct be integrated into the Robert O'Hara Burke Museum.*

It will be important that the committee be structured so as to provide this broad range advice to Council not only with regard to the Burke Museum, but also the Historic Precinct. Although separate buildings or facilities, the synergies and the need to consider the facilities as a 'package' will be vital going forward.

#### FINANCIAL IMPLICATIONS

The financial implications on the establishment of an advisory committee are wide ranging.

The Speirs report and associated recommendations have detailed a wide range of matters where the advisory committee needs to focus attention. Not all the outstanding matters can or should be addressed immediately by the committee and /or Council. There are yet to be determined cost implications around many of the recommendations that Council is not in a position to fund or consider at this time. There must be a programmed approach to taking the Museum and Historic Precinct forward. There will be an obligation on the advisory committee to work with Council to address a program of changes over time. These may take a number of years to undertake. Council will need to establish this working relationship with the committee to maximise the committees' operations and outcomes toward stated objectives. Council will be required to consider all committee recommendations on merit and be prepared to justify and communicate its position.

There will also be a responsibility on the Council administration to work closely with the committee to ensure agreed policy positions as well as day to day operational matters are addressed in a professional manner. The advisory committee will have no operational responsibilities and will need to focus clearly on its predetermined roles and responsibilities as detailed in the committee instrument of delegation.

### POLICY IMPLICATIONS

The role of the appointed committee will include the need to focus on policy and strategic advice to Council.

#### Objectives:

- 2.1 *To provide Council policy and strategic direction advice and recommendations in relation to the Burke Museum and Historical Precinct at Beechworth.*
- 2.2 *To advise Council and make recommendations on the assimilation of the Burke Museum and the Historical Precinct facilities to provide for the professional stewardship of the facilities from an historical and cultural perspective.*
- 2.3 *To advise and make recommendations to Council on the establishment of a Statements of Purpose, Vision and Mission and Policy framework for the Burke Museum and Historical Precinct.*
- 2.4 *To advise and make recommendations to Council on the relationships, workings and the maximisation of opportunities and assistance between the Burke Museum and Historical Precinct with the other museums / athenaeums operating within the Shire.*
- 2.5 *To advise and make recommendations to Council on issues involving museum and heritage accreditation and standards of operation.*
- 2.6 *To foster and promote a close professional working relationship between the Indigo Shire Council, Burke Museum and Historical Precinct, and the Friends of the Burke Museum.*
- 2.7 *To advise and make recommendations to Council on the mechanisms required to maximise the Burke Museum and Historical Precinct operation in the areas of policy and planning, performance monitoring, accountability and decision making.*
- 2.8 *To advise and make recommendations to Council on the preparation and establishment of various plans and policies in a range of areas including marketing, collection management and interpretation.*
- 2.9 *To advise and make recommendations to Council in relation to management and professional custodianship of the Indigenous and Ethnographic Collections held at the Burke Museum.*
- 2.10 *To advise Council on the various strategic elements comprising the operation of the Burke Museum, including Public Records Office Victoria (PROV), research and other specialist services provided by the Burke Museum.*
- 2.11 *To advise and make recommendations to Council on strategic means of improving visitation and patronage to both the Burke Museum and Historical Precinct.*

### CONCLUSION

The EOI process has produced a varied and talented skill set to take the Burke Museum and Historic Precinct forward. A sound working relationship needs to be established and maintained.

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Councillors are advised to give careful consideration to the composition of the membership to ensure all membership categories are considered and that a well balanced committee is established. A poorly balanced committee will have less impact addressing the vast number of strategic matters the committee will be required to consider.

A disc has also been previously circulated to all Councillors that incorporate all EOI submissions and other relevant inputs to assist Council in resolving on committee membership.

It is important that the committee membership is formalised as quickly as possible to ensure work can commence on strategic advice to Council on these important and iconic facilities within Indigo Shire.

**10.2 SHIRE-WIDE SERVICE DELIVERY**

**File No: Diana Hempel – Corporate Services Coordinator**

**For Decision**

**RECOMMENDATION**

**That Council:**

- 1. Retain and support the current Shire-wide Customer Service delivery model.**
- 2. That the service provision model be monitored annually to assess its ongoing effectiveness and whether any changes or modifications are considered warranted.**

**Moved: Cr Goldsworthy  
Seconded: Cr Murdoch**

**That Council:**

- 1. Retain and support the current Shire-wide Customer Service delivery model.**
- 2. That the service provision model be monitored annually to assess its ongoing effectiveness and whether any changes or modifications are considered warranted.**

**CARRIED**

<b>For:</b>	<b>Against:</b>
<b>Cr Gaffney</b>	<b>Cr Issell</b>
<b>Cr Pockley</b>	
<b>Cr Croucher</b>	
<b>Cr Graham</b>	
<b>Cr Murdoch</b>	
<b>Cr Goldsworthy</b>	

**INTRODUCTION**

This report summarises the findings of a discussion paper prepared in 2008 for a Shire-wide Customer Service provision, a comprehensive review carried out over the last 2 months and to highlight any potential gaps in this area in accordance with the Council Plan.

**BACKGROUND**

This report examines the existing Customer Service provision and possible alternative improvement models by incorporating information technology solutions.

The current Customer Service model consists of 4 Customer Service Centres located across the Shire.

Across the four existing centres; the Customer Service team handles more than 70,000 inquiries, telephone contacts and transactions per year. The skill level of the Customer Service staff across the four sites enables a broad range of services to be offered and a large majority of customer

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requests can be resolved at the first point of contact.

The residents of Indigo Shire have expressed a clear preference for in-person contact with Council staff either face to face or by telephone.

According to the infrequent informal complaints at the Yackandandah Office; the main concern for access to Council offices comes from the Kiewa/Tangambalanga/Kergunyah area. It was decided to investigate options for customer service delivery in that area.

One proposed way to provide Customer Service in Kiewa/Tangambalanga would be to install an "Information Booth" with a telephone link to ISC Customer Service staff and a computer to access the Indigo Shire website with telephone assistance if required.

Forms and brochures could be on display or available for download and printing.

The kiosk could be located in a local business or community area with Indigo Shire branding to produce maximum exposure.

### FINANCIAL IMPLICATIONS

The estimated costs associated with installing a kiosk would include:

- Hardware - A computer, printer, telephone handset, installation of a phone line, construction of a cubicle incorporating a desktop and brochure display.
- Ongoing costs associated with rental and internet connections.
- Ongoing maintenance of equipment.

Broad estimates of the cost:

- Initial set up \$5,000 (minimum).
- Ongoing costs \$2,000 per annum.
- IT resources.

### PHONE SURVEY

The following survey was completed during the week of 15/2/2010 to 19/2/2010. Each of the seven Customer Service staff and the Corporate Services Co-ordinator were given a portion of a list of residents to contact. The target was 5 surveys to be completed by each person, providing 40 results in total. The results of the survey are as follows:

### CONCLUSION

The informal discussions concluded that these findings show that the residents do not see the implementation of an information kiosk as something that is justified at this point in time.

Shire Wide Customer Service delivery would remain an issue to be monitored on a regular basis to assess if there was any shift in service delivery expectations. The current situation and feedback gives some level of assurance that an information booth in the Kiewa/Tangambalanga and other more remote areas within Indigo Shire is unwarranted at this time.

Attachment:  
Phone Survey Results

**10.3 COMMITTEES OF MANAGEMENT INSTRUMENTS OF DELEGATION – REVIEW – AS PER SECTION 86 OF THE LOCAL GOVERNMENT ACT 1989 (LGA89)**

File No.: 09/1148 – Jo Riley – Manager Governance & Risk

For Decision

**RECOMMENDATION**

That in accordance with Section 86(6) of the Local Government Act 1989, that Council adopt the revised Instruments of Delegation for the following Committees of Management:

- Coulston Park Committee of Management;
- Wooragee Community Centre Committee of Management;
- Yackandandah Public Hall and Courthouse Committee of Management;
- Yackandandah Sports Park Committee of Management;
- Baarmutha Park Committee of Management;
- Chiltern Community Centre Special Committee of Management; and
- Chiltern Memorial Hall Special Committee of Council.

Moved: Cr Croucher  
Seconded: Cr Graham

That in accordance with Section 86(6) of the Local Government Act 1989, that Council adopt the revised Instruments of Delegation for the following Committees of Management:

- Coulston Park Committee of Management;
- Wooragee Community Centre Committee of Management;
- Yackandandah Public Hall and Courthouse Committee of Management;
- Yackandandah Sports Park Committee of Management;
- Baarmutha Park Committee of Management;
- Chiltern Community Centre Special Committee of Management; and
- Chiltern Memorial Hall Special Committee of Council.

An amendment was:

Moved: Cr Murdoch  
Seconded: Cr Goldsworthy

That all AGM's of these committees be held in November at which members will be nominated:

- Coulston Park Committee of Management;
- Wooragee Community Centre Committee of Management;
- Yackandandah Public Hall and Courthouse Committee of Management;
- Yackandandah Sports Park Committee of Management;
- Baarmutha Park Committee of Management;

- **Chiltern Community Centre Special Committee of Management; and**
- **Chiltern Memorial Hall Special Committee of Council.**

**UNANIMOUSLY CARRIED**

The amended motion was then:

**Moved: Cr Murdoch**

**Seconded: Cr Goldsworthy**

**That all AGM's of these committees be held in November at which members will be nominated:**

- **Coulston Park Committee of Management;**
- **Wooragee Community Centre Committee of Management;**
- **Yackandandah Public Hall and Courthouse Committee of Management;**
- **Yackandandah Sports Park Committee of Management;**
- **Baarmutha Park Committee of Management;**
- **Chiltern Community Centre Special Committee of Management; and**
- **Chiltern Memorial Hall Special Committee of Council.**

**UNANIMOUSLY CARRIED**

### INTRODUCTION

This Report provides recommendations for the Instruments of Delegation that were not reviewed in 2009 (as outlined in my Report to Council's Ordinary Meeting in November 2009).

### BACKGROUND

Section 86(6) of the Local Government Act 1989 provides that "The Council must review any Delegations to a Special Committee in force under this section within the period of 12 months after a general election".

The adoption of the abovementioned Committees will complete this process.

The review of these Committees of Management has involved consultation with the appropriate Council Officers, Committee members and Councillors.

It was found that the reporting requirements of these Committees was onerous and unreasonable and were not being fulfilled. These have now been amended to reflect more manageable expectations which are also in accordance with other Instruments of Delegation reporting requirements.

These Instruments of Delegation were presented to Council at its Ordinary Meeting in February where questions were raised and have since been answered and clarified. The formatting of the Instruments has also been amended to make them more consistent.

### KEY IMPLICATIONS

Not applicable.

FINANCIAL IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

Not applicable.

CONCLUSION

That Council adopt the attached Instruments of Delegation, which will enable the review process to be finalised.

Attachments:  
To be provided to Councillors electronically

**10.4 COUNCILLORS & SPECIAL COMMITTEE MEMBERS SUPPORT AND EXPENSES POLICY**

**File No.: 09/738 – Jo Riley - Manager Governance & Risk**

**For Decision**

**RECOMMENDATION**

**That the Councillors & Special Committee Members Support and Expenses Policy, as appended, be adopted by Council pursuant to Section 75B of the Local Government Act 1989.**

**Moved: Cr Goldsworthy  
Seconded: Cr Graham**

**That the Councillors & Special Committee Members Support and Expenses Policy, as appended, be adopted by Council pursuant to Section 75B of the Local Government Act 1989.**

**UNANIMOUSLY CARRIED**

**INTRODUCTION**

Pursuant to the Local Government Act 1989, Council is required to adopt and maintain a Councillor Reimbursement Policy.

**BACKGROUND**

A draft of this Policy was considered at three separate Briefing sessions and has also been circulated on several occasions for review and comment. It now comes before Council for formal consideration and adoption.

**KEY IMPLICATIONS**

Extract of Local Government Act 1989 (LGA89):-

**75 Reimbursement of expenses of Councillors**

- (1) A Council must reimburse a Councillor for expenses if the Councillor—
  - (a) applies in writing to the Council for reimbursement of expenses; and
  - (b) establishes in the application to Council that the expenses were reasonable bona fide Councillor out-of-pocket expenses incurred while performing duties as a Councillor.
- (2) In this section, ***duties as a Councillor*** means duties performed by a Councillor that are necessary or appropriate for the purposes of achieving the objectives of a Council having regard to any relevant Act, regulations, Ministerial guidelines or Council policies.

**75A Reimbursement of expenses of members of Council Committees**

A Council may reimburse members of council committees for necessary out-of-pocket expenses incurred while performing duties as a committee member.

**75B Councillor reimbursement policy**

- (1) A Council must adopt and maintain a policy in relation to the reimbursement of expenses for Councillors and members of Council committees.
- (2) A policy adopted by Council under this section must be consistent with—
  - (a) the prescribed types of Councillor out-of-pocket expenses that must be reimbursed if the expenses are reasonable and bona fide; and
  - (b) the prescribed procedures to be followed by Councils in relation to the reimbursement of out-of-pocket expenses.
- (3) A Council must keep a copy of the policy adopted and maintained under this section available for inspection at the office of the Council.

**75C Resources and facilities for Councillors**

A Council must make available for the Mayor and the Councillors the minimum resources and facilities prescribed for the purposes of this section.

FINANCIAL IMPLICATIONS

Council makes budgetary provision for the support and expenses of Councillors and members of Special Committees whilst undertaking duties as a Local Government Councillor/Special Committee member.

POLICY IMPLICATIONS

This report is in relation to the making of Policy as required by section 75B of the LGA89.

CONCLUSION

Not applicable.

Attachment  
Draft Indigo Shire Council Councillors & Members of Special Committees Support and Expenses Policy

**10.5 FINANCE REPORT FOR THE MONTH OF JANUARY 2010****File No.: 09/646 - Frank Bonacci - Finance Manager****For Information**

At the February 2010 Council meeting, Council adopted the half yearly financial review and revised Budget for 2009/10. That revised full year recurring Budget position showed a favourable position of \$663k versus the original 2009/10 Budget.

The January results, on a year to date basis, shows an additional \$110k favourable variance versus the revised half yearly Budget. The majority of this variance, \$90k, is due to higher than average levels of annual leave taken by staff over the Christmas / new year period and during the month of January. The salary forecasting module assumes an even spread of annual leave during the course of the year and this higher than average level of leave in January has meant that a great amount of staff salaries were paid from leave accruals rather than Budgeted Ordinary Time. This favourability is temporary and will reduce as we progress through to year end.

No other significant or notable variances to the revised recurring Budget exist at the end of January 2010. A more detailed review and report on the financial position as at the end of February 2010 will be presented to the April Council meeting.

An additional \$1.07 million was spent on the Capital Works program during the month of January bring the Year to Date spend for Capital Works as at the end of January 2010 to \$5.42 million.

**11.0 SUSTAINABLE COMMUNITIES**

**11.1 PLANNING PERMIT APPLICATION PP09-0179 (DEWHURST C/- EDM GROUP)**

File No.: PP09 - 0179 - Travis Basham - Town Planner

For Decision

**RECOMMENDATION**

That Council resolve to approve Planning Permit Application PP09-0179 for the use and development of Crown Allotment 1A2 Section 1 Parish of Chiltern, Old Howlong Road, Cornishtown for the purposes of a dwelling subject to the Conditions and in accordance with the Notice of Decision included at Attachment C and that Council resolve to enter into an Agreement under Section 173 of the Planning and Environment Act 1987 with the owner of the land to ensure that Crown Allotment 19A Section C Parish of Chiltern, Mt Pleasant Road, Cornishtown cannot be used or developed for the purposes of accommodation (including a dwelling).

Moved: Cr Graham  
 Seconded: Cr Croucher

That Council resolve to approve Planning Permit Application PP09-0179 for the use and development of Crown Allotment 1A2 Section 1 Parish of Chiltern, Old Howlong Road, Cornishtown for the purposes of a dwelling subject to the Conditions and in accordance with the Notice of Decision included at Attachment C and that Council resolve to enter into an Agreement under Section 173 of the Planning and Environment Act 1987 with the owner of the land to ensure that Crown Allotment 19A Section C Parish of Chiltern, Mt Pleasant Road, Cornishtown cannot be used or developed for the purposes of accommodation (including a dwelling).

**CARRIED**

<b>For:</b>	<b>Against:</b>
Cr Gaffney	Cr Issell
Cr Croucher	Cr Goldsworthy
Cr Graham	Cr Pockley
Cr Murdoch	

**INTRODUCTION**

Application Number: PP09-0179

Applicant: Dewhurst C/- EDM Group

Subject Land: Crown Allotment 1A2 Section 1 and Crown Allotment 19A Section C Parish of Chiltern, Old Howlong Road and Mt Pleasant Road, Cornishtown

BACKGROUND

Purpose:	Seek approval to use and/or develop the subject site for the purposes of a dwelling
Subject Site Land Area:	40.47 hectares
Current Use of Subject Site:	Vacant – grazing and cropping.
Site Constraints:	Waterway that runs east to west along the southern boundary of the allotment. Land rises from the waterway to the north boundary with the highest elevation being an exposed knoll on the north boundary on which is located the proposed building envelope.
Surrounding land use	Agriculture – predominantly grazing and cropping
Zoning of surrounding land	Farming Zone

PROPOSAL

Use and develop the subject land for the purposes of a dwelling.

ZONING AND PLANNING CONTROLS

Zoning :	Farming Zone
Overlay(s):	ESO3 (Black Dog Creek)
Permit Trigger:	A permit is required to use and develop the subject land for the purposes of a dwelling under the provisions of the Farming Zone. A permit is required for buildings and works under the provisions of the ESO3

PLANNING AND ENVIRONMENT ACT 1987 - SECT 60

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

- (a) the relevant planning scheme; and
- (b) the objectives of planning in Victoria; and
- (c) all objections and other submissions which it has received and which have not been withdrawn; and
- (d) any decision and comments of a referral authority which it has received; and
- (e) Any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development.

## INDIGO PLANNING SCHEME - STATE PLANNING POLICY

### Introduction, Goal and Principles

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

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

### Environment

15.01 Protection of Catchments

15.07 Protection from Wildfire

### Economic Development

17.05 Agriculture

## LOCAL PLANNING POLICY FRAMEWORK

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

### Municipal Strategic Statement

Relevant clauses of MSS include:

Economy

Environment

21.02 Key Issues

21.03-1 Vision & Strategic Framework

21.03-2 Corporate Plan

21.04-2-1 Agriculture

Local Planning Policies

22.01-2 Rural Dwelling Siting & Design Guidelines

22.02-1 Landcare & Catchment Management

22.02-2 Land use, development and subdivision in rural areas

22.03-2 Fire Hazard

22.03-4 Effluent Disposal & Water Quality

22.03-11 Stormwater Management Policy

PARTICULAR PROVISIONS

None Applicable

GENERAL PROVISIONS

65 Decision Guidelines

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

65.01 Approval of an application or plan

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

- The matters set out in Section 60 of the Act.
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.

REFERRAL AUTHORITIES

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

- Indigo Shire Council - Assets
- Health (effluent disposal)
- North East CMA

Responses received do not object to a permit being issued if it is subject to conditions.

## PUBLIC NOTICE

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

Four objections were received in response (see Attachment to be provided separately to Councillors).

Issues raised include:

- Potential for land use conflict between the residential use of the subject land and adjoining agricultural activities including aspects such as noise, dust, spray, pets, etc...;
- The proposal would restrict the ability of adjacent agricultural activities to expand;
- The proposal would inflate land values in the area beyond agricultural values;
- The proposed siting of the dwelling is inappropriate and does not take into account the impacts of adjacent agricultural activities;
- The proposal will attract rural lifestyle / hobby farmers in an area used predominantly for agriculture and consequently will create issues with weed, pest and erosion control due to different values associated with land management;
- Location of the access is inappropriate due to sight distances and impacts on stormwater;
- A dwelling is not required for the continued agricultural use of the land.
- A dwelling is not required to achieve the purported improvements in land management or agricultural operations;
- The proposal is inconsistent with the purposes of the Farming Zone;
- The proposed siting of the dwelling will negatively impact on the ability to continue adjacent agricultural activities that generate significant amounts of noise, dust, odour, chemicals (spray), smoke from stubble burning;
- The proposal will negatively impact on the visual quality of the rural landscape via the siting of the development in a prominent location on the ridgeline.

Following amendment of the application on the 18/01/2010 to also include Crown Allotment 19A Section C Parish of Chiltern, Mt Pleasant Road, Cornishtown (8.1ha) to effectively relate to land that is 40.47ha in size and inclusion of 'building exclusion zones' to ensure development achieves adequate setbacks from adjacent properties and the localised ridge, one objection to the application was withdrawn.

A planning focus meeting was not held. The outstanding issues raised in objection are discussed in detail below.

## DISCUSSION

The subject site that the dwelling is proposed to be located on (Crown Allotment 1A2 Section 1 Parish of Chiltern) is approximately 32 hectares in size and is located approximately 7km north of Chiltern on the Old Howlong Road. The subject site has frontage to Old Howlong Road to the east, Indigo Post Office Road to the south and Backhouse Road to the west. The property is cleared grazing/cropping land, divided into two roughly equal paddocks with some scattered native vegetation. Improvements include fencing and 2 dams located on the waterway that traverses the property from east to west through the south of the Lot (refer to locality plan and copy of proposal at Attachments A and B).

**ORDINARY COUNCIL MEETING AGENDA – 09.03.10**

The subject site is surrounded by similarly managed grazing and cropping land. Lot sizes to the north of Indigo Post Office Road are generally in excess of 40ha with the exception of two adjacent lots to the east of the subject land that are each approximately 30ha. Lots to the south of Indigo Post Office Road range in size from 2 to 25ha however the average holding size in the locality is approximately 76ha ranging from an 11ha isolated allotment to the southwest of the subject land to holdings of 144ha and 213ha that are comprised of numerous separately disposable parcels.

Despite the variation in allotment sizes in the area, the predominant land use in the locality is extensive grazing and cropping with little fragmentation of holdings having occurred to date.

It is proposed to use and develop the subject land for the purposes of a dwelling. The application includes an aerial photograph of the site annotated with the aforementioned improvements and titled a site context plan. The design response originally submitted entailed the same plan with a building envelope on the crest of the localised ridge near the northern boundary of the property.

The report submitted with the application indicates that the lot is able to be developed in accordance with the local development policy content of the Indigo Planning Scheme such as the Effluent Disposal Policy. Aspects of the Rural Dwelling Siting and Design Guidelines Policy were not considered to be met due to the prominent location of the building envelope and its proximity to the northern boundary (adjacent agricultural activities). The amended application includes 'building exclusion zones' to ensure development occurs in a less prominent location to aid in protecting the rural landscape and ameliorate potential land use conflicts between the residential use of the land and adjacent agricultural activities and is now considered to meet the Rural Dwelling Siting and Design Guidelines Policy.

Council's Environmental Health Officer has reviewed the application and advises that it will be possible to treat and retain wastewater onsite provided appropriate distances for the land application area are maintained from all water sources.

It is proposed to provide a potable water supply for the dwelling from roof catchment and water tanks that will be located close to the dwelling. Electricity and telephone services are available.

Having regard to the provision of access to the subject land which was raised as a matter of concern in a number of submissions received, Council's Development Engineer has advised that the location of the new access would be subject to a satisfactory assessment of sight safety distances. At this point in time it is proposed to create a new access to the site from the Old Howlong Road at a point north of the waterway so as to avoid the need for the carriageway to cross the waterway.

If it is not possible to achieve adequate sight safety distances however, the access can be provided from Indigo Post Office Road and a Works on Waterways Permit will also be required from the North East Catchment Management Authority to ensure water flow and water quality are not impacted on by the carriageway.

The amended application, by including additional lands to make the land unit greater than 40ha, effectively achieves the default density for development required by the Farming Zone. If the land had been consolidated a Planning Permit would only be required for the development of the land under the provisions of Schedule 3 to the Environmental Significance Overlay.

## ORDINARY COUNCIL MEETING AGENDA – 09.03.10

Schedule 3 to the Environmental Significance Overlay relates to the Black Dog Creek Waterway Management District and effectively relates to the impacts of buildings and works on rural drainage as reflected in the objectives that the overlay seeks to achieve.

In this instance the North East Catchment Management Authority does not object to a permit being issued for the proposed development as the required 100m setbacks from the waterway on the subject land can be achieved.

The application contends that the use of the land for the purposes of a dwelling will not cause a substantial reduction in the productive capacity of the subject land and will not necessarily diminish farm gate output. It is also possible that a dwelling may facilitate greater flexibility in the management of the property by allowing greater supplementation with off-farm income.

In this regard the application has demonstrated that a dwelling may not necessarily be inconsistent with the use of the land, or adjacent land for agriculture and approval of a dwelling may allow higher inputs into the management of the property. Such a scenario may or may not exacerbate or alleviate some of the concerns raised in objection however this depends to a large degree on whom occupies the dwelling and what their means, expectations and intentions are (i.e. personal circumstances, which are not controlled by planning provisions).

Having regarded to the matters raised in objection it is considered that:

- The potential for land use conflict between the residential use of the subject land and adjoining agricultural activities including aspects such as noise, dust, spray, pets, etc... is somewhat reduced by the inclusion of 'building exclusion zones' to ensure development occurs in a less prominent location to aid in protecting the rural landscape and ameliorate potential land use conflicts between the residential use of the land and adjacent agricultural activities. In this regard the proposal is now considered to meet the Rural Dwelling Siting and Design Guidelines Policy.
- The contention that the proposal would restrict the ability of adjacent agricultural activities to expand is also considered to be addressed by the 'building exclusion zones' which provide adequate setbacks from the residential use of the land and adjacent properties. Such setbacks are considered adequate to ameliorate land use conflict if agricultural activities on adjacent lands intensify (note: they cannot expand beyond current limits in relation to the subject land as they are carried out up to the boundary).
- The contention that the proposal would inflate land values in the area beyond agricultural values is no longer relevant as the amended application now relates to land in excess of 40ha (default density established by the Farming Zone). Despite the dwelling being located on a 32ha lot, the cost of the restriction on the 8ha lot will balance land values in the locality. Inflation of the land value as a result of this application is not therefore considered to be any greater than adjoining undeveloped agricultural land that is in excess of 40ha and has a 'right' to be used for a dwelling.
- The 'building exclusion zones' take into account the impacts of adjacent agricultural activities.
- The contention that the proposal will attract rural lifestyle / hobby farmers in an area used predominantly for agriculture and consequently will create issues with weed, pest and erosion control due to different values associated with land management depends to a large degree on whom occupies the dwelling and what their means, expectations and intentions are (i.e. personal circumstances, which are not controlled by planning provisions).

Given that the lot to be developed is 32ha and in light of the restrictions on the development of the lot, it is likely that it will continue to be used for agriculture albeit on an isolated allotment basis rather than forming part of a larger agricultural holding. In this regard, the current Indigo Planning Scheme provisions would allow the fragmentation of the surrounding holdings into individual allotments of 40ha which could be used for the purposes of a dwelling. That this has not occurred to date is a reflection of the personal circumstances of the land holders, not planning controls. As such the proposal in its amended form that maintains the default density of development allowed for by the Farming Zone is not considered to be inconsistent with the long term outcome encouraged by the current planning provisions.

- That the location of the access is inappropriate due to sight distances and impacts on stormwater is addressed above.
- It is agreed that a dwelling is not required for the continued agricultural use of the land. This contention could be made of any rural land in the Indigo Shire. As mentioned above however, the proposal in its amended form that maintains the default density of development allowed for by the Farming Zone is not considered to be inconsistent with the long term outcome encouraged by the current planning provisions.

To achieve the retention of larger farming enterprises as directed by the State Planning Policy Framework and espoused in the draft Rural Land Use Strategy, it would be necessary to introduce a minimum default lot size that reflected the requirements of the agricultural sector (i.e. larger holding sizes) rather than concentrate on retention of 'rights' associated with existing lot sizes and personal circumstances.

- That a dwelling is not required to achieve the purported improvements in land management or agricultural operations is also agreed with, however, the comments above address this point.
- That the proposal is inconsistent with the purposes of the Farming Zone is no longer relevant as the amended application now relates to land in excess of 40ha (default density established by the Farming Zone). Having regard to the broad acre agricultural areas of the Shire as exist in this locality, it may be more accurate to say that the default density established by the Farming Zone is inconsistent with the purposes of the Farming Zone.

### CONCLUSION

It is acknowledged that the land is currently used for agriculture and appears to be managed in a sustainable manner and that it can continue to be used for agriculture without the need for a dwelling. It is also considered that the application has failed to demonstrate that a dwelling is reasonably required for the operation of the agricultural activity conducted on the land. The amended application that includes Crown Allotment 19A Section C Parish of Chiltern, and 'building exclusion zones' however, represents a shift in the dynamics of the application that effectively align it with the provisions of the Farming Zone. The amended application essentially removes the burden of justifying the use of the land for the purpose of a dwelling and maintains the default density for development established by the provisions of the Farming Zone.

**ORDINARY COUNCIL MEETING AGENDA – 09.03.10**

The application demonstrates that compliance can be achieved with the policies and decision guidelines and the provisions of the Environmental Significance Overlay that relate to the development aspects of the proposal (such as Effluent Disposal & Water Quality, Land Care and Catchment Management, Rural Dwelling Siting and Design Guidelines).

Having particular regard to the circumstances of the amended application, it is considered that on balance, the proposal represents an acceptable outcome under the provisions of the Indigo Planning Scheme.

Attachments:

Attachment A, B, C Locality plan, Proposal, Conditions of Approval  
Confidential Attachment

**11.2 PLANNING APPLICATION, EDM GROUP (PETER O'DWYER) ON BEHALF OF K & E MUELLER, TRATON ST WAHGUNYAH**

**File No: PP09-0197 – Kath Oswald - Assistant Town Planner**

**For Decision**

**RECOMMENDATION**

**That Council resolve to approve Planning Application PP090197 and issue a Notice of Decision to Grant an Planning Permit for the construction and use of a dwelling and associated outbuildings on Lot 1 Plan Of Subdivision 507322C, Traton St Wahgunyah.**

**Moved: Cr Issell  
Seconded: Cr Goldsworthy**

**That this item be deferred to the April Meeting of Council.**

**UNANIMOUSLY CARRIED**

**INTRODUCTION**

Application No:	PP-090197
Applicant:	Peter O'Dwyer EDM Group on behalf of Kim and Eric Mueller.
Subject Land:	Lot 1 Plan of Subdivision 507322C, Traton St Wahgunyah.
Proposal:	To use and develop a dwelling and associated outbuildings.
Date application lodged:	29 October 2009.
Subject site land area:	4.41ha.
Current use of subject site:	Vacant/grazing.

**SITE DESCRIPTION**

The subject site is located at the fringe of the township of Wahgunyah and abuts the Residential 1 Zone to the east (**Attachment A**). The subject site, being approximately 4.4ha in total, has an irregular form and is relatively flat. A pronounced knoll of raised land exists generally in the northeast of the site, being the location of the proposed building envelope (**Attachment B**). The northern part of the land is generally cleared of native vegetation, with scattered trees on the southern portion and along the creek frontage to the west.

The land is bounded by Residential 1 Zone to the east, Crown Land reserve to the south and west. The Farming Zone land to the north is fragmented into many parcels.

**PROPOSAL**

The proposal is to use and develop the land for the purpose of a dwelling.

**ZONING AND PLANNING CONTROLS**

Zoning: Farming Zone

## ORDINARY COUNCIL MEETING AGENDA – 09.03.10

- Permit Trigger: Under the provisions of the Farming Zone a dwelling is a Section One use (no permit required) if the site is at least 40 ha. If the site is smaller than 40 ha the dwelling then becomes a Section Two use (planning permit required). In this case the subject site is 4.41ha, thus a planning permit is required.
- Overlay/s: Part of the land is covered by the Wildfire Management (WMO), Flooding (FO) and Land Subject to Inundation (LSIO) Overlays, however the area nominated as the building envelope is not affected by any of these overlays.

### STATE PLANNING POLICY FRAMEWORK

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

#### Settlement

- 15.01 Environment
- 15.07 Protection from wildfire
- 15.09 Conservation of native flora and fauna
- 15.12 Energy efficiency
- 17.05 Agriculture

### LOCAL PLANNING POLICY FRAMEWORK

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

#### Municipal Strategic Statement (MSS)

The Municipal Strategic Statement is a concise statement of the key strategic planning, land use and development objectives for the municipality and the strategies and actions for achieving these objectives. Relevant clauses of MSS include:

- 20.01 Operation of local Planning Policies
- 20.01-4 Economy
- 21.01-5 Environment
- 21.03 Vision

#### Local Planning Policies

- 22.02-2 Rural dwelling siting and design guidelines.
- 22.02-4 Tourism Development

Before making a decision on an application, the Responsible Authority must consider the matters set out in Section 60 of The Planning and Environmental Act (1987). The following matters from Section 60 are relevant to this application and must be considered:

- (1) (a) the relevant planning scheme; and
- (b) the objectives of planning in Victoria; and
- (c) 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.

- (1A) Before deciding on an application, the responsible authority, if the circumstances appear to so require, may consider:
- (a) any significant social and economic effects of the use or development for which the application is made; and .
  - (b) any other relevant matter.

These requirements have been addressed through the assessment set out in this document.

#### NOTICE OF THE APPLICATION

Notice of the application was given to adjoining owners and occupiers and other relevant persons in accordance with Section 52 (1) of the Planning and Environment Act 1987. Four [4] submissions, including one petition, were received in response, and are included as a **Confidential Attachment**.

The following represents a summary of matters raised in objections:

1. The development of the site will affect the stormwater flows and the water quality of Sunday Creek;
2. The construction of a dwelling and sheds will impact on views;
3. The proximity of the proposed dwelling to the recreational area across Sunday Creek will cause noise complaints;
4. Dust from the driveway to the proposed dwelling will cause a nuisance;
5. The character of the neighbourhood will be affected;
6. Residents were advised that the subject land would 'never be built on'; and
7. The proposal will result in the devaluation of adjacent properties.

A Planning Focus Meeting was held on 19 January 2010, and was attended by the applicants and their representative, Council staff and 9 objectors. At this meeting these issues were raised and discussed.

#### DISCUSSION

1. The issue of water quality was raised in relation to this matter for a number of reasons. Part of the land is subject to flooding in a 1 in 100 rainfall event, as it is in close proximity to Sunday Creek, which flows into the Murray River. The application was referred to the North East Catchment Management Authority (NECMA) for comment., who's only requirement was that the dwelling and outbuildings be constructed above 134.3m AHD.

The building envelope which is nominated to contain development associated with the proposal is located on part of the land that is not affected by the FO or LSIO, being slightly elevated. Development within the LSIO or FO would have the potential to affect water quality by means of runoff. As a condition of a permit, all stormwater emanating from the development will be required to be retained on site through the use of rainwater tanks, grassed areas and so on. Another potential threat to water quality could be contamination with wastewater generated on the site. The applicants propose to connect the dwelling to reticulated sewer, thereby minimising or eliminating the risk of wastewater contaminating Sunday Creek.

2. The issue of the potential for a development to impact on someone's views is a subjective one, and has been established by VCAT as a factor that is not required to be taken into account in the decision making process.

3. The subject land is located adjacent to the Crown Land reserve along Sunday Creek, and within reasonable distance to the Wahgunyah Racecourse and Recreation Reserve. Concerns were raised that if a dwelling were to be constructed on the subject land, the noise generated by various activities, specifically the speedway, conducted at the recreation reserve would become a nuisance to the occupants, and generate noise complaints.

The concern was that any complaints could possibly result in the curbing or cessation of these activities. The residents of the proposed dwelling, along with existing residents in the area, have every right to object to noise if it exceeds the applicable limits set down by the Environmental Protection Authority, and the proposed dwelling would have no additional rights in this regard.

4. With regard to a potential dust nuisance, the applicants have advised that they propose to stabilise the access to the dwelling. Further, it is not considered the construction of a single dwelling will result in the generation of significant traffic movements.
5. With regard to the character of the neighbourhood, there is no Neighbourhood Character Overlay to indicate a preferred style of development in this area. It is not considered that a single dwelling in this location will have an adverse affect on the residential amenity of the area.
6. Anecdotal reports indicating the subject land would never be built on are not a valid planning concern.
7. As with the issue of an individuals view, the issue of what affects the value of a property is subjective. The value of a property is affected by a variety of factors, including macro-economic factors – interest rates, availability of credit, taxation policy; micro-economic and location factors – location, proximity to transport and schools, topographical factors, planning requirements, Council policies; and socio-economic and lifestyle factors – push for urban consolidation, reduction in household size, and housing preferences. As such, land value is not a valid planning concern.

The subject land is unusual in that it is a fully serviceable property bounded for the main part by residential land and Crown Land, yet zoned Farming Zone. Because of this unique situation, many of the provisions of the Farming Zone are not applicable, and while the land must be assessed against the provisions of the zone, its potential for agriculture are clearly limited.

### CONCLUSION

The proposal to construct a dwelling and associated outbuildings in the nominated building envelope raises no issues. The concerns raised by the objectors can be adequately addressed by the design response, and it is considered that there will be no loss of amenity to adjoining residents as a result of the granting of a permit.

It is therefore recommended that Council issue a Notice of Decision to Grant a Planning Permit for the subject site, subject to the conditions attached (**Attachment C**).

Attachments:  
A - Locality Plan  
B – Site Plan  
C – Proposed Notice of Decision  
Confidential Attachment

**11.3 APPLICATION TO AMEND PLANNING PERMIT P3335 (UNIMIN AUSTRALIA LIMITED)**

File No.: P3335 – Travis Basham – Town Planner

For Decision

**RECOMMENDATION**

That Council:

- (i) Resolve to amend Planning Permit 3335 in accordance with the conditions at Attachment D, and;
- (ii) That negotiation continue between Council, the applicant and the objector to pursue installation of a noise monitor at an exposed point adjacent to the north east corner of the residence located at Crown Allotment 12B Section E1 Parish of Beechworth to determine whether the offsite impacts of the mine at the objector's residence are excessive.

See attachment D for a copy of the recommended conditions of approval.

**Moved: Cr Goldsworthy**

**Seconded: Cr Graham**

That Council:

- (i) Resolve to amend Planning Permit 3335 in accordance with the conditions at Attachment D, and;
- (ii) That negotiation continue between Council, the applicant and the objector to pursue installation of a noise monitor at an exposed point adjacent to the north east corner of the residence located at Crown Allotment 12B Section E1 Parish of Beechworth to determine whether the offsite impacts of the mine at the objector's residence are excessive.

See attachment D for a copy of the recommended conditions of approval.

**UNANIMOUSLY CARRIED**

**INTRODUCTION**

Application Number:

Applicant:

Subject Land:

P3335

Unimin Australia Limited

ML5428 and ML5445 being Crown Allotments 7, 7C, 7A Section A1 and Crown Allotment 5A Section 12A Parish of Beechworth, Flat Rock Road, Beechworth

BACKGROUND

Date application lodged:	24/08/2009
Purpose:	Amend permit number 3335 by including ML 5445 and reflecting the draft work plan endorsed by the Department of Primary Industries on the 7th July 2009
Subject Site Land Area:	202.46ha

PROPOSAL

Beechworth Feldspathic Granite Mine:

The Draft Work Plan submitted with the application to amend Permit 3335 (to be tabled for Councillors perusal. Note: A full electronic copy of the application materials, provided separately to Councillors has been developed in support of the operations of the Unimin Australia Limited Feldspathic Sand Mine located off Flat Rock Road, Beechworth, Victoria. The plan covers operations on Mining Lease (MIN) 5428 under the Mineral Resources and Development Act 1990 (formerly MIN1657) and the adjoining Mining Lease (MIN) 5445.

The Draft Work Plan has been produced in accordance with the Work Plan Guidelines for a Mining Licence – Exceeding 5 hectares, under the Mineral Resources Development Act 2002. The objective being: to comply with the requirements of Schedule 13 of the Mineral Resources Development Regulations 2002. Information in the Draft Work Plan includes:

- Geological information
- Location and Regional Plans
- Site Plan (or development plan)
- Processing Methods
- Rehabilitation Plan
- Environmental Management Plan
- Occupational Health and Safety (OHS) Management Plan
- Community Engagement Plan for site operations.

The operation is located approximately 4km west south west of the township of Beechworth. The Lease (MIN 5428) occupies three Crown allotments (CA 7, 7C and part 7A) in the Parish of Beechworth. The allotments were gazetted as a Penal Purposes Reserve and a Prison Purposes Reserve in 1940. The additional area covered by MIN 5445 is Lot 5A of 12A.

The land comprising MIN 5428 and MIN 5445 is under the control of the Department of Justice Victoria through the Public Correctional Enterprise and covers a combined area of 202.46 ha (MIN 5428 - 197.38 ha and MIN 5445 - 5.08 ha). Adjacent land use includes pine plantations and extensive agriculture.

The Draft Work Plan has been prepared to cover the mining of the feldspathic granite deposit on MIN 5428, based on an annual mine production rate of approximately 130,000 tonnes of granite (fresh rock). Sufficient reserves have been delineated to provide 38 years of plant feed. The Mining Leases contain large granite resources outside of the pit design and a “Life of Mine” design has not been developed to date. The primary purpose of the mining operation is to extract low iron granite for production of glass grade feldspar from the onsite processing plant. The land comprising MIN 5445 is planned to be used to deposit process fines and mine overburden.

The lease area has an undulating topography, with abundant granitic rock outcrops, less rocky slopes and gullies, with generally poor topsoil development. The surrounding land contains low to high density Radiata pine plantations and cleared grazing land. Some patches of remnant indigenous vegetation (Northern Inland Slopes Bioregion) occur throughout the lease area, particularly on rocky areas. The central part of the lease area has been cleared and comprises the current mine pit and processing facilities. The upper catchment of Green Wattle Creek occurs in the western half of the lease area and drains northwards.

Mining is conducted using drill and blast techniques. Blocks averaging 5,000 tonnes are fired every two to three weeks. Larger blasts of up to approximately 20,000 tonnes may be conducted in some circumstances. Highly weathered material is removed to the waste dump. Less weathered material can be used in dry periods for plant feed. A portion of the weathered granite is suitable for sale externally, or as a road and track construction aggregate. Ore is taken to the ROM (indicated reserve) Pad or storage shed to be stockpiled for crusher feed.

The Beechworth Mill processes the granite to produce high grade feldspathic sand. The feldspathic sand product is stored in 250 tonne silos and if required can be blended into trucks, ensuring specification. No slimes or sludge are generated from the extraction and processing operations due to the dry methods employed. Reject materials generated from the process plant include, fine/coarse reject, dust, and biotite. A pugmill conditions the process fines and dust by dampening. This material is then placed in the waste dump. Biotite and coarse reject are also placed on the waste dump.

The proposed North Eastern Waste Dump has a life in excess of twenty years, depending on the recovery rate achieved in the mill and the sales of mill by-product over this period. Construction of the dump will commence with the development of a vegetated screening bund that will become the lower face of the first level of the dump. This will allow screening of the dumping operations from the general public. Drainage diversion and catchment structures will be constructed to minimise and control sediment and erosion problems. The first level of the waste dump will be completed within five years.

Other rehabilitation planned for the next five years will include vegetation of the Eastern Dump. Previously rehabilitated areas will also continue to be managed and monitored.

PREVIOUS FILES:           Beechworth Files 1669, 2629, 3700, Indigo File P99-055

Permit 2082 was issued on the 7/08/1985 for the conduct of feasibility studies on the subject land. The Endorsed Plan shows area DL (Development Lease) 55 which later became MIN1657. A letter of the 3/07/85 from ACI Resources Limited with Planning Permit application 1669 described changes to an initial Development Lease Application (DL 55) area. Crown Allotment 5A of Section 12A was excluded from the original Development Lease Application area. Permit 2082 resulted in Mining Lease ML1657 being issued on the 1/11/1989.

A new Planning Permit Application was made on the 26/11/1987 for open cut mining and processing. The Application was supported by a "Working Proposal" dated 22/12/1987. The Working Proposal related to DL55, EIL (Extractive Industry Lease) 356 and ML1657. An amended mining plan was submitted on the 19/01/1989.

## ORDINARY COUNCIL MEETING AGENDA – 09.03.10

Permit 2707 was subsequently issued on the 31/03/1989 and allowed open cut mining and processing. Conditions of the permit referred to the Work Plan which was the amended Working Proposal. The Permit endorsed 2 plans being Initial Development Benches and Final Profile after Stage 1.

Tailings Removal Licence 5377 was issued 1/11/1989 and allowed removal of tailings obtained from ML1657.

A further permit application was made on the 15/01/1990 and resulted in Permit 2859 being issued on the 22/01/1990 to allow initial extraction of 15,000 tonnes prior to full construction of Flat Rock Road and mining as allowed for by Permit 2707.

Permit application 3700 was made on the 5/10/1992 and essentially entailed a renewal of previously issued Permit 2707. Permit 3335 was subsequently issued on the 8/12/1992. Permit 3335 incorporated similar conditions to Permit 2707 regarding access, staging and included a condition with an expiry date which reflected the statutory expiry date of permits.

It has been established that works commenced late 1994 – early 1995 and that the use commenced in this period. There are however discrepancies between approved plans and what has occurred on the ground. Part of this appears to have been clarified by a different Work Plan provided by the applicant at a meeting on the 28th January 2010. This version was endorsed as a variation to the work plan on the 18/11/1996 by the Department of Primary Industries (DPI) and appears to be the one that mining operations have been generally in accordance with.

The Department of Primary Industries (DPI) have advised that the approved work plan dated 18 November 1996 was a variation to the original work plan and that variations do not go through the planning process unless there is a major alteration to the intent of the current planning permit. It does not appear that DPI consulted with Council before approving the variation to the Work Plan which would explain the lack of evidence on file of Council having endorsed, consented or agreed to the variation which may have constituted an amendment to the plans referred to by Permit 3335.

That works have not occurred in accordance with the plans referred to by Permit 3335 and have instead occurred generally in accordance with the DPI approved variation to the Work Plan will be addressed by considering the current application to amend the permit.

### CULTURAL HERITAGE MANAGEMENT PLAN

Legal advice was received stating that a Cultural Heritage Management Plan was not required under the Aboriginal Heritage Act 2006 for the proposed amendment. (See Attachment A. Note: A full electronic copy of the application materials has been provided separately to Councillors).

### ZONING AND PLANNING CONTROLS

Zoning: Farming Zone  
 Overlay/s: Heritage Overlay HO299  
 Wildfire Management Overlay

Permit Trigger:

Mining is a Section 2 Use under the provisions of the Farming Zone if the requirements of Clause 52.08-2 are not met. Clause 52.08-2 provides that a permit is required to use or develop land for mining unless either:

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- An environment effects statement has been prepared under the Environment Effects Act 1978 and mining is exempt from the requirement to obtain a permit under Section 42 or Section 42A of the Mineral Resources (Sustainable Development) Act 1990, or;
- The mining is in accordance with and within an area covered by a mining licence granted or Order made by the Governor in Council under Section 47A of the Electricity Industry Act 1993.

The above exemptions do not apply to the current proposal as such a permit is required to use and develop the land for mining under the provisions of the Farming Zone and Clause 52.08-2.

### PLANNING AND ENVIRONMENT ACT 1987 - SECT 60

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

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

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

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

### STATE PLANNING POLICY

#### 11 Introduction, Goal and Principles

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

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

11.03-3 Management of resources

Planning is to assist in the conservation and wise use of natural resources including energy, water, land, flora, fauna and minerals to support both environmental quality and sustainable development over the long term through judicious decisions on the location, pattern and timing of development.

Environment

- 15.01 Protection of Catchments
- 15.07 Protection from Wildfire
- 15.09 Conservation of Native Flora & Fauna
- 15.11 Heritage

Economic Development

17.08 Mineral Resources

17.08-1 Objective

To protect identified mineral resources, to encourage mineral exploration and mining in accordance with acceptable environmental standards and to provide a consistent planning approval process.

17.08-2 General implementation

Planning schemes must not prohibit or require approval for mineral exploration. Mineral exploration is to be managed solely under the Mineral Resources (Sustainable Development) Act 1990.

Planning and responsible authorities should endeavour to maintain access to land prospective for mining where this is consistent with overall planning considerations and application of acceptable environmental practice.

LOCAL PLANNING POLICY FRAMEWORK

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

Municipal Strategic Statement

Relevant clauses of MSS include:

Settlement & Infrastructure

Economy

Environment

21.02 Key Issues

21.03-1 Vision & Strategic Framework

21.03-2 Corporate Plan

21.04-3-2 Heritage

Local Planning Policies

22.03-1 Landcare & Catchment Management

22.03-9 Heritage Policy

22.03-11 Stormwater Management Policy

PARTICULAR PROVISIONS

52.08 Earth Resource Exploration and Development

GENERAL PROVISIONS

65 Decision Guidelines

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

65.01 Approval of an application or plan

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

- The matters set out in Section 60 of the Act.
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.

REFERRAL AUTHORITIES

The application was referred to the following referral authority in accordance with Section 55 of the Planning and Environment Act 1987:

- Department of Primary Industries (DPI)

The response received recommends approval subject to conditions (see Attachment B for a copy of the response).

PUBLIC NOTICE

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

One submission was received in response (see separate Attachment to be provided to Councillors).

A number of issues raised relate to existing operations and offsite amenity impacts of the mine, and include comments on:

- the rock hammer;
- the primary crusher;
- the secondary crusher;
- truck movements (particularly night operations);
- trucks taking waste to the current mine dump;

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- the dumping of the waste, and;
- vibration from blasting impacting on the dwelling.

The applicant's response to the above is on the basis that the rock hammer, primary and secondary crushers and blasting relate to existing permit conditions, as do truck movements.

The applicant has also confirmed that operating times in the mine remain to finish at 6pm and blasting and vibration is monitored for every shot and is within current Permit conditions. Further, the applicant advises in relation to trucks taking waste to the current waste dump, that this will no longer be an issue if the new deposition area is approved.

As mentioned above however, there are some discrepancies between Permit 3335 and endorsed plans and what has occurred on the ground. Part of this appears to be explained by the different Work Plan provided by the applicant at a meeting on the 28th January 2010. This version is endorsed as a variation to the work plan on the 18/11/1996 and appears to be the one that mining activities have been generally in accordance with.

DPI advises that the approved work plan dated 18 November 1996 was a variation to the original work plan and that variations do not go through the planning process unless there is a major alteration to the intent of the current planning permit.

The variation to the Work Plan approved on the 18/11/1996 principally revolves around reducing the visual impact of mining activities and varied site access, location of plant and the mining plan from that originally approved. In this regard, plans endorsed under Permit 3335 indicated that the successive benches of the mine, would 'break out' to natural surface levels to the west. Mining Plans included in the variation to the Work Plan approved on the 18/11/1996 also include this detail although the degree to which the benches open to the west is limited.

One point raised by the objectors in subsequent discussion relates to the open pit acting as an amphitheatre thereby exacerbating offsite noise impacts on properties to the south as compared with if the benches had 'broken-out' to the west in accordance with the endorsed plans, or even to the limited extent as shown in the variation to the Work Plan approved on the 18/11/1996 which would have allowed some dispersion of the sound.

It is possible therefore that as works associated with existing activities have not occurred in accordance with the plans referred to by Permit 3335 or the variation to the Work Plan approved on the 18/11/1996, offsite impacts at nearby residences may have been exacerbated. Whether this is actually the case is likely to remain a subjective and contentious point however it is possible to determine whether the absolute degree of offsite noise impacts exceeds threshold limits currently defined by Permit 3335. This is discussed in further detail below. It should be noted however that the existing activities or status quo may not necessarily represent the appropriate benchmark for assessment of the current proposal.

Issues raised in objection that are directly related to the proposed North East Waste Dump include comments that if the new mine dump is approved, the noise from trucks driving over the ridge to the new waste dump will be worse than it is now, unless some measures are put in place to absorb the noise along the route the trucks will be taking.

The applicant advises that in relocating the current stockpile, material will be taken from the northern side of the current stockpile and transported directly down the hill to the stage one area of the proposed North East Waste Dump. In effect the current waste stockpile will work as the buffer for any noise travelling in a south / south-west direction. The new deposition site is below the ridge in a natural valley and the truck path that will be used for ongoing operations also travels below the top of the ridge. There is an average of 5 loads per day of material moved from the Grinding Plant to the waste area in accordance with the truck movement map included at Attachment C. Relocation of the current stockpile and use of the proposed North East Waste Dump will occur within current permit operating hours (up to 6pm) and will remove the current practice whereby material is transported up to the ridge and deposited on top of the current stockpile, which also involves reversing.

DISCUSSION

The applicant has provided a summary of noise data gathered by a number of acoustic reports carried out in 1999, 2000 and 2003 (see Attachment C). The data provided displays results obtained from the Black Springs Bakery and the nearest residence to the mine and indicate that noise levels at these points are within the limits established by Environment Protection Authority Information Bulletin N3/89: "Interim Guidelines for Control of Noise from Industry in Country Victoria" viz:

- Daytime: 45 dB(A)
- Evening: 37 dB(A)
- Night-time: 32 dB(A).

While the reports that provided the above measurements do not appear to have been able to make recordings from the objectors residence, long-sections prepared between the plant and open pit area of the mine and the objectors residence, indicate (in terms of topography) that sound levels at the objectors residence may be comparable to those experienced at the knoll behind the Black Springs Bakery which has more noise exposure than the bakery building itself.

An environmental noise survey dated November 2000 carried out by Watson Moss Growcott Acoustics Pty Ltd took measurements at this location and recorded levels for the crusher and rock breaking in the shed of 26 dB(A) and 37 dB(A) respectively. The same survey measured levels at the junction of Beechworth-Wangaratta Road and Flat Rock Road (~550m downwind from the source), at the bakery (~780m downwind from the source), and at the junction of Beechworth-Wangaratta Road and Voigts Road (~1,250m downwind from the source). The results obtained at these points suggest that distance attenuation over the distance between the knoll behind the Black Springs Bakery and the objector's residence may be negligible.

It therefore appears that in the absence of direct measurement from the objector's residence that measurements from the knoll behind the Black Springs Bakery may be reasonably comparable to the conditions experienced at the objector's residence. In this regard the Watson Moss Growcott Acoustics Pty Ltd noise survey made recordings of the sound levels produced by the crusher, rock drilling, vehicle movements, dumping at the grizzly, rock breaking in the shed, and rock breaking in the sump. Under the environmental conditions experienced, noise levels were found to be within the limits established by Environment Protection Authority Information Bulletin N3/89: "Interim Guidelines for Control of Noise from Industry in Country Victoria".

In summary this report stated that there was no non-compliance but with down wind conditions it may be possible for the noise to be audible at neighbouring residences. Recommendations were made however to reduce amenity impacts and included the following:

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- (i) Avoid Rock breaking in the shed on days when wind is in the N to E quadrant
- (ii) Rock break in sump in preference to shed when weather is fine
- (iii) Enclose the side opening of the shed in the direction towards Complainants property

In this regard the applicant has advised that:

- Rock breaking no longer occurs in the shed. Additionally a bund has been put in place between the crusher feed bin toward the hill.
- Rock breaking in the sump in preference to shed is the preferred main practice now.

An inspection of the objector's property was carried out on the morning of the 16<sup>th</sup> February 2010 to gain an appreciation of the site and environmental issues raised. A copy of a noise diary that records the days on which noise is considered to be excessive for 2009 and 2010 to-date was supplied. The diary suggests a pronounced reduction in perceived offsite impacts from the mine from early September which generally coincides with the application for amendment of the Permit. As such it is not clear whether onsite observations reflect normal practices.

Conditions were calm and the majority of background noise experienced was generated by road traffic on the Beechworth – Wangaratta Road and various scare guns in the vicinity. Essentially operations at the mine were inaudible from the objector's property including points around the dwelling and on the exposed side of the considerable noise barrier that the objectors have erected onsite.

Immediately after leaving the objectors property, observations were made from Flat Rock Road (to the west of the mine) at a point where the mine is visible. There was an extremely slight breeze from the east and operations were audible including truck movements and what was assumed to be rock breaking indicating that mining activities were being carried out at the time of inspection of the objectors residence.

Past history of the mine operations and various approvals were discussed onsite with the objector that was present as were the various noise studies that had been conducted. The objector was advised that in order to resolve the issue the first step was to monitor noise levels at the receiving point to determine whether there is in fact a breach of the permit and Environment Protection Authority Information Bulletin N3/89: "Interim Guidelines for Control of Noise from Industry in Country Victoria" occurring.

Imposition of requirements for bunds or other physical noise attenuation measures in the absence of direct measurement would not be supported as it would amount to making the same assumptions that the various noise studies have had to make in the absence of direct measurement at the receiving point. It was also advised that as this is an existing activity, direct measurement at the receiving point was preferred to noise modelling or terrain analysis which by necessity, introduces assumptions as to the offsite impacts of the mine on the objectors property.

It is acknowledged that there is a permanent noise monitor on the Unimin site, however there is currently no direct evidence that suggests that this site is comparable with the objector's residence. Given the protracted nature of the issue in this instance, it is considered warranted that specific measures be put in place to determine whether the offsite impacts of the mine at this point are excessive as would appear to be the case by the frequency of complaint made to DPI and the measures that the objectors have adopted on their own land in order to attenuate the noise impacts of the mine.

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In this instance if there is a breach of the current noise limits established by Permit 3335, such non-compliance will need to be established via direct measurement at the receiving point and any ameliorative measures necessary will be required to be implemented so as to comply with the current permit requirements. This same process will need to apply to the impact of proposed activities on properties to the north and north east.

### CONCLUSION

The new Work Plan extends the area covered by the previous “Working Proposal” and Planning Permit 3335 to include MIN5445 which was specifically excluded from the original proposals and approvals. The area encompassed by MIN5445 is proposed to be used as part of the North East Waste Dump which will be constructed in stages with each bench being progressively rehabilitated so as to provide a visual screen of continuing operations. In this respect offsite visual amenity impacts will be progressively managed and are considered acceptable.

The permit currently requires, and will continue to require any noise emanating from the use and development to comply with the Environmental Protection Authority’s “Interim Guidelines for Control of Noise from Industry in Country Victoria N3/89”. This includes a requirement that where background sound levels are less than 30dB(A) then the maximum limit for noise from the operating facility shall be 45dB(A) when measured at any adjoining residential premises.

To resolve the ongoing noise issue between the objector and the mine it is considered that specific measures would need to be put in place to determine whether the offsite impacts of the mine at the objector’s residence are excessive.

One method of achieving this may be to install a noise monitor at an exposed point adjacent to the north east corner of the residence located at Crown Allotment 12B Section E1 Parish of Beechworth. Regular Monitoring of noise emissions would need to be carried out to the satisfaction of the Responsible Authority, by a suitably qualified Acoustic Engineer to establish whether any operations exceed the Environmental Protection Authority’s “Interim Guidelines for Control of Noise from Industry in Country Victoria N3/89”. At a minimum this would need to occur until such time as it could be established that there was a correlation between monitoring at the permanent noise monitor located on the Unimin site and the objector’s residence.

Copies of the monitoring results would need to be forwarded to the Responsible Authority and then also provided to the occupants of the residence at Crown Allotment 12B Section E1 Parish of Beechworth by the Responsible Authority immediately after they become available.

Where noise limits are exceeded, the monitoring results would need to be accompanied by recommendations by a suitably qualified Acoustic Engineer as to how impacts can be ameliorated. Such recommendations would then need to be implemented to the satisfaction of the Responsible Authority within a set time limit of the recommendations being made, or the offending activity would need to cease.

In this regard, further correspondence has been received from the objectors conditionally consenting to the measurement of noise levels at the receiving point on Crown Allotment 12B Section E1 Parish of Beechworth (see separate Attachment to be provided to Councillors). Such consent is conditional on:

- neither Unimin employees nor DPI employees entering the property;
- the noise monitoring being conducted over an extended period of at least six months;

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- that contact details are not given to the acoustic consultants undertaking the study.

It is therefore considered appropriate that negotiation continue between Council, the applicant and the objector to pursue installation of a noise monitor at an exposed point adjacent to the north east corner of the residence located at Crown Allotment 12B Section E1 Parish of Beechworth to determine whether the offsite impacts of the mine at the objector's residence are excessive.

As mentioned above, there is a potential that proposed operations may have an impact on properties to the north and north east. As such it is recommended that Conditions of Permit 3335 specifically relating to noise be amended to implement a mechanism for developing a noise monitoring program to address the issue of noise where there are ongoing complaints. Such monitoring program should be developed with consultation between Unimin, Council, DPI and objectors under the guidance of a suitably qualified Acoustic Engineer.

Such program should be developed with the aim of establishing whether there is an ongoing breach of the current noise limits established by Permit 3335 via direct measurement at the receiving point as well as establishing any ameliorative measures necessary which would then be required to be implemented so as to comply with the current permit requirements.

In addition to the above, a number of the original permit conditions are now redundant or covered by the provisions of the Mining Lease and/or the Work Plan and it is considered appropriate to amend the permit to reflect current statutory requirements and allow operations to continue onsite in accordance with the Draft Work Plan as amended by the conditions included at Attachment D.

Attachments:

A – Legal advice in relation to the need for a CHMP

B – Department of Primary Industries (DPI) response to the application

C – Summary of noise data gathered by a number of acoustic reports carried out in 1999, 2000 and 2003

Attachment D – Conditions of Approval.

E – Copy of Permit 3335 as issued by the United Shire of Beechworth - 8<sup>th</sup> December 1992

Confidential Attachment

Draft Work Plan submitted with the application to amend Permit 3335 is to be tabled for Councillors perusal.

A full electronic copy of the application materials has been provided separately to Councillors

**11.4 SECTION 173 AGREEMENTS**

**File No.: 09/0189, 09/0215 - Manager Sustainable Development**

**For Decision**

**RECOMMENDATION**

**That Council as the relevant Responsible Authority resolve to enter into the subject Section 173 Agreements with the owners of the following land and to sign and seal the appropriate documentation:**

- A) Land in Plan of Consolidation PC164828D, Elgin Road, Beechworth.**
- B) Crown Allotments 6 and 6A Section 2 Parish of Gundowring, Egan Lane, Sandy Creek.**

**Moved: Cr Graham  
Seconded: Cr Goldsworthy**

**That Council as the relevant Responsible Authority resolve to enter into the subject Section 173 Agreements with the owners of the following land and to sign and seal the appropriate documentation:**

- A) Land in Plan of Consolidation PC164828D, Elgin Road, Beechworth.**
- B) Crown Allotments 6 and 6A Section 2 Parish of Gundowring, Egan Lane, Sandy Creek.**

**UNANIMOUSLY CARRIED**

**INTRODUCTION**

The following Section 173 Agreements are presented to Council for signing and sealing.

Such agreements, made under Section 173 of the Planning and Environment Act 1987, are legally binding and are registered against the Title of the land. That is, they run with the land so that subsequent owners are also bound to the terms of the Agreement. These Agreements can be removed from the title at some later date only with the consent of the Responsible Authority (in this case Council).

In the Agreements referred to, the responsibility of making application on behalf of Council to the Registrar of Titles Office for the registration of the Agreement and the payment of all legal costs is up to the owner.

**BACKGROUND**

- A) Owner: D E & J A Martin**

Planning Permit 09/0189 relates to a proposed subdivision of Low Density Residential Zoned land at Elgin Road, Beechworth. The proposal is to create 2 Lots of 8,386m<sup>2</sup> and 1.123ha. The permit was issued on the basis that the owners of the land enter into an

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Agreement with Council under Section 173 of the Planning and Environment Act 1987 which:

- (i) ensures that the floor level of habitable buildings constructed on Lot 2 are at least 450mm above natural surface levels;
- (ii) Provides notification that fencing should be open type (e.g. rural post and wire) fencing to allow overland stormwater to flow through;
- (iii) ensures that all buildings and works are located a minimum 30m from the top of bank of Spring Creek;
- (iv) Ensures that all new development is sited, designed and constructed using the principles of Water Sensitive Urban Design and in particular that:
  - (a) Dwellings must incorporate a rain water tank on site. The water tank must be plumbed to the toilets and garden taps as a minimum. Only the overflow from the rainwater tank is to be directly discharged to each lot's stormwater point. All dwellings shall include water saving measures (AAA rated fixtures and a pressure reduction valve).
  - (b) Stormwater is detained on site where practical through use of permeable paving, pebble paving, infiltration trenches, soakwells, lawn, garden areas and swales.

B) Owner: J M Hodgkin

Planning Permit 09/0215 relates to a proposed boundary re-alignment (2 Lot subdivision) of Farming Zoned land at Egans Lane, Gundowring. The holding comprises ~ 118ha and includes Crown Allotments 6 and 6A Section 2 Parish of Gundowring. The proposal creates 2 lots of ~40ha and ~78ha. The permit was issued on the basis that the owner of the land enters into an Agreement with Council under Section 173 of the Planning and Environment Act 1987 which:

- ensures that the lots created are not able to be further subdivided so as to increase the number of lots.

### KEY IMPLICATIONS

Not applicable.

### FINANCIAL IMPLICATIONS

Not applicable.

### POLICY IMPLICATIONS

Not applicable.

### CONCLUSION

Not applicable.

Attachments:

A: Locality/Site Plan PP09/0189 Land in Plan of Consolidation  
PC164828D, Elgin Road, Beechworth

B: Locality/Site Plan PP09/0215 Crown Allotments 6 and 6A Section 2  
Parish of Gundowring, Egan Lane, Sandy Creek

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*Cr Murdoch declared a direct conflict of interest as her property is within this overlay and departed the meeting at 3.57pm.*

### 11.5 INDIGO PLANNING SCHEME AMENDMENT C36 – ALTERATIONS TO CHILTERN FLOOD OVERLAYS

File No: E1240.36- Kath Oswald- Assistant Town Planner

For Decision

#### RECOMMENDATION

That Indigo Planning Scheme Amendment C36 is approved by Council in accordance with Section 35B of the Planning and Environment Act 1987.

**Moved: Cr Goldsworthy  
Seconded: Cr Issell**

**That Indigo Planning Scheme Amendment C36 is approved by Council in accordance with Section 35B of the Planning and Environment Act 1987.**

**UNANIMOUSLY CARRIED**

#### INTRODUCTION

Council has been working in conjunction with the North East Catchment Management Authority (NECMA) to implement alterations to the Land Subject to Inundation Overlay (LSIO) and Floodway Overlay (FO) in the Chiltern Township as indicated in **Attachment A**. As part of Authorization A00956, Council is authorized by the Department of Planning and Community Development (DPCD) to approve the amendment, once certified by the Secretary of DPCD. This matter was last reported to Council on 8 September 2009, with a recommendation to adopt the amendment and forward it to the Secretary at DPCD for certification. Certification was received 22 December 2009, and Council is now required to approve the amendment prior to it being gazetted by the Minister for Planning.

#### BACKGROUND

Indigo Shire Council and the North East Catchment Management Authority (NECMA) initiated the Chiltern Flood Study in 2007, and the resultant report was adopted by Council on 3 July 2007. This flood report proposes the inclusion of amended flood related overlays into the Indigo Planning Scheme for Chiltern. The amendment proceeded to an Independent Panel, and the recommendations of the panel were adopted by Council on 8 September 2009.

#### FINANCIAL IMPLICATIONS

The amendment to the extent of the flood mapping in Chiltern to more accurately reflect the flood risk will allow Council to better manage risk with relation to flooding in the Chiltern Township.



POLICY IMPLICATIONS

There are no alterations to any planning policies as a result of the Amendment.

CONCLUSION

By approving Amendment C36, this matter can be finalised and the amended LSIO and FO mapping can be introduced into the Indigo Planning Scheme.

Attachment:  
A – C36 LSIO/FO map

*Cr Murdoch returned to the meeting at 3.59pm.*

*Cr Pockley declared a direct conflict of interest as she is employed on a short-term contract of the Yackandandah Folk Festival and departed the meeting at 3.59pm.*

#### 11.6 YOUTH INITIATIVE GRANT

File No.: 09/805 – Sally McCarron- Manager Community Planning

For Decision

#### RECOMMENDATION

**That the Inside Out Youth Arts Project and the Shed – Youth Music Event be funded for \$1500 and \$1000 respectively.**

**Moved: Cr Croucher  
Seconded: Cr Goldsworthy**

**That the Inside Out Youth Arts Project and the Shed – Youth Music Event be funded for \$1500 and \$1000 respectively.**

**UNANIMOUSLY CARRIED**

#### INTRODUCTION

This report provides information on 3 applications for the Youth Initiative Grant and requests Council support for two of the applications.

#### BACKGROUND

As part of Council's Annual Community Grant Program an allocation of \$2500 was made for Youth Initiative Grants.

Several applications were received for these grants as part of the 2009/10 program. The Indigo Shire Community Advisory Group assessed all applications and deemed that none of the Youth Initiative applications fully satisfied the criteria and as such did not recommend any projects be funded under this category.

The funds for these grants has been held pending identification of other potential projects.

Applications for three projects have now been received. They are:

- Yackandandah Folk Festival – Youth Music Performance Venue
- Youth Crime Prevention Program – conducting supervised boxing classes
- Youth Arts Project (Inside Out).

#### KEY IMPLICATIONS

Details of the three projects are as follows:

PROJECT	DESCRIPTION	FUNDS REQUESTED
The Shed – Youth Music Performance Venue	As part of the Yackandandah Folk Festival a venue will be provided to enable young people to perform.  Young people will be supported to plan, organise and administer the event. The opportunity to learn skills for a Sound Engineer will be an integral component of the event.	\$1000
Youth Crime Prevention – Supervised Boxing Classes	Activities and skill development for young people. The Beechworth North East Boxing Gym provides an alternative recreational program for young people.	\$1000
Inside Out – Youth Arts Project	Will provide young people with an artistic mentor who will assist them to produce suitable art work for the Beechworth Skate Bowl and the interior of the Beechworth Youth Centre. The project will allow young people to express their culture through art within the heritage values of the Shire. Project is auspiced by Beechworth Neighbourhood Centre.	\$1500

Two of these projects meet and fit the criteria for the Youth Initiative component of the Grants Program. The Beechworth North East Boxing Gym does not meet the criteria as it is not incorporated, nor auspiced by an incorporated body, and does not have appropriate insurance.

FINANCIAL IMPLICATIONS

An amount of \$2500 is available. A total of \$3500 has been requested for these three applications however only two applications are eligible. Both projects have identified that their projects can continue with a reduced level of funding.

POLICY IMPLICATIONS

The allocation of these funds is consistent with the guidelines and criteria for the Community Grants Program.

These projects are also consistent with the Council Plan objective of Developing Sustainable Communities, specifically enhancing opportunities for local communities to guide the progress of their place.

CONCLUSION

All these projects add value to young people and provide opportunities to enhance their skill development. The Beechworth North East Boxing Gym will be encouraged to submit an application in the 2010/11 program if they have finalised their incorporation and gained appropriate insurance. Staff will continue to liaise with the group to assist them through this process.

*Cr Pockley returned to the meeting at 4.08pm.*

**11.7 SUSTAINABLE COMMUNITIES (COMMUNITY PLANNING) PROGRESS REPORT – FEBRUARY 2010**

**For Information**

PROJECT	ACTION/PROGRESS
Key Community Planning Strategic Plans	<p>The Community Planning Unit is continuing to progress work on a number of key strategic documents. These include:</p> <ul style="list-style-type: none"> <li>• Youth Strategy</li> <li>• Healthy Communities Plan (Municipal Public Health Plan)</li> <li>• Municipal Early Years Plan</li> <li>• Disability Action Plan</li> <li>• Emergency Recovery Plan</li> <li>• Community Safety Plan</li> </ul> <p>These documents will be presented to Council in the coming months and will guide Council's actions in meeting a range of community needs. A range of consultative processes are being utilised in the development of these plans.</p>
Swimming Pool Operations	<p>The five Indigo Swimming Pools will close to the public at 7.00pm on Monday 8th March 2010. The Wodonga Olympic Swimming Pool, currently managed by Indigo Shire Council, will close to the public on 31st March 2010.</p>
Community Strengthening Project	<p>A community planning day was held in Chiltern on 31 January 2010. The purpose of the day was to work with the community in identifying key issues and projects that the community wish to work on. Approximately 70 people attended with very positive outcomes from the day. Four key projects were identified and a number of community members signified their interest in assisting to progress them. Key projects included:</p> <ul style="list-style-type: none"> <li>• Lake Anderson beautification, in conjunction with Greening Chiltern.</li> <li>• Encouraging residential growth</li> <li>• Bicycle tourism</li> </ul> <p>A similar session is planned for Barnawartha on 3 march 2010.</p>

**11.8 SUSTAINABLE COMMUNITIES WORK IN PROGRESS AND PROJECTS FEBRUARY 2010**

**File No.: Mark Florence – General Manager Sustainable Communities**

**For Information**

INTRODUCTION

Projects underway are shown in the following table.

PROJECT	CURRENT ACTIONS
<b>ENVIRONMENTAL HEALTH SERVICES</b>	
Environmental Health	Evidence of Blue Green Algae has emerged and monitoring continues on a regular basis.
<b>BUILDING SERVICES</b>	
Building Activity	Inspection and documentation of Essential Services compliance in Council buildings is progressing.
<b>ENFORCEMENT SERVICES.</b>	
Animal Controls	Initial site inspections and quotations are being sought for replacement Pound.

**11.9 SUSTAINABLE DEVELOPMENT WORK IN PROGRESS AND PROJECTS JANUARY 2010**

**File No.: Susan Cheetham – Manager Sustainable Development**

**For Information**

INTRODUCTION

Projects underway are shown in the following table.

PROJECT	CURRENT ACTIONS
<b>STRATEGIC PLANNING</b>	
Amendment C36 – Chiltern Flood Study	The amendment has been certified by the Minister for Planning, and as Council is authorised to approve it, the amendment will be reported to Council for approval at its March meeting.
Rural Land Use Strategy	Nine community meetings held December '09/Feb'10. Comments will be compiled and relayed to consultants for the final document to be prepared.
Indigo Planning Scheme Amendment C50 - Chiltern Business 3 rezoning	The consultant appointed in January has commenced work on the project.
<b>STATUTORY PLANNING</b>	
Williams, Stanley Forest	Application by Mr & Mrs Williams to VCAT to amend the Enforcement Order in relation to this matter, by extending the period to vacate by twelve months was refused by VCAT.
Chiltern Quarry	Further information as requested by Council has been received by the applicant and is being examined at present.
<b>HERITAGE SERVICES</b>	
2010 Indigo Heritage Awards	The 2010 Awards have been announced and promoted through media release and advertisement. Nominations close on 19 March.
<b>NATURAL RESOURCE MANAGMENT</b>	
North East Greenhouse Alliance	Climate Change risk assessments for Towong and Alpine – workshops held with each council to identify range of risks.  “Adapting to a Low Water Future” - project definition meeting held with key representatives from participating organisations
Roadside weeds	<ul style="list-style-type: none"> <li>• DPI awarded funds for roadside weed spraying Gorse, Broom &amp; Blackberry - \$25K 2010 &amp; \$20K 2011 – focus will be revisiting roadsides already</li> </ul>

## ORDINARY COUNCIL MEETING AGENDA – 09.03.10

PROJECT	CURRENT ACTIONS
	<p>treated and roadsides adjacent to these</p> <ul style="list-style-type: none"> <li>• Continued investigation into use of slasher cover to minimise weed spread</li> </ul>
Sustainable Water Use Plan	<p>No change - Project management – Don Pope</p> <ul style="list-style-type: none"> <li>• Awaiting release of North East Water guidelines on future use and development of wastewater</li> <li>• Funding agreement being finalised RDV</li> </ul>
Environmental Advisory Committee	<p>Next meeting scheduled for 7<sup>th</sup> April, 2010. New members to be notified of appointment to committee and existing members reappointed to also be formally notified.</p>
Roadside Management Plan	<p>Environmental Projects Officer – conservation value data still being finalised. Data confidence is extremely important, particularly with regard to areas that have decreased in conservation value.</p>
Environment Strategy	<p>Awaiting printing copies of strategy for distribution. Input received on draft operational plan for next 18months from Environmental Advisory Committee.</p>

**11.10 PLANNING STATISTICS - FEBRUARY 2010**

**File No.: Manager Sustainable Development**

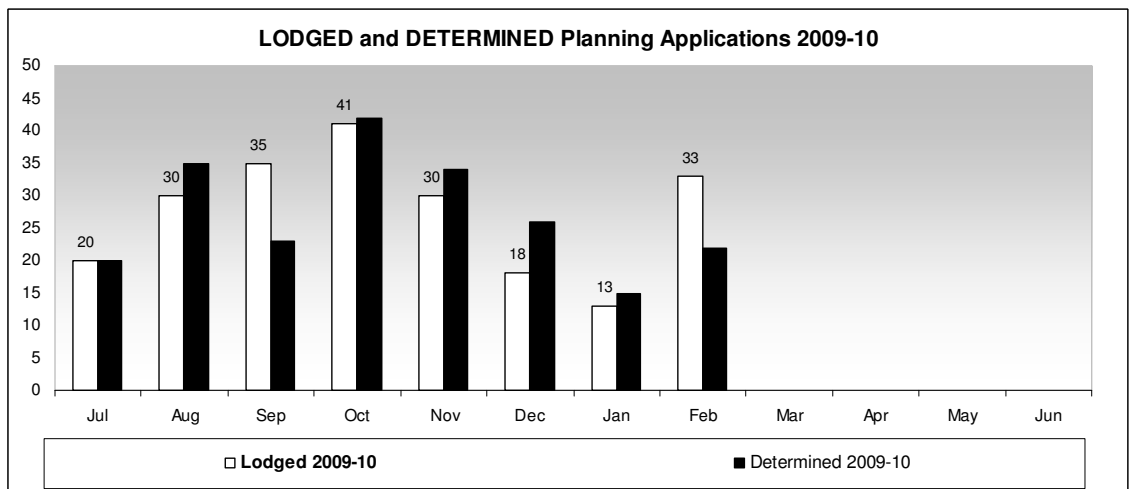
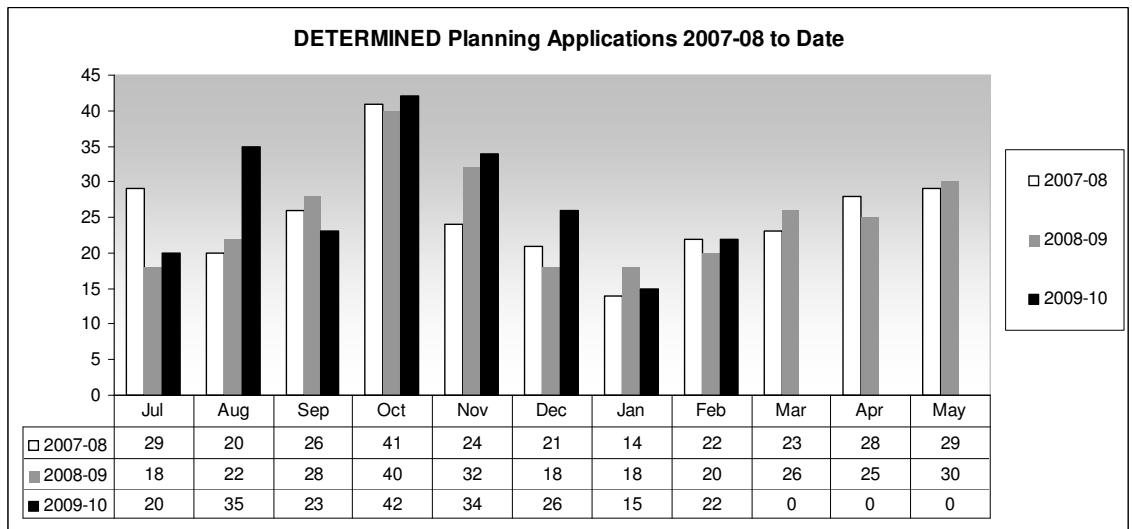
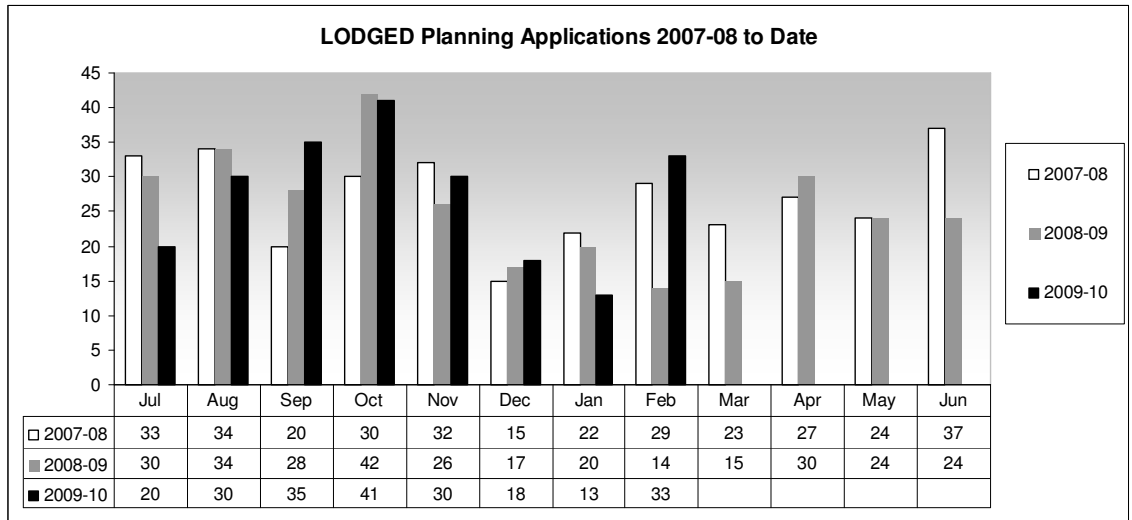
**For Information**

<b>Application No</b>	<b>Locality</b>	<b>Proposed Use</b>	<b>Cost</b>	<b>Decision</b>
PP084215	Yackandandah	Development Plan - 183 Lot Residential Subdivision	0	Withdrawn
02325.2	Beechworth	Amend Permit - Staged Subdivision	0	No Permit Required
PP090134	Wooragee	Boundary Re-alignment	0	Approved
PP090156	Beechworth	Dwelling	0	Approved
PP090159	Beechworth	Two Lot Subdivision	0	Approved
PP090213	Rutherglen	Extend Licensed Area and Increase Patronage Numbers	0	Approved
PP090215	Gundowring	2 Lot Subdivision (Boundary Adjustment)	0	Approved
PP090216	Rutherglen	Extend Licensed Area (Red Line Area)	0	Approved
05281.1	Beechworth	Amend Permit -Dwelling	0	Approved
PP090223	Beechworth	Dwelling	155,000	Approved
PP090225	Rutherglen/Brown Plains	Market	100,000	Approved
PP090239	Wooragee	Extension to Factory/Workshop	150,000	Approved
04012.2	Chiltern	Amend Permit- Dwelling	0	Approved
PP100010	Beechworth	Shopfront Signage	1,600	Approved
PP100011	Yackandandah	Carport	0	Approved
PP100012	Barnawartha	Shed	26,000	Approved
PP100013	Allans Flat	Dwelling	0	Approved
PP100014	Yackandandah	Replacement Verandah	23,750	Approved
PP100022	Rutherglen	Garage	11,500	Approved
PP100023	Wooragee	Extension to dwelling	0	Approved
PP090079.1	Tangambalanga	Amend Permit - Boundary Re-alignment - Certification	0	Approved
PP084339.1	Rutherglen	Amend Permit - Dwelling	0	Approved
<b>Total</b>			<b>\$467,850.00</b>	

**PLANNING STATISTICS**

<b>DETERMINATION</b>	<b>FEB 2010</b>	<b>FINANCIAL YEAR TO DATE</b>	<b>SAME PERIOD FINANCIAL YEAR 2008</b>
Permit/Amended Permit Issued	17	174	163
Refused	0	0	2
Other Determinations	5	40	31
<b>TOTAL</b>	<b>22</b>	<b>214</b>	<b>196</b>

## ORDINARY COUNCIL MEETING AGENDA – 09.03.10



**11.11 BUILDING STATISTICS**

**File No.: Glen Colwell – Municipal Building Surveyor**

**For Information**

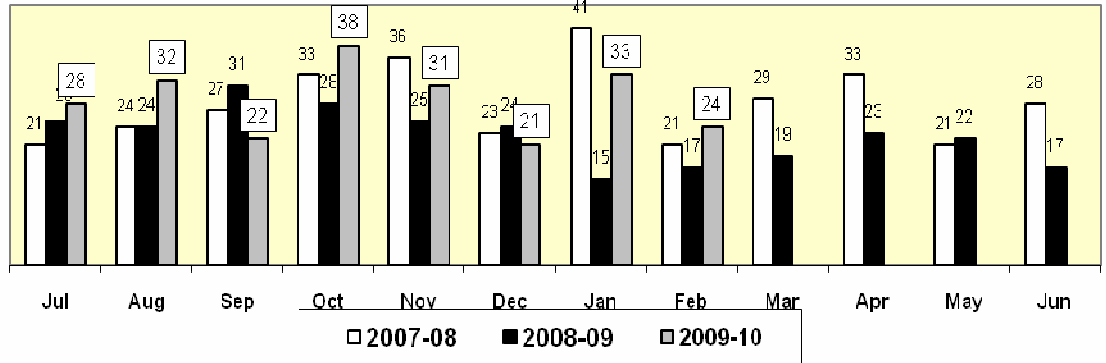
INTRODUCTION

The following table list applications issued in the month of February 2010

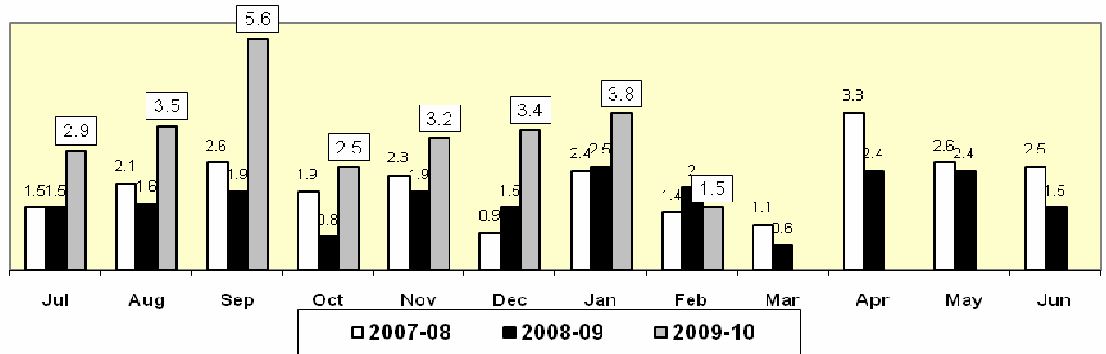
Indigo Building Surveyors:

Osbornes Flat	Re-stump	\$3000,	01/02/10
Brimin	New Building	\$30,000	01/02/10
Brimin	New Building	\$30,000	01/02/10
Brimin	New Building	\$30,000	01/02/10
Rutherglen	New Building	\$9,500	01/02/10
Rutherglen	Re-stump	\$7,000	01/02/10
Huon	New Building	\$32,000	01/02/10
Brimin	New Building	\$30,000	01/02/10
Yackandandah	Dwelling	\$273,000	02/02/10
Chiltern	Dwelling	\$120,000	04/02/10
Yackandandah	Swimming Pool	\$4,500	04/02/10
Allans Flat	Swimming Pool	\$9,900	04/02/10
Wahgunyah	Extension	\$7,000	11/02/10
Brimin	Dwelling	\$20,000	11/02/10
Rutherglen	Alteration	\$3,500	12/02/10
Beechworth	Dwelling	\$264,600	15/02/10
Beechworth	Re-erect Building	\$213,000	15/02/10
Beechworth	Alteration	\$95,000	18/02/10
Beechworth	New Building	\$9,500	22/02/10
Beechworth	Extension	\$245,000	23/02/10
Yackandandah	Extension	\$23,500	23/02/10
Barnawartha	New Building	\$26,000	26/02/10
Rutherglen	New Building	\$11,500	26/02/10
Beechworth	New Building	\$9,000	26/02/10
Sub-total		\$1,533,753	
<b>External Surveyors:</b>			
Wooragee	Extension	\$49,800	
Beechworth	Dwelling	\$221,617	
Rutherglen	New Building	\$1,597,990	
Wahgunyah	Dwelling	\$320,140	27/01/10
Wahgunyah	New Building	\$200,000	29/01/10
Rutherglen	Dwelling	\$228,746	01/02/10
Wahgunyah	Dwelling	\$309,284	02/02/10
Beechworth	New Building	\$1,655,845	04/02/10
Wooragee	Dwelling	\$11,994	11/02/10
Yackandandah	Dwelling	\$199,022	16/02/10
Sub-total		\$4,794,438	
<b>Total</b>		<b>\$6,328,191</b>	

**Building Permits Issued (excluding those by Private Certifiers)**



**Value of Construction Works - all Building Permits (Indigo Shire)**



**12.0 MAJOR PROJECTS AND PROGRAMS**

**12.1 CURRENT PROGRESS & FORTH COMING – TO FEBRUARY 2010**

File No.: Andre Kompler – General Manager Major Projects & Programs

For Information

PROJECT	COMMENTS
<b>CAPITAL WORKS</b>	
Project 44 Yackandandah Sports Park- 1206k	Yackandandah Sports Park - works progressing well. Stadium floor has been laid and stadium area enclosed. Commercial kitchen installed upstairs with framing and rough-in for ground floor amenities and gym complete. Progress with building lining/ fit-out and car park works are scheduled for March. The building is proposed to be part-used for 150th Cricket Club celebrations and the Yackandandah Folk Festival in the March period. Works completion scheduled for the end of May 2010.
Project 524 Yackandandah Depot Railway Ave Industrial estate- 278k	Designs have been completed & approved by all the relevant authorities. The Roads & Drainage Tender documentation has been completed , Tenders have been received and assessment completed, with the intention to award early next week. The Sewer & Water Tender documentation has been completed and awarded to Murray Valley Construction for the sum of \$60,604.30 Murray Valley Construction are progressing well with Sewer installation completed with water waiting for the roads and drainage contractor to commence. Power installation has been organised for late May installation.
Project 567 Yackandandah Steels St Industrial estate- 149k	Designs have been completed & approved by all the relevant authorities. Roads and Drainage works have been completed by Indigo Shires construction crew on time and within budget \$78,000 The Sewer & Water Tender documentation has been prepared and let to Murray Valley Construction for the sum of \$49,894.50 Works are estimated to start in mid March on the Sewer & Water. Awaiting power quotations.
748 Yackandandah Hall – 1225k	demolition works completed. Concrete piers underway with basement slab poured. Structural steel and concrete panel erection followed by roof installation are scheduled for completion end of March. Scheduled project completion is 7 July 2010.

**ORDINARY COUNCIL MEETING AGENDA – 09.03.10**

PROJECT	COMMENTS
<p>611 Chiltern Floodway Improvements</p>	<p>Detailed design by Oxley's is underway. Design parameters required in the geotechnical report has been inputted into the detailed design.</p> <p>Two visits to the Oxley's office have been made, most recently on 11th Feb, to ensure that the brief was understood, that the initial direction of their design met our requirements and to check on progress.</p> <p>Oxley's have completed survey work on site to check tie in the topographical plots provided by Water Technology. Prelim drawings sufficient to call for quotes are expected to be available end of Feb.</p> <p>Four contractors have been identified who have the expertise, necessary plant and the availability to commence works.</p>
<p>667 Chiltern Urban renewal/ Streetscape works- 615k</p>	<p>Designs have been completed</p> <p>Construction on the car-park has started with the Stormwater drainage works in-place and relocation of existing services has been progressing e.g. water main and power.</p> <p>Indigo Construction Crew is currently in progress with construction of the carpark and relative connecting entry &amp; exist roads.</p>
<p>729 Barnawartha Netball &amp; Tennis Courts - 130k</p>	<p>At pavement stage.</p>
<p>316 Tangambalanga Kiewa Bonegilla Rd Improvements- 882k</p>	<p>Tenders where let in 09 with the contract being awarded to Cramer's Construction</p> <p>The contractor has been progressing satisfactorily after a late start at the project. Currently Stage 1a, (Tangambalanga to Coulston Rd Intersection ) has been sealed with minor tidy up works remaining to be completed.</p> <p>Stage 2 (Coulston Rd intersection onwards) is currently prepared and awaiting sealing, this should happen early to mid next week provided the proof rolling passes. Tidy up works are still required along this sections.</p> <p>The contractor has been requested to finish major works by the end of February and complete the tidy up works over the next 2 weeks.</p> <p>Currently the project is on target for budget.</p>
<p>723 Tangambalanga Industrial Estate- 640k</p>	<p>Designs have been completed and approved by all the relevant authorities. The only outstanding item for approval is the landscape documentation which is with ISC planning department.</p> <p>Tender documentation for constructions has been prepared and has been let as a whole project, this has been awarded to Jackson Earthmoving for the Value of \$281,089.50, included in this is the Roads, Drainage, Sewer &amp; Water construction.</p> <p>Jacksons are progressing well on the contract and on time, the Bulking Earthworks have been completed, Stormwater drainage in place, Sewer Completed and currently working on the Watermain installation. Works for the Jacksons are</p>

## ORDINARY COUNCIL MEETING AGENDA – 09.03.10

PROJECT	COMMENTS
	<p>estimated to be complete by the end of April. Currently still waiting on the power quotation for the above development to arrive.</p>
543 Tangambalanga Community Centre	<p>Tenders where let in 09 with the contract awarded to Barton Street Developments for the sum of \$375,182.00. After demolition on part of the existing structure it was found that additional remedial works where required within the remaining existing structure, this was due to white ants and additional asbestos being found, this has caused an additional cost variation on the project in the range of \$20,000 to date. The contractor construction timelines are behind due to the remedial works but otherwise progress is progressing well. Currently the building is at the lockup stage with discussions starting to happen for the hand over to the Community / Football Club.</p>
629 Beechworth Baarmutha Park Facility- 1375k	<p>Contractor has been engaged with site works scheduled for commencement early March. Construction timeframe is 20 calendar weeks with completion scheduled for 19 July 2010.</p>
660 Beechworth Elgin Rd High St Upgrade- 290k	<p>The Design has been completed. Construction started this week on the Elgin road widening section and kerb returns. Indigo Shires construction crew has been progressing well with the widening pavement along Elgin Road in place, kerb returns at the intersection of High &amp; Elgin Rd will have construction started early next week. With the on look to progress down to High and Junction Road intersection Kerb returns.</p>
632 Lake Sambell Pathways & Infrastructure- 235K (with works in kind)	<p>In discussion with track construction group re a March start. Sewer concept complete. Awaiting new rising main approval. Design for amenities block scoped and prices being called.</p>
762 Beechworth Skate park- \$124K	<p>Design quantities and conditions being completed and to go to tender 1 March.</p>
615 Wahgunyah Mill St special charge scheme	<p>First meeting was conducted in early February, the feed back was positive although only half of affected residents were in attendance. Conceptual designs completed and will be sent out to all 1st week in March along with minutes and copy of information presentation from first meeting. This letter will ask for comments relating to the concept design and gauge level of support for project continuation onto the next stage of detailed designs.</p>
<b>OPERATIONS &amp; MAINTENANCE WORKS</b>	
Free Green Waste disposal	<p>Over the weekend of the 27th and 28th of February, another free green waste disposal opportunity was made available to the community.</p>
Free Hard Waste disposal	<p>Another free hard waste disposal day to be scheduled for late</p>

## ORDINARY COUNCIL MEETING AGENDA – 09.03.10

PROJECT	COMMENTS
	April.
Household Chemical disposal	A free household chemical collection day is scheduled for May in conjunction with Sustainability Victoria.
Neighbourhood Safer Places	Further NSP assessments are being undertaken by the CFA. A further report will be presented to Council for consideration when assessments have been completed.
Buller Gas Contract	Sales volumes consistent with budget expectations. Identified actions from 2009 such as revision of the Gas Safety Case have been updated and an audit is programmed for 18/3. A number of building developments at Mt Buller should add to sales in the future
Gravel re-sheeting of roads through out the shire- 394k	Such commenced and will continue through to Easter
Heavy patching of sealed roads	Annual campaign of major patching prior to the reseal program has been recently completed
Project 707- Bitumen reseals of shire roads- 825k	Annual sealing contract commenced and should be complete in March. Such comprises a suite of roads across the shire inclusive of - Noron- Mooemere Rd, Brimin- Old Murray Valley Hwy, Wahgunyah-Traton St, Barnawatha High St, Indigo Valley- Indigo Ck Rd, Yackandandah- Hammond St Wellsford St Racecourse Rd Osbournes Flat Rd parts of Yackandandah Heights Sanatorium Rd Hodgson Lane BenValley lane Monghans lane, Beechworth- Diffey Rd Wood St Barnard St Williams St Alech Pl Woolshed Rd McFeeters Rd Masons Rd, Wooragee- Magpie lane, Stanley- Mt Stanley Rd & Myrtleford- Stanley Rd





BACKGROUND

Please refer to the appended minutes.

KEY IMPLICATIONS

Not applicable.

FINANCIAL IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

Not applicable.

CONCLUSION

Not applicable.

Attachment:  
Audit Committee – 18 January 2010  
Finance Committee – 28 January 2010  
Indigo Tourism Advisory Committee Minutes – 29 January 2010



**14.0 NOTICES OF MOTION**

Not applicable.

## ORDINARY COUNCIL MEETING AGENDA – 09.03.10

### 15.0 COMMITTEE AND DELEGATES REPORTS (ALL ARE FOR INFORMATION ONLY)

#### 15.1 CR GAFFNEY - MAYOR

DATE	TIME	FUNCTION/EVENT
1 Feb	9.15am	Meeting with Oliver & Zita Von Wilpert Re: Planning Issue, Beechworth
	10am	Weekly Meeting with CEO, Beechworth
3 Feb	10am	Kiewa Valley CWA AGM, Kergunyah
4 Feb	10am	Rostrum, Albury
5 Feb	10am	Rutherglen Wineboard Meeting, Rutherglen
8 Feb	12pm	Conflict of Interest Round Table, Shepparton
	7pm	Chiltern Progress Association AGM, Chiltern
9 Feb	2pm	Council Briefing Meeting, Chiltern
	3pm	Council Meeting, Chiltern
	6.30pm	Community Forum, Chiltern
12Feb	9.30am	Murray Darling Association Meeting, Beechworth
	3pm	Meeting with Uncle Toby's, Wahgunyah
15 Feb	10am	Weekly Meeting with CEO, Beechworth
	11am	Meeting with Joan Simms Re: Kerferd Oration, Beechworth
16 Feb	4pm	Budget Workshop, Wahgunyah
	5pm	Council Briefing Meeting, Wahgunyah
	6.30pm	Community Forum, Wahgunyah
22 Feb	10am	Meeting with CEO, Beechworth
23 Feb	4pm	Council Briefing Meeting, Yackandandah
24 Feb	7pm	Wooragee NHW Meeting, Wooragee
25 Feb	5pm	North East Local Government Network Meeting
26 Feb	9.30am	MAV Audit Fundamentals Meeting
28 Feb	12pm	Victorian Rural Fire Brigade Annual Region Championships

**15.2 CR POCKLEY – DEPUTY MAYOR**

DATE	TIME	FUNCTION/EVENT
3 Feb	9.30am	Regional Women’s Leadership Forum, Albury
	6pm	Environmental Advisory Committee Meeting, Yackandandah
6 Feb	11am	Developing Women’s Businesses Interview, Indigo Valley
9 Feb	2pm	Council Briefing Meeting, Chiltern
	3pm	Council Meeting, Chiltern
	7pm	Community Forum, Chiltern
10 Feb	12pm	MAV Strategic Planning Session, Wangaratta
11 Feb	All Day	MAV Maximising the Mayoralty, Melbourne
12 Feb	3.30pm	Indigo U3A Steering Committee Meeting, Beechworth
13 Feb	8pm	Outdoor Film, Kiewa
14 Feb	7pm	Shakespeare in the Vines, Cofield Winery
16 Feb	4pm	Council Briefing Meeting, Wahgunyah
17 Feb	2.45pm	Indigo U3A Steering Committee Meeting, Beechworth
	4pm	Indigo U3A Official Launch, Beechworth
	6pm	Beechworth Neighbourhood Centre Meeting, Beechworth
18 Feb	10am	Yackandandah Historical Society Coffee Morning, Yackandandah
	3pm	Indigo Heritage Advisory Committee Meeting
23 Feb	4pm	Council Briefing Meeting, Yackandandah
24 Feb	9am	Junior Council Meeting, Beechworth
	2.30pm	LGMA Pre Challenge Interview, Yackandandah
25 Feb	10.30am	Launch of Artspace Wodonga’s new website, Wodonga
	6pm	Rating Strategy Focus Group, Beechworth
27 Feb	7.30pm	State of Murray Dinner, Albury
28 Feb	10am	Meeting with Constituent, Chiltern
	10.30am	Monthly Market, Chiltern

**15.3 CR GRAHAM**

<b>DATE</b>	<b>TIME</b>	<b>FUNCTION/EVENT</b>
5 Feb	All day	Absent
6 Feb	All day	Absent
7 Feb	All day	Absent
8 Feb	All day	Absent
9 Feb	2pm	Council Briefing Meeting, Chiltern
	3pm	Council Meeting, Chiltern
	6.30pm	Community Forum, Chiltern
10 Feb	12pm	MAV Forum, Wangaratta
	2pm	NEVRWASTE Meeting, Wangaratta
12 Feb	9.30am	Murray Darling Association Meeting, Beechworth
15 Feb	7.30pm	Rutherglen 150 <sup>th</sup> Meeting, Rutherglen
16 Feb	All day	RACV Workshop, Melbourne
17 Feb	8.30am	RACV Workshop, Melbourne
	1pm	Meeting with DVA Re: Veterans Affairs, Melbourne
18 Feb	12pm	North East Road Safe Meeting, Wangaratta
23 Feb	All day	Veterans Affairs Meeting, Melbourne
24 Feb	All day	Veterans Affairs Meeting, Melbourne
25 Feb	All day	Veterans Affairs Meeting, Melbourne

**15.4 CR CROUCHER**

DATE	TIME	FUNCTION/EVENT
2 Feb	4pm	Council Briefing Meeting, Yackandandah
4 Feb	12.30pm	Rostrum, Albury
	3pm	UMRL Review Meeting, Yackandandah
5 Feb	10am	RWE Meeting, Rutherglen
8 Feb	7pm	Rural Land Strategy Meeting, Kergunyah
9 Feb	2pm	Council Meeting, Chiltern
10 Feb	12pm	MAV Strategic Meeting, Wangaratta
11 Feb	1pm	Review Health Services, Rutherglen
	6.45pm	Chiltern/Rutherglen Continuing Education, Chiltern
12 Feb	7.30am	Business Breakfast, Yackandandah
	10am	MDA Meeting, Beechworth
15 Feb	9am	Presentation SRC Badges, Kiewa Valley
	2.45pm	Rutherglen Library Presentation, Brimin
16 Feb	4pm	Budget Workshop / Forum, Wahgunyah
18 Feb	6pm	Wodonga Athletics Club, Wodonga
	7.15pm	RSL Dinner, Kiewa
19 Feb	3pm	Constituent Meeting, Yackandandah
	4pm	Atauro Island Meeting, Yackandandah
23 Feb	10am	UMRL Meeting, Wodonga
	3pm	Council Briefing Meeting, Yackandandah
24 Feb	9am	Junior Council Meeting, Beechworth
25 Feb	3.30pm	Debrief Australia Day, Chiltern
	6pm	Rating Focus Meeting, Beechworth
26 Feb	9am	Lake Hume Community Reference Group, Wodonga
28 Feb	8.30am	Chiltern Market, Chiltern

### U.M.R.L

On Tuesday 23<sup>rd</sup> February, I attended a U.M.R.L meeting in Wodonga. The Upper Murray Regional Library is undergoing an external review that may change the organization. The consultant is identifying alternative models and exploring the organizational structure and governance practices for those models. When a final decision is made on the future structure (especially now that Albury is gone) and governance of U.M.R.L, then this will offer an opportunity to review the performance process. The review is anticipated to be completed by the end of March and a draft report will be presented to the board.

### LAKE HUME COMMUNITY REFERENCE GROUP

On Friday 26<sup>th</sup> of February I attended the Lake Hume Community Reference Group meeting in Wodonga. At the meeting the CEO from Towong Shire spoke about the fore shore master plan at Tallangatta and the challenges and innovations facing the Towong Shire. Mel Jackson from State Water told us about the upgrading of the Hume dam. The meeting concluded with the committee members discussing priority actions taken from the Management Plan.

### JUNIOR COUNCIL

Junior council had their first meeting at Beechworth on the 25<sup>th</sup> February. This meeting focused upon the 14 students from schools in the Indigo Shire telling us a little about them as well as having the opportunity to mix with their fellow Junior Councillors. Suggestions for guest speakers and fund raising ideas were discussed as well as the expected responsibilities of being a Junior Councillor.

### EAST TIMOR COMMITTEE MEETING

On Friday 19<sup>th</sup> February I attended the East Timor Committee Meeting at the shed in Yackandandah. Wendy Connor replaced Frances Walsh as the new chairperson. Points discussed at the meeting were the Timor swimming challenge, Marcello (the contact person for Atauro Island), The Mary Mackillop foundation, The Teacher Exchange Program, Student Scholarships, composting toilets and the concerns regarding water on the island. Reports from Wendy Connor and Alice and Georgia were tabled. The Mayor, Mr Bernard Gaffney was also on attendance.

**15.5 CR GOLDSWORTHY**

<b>DATE</b>	<b>TIME</b>	<b>FUNCTION/EVENT</b>
2 Feb	4pm	Council Briefing Meeting, Yackandandah
7 Feb	3pm	Meeting with Constituent
9 Feb	2pm	Ordinary Meeting of Council, Chiltern
12 Feb	11am	Timber Towns Delegates Meeting, Melbourne
16 Feb	4.45pm	Council Briefing Meeting, Wahgunyah
	6pm	Community Forum, Wahgunyah
18 Feb	3pm	Indigo Heritage Advisory Committee, Yackandandah
23 Feb	4pm	Council Briefing Meeting, Yackandandah
25 Feb	6pm	Council Rating Strategy Focus Group Meeting, Beechworth

**15.6 CR ISSELL**

DATE	TIME	FUNCTION/EVENT
2 Feb	4pm	Council Briefing Meeting, Yackandandah
3 Feb	5pm	Meeting with Councillor, Yackandandah
	6pm	Environment Committee Meeting, Yackandandah
9 Feb	2pm	Council Briefing Meeting, Chiltern
	3pm	Council Meeting, Chiltern
	6.30pm	Community Forum, Chiltern
11 Feb	3pm	Rail Trail Committee Meeting, Wangaratta
12 Feb	10am	Murray Darling AGM, Beechworth
16 Feb	4pm	Budget Workshop, Wahgunyah
	6pm	Community Forum, Wahgunyah
17 Feb	4pm	Launch U3A, Beechworth
19 Feb	3pm	Constituent Meeting, Yackandandah
22 Feb	4pm	Murray Arts Meeting, Wodonga
23-25 Feb	All Day	Absent
26 Feb	3.30pm	Meet with Council Staff, Beechworth
27 Feb	7pm	Murray Now Dinner, Albury

**15.7 CR MURDOCH**

DATE	TIME	FUNCTION/EVENT
2 Feb	4:00pm	Council Briefing, Yackandandah
3 Feb	8:30am 7:00pm	Women's Leadership Forum, Albury Rural Land Use Meeting, Beechworth
4 Feb	7:00pm	Rural Land Use Meeting, Wahgunyah
5 Feb	2:00pm	MAV Professional Development Advisory Committee, Melbourne
8 Feb	7:00pm	Chiltern Progress AGM, Chiltern
9 Feb	2:00pm 3:00pm 6:30pm	Council Briefing Meeting, Chiltern Council Meeting, Chiltern Community Forum, Chiltern
10 Feb	9:30pm	MAV Strategic Planning Meeting Wangaratta
	5:30pm	ACSUM Meeting, Albury
11 Feb	6:45pm	Chiltern/Rutherglen Continuing Education AGM, Chiltern
12 Feb	7:30am 9:30am	Business Breakfast, Yackandandah Murray Darling Association Meeting, Beechworth
16 Feb	4:00pm 6:30pm	Council Briefing Meeting, Wahgunyah Community Forum, Wahgunyah
23 Feb	4:00pm 5:pm	Council Briefing Meeting, Yackandandah Rutherglen Heavy Vehicle Deviation Meeting, Rutherglen
25 Feb	9:30am	MAV Audit Committee Road Show, Benalla

ACSUM MEETING - 10 FEBRUARY 2010

The ACSUM meeting was given a presentation by Nathan Matthews of Vic Roads on the status of providing Overtaking Lanes on the Murray Valley Highway between Wodonga and Corryong. Cr. Mary Fraser from Towong Council gave a presentation on the Towong Shire and the project they were working on including the Towong Pure Energy Project and Agribusiness Projects. Cr. Denise Osbourne gave a brief update on the recent fires and was impressed with the response of the Victorian Councils and Government. It was also moved that there be two extra Working Party Meetings per year.

**ORDINARY COUNCIL MEETING AGENDA – 09.03.10**

**16.0 GENERAL BUSINESS**

*Frank Bonacci declared a conflict of interest as he owns a property concerned with Cr Goldsworthy's discussion and departed the meeting at 4.38pm.*

COUNCILLOR	ITEM
Goldsworthy	Resident email – requested follow up on the situation.
	Mark Florence advised that planning staff will need to further clarify the facts. It is hoped to have a further update to the April Meeting of Council. Resident to be notified.

*Frank Bonacci returned to the meeting at 4.40pm.*

**17.0 CONFIDENTIAL**

Nil.

**Meeting Concluded: 4.40pm**

**Next Meeting: Tuesday 13<sup>th</sup> April 2010**

**- The Supper Room, Beechworth**