

INDIGO SHIRE COUNCIL

MINUTES OF THE ORDINARY MEETING OF THE INDIGO SHIRE COUNCIL HELD IN THE SENIOR CITIZENS ROOMS, CONNESS STREET, CHILTERN ON TUESDAY 1 JULY 2008 COMMENCING AT 7.00 PM.

PRESENT

Councillors

Councillor V J Issell (Mayor)
Councillor A M Banks
Councillor J M Dale
Councillor P F A Graham, OAM
Councillor W B Hotson
Councillor B J Murdoch

Officers

Mr Brendan McGrath (Chief Executive Officer)
Mr Phil Prior (General Manager Operations and Assets)
Mr David Montgomery (General Manager Corporate & Visitor Services)
Ms Sally McCarron (Health & Wellbeing Manager)
Mr Ray Woodhouse (Chief Finance Officer)
Ms Susan Cheetham (Environment & Development Services Manager)
Mr Alex Showers (Operations Manager)
Mrs Naomi Cox (Executive Assistant/Chief Executive Officer)

1.0 WELCOME

Cr Issell welcomed those in attendance.

2.0 OPENING PRAYER

Cr Graham read the Opening Prayer.

3.0 APOLOGIES AND LEAVE OF ABSENCE

- Councillor F A Walsh – on leave
- Cr Graham requested leave for 29 July 2008 and 7 August to 25 August 2008 inclusive

- Cr Issell requested leave from 6 July to 11 July 2008 inclusive and 17 July to 21 July 2008 inclusive

Moved Cr Dale
Seconded Cr Banks

That the apology from Cr Walsh be accepted and that the requests for leave by Councillors Graham and Issell be granted.

CARRIED

4.0 DECLARATION OF PECUNIARY INTEREST AND CONFLICT OF INTEREST

Nil

5.0 OPEN FORUM

The Mayor advised that there were no written questions to Council and asked if there were any questions from the gallery:

Mary Terrill of Rutherglen queried when directing submissions regarding the Heavy Vehicle bypass proposed for Rutherglen, who should those queries be directed to?

The Chief Executive Officer advised that all submissions should be directed to the Chief Executive Officer.

6.0 CONDOLENCES

Cr Hotson requested that a letter of condolence on behalf of Council be forwarded to Mr and Mrs Graham Howie of Chiltern on the tragic loss of their son.

Moved Cr Hotson
Seconded Cr Murdoch

That a letter of condolence on behalf of Council be forwarded to Mr and Mrs Graham Howie of Chiltern on the tragic loss of their son.

CARRIED

7.0 CONFIRMATION OF MINUTES

Moved Cr Dale
Seconded Cr Banks

That the Minutes of the Council meeting held 3 June 2008 and the Minutes of the Special meeting of Council held 24 June 2008 be adopted.

CARRIED

8.0 BUSINESS ARISING (PREVIOUS MINUTES)

Nil

9.0 DEPUTATIONS AND PETITIONS

9.1 (a) PETITION – REQUEST TO COUNCIL TO UPGRADE THE BEECHWORTH SKATE PARK (FILE NO: C851.1 - RCDC)

For Decision

A petition signed by 118 people has been received by Council.

The Mayor will move the following recommendation which can then be followed up with any further information relating to this issue.

RECOMMENDATION

That the Petition from various signatories requesting upgrades to the Beechworth Skate Park, be received.

**Moved Cr Issell
Seconded Cr Graham**

That the Recommendation be adopted.

CARRIED

The petition states:

"Beechworth Skatepark Upgrade – The people of Beechworth have put up with our tiny skatepark for too long. There has been so many people riding it over the years and so many have stopped due to boredom of the skatepark. Please help us riders and put your name down on this petition to show the Council how much it means to us, thank you."

9.1 (b) PETITION – REQUEST TO COUNCIL TO UPGRADE THE BEECHWORTH SKATE PARK (FILE NO: C851.1 - RCDC)

For Information

SUMMARY

This report presents a petition from the Beechworth community to Council to upgrade the Beechworth Skate Park.

The petition states:

"Beechworth Skatepark Upgrade – The people of Beechworth have

put up with our tiny skatepark for too long. There has been so many people riding it over the years and so many have stopped due to boredom of the skatepark. Please help us riders and put your name down on this petition to show the Council how much it means to us, thank you."

BACKGROUND

A petition signed by 118 people has been received by Council.

The petition was presented to the Mayor and Council Officers at a meeting held on Friday 13 June 2008 at the Beechworth Youth Centre to discuss future upgrades to the skate park.

ISSUES

The Beechworth Skate Park is a relatively small facility containing a 'bowl' and a small 'streetscape' area consisting of a flat concrete area with various items for skaters. An upgrade, or extension to the existing facility, would provide more challenges to skaters and bikers.

CONSULTATION

As a result of the meeting held on 13 June this year, a working committee was formed which will discuss the process in developing plans for the upgrading of the skate park.

FINANCIAL & RESOURCE IMPLICATIONS

There are no financial or resource implications at this stage.

Attachment

10.0 ENVIRONMENT AND DEVELOPMENT

10.1 SECTION 173 AGREEMENTS - (07/125, 08/4207, 08/4239, 08/4250, 08/4273) (EDSM)

For Decision

RECOMMENDATION

That Council as the relevant Responsible Authority, resolve to enter into the subject Section 173 Agreements with the following landowners and to sign and seal the appropriate documentation:

- A) S Northey
- B) E Jacka
- C) M Breen
- D) G J & J M Hodgson
- E) A R & G A Mitchell

**Moved Cr Hotson
Seconded Cr Graham**

That the Recommendation be adopted.

CARRIED

INTRODUCTION

The following Section 173 Agreements are presented to Council with a recommendation for approval under the seal of Council.

Such agreements, made under Section 173 of the Planning and Environment Act, 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).

COMMENT

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 that of the other party entering into the Agreement with Council.

BACKGROUND

- A) Planning Permit 07/125 relates to a proposed 2 Lot subdivision of land at Carol Court, Kiewa. The land is 1.005ha and is developed with an existing dwelling and it is proposed to subdivide the land to create an additional Low Density Residential Zoned lot

of approximately 4,000m². The application was approved on the basis that a Section 173 Agreement was to be entered into with the Responsible Authority to ensure:

- (i) That any future development on proposed lot 2 is sited, designed and constructed using the principles of Water Sensitive Urban Design and in particular that:
 - (a) The dwelling must incorporate a minimum 10,000 Litre 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 the lot's stormwater point. The dwelling must 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. The total hard surface site coverage (including outbuildings, swimming pools, tennis courts, driveways and all impermeable surfaces), must not exceed 40%.
 - (c) An Erosion and Sediment Control Plan must be submitted with all Building Permit applications that clearly outlines how the site is to be managed during and after construction.
 - (ii) That where incorporated, rear or side of allotment infiltration trenches with overflows to the formal drainage system are maintained so as to ensure design stormwater flows do not impact on downslope properties.
- B)** Planning Permit 08/4207 relates to a 3 Lot subdivision of land at Beechworth-Wodonga Road, Wooragee. The proposal realigns the boundaries between two lots to create a lot of ~4ha and ~40ha and excises an existing heritage listed dwelling on a lot of ~2ha. The application was approved on the basis that a Section 173 Agreement was to be entered into with the Responsible Authority to provide that:
- (i) The three lots created by this subdivision Lot 1 (4 ha), Lot 2 (41 ha) and Lot 3 Existing Dwelling (2ha) shall not be further subdivided.
 - (ii) Lot 2 cannot be used or developed for the purpose of a dwelling.
- C)** Planning Permit 08/4239 relates to a 3 Lot subdivision of Residential 1 Zoned land with frontage to Cemetery Lane and the Beechworth-Wodonga Road, Beechworth. The proposal creates 3 vacant residential lots of 1915m², 1610m², and 3145m² with frontage to Cemetery Lane. The application was approved on the basis that a Section 173 Agreement was to be entered into with the Responsible Authority to ensure:
- (i) That all dwellings are sited, designed and constructed using the principles of Water Sensitive Urban Design and in particular that:
 - (a) All dwellings must incorporate a minimum 10,000 Litre 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. The total hard surface site coverage (including outbuildings, swimming pools, tennis courts, driveways and all impermeable surfaces), must not exceed 75%.
 - (c) An Erosion and Sediment Control Plan must be submitted with all Building Permit applications that clearly outlines how the site is to be managed during and after construction.
- (ii) That where incorporated, rear or side of allotment infiltration trenches with overflows to the formal drainage system are maintained so as to ensure design stormwater flows do not impact on downslope properties.
 - (iii) That no vehicular access is provided to Lots 1, 2 or 3 from the Beechworth-Wodonga Road.
 - (iv) That fencing along the Beechworth-Wodonga Road boundary of lots 1, 2 and 3 is lightweight open style materials (Suggested materials include; post and wire or post and netting; timber post & rail; timber pickets; wire weld-mesh) a maximum of 1.8m high at any point and constructed of lightweight materials and be at least 50% open above 0.9m high.
 - (v) That no building is erected within 15m from the Beechworth-Wodonga Road boundary.
 - (vi) That development is restricted to the use of neutral 'earthy' external materials and colours to blend with the landscape and preserve the visual amenity of the area. Any metal cladding proposed to be used in the construction of building/s, must be galvanised or natural colour bonded metal cladding (not black, white, or metallic colourbond or zinalume).
 - (vii) That a minimum 3m wide permanent screen of locally indigenous trees and shrubs (species to be approved by SPI Electricity Pty Ltd) is planted along the Beechworth-Wodonga Road (north-west) boundary of lots 1, 2, and 3 to augment existing vegetation and provide an effective visual screen, within 6 months of the construction of a dwelling on the respective lot.
- D)** Planning Permit 08/4250 relates to a restructure of land at Yackandandah-Wodonga Road, Allans Flat. The proposal consolidates 11 lots into 3 lots of ~10.5ha, ~40ha and ~61ha. The existing dwelling is currently located on a smaller lot of 5.1ha and is now proposed to be contained on the 10.5ha lot. The application was approved on the basis that a Section 173 Agreement was to be entered into with the Responsible Authority to ensure:
- (i) that the lots created are not able to be further subdivided so as to increase the number of lots;

- E) Application for Certification 08/4273 relates to a proposed boundary re-alignment (2 Lot subdivision) of land with frontage to Hopetoun Road and Battery Road, Rutherglen. The 2 lot subdivision has been carried out without the need for a Planning Permit under the provisions of Clause 62.04 of the Indigo Planning Scheme.

The Statement of Compliance was issued on the basis that a Section 173 Agreement was to be entered into with the Responsible Authority to ensure:

- (i) That if any time in the future the existing wastewater disposal system operated on PC173447Q (Vol 9364 Fol 971) fails, the owner of PC173447Q will be required to upgrade the wastewater disposal system to the satisfaction of Indigo Shire Council.

*Attachment A: Locality/Site Plan – PP07/125 Carol Court, Kiewa.
Attachment B: Locality/Site Plan – PP08/4207 Beechworth-Wodonga Road, Wooragee.
Attachment C: Locality/Site Plan – PP08/4239 Cemetery Lane, Beechworth.
Attachment D: Locality/Site Plan – PP08/4250 Yackandandah-Wodonga Road, Allans Flat.
Attachment E: Locality/Site Plan – PP08/4273 Hopetoun Road and Battery Road, Rutherglen.*

10.2 PLANNING APPLICATION PP08-4222, REPLACEMENT DWELLING - HEMMERLING (ATP)

For Decision

SUMMARY

Application No: PP08-4222
Applicant: HEMMERLING
Subject Land: Lot 2 LP121758, 110 Gemmell Road, Wooragee
Proposal: Replacement dwelling
Recommendation: Approval

RECOMMENDATION

That Council resolve to issue a Notice of Decision to Grant planning permit PP08-4222 subject to the following conditions:

1. APPROVED USE/DEVELOPMENT

The layout of the site, dimensions and elevations of the proposed building/s and works as shown on the endorsed plans shall not be modified or altered without the written consent of the Responsible Authority.

2. SCREEN PLANTING

i) Before the *use and/or development* hereby approved starts, plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be

endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must show screen planting of the proposed dwelling. Planting is to be provided along the north eastern boundary of the site and to the west and south west of the dwelling in order to screen views of the dwelling from adjoining properties.

- ii) Screen planting shown on the approved plans shall be planted within three (3) months of occupation of the dwelling. Such planting shall be maintained and any dead or diseased plants shall be replaced to the satisfaction of the Responsible Authority so as to provide a visual screen.

3. EXISTING DWELLING

The existing dwelling on the land shall be removed, demolished or rendered uninhabitable prior to the completion or occupation of the replacement dwelling hereby approved, whichever is the first. Should the building be rendered uninhabitable:

- i) All internal plumbing, including water pipes drain pipes and the like, and all fixtures are to be entirely removed from the building (plumbing items must be entirely removed not just covered or closed off).
- ii) The existing kitchen is to be entirely removed. All kitchen type improvements including benches, sink, stove, dishwasher, pantry (if any), range hood, and any other associated kitchen items are to be entirely removed.
- iii) An inspection of the building by the Municipal Building Surveyor is required so as to verify it has been rendered satisfactorily uninhabitable. (Note: A fee shall apply to such inspection).

4. SECTION 173 AGREEMENT

This permit shall have no force or effect until the landowner enters into an agreement with Council under Section 173 of the Planning and Environment Act which ensures:

- i) That the building rendered uninhabitable under Condition 3 above must not be used for human habitation in any way, including overnight or weekend accommodation.
- ii) That the land cannot be further subdivided.

5. EXTERNAL FABRIC

- i) The external fabric of the building/s hereby approved, (including the roofing) or any above-ground water storage tank constructed or installed on the land must be of non-reflective, neutral “earthy” colours to blend with the landscape and preserve the visual amenity of the area.
- ii) Any metal cladding proposed to be used in the construction of the building/s hereby approved, must be:
 - (a) galvanised or natural colour bonded metal cladding; and/or
 - (b) treated metal cladding painted in muted tones, provided such painting is completed prior to the occupation of any building/s hereby approved, to the satisfaction of the Responsible Authority.

6. ON SITE EFFLUENT DISPOSAL

Prior to the issue of a Building Permit, consent of Council for an on-site effluent disposal and treatment system shall be obtained. Such systems shall comply with the provisions of the Environment Protection Authority Code of Practice - Septic Tanks (2003) and be located so as to ensure all effluent and wastewater is disposed of and absorbed within the boundaries of the land to the satisfaction of Council's Environmental Health Officer. (Note: Such waste disposal system shall consist of the following minimum dimensions: Depth - 450mm; Width - 700mm; and Length - 80m).

7. EXISTING TREES

Except in relation to the removal or lopping of native vegetation to the minimum extent necessary for the construction, use and maintenance of the development hereby approved, any existing living trees on the site shall be preserved and shall not be destroyed except with the consent of the Responsible Authority, or in accordance with a notice given pursuant to the Forests Act, the Country Fire Authority Act, the Soil Conservation and Land Utilisation Act or the Local Government Act.

8. LOCATION

No building shall be located closer than 100m to any creek without the further approval of the Responsible Authority.

9. WATER SUPPLY

- i) Unless otherwise approved by the Responsible Authority, water storage tank(s) shall be provided in close proximity to the dwelling holding a minimum of 90,000 litres of water of which a minimum reserve of 20,000 litres is to be held at all times for firefighting purposes.
- ii) Tanks shall be fitted with a gate valve and a 64mm, 3 thread round male coupling to CFA specifications to enable quick connection and full utilisation of all water.
- iii) All tanks shall be environmentally unobtrusive or shall be screened to the satisfaction of the Responsible Authority.

CONDITIONS REQUIRED BY ASSETS DEPARTMENT

10. POINT OF ACCESS

The point of access must be in accordance with the location nominated upon the endorsed plan, in this case the northern corner of the property, unless otherwise varied as a further condition of this permit.

10. VEHICLE CROSSINGS

Prior to the commencement of any on-site works the applicant must construct the vehicle crossing to the development in accordance with relevant standards. A crossing permit must be obtained from the Responsible Authority and levels fixed.

11. ENVIRONMENTAL MANAGEMENT

Works must be prepared and undertaken in accordance with EPA Publication 275 "*Construction Techniques for Sediment Pollution Control*".

12. STORMWATER DRAINAGE

- i) The discharge of concentrated stormwater drainage into the road drains or culverts will not be permitted.
- ii) All stormwater emanating from the developments approved by this permit must be disposed of within the curtilage of the property.

13. EXPIRY

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

- i) The development is not started within two years of the date of this permit.
- ii) The development is not completed within two years of the date of commencement.

The Responsible Authority may extend the periods referred to if a request is made in writing before the period expires or within three months of the date of expiration.

**Moved Cr Dale
Seconded Cr Hotson**

That the Recommendation be adopted.

CARRIED

BACKGROUND

Date application lodged:	25 February 2008
Purpose:	Seek approval to develop the subject site for the purposes of a replacement dwelling.
Subject site land area:	11.52 ha
Current use of subject site:	Residential
Site constraints:	Rocky outcrops
Surrounding land use:	Residential, agricultural
Zoning of surrounding land:	Farming Zone

The subject land is predominantly cleared grazing land with some scattered planted vegetation. The land is undulating, rising to the north. The subject site adjoins similar land to the north, west and south, and Crown Land creek reserve to the east.

There is presently a dwelling and associated shedding on the property.

The application was originally received for a dual occupancy on the property, as the applicant wanted to build his family a new dwelling but retain the existing dwelling for his elderly mother to reside in. The application was notified to adjoining owners accordingly, and two objections were received. During the notification period, the application was reviewed and it was concluded the application could not be supported on planning grounds because the separation between the existing and proposed dwellings would present pressure for subdivision in the future. The applicant was advised of this

and the application was subsequently amended to a replacement dwelling only. The original objectors were notified of the alteration to the application and were given the opportunity to withdraw their objection, but neither did so.

PROPOSAL

The application is for construction of a replacement dwelling and shed on a property 11.52 ha in area on Gemmell Rd, Wooragee (see Attachment A – locality plan). The replacement dwelling is proposed to be located approximately 160m north-east of the present dwelling, and consists of a ‘barn-style’ construction with mezzanine level. The construction consists of four bedrooms plus study, with living areas and one bedroom on the ground floor and the remaining bedrooms and the study on the mezzanine level. The total height of the construction is 6.55m (see Attachment B – proposal).

The development is proposed to be located approximately 19 metres from the north-eastern boundary of the property, and approximately 140m from Gemmell Rd. There is a dwelling on the adjacent property, approximately 100m from the common boundary with the subject land. There are no waterways on the subject land, and Reedy Creek, whilst running along the eastern boundary, is located approximately 350m at its closest point from the proposed building site.

ZONING AND PLANNING CONTROLS

Zoning:	Farming Zone
Overlay/s:	None Applicable
Permit Trigger:	Construction of a building associated with a Section 2 use (dwelling on a lot less than 40ha)

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;

- (b) any other relevant matter.

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.

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

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:

Economic Development

17.05 Agriculture

The objective of this Clause is to ensure that the State's agricultural base is protected from the unplanned loss of productive agricultural land due to permanent changes of land use and to enable protection of productive farmland which is of strategic significance in the local or regional context.

In considering proposals to subdivide or develop agricultural land, the following factors must be considered:

- (a) The desirability and impacts of removing the land from primary production, given its agricultural productivity.
- (b) The impacts of the proposed subdivision or development on the continuation of primary production on adjacent land, with particular regard to land values and to the viability of infrastructure for such production...
- (c) The compatibility between the proposed or likely development and the existing uses of the surrounding land.
- (d) Assessment of the land capability.

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:

21.04-2-1 Agriculture

This Clause acknowledges the importance of agriculture to the Shire's economic base.

Local Planning Policies

22.01-2 Rural Dwelling Siting & Design Guidelines

This Clause seeks, among other things, to ensure that dwellings in rural areas are compatible with the environmental characteristics of the area, as well as the existing and surrounding agricultural land uses. It also seeks to ensure that the character and visual quality of rural landscapes is not prejudiced by inappropriate development.

This Clause also sets out performance measures in order to assess an application for a dwelling in terms of environmental and site constraints.

22.03-4 Effluent Disposal & Water Quality

This Clause seeks to ensure that water quality is not adversely affected by new development and to prevent the discharge of effluent off-site. It specifies that effluent disposal systems and irrigation fields should be located at least 100m from any waterway.

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

Indigo Shire Council Environmental Health (effluent disposal)

Council's Environmental Health Officer has reviewed the percolation test results submitted with the application and advises that it will be possible to treat and retain wastewater onsite.

Indigo Shire Council Assets Department

No objection subject to conditions.

PUBLIC NOTICE

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

Two (2) submissions were received in response.

Issues raised in submissions and subsequent discussions with objectors include:

1. Replacement dwelling too close to adjoining boundary;
2. Access to replacement dwelling will cause erosion and compromise adjacent access;
3. Dust and smell created by the development will adversely affect existing residents, and;
4. Concerns that existing dwelling will remain and be separately rented out.

A planning focus meeting was held on Wednesday 30 April 2008 attended by the applicant, objectors, E & DS officers and Mayor Vic Issell to clarify the issues raised in objection to the proposal. These are discussed in further detail below. At this meeting the applicant raised the issue of balconies that were not illustrated on the plans submitted with the application. For the purpose of clarity, following the meeting, the applicant was requested to provide revised elevations and floor plans of the development. These have since been submitted and are included as **Attachment B** – the proposal.

DISCUSSION

Issues raised in objections:

1. Dwelling too close to adjoining boundary.

The proposed replacement dwelling is indicated as being located 19 metres from the adjoining boundary to the north-east. This is greater than the minimum setback of 15 metres in the Rural Dwelling Sting and Design policy, and therefore can be supported. In an effort to address objectors concerns with the location, the applicant was requested to consider a revised location for the replacement dwelling, which he was reluctant to do. The reason for the chosen location is primarily the views it affords, as well as the topography, in that the site is relatively flat and will require minimal site works. There have also been considerable works done over a number of

years, including the construction of a driveway, landscaping, installation of a water tank and the provision of electricity to the site. There is no development close to the boundary on the adjoining property, and extensive planted gardens, including semi-mature trees, shield existing development on the lot.

The objectors who raised this issue are also concerned about the proposed location due to a perceived loss of privacy for their dwelling. The objectors dwelling is located just above the 360 metre contour, whereas the proposed dwelling is located just above the 350 metre contour. It is considered that the topography, coupled with the extensive vegetation, will serve to shield the proposed replacement dwelling from existing development on the adjoining lot.

2. Access to replacement dwelling will cause erosion and compromise adjacent access.

The objector raised the issue that a large truck caused their access road to slip in 1987, resulting in the truck being dragged out and a considerable repair bill. An inspection of the subject land revealed the existing access to the proposed building site is located relatively close to the adjoining boundary. The applicant indicates the access road was constructed in the year 2000, and appears not to have eroded since that time. It is considered that like any unmade road, with a normal maintenance regime and repairs when necessary, the access road will safely serve its purpose.

3. Dust and smell created by the development will adversely affect existing residences.

There were conflicting views regarding the prevailing winds in the area. One objector to the north-east of the site indicated the prevailing winds come from the south west, and as such the development will affect their dwelling via 'dust from the road, smells and lifestyle straight to our door'. Another objector indicated that dust generated by traffic on Gemmell Road to the east of their property adversely affects them at present, and as such objected to the proposed replacement dwelling on the basis of increased dust nuisance.

The road in question is an unsealed road in good condition. The proposed development will not increase the vehicle movements on the road, however they will affect one objector to a greater degree. The access to the existing dwelling on the subject land is located down the road from the objector's residence (meaning vehicles do not pass the objector's dwelling when approaching or leaving the existing dwelling on the subject site), which is approximately 35 metres from the road at its closest point.

It is considered there is not sufficient nexus between the proposed development and the condition of the road to require a road contribution from the applicant.

4. Concerns that existing dwelling will remain and be separately rented out.

Since the application was amended to be for a replacement dwelling only, the applicant has maintained that he will render the existing dwelling uninhabitable. The planning permit can be conditioned to this effect in that all the internal plumbing will be required to be completely removed from the existing dwelling. An inspection can be required to ascertain this has been carried out satisfactorily before the Certificate of Occupancy will be issued for the replacement dwelling. To further cement that the building shall no longer be used as a habitable building, prior to the

commencement of the replacement dwelling, the applicant will be required to enter into a Section 173 Agreement to this effect.

General discussion:

The present application is for the development of a replacement dwelling on a single lot in the Farming Zone. The use of the land for the purpose of a dwelling has previously been established, and so the siting and design issues associated with the development are of concern.

Issues have been raised by adjoining and nearby landowners, but it is felt that in general, these can be addressed by conditions imposed on the permit.

The subject land is not subject to any overlays intended to preserve environmental landscapes. That being said, the Planning Scheme consistently discusses the need to preserve the visual amenity of rural landscapes in general. The proposed development is visible only from the local area, and will not impinge upon the broader rural landscape. The existing development is screened by mature vegetation, and so the additional development is not likely to read like a scattering of buildings.

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

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

- the issue of replacement dwellings and the ways to deal with the original dwelling.

For instance:

In the case *Rupena v Mornington Peninsula SC* (VCAT 351/2008), the Tribunal member concluded that:

...rather than requiring it's (the original dwelling's) demolition, it should be converted into an outbuilding. To achieve this, I think the internal conversion needs to go beyond the simple removal of a stove and fridge. An outbuilding is for the storage and warehousing of the myriad of chattels that are typically accumulated for day to day living. In my view, the dwelling needs to be 'gutted' to remove any semblance of a house for it to qualify as an outbuilding.

In the recent case *Fasham Johnson Pty Ltd v Mornington Peninsula SC* (VCAT 228/2008), the Tribunal member also ordered that the 'dwelling facilities' be removed. In this instance the Member provided some flexibility as to which of the facilities can be removed.

CONCLUSION

Having regard to the above discussion, the various matters raised by the objectors, as well as the merits of the proposal in this particular location it is felt that on balance the application should be approved subject to conditions.

Attachment A: Locality plan - PP08-4222110 Gemmell Road, Wooragee
Attachment B: Proposal - PP08-4222110 Gemmell Road, Wooragee
Separate Attachment to be provided to Councillors – Copy of Objections

10.3 PLANNING APPLICATION PP08-4202 - DUAL OCCUPANCY - SCOTT (ATP)

For Decision

SUMMARY

Application No:	PP08-4202
Applicant:	SCOTT
Subject Land:	Lot 35 Plan of Subdivision 526289, Benjamin Boulevard Tangambalanga.
Proposal:	Dual Occupancy.

RECOMMENDATION

That Council issue a Notice of Decision to Grant Planning Permit PP08-4202, subject to the following conditions:

1. PLANS REQUIRED

This Permit shall have no force or effect until, two (2) copies of detailed plans generally in accordance with plans submitted with the application, properly drawn to scale, and showing:

- a) The location of all building/s and works (including water tanks) proposed to be erected or constructed on the land;**
- b) Details of landscaping including species and location;**
- c) External clotheslines;**
- d) Dimensions and elevations of all building/s proposed to be erected or constructed on the land; and**
- e) The nature of all external materials and finishes of all such building/s (including the roofing and above ground water tanks),**

are submitted to the Responsible Authority for approval and endorsement by the Responsible Authority. When approved, such plans shall form part of the permit.

2. APPROVED USE/DEVELOPMENT

The layout of the site, dimensions and elevations of the proposed building/s and works as shown on the plans endorsed shall not be modified or altered without the written consent of the Responsible Authority.

3. EXTERNAL FABRIC

The external fabric of the building/s hereby approved, (including the roofing) or any above-ground water storage tank constructed or installed on the land must be of neutral “earthy” colours to blend with the landscape and preserve the visual amenity of the area.

Any metal cladding proposed to be used in the construction of the building/s hereby approved, must be:

- i) galvanised or natural colour bonded metal cladding, and/or;**

- ii) treated metal cladding painted in muted tones, provided such painting is completed prior to the occupation of any building/s hereby approved, to the satisfaction of the Responsible Authority.

4. RETICULATED SEWERAGE

Reticulated sewerage shall be provided to each dwelling to the requirements of the North East Region Water Authority.

5. RETICULATED WATER

A reticulated water supply shall be provided to each dwelling to the requirements of North East Regional Water Authority.

6. LANDSCAPING BEFORE COMMENCEMENT OF USE

Before the use allowed by this permit starts, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.

CONDITIONS REQUIRED BY ASSETS DEPARTMENT

7. WORKS WITHIN THE ROAD RESERVE

Prior to the commencement of any works required as a condition of this approval within the road reserve of Benjamin Boulevard or Jessica Court, an application for consent for “Works within Road Reserves” (formerly known as a road opening permit) is to be obtained by the works manager, in accordance with the *Road Management Act, 2004*.

8. POINT OF ACCESS

The points of access must be in accordance with the location nominated upon the endorsed plan, unless otherwise varied as a further condition of this permit.

9. VEHICLE CROSSINGS

Prior to the commencement of any on-site works the applicant must construct the vehicle crossings to units 1 & 2 in accordance with relevant standards. A crossing permit must be obtained from the Responsible Authority and levels fixed.

10. FUTURE WORKS

The owner of the property at the time must contribute to the cost of street, drainage, footpaths or other works in accordance with Indigo Shire Council Policy for contribution to Special Charge Schemes at the time of the works.

11. ENVIRONMENTAL MANAGEMENT

Works must be prepared and undertaken in accordance with EPA Publication

12. STORMWATER DRAINAGE

- i) Prior to commencement of any works on site all design plans relating to proposed and existing stormwater must be submitted to and approved by the Responsible Authority. All works must be completed in accordance with approved plans.
- ii) All stormwater emanating from hard surfaces within the property must be collected and piped to an approved discharge point at the easement drain at the northern boundary of 35 Benjamin Boulevard. All works to be constructed in accordance with approved plans.
- iii) The discharge of concentrated stormwater drainage to kerb and channel will not be permitted.
- iv) The applicant will construct a stormwater reticulation drain on the western boundary of the subject land from the junction pit on the existing easement drain to a new junction pit at the northwest corner of Unit 1. The drain will be designed to a 1 in 5 Year ARI, and contained within an easement accessible by Council. The point of discharge for Unit 1 will be at the new junction pit at the northwest corner of Unit 1. Design plans must be submitted to and approved by the Responsible Authority. All works must be completed in accordance with approved plans. On acceptance of works the drain will be maintained by the Responsible Authority.

13. EXPIRY DATE

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

- i) The development is not started within two years of the date of this permit.
- ii) The development is not completed within two years of the date of commencement.

The Responsible Authority may extend the periods referred to if a request is made in writing before the period expires or within three months of the date of expiration.

**Moved Cr Graham
Seconded Cr Murdoch**

That the Recommendation be adopted.

CARRIED

BACKGROUND

Date application lodged: 5 February 2008

Purpose: Seek approval to use and develop the subject site for the purposes of a dual occupancy.

Subject site land area: 795m²
Current use of subject site: Vacant
Site constraints: None
Surrounding land use: Residential
Zoning of surrounding land: Township Zone (TZ)

PROPOSAL

The applicant is seeking approval for the construction of two three bedroom detached dwellings on a corner allotment in the Gentle Views estate in Tangambalanga (see **Attachment A** – locality plan). The first is proposed to gain access from Benjamin Boulevard, and the second is proposed to gain access from Jessica Court. No tree removal is required for the proposed construction (see **Attachment B** - proposal).

ZONING AND PLANNING CONTROLS

Zoning: Township Zone
Overlay/s: None Applicable
Permit Trigger: Under the provisions of Clause 32.05-6 of the Indigo Planning Scheme (Township Zone), a permit is required to construct two or more dwellings on a lot.

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;

(b) any other relevant matter.

STATE PLANNING POLICY

11 Introduction, Goal and Principles

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

14.01 Planning for Urban Settlement

This clause states that planning authorities should encourage consolidation of existing urban areas while respecting neighbourhood character.

Housing

16.02 Medium Density Housing

The objective of this clause is to encourage the development of well-designed medium density housing which:

- Respects the neighbourhood character.
- Improves housing choice.
- Makes better use of existing infrastructure.
- Improves energy efficiency of housing.

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:

21.04-1 Settlement & Infrastructure

21.04-1-7 Kiewa-Tangambalanga

This clause acknowledges that Kiewa-Tangambalanga serves as a commuter settlement for the Albury-Wodonga Area. An objective of Council for this area is to promote and support a compact urban form, which fully utilises existing and peripheral vacant residential areas and maximises the use of infrastructure.

Local Planning Policies

None Applicable

PARTICULAR PROVISIONS

55 Two or more dwellings on a lot and residential buildings.

The purposes of this clause are:

- To achieve residential development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character.
- To encourage residential development that provides reasonable standards of amenity for existing and new residents.
- To encourage residential development that is responsive to the site and the neighbourhood.

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:

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

REFERRAL AUTHORITIES

Indigo Shire Council Assets Department

Responses received recommend approval subject to conditions (see Attachment B for a copy of 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.

Two individual submissions and one petition were received in response.

Issues raised include:

- Unit development will attract undesirable tenants.

- Jessica Court was understood to remain a court, but has been turned into a through-road.
- Unit development will affect land value.

A planning focus meeting was held on 8 April 2008 attended by the applicant, objectors, and E&DS officers to clarify the issues raised in objection. At this meeting, the objectors present indicated they would consider an assurance by the applicant that the land will be subdivided after the development is concluded. The applicant put this in writing, which was then forwarded to all objectors, with a view to having objections withdrawn. This generated further objection, with further issues being raised, including:

- Objection to the subdivision of the lot, and
- Concerns over the width of the street and the amount of traffic to be generated by the development.

The issues raised will be discussed in further detail in the next section.

DISCUSSION

The state and local provisions in the Planning Scheme encourage the development of medium density housing, and the development of houses on smaller allotments improves housing choice for the area.

The most relevant provisions of the Planning Scheme for the development are those contained within Clause 55, as all proposals for two or more dwellings on a lot must address these requirements. The applicant has provided a satisfactory neighbourhood character and site description and has addressed all of the relevant standards and objectives of Clause 55.

The concerns raised in the objections are based on the objector's experiences of unit development in the past, and a perception that unit developments automatically lead to a loss of amenity through uncertain tenure, a view which has been rejected by VCAT as an invalid ground for objection. While the grounds of objection relating to undesirable tenants and devaluation of property are cause for individual concern, they are not considerations of state or local planning policy. The objection relating to subdivision is not relevant in this instance, as subdivision is not part of the application before Council.

The concerns relating to the width of Jessica Court were forwarded to Council's Assets Department, who indicated the road width is adequate to deal with the additional traffic generated by the proposed development. Benjamin Boulevard is at present a dead-end access, but will be connected to Gentle Rd in the near future to service new allotments in

the subdivision.

The Planning Scheme also has no restrictions on numbers of dwellings in a particular area, with the focus instead being on well designed medium-density housing that respects neighbourhood character.

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

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

- the appropriateness of dual occupancies and land valuation, and;
- the possibility of undesirable tenants in a development.

For instance:

In Frazer v Broondara City Council & Farrington (1999/93135), an application by objectors to review the Responsible Authority's decision to grant a permit for a Dual Occupancy proposal, the Member noted that:

The valuation of an individual property is a complex and dynamic matter. Valuations can be affected by a range of site specific and locality specific factors which require a significant degree of experience and expertise to assess. I was not presented with any evidence or submissions which would enable me to form a view that the granting of a permit for a second dwelling on the subject site would lead to a devaluation of Mr Frazer's property. It is perhaps worth noting that, on a number of occasions, the Tribunal has pointed out that medium density housing can actually lead to higher sales in some neighbourhoods.

The Tribunal dismissed the application and ordered that a permit be granted.

In *ISIS Planning v Greater Bendigo CC [2004] VCAT 319*, the Member did not consider the objection of the quality of tenants in the decision to grant a permit.

CONCLUSION

The application consists of a two dwelling development that generally respects neighbourhood character through scale and character, the setback from the street, and the potential for landscaping throughout the development. Each dwelling has sufficient private open space with good north orientation, and sufficient parking is provided for residents.

Based on the above, the application is therefore recommended for approval.

Attachment A: Locality plan - PP08-4202 Benjamin Boulevard, Tangambalanga

Attachment B: Proposal - PP08-4202 Benjamin Boulevard, Tangambalanga

*Separate Attachment to be provided to Councillor: Copy of Objections Benjamin Boulevard,
Tangambalanga*

10.4 INDIGO HERITAGE ADVISORY COMMITTEE (FILE NO: E511 - EDSM)

For Decision

RECOMMENDATION

1. That the revised Indigo Heritage Advisory Committee Instrument of Delegation be adopted.
2. That in accordance with Section 86 (3) of the Local Government Act, 1989, the following representatives be appointed to the Indigo Heritage Advisory Committee:
 - a. 2 Councillors –Cr Walsh, Cr Issell;
 - b. 4 community town representatives
Chiltern – Rex Fuge
Yackandandah – Susan Reynolds
Beechworth - Ian Jones
Rutherglen - Karen O’Connor;
 - c. 2 general community or special interest cultural heritage representatives – Suzanne Grant, Bill Wilson;
 - d. 1 Heritage Victoria representative – Geoff Austin;
 - e. 1 National Trust representative – vacant;
 - f. Environment and Development Services Manager or nominee – Susan Cheetham;
 - g. Tourism and Marketing Manager or nominee – Kate Biglin , Noelene Allen (sub);
 - h. Senior Town Planner – Francois Theron;
 - i. Indigo Shire Tourism representative – vacant and
 - j. Indigo Shire Heritage Advisor (non voting) – Lorraine Huddle.

Moved Cr Dale
Seconded Cr Graham

That the Recommendation be adopted.

CARRIED

SUMMARY

It is proposed that the Indigo Heritage Advisory Committee be dissolved and reformed with an amended instrument of delegation.

The Indigo Heritage Advisory Committee has been operating since formation of Indigo Shire. The Committee’s functions include administering the low interest heritage loan scheme, annual heritage awards, commenting on planning applications involving heritage matters, and commenting on other heritage matters.

The management of cultural heritage collections is an area which is not well covered within Indigo Shire and this committee has expertise in this area and is well placed to include this role.

A revised deed of delegation including revised membership is proposed. The proposal

has been subject to consultation with the current committee, Indigo Arts Committee and Council staff. The revised deed reflects an agreed structure based on consideration of a range of cultural heritage factors. The revised deed is attached.

Several changes in membership are proposed. There are two positions vacant on the Committee and two new positions are also proposed to be included.

BACKGROUND

The cultural heritage of the Indigo Shire is one of its economic drivers. The cultural heritage tourism industry is one of the real growth areas in tourism and therefore it is a highly competitive industry. Indigo is fortunate as it is already has a well established brand and is identified as one of the most authentic historic regions.

The built fabric found throughout the shire is unparalleled and it is often convenient to focus purely on this. However, the cultural heritage values of the shire extend beyond the built fabric and include the collections, museums, archival material, cultural events, artefacts etc. The management of the built fabric would be made far more difficult if there were no archival resources or associated research materials. The interpretation and visitor experience would be diminished and the high degree of regard for the authenticity and integrity of the shire and its historical character would be reduced if the whole of the cultural heritage values are not managed in an appropriate manner.

Meetings were held in August and October 2007 with representatives from the museums within the shire to discuss issues and options to address management of the existing collections within the municipality. Needs and opportunities identified in these meetings included:

- Possibility of grants for moveable heritage from Heritage Victoria and National Library - Community Heritage Grants;
- Need for 5 – 10 year plans to manage and maintain collections (a more strategic approach);
- Need for a future support officer for Collections and Collecting Institutions (with Arts Victoria funding a position and Council providing office space and support); and
- Potential for community partnerships, community engagement, and building new partnerships.

Some form of advisory group is integral to the role.

Given these meetings and discussion by the Indigo Heritage Advisory Committee (IHAC) this matter was considered by Council at its February Council meeting. The matter was deferred to allow further consideration of IHAC's role. At the beginning of May a meeting was held between the Indigo Arts and Cultural Advisory Committee and IHAC. At that meeting it was agreed that it is appropriate that the Cultural Heritage Advisory Committee's role would be broadened to include offering direction to the preservation of the cultural heritage places and items in the Indigo Shire and new directions in the promotion and marketing of the cultural heritage of Indigo. Before this meeting it had been proposed to rename the IHAC to include 'Cultural' in the title. The joint meeting of committee's did not support renaming as this would be confusing in terms of the Committee's roles.

CONSULTATION

The existing Committee supports the additional area of focus and the proposed role of the new committee has been discussed between Environment and Development Services staff and Tourism and Marketing staff.

POLICY IMPLICATIONS

While the proposal for change to the Committee is a shift in direction from heritage to cultural heritage, this recognises the need for more focus in the area of cultural heritage management. The Committee has capacity and expertise in this area.

FINANCIAL & RESOURCE IMPLICATIONS

The Committee has a nominal budget only of \$2,000. This allows for a low cost awards assessment and presentation of the annual heritage awards. The budget covers very little else.

It is not proposed to change the budget at this time.

Note: Cr Dale requested that she not be included on the Indigo heritage Advisory Committee because of other commitments.

Attachment

Existing Instrument of Delegation – Indigo Heritage Advisory Committee.

Proposed Instrument of Delegation – Indigo Heritage Advisory Committee.

10.5 BUILDING STATISTICS – MAY 2008 (EDSM)

For Information

Property Locality	Description	Project Value	Approval Date
ackandandah	ew Building	\$10,000	01/05/08
arlyle	xtension	\$12,000	02/05/08

arlyle	ew Building	\$9,9	05/05/
ackandandah	teration	\$2,6	05/05/
eechworth	e-stump	\$6,5	05/05/
ackandandah	teration	\$319,0	06/05/
ackandandah	welling	\$177,0	07/05/
ackandandah	xtension	\$1,689,0	07/05/
ackandandah	xtension	\$3,5	12/05/
iewa	xtension	\$7,0	15/05/
aghorn Flat	e-stump	\$7,0	20/05/
utherglen	xtension	\$11,5	20/05/
eechworth	xtension	\$6,1	20/05/
iewa	ew Building	\$15,4	21/05/
ackandandah	ew Building	\$8,0	21/05/
eechworth	teration	\$12,0	23/05/

Leechworth	Swelling	\$434,200	23/05/08
Langambalanga	Swimming Pool	\$23,200	23/05/08
Hiltern	New Building	\$10,500	26/05/08
TOTAL		\$2796,600	

10.6 PLANNING STATISTICS – MAY 2008 (EDSM)

For Information

Appl No	Locality	Proposed Use	Cost	Decision
P074055	Hiltern	Three (3) Lot Subdivision		Refused
P074131	Leechworth	Boundary realignment		Withdrawn
P074134	Hiltern	Extension of SES Building	\$23,000	Approved
P074177	Indigo Valley	Yoga Retreat	\$200,000	Refused
P084200	Leechworth	Subdivision		Approved
P084213	Leechworth	Subdivision		Approved

P084230	arnawartha	oundary Realignment	\$1,0	Approv
P084232	utherglen	xtension to Dwelling	\$110,0	Approv
P084235	anley	ree Removal		Withdrav
P084239	eechworth	hree (3) Lot ubdivision		Approv
P084242	hiltern	onsolidation, emolition and Dwellir	\$160,0	Approv
P084253	anley	welling		Approv
P084255	ackandanda	us Shelter	\$15,0	Approv
P084256	ahgunyah	us Shelter	\$15,0	Approv
P084257	ackandanda	us Shelter	\$15,0	Approv
P084258	utherglen	us Shelter	\$15,0	Approv
P084261	llans Flat	welling	\$200,0	No permit r
P084263	eechworth	xtension to Dwelling	\$90,0	Approv
P084264	hiltern	ubdivision		Approv

P084266	ackandanda	oad Access		Approv
P084268	ooragee	eplacement Dwelling	\$210,0	Approv
P084269	utherglen	ayground Shelter	\$2,4	Approv
P084276	ackandanda	econstruct Museum	\$319,0	Approv
P074133	eechworth	xtension to B&B	\$465,0	Approv
P084279	hiltern	welling	\$150,0	No permit r
P084282	utherglen	xtension to Dwelling	\$24,0	Approv
194.1	ackandanda	upermarket	\$2,260,0	Approv
TOTAL			\$4,274,4	

10.7 ENVIRONMENT AND DEVELOPMENT SERVICES PROJECTS – JUNE 2008

For Information

Projects underway are show in the following table.

Project	Current actions
Amendment C10 – Heritage Overlay	Amendment submitted to DPCD for approval.
Amendment C21 - Kiewa-Tangambalanga	<ul style="list-style-type: none"> • Structure Plan adopted by Council in May 2006. • Authorisation received was conditional and a protracted negotiation took place before DSE allowed exhibition to commence. • Exhibition period for the amendment closed 2 July 2007. Issues raised include Aboriginal heritage. Additional information requested in this regard by AAV. Proponents have submitted information that does not satisfy the AAV request. Discussions still underway with parties regarding Aboriginal heritage.
Municipal Strategic Statement and Indigo Planning Scheme Amendment C24 – Major review	<ul style="list-style-type: none"> • Review report with Minister for Planning. • Planning Scheme amendment (C24) to implement initial matters has received DPCD authorisation. The amendment is on public exhibition until 15 August 2008.
Amendment C35 – Former Beechworth Hospital site	Amendment was on public exhibition from 29 November 2007 until 11 January 2008. Three submissions in total received. Currently one substantive issue which is potential contamination of a small part of the site. Proponent considering options to address this before the amendment proceeds.
Amendment C36 – Chiltern Flood Study	Amendment to replace Land Subject to Inundation Overlay in Chiltern based on the recommendations of the Chiltern Flood Study – Amendment on exhibition for two months until 24 July 2008.
Indigo Planning Scheme Amendment C44 -	Requests to rezone land zoned for public purposes to an industrial zone and land zoned for public conservation and resource use to farming. This amendment is under preparation.
Indigo Planning Scheme Amendment C46 – Mapping correction	This is a Ministerial amendment to correct a mapping anomaly in Wahgunyah. Amendment awaiting NECMA agreement prior to submission to DPCD.

<p>Indigo Planning Scheme C48 – Kiewa Valley Highway</p>	<p>This is a minor amendment to rezone part of the Kiewa Valley Highway from Farming Zone to Road Zone Category 1 to reflect that it is part of the highway reserve. DPCD is undertaking the administrative work for this amendment on behalf of Vic Roads.</p>
<p>Indigo Planning Scheme –environmental/biodiversity overlay</p>	<ul style="list-style-type: none"> • Phase 1: Identifies biodiversity priority areas within the municipality for further investigation and possible further controls in the planning scheme. Phase 1 report completed. • Phase 2: Coomes Consulting appointed to undertake this phase of analysis of requirements for additional or changed planning controls. Phase 2 underway. Due for completion July/August.
<p>Interim Carparking Policy (Indigo Planning Scheme Amendment C42)</p>	<p>Interim Policy adopted June 2008. Preparation of parking precinct plan under consideration.</p>
<p>Rural Land Use Strategy</p>	<p>Coomes Consultants appointed to undertake phase one and two of strategy. Phase one and two commenced. Advice received from DPCD that funding of \$30,000 will be provided to assist with this project.</p>
<p>VCAT Appeals</p>	<ul style="list-style-type: none"> • PP05-281 Appeal by O & Z vonWilpert against Council’s refusal to amend a planning permit for a dwelling at Elgin Road, Beechworth. Hearing set for 13 August in Melbourne. • PP07-072 Appeal by R Beaver against Council’s Failure to grant a permit for a 21 lot subdivision of the Old Beechworth Gaol. Hearing set down for 20 & 21 February 2008 and adjourned due to decision by Minister for Planning to introduce a Development Plan Overlay over the subject land. Listed for administrative mention 19 March. Mediation held 6 June 2008 to consider matters to be included in the development Plan. Mediation did not finalise all matters. The matter will proceed to hearing. <p>A second appeal has now been lodged. This is against Council’s failure to determine a development plan that was submitted on 28 April 2008. This matter will be joined with the subdivision matter.</p> <ul style="list-style-type: none"> • PP07-4091 Appeal by R Forrest against Council’s refusal to approve a dwelling, Flat Rock Road, Beechworth. Hearing set for 9 July in Beechworth. • PP07-4119 Appeal by C & T Welsh against

	<ul style="list-style-type: none"> • Council's refusal of an application for a dwelling at Riley's Road, Barnawartha. Waiting for advice of hearing date. • PP08-4246 Appeal by G Scamell against conditions of a planning permit.
Environmental health staff	Trainee Environmental Health officer M Boyd has resigned. Position has been advertised.

11.0 OPERATIONS AND ASSETS

11.1 ROAD DEVIATION AND EXCHANGE OF LAND, TARRANT LANE, YACKANDANDAH (FILE NO: S290/-69 - AM)

For Decision

RECOMMENDATION

That Council resolve to undertake a road deviation and exchange of land in Tarrant Lane, Yackandandah, in accordance with Schedule 10 of the Local Government Act 1989.

**Moved Cr Dale
Seconded Cr Banks**

That the Recommendation be adopted.

CARRIED

BACKGROUND

In May 2004 Indigo Shire Council agreed with Mr L. Forrest to undertake a road deviation with subsequent land exchange in Tarrant Lane, Yackandandah. The road exchange was required to provide adequate width of road to comfortably allow services to allotments at the northern end of Tarrant Lane.

Council agreed to arrange the necessary survey plans, plan for road exchange, alteration of respective titles and consent from DSE with Mr L. Forrest to arrange fencing to the new alignment.

The Plan for Road Exchange has recently been completed by Esler and Associates with the Minister for Environment and Climate Change approving the road deviation on 8th May 2008.

Further to Council resolving to undertake the road deviation and exchange of land, Council is required to gazette the road exchange and complete amendments to the land titles.

POLICY IMPLICATIONS

The road exchange when completed will formally place the ownership of 2619m2 of former road reserve in the possession of Mr L. Forrest and 279m2 of land previously owned by Mr L. Forrest in the possession of Council as road reserve.

FINANCIAL IMPLICATIONS

There are surveyor's costs to Council for arrangement of this road deviation. Costs to complete the plan for road exchange and gazettal of the road exchange will amount to approximately \$2,000.

11.2 ALLIANCE OF COUNCILS FOR RAIL FREIGHT DEVELOPMENT (FILE NO: C551-09 - GMOA)

For Decision

RECOMMENDATION

That Council will decline the offer to join the Alliance of Councils for rail freight development.

**Moved Cr Hotson
Seconded Cr Graham**

That the Recommendation be adopted.

CARRIED

SUMMARY

Council has previously provided written support to the Alliance. The Alliance is now seeking Council's financial support.

BACKGROUND

The attached correspondence provides background to the request.

There are a number of compelling reasons for encouraging freight to be moved on rail:

1. Improved social and community benefits from the removal of heavy freight from urban districts.
2. Massive reductions in wear and tear on road networks.
3. Significant fuel and greenhouse gas savings.

The broad benefits of moving bulk freight on rail are commendable and should continue to be supported by Council, however any removal of freight from road to rail is unlikely to have impacts in Indigo Shire. It is unlikely that Council officers would have the time to attend the meetings of the Alliance.

FINANCIAL AND RESOURCE IMPLICATIONS

The Alliance is seeking an annual investment of \$2,200 from Council.

POLICY IMPLICATIONS

Council will continue to support the movement of bulk freight on rail.

11.3 WAHGUNYAH TO RUTHERGLEN RAIL TRAIL – DEED TO VARY A FUNDING AGREEMENT UNDER THE REGIONAL PARTNERSHIPS PROGRAMME (FILE NO: T250.3 – OM)

For Decision

RECOMMENDATION

That Council:

- 1. Sign and seal amended funding document.**
- 2. Note the amended conditions;**
 - Amended timing of deadlines**
 - Amended Milestone Descriptions**

**Moved Cr Graham
Seconded Cr Banks**

That the Recommendation be adopted.

CARRIED

SUMMARY

Due to the delays experienced in construction of the Wahgunyah to Rutherglen section of the Murray to the Mountains Rail Trail we have been offered a variation to the agreement with the Department of Infrastructure, Transport, Regional Development and Local Government.

BACKGROUND

Council was previously successful in being awarded a grant under the Regional Partnerships programme of \$262,500 plus GST to construct the Murray River connection of the Murray to the Mountains Rail Trail.

The grant is to be used as a contribution towards the riverside loop trails including the Muscat Trail.

Construction of the Riverside Loops and Muscat Trail has been delayed due to delays in the construction of the main spine trail. The original intention was to construct these trails after the main spine trail when the remainder of the State funding could be accurately determined.

The Riverside Loops and Muscat Trail will now be constructed independently to the main spine trail in order to meet these deadlines.

The descriptions of the Milestones have been modified to better suit the process of construction.

The changes are as follows:

Original Agreement:

	Milestone Description	Expected Completion Date
1)	Preparation work for riverside loops including drains, culverts and base surface works. Temporary DOTARS sign in place	28 February 2008
2)	Completion of main trail between Rutherglen and Wahgunyah	31 July 2008
3)	Completion of final pavement and base safety structures on riverside loops connecting trail to Murray, Corowa and Wineries	30 November 2008
4)	Completion of Project including signage and all safety requirements. Permanent sign acknowledging DOTARS contribution in place. Final report and financial documentation in order and provided to DOTARS	31 March 2009

Revised Agreement

	Milestone Description	Expected Completion Date
1)	Complete design of Spine Trail. Complete leasing agreement with VicTrack. Finalise Planning Permit. Complete access to Riverside Loops	30 April 2008
2)	Grade main Spine Trail between Rutherglen and Wahgunyah. Install drainage and place gravel over main Spine Trail	30 June 2008
3)	Riverside Loops drainage and culverts	30 November 2008
4)	Apply base material and pavement to Riverside Loops	31 January 2009
5)	Signage, road crossing, fencing and other works	28 February 2009
6)	Completion of project	31 March 2009
7)	Final report and financial documentation in order and provided to DOTARS	30 April 2009

There are also changes to the proposed payment dates as a result of the above. However it should be noted that payment can still be made earlier if the relevant milestones are reached.

Original Payment Dates

Payment	Payment Purpose/Conditions	Payment Amount Due (GST Inclusive)	Proposed Payment Due Date
First	To enable project to commence and preparation work on riverside loops	\$57,750	30 September 2007
Second	For construction of riverside loops	\$110,000	1 April 2008
Third	For completion of riverside loops and	\$93,500	1 January 2008

	project completion		
Final	On receipt of final report, acquittals and audit to DOTARS	\$27,000	1 May 2009
Total Funds		\$288,750	

Revised Payment Dates

Payment	Payment Purpose/Conditions	Payment Amount Due (GST Inclusive)	Proposed Payment Due Date
First	To enable project to commence and preparation work on riverside loops	\$57,750	30 September 2007
Second	For construction of riverside loops	\$110,000	1 January 2008
Third	For completion of riverside loops and project completion	\$93,500	1 April 2008
Final	On receipt of final report, acquittals and audit to DOTARS	\$27,000	1 June 2009
Total Funds		\$288,750	

CONSULTATION

Indigo Shire has consulted with DOTARS and is assured the funding is safe provided it is acquitted prior to the end of next financial year (2008/2009). DOTARS are satisfied with the new timeframes and the new milestone descriptions.

A consultative committee has been established to assist with the design of the Riverside Loops and Muscat Trail.

FINANCIAL & RESOURCE IMPLICATIONS

The total value of the grant remains unchanged.

11.4 COUNCIL OFFICES SITE SELECTION (FILE NO: E971 - GMOA)

For Decision

RECOMMENDATION

That Council:

- 1. Receive the report from consultants Suters Prior Cheney regarding sites for the new Council offices.**
- 2. Advise the community that Council has not formed a view on its preferred location at this stage.**
- 3. Release the report for public comment for a period of three weeks.**

4. Consider public submissions and the report in detail at the Council meeting to be held on 5 August 2008.

**Moved Cr Dale
Seconded Cr Graham**

That the Recommendation be adopted.

CARRIED

SUMMARY

Council appointed consultants to undertake a detail assessment of three shortlisted sites for new Council offices. The consultants have completed their work, the document and final site recommendation are attached in the confidential section prior to release to the public.

BACKGROUND

Council has undertaken an exhaustive process over an 18 month period of identifying potential sites for either a new consolidated council office or developing up improved facilities at split sites. The need to provide improved facilities was initially driven by the poor standard of existing inherited facilities and the fragmented nature of office accommodation. Very early in the process it became apparent that the inefficiencies in operation across Councils two current sites at Beechworth and Yackandandah was severely impacting on the efficiency of Council staff and most importantly on the delivery of customer service to our ratepayers.

The process to date has included initial architectural advice to identify potential sites and the comparative costs of those sites, full staff and community surveys and consideration of options by a Community Reference Group appointed from volunteers arising from nominations through the Community Survey process. After this process Council shortlisted three sites for detail assessment:-

1. A site in Chiltern on the Beechworth-Chiltern Rd between the freeway and the railway.
2. A site in Beechworth behind the Old Hospital Façade in Church St.
3. A site in High St Yackandandah incorporating Council's existing facilities and additional land.

Throughout the process Council has identified and acknowledged that there are a number of major implications for towns where Council may be relocating major office facilities elsewhere. Further detail work will be undertaken on options for providing meaning full customer service in, as a minimum, the four major towns in the Shire. Council views this as an opportunity to improve service and views the existing Customer service Centre in Rutherglen as an excellent model to analyse and consider across the other towns in the Shire. Council has also considered initial modelling of the financial impacts of withdrawing Council office facilities from either Beechworth or Yackandandah. Further detail work will be completed after the final decision of Council on site selection. This will include working closely with our communities to identify and develop economic

opportunities to replace the lost business opportunities.

Following final site selection tenders will be called for architects to undertake the detail design. Community and staff consultation will be ongoing throughout this process. As it is likely to be a minimum of two years before a new facility is built Council has the opportunity to refine our customer service model, to manage the transition with staff and to fully understand and address the economic impacts of this decision on our communities.

POLICY IMPLICATIONS

Council has previously determined to consolidate its office based activities at one site. The process to date has not considered our depot based facilities as there is no plan to alter the current setup of main depots at Yackandandah and Rutherglen and sub-depots at Beechworth and Chiltern. This project supports Council's policy of providing the best possible customer service.

FINANCIAL & RESOURCE IMPLICATIONS

The report from Suters Prior Cheney has identified project costs of between \$6,812,000 and \$7,268,000 depending on final site selection. The variation in price between the sites is not great and while the total cost has obvious funding ramifications it is not seen as the key driver in final site selection. The identified costs have a number of included items which are yet to be costed in detail and which have been reasonably generously costed to ensure the project costs are seen as the maximum probable costs. There are also a number of costs excluded as there is insufficient detail at this stage to cost these. It is the view of the Project Steering Committee that despite probable overs and unders that the costs identified by Suters Prior Cheney are sufficient to construct the required facility.

The final costs are higher than those identified the Project Steering Committee in the early phases of this project. These costs were undertaken only as a comparison between sites and while typical at the time some 18 months ago did not the benefit of a detail site analysis.

A full funding strategy will be provided to Council for consideration at the meeting to be held on 5 August 2008.

11.5 CAPITAL WORKS – PROGRESS REPORT – TO 18 JUNE 2008 (GMOA)

For Information

Project	Actions
Subdivisional works by developers	<ul style="list-style-type: none"> • Mt Fleury Estate, High St Beechworth 85% completed. • Red Hill Rd Estate Stage 1, Havelock Rd Beechworth 99% complete.
Rural Road Development Contributions	<ul style="list-style-type: none"> • Sealing of various intersections in developing rural areas to commence
Plant	<ul style="list-style-type: none"> • Plant replacement for 2007/2008 in progress. Tenders being compiled for 2 replacement trucks. Further discussion required upon other plant replacement issues. Loaders/mowers etc.
Rutherglen Wine Bottle	Report outlining water tower history and current status provided to Council in May. Community committee to consider future uses.
Murray to Mountains Rail Trail	Design plans have been completed. Still in negotiation stages with Vic Track. Works to start shortly depending on weather conditions. Meetings with VicTrack and Minister Kosky 26 June.
Chiltern Floodplain Study	Minor works commenced.. Balance on hold pending advice that Federal Government funding available. No timelines on announcement.
Havelock Road area stormwater re-use	Works in final stages. Planting completed. Fencing road reserve commenced 18 th . Kerb works at intersection completed. Awaiting appropriate weather to complete Alma Road diversion and intersection seal Grant acquittal documentation completed and sent. Re-use pump system expected installation end of June.
Ready/Soles Street drainage	Detailed survey on site completed June. Design works commencing.
Playgrounds upgrade	Indigo Park, Barnawartha some extra equipment to be added to existing playground completed.
Chiltern Commercial Area Parking	Reached agreement on land purchase, detail design to commence. Application to be made for additional \$170,000 grant in 08/09.
Rutherglen Heavy Vehicle Deviation.	A public meeting was held on Thursday, 15 th May, 2008 at the Supper Room, Rutherglen Memorial Hall. Detail discussion on assessment of issues. Some discussions held with trucking operators, more discussions arranged. Next meeting 26 June. Meeting with Minister Kosky 26 June to ascertain viability of railway option.
Tangambalanga Football club rooms	Discussions underway with State government funding bodies as federal funding on hold. Optimistic.

Yackandandah Supermarket Car parking	Supermarket construction progressing with wall and roof structure completed. Works in Hammond St commenced.
Wahgunyah-Moodemere Walking Trails	Preferred route selected and pending further investigation by ISC/DSE as to feasibility. Committee targeting preliminary report to Council by End of June.
Yackandandah Museum	Work has commenced on site. Roof structure in place with cladding by end of June.
Chiltern Martin Park Lighting/Pathways/Music Bowl upgrade (LIWP)	Solar trial light installed, however possibility of some rectification works. Full media release will be compiled pending this outcome
Former Beechworth Methodist Church Roof	Specifications for project in process of being compiled for approval by Heritage Vic
Beechworth Netball Courts	Beechworth Netball courts have had the asphalt pavement placed and will now sit for 28 days for curing before final seal can be put on. Retaining wall to be completed.
Osbornes Flat Hall Upgrade	As a result of withdrawal of Federal "Regional Partnerships" program applications are on hold until secondary source can be found.
Yackandandah courthouse	Roof being lifted and sisalation installed to prevent condensation dripping on to and ruining carpet. Final project from LIWP (drought funding)
Beechworth Shire Hall	Internal painting underway. Final project from LIWP (drought funding)
Beechworth Pool	Quotations received for various repair/replacement options. Discussions underway with insurance company. To be replaced/rebuilt on existing site. Further discussions underway with geotechnicians and DSE re options for treatment of contaminated areas. Meeting with Minister Merlino 26 June to discuss funding options. Several nominations for community committee received.
Tangambalanga Industrial Estate	Proceeding with detail design and land purchase. Genuine interest in land purchase.
Yackandandah Depot Industrial Estate	Following interest from two businesses , pursuing grants with a view to commencing servicing ASAP
Wahgunyah Boat Ramp	Planning permit being prepared. Some issues to be resolved with NECMA. Endeavouring to progress to enable construction while river is low.

11.6 OPERATIONS DEPARTMENT – PROGRESS REPORT – TO 18 JUNE 2008 (GMOA)

For Information

Project

Description of Works

<p>GENERAL MAINTENANCE</p> <p>Road Maintenance & Parks and Gardens</p>	<p>Rutherglen area – two graders now working on shoulder and road grading.</p> <p>Resheeting has now been finished.</p> <p>Tommy Vacuuming of leaves is now underway in the CDBs.</p> <p>.</p>
<p>WORKS IN PROGRESS</p> <p>Bus Stops</p>	<p>As reported previously, Council has received funding for upgrading new bus stops/shelters.</p> <p>Chiltern bus stop improvements in Alliance St. have been almost completed with only road sealing works to be undertaken.</p> <p>Beechworth stop in Bridge Rd. kerbing and footpath completed with sealing to finish works.</p> <p>Barnawartha stop in Havelock St. has started with kerb completed on the eastern side of Havelock St. with works underway on the western side.</p> <p>New shelters for various locations in Wahgunyah, Rutherglen should be installed in mid June.</p>
<p>EXTERNAL PRIVATE WORKS</p> <p>Buller Gas</p>	<p>The Gas Safety Case was reviewed on 17th June, a number of changes were agreed to with some follow up works to continue. Snow season looking good, with prediction of average snow fall.</p>

Waste Management - Mark	<p>Falls Creek Waste</p> <p>Staff are now in place for the winter, and we are trialling a new recycle sorting system.</p> <p>East Gippsland Waste</p> <p>Contract progressing smoothly with no major problems. Mark Greene currently conducting site inspections at the Transfer Stations. Staff Annual Reviews will be conducted late July.</p>
Animal Control & Local Laws	<p>Works (in hours and out of hours)</p> <p>Cats seem to be the order of the day during this period. Customer contacts relating to cats are coming in thick and fast, trapping programs are working well to remove any problem animals. Dog complaints are down and stock on roads are at minimal levels.</p>
<u>POOLS</u>	
Indigo	<p>Pools have now closed for the season. End of year season reports will be available for the next meeting. Some news has been announced regarding the repair of the Beechworth pool shell, there is going to be community consultation to achieve the best outcome for the residents.</p>
Summer	<p>Wodonga Pool closed at the end of March. ISC will be negotiating with the City of Wodonga to complete our final year at the pool.</p>
ENVIRONMENT - Shay	
Community Water Grants – round 3	<ul style="list-style-type: none"> • Racecourse Road site awaiting follow up spray – planting to occur end of June
Greenhouse Action Plan	<p>Action planning to yet to be formalised – next financial year</p>
North East Greenhouse Alliance	<p>Note that current coordinator, Michelle Wilkinson, is going on maternity leave & will be replaced by Nikki Scott.</p> <p>Alternate Fuels</p> <ul style="list-style-type: none"> • Still awaiting tank installation at the Rutherglen depot • Discussions with YCDCo regarding Council support for biodiesel tank installation <p>Kicking Goals for the Environment</p> <ul style="list-style-type: none"> • Only 4 clubs have for energy installations outstanding - case study of Albury Tigers posted on NEGHA website

	<p>Adaptation</p> <ul style="list-style-type: none"> No change - scoping interested groups to link with to translate URS report into usable form <p>Plant Savers</p> <ul style="list-style-type: none"> No change - Yackandandah and Barnawartha schools audited April 15th No change - St Mary's Rutherglen have installed technology and need to publicise completion of project and saving being made <p>Sustainable Lighting</p> <ul style="list-style-type: none"> No change
Lake Sambell	<ul style="list-style-type: none"> Replacement planting & general tidy up throughout glades completed CFA recently undertook firing of stacked debris on east bank, complimented by cleaning up by local volunteers Bill Van Dorsen & Ted Zangel – a follow up spray & rabbit re-fumigation to occur before end of June Recent onsite meeting looked at drainage through Chinese Gardens – approval given to committee to undertake minor works – priority given to rock beaching adjacent to board walk
Indigenous Resource Area at Lake Sambell	<ul style="list-style-type: none"> 3 x large pines scheduled for removal mid- June (as part of Envirofund funding) Rock beaching of eroded bank to occur prior to planting Planting to occur July/August
Isaac Park	<ul style="list-style-type: none"> Planting underway – within gully proper (lower end) and banks Planting in mid & upper reaches of gully will need to occur annually over the next 4 years
Community woodlot program	<ul style="list-style-type: none"> No change - Timber still in Beechworth Transfer Station –Governor has committed prison crew to cut & deliver – awaiting availability Timber in Chiltern depot yard has been moved into Chiltern Community Woodlot Hydraulic shearing will occur in the Yackandandah, Chiltern and Stanley woodlots to make larger timber accessible (jointly funded by DSE) – contractor expected late June
Roadside Management Plan	<ul style="list-style-type: none"> No change - “Roadside Partnership Project” over halfway – participating landholders visited, with those to receive follow-up visit identified – local ecologist appointed to undertake next stage
Roadside weed initiative	Applications to open in June

Eco-Awareness Group	Next meeting scheduled for Tuesday 8 th July - main discussion items on agenda : <ul style="list-style-type: none"> • purchasing policy & procedure • staff induction • staff awareness • composting • shredded paper generated • green cost codes • low energy lighting options • staff ideas for new office building
Community awareness	<ul style="list-style-type: none"> • North East Schools Environmental Roadshow organised to occur at Lake Anderson on Wednesday 23rd July – schools invited to register • Letter sent to schools asking if they would like to accept donation of indigenous shrubs for National Tree Day • Indigo Shire will be supporting B'wth Landcare Group for National Tree Day to plant trees in Council managed land – Wallace Park
Upper Sandy Creek School revegetation project	As per National Tree Day above
Sustainable water use plan	No change - next funding opportunity will be Smart Water Fund (State) – extension of use of waste water
Code of Forest Practice	No change - ongoing monitoring of implementation of Harvest Coupe Plans
Environmental Advisory Committee	<ul style="list-style-type: none"> • Senior Management & Council to inform NRMO of representation on committee • NRMO to discuss with delegated SM process for selecting representatives
Environment Strategy	<ul style="list-style-type: none"> • NRMO to confirm funds from Sustainability Victoria • NRMO to develop PD for project officer

12.0 HEALTH AND WELLBEING

12.1 ARTS & CULTURAL ADVISORY COMMITTEE – NEW MEMBERS (FILE NO: C967.3 - HWBM))

For Decision

RECOMMENDATION

That Amanda Collins and Janet Sutherland be appointed to the Arts & Cultural

Advisory Committee.

**Moved Cr Dale
Seconded Cr Murdoch**

That the Recommendation be adopted.

CARRIED

SUMMARY

This report recommends the appointment of two new members to Council's Arts & Cultural Advisory Committee.

BACKGROUND

The Arts and Cultural Advisory Committee (ACAC) is a Section 86 Committee appointed by Council to provide advice to Council on matters pertaining to arts and culture within the Indigo Shire. Membership of the Committee is governed by the Instrument of Delegation with appointments made annually at Council's Statutory meeting. The Instrument allows for twelve representatives with an ideal membership of three representatives from the four main districts of Rutherglen, Chiltern, Beechworth and Yackandandah.

At the November 2007 Statutory meeting of Council, six (6) new members were appointed to ACAC. Council appointed a further two (2) members at its meeting in June 2008. This left vacancies on the Committee from the main districts of Rutherglen (1), Chiltern (1) & Beechworth (1).

Council has now received additional nominations from two (2) more community members for membership on the Committee from Beechworth and Stanley.

ISSUES

Shire wide community representation on the ACAC is important to ensure a balanced approach to discussions at Committee meetings. It is also important to have members who have a good background of involvement in arts and culture in the local area to provide advice to Council. New membership is always encouraged to ensure a vibrant Committee and the two new nominations have the skills and experience to fill the current vacancies on the Committee.

The two nominations received are:

1. Amanda Collins representing Beechworth
2. Janet Sutherland representing Stanley/Beechworth

POLICY IMPLICATIONS

The appointments are consistent with the Instrument of Delegation for the ACAC.

CONSULTATION

The existing membership of the ACAC have been advised of the new nominations and the process of appointment by Council.

FINANCIAL & RESOURCE IMPLICATIONS

There are no significant financial or resource implications from this recommendation.

12.2 HEALTH & WELL BEING PROJECTS – PROGRESS REPORT – JULY 2008 (HWBM)

PROJECT ACTION/ PROGRESS

Supporting Volunteers in the Indigo Shire	<p>A series of workshops, facilitated by Cathy McGowan will be held in July 2008 which are aimed at providing volunteers on community organisations with the skills and information to effectively continue their roles with committees. The workshops also aim to build a network of people in the Indigo Shire doing these jobs.</p> <p>The workshops will be held from 5.45pm – 9.00pm on:</p> <ul style="list-style-type: none">▪ Tuesday 1 July – Barnawartha Star Hotel▪ Monday 21 July – Beechworth Neighbourhood Centre▪ Tuesday 22 July – Yackandandah YCEN▪ Thursday 24 July – Glenview Community Centre
Council's 2008/2009 Community Grants Program	<p>Council's 2008/2009 Community Grants Program will be inviting applications from the community from 1 July 2008.</p> <p>Guidelines and Application Forms for the Program will be made available from this date:</p> <ul style="list-style-type: none">• By contacting Council on phone 1300 365 003• By downloading from Council's website, www.indigoshire.vic.gov.au• At Council's Customer Service Centres at Beechworth, Yackandandah, Rutherglen and Chiltern. <p>At this stage it is anticipated that applications will close at 5.00 pm on Friday 22 August 2008. As with previous years, it is anticipated that funds will be made available for successful applicants following</p>

adoption of the recommendations at the October Council meeting.

13.0 CORPORATE AND VISITOR SERVICES

13.1 COUNCIL ELECTIONS 2008 – (FILE NO. M247.10 - GMCVS)

RECOMMENDATION

That Council appoint the Victorian Electoral Commission (VEC) to conduct the Indigo Shire Council's general Elections on Saturday the 29th of November, 2008 by postal voting and that the quoted price for the conduct of the election by the Victorian Electoral Commission in the sum of \$87,052.90 (including GST) be accepted.

Moved Cr Hotson
Seconded Cr Banks

That the Recommendation be adopted.

CARRIED

SUMMARY

This report advises details of the cost and conduct of the Council Elections to be held on Saturday the 29th of November, 2008.

BACKGROUND

This year there will be Elections for all Councils across Victoria and for the first time since the Council amalgamations, all Victorian Councils will hold Elections at the same time.

Changes made in 2003 to the Local Government Act 1989 set down a single Election date for all Councils in Victoria.

Starting this year, all Victorian Councils will hold Elections once every 4 years on the last Saturday in November. This year, most Victorian Councils will hold their Elections by postal ballot. Councillors will be elected to serve until the following round of Council Elections in 2012.

The timelines for the Election is as follows:-

MAV Community and Candidate Information Session	<i>Thursday 25 September for Indigo Shire</i>
Exhibition Period starts	<i>Friday 26 September</i>
Close of Rolls	<i>4:00 pm Friday 3 October</i>
Nominations Open	<i>Thursday 23 October</i>
Nominations Close	<i>4:00 pm Tuesday 28 October</i>

Mail out of Ballot Packs	<i>Tuesday 11 November</i>
Voting Closes	<i>6:00 pm 28 November</i>

It is proposed to establish the VEC Electoral Office in Chiltern.

13.2 CORPORATE SERVICES PROJECTS – PROGRESS REPORT – JULY 2008 (GMCVS)

For Information

Project	Actions
Beechworth Mountain Bike Park	<p>A well attended Public Meeting chaired by the Mayor was held on 18 June, 2008 with a view of forming a Crown Land Committee of Management to manage and further develop the Mountain Bike Park.</p> <p>This will be a very positive outcome as it will bring positive tourism advantages to the region.</p>

13.3 TOURISM & MARKETING - PROGRESS REPORT – JUNE 2008 (TMM)

Project	Actions
Cycle Tourism Strategy launch	<p>The new cycle tourism website is up and running. Go to www.murraytomountains.com.au. There has been a good take up of advertising on the site.</p> <p>Work is continuing on the production of a Murray to Mountains region Ride booklet, again with good take up of advertising from local operators.</p>
Chiltern website and official visitor guide	<p>Chiltern's website has gone live – www.chilternvc.com. There will be a few more tweaks made once the Chiltern Official Visitor Guide is published to link between the two. The Official Visitor Guide is currently being printed.</p> <p>The website and guide will be officially launched in the near future.</p>
Festivals and events	<p>The Law Lecture with Lex Lasry was held in Beechworth's Historic Courthouse on June 14 and was a great success in attracting a strong crowd and publicity to mark the building's 150th anniversary. The annual Winery Walkabout in Rutherglen was also a great success with strong crowds.</p> <p>The next major event in Beechworth will be the annual Ned Kelly Weekend on August 1-3, with a special program of events planned. Yackandandah is also preparing to host the Tibetan Monks Peace Tour from July 1-21.</p>

North East Valleys Food & Wine	North East Valleys Food & Wine has completed a major redesign of its website to incorporate a new online shop for local producers to sell to the rest of Australia. The “Provincial Pantry” is up and running as a pilot for 12 months currently with 10 producers, and hopes of many more joining. North East Valleys Food & Wine is also working with the Cycle Tourism Officer to create seasonal interactive maps linking cycling and the region’s produce.
Victorian Adventure and Nature Based Tourism conference	Beechworth will host the Victorian Adventure and Natural Based Tourism conference on July 29-30. This conference, run by Tourism Alliance, will shine the light on the Shire’s natural attractions and adventure tourism operators. The conference will also address “education tourism” and how to attract more students groups to regions.
Proposed new touring route	A feasibility study is underway into the development of a new touring route from the Yarra Valley, through Mansfield, the King Valley and Beechworth. If the marketing direction takes a “food & wine” theme there is a strong possibility the route will also including Chiltern and Rutherglen. Tourism Victoria will consider the results of the feasibility study in the next few months.
Snowy Valleys Way	The Snowy Valleys Way touring route committee is currently seeking a part time marketing officer to drive the project forward, capitalise on the collateral developed in recent years and increase general awareness of the route.

14.0 FINANCE

16.1 MAY 2008 FINANCE REPORT – (FILE NO: M064 – CFO)

For Information

Attached is the Exception Report for the month of May 2008. The report highlights those Business Units which have a +/- \$10,000 variance between YTD budget and YTD actual results. An explanation is also provided explaining the variances.

Senior managers and the CEO perform a monthly analysis of the Actual YTD results and Forecast in order to update the expected result as at 30 June 2008. The May exception report does not incorporate a YTD Forecast at this stage, but it is mentioned in the variance explanations/commentary to highlight that some variances are timing in nature and others are real or permanent in that they have been caused by changed circumstances.

The outcome of recognising these variances is to amend our Forecast, which becomes an update on the Adopted Budget. The Adopted Budget is our starting point each year and is the benchmark we compare our actual monthly/YTD result. The Forecast on the other hand is the updated budget. It shows an expected outcome at 30 June 2008.

The result of our monthly review of the actual results and amendment of Forecast gives

us the following results:

Department	YTD Budgets	YTD Actuals	YTD Budget Variance	Annual Budget	Forecast
Assets & Infrastructure	4,062,0	3,815,6	246,3	4,335,4	4,532,8
Capital Works	3,464,9	1,602,0	1,862,8	3,039,8	1,612,9
Civil Operations	1,246,2	911,0	335,1	1,439,9	1,268,4
Corp & Visitors Service	2,199,1	2,059,4	139,7	2,431,0	2,406,1
Environ & Development	466,9	335,5	131,4	592,1	523,5
Finance	8,415,54	6,617,14	201,6	6,360,79	6,481,86
Governance	766,2	726,9	39,3	814,6	827,4
Health & Well Being	731,4	587,7	143,7	793,7	681,9
	4,521,4	1,421,2	3,100,1	5,086,0	3,371,4

As you can see, the Forecast has been amended to reflect a net deficit of \$3,371,495 as compared to a budgeted figure of \$5,086,011. This is a net difference of \$1,714,516. The one major Forecast adjustment has occurred with Capital Works. We are expecting that Capital Works net expenditure will be \$1,612,931 as at 30th June compared with a budget of \$3,039,827.

There are variances in each Department and all of these movements can be traced back to the exception report.

15.0 GOVERNANCE

Nil

16.0 NOTICE OF MOTION

Nil

17.0 COMMITTEE AND DELEGATES REPORTS

17.1 JUNE DIARY - CR V ISSELL

For Information

Date	Time	Function
2 June	10.00 am	Energy Efficient Farm Practices Field Day, Wooragee
3	10.00 am	MAV Audit Committees Road Show, Wangaratta
	2.00 pm	Meeting with CEO, Beechworth
	4.30pm	Council Briefing Meeting, Chiltern
	7.00 pm	Ordinary Council Meeting, Chiltern
4	10.30am	Border Trust Board meeting, Albury
	3.00 pm	Planning meeting re Media, Beechworth
7	8.00 pm	100 th Birthday Party, Yackandandah
8	1.00 pm	Winery Walkabout, Rutherglen region
10	9.00 am	Meeting with CEO, Beechworth
11	10.30am	Radio Interview, OAK FM, Wangaratta
	11.30am	Meeting with constituent, Chiltern
12	5.00 pm	North East Local Government Network meeting, Benalla
13	9.00 am	North East Leaders Forum, Wangaratta
	3.15 pm	Radio Interview, 2AY
	4.00 pm	Skate Park meeting, Youth Centre, Beechworth
14	6.30 pm	MC, Beechworth Court House Law Lecture
16	12.30 pm	Meeting with CEO, Beechworth
	1.30 pm	Indigo Disability Access Committee, Yackandandah
17	10am & 11am	Meeting with constituents, Beechworth
	4.00 pm	Citizenship Ceremony, Yackandandah
	5.00 pm	Council Briefing Meeting, Yackandandah
18	3.15 pm	Radio Interview, 2AY, Beechworth Honey
	6.00 pm	Beechworth Chamber of Commerce meeting
	7.00 pm	Meeting with international Tourism operators, Beechworth
	7.30 pm	MC, Beechworth Mountain Bike Track meeting
19	2.30 pm	Guide Dogs, Beechworth Bakery
	5.30 pm	YCDCo, Yackandandah
20	6.30 pm	Chiltern Lions Club AGM, Barnawartha
21	7.00 pm	Anglican Church Concert, Beechworth
23	9.00 am	North East Water Councils Forum, Wangaratta
24	9.30 am	Meeting with CEO, Beechworth
	1.00 pm	Media Briefing, Yackandandah
	4.00 pm	Council Briefing Meeting, Wahgunyah
	6.30 pm	Special Budget Meeting, Wahgunyah
	7.00 pm	Community Forum, Wahgunyah
25	9.30 am	Kerferd Committee Meeting, Beechworth
	1.30 pm	Border Trust, Board meeting and workshop, Wodonga
26	9.00 am	Meeting with Minister for Sport, James Merlino, Melbourne
27	1.30 pm	Meeting with Wodonga Mayor & Acting CEO, Beechworth

Cr V Issell

1 July 2008

17.2 JUNE DIARY - CR P GRAHAM

For Information

Date	Time	Function
3 June	10.00 am	MAV Audit workshop, Wangaratta
	4.00 pm	Council Briefing Meeting, Chiltern
	7.00 pm	Ordinary Meeting of Council, Chiltern
4	8.30 am	Rutherglen Wine Experience General Meeting
7-9	Various	Rutherglen Winery Walkabout weekend
13	10.30 am	Admin, NevRWaste, Wangaratta
	11.30 am	North East Leadership Forum, Wangaratta
16	1.30 pm	Indigo Shire Disability Advisory Committee Meeting, Yackandandah
17	4.00 pm	Council Briefing Meeting, Yackandandah
19	2.30 pm	Guide Dogs Supporter Function, Beechworth
21	6.30 pm	Represent Shire Rutherglen Lions AGM, Corowa
23	9.00 am	North East Water Local Government Forum, Wangaratta
	6.00 pm	Skate Park Public Meeting, Chiltern
24	1.30 pm	Admin, NevRWaste, Wangaratta
	4.00 pm	Council Briefing Meeting, Wahgunyah
	6.30 pm	Special Meeting Adopt Draft Budget, Wahgunyah
	7.00 pm	Community Forum, Wahgunyah

Cr Peter Graham OAM

1 July 2008

17.3 JUNE DIARY - CR W HOTSON

For Information

Date	Time	Event
3 June	4.00 pm	Council Briefing Meeting, Chiltern
	7.00 pm	Ordinary Meeting of Council, Chiltern
5	3.00 pm	MAV Drought Taskforce Meeting, Melbourne
12	7.00 pm	Rutherglen Heavy Vehicle Bypass CRG Meeting
16	7.30 pm	Chiltern Tourism Association Meeting
17	4.00 pm	Council Briefing Meeting, Yackandandah
18	5.30 pm	DPI Networking Forum, Rutherglen
19	7.00 pm	Rural Landscapes Study Meeting, Yackandandah
23	6.00 pm	Chiltern Skate Park Public Meeting, Chiltern
24	4.00pm	Council Briefing Meeting, Wahgunyah
	6.30 pm	Special Meeting to Consider Draft Budget, Wahgunyah
	7.00 pm	Community Forum, Wahgunyah
25	6.00 pm	“Choices”, Public Meeting, Chiltern Memorial Hall
30	10.00 am	MAV Planning Forum, Benalla

Cr Bill Hotson

1 July 2008

17.4 MAV DROUGHT TASKFORCE MEETING – (FILE NO: M509 - CR W HOTSON)

For Information

I attended the MAV Drought Taskforce meeting on Thursday 5 June 2008.

MAV Environment Policy - Pablo Brait

Climate change discussion will lead to Green Paper. Need to put a paper together at ALGA on what Councils can do and are now doing. This could go on to COAG meeting. Paper to circulate with opportunity to contribute suggestions.

Recommendations on particular functions are:

1. Land use and management
2. Emergency management
3. Transport
4. Asset management
5. Community education and management
 - equity is one of five principals
 - must be across the board
 - must be science based
 - recognition of urgency of issues
 - recognition of difficulty of issues

Update on Drought Reference Group - Tony Burke MP Federal Minister for Agriculture, Fisheries and Forestry

ENRAC is not going to come to look. (Need to extend drought assistance.) Assumption is that the Government has accepted the State recommendation to extend Exceptional Circumstances funding north of the Great Divide.

Ballarat - Geelong report still very poor seasonal conditions. Some of Gippsland is good, other parts not so good.

Social issues are still an issue.

Department of Primary Industries

- Whole of farm planning. Very positive experience
- State Government drought package evaluation
- Exceptional Circumstances funding. Need for small business to qualify for assistance. Difficult for small business to prove 70% of business is related to agriculture

- Small business is really struggling in small towns across many areas
- DPI running rural futures programs
- Farm gate cold calling. Social drought recovery

Murrindindi Shire

- No drought support officer
- Not bad in parts - Lake Eildon at 13%

Bulloke Shire

- Some farmers had biggest financial return ever, some had nothing, some lost \$500,000 in hedges
- Small communities are really battling
- A lot of people on anti depressants. A lot of people feel ashamed - Donaldson, Charleston, Berriwillock
- \$3,000 with matching funding for drought proofing the farm
- Government is using the term “climate change” rather than drought
- Farmers are very quick to adapt. Great need to support farmers into the future
- Carbon trading - huge amount of investment around the world.

17.5 JUNE DIARY - CR B MURDOCH

For Information

Date	Time	Function
2 June	10:00am	MAV Water Taskforce Meeting, Melbourne
3	10:00am 4:00pm 7:00pm	MAV Briefing on Audit Committees, Wangaratta Council Briefing, Chiltern Council Meeting, Chiltern
10	7:00pm	Chiltern LandCare AGM, Chiltern
17	4:00pm	Briefing Meeting, Yackandandah
18	9:00am	Northern Region Sustainable Water Strategy, Melbourne
19	7:00pm	Meeting of Steering Committee for the Rural Landscapes Study, Yackandandah
20	10:00am	Meeting with Constituent, Chiltern
23	9:00am 6:00pm	Forum of Councils with North East Water, Wangaratta Meeting for proposed Skate Park, Chiltern
24	4:00pm 7:00pm	Briefing Meeting, Wahgunyah Council Forum, Wahgunyah

25	5:00pm	Meeting 'Choices' Chiltern
30	10:00am	Meeting on Rural Zones, Benalla

Cr Barbara Murdoch

1 July 2008

17.6 JUNE DIARY - CR WALSH

Date	Time	Function
3 June	4.00 pm	Council Briefing Meeting, Chiltern
	7.00 pm	Ordinary Meeting of Council, Chiltern
7 - 9	Various	Rutherglen Winery Walkabout
10	10.00 am	Junior Council Meeting, Chiltern
13	9.00 am	Yackandandah Kindergarten, pick up quilt for East Timor
	10.30 am	North East Leadership Forum, Wangaratta
16	11.30 am	Shire Office to pick up items for East Timor
17 -20		VLGA Friendship Conference, Dili
21 - 28		Official Visit Atauro Island
29 June -	2 July	Return journey, Dili, Darwin, Melbourne, Rutherglen

Cr Frances Walsh

1 July 2008

17.7 JUNIOR COUNCIL MEETING 10 JUNE 2008 – (FILE NO: M220.1. - CR WALSH)

For Information

Due to the Middle Indigo Cluster Schools having a curriculum day, there was only a small but enthusiastic group at the meeting.

The Junior Councillors wrote their letters to students on Atauro Island. The letters were very colourful with lots of photographs and drawings of family, school, pets and sports. Quite a bit a glitter was splashed around too.

As I am attending the VLGA (Victorian Local Governance Association) Friendship Conference in Dili from 17-20 June and after that, will travel by boat to Atauro Island for a week, I will present the Junior Councillors letters in person.

I will also be carrying \$400 AUS (approximately \$380US) to purchase books and stationery in Dili, to take to Atauro Island. These funds have been raised by Junior Councillors, and are in addition to the \$1,000 AUS which has been transferred to the Roman Luan Kindergarten.

This is possibly the last year that the Junior Council will support the Roman Luan Kindergarten as it has now obtained a permanent source of funding.

The next meeting will be held at 10.00 am, Tuesday 5 August, 2008 at the Rural Transaction Centre, Rutherglen. At that meeting Irene Cracknell and I will speak on our

visit to East Timor. All Councillors are welcome to attend.

18.0 GENERAL BUSINESS

18.1 MAV Board Meeting 6 June 2008

Cr Dale tabled matters raised at the MAV Board meeting held on Friday 6 June 2008 and requested that these be circulated to all Councillors.

18.2 Retirement of Pam Crosthwaite – Yackandandah Bush Nursing Hospital

Cr Dale requested that a letter of appreciation be forwarded to Pam Crosthwaite on her retirement and thanking her for her excellent contribution to the hospital and the Yackandandah district over many years.

**Moved Cr Dale
Seconded Cr Murdoch**

That a letter of appreciation be forwarded to Pam Crosthwaite acknowledging her excellent contribution to the hospital and the Yackandandah district over many years and wishing her well in her retirement.

CARRIED

SUSPENSION OF STANDING ORDERS – 8.51 PM

**Moved Cr Graham
Seconded Cr Dale**

That Council resolves to go into Committee to consider confidential Item 19.1 relating to a proposed development.

CARRIED

**PURSUANT TO SECTION 77(2)(c) OF THE LOCAL GOVERNMENT ACT 1989
I HEREBY DESIGNATE THE ATTACHED INFORMATION AS
CONFIDENTIAL AS IT RELATES TO A PROPOSED DEVELOPMENT.**



**Brendan McGrath
CHIEF EXECUTIVE OFFICER
01/07/08**

19.1 PROPERTY RATES – BEECHWORTH (FILE NO: M680-19 - SRO)

RESUMPTION OF STANDING ORDERS – 9.10 PM

Moved Cr Dale

Seconded Cr Murdoch

That Standing Orders be resumed.

CARRIED

There being no further business the meeting was declared closed at 9.13 pm.

.....
Cr Vic Issell – Mayor

5 August 2008

19.0 CONFIDENTIAL