

Mission Statement:

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

TO BE HELD: Tuesday 10th November, 2009 at 1500
LOCATION: Senior Citizens Hall, Yackandandah

REQUIRED TO ATTEND:

| | |
|--------------------------------|----------------------------|
| Councillors: | Senior Management/Officers |
| Peter Graham – Mayor | Brendan McGrath – CEO |
| Bernard Gaffney – Deputy Mayor | Andre M Kompler |
| Peter Croucher | Mark Crouch |
| Larry Goldsworthy | Mark Florence |
| Vic Issell | SMG as required |
| Barbara Murdoch | |
| Ali Pockley | |

APOLOGIES: Nil

Vision statement:

INDIGO – A great place to live, work and visit

TABLE OF CONTENTS

| | | |
|--------------|--|----|
| <u>1.0</u> | <u>WELCOME</u> | 4 |
| <u>2.0</u> | <u>OPENING PRAYER</u> | 4 |
| <u>3.0</u> | <u>APOLOGIES AND LEAVE OF ABSENCE</u> | 4 |
| <u>4.0</u> | <u>DECLARATION OF CONFLICT OF INTEREST</u> | 4 |
| <u>5.0</u> | <u>OPEN FORUM</u> | 4 |
| <u>6.0</u> | <u>CONDOLENCES</u> | 4 |
| <u>7.0</u> | <u>CONFIRMATION OF MINUTES FROM PREVIOUS MEETING - 080909</u> | 4 |
| <u>8.0</u> | <u>BUSINESS ARISING FROM PREVIOUS MINUTES</u> | 4 |
| <u>9.0</u> | <u>DEPUTATIONS AND PETITIONS</u> | 4 |
| <u>10.0</u> | <u>SUSTAINABLE COMMUNITIES</u> | 5 |
| <u>10.1</u> | <u>PLANNING PERMIT APPLICATION 09-0018 (D & N HAW)</u> | 5 |
| <u>10.2</u> | <u>SECTION 173 AGREEMENTS</u> | 12 |
| <u>10.3</u> | <u>INDIGO PLANNING SCHEME AMENDMENT C49 – FORMER BEECHWORTH GAOL; SCHEDULE TO DEVELOPMENT PLAN OVERLAY</u> | 14 |
| <u>10.4</u> | <u>GRANTS POLICY</u> | 16 |
| <u>10.5</u> | <u>DOMESTIC ANIMAL MANAGEMENT PLAN</u> | 18 |
| <u>10.6</u> | <u>BIODIVERSITY PLANNING</u> | 19 |
| <u>10.7</u> | <u>DRAFT RURAL LAND USE STRATEGY</u> | 25 |
| <u>10.8</u> | <u>SUSTAINABLE COMMUNITIES (COMMUNITY PLANNING) PROGRESS REPORT - OCTOBER 2009</u> | 29 |
| <u>10.9</u> | <u>SUSTAINABLE COMMUNITIES WORK IN PROGRESS AND PROJECTS OCTOBER 2009</u> | 30 |
| <u>10.10</u> | <u>SUSTAINABLE DEVELOPMENT WORK IN PROGRESS AND PROJECTS NOVEMBER 2009</u> | 31 |
| <u>10.11</u> | <u>BUILDING STATISTICS</u> | 34 |
| <u>11.0</u> | <u>MAJOR PROJECTS & PROGRAMS</u> | 36 |
| <u>11.1</u> | <u>BEECHWORTH GORGE</u> | 36 |
| <u>11.2</u> | <u>DEED OF VARIATION OF LANDFILL CONTRACT WITH ALBURY CITY COUNCIL</u> | 37 |
| <u>11.3</u> | <u>REVIEW OF REGIONAL WASTE MANAGEMENT GROUPS</u> | 38 |
| <u>11.4</u> | <u>TENDERS, SEALING OF VARIOUS ROADS WITHIN INDIGO SHIRE</u> | 40 |
| <u>11.5</u> | <u>DISCONTINUANCE OF GOVERNMENT ROAD, ALMA ROAD, BEECHWORTH</u> | 42 |
| <u>11.6</u> | <u>WWII MEMORIAL WALL – RUTHERGLEN MEMORIAL GARDENS</u> | 43 |
| <u>11.7</u> | <u>MAJOR PROJECTS & PROGRAMS DEPARTMENT - RLCIP ROUND 2 FUNDING ALLOCATIONS</u> | 44 |
| <u>11.8</u> | <u>MAJOR PROGRAMS & PROJECTS DEPARTMENT – PROGRESS REPORT – TO OCTOBER 2009</u> | 46 |
| <u>12.0</u> | <u>CORPORATE SERVICES</u> | 50 |
| <u>12.1</u> | <u>COUNCIL STAFF DELEGATIONS – REVIEW – PURSUANT TO SECTION 98 OF THE LOCAL GOVERNMENT ACT 1989</u> | 50 |
| <u>12.2</u> | <u>FESTIVALS AND EVENTS FUNDING - INDIGO TOURISM ADVISORY COMMITTEE (ITAC)</u> | 53 |
| <u>12.3</u> | <u>INDIGO TOURISM ADVISORY COMMITTEE (ITAC) MEMBERSHIP</u> | 55 |
| <u>12.4</u> | <u>ADOPTION OF PURCHASING CARD POLICY</u> | 57 |

ORDINARY COUNCIL MEETING AGENDA

| | | |
|-------------|---|-----------|
| 12.5 | <u>RUTHERGLEN GOLD BATTERY SECTION 86 COMMITTEE</u> | 58 |
| 12.6 | <u>GOVERNMENT BANK GUARANTEE SURCHARGE</u> | 60 |
| 12.7 | <u>COMMITTEES OF MANAGEMENT – REVIEW – AS PER SECTION 86 OF THE LOCAL GOVERNMENT ACT 1989 (LGA89)</u> | 62 |
| 12.8 | <u>LOCAL LAWS – NUMBER 2 -ENVIRONMENTAL & NUMBER 6- CONTROL OF LIVESTOCK</u> | 65 |
| 12.9 | <u>COUNCIL EXTERNAL AUDIT - GENERAL INTERIM AND FINAL MANAGEMENT LETTERS</u> | 68 |
| 12.10 | <u>VISITOR NUMBERS INDIGO SHIRE</u> | 69 |
| 12.11 | <u>FINANCE REPORT FOR QUARTER ENDING 30TH SEPTEMBER 2009</u> | 72 |
| 13.0 | <u>GOVERNANCE</u> | 74 |
| 13.1 | <u>COUNCIL ADVISORY AND COMMITTEES OF MANAGEMENT REPORT</u> | 74 |
| 13.2 | <u>MEDIA REPORT – OCTOBER 2009</u> | 75 |
| 14.0 | <u>NOTICES OF MOTION</u> | 76 |
| 14.1 | <u>NOTICE OF MOTION FOR NOVEMBER COUNCIL MEETING: CR B MURDOCH</u> | 76 |
| 15.0 | <u>COMMITTEE AND DELEGATES REPORTS – OCTOBER 2009</u> | 77 |
| 15.1 | <u>CR PETER GRAHAM OAM MAYOR</u> | 77 |
| 15.2 | <u>CR BERNARD GAFFNEY</u> | 78 |
| 15.3 | <u>CR PETER CROUCHER</u> | 79 |
| 15.4 | <u>CR LARRY GOLDSWORTHY</u> | 80 |
| 15.5 | <u>CR VIC ISSELL</u> | 81 |
| 15.6 | <u>CR BARBARA MURDOCH</u> | 82 |
| 15.7 | <u>CR POCKLEY</u> | 83 |
| 16.0 | <u>GENERAL BUSINESS</u> | 84 |
| 17.0 | <u>CONFIDENTIAL</u> | 84 |

- 1.0 WELCOME**
- 2.0 OPENING PRAYER**
- 3.0 APOLOGIES AND LEAVE OF ABSENCE**
- 4.0 DECLARATION OF CONFLICT OF INTEREST**
- 5.0 OPEN FORUM**
- 6.0 CONDOLENCES**
- 7.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETING - 080909**
- 8.0 BUSINESS ARISING FROM PREVIOUS MINUTES**
- 9.0 DEPUTATIONS AND PETITIONS**

10.0 SUSTAINABLE COMMUNITIES

10.1 PLANNING PERMIT APPLICATION 09-0018 (D & N HAW)

File No: PP09-0018 - Travis Basham - Town Planner

For Decision

RECOMMENDATION

That Council issue a Notice of Decision to Grant a Permit for the development of Crown Allotment 4 Section 11 Parish of Lilliput, Slaughterhouse Road, Rutherglen, for the purposes of a shed, dam and earthworks in accordance with and as amended by the Conditions set out at Attachment D.

INTRODUCTION

| | |
|---------------------|--|
| Application Number: | PP09-0018 |
| Applicant: | D & N Haw |
| Subject Land: | Crown Allotment 4 Section 11 Parish of Lilliput, Slaughterhouse Road, Rutherglen |

BACKGROUND

| | |
|------------------------------|---|
| Application Lodged: | 09/02/2009 |
| Purpose: | Seek approval to use and/or develop the subject site for the purposes of: a shed, dam and earthworks. |
| Subject Site Land Area: | 8.3ha |
| Current Use of Subject Site: | Vacant |
| Site Constraints: | Registered Restrictive Covenant; 0.82ML Catchment Yield. The subject site is undulating land used for grazing. It occupies part of a localised ridge that runs in a north – south direction, parallel with Slaughterhouse Road. The western half of the land drains toward the rear of the adjacent Low Density Residential Zone (LDRZ) properties, while the eastern half drains generally toward Slaughterhouse Road. The Slaughterhouse Road reserve contains a number of remnant native trees as does the north-west corner of the subject site (see Attachment A). |
| Site History: | Not Applicable |
| Surrounding Land Use: | Adjacent land to the west is within the LDRZ and is developed at these densities with two residential allotments adjoining the subject land. Land to the north, east and south is within the Farming Zone. Land adjacent to the north is occupied by a winery. Agricultural land to the east and south is undulating and used predominantly for grazing and cropping. |
| Surrounding Land Zoning: | |

PROPOSAL

ZONING AND PLANNING CONTROLS

| | |
|-----------------|---|
| Zoning: | Farming Zone |
| Overlay(s): | ESO3 (Black Dog Creek) |
| Permit Trigger: | Buildings and works pursuant to Clause 42.01-2 (Environmental Significance Overlay) |

PLANNING AND ENVIRONMENT ACT 1987 - SECT 60

Section 60(1) 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 60(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.
- any other relevant matter.

INDIGO PLANNING SCHEME - STATE PLANNING POLICY

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

| | |
|--------------------------------|--------------------------|
| Environment: 15.01 | Protection of Catchments |
| Economic Development: 17.05 | Agriculture |

LOCAL PLANNING POLICY FRAMEWORK

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

Municipal Strategic Statement:

| | |
|-----------|------------------------------|
| 21.01-4 | Economy |
| 21.01-5 | Environment |
| 21.02 | Key Issues |
| 21.03-1 | Vision & Strategic Framework |
| 21.03-2 | Corporate Plan |
| 21.04-2-1 | Agriculture |

Local Planning Policies:

| | |
|-----------------|---------------------------------|
| None Applicable | |
| 22.03-1 | Landcare & Catchment Management |
| 22.03-6 | Dams |
| 22.03-11 | Stormwater Management Policy |

Particular Provisions:

None Applicable

GENERAL PROVISIONS

65 Decision Guidelines

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

65.01 Approval of an application or plan

Before deciding on an application or approval of a plan, the responsible authority must consider:
 The matters set out in Section 60 of the Act.
 The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
 The purpose of the zone, overlay or other provision.
 Any matter required to be considered in the zone, overlay or other provision.
 The orderly planning of the area.
 The effect on the amenity of the area.

REFERRAL AUTHORITIES

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

North East CMA

GMW

Responses received recommend approval 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.

One objection was received in response.

Issues raised include:

That the siting of the proposed shed would represent an infringement of the Covenant.
Siting of development on the ridgeline will have a detrimental effect on the amenity of the area.

DISCUSSION

The purpose of Clause 42.01 Environmental Significance Overlay is to identify areas where the development of land may be affected by environmental constraints and to ensure that development is compatible with identified environmental values.

Clause 42.01-4 provides that before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The statement of environmental significance and the environmental objective contained in a schedule to this overlay.

Schedule 3 to the Environmental Significance Overlay applies to the subject land and is the 'trigger' for a Planning Permit being required for the proposed buildings and works. The Statement of Environmental Significance refers to "a number of significant drainage problems" within the North Eastern section of the Ovens River Basin and the Black Dog Creek Waterway Management District.

The Environmental Objective to be achieved within the area covered by Schedule 3 to the Environmental Significance Overlay is:

To maintain the quality of water within the catchment.

- To prevent buildings and works from impeding the flows of water within the Black Dog Creek catchment and maintain its ability to carry natural flows including floods.
- To provide a framework to assist in decisions regarding drainage works within the catchment.

Decision Guidelines specifically relate to the above Objectives and drainage issues and require:

- All applications to comply with the North East Catchment Management Authority Guidelines for Drainage Approval within the Black Dog Creek Improvement District.

Before deciding on an application to develop land, the Responsible Authority must consider:

- Comments of the North East Catchment Management Authority.
- Specified flood level pursuant to the Australian Model Code for Building.
- The need to design and construct buildings in accordance with the "Permissible works and structures" section of the report "Flood plain Management in Victoria" prepared by the Australian water Resources Council.
- The existing drainage pattern of the land and its effectiveness and suitability to cope with any development.
- The need to retain natural vegetation in the vicinity of streams and watercourses.
- The need to minimise the effects of increased run-off, erosion or siltation.
- Comments from the Department of Natural Resources and Environment where any proposed development abuts Crown Land.

The North East Catchment Management Authority does not object to the granting of a permit provided it is subject to the following conditions:

The storage size [of the dam] must be limited to 0.82ML which is the accessible yield for harvest at the site, as indicated in Goulburn-Murray Water's letter of the 25th June 2008;
That no earthworks to redirect or alter the existing surface, which would alter drainage on the property, is permitted unless further detail is provided to demonstrate that there are no adverse implications to the adjacent properties and or the responsible road authority for Slaughterhouse Road.

In this instance, earthworks associated with the proposed dam have the greatest relevance to the environmental constraints sought to be addressed by the Environmental Significance Overlay and also have the greatest potential to impact on downstream residential properties.

Clause 22.03-6 Dams applies to the construction of dams and recognises that the construction of dams is a necessary development to support the agricultural and horticultural use of land. The siting, design and construction of dams should be undertaken so as to minimise the impact on sustainable land, water system management and roads.

The Decision guidelines of this policy provide that in considering applications for the construction of dams, Council will take the following matters into account:

- The capacity of the proposed dam should not exceed 50% of the yield available from the catchment area of the site.
- The location of the proposed dam should be suitable to the terrain characteristics of the land.
- Spillways should be designed to cater for a 1 in 100 year rainfall event.
- The capacity of the proposed dam should be adequate to meet the needs of the intended use.

As Council's ability to consider the impacts of the proposed dam and earthworks is limited to consideration of a dam with a capacity of not more than the available catchment yield, it is considered that the primary consideration should relate to the structural stability of the dam and earthworks as well as potential impacts on downstream properties as a result of concentrated or re-directed flows.

Policy at Clause 22.03-6 Dams provides support for Council to require a report from a structural engineer certifying that the dam is structurally adequate and/or verifying that the dam will not pose an unacceptable risk to life or public and private assets. Should a permit issue for a dam not exceeding 0.82ML, it is considered appropriate that this requirement be a condition of approval and that any works necessary to alleviate potential impacts on downstream properties as a result of concentrated or re-directed flows be carried out to the satisfaction of the Responsible Authority.

Having regard to the proposed shed, it is not considered that it will impede the flows of water within the Black Dog Creek catchment or impact on it's ability to carry natural flows including floods. Nor is it considered that it will have a detrimental impact on water quality within the catchment. It is therefore considered that the proposal meets the environmental objectives of the Environmental Significance Overlay.

The objection received relates to a building envelope referred to in the Covenant and the impact that construction of the proposed shed on the local ridgeline will have on the amenity of the area. The building envelope referred to in the Covenant is not a valid consideration for Council as there is no building envelope registered on the Title. In addition to this the drafting of the Covenant is defective in that it does not identify any land that benefits from the Covenant. The effect of this is that in terms of property law, the Covenant cannot be enforced by any person, as there is no person that can be identified as being an owner of land that benefits from the Covenant.

Despite the flaws in the Covenant, Section 62(1)(aa) of the Planning and Environment Act 1987 provides that in deciding to grant a permit, the responsible authority must, if the grant of the permit would authorise anything which would result in a breach of a registered restrictive covenant, include a condition that the permit is not to come into effect until the covenant is removed or varied.

It is acknowledged and agreed that the shed is proposed to be sited in possibly the most prominent location on the subject land. The proposal however meets the setback requirements to be an exempt building under the provisions of the Farming Zone, and State and Local Policy are relatively silent on the proposed development. Clause 65.01 Approval of an application or plan however provides that before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- The orderly planning of the area.
- The effect on the amenity of the area.

These two general planning considerations enable Council to have some limited regard to the impact of the proposed development on the amenity or rural character of the area.

The development is proposed to be located on the localised ridge approximately 17m from the southern boundary of the subject land. This area of the site is the most elevated section of the property that slopes generally downward from the southern boundary toward Slaughterhouse Road to the east as well as the LDRZ land to the west. Given the undulating nature of land in this locality, the relatively modest scale of the development coupled with setbacks of 160m+ from the timbered Slaughterhouse Road reserve and ~170m from the LDRZ land to the west, the purpose of the building (farm shed), and the ability to require additional measures such as vegetated screening to attenuate the visual intrusion of the building on the landscape, the impacts of the proposal on the visual amenity of the area are not considered unacceptable.

ORDINARY COUNCIL MEETING AGENDA

Provided landscaping occurs at an appropriate density, when coupled with the alignment of the building and relatively modest bulk of the proposal, it is not considered that the development will have an unacceptable impact on the rural landscape.

CONCLUSION

The proposal meets the setback requirements to be an exempt building and works under the provisions of the Farming Zone, and State and Local Policy are relatively silent on the proposed development. Decision Guidelines at Clause 65 provide limited scope to give broad consideration to the impacts of the development on the amenity of the area and it is considered that despite the prominent siting of the proposed farm shed, ameliorative measures such as requiring vegetated screening will reduce the impact of the development on the rural landscape.

Council's ability to consider the impacts of the proposed dam and earthworks is limited to consideration of a dam with a capacity of not more than 0.82ML or the available catchment yield. Should the applicant construct a dam in excess of 0.82ML, a Planning Permit is not required and the impacts of the dam would need to be assessed and controlled by Licence issued by Goulburn-Murray Water under the Water Act 1989.

A Planning Permit is required in this instance to ensure that the development meets the environmental objectives of the Environmental Significance Overlay. Having regard to the above and advice received from the North East Catchment Management Authority and Goulburn-Murray Water indicates that the objectives of the Environmental Significance Overlay can be met, it is considered that the proposal represents an acceptable outcome under the provisions of the Indigo Planning Scheme.

Attachments

Attachment A – Locality plan

Attachment B – Proposal

Attachment C – Copy of the Registered Restrictive Covenant

Attachment D – Conditions

10.2 SECTION 173 AGREEMENTS

File no.: 09/0039 - Susan Cheetham - Manager Sustainable Development

For Decision

RECOMMENDATION

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

A) Crown Allotment 4B Section A Parish of Tangambalanga

INTRODUCTION

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

In the Agreement 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) Owner: J Jamison

Planning Permit 09-0039 relates to the use and development of land within the Farming Zone at Gundowring Road, Gundowring for the purposes of a dwelling. The Permit was issued on the 4th August 2009 and required the consolidation of Crown Allotments 4A and 4B Section A Parish of Tangambalanga into a single Lot of 59.4ha. Following a request from the applicant, the Permit was subsequently amended on the 14th September 2009 to burden Crown Allotment 4B with a restriction preventing it's use and development for the purpose of a dwelling rather than requiring the consolidation of the two crown allotments.

The permit was amended to allow a dwelling to be constructed on Crown Allotment 4A on the basis that the owner of the land enter into an Agreement with Council under Section 173 of the Planning and Environment Act 1987 which:

- (a) ensures that Crown Allotment 4B Section A Parish of Tangambalanga cannot be used or developed for the purpose of accommodation (including dwelling).

KEY IMPLICATIONS

Not Applicable.

FINANCIAL IMPLICATIONS

Not Applicable.

POLICY IMPLICATIONS

Not Applicable.



CONCLUSION

Not Applicable.

*Attachment
Locality/Site Plan – PP09/0039 Gundowring Road, Gundowring*

**10.3 INDIGO PLANNING SCHEME AMENDMENT C49 – FORMER BEECHWORTH GAOL;
SCHEDULE TO DEVELOPMENT PLAN OVERLAY**

File No.: E1240-49 – Susan Cheetham – Manager Sustainable Development

For Decision

RECOMMENDATION

1. That Indigo Planning Scheme Amendment C36 be adopted by Council in accordance with Section 29(1) of the Planning and Environment Act 1987;
2. That the adopted amendment is forwarded to the Minister for Planning for approval in accordance with Section 31(1) of the Planning & Environment Act 1987.

INTRODUCTION

Council resolved on 10 March this year to refer this Amendment to an Independent Panel to hear submissions in regard to this matter. The Panel hearing was held on 28 August 2009, and was attended by the Panel Member, landowner and representatives, expert witnesses, Council officers and submitters. The Independent Panel report was received on 8 October (Attachment A). The next stage in the process is to forward the matter to the Minister for Planning in accordance with Section 31 of the Planning and Environment Act 1987.

BACKGROUND

In February 2008 the Minister for Planning amended the Indigo Planning Scheme by introducing a Development Plan Overlay (DPO) over the former Beechworth Gaol site in Sydney Road, Beechworth. The Minister's letter approving this Planning Scheme Amendment (C41) indicates that the new DPO is introduced to the site on an interim basis and that Council should consult with the landowner on the form of the final control for the site, which would then be subject to the normal amendment process including full public exhibition.

A schedule to the DPO was prepared and provided to the landowner for input. Revised versions were also provided to the landowner for input. The landowner chose not to have input into the schedule. Council resolved to prepare and exhibit Indigo Planning Scheme Amendment C49 which proposes to introduce a revised schedule to the DPO. The landowner subsequently objected to this schedule.

Council's approach to the schedule to the DPO for the site is to take a 'whole of site' approach, considering the type and form of all development on this heritage site. This resulted in a schedule which was quite detailed in the requirements of the Development Plan to be prepared for the site. The landowner objected to the schedule on the basis that the matters addressed in the schedule represented duplication of controls established by the Heritage Act and controlled by Heritage Victoria. In addition, other requirements were 'onerous and unnecessarily complex'.

DISCUSSION

The Independent Panel hearing was held at Yackandandah on 28 August 2009, and was attended by the Panel Member, the landowner and representatives, expert witnesses, Council officers and submitters. Council's submission centered around the effect that inappropriate development of the Gaol could have on the urban character of the Beechworth Township. While heritage is not a feature under Council's control on this site (being the responsibility of Heritage Victoria), the potential for off-site heritage impact is great.

ORDINARY COUNCIL MEETING AGENDA

The two submitters that attended focused on the impact the inappropriate development could have on the community, namely that lack of consultation would remove the feeling of 'ownership' of the site that has developed over the years. In addition, the site has previously been available for community activities and this will no longer be the case.

The representatives for the landowner included legal counsel, a town planner and a heritage architect, the latter two being called as expert witnesses. The landowner's submission focused on the over-complicated nature of the proposed schedule, along with assertion that many of the controls represented the duplication of those which are the responsibility of Heritage Victoria in this instance.

The Panel Member, in his report received October 8, concurs with Council in that the site is an important feature in the streetscape and is a crucial element in determining the urban character of the township. The Member also agreed with the landowner that some of the controls proposed in the schedule would be managed by Heritage Victoria in this instance.

The Panel member proposed a revised DPO7 which: "...seeks to provide a reasonable balance between what the Minister required when approving Amendment C41, what Council is seeking to achieve by way of an overall framework providing for the re-use of the former Gaol in the context of very high heritage and urban character values of the subject site and surrounding precinct and finally, the challenges faced by the landowner who is severely constrained by the heritage values of the former Gaol in responding to potential market opportunities for sustainable development of the site."

The Panel's recommendation was that Amendment C49 be adopted subject to the suggested revisions to the DPO7.

FINANCIAL IMPLICATIONS

There are no financial implications as a result of this Amendment.

POLICY IMPLICATIONS

The proposed amendment will introduce Schedule 5 to the Development Plan Overlay in the Indigo Planning Scheme. This is a site-specific schedule that will not affect any other land in the Shire.

CONCLUSION

The Independent Panel has revised the proposed DPO7 into a document which continues to provide Council with a level of control over the development of the former Gaol site in order that the values which make this such an important icon are retained, but it is able to be adaptively re-used to ensure its viability into the future.

*Attachment
C49 Panel report*

10.4 GRANTS POLICY

File No: 09/800 - Mark Florence - General Manager Sustainable Communities

For Decision

RECOMMENDATION

That Council adopt the *Grants Policy* paper as the guiding document for the consideration, assessment and seeking of grant funding to support Council activities.

INTRODUCTION

The importance of grants to Indigo Shire and its ability to be able to deliver outcomes for the community should not be underestimated. However, grants provide opportunities on one hand, and create challenges on the other.

The attached Policy is provided to heighten awareness of grants as a significant component of Council's operations. It raises issues associated with the seeking, and application of grants, and makes suggestions for a process and criteria to be applied in this important area to ameliorate any challenges encountered.

BACKGROUND

In recent times, the Federal and State Governments have recognised that programmed support to communities and regions is an important means of stimulating, not only economic activity, but also community capacity, and community strength. Many new grant opportunities have been created, or existing grant programs have been enhanced or re-promoted, with the opportunity for significant amounts of funding to be accessed by local governments.

Whilst the opportunities provided are exciting and create much interest across communities and within local governments, the risk of ad hoc planning or implementation of projects can be an issue for local governments to address.

The current increased grant opportunities are expected to diminish as the global and national economies recover and consolidate, however, it is considered important and prudent that Council give attention to, and consider the issues around grant income opportunities that will remain, the connection to established plans and strategies, the impact on resources, and the process around assessment and approvals.

KEY IMPLICATIONS

Consideration of the issues associated with grants and the impact on Council strategic goals and objectives will lead to: a more systematic and process driven assessment of the value of individual grants, the establishment of a more rigorous process based on agreed criteria, a closer alignment to Council core business, and a concentration on achieving outcomes with measurable outcomes.

FINANCIAL IMPLICATIONS

The consideration or possible adoption of key elements of the Policy has no financial implications. Financial implications will be part of any assessment of grant opportunities in the context of Council budget processes, resources, and priorities

ORDINARY COUNCIL MEETING AGENDA

POLICY IMPLICATIONS

Consideration and/or adoption of the Policy as an approved Council policy will strengthen Council processes in an area of significant importance to Council operations and strategic settings.

The adoption of this Policy is consistent with the Council Plan Goal “*Strategically plan for external grant and revenue sources*” and the action “*Develop a more formal grant application, management and acquittal process*”.

CONCLUSION

The Policy brings together many of the key issues associated with grant income, and also provides criteria, and a process by which grant opportunities can be assessed for strategic and operational benefit.

The Policy provides an opportunity for the issues to be considered with a view to strengthening this important Council activity.

*Attachment
Grant Policy*

10.5 DOMESTIC ANIMAL MANAGEMENT PLAN

File No: 09/921 – Mark Florence – General Manager Sustainable Communities

For Decision

RECOMMENDATION

That Council adopt the Domestic Animal Management Plan.

INTRODUCTION

The Domestic Animal Management Plan (DAMP) has been prepared by the Indigo Shire Council in accordance with the requirements and responsibilities under Section 68A of the Domestic (Feral and Nuisance) Animals Act 1994 and by request of the Department of Primary Industries.

The Domestic Animal Management Plan reinforces and consolidates the existing practices and procedures as applied by the Enforcement unit, to meet the statutory requirements of Council.

BACKGROUND

The Department of Primary Industries has requested that every Council provide a Domestic Animal Management Plan to monitor numbers, problem areas and work toward reduction of injuries and prevention of nuisance by domestic animals in their community.

KEY IMPLICATIONS

The Domestic Animal Management plan lists current policies and procedures of the Indigo Shire Council Enforcement Team and it's adherence to Local Laws. There are no changes planned to these policies however changes may be suggested by the Department of Primary Industry upon review of the Plan.

FINANCIAL IMPLICATIONS

The current pound is substandard by DPI standards, though this matter is already being addressed by Council with budget allowance for the building of a new pound. It is not expected that any financial implications will arise from the adoption of this plan.

POLICY IMPLICATIONS

As the plan is based on the current policies and operations of the Enforcement Team of the Indigo Shire Council, it is not anticipated that any implications will arise from the Plan.

CONCLUSION

The Department of Primary Industries is monitoring Councils response and management to Domestic Animals and are actively seeking the plan of the Indigo Shire Council Plan endorsed by Council. As the Shire already maintains appropriate practice for the recording and enforcement of Domestic Animals, it is not anticipated that this plan will change any of Council's current Policies and Procedures.

*Attachment
Domestic Animal Management Plan*

10.6 BIODIVERSITY PLANNING

File No: E371.4-02 - Shay Simpson - Natural Resource Management Officer

For Decision

RECOMMENDATION

- 1. That the report prepared by Coomes Consulting Group "Indigo Shire Council Biodiversity Planning Project Stage 2" be received; and**
- 2. That the Sustainable Development Department proceed with Stage 3 of the project, to implement recommendations from this report including consultation, confirmation of biodiversity values at each site and drafting of a planning scheme amendment to introduce a series of targeted overlays.**

INTRODUCTION

The Biodiversity Planning Project undertaken by Indigo Shire has been undertaken in two main stages. The recommendations culminating from these studies have been communicated to Council through two presentations at briefing meetings (March 2009 and August 2009), as well as an onsite inspection at one of the affected areas (October 2009). This process has highlighted the need to ensure that affected areas are ground-truthed prior to finalisation of the overlays.

Biodiversity - short for biological diversity - can be defined as the range of all living life-forms including plants, animals and micro-organisms, the genes they all contain and the eco-systems of which they form a part. Every native plant and animal, however large or small, has a part to play in maintaining the health of our natural environment. From the smallest soil invertebrate that breaks down leaf litter and helps maintain the soil, to the birds, insects, reptiles, mammals that pollinate plants and contribute to nutrient cycles, each plays an important role. A healthy biodiversity offers many natural services such as the provision of clean air and water, nutrient recycling in soils, control of pests, mitigation of climate change, production of goods such as firewood and timber, filtration and erosion control and waste absorption and breakdown. These benefits can only be provided by landscapes that contain sufficiently intact biodiversity and healthy ecosystems.

There are many threats to biodiversity including habitat loss and degradation, climate change, pollution and introduced species. Since European settlement began in Victoria in the 1830's, an estimated 66% of the State's native vegetation has been cleared. Furthermore, the quality of the remaining native vegetation continues to decline as a result of increasing pressures such as fragmentation, salinity and further clearing. Managing biodiversity on private land is now a major conservation challenge and opportunity, as dedicated reserves such as national parks, alone cannot adequately protect biodiversity from further loss or decline.

The ongoing fragmentation of ecosystems, regardless of their significance, undermines the viability of biodiversity in the landscape. Changing patterns of land use and development create both opportunities for and threats to biodiversity. The planning system can help manage these changes and improve their outcomes, by setting in place controls to guide decision making about new use and development.

Planning authorities should have regard to the National Strategy for the Conservation of Australia's Biological Diversity, as well as the Flora and Fauna Guarantee Act 1988 (Vic), to assist in conservation of habitats of threatened and endangered species and communities. In fulfilling this role, Indigo Shire Council has been successful in attracting external funding to undertake a planning project focused on biodiversity. There has been two main phases of this project. The first identified the biodiversity 'assets' across the Shire (in this instance 'biodiversity assets' are biodiversity elements that have significant ecological value). The report from this phase recommended further investigation into three (3) areas which were determined a priority because of the biodiversity assets present and the high likelihood of development pressure in the future. This report, entitled "Biodiversity Assets within Indigo Shire Council" was prepared by Ecology Partners.

The second phase of the project determined whether provisions, contained in the Indigo Scheme, were adequate to protect biodiversity assets within these priority areas. This report recommended introduction of four (4) specifically targeted Vegetation Protection Overlays (VPO) and four (4) specifically targeted Environmental Significance Overlays (ESO) as soon as possible, and one (1) specifically targeted VPO and one (1) specifically targeted ESO when rezoning occurs. This report, entitled "Biodiversity Planning Project, Stage 2" was prepared by Coomes Consulting Group.

BACKGROUND

In the financial years of 2004-05 and 2006-07 Indigo Shire received funding from the North East Catchment Management Authority (NECMA) to investigate biodiversity in relation to the planning scheme. A steering committee was formed to provide guidance to the project and comprises of Indigo's Strategic Planning staff and NRM Officer, Rural City of Wangaratta (RCoW) Sustainability Officer, Native Vegetation Planning Officers from Department of Sustainability and Environment (DSE), Biodiversity Officer from NECMA and Regional Planner from Department Planning and Community Development (DPCD).

Part of the first phase of the project was to identify the main biodiversity assets, which are summarised below.

Endangered and Vulnerable Vegetation Communities

The Shire lies within three biogeographic regions (bioregions); Victorian Riverina, Northern Inland Slopes and Highlands - Northern Fall. These bioregions capture the patterns of ecological characteristics in the landscape and form part of a national land classification framework. Each bioregion contains various Ecological Vegetation Classes (EVCs). Ecological Vegetation Classes (EVCs) are a standard unit for classifying types of native vegetation. A well-known example is the 'Box-Ironbark Forest' EVC. The conservation status of EVCs within each bioregion has been assessed by DSE and assigned a category.

The first stage report identified EVCs classified as 'endangered' or 'vulnerable' as an asset. Within Indigo Shire it was identified that the following are present - within the Victoria Riverina bioregion there are 5 x endangered EVCs and 3 x vulnerable EVCs; and within the Northern Inland Slopes bioregion there are 12 x endangered EVCs and 2 x vulnerable EVCs .

Significant Flora

Significant flora species were also identified as a type of biodiversity asset. It was identified that a total of 10 nationally significant flora species have been recorded within the Shire. These comprise one (1) species (Mountain Swainson-pea) listed as endangered and nine (9) species listed as vulnerable under the Commonwealth Environment Protection Biodiversity Conservation Act 1999 (EPBC Act). A further total of 72 state significant flora species were also identified as being recorded within the Shire.

Significant Fauna

Significant fauna species were also identified as a type of biodiversity asset, with a total of 9 nationally significant fauna species recorded within the Shire. These comprise of four (4) listed as endangered and five (5) listed as vulnerable species under the EPBC Act. A further 36 state significant fauna species were also identified as being recorded within the Shire.

Wetlands

Significant wetlands were identified as a type of biodiversity asset. Four (4) nationally important wetlands occur in or near the Shire boundary; Black Swamp, Lake Hume, Ovens River and Ryan's Lagoon. In addition, Lake Moodemere, within the Shire, is considered a significant wetland.

Significant Roadsides

Roadside reserves throughout the Shire with high conservation significance have been identified as a type of biodiversity asset.

Notable Fauna Habitat Values

Notable fauna habitat values such as hollow-bearing trees and wildlife corridors have also been identified as an important biodiversity asset where ever they occur within the Shire.

The first stage report recommended strategic planning investigations into three (3) priority areas of the Shire. These were described as:

1. Chiltern - the areas immediately surrounding Chiltern-Mt Pilot National Park and remnant native vegetation along roadsides which provide critical habitat for several significant fauna species;
2. Beechworth - along roadsides and areas supporting remnant native vegetation on private property; and
3. Yackandandah - areas to the south of the township supporting remnant native vegetation and remnant native vegetation along roadside and private property.

Stage two of the project involved determining if the biodiversity assets within these priority areas are adequately protected under the Indigo Planning Scheme and to recommend appropriate planning provisions in cases where they are not. These priority areas were geographically defined and then systematically assessed against existing provisions such as Zones and Overlays to determine if biodiversity is adequately protected within these areas (see table below, extracted from Stage two report). Out of the eleven areas defined, five were determined as having biodiversity assets sufficiently protected under the Indigo Scheme and six as requiring further protection. See attached labelled maps of assessed priority areas.

Table 6-1: Existing Planning Provisions Applying to Priority Biodiversity Areas

| Priority Biodiversity Area | Zone | Overlay | Particular Provision | Does the protection and enhancement of the priority biodiversity area require further controls? |
|---|---|------------------|----------------------|---|
| Land within 350m of the Chiltern – Mt Pilot National Park | Farming zone Rural Living zone Road zone | ESO | Clause 52.17 | No. |
| Chiltern roadsides of High Conservation Significance | Farming zone Road zone | ESO | Clause 52.17 | No. Clause 52.17 provides sufficient protection. |
| Chiltern residential expansion area to the north east of the Township | Farming zone | ESO | Clause 52.17 | Yes, if rezoned to Residential 1 and/or Low Density Residential. |
| Chiltern residential expansion area to the north west of the Township | Rural Living zone Low Density Residential zone | No overlays | Clause 52.17 | Yes. |
| Black Dog Creek and its riparian environs | Public Conservation and Resource zone | ESO | Clause 52.17 | Yes. |
| Beechworth roadsides of High Conservation Significance | Public Conservation and Resource zone Farming zone Rural Living zone Road zone | SLO | Clause 52.17 | No. Clause 52.17 provides sufficient protection. |
| Beechworth residential expansion area to the north west | Farming zone Low Density Residential zone | SLO DPO HO | Clause 52.17 | Yes. |
| The land that provides connection with the Beechworth Historic Park | Farming zone | SLO HO | Clause 52.17 | No. Land is greater than 0.4 hectare and Clause 52.17 provides sufficient protection. |
| Yackandandah roadsides of High Conservation Significance | Farming zone Rural Living zone Low Density Residential zone | DPO | Clause 52.17 | No. Clause 52.17 provides sufficient protection. |
| Yackandandah Creek and its riparian environs | Public Conservation and Resource zone | LSIO HO | Clause 52.17 | Yes. |
| Yackandandah residential expansion area to the west | Residential 1 zone | DPO | Clause 52.17 | Yes. |

The report recommended that the Indigo Scheme be amended to introduce:

- (Chiltern 1) Vegetation Protection Overlay and an Environmental Significance Overlay on the land bound by North Road to the south, Chiltern Howlong Road to the west and the Chiltern-Mt Pilot National Park to the east. This amendment should be introduced at the same time as the rezoning for residential purposes.
- (Chiltern 2) Vegetation Protection Overlay on the land bound by North and Rutherglen roads to the north, Gaunt Street to the east, Gibson Street to the south and Bow Street to the west. This amendment should be made as soon as possible.
- (Chiltern 3) Environmental Significance Overlay on the Black Dog Creek riparian environs. This amendment should be made as soon as possible.

- (Beechworth 1) Vegetation Protection Overlay and an Environmental Significance Overlay on the land to the north west of the Beechworth Township that has been nominated for future residential and low density residential development within the Planning Scheme Review. This amendment should be made as soon as possible.
- (Yackandandah 1) Environmental Significance Overlay on the Yackandandah Creek riparian environs. This amendment should be made as soon as possible.
- (Yackandandah 2) Vegetation Protection Overlay on the land to the west of Twist Creek Road that is the preferred area for the residential expansion within the Planning Scheme Review. This amendment should be made as soon as possible.

KEY IMPLICATIONS

The second stage report has recommended only minimal amendments to the Indigo Planning Scheme to protect and enhance the priority biodiversity areas. This is largely due to the majority of areas under consideration being zoned Farming, Rural Living and Public Conservation and Resource, where a purpose of the zone is to protect and enhance biodiversity. Further, some of the other areas under consideration comprise an area greater than 4,000m² and therefore a planning permit would be triggered for most proposals to remove, destroy or lop native vegetation under the recently amended native vegetation provisions of Clause 52.17. This also includes a new planning permit requirement to remove, destroy or lop dead native vegetation.

New overlays - the VPO and the ESO - however, have been recommended in areas under consideration for residential development and creek areas of Black Dog and Yackandandah. Each of these will be discussed in turn.

(Chiltern 1) Vegetation Protection Overlay and an Environmental Significance Overlay - there are no immediate implications as amendment is not recommended until rezoning occurs.

(Chiltern 2) Vegetation Protection Overlay - presently zoned Low Density Residential, introduction of this overlay would introduce additional permit triggers as exemptions for native vegetation removal would be extinguished.

(Chiltern 3) Environmental Significance Overlay - this area is already covered by a Land Subject to Inundation Overlay so exemptions for many activities, such as native vegetation removal are already extinguished. In addition, this is crown land so permission for many activities would be needed. Introduction of this overlay would have little or negligible implications.

(Beechworth 1) Vegetation Protection Overlay and an Environmental Significance Overlay - this area is currently zoned Farming but nominated for future residential and low density residential development. Introduction of these overlays would create additional triggers for planning permits.

(Yackandandah 1) Environmental Significance Overlay - this area is already covered by a Floodway Overlay so exemptions for many activities are already extinguished. Furthermore, this is crown land so permission for many activities would already be required.

(Yackandandah 2) Vegetation Protection Overlay - this area is zoned Residential 1 and introduction of this overlay would create new planning permit triggers for single dwellings.

Although a key implication of introducing this series of overlays is that it may attract additional applications for planning permits, the total area affected is quite small with many areas already



have existing triggers for approval.

Another significant implication of introducing this series of overlays is that it may trigger objections from affected landholders. It is proposed that appropriate consultation with all stakeholders will occur during the next phase of this project to increase understanding of these proposals and minimise objections to the amendments.

There are many key implications for environmental values of not progressing this project and acting on this information. Collectively, the stage one and two reports have highlighted biodiversity values that are of risk in areas tagged for development and has provided some solutions to afford further protection to these values. It is anticipated that introduction of the overlays would help ensure that development in these targeted areas is appropriate.

FINANCIAL IMPLICATIONS

This project has been funded externally with further funds available for the preparation of schedules should Council wish to proceed. In addition, the Sustainable Development department has budgeted for a panel hearing should this be necessary when amendment occurs.

POLICY IMPLICATIONS

This project aligns with many aspirations of the Council Plan 2009-2012, specifically the Objective 4.4 "Promote and manage sustainable development" and the goals under this, specifically:

- Ensure Land Use Planning Scheme is appropriate to the community's aspirations to protect the Shire's rural character and landscape
- Ensure key sustainability principles are incorporated across all Council activities
- Ensure our Land Use Planning Scheme meets the objectives of sustainable growth, protection of our built and natural environment and reflects community aspirations

CONCLUSION

To date, the two part biodiversity project has identified what biodiversity values or 'assets' are present in the Shire, has identified where these assets may be under threat because of future development and has assessed whether they are adequately protected under the current Indigo Planning Scheme. Finally, this strategic planning has yielded recommendations to introduce a series of overlays to protect biodiversity assets at risk.

*Attachment
Maps of Areas Assessed for Biodiversity Planning*

10.7 DRAFT RURAL LAND USE STRATEGY

File No: E1240 - Susan Cheetham - Manager Sustainable Development

For Decision

RECOMMENDATION

That the draft Rural Land Use Strategy be received and placed on public exhibition for a two month period commencing 11 November 2009.

INTRODUCTION

The purpose of this briefing paper is to formally introduce Council to the draft Rural Land Use Strategy and the process associated with preparing the documentation suitable for Council consideration to proceed to a planning scheme amendment.

Indigo Shire Council have appointed CPG Australia Pty Ltd (formerly Coomes Consulting Group) to prepare the Indigo Shire Council Rural Land Use Strategy. The intention of this Strategy is to appropriately implement Victoria's new suite of Rural Zones, introduced in the Victorian Planning Provisions in 2004.

The new suite of Rural Zones consists of a new Farming Zone, a new Rural Activity Zone, a new Rural Conservation Zone and a revised Rural Living Zone. In short, the

- Farming Zone will replace the existing Rural Zone and will be the main zone for agricultural purposes.
- Rural Activity Zone is a zone which caters for areas where agriculture and other activities can co-exist.
- Rural Conservation Zone will replace the Environmental Rural Zone and is designed for areas with significant environmental concerns / considerations.
- Rural Living Zone has been upgrade and is the main zone for rural residential purposes.

Farming Zone:

The main feature of the Farming Zone is its recognition of agriculture as the dominant land use in rural Victoria. The purpose of the zone articulates the encouragement of agriculture as a future sustainable land use. In this instance, most agricultural uses do not need a planning permit. Agricultural uses that require a permit will need to consider the environmental effects and potential land use conflicts with surrounding agricultural uses in relation to the proposed use of the land.

Rural Activity Zone:

Is designed to be applied to selected areas where agricultural activities and other land uses can co - exist. A wider range of tourism, commercial and retail uses may be considered in the zone. Agriculture has primacy in the zone, but other uses may be established if they are compatible with the agriculture, environmental and landscape qualities of the area, consistent with relevant policy directions and initiatives as included in the Indigo Planning Scheme.

Rural Conservation Zone:

Will protect and enhance the natural environment for its historic, archaeological, scientific, landscape, faunal habitat and cultural values. Agriculture is allowed in the zone provided it is consistent with the environmental and landscape values of the area.

Revised Rural Living Zone:

The revised Rural Living Zone provides for residential uses in a rural environment. The zone provides for agricultural activities with the co-existence of residential land uses, on typically middle ranged allotment sizes, ensuring the protection and preservation of a Rural Living environment in the context of either a surrounding rural or urban landscape / land use context.

In light of the above, the Indigo shire Council Rural Land Use Strategy is designed to:

- address the rural land use development pressures confronting Indigo Shire, and;
- identify and outline a set of recommendations to achieve the long term strategic vision for the Shire's future rural areas with respect to:
 - the significant role agriculture plays in the economy of the Shire, including supporting tourism
 - other rural activities and settlement opportunities that are important aspects of rural land use
 - the value of protecting and enhancing the Shire's environment and liveability
 - the importance of allowing for a diverse range of rural land uses while protecting existing strengths

Copies of the draft Strategy will be provided to Councillors prior to the briefing meeting.

BACKGROUND

Amendment VC24 introduced the new zones into the Victorian Planning Provisions in 2004. The changes to the Rural Living Zone and the Low Density Residential Zone also came into effect with Amendment VC24.

The Farming Zone, the Rural Conservation Zone and the Rural Activity Zone are now available in the Victorian Planning Provisions and have mostly been adopted and applied by all municipalities across Victoria.

As part of VC24, Clause 17.05 of the State Planning Policy Framework was amended in all Victorian Planning Schemes to remove reference to 'high quality' agriculture and to provide a greater focus on the protection of productive agricultural land.

At this time and for way of background, the Low Density Residential zone was also amended so that a minimum lot size for subdivision greater than 0.4 hectares (1 acre) could be scheduled into the zone. This enabled the broader application of the zone, provided the Minister's Direction No. 6, Rural Residential Development and the normal strategic planning considerations are met.

In relation to the above and with specific reference to Indigo Shire Council, CPG Australia embarked on a Four Phase Approach to the Rural Land Use Strategy, as outlined below:

Phase 1 - Project Inception and stakeholder consultation

The purpose of this phase was to define the scope of the project, identify key stakeholders, Project Steering Committee members and to establish a Stakeholder Consultation Framework, specifically including:

1. Project inception meeting to confirm brief
2. Review of project plan
3. Collect background and policy reports
4. Identify Council resources involved at different stages
5. Discuss working relationships and protocols
6. Establish stakeholder consultation framework

Phase 2 - Preparation of Issues and Opportunities Paper

The purpose of this phase was to develop a rural framework based on thorough research and broad consultation. This was an information gathering and analysis plan, seeking input from a range of stakeholders including Council officers, Councillors, industry associations, primary producers, State Government agencies / authorities, representatives of the local community, tourism / recreational groups, landowners, interest groups and other specialists, specifically including:

1. Initial discussions on key issues with Council officers
2. Review of relevant plans and strategies, including work already completed, the Indigo Planning Scheme and current and future development proposals
3. Gathering and review of information on current and emerging trends for population, land use and infrastructure, both Shire - wide and for individual precincts.
4. Consultation
5. Key stakeholder workshops (90 people attended)

Phase 3 - Development and Vision Objectives

This stage involved the identification of a vision for the project and key objectives using the Information gathered during the first two phases.

In addition to the formulation of a Vision and Objectives Phase, an analysis of past rural development decisions were undertaken. This analysis focused on applications brought before the Victorian Civil Administrative Tribunal (VCAT). The analysis was not restricted to only applications within the Indigo Shire, rather a State wide approach was undertaken.

Phase 4 - Rural Land Use Strategy - Summary Paper

This stage involved the development of a preferred management plan for the rural sub - areas as well as the strategic justification for the application of rural zones for Indigo Shire. Recommendations for the application of rural zones across the Municipality were also development in this phase.

Phase 5 - Preparation of Planning Scheme Amendment documentation

Following the conclusion of the above four phases (and the proposed public exhibition period), Amendment documentation will be prepared to assist with the planning scheme amendment process and the implementation of the Rural Land Use Strategy and associated policy information into the Indigo Planning Scheme.

KEY IMPLICATIONS

The draft Rural Land Use Strategy considers the range of issues affecting development in the rural areas. Once adopted, the Strategy will drive a planning scheme amendment to give effect to the recommendations of the Strategy. Given that this is a significant policy matter, the many issues in the draft Strategy will need to be carefully assessed, communicated and determined with any changes prior to February/March 2010 when Council considers adopting the Strategy and proceeding with a planning scheme amendment.

Changes to the draft Rural Land Use Strategy will arise from its exhibition and consultation phase over November, December and into January.

FINANCIAL IMPLICATIONS

There are financial implications associated with the draft Rural Land Use Strategy given the appointment of planning consultants to prepare the draft Rural Land Use Strategy (and associated amendment documentation) and the appointment of a planning consultation to facilitate the amendment until a Council resolution, March 2010.

POLICY IMPLICATIONS

Given the Rural Land Use Strategy is in a draft format, there are currently no policy implications. However, there will be major policy implications to rural land use and rural land use planning in Indigo Shire if Council choose to adopt and proceed with a planning scheme amendment based upon the recommendations contained within the study, which is proposed to be considered by Council in March 2010, following extensive community consultation.

CONCLUSION

The Rural Land Use Strategy has identified 12 broad rural style typologies / precincts. The differences in the present and desired future characteristics of land use and landscape in each of these precincts have emerged through the strategy development process work undertaken to date.

The proposed application of appropriate planning controls (i.e. the new suite of Rural Zones as outlined above) has been assessed through the recognition of the opportunities and constraints of each precinct.

The application / suggestion for the location of each control 'should implement the aim of rural land management for each precinct, whilst allowing flexibility throughout the Shire recognizing that all rural land is not uniform and therefore has specific characteristics, opportunities / constraints available to each landscape'. Give this and in relation to preparing a final document suitable for Council consideration, an extensive consultation process is proposed. This will include a two month exhibition period, meetings with individual persons and a series of round table community discussions to be held as follows:

- 25 November 2009 Community consultation meeting Rutherglen
- 30 November 2009 Community consultation meeting Tangambalanga
- 02 December 2009 Community consultation meeting Chiltern
- 07 December 2009 Community consultation meeting Stanley
- 09 December 2009 Community consultation meeting Wooragee

10.8 SUSTAINABLE COMMUNITIES (COMMUNITY PLANNING) PROGRESS REPORT - OCTOBER 2009

For Information

| PROJECT | ACTION/PROGRESS |
|---------------------------------|---|
| <p>Bushfire Recovery Update</p> | <p>The CFA have conducted a series of Community Fire Ready meetings across the Shire. Council staff have attended these meetings;</p> <ul style="list-style-type: none"> 16 October – Chiltern 22 October – Allans Flat 26 October – Yackandandah 27 October – Beechworth 28 October – Stanley 30 October – Wooragee <p>The CFA and local brigades continue to develop Township Protection Plans for four communities. The aim is for these to be completed by December.</p> <p>The Victorian Bushfire Reconstruction and Recovery Authority (VBRRA) has released “Rebuilding Together” A State-wide Plan.</p> <p>Funds have been allocated to Indigo Shire for community emergency preparedness planning. Further information on other projects has been provided to VBRRA through the Community Recovery Plan. It is envisaged that additional projects will continue to be funded over time.</p> |
| <p>FReeZA Events</p> | <p>The latest FReeZA events were held in Wahgunyah on 9 October and Tangambalanga on 16 October. Both were very successful.</p> <p>81 young people from Wahgunyah, Rutherglen, Chiltern, Corowa and Wangaratta attended the Wahgunyah event which featured a range of music from a female acoustic soloist to heavy metal.</p> <p>In Tangambalanga 117 young people attended. The event was initiated by a young person as part of his school curriculum. Four local bands were featured. Young people from Tangambalanga, Beechworth, Yackandandah, Wodonga and Wangaratta attended.</p> <p>The next event is scheduled for Yackandandah in December.</p> |

10.9 SUSTAINABLE COMMUNITIES WORK IN PROGRESS AND PROJECTS OCTOBER 2009

File No.: Mark Florence – General Manager Sustainable Communities

For Information

INTRODUCTION

Projects underway are shown in the following table.

| PROJECT | CURRENT ACTIONS |
|---------------------|---|
| Local Laws Activity | <ul style="list-style-type: none">• Council has commenced Fire Hazard Inspections and issuing the Fire Hazard Prevention Notice in accordance with the CFA Act of 1958. |

10.10 SUSTAINABLE DEVELOPMENT WORK IN PROGRESS AND PROJECTS NOVEMBER 2009

File No.: Susan Cheetham – Manager Sustainable Development

For Information

INTRODUCTION

Projects underway are shown in the following table.

| PROJECT | CURRENT ACTIONS |
|---|---|
| STRATEGIC PLANNING | |
| Amendment C21 – Kiewa-Tangambalanga | <i>No change from last month</i> Amendment ready to be sent to Minister for approval. Awaiting final payments from proponents prior to sending. |
| Municipal Strategic Statement and Indigo Planning Scheme Amendment C24 – Major review | <i>No change from last month.</i> The Independent Panel report makes a number of recommendations, including changes to format of exhibited MSS. Work is on-going, and will be reported to Council prior to being submitted to the Minister for approval. |
| Amendment C36 – Chiltern Flood Study | Amendment forwarded to the Minister for approval. |
| Indigo Planning Scheme C48 – Kiewa Valley Highway | <i>No change from last month.</i> 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. |
| Indigo Planning Scheme –environmental/biodiversity overlay | Request for Phase 3 commencement was presented to Council at its last meeting, and a decision was deferred. An on-site meeting was conducted October 20 to further inform Councillors and the matter is expected to be reported to Council again for decision this meeting. |
| Rural Land Use Strategy | CPG Australia (formerly known as Coomes Consulting) is undertaking this strategy. Two rounds of consultation completed. Issues and opportunities paper finalised. Draft strategy now being prepared and will be placed on exhibition for public comment. Receipt of the draft report has been delayed. The report is now likely to go to Council to be received in November. It is proposed to place the draft RLUS on exhibition immediately after the November Council meeting. |

ORDINARY COUNCIL MEETING AGENDA

| | |
|---|--|
| Indigo Planning Scheme Amendment C50 - Chiltern Business 3 rezoning | Brief for this project has been finalised and the brief is out for tender. Preparation of the amendment will proceed following this strategic work. |
| NATURAL RESOURCE MANAGEMENT | |
| North East Greenhouse Alliance | <ul style="list-style-type: none"> • Developing application for Climate Change research grant to investigate capacity for emergency management • NEGHA mission, strategic objectives, new geographic coverage, core sectors and framework developed – executive committee to decide on final structure • Committee has revolving representative on SEED Advisory Group (Schools Environmental Education Directory) • Alliance welcomed new member Wodonga TAFE – supporting funded project to develop 'Regional Centre for Sustainable Skill to be built within Wodonga CBD next to Council office |
| Lake Sambell | <ul style="list-style-type: none"> • Replacement bird hide interpretative sign installed • Weed spraying and rabbit fumigation to occur along Lower Stanley Rd track • Jute matting for soil stabilisation yet to occur on embankment below dam wall in Chinese Garden |
| Indigenous Resource Area at Lake Sambell | <ul style="list-style-type: none"> • Approval given from Mungabareena Aboriginal Corporation for text on interpretative signage – now awaiting signage concepts to approve prior to fabrication |
| Isaac Park | <ul style="list-style-type: none"> • Maintenance schedule drafted – consulting with relevant operators to confirm actions • Maintenance activities ongoing |
| Roadside weed initiative | No change - chemical allocated to 20 participants targeting priority weeds over 93km of roadsides (cf 2008 program which allocated chemical to 21 participants and targeted 83.5 km of roadside) |
| Roadside weeds | <ul style="list-style-type: none"> • Funds allocated to Indigo Shire from NECMA via Federal Government Caring for Country program to target Serrated Tussock and Chilean Needle Grass • Assessment of roadside weed spraying by contractors organised by Shire with funding from DPI confirmed that in most targeted areas there was a good kill rate and very little non-target kill – this was consistent for each of the areas for each of the 3 different operators engaged |
| Sustainable Water Use Plan | No change – application lodged with RDV for funding for the extension of use of waste water in Rutherglen – has progressed beyond initial approval. |
| Greenhouse Action Plan | <ul style="list-style-type: none"> • Delamping completed at Yackandandah office site – this undertaken with CCP funding; |

ORDINARY COUNCIL MEETING AGENDA

| | |
|----------------------|---|
| | <ul style="list-style-type: none">• Indigo trialling engagement of external scorekeeping service “Planet Footprint” to update and continually monitor emissions data (nb data has not been collected and collated since inventory done for Greenhouse Action Plan in 2007 as considerable work involved). |
| Environment Strategy | Public exhibition closed on 4 th November 2009, with feedback to be incorporated and final document to be before Council for decision at December Council meeting. |

10.11 BUILDING STATISTICS

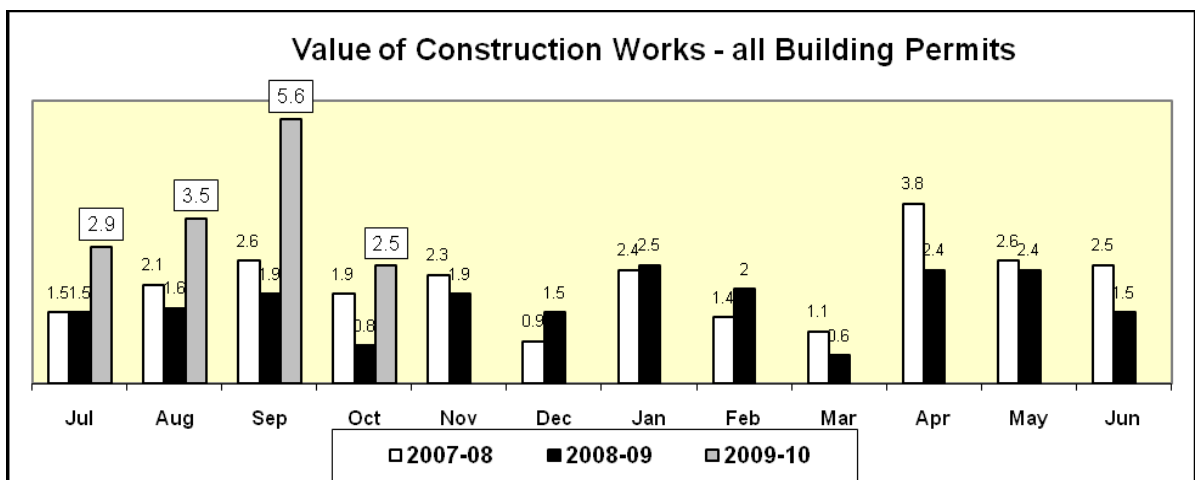
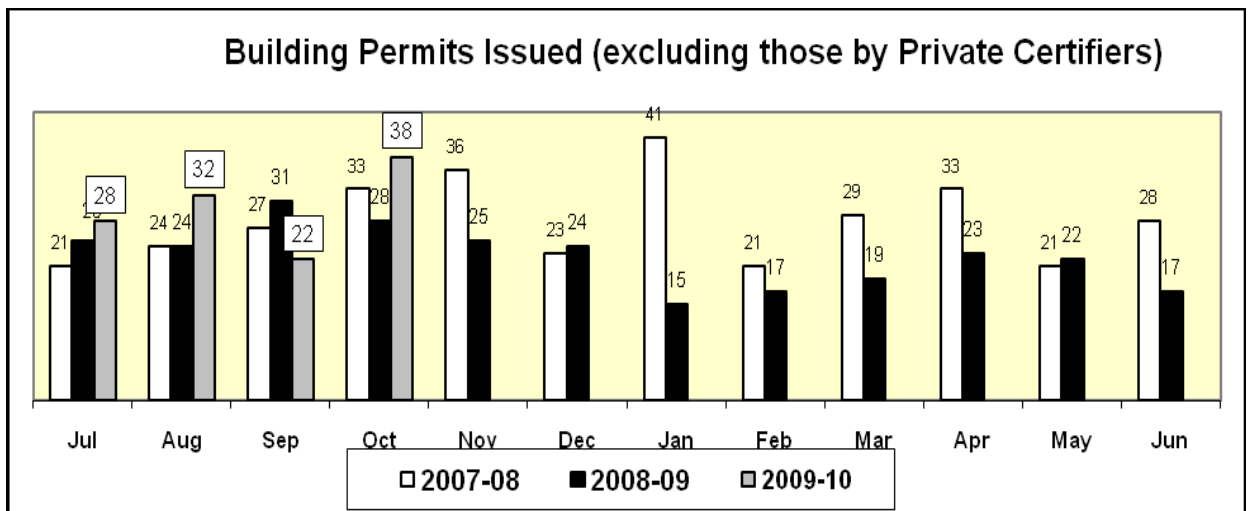
File No.: Glen Colwell - Municipal Building Surveyor

BUILDING PERMIT APPROVALS OCTOBER 2009

| Indigo Shire Surveyor | | | |
|------------------------------|-------------------|--------------------|----------|
| Rutherglen | Extension | \$85,000 | 02/10/09 |
| Beechworth | New Building | \$5,000 | 02/10/09 |
| Mudgegonga | Extension | \$24,950 | 05/10/09 |
| Cornishtown | Change of Use | \$9,500 | 05/10/09 |
| Indigo Valley | Extension | \$17,300 | 05/10/09 |
| Beechworth | Extension | \$22,000 | 06/10/09 |
| Yackandandah | Swimming Pool | \$33,535 | 06/10/09 |
| Rutherglen | New Building | \$11,000 | 06/10/09 |
| Beechworth | Dwelling | \$100,000 | 07/10/09 |
| Beechworth | Extension | \$20,000 | 07/10/09 |
| Rutherglen | Extension | \$7,200 | 08/10/09 |
| Chiltern | New Building | \$25,513 | 09/10/09 |
| Rutherglen | New Building | \$35,787 | 12/10/09 |
| Yackandandah | New Building | \$10,000 | 14/10/09 |
| Yackandandah | Swimming Pool | \$35,190 | 14/10/09 |
| Wahgunyah | New Building | \$11,914 | 15/10/09 |
| Yackandandah | New Building | \$50,000 | 15/10/09 |
| Beechworth | Extension | \$42,600 | 15/10/09 |
| Rutherglen | New Building | \$10,000 | 16/10/09 |
| Beechworth | Alteration | \$700 | 20/10/09 |
| Beechworth | Alteration | \$60,000 | 20/10/09 |
| Goramadda | Re-erect Building | \$27,000 | 20/10/09 |
| Indigo Valley | New Building | \$13,700 | 20/10/09 |
| Rutherglen | Extension | \$200,000 | 20/10/09 |
| Indigo Valley | New Building | \$38,000 | 21/10/09 |
| Rutherglen | Swimming Pool | \$31,605 | 22/10/09 |
| Beechworth | Extension | \$91,210 | 22/10/09 |
| Osbornes Flat | New Building | \$13,000 | 26/10/09 |
| Allans Flat | New Building | \$8,740 | 26/10/09 |
| Yackandandah | Swimming Pool | \$15,000 | 27/10/09 |
| Brimin | Swimming Pool | \$48,400 | 28/10/09 |
| Chiltern | New Building | \$68,885 | 28/10/09 |
| Goramadda | Dwelling | \$17,850 | 29/10/09 |
| Beechworth | New Building | \$27,000 | 29/10/09 |
| Rutherglen | Re-erect Building | \$2,000 | 29/10/09 |
| Beechworth | New Building | \$9,000 | 29/10/09 |
| Chiltern | Extension | \$39,390 | 30/10/09 |
| Sub-total | | \$1,267,969 | |

ORDINARY COUNCIL MEETING AGENDA

| External Surveyors | | | |
|--------------------------------------|---------------|--------------------|----------|
| Chiltern | Extension | \$2,500 | 01/10/09 |
| Allans Flat | Dwelling | \$315,112 | 01/10/09 |
| Beechworth | Re-stump | \$6,000 | 01/10/09 |
| Beechworth | Swimming Pool | \$27,500 | 01/10/09 |
| Tangambalanga | Extension | \$43,636 | 05/10/09 |
| Yackandandah | Dwelling | \$135,000 | 07/10/09 |
| Kergunyah | New Building | \$16,313 | 12/10/09 |
| Browns Plains | Dwelling | \$262,610 | 12/10/09 |
| Beechworth | Dwelling | \$280,000 | 15/10/09 |
| Yackandandah | New Building | \$10,000 | 27/10/09 |
| Beechworth | Dwelling | \$201,956 | 27/11/09 |
| Sub-total | | \$1,300,627 | |
| Total of Shire Building Works | | \$2,568,596 | |



11.0 MAJOR PROJECTS & PROGRAMS

11.1 BEECHWORTH GORGE

File No: 09/531 - Mark Greene - Municipal Fire Prevention Officer

For Decision

RECOMMENDATION

That Council support the action taken by the Municipal Fire Prevention Committee and write to the Department of Sustainability & Environment expressing its concern at the level of fuel reduction burning undertaken in the Beechworth Gorge and that fire prevention works be carried out as a matter of priority.

INTRODUCTION

The Municipal Fire Prevention Committee (MFPC), at the meeting held on 19th October 2009, discussed the contents of a letter received from Mr Geoffrey Palmer of Beechworth regarding the lack of fire prevention works carried out in the Beechworth Gorge. It was resolved at the meeting that the committee write to the DSE expressing its concern at the lack of fire prevention works undertaken in the Gorge particularly in the northern and western areas.

BACKGROUND

The Beechworth Gorge area poses a significant fire threat to the township of Beechworth. Some fuel reduction burning has taken place in the last 3-4 years confined mainly to the southern end adjacent to the Gorge Road. The northern and western areas of the Gorge, the direction where the most significant fire threat will come from, has not had any fuel reduction burning undertaken for a significant number of years. The area of the Gorge has been identified in the DSE Approved Ovens Fire Operations Plan 2009/10 for intended Fuel Reduction Burning.

FINANCIAL IMPLICATIONS

Nil in relation to fuel reduction burning, however could be significant if a fire in the Gorge threatens the Beechworth township.

POLICY IMPLICATIONS

This action is consistent with the Council Plan Objective 4.2 *"Provide a safe environment for our Community"*.

CONCLUSION

The MFPC seeks Council support by way of a written response to the DSE expressing its concern at the lack of Fuel Reduction Burning undertaken, particularly in the northern and western area of the Beechworth Gorge, and requesting that fire prevention works be undertaken as a matter of priority.

*Attachment
Letter*

11.2 DEED OF VARIATION OF LANDFILL CONTRACT WITH ALBURY CITY COUNCIL

File No: 09/1591 - Mark Greene - Waste Management Officer

For Decision

RECOMMENDATION

That Council sign and seal the Deed of Variation of the Landfill Contract with Albury City Council.

INTRODUCTION

The Landfill contract that Council has with the Albury City Council allows for the disposal of all Solid Municipal Waste at the Albury landfill and the contract has provision for an annual review of disposal fees. The Deed of Variation formalises the recent increase in disposal fees adopted by the Albury City Council at the beginning of July 2009.

BACKGROUND

Indigo Shire Council and the Albury City Council entered into a contract for the disposal of Solid Municipal Waste at the Albury Landfill in August 2003. This is an ongoing contract and requires 5 years notice by either party to discontinue the agreement.

FINANCIAL IMPLICATIONS

The disposal fees increased by approximately \$12/tonne as from the 1st July 2009. The domestic waste collected from residences by Cleanaway for the 2008/09 year was approximately 2,200 tonnes and this equates to an increase of approximately \$26,000. The waste collected at Council's Beechworth and Rutherglen Transfer Stations for 2008/09 was approximately 250 tonnes and this equates to approximately \$3,000 increase. These increases were recognised during the 2009/10 budget preparations and will have no further impact on Council's budget.

POLICY IMPLICATIONS

This agreement is consistent with the Council Plan Objective 2.4 "Ensure Waste Management systems are ecologically and financial sustainable".

CONCLUSION

Recommend that Council sign and seal the Deed of Variation.

*Attachment
Deed of Variation-Landfill Contract with Albury City Council*

11.3 REVIEW OF REGIONAL WASTE MANAGEMENT GROUPS

File No: 09/1597 - Mark Greene - Waste Management Officer

For Decision

RECOMMENDATION

That Council supports the recommendation of the Board of NevRwaste who support the proposed Regional Business Unit model for non-metropolitan Victoria subject to the satisfactory resolution of the issues raised in the attached report to the NevRwaste Board at its meeting of 10th September 2009.

INTRODUCTION

This report follows on from a report to Council at the Briefing meeting of 13th October 2009.

The State Government, through Sustainability Victoria has recently conducted a review of regional Waste Management groups and it has released a Future Directions paper consultation draft. This draft recommends that the number of groups be reduced from 12 to 7 and that they no longer exist as independent statutory bodies, but as a regional business unit of Sustainability Victoria.

Issues raised in the attached NevRwaste report include:

- Level of funding to be made available to RBU's in the future
- Governance ie level of representation by member council's
- Human resources ie welfare of existing staff

BACKGROUND

Council is a member of NevRwaste North East Victorian Regional Waste Management Group which consists of 7 municipalities and 3 Alpine Resorts.

This regional Waste Management Group has existed in its current form since 1997. The primary role of the Group is to have a facilitative and advisory role to its member Councils regarding the delivery of the Victorian Government Waste Management Policy.

Councils are primarily responsible for municipal waste. The Victorian Government, through Sustainability Victoria determined that a review of Waste Management Groups was needed right across the State.

This Review has recommended a number of options. These options include:

- Status quo
- Status quo with commercial, industrial, construction and demolition waste
- One single regional Waste Management Group
- Consolidated regional Waste Management Groups, or
- The establishment of 7 Regional Business Units (RBU's) of Sustainability Victoria.

The report recommends Option 5 which is the establishment of regional Business Units of Sustainability Victoria. In its current form this Option suggests that the North East Regional Waste Management Group would remain as it is with the 7 member Councils all still participating within that Group. There is to be no carving up or enlargement of the current boundaries of the North East Regional Management Group.

ORDINARY COUNCIL MEETING AGENDA

Under this model the operations of each Regional Business Unit would be overseen by a regional Management Committee comprising skilled based directors from Local Governments, industry and the community.

Each regional Business Unit and the Management Committee would participate in a more direct way and state planning and program development for waste management and resource recovery from all three waste streams.

The input of Local Government has been recognised in the Review of regional Waste Management Groups and commitment has been given that input from Local Government will continue to the extent it has in the past.

The suggested role for the regional Business Units will be quite different to now, with an emphasis on regional Waste Management Groups in strategic planning for their member Councils. There is also a proposed shift to community education, market development and promotion.

FINANCIAL IMPLICATIONS

Council contributes approximately \$14,000 per annum to the North East Victorian Regional Waste Management Group and this money is used to facilitate the development of waste education programs that might be deemed appropriate for the region. At this stage it is not clear on whether this financial contribution will continue or will be required to be continued at the same level as has been in the past.

POLICY IMPLICATIONS

Some policy changes may need to be made depending on the outcome of the review.

Depending on the level of funding provided to the new proposed RBU's by the State Government, Council may need to review the current funding that is provided annually to NevRwaste.

Currently Council has one Councillor representative appointed as a Director and one Officer member representative attend NevRwaste meetings. This may change depending on the proposed structure of the RBU's

CONCLUSION

This report is provided for Council decision. Council has until 20 November to provide input and feedback to this review of regional Waste Management Groups.

A supplementary report on the Review of regional Waste Management Groups has been prepared by the NevRwaste Board and a copy of this is attached for Council's information.

*Attachment
Supplementary Report*

11.4 TENDERS, SEALING OF VARIOUS ROADS WITHIN INDIGO SHIRE

File No: Q09/01 (09/184) – Alex Shower – Operations Manager

For Decision

RECOMMENDATION

That Council:

- 1. Accept the Tender of Downer EDI Works Pty Ltd for a contract value of \$677,531 plus GST (as a schedule of rates contract)**
- 2. Sign and seal contracts Q09/01(09184).**
- 3. Advise unsuccessful Tenderers of the outcome.**

INTRODUCTION

This report considers and makes recommendations in relation to tenders received for the resealing program for various local roads throughout the Shire.

BACKGROUND

The Resealing Program is carried out annually to rehabilitate sealed road surfaces. Councils Pavement Management system, and good engineering practice determines the frequency and priority for all works.

To gain a competitive price tenders were called in conjunction with the Alpine Shire. The above tenderer has been recommended by this Shire as its preferred contractor.

The project was advertised with 9 sets of documents being downloaded from the web site by prospective tenderers. Three, (3) Tenders were received at the advertised close of tenders on 7th October 2009.

Tenders were received from:

GW & BR Cramer Pty Ltd, SprayLine and Downer EDI Works Pty Ltd.

The actual final cost of works is also dependent on the seal design required for each individual job.

The assessment panel analysed each tender in detail, compared tendered price against the estimate and reviewed and recommended which tenderer is acceptable.

FINANCIAL IMPLICATIONS

The Tender is a schedule of rates tender to allow for variations in detailed reseal design for each section of road listed in the schedule of works.

Therefore the recommended tenderer will be awarded the contract based on the works carried out meeting Council's allocated budget for the local roads. Council has allowed \$527,128 in its recurrent budget and \$270,000.00 from Roads to Recovery for these works forming a total budget of \$797,128.

The combined tender (Alpine and Indigo Councils) value has the tender from Downer EDI Works Pty Ltd as the lowest bid by \$65,972 once adjustments have been made to account for variations in detailed reseal design.

ORDINARY COUNCIL MEETING AGENDA

There are other costs associated with the annual resealing program which are:

- Seal design
- Tendering
- Preparation work
- Surveillance
- Line marking
- Plus miscellaneous jobs (Post Office Place, Beechworth and Barnawartha roundabout resurfacing)

These costs are also factored into the annual reseal budget.

CONCLUSION

The lowest tender (combined) from Downer EDI Works Pty Ltd is a conforming tender.

Downer EDI Works Pty Ltd is an experienced resealing contractor and it is recommended that this company be awarded the contract for Council's Annual Resealing Program.

11.5 DISCONTINUANCE OF GOVERNMENT ROAD, ALMA ROAD, BEECHWORTH

File No: S040/003 - Tim Clarke - Engineering Technical Officer Assets

For Decision

RECOMMENDATION

That council resolve to discontinue a section of Alma Road Beechworth as it is not required as a road for public use and retain the land from the road for municipal purposes, in accordance with section 206 and schedule 10, clause 3 of the Local Government Act 1998.

BACKGROUND

As per Plan of Subdivision 608689R, Council purchased Lot 1 and Road R-1 and Road R-2, to divert Alma road to a new alignment, and create a stormwater retention basin. The Havelock Rd stormwater retention basin now lies on a section of Alma road as shown hatched on the attached plan.

This section of Alma road has not been formally closed.

In order to formally close the road Council must publish a public notice in the Government Gazette advertising the discontinuance.

FINANCIAL IMPLICATIONS

There are minor advertising costs associated with this process of road discontinuance. These costs are to be funded by the Asset Department.

POLICY IMPLICATIONS

The road discontinuation when completed will enable Council to demonstrate that 2,020m² of government road is now being used for the Havelock Rd stormwater retention basin.

CONCLUSION

That Council proceeds with this Discontinuation of a Government Road.

*Attachment
Map*

11.6 WWII MEMORIAL WALL – RUTHERGLEN MEMORIAL GARDENS

File No: 09/1028 - Andre Kompler - General Manager Major Projects & Programs

For Decision

RECOMMENDATION

That Council approve the proposal by the Rutherglen Sub-Branch Returned & Services League of Australia (Victorian Branch) Inc to construct a WWII Memorial Wall in the Rutherglen Memorial Gardens.

INTRODUCTION

Council has received a request from the Secretary, Rutherglen RSL Sub-Branch to construct a WWII Memorial Wall in the Rutherglen Memorial Gardens listing the names of some four hundred and fifty personnel from the Rutherglen District who served their country during WWII.

BACKGROUND

At its meeting on 5 October 2009 members of the Rutherglen RSL Sub Branch voted to proceed with the construction of a WWII Memorial Wall in the Rutherglen Memorial Gardens. Council, as the Committee of Management of these gardens has liaised with the Department of Sustainability and Environment and been advised no consent is required from DSE.

Plans for the wall have been prepared and the design has also been accepted by the Sub Branch. The walls will be constructed of black granite and will sit on a grey granite base. Names will be etched in granite and coloured gold. The wall will sit on a concrete slab and areas around the wall will be paved in grey granite pavers. A site plan and plans for the wall are included for the information of Council.

It is envisaged the project will commence immediately after Anzac Day 2010 and be completed in time to be un-veiled in September 2010 to coincide with Rutherglen's 150th history.

KEY IMPLICATIONS

Not applicable.

FINANCIAL IMPLICATIONS

The project will be funded by monies raised by the RSL with no expectation of Indigo Shire Council funding the proposal.

POLICY IMPLICATIONS

Complies with the Council Plan 2.6 – maintain and enhance our parks and gardens.

CONCLUSION

This project is an initiative of the Rutherglen RSL Sub Branch and is deemed to be worthy of Council's endorsement.

*Attachment
Detail Drawing*

11.7 MAJOR PROJECTS & PROGRAMS DEPARTMENT - RLCIP ROUND 2 FUNDING ALLOCATIONS

File No: 09/811 - Grants & Subsidies Federal Funding - Andre Kompler - General Manager Major Projects and Programs

For Decision

RECOMMENDATION

That Council:

- 1. Endorse a list of potential projects and project allocations for federal fund allocation under the current RLCIP round 2 Federal Funding.**

INTRODUCTION

Indigo Shire has been allocated \$169,000 from Round 2 of the Federal Government RLCIP funding. The funding guidelines do not discourage putting in for more than this allocation but on the basis of projects being prioritised.

Between now and the close of funding applications on 20th Nov 2009, council needs to resolve which projects it wants and then prepare project proposals re each project for federal funding body approval.

All round 2 funding needs to be expended by December 2010.

BACKGROUND

First round saw 27 projects spread across the shire. From a funding point of view, a lot of work was done on relatively smallish projects that otherwise may have encountered difficulty in sourcing grant funding, and ultimately a good outcome for the wider community was achieved.

From the view point of Council officer administration and management time expended, a lot of officer effort was spent in making this expenditure happen. To facilitate a better use of finite officer time and to lessen any impact on capital works delivery, it is suggested that for the second round of funding, Council this time support one significant project per locality.

All Projects RLCIP or otherwise are normally put forward on the basis of a relative priority and need basis across the whole Shire according to criteria.

Whilst funding allocations based on relative shire wide need and shire strategies/ plans is the norm, and whilst a separate briefing document can be made available to councillors if requested on the wider distribution of capital funds by area over the last three years demonstrating funding distribution, the matter of perceived equity versus relative perceived need funds application is one that small communities continue to bring up.

Thus this round 2 funding tranche provides an opportunity to give a little more weighting to smaller communities with reference to past funding allocation.

The selection criteria used are as follows and it is suggested that the overall priority for works this round be on needs/ wants that tick most of the following considerations;

- been identified by the community as something of worth via community forums etc,
- otherwise available funding sources may not be readily available,

ORDINARY COUNCIL MEETING AGENDA

- benefits a whole range of people,
- past limited funding to the needs of the smaller communities
- The identified need is consistent with existing shire plans or strategies (for example Recreation Plan or, waste strategy, Bike and pedestrian path strategy, playground plan etc)

KEY IMPLICATIONS

Making best use of grants funding across our community and balancing the same with community perceptions is a fine balance and one that will rarely please all. The approach used in this recommendation should be seen as an extension of the current practise of funding based on needs albeit this time with a greater consideration towards our smaller communities.

FINANCIAL IMPLICATIONS

Upon federal acceptance of the project proposals provided, the overall scope of work may not be changed except by agreement with the federal funding body. Also any over expenditure on these projects becomes a matter for council to pick up. It is envisaged that the scope of the works will be refined via community consultation and managed to come within the allocated budget unless council otherwise resolves to add to the project allocations via its 2010/2011 budget for capital works.

POLICY IMPLICATIONS

No Policy change is envisaged. The attached summary of suggested projects comply with appropriate council strategies and plans.

CONCLUSION

The projects on the attached table are considered appropriate for inclusion in the funding 2nd round of RLCIP and meet RLCIP program guidelines.

Whilst the suggested fund allocation should be sufficient for the work, subject to further community consultation, the extent and scope of the work may need adjusting to fit with either the RLCIP budgeted fund allocation following or some potential future amended total project funding level endorsed by council as part of 2010/2011 budget approvals.

*Attachment
Project Options*

11.8 MAJOR PROGRAMS & PROJECTS DEPARTMENT – PROGRESS REPORT – TO OCTOBER 2009

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

For Information

| CAPITAL WORKS | | |
|-----------------------------|---|--|
| Project No. | Project | Description |
| ASSETS CAPITAL WORKS | | |
| | RUTHERGLEN WINE BOTTLE | Community Forum to be conducted on 16 th November 2009 through the Sustainable Communities division. |
| 611 | CHILTERN FLOODPLAIN WORKS | Purchase of the detention basin site finalised week ending 28 August. Geotech sampling done, awaiting report which will input into design. Design scheduled for December 09 – construction Feb 10 onwards. |
| 102 | READY/SOLES STREET DRAINAGE | Drainage works completed. |
| 667 | CHILTERN COMMERCIAL AREA PARKING | Works commenced 27 October on laneway and carparking. Designs being finalised for Conness St Streetscape. Expect streetscape works to start 2010. |
| 696 | RUTHERGLEN HEAVY VEHICLE DEVIATION. | Final report under preparation. Such presented to VicRoads and Council briefed on 27 October meetings. |
| 543 | TANGAMBALANGA MULTI-PURPOSE ACTIVITY CENTRE | Demolition works completed, construction commenced on the 15 th October 2009. |
| 723 | TANGAMBALANGA INDUSTRIAL ESTATE | Land purchase and design progressing. |
| 524 | YACKANDANDAH DEPOT INDUSTRIAL ESTATE AND STEEL RD INDUSTRIAL AREA | Design in progress and due November 2009. Planning Permit issued. |
| 689 | WAHGUNYAH DRAINAGE IMPROVEMENTS | Have had consultation with affected residents of Dennison and Ford Street. Existing rear easement drain |

ORDINARY COUNCIL MEETING AGENDA

| | | |
|---------------------------------|---|--|
| | | exists. Such to be opened and condition of drain checked and remedied by December. Blanche and McConnell streets – to look at design in early 2010 to deal with low drainage point in subsequent future years' capital works consideration. |
| 638 | WAHGUNYAH FORESHORE MASTERPLAN | Scoping document to Corowa Shire Council for input and thereafter consultant will be sought for the study. |
| 695 | OSBORNE'S FLAT HALL UPGRADE ANDRE TO UPDATED | Three quotes received. Select contractor end October. Preliminary Schedule has works commencing 1 st of Feb 10 after permits arranged and hall available. |
| 748 | YACKANDANDAH PUBLIC HALL UPGRADE | Detail design completed with Tender documentation out October 23 rd . Tenders close 23 rd November. Expect contract awarded by Council December 09 and construction start thereafter. |
| 44 | YACKANDANDAH SPORTS PARK HALL | Detail design completed with Tender documentation expected to be in 10 th November and awarded by Council at Special Council Meeting early December 09. |
| 629 | BAARMUTHA PARK MULTI- PURPOSE FACILITY | Concept plan for Stage 1 completed with Stage 2 concept in progress. Stage 1 tender scheduled to go out 20 November. Close 4 weeks hence. Stage 2 should be ready to tender documentation stage for future tenders 22 February 2010 subject to funding. To seek Council approval February Council Meeting. |
| OPERATIONS CAPITAL WORKS | | |
| 660 | ELGIN RD & HIGH ST RECONSTRUCTION | Concept plans completed , design is expected to be completed during December 2009 |
| 122 | MELLISH STREET RECONSTRUCTION | Contractor Reid called in sub-contractor Jasla to start preparing balance pavement for future sealing. |

ORDINARY COUNCIL MEETING AGENDA

| | | |
|-------------------------------------|---|--|
| | | Sealing expected by early December subject to progress. |
| 124 | SPRING STREET CONSTRUCTION | Will be sealed during November |
| 340 | RUTHERGLEN TO WAHGUNYAH RAIL TRAIL AND WAHGUNYAH-MOODEMERE WALKING TRAILS | The sealing contractors have another week of sealing works to complete. Fencing contractor working closely behind Sealing contractor. Regulatory Signs installed along trail. |
| 316 | KIEWA BONEGILLA ROAD | Works continuing. Cremari starting with cattle underpass then the works balance thereafter. Target finish Christmas 09. |
| 686 | INDIGO CREEK ROAD WIDENING | Works have been completed |
| 172 | OSBORNES FLAT BRIDGE WIDENING | Bridge contractor expected to start on piling 10th Nov and some ISC road construction and road widening to start after 27 November 09. Expect completion early Jan 10. |
| 642 | YACK CHILTERN / INDIGO CREEK RD INTERSECTION UPGRADE | Work has commenced with tree removal, culvert installation and shoulder widening in Indigo Creek Rd. all complete and kerb poured at the intersection. Pavement in Chiltern-Yackandandah Rd. currently being constructed. |
| OPERATIONS MAINTENANCE WORKS | | |
| | GENERAL MAINTENANCE | General maintenance continues to be completed, including footpath maintenance. |
| | ROAD MAINTENANCE | Continue on preparing roads for Summer, rain has delayed some works, but rain has improved road structure. Roadside slashing is also underway |
| | PARKS AND GARDENS | Per previous comment - spraying and mowing has commenced early due to an early Spring which has kept the town teams busy. They have also been busy with pruning. Spraying of 22 shire wide parks and reserves for broad leaf weeds is complete |
| | INDIGO WASTE MANAGEMENT | Free green waste disposal days on the weekends of 10 th , 11 th and 17 th & |

ORDINARY COUNCIL MEETING AGENDA

| | | |
|-----------------------------------|-----------------------------------|---|
| | | 18 th October were relatively successful. Yackandandah had the most visits with almost 80 over the 4 half days. Chiltern visits were approximately 40. Beechworth and Rutherglen had good numbers. |
| | FIRE PREVENTION | Annual fire hazard inspections have commenced with Chiltern, Barnawartha, Rutherglen and Wahgunyah townships completed. Beechworth, Yackandandah, Stanley and Kiewa/Tangambalanga to be completed by the 30 th October. Roadside slashing in townships has commenced with Rutherglen & Wahgunyah completed and Chiltern and Barnawartha will be completed by 30 th October. Remaining townships will follow on. |
| EXTERNAL PRIVATE CONTRACTS | | |
| | BULLER GAS | A Construction Services meeting is being held at Mt Buller on 28/10 and our summer works program is being finalised. The volumes over winter were only slightly down on average for the last 4 years. |
| | EAST GIPPSLAND WASTE | The annual contract performance review with East Gippsland Shire Council was held on 1 st October 2009 and a very positive report was received from EGSC. |
| ASSETS MAINTENANCE WORKS | | |
| | SUBDIVISIONAL WORKS BY DEVELOPERS | As per previous advice - Stage 2 Howlong Road Barnawartha, 9 lots – commencement of works pending amendments to sewer layout |

12.0 CORPORATE SERVICES

12.1 COUNCIL STAFF DELEGATIONS – REVIEW – PURSUANT TO SECTION 98 OF THE LOCAL GOVERNMENT ACT 1989

File No: 09/294 – Mark Crouch - General Manager Corporate Services

For Decision

RECOMMENDATION

Based on the appended schedule of Council delegations to staff pursuant to Section 98(1) and a review process pursuant to Section 98 (6) of the Local Government Act 1989 (LGA89) .

That the Council delegations pursuant to section 98 of the Local Government Act 1989 be endorsed by Council subject to the following changes:

EDSM – Environment and Developmental Services Manager – title is amended to Manager Sustainable Development.

Environmental Health Officer (David Leavett- Brown), by Instrument of Delegation dated December 14 2007 – Officer name to be removed.

Senior Strategic Planner (Stephen Swart), by Instrument of Delegation dated February 7 2006 – Instrument of delegation should be amended to refer to the position only.

INTRODUCTION

A Council may by instrument of delegation delegate to a member of its staff any power, duty or function of a Council under this Act or any other Act other than—

- (a) this power of delegation; and*
- (b) the power to declare a rate or charge; and*
- (c) the power to borrow money; and*
- (d) the power to approve any expenditure not contained in a budget approved by the Council; and (e) any power, duty or function of the Council under section 223; and*
- (f) any prescribed power.*

A list or schedule of these delegations has been provided and is appended to this agenda.

These delegations are those made by Council to Council staff. The Council Chief Executive Officer is also empowered under the same section to delegate to staff pursuant to an instrument of delegation.

This review is concerned with delegations by Council pursuant to S98 (1) of the LGA89.

BACKGROUND

At the current time, Council has made section 98 (1) delegations as follows:

EDSM – Environment and Development Services Manager, by Instrument of Delegation dated December 4 2007.

Review comment:

This Instrument of delegation should have the title amended to read Manager Sustainable Development.

William Glenn Colwell, by Instrument of Delegation dated December 4 2007.

Review comment:

No amendment required. Person named.

Environmental Health Officer (David Leavett- Brown), by Instrument of Delegation dated December 14 2007.

Review comment:

Amendment required. This person has left Indigo Shire Council but the position remains. Officer name to be removed.

Environmental Health Officer (Kim Felton), by Instrument of Delegation dated December 14 2007.

Review comment:

No amendment required.

Chief Executive Officer, by Instrument of Delegation dated February 5 2008.

Review comment:

No amendment required.

Senior Strategic Planner (Stephen Swart), by Instrument of Delegation dated February 7 2006.

Review comment:

Amendment required. The person has left the employ of Indigo Shire but the position remains. Instrument of delegation to be amended to refer to the position only.

Senior Town Planner (Louwrenz Francois Theron) by instrument of delegation dated December 4 2007.

Review comment:

No amendment required.

KEY IMPLICATIONS

The following extract from the Local Government Act is relevant in this instance:

Extract Section 98 LGA89:

98. Delegations

1. A Council may by instrument of delegation delegate to a member of its staff any power, duty or function of a Council under this Act or any other Act other than—
 - (a) this power of delegation; and
 - (b) the power to declare a rate or charge; and
 - (c) the power to borrow money; and
 - (d) the power to approve any expenditure not contained in a budget approved by the Council;
 - and (e) any power, duty or function of the Council under section 223; and
 - (f) any prescribed power.
2. The Chief Executive Officer may by instrument of delegation delegate to a member of the Council staff any power, duty or function of his or her office other than this power of delegation unless sub-section (3) applies.
3. The instrument of delegation to the Chief Executive Officer may empower the Chief Executive Officer to delegate a power, duty or function of the Council other than the power of delegation to a member of the Council staff.
4. The Council must keep a register of delegations to
5. members of Council staff.
6. A delegation under this section to a member of Council staff may be made to—
 - (a) a person named in the delegation; or
 - (b) the holder of an office or position specified in the delegation.
7. A Council must review within the period of 12 months after a general election all delegations which are in force and have been made by the Council under subsection (1).

FINANCIAL IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

Not applicable.

CONCLUSION

Council understands that there are legislative amendments proposed and scheduled for various pieces of legislation that may impact various delegations. These will be monitored and changes brought before Council as required.

*Attachment
Various Delegations*

12.2 FESTIVALS AND EVENTS FUNDING - INDIGO TOURISM ADVISORY COMMITTEE (ITAC)

File No: 09/815 – Stuart Perry - Manager Tourism

For Decision

RECOMMENDATION

Based on the 2009/2010 Council budget allocation for festivals and events to be allocated based on application assessment by the Indigo Tourism Advisory Committee;

That the following grants for festival and event support from the Council Festivals and Events budget 2009/2010 be confirmed.

- The Green Living Fair - \$1,000**
- Iron Bark Festival - \$2,000**
- Beechworth Celtic Festival - \$1,500**
- Rutherglen Christmas Fair – \$1,000**
- Wild Deer Hunting & Guiding Expo – \$1,300**
- Yackandandah Cricket Club - \$500**
- Yackandandah Folk Festival - \$1,200**
- Rutherglen Cycling Classics - \$2,000**
- Harvest Celebration in Beechworth - \$1,500**

INTRODUCTION

On an annual basis an allocation is made in the Council budget for \$12,000 in total to be distributed based on an application assessment by the Indigo Shire Council Tourism Advisory Committee.

The Council funding availability is publicised and applications are invited from groups which are staging festivals and events which are likely to attract visitors to the shire.

Applications for the funds in 2009/2010 totalled \$30,000. After assessment and due consideration by ITAC, the above successful applications were agreed.

These funds are allocated by Council based on funding applications assessment by ITAC. Council relies on the skills and tourism sector understanding by ITAC as the basis for the funds being allocated to maximise visitations.

BACKGROUND

There are guidelines which have been produced for the distribution of the festivals and events funding and these guidelines are used by ITAC to assess the applications received. By consensus, the distribution of the funds was confirmed by ITAC and a Council letter has been sent to the successful and unsuccessful applicants.

ORDINARY COUNCIL MEETING AGENDA

These grant determinations by ITAC should have been considered by Council and ratified. ITAC is an advisory committee and has no power to take this action in its own right. Council consideration was not given before the allocations were confirmed to applicants and the allocation of funds to one of the successful applicants. Processes have been established to ensure all minutes of advisory committees come before Council and that these minutes and any committee resolutions are considered and determined on by Council prior to any actioning.

KEY IMPLICATIONS

Not applicable.

FINANCIAL IMPLICATIONS

The allocation of the grants reflects the budget allocation. One payment of the grant allocations has already been processed with payment made to The Green Living Fair for the amount of \$1000.

All other successful funding groups are yet to be paid, however all approved' recipients have been notified of their successful grant allocations. Another event has already occurred (Ironbark Festival Chiltern) and the Celtic Festival in Beechworth is scheduled to take place at the beginning of November 2009.

The allocations made or to be made are within the adopted Council budget.

POLICY IMPLICATIONS

The awarding of these grants is consistent with the Council Plan Objective 3.6 "*Support our Festivals and Events*".

CONCLUSION

The agreed allocations for 2009/2010 made with the support and assistance of ITAC reflects the needs of the successful organisations for support in their activities. The allocations are also based on an expectation that the funds will assist in ensuring the success of the events in attracting additional visitation to the shire.

It is important that all future recommendations coming from ITAC and other advisory committees are considered by Council and any advisory committee recommendations are considered and resolved by Council prior to actioning.

12.3 INDIGO TOURISM ADVISORY COMMITTEE (ITAC) MEMBERSHIP

File No: 09/442 - Mark Crouch - General Manager Corporate Services

For Decision

RECOMMENDATION

1. That Council rescind the below listed resolution of Council dated September 8 2009.

“That the “Indigo Tourism Advisory Committee Instrument of Delegation”, Page 2 Section 3, titled “Composition of the Committee” be reworded to:

“3. Composition of the Committee

*The committee shall consist of 6 members appointed by the Council of whom:
Two shall be Councillors of the Indigo Shire Council
One person who has been nominated by each of the following Tourism-related organisations:*

- The Chiltern Tourist Association Inc*
- The Rutherglen Wine Region Tourism Inc*
- The Yackandandah Tourist Association Inc*
- The Beechworth Chamber of Commerce Inc”*

2. That Council amend the Indigo Tourism Advisory Committee Instrument of delegation to retain the skills based membership, but for the instrument of delegation to stipulate voting rights for the skills based members be removed.

INTRODUCTION

This report follows the Council resolution of September 8 2009, and concerns raised as to the loss of skills based members from this advisory committee. Council resolved at the October 13 2009 Council meeting to have this matter again considered at the November Council Meeting.

BACKGROUND

Resolution September 8 2009:

That the “Indigo Tourism Advisory Committee Instrument of Delegation”, Page 2 Section 3, titled “Composition of the Committee” be reworded to:

“3. Composition of the Committee

*The committee shall consist of 6 members appointed by the Council of whom:
Two shall be Councillors of the Indigo Shire Council
One person who has been nominated by each of the following Tourism-related organisations*

- The Chiltern Tourist Association Inc*
- The Rutherglen Wine Region Tourism Inc*
- The Yackandandah Tourist Association Inc*
- The Beechworth Chamber of Commerce Inc”*

Resolution October 13 2009:

That the minutes of the Indigo Tourism Advisory Committee (ITAC) meeting of September 30 2009 be received and noted.

That Council reconsider the ITAC membership structure changes in light of the ITAC meeting recommendation and the concerns raised by various groups with representatives comprising the ITAC, with further discussion on the composition of the Committee and report back to the November Ordinary Council Meeting.

KEY IMPLICATIONS

The Local Government Act requires that Council reviews committee structures created by Council to ensure they are working effectively. In this instance, the Committee has advised that skills based members are an important element in the workings of this committee and this report asks Council to amend the Deed of Delegation to allow opportunities for these skills based members to be effectively utilised.

FINANCIAL IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

Not applicable.

CONCLUSION

A meeting with the ITAC Committee was arranged for October 28 2009 to provide an opportunity to meet with ITAC members and discuss committee membership and other matters.

12.4 ADOPTION OF PURCHASING CARD POLICY

File No: 09/2415 - Frank Bonacci - Finance Manager

For Decision

RECOMMENDATION

That Council Adopt the Purchasing Card Policy.

INTRODUCTION

The Purchasing Card procedure and policy is necessary to ensure the effective running of Council affairs by allowing Council to conduct business with infrequently used suppliers who are not defined and setup in Councils Accounts Payable system.

While the flexibility Purchasing Cards provide is a valuable tool to Council Staff, appropriate controls must be in place to ensure that cards are not misused and that all purchases undertaken via a Council Purchasing Card undergo the same necessary authorisation controls as purchases via normal channels.

BACKGROUND

The Indigo Shire Council has had a Purchasing Card procedure in place for some time. This procedure was reviewed and updated earlier this year and then subsequently presented to the Council's Audit Committee June meeting for review. The Audit Committee noted the procedure and recommended that it be presented to Council as a policy for adoption.

KEY IMPLICATIONS

Risk Management

As with any form of procurement option, controls must be in place to ensure that the potential risk of fraudulent use is minimised. The procedure underpinning this policy ensures that controls are in place over who has access to Council credit cards, dollar limits for managers, acquittal and authorisation each month for spend against each card, register of cards, various internal controls and reports as well as signed acknowledgement of the procedure by all card holders

FINANCIAL IMPLICATIONS

There are no financial implications of this policy (Cost to Council). No card fees are applicable and on the basis that items charged to cards would be purchased anyway, albeit via some other slower process, the policy represents nil cost to Council

POLICY IMPLICATIONS

This report relates to the establishment of Council policy. Council has the purchasing card procedure in place and this report is concerned with formalising overarching policy on the matter.

CONCLUSION

Given Purchasing Cards have been in use by Council staff for many years, that a procedure governing and controlling the use of these cards has also been in place for many years, that the Audit committee has reviewed and noted the procedure and recommended that this policy be put to Council for adoption, the recommendation to Council is to adopt the Purchasing Card Policy.

*Attachments
Indigo Shire Purchasing Card Policy*



ORDINARY COUNCIL MEETING AGENDA

Indigo Shire Purchasing Card Procedure

12.5 RUTHERGLEN GOLD BATTERY SECTION 86 COMMITTEE

File No: 09/512 - Stuart Perry - Manager Tourism

For Decision

RECOMMENDATION

1. **That the Rutherglen Gold Battery Section 86 Committee membership be confirmed as comprising of the following people.**

| | |
|---------------------|--|
| Chair | Ian Stones |
| Deputy Chair | Barry Deas |
| Secretary | Judy Harrison |
| Committee: | Don Chambers, Darryl Sutton, Graeme Price, Jack Portsmouth, and a Council elected member (to be confirmed). |

2. **That the Special Committee Instrument of Delegation be further reviewed in light of the potential working of a gold battery and that this instrument of delegation be further considered at the December 2009 Council meeting.**

INTRODUCTION

The Rutherglen Gold Battery Section 86 Committee remains on the list of current Section 86 committees but listed as 'non-operational'. The Instrument of delegation was established by Council resolution October 12 1999, and came into operation on this date. The members of the Rutherglen Gold Battery Section 86 Committee have not met officially for a considerable period of time. However, some of the original group remain and have reactivated the project to reopen and operate the historic battery as a tourist attraction.

The Tourism Manager and the Mayor have met with this group and confirmed their intentions and at a meeting in Rutherglen, those people listed in the recommendation agreed to form the committee subject to Councils approval.

The group consist of four local historic enthusiasts and three people who have extensive engineering, mining and mechanical knowledge and expertise. One of the group is also a qualified EPA assessor who is able to run appropriate tests to get the building certified.

The committee are putting together a timeline and plan of action to preserve and resurrect the battery and bring it up to a working condition in time to open for the Rutherglen 150th celebrations in October 2010.

BACKGROUND

The Battery was the last government-owned gold battery operating in Victoria and was last operating as a commercial crusher in the mid-90s. The site is on DSE land (Battery Road Rutherglen), is a Tourist Reserve, is zoned Low Density Residential and has a heritage overlay governing the site. The Indigo Shire Council is the registered Committee of Management (DSE Reserve no: 2008412).

The Battery is in remarkably good condition and the engineers' preliminary assessment indicates that it could be made capable of operating after one days servicing and subject to a water supply.

ORDINARY COUNCIL MEETING AGENDA

Various options for the operation are being discussed by the group and meetings with the heritage Adviser to Indigo Shire Council are being arranged. Safety issues and long term water supplies are being investigated but as a visitor attraction, these are not major problems.

Some tradesmen have already offered their services free-of-charge and some materials have been offered as a donation towards the project.

After council confirmation of the Section 86 committee, they will meet with the Indigo Shire Council Heritage Adviser to discuss any structural work required. At the preliminary meetings, it was agreed that estimates for the cost of development and external funding sources would be investigated. It is expected that funding will come from state or federal grants and the operation of the Battery as a visitor attraction will be primarily funded through visitor charges.

KEY IMPLICATIONS

There are a number of operational implications associated with the repair and reopening of a gold battery. These will be further considered by the committee and Council staff and will be subject of a further report to Council.

FINANCIAL IMPLICATIONS

The Rutherglen Gold Battery has a 'reserve' fund of \$5,000 which has been set aside for the preservation of the battery. This is the residue of funds provided by the Department of Natural Resources and Environment approximately 15 years ago.

The longer term financial implications will be considered as part of the future operation of the facility and review of the instrument of delegation.

POLICY IMPLICATIONS

To be determined.

CONCLUSION

This is a great opportunity to restore a major historical artefact in the shire. It is believed to be one of the last remaining original batteries left intact and will be a relatively straightforward project to complete. The reopening of the battery as a visitor attraction will add an important dimension to the Indigo Gold Trail and will be a major focus of the Rutherglen 150th celebrations in late 2010.

*Attachment
Photos of battery*

12.6 GOVERNMENT BANK GUARANTEE SURCHARGE

File No: M09/649 - Frank Bonacci - Finance Manager

For Decision

RECOMMENDATION

That Council resolve not to “Opt-in” to the option which provides a guarantee for investments in excess of \$1M with CBA.

INTRODUCTION

To help ease concerns and uncertainty within the Finance sector following the onset of the recent global financial crisis, the Australia Federal Government provided a government guarantee for all deposits with Australian financial institution up to the value of \$1M.

Deposits with any financial institution in excess of \$1M can also be guaranteed but will carry a government charge of 0.7% on the average deposit balance greater than \$1M.

The default position or setting with all financial institutions is for customers to have to consciously “opt-in” to the paid guarantee for deposits in excess of \$1M.

The Indigo Shire Finance department spread interest bearing deposits and investments across a number of institutions which do not exceed \$1M and do carry the Australian Federal Government guarantee with no extra charge. The only exception to this is with our primary banker, CBA, where the combination of balances within our trading account and “At Call” cash account can amount at times up to \$4M.

Council needs to consider and decide whether opting in to the additional paid guarantee for balances in excess of \$1M with CBA is warranted.

BACKGROUND

A status report on Council’s investments and the legislative limitations around investments was provided to the Council’s Audit Committee at their June meeting. This included an overview of the Federal Government’s guarantee for deposits under \$1M and the cost associated with extending the guarantee to deposits above \$1M. The audit committee recommended that a report be presented to Council on the risk associated with investments, the credit guarantees given by the Federal Government for funds under \$1M and the cost involved in the formal guarantee of funds above \$1M.

The Federal Government guarantee applies to the combine total of all deposits with the same institution. The guarantee is extended multiple times where investments are spread across multiple institutions. Council has a number of term deposits, each not exceeding \$1M with several different institutions and each of these deposits attracts the Federal Government guarantee at no charge.

ORDINARY COUNCIL MEETING AGENDA

Council has a trading account and an "At Call" interest bearing cash fund with our primary banker, CBA. Given the need to ensure availability of funds to cover regular creditor payments (which can be between \$1M to 1.5M in some weeks), fortnightly payroll payments, and the fluctuating and varying nature of receipt of income from rates and grants (received \$1.4M during the last week in September 09), the combined balance of these two CBA accounts can vary between \$3M to \$4M at any one time.

If Council were to "Opt-in" and pay the 0.7% charge for deposits over \$1M with CBA, assuming average balances of between \$2M to \$3M that the charge would be payable on, cost to Council would be in the order of \$15,000 to \$20,000 per year. This decision of whether to opt in or not should be weighed up against the level of concern within Council (if any) that CBA may become insolvent at some stage in the future.

Additional consideration is that up until the Federal Government guarantee for deposits under \$1M was introduced 12 to 18 months ago, Council operated on no guarantee for any funds invested.

KEY IMPLICATIONS

Risk Management:

This is a risk management decision and should be heavily influenced by Council's level of concern (if any) that the CBA may become insolvent at some stage in the future which would leave Council funds in excess of \$1M with CBA at risk.

Australia's major banks have all weathered the global financial crisis exceptionally well with most of them now returning to close to pre financial crisis share price levels.

Basically the risk of CBA becoming insolvent now or in the near future is no higher than several years ago when no guarantee at all was in place.

FINANCIAL IMPLICATIONS

If Council were to "Opt-in" and pay the 0.7% charge for deposits over \$1M with CBA, assuming average balances of between \$2M to \$3M that the charge would be payable on, cost to Council would be in the order of \$15,000 to \$20,000 per year. This cost has not been included in the 2009/10 Budget.

POLICY IMPLICATIONS

The Indigo Shire Investment Policy should be updated to reflect Council's decision on this matter.

CONCLUSION

Given the risk of CBA becoming insolvent in the future is extremely low and certainly no greater now than several years ago when no guarantees were in place, Council should accept the recommendation not to "Opt-in" and pay the 0.7% on investments in excess of \$1M with CBA and save the \$15,000 to \$20,000 per year that the additional guarantee would cost.

12.7 COMMITTEES OF MANAGEMENT – REVIEW – AS PER SECTION 86 OF THE LOCAL GOVERNMENT ACT 1989 (LGA89)

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

For Decision

RECOMMENDATION

That in accordance with Section 86 (6) of the Local Government Act 1989, Council:

- 1) **Adopt the revised Deeds of Delegation for:**
 - I86 Youth Action Committee
 - Indigo Shire Disability Advisory Committee ; and

- 2) **Notes that reviews have taken place regarding Council’s delegations to Special and Advisory Committees and the status of those reviews falls into two other separate categories:**
 - A) **No Changes deemed necessary:**
 - Atauro Island Friendship Committee
 - Beechworth Memorial Hall Committee of Management
 - Chiltern Athenaeum Trust Committee
 - Indigo Environmental Advisory Committee
 - Indigo Shire Arts and Cultural Advisory Committee
 - Indigo Heritage Advisory Committee
 - Lake Sambell Committee of Management
 - Murray to Mountains Rail Trail Committee of Management
 - Stanley Soldiers Memorial Hall and Athenaeum Advisory Committee

 - B) **Deeds of Delegation which require revision and will be brought to future Meetings from December 2009 for consideration and adoption.**
 - Baarmutha Park Committee of Management
 - Chiltern Community Offices Committee of Management
 - Chiltern Memorial Hall Committee of Management
 - Coulston Park Committee of Management
 - Wooragee Community Centre Committee of Management
 - Yackandandah Public Hall Committee of Management
 - Yackandandah Sports Park Committee of Management
 - Indigo Tourism Advisory Committee (subject of a separate report in this agenda)
 - Indigo Shire Beechworth and District Meals on Wheels Volunteer Delivery Committee
 - Indigo Shire Community Advisory Committee
 - Rutherglen Wine Centre Board
 - Indigo Shire Audit Committee

INTRODUCTION

This report provides an update and recommendation on the review of delegations to the Section 86 LGA89 Committees of Management of Council.

BACKGROUND

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

Council delegations comprise of two parts. They are:

1. Delegations pursuant to Section 86 of the Local Government Act either as a Special Committee or an Advisory Committee of Council; and
2. Authorised Officers who are delegated functions and powers by Council.

This report relates to No. 1 only.

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

Results of the review were split into categories, they are:

1. No need for review, the respective Committee was established by Council after the 2008 election;
2. Deed of Delegation needs updating to reduce onerous reporting requirements otherwise Committee is satisfied with Deed, or some minor amendments are proposed, or the Committee is inactive;
3. No change required, relevant Committee is satisfied with Deed; and
4. Council conducting separate review as distinct from this process e.g. Rutherglen Wine Centre Board.

KEY IMPLICATIONS

It is important that the various delegations are reviewed with section 86 of the LGA89 detailing the various review requirements. The act provides for the review to be carried out in the 12 month following the general election. There is no reason reviews cannot be carried out more regularly to ensure the delegations are up to date and in accordance with Council policy considerations.

FINANCIAL IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

As detailed above.

ORDINARY COUNCIL MEETING AGENDACONCLUSION

Further consideration is being carried out on various delegations, with these to again be considered by Council as soon as the review work has been completed. Further discussions are taking place with various committees to ensure proposed changes are clearly communicated and considered by Council.

Attachments

186 Youth Action Committee Deed of Delegation

Indigo Shire Disability Advisory Committee Deed of Delegation

12.8 LOCAL LAWS – NUMBER 2 -ENVIRONMENTAL & NUMBER 6- CONTROL OF LIVESTOCK

File No: 09/929 - Jo Riley - Manager Governance & Risk

For Decision

RECOMENDATION

That Council formally adopt Local Law 2 Environmental, with changes as agreed and as attached, and that formal notice is given pursuant to Section 119 (3) of the Local Government Act 1989.

INTRODUCTION

Following the status report on each of Council’s current Local Laws provided at the Councillors Briefing Meeting on Tuesday, 27 October 2009, further investigation of the two outstanding Local Laws has been carried out and now provided are further details of the process required to enable adoption.

BACKGROUND

Local Law: No. 2 - Environmental
 Sunset Date: 14 December 2009
 (this Local Law also incorporates No. 6 Consumption of Alcohol - Sunset Date 7 April, 2009 and No. 5 Glass Container Free Zones - Sunset Date 4 June 2006)

A Notice was placed in the newspaper on 10 December, 2008 advising the public that “the Local Law was on public exhibition with the submission period due to close on Friday, December 12. However, due to the high level of stakeholder interest in the proposed changes concerning the use of audible bird scaring devices the submission period will be extended until after a stakeholder meeting is held in February next year”.

Further Notices were placed in the Border Mail, Ovens & Murray and Corowa Free Press in early February, 2009 announcing a Stakeholder Meeting to be held on Tuesday, 17th February, 2009 to discuss the proposed changes to Council’s Environmental Local Law.

Several submissions were received and are now attached for your information as follows:

| Date: | Submission received by: |
|------------------|--|
| 21 November 2008 | Boyd Collins, HiCountry Fruits Pty Ltd |
| 24 November | Bill Hotson |
| 25 November | Dennis & Cristin Dunster |
| 26 November | Anthony Allen, Secretary, Victorian Cherry Association |
| 5 December | B.J. Honey |
| 9 February 2009 | Simon Ramsay, President, Victorian Farmers Federation |
| 13 February | Eric Crutchfield |
| 25 February | David & Helen McIntyre |
| 27 February | Dennis & Cristin Dunster |
| 28 February | Barry Morey, President, Beechworth Vignerons Association |

ORDINARY COUNCIL MEETING AGENDA

| | |
|---------|--|
| 6 March | Mark Walpole |
| 14 June | B & J Morey, Sorrenberg Vineyard |
| 19 June | Bill Hotson |
| 26 June | Keith & Don Nightingdale, Nightingdale Bros, Alpine Apples |

Legal advice has been sought from Russell Kennedy and comments/amendments have been received and circulated to the Senior Management Group for comment.

Submissions have been considered in accordance with the act and the various amendments made as determined by Council.

Formal adoption of this Local Law is now required by Council.

| | |
|--------------|------------------------------|
| Local Law: | No. 6 - Control of Livestock |
| Sunset Date: | 14 July 2009 |

Status: Legal advice has been sought from Russell Kennedy in relation to this local law. No amendments are required and the recommendation received was that the Local Law should remain as is.

Under Section 119 of the Local Government Act 1989 notice is required to be given in the Government Gazette and by Public Notice setting out:

- “(a) the purpose and general purport of the proposed law;
- (b) that a copy of the proposed Local Law can be obtained from the Council office; and
- (c) that any person affected by the proposed Local Law may make a submission relating to the proposed Local Law under Section 223.”

To date no notice has been given and this will now need to be arranged including a date set for consideration of any submissions.

KEY IMPLICATIONS

Regulatory:

The current regulatory implications are that Council's Enforcement staff and the local Police are currently not able to issue Infringement Notices under either of these Local Laws.

FINANCIAL IMPLICATIONS

Minimal.

POLICY IMPLICATIONS

Council needs to ensure that local laws due for review are scheduled to be considered by Council well prior to the sun set date. It is not sound policy to have local laws expire without orderly consideration of the local law/s prior to sun set revocation.

Processes have been established to ensure orderly consideration of local laws when nearing sun set dates.



CONCLUSION

Not applicable.

*Attachments
Public Notices
Submissions*

12.9 COUNCIL EXTERNAL AUDIT - GENERAL INTERIM AND FINAL MANAGEMENT LETTERS

File No: 09/634 - Frank Bonacci - Finance Manager

For Information

INTRODUCTION

As part of the annual financial audit undertaken by the Victorian Auditor General's Office (VAGO), an Interim Management Letter is prepared during the preliminary review of Council's controls and then a Final Management letter is issued which focuses on the Year End Accounts.

Both the VAGO Interim and Final Management letters are presented to Council for Information.

BACKGROUND

The Interim Audit Management Letter has been reviewed by Council's Audit Committee with a recommendation that the report be presented to Council.

The Year End Audit Management Letter is listed for review on the agenda of the next Audit Committee meeting on 16th November 2009

KEY IMPLICATIONS

Risk Management:

No High risk items were raised in either the Interim or Final audit Management Letters.

A number of Low and Medium risks items have been identified in the Management Letters and these have been responded to by management along with target completion dates and officer(s) responsible

FINANCIAL IMPLICATIONS

Some identified actions may require Council expending funds. E.g. Potential modifications to several systems to generally require audit logs. Costs, if any, will be better known and understood towards year end and if required, will be included in the December Year end forecast review.

POLICY IMPLICATIONS

The Interim Management Letter recommends updates to Council's Gifts & Hospitality policies (done) and a Councillor and Officer protocol policy will be developed covering acceptable levels of travel, meal and accommodation costs when travelling.

CONCLUSION

Both the Interim and Final Management Letters along with Action plans are tabled for Council Information.

Attachments

Interim Management Letter dated June 19 2009 for the year ended 30June 2009

Management Letter dated October 20 2009 for the year ended 30June 2009

12.10 VISITOR NUMBERS INDIGO SHIRE

File No: 09/400 - Stuart Perry - Manager Tourism

For Information

INTRODUCTION

Following the Bushfires in February this year, an extensive campaign has been managed in conjunction with the regional tourism body North East Victoria Tourism and with Tourism Victoria. The marketing strategy has been run in line with the Indigo Tourism Advisory Committee (ITAC) three-year strategic plan adopted by council in June of this year.

The marketing has also been coordinated with regional marketing activities associated with core products such as Cycle Tourism, Food & Wine, Touring Routes and adventure tourism. A strong emphasis has been put on the various events across the shire and funding support has been accessed from within Indigo Shire Council tourism budgets and from external sources.

BACKGROUND

Over the past 10 years, the importance of tourism has grown in its contribution to the local economy to the extent that is now one of the largest drivers of business growth and provides a major flow of customers for retail as well as 'traditional' tourism businesses.

In spite of the dramatic impact of the bushfires and economic downturn, visitation has continued to grow and the visitor numbers through groups, bus tours, holiday makers and the VFR market has remained high. The flow-on effect to the retail sector in the towns is positive with many retailers reporting the strongest winter period for many years.

Visitor numbers through all of the VICs have grown considerably in the past decade with the annual figures in 2000 being passed in the first four months of this year. Although there was a serious drop in visitation through February and March this year as a result of the bushfires, YTD figures show the shire is still 17% ahead YTD for the same period last year and for the first quarter (09/10), visitors through the Beechworth Visitor Centre are ahead by 13%.

Email enquiries have doubled in the past 3 years, phone calls climb at approximately 10% per year and the most encouraging figure is that the increased enquiries are translating into bookings. In the past 4 years since 'Bookeasy' was introduced, ticketing sales have risen from \$270,000 in 2006 to \$465,000 in 2008.

Revenue for the precinct from groups has grown from \$28,467 in 04/05 to \$45,013 in 08/09. Souvenir sales have doubled for the same period and precinct tickets have grown by 40%.

Rutherglen's year to date visitation figure is currently showing an increase of 7.3% over the same period last year which is very encouraging for Rutherglen's tourism & business community.

Yackandandah has also experienced strong increases across the year and year to date figures indicate visitor growth into Yackandandah is up by a remarkable 40%. The significance of the figures is best illustrated when compared to the recent Tourism Alliance VIC Statistics Report for the 08/09 financial year. In that report, it was stated that Domestic visitor numbers to Regional Victoria decreased by 12.4% over the previous year and Domestic visitor nights in Regional Victoria decreased by 10.6% over the previous year.

ORDINARY COUNCIL MEETING AGENDA

Overall this marked increase in visitation through the Rutherglen, Yackandandah and Beechworth VICs, along with solid gains in Chiltern (7%) is a reflection of the successful marketing campaigns that the shire, Tourism Victoria and NE Victoria Tourism have implemented.

New Guide To Help Tourism Operators This Bushfire Season

The Victorian Government recently launched a guide for tourism businesses to assist in preparing, responding and recovering from events like bushfires. The guide is available to all Victorian tourism businesses ahead of the approaching fire season.

This guide gives clear and concise information about what tourism operators need to do to protect their business in the event of a crisis. It will be supported by a series of briefings and workshops for tourism businesses located in high fire risk areas.

The guide provides advice and information to tourism operators including:

- How to identify, assess and manage risks;
- Information on developing a brief plan that outlines how to respond in an emergency or bushfire situation;
- Information on the importance and best ways to communicate with existing and potential customers;
- How to ensure business continuity immediately following an emergency situation.
- Tourism Victoria will also commence a campaign this summer aimed at raising visitor awareness of the bushfire safety risks in Victoria and understanding of what they need to consider when planning a holiday in high-risk bushfire areas.
- The 'Crisis Essentials' guide will support the more comprehensive 'Open for Business' crisis management publication which was made available in late October.

OTHER ACTIVITIES

• **Indigo Gold Trail** - Work to date on this project has focused on identifying and researching key sites across the Shire which should be included in a new Gold Trail for visitors to the Shire. Relevant information and images are being sourced, collated and described and visitor readiness is being assessed. Tourism is consulting widely with key stakeholders and overall the project has met with great enthusiasm.

• **Today Show** - Beechworth won a host of new fans across the country when Steve Jacobs and the crew from the Today Show Weather Cross team broadcast live from the Beechworth Historic & Cultural Precinct on Tuesday 20 October. Crosses included segments featuring the Beechworth Historical Re-enactment Group, Historic Courthouse and Telegraph Station, Beechworth Honey Experience, Beechworth Bakery, Beechworth Ghost Tours and promoting the 2009 Celtic Festival with the local Irish dancers. The Tourism Victoria/Indigo Shire initiative was a fantastic national publicity opportunity which highlighted the historic, cultural, natural and gourmet getaway appeal of our area.

• **2010 Calendar of Events** - The 2010 Indigo Shire Calendar of Events is currently being compiled. Events will be placed on the Shire's website and the 2010 calendar is also distributed to media throughout the year.

• Tourism continued to offer support to a raft of Indigo Shire Events during September/October, assisting with logistical, media and marketing support.

2010 Murray to Mountains Ride Guide

The 2010 Murray to Mountains Ride Guide is now out at the Visitor Information Centres and selected businesses right across North East Victoria.

Australian Cycle Tourism Conference

Murray to Mountains Cycle Tourism will host the 2009 Australian Cycle Tourism Conference on 9th and 10th November at the Wangaratta Performing Arts Centre.

Tactical Advertising Campaign North East Victoria Tourism Inc

NEVTi's upcoming 2009 tactical campaigns feature heavily subsidised print and online advertising opportunities, strongly supported by the Victoria's High Country - Adventures Happen brand.

KEY IMPLICATIONS

There are a number of key implications coming from the matters raised in this report. The tourism visitations to the Shire are placing increased pressure on visitor centre operations. The operations of the visitor centres are being closely monitored to ensure service standards are not being compromised.

FINANCIAL IMPLICATIONS

With the potential for continued growth, there may be financial implications in future budgets with a need for a review of staffing levels to maintain visitation growth through the Historic Precinct, the Burke Museum and with the growing number of events and tourism products currently being developed.

POLICY IMPLICATIONS

This report and Council's efforts are consistent with the Council Plan Objective 3.5 "Encourage and facilitate the growth of the Shires tourism industry".

CONCLUSION

This is a promising time for the visitor market and in the past month, two new tourist ventures have been announced, new retail stores have been opened and the largest financial commitment from the industry has been shown through advertising in the Beechworth Official Visitor Guide. Next year, the Ned Kelly Weekend will commemorate the 130th anniversary of Kelly's trial and the program has the potential to attract the largest crowds seen in Beechworth for a mid-winter event. Along with new events in Rutherglen – the Hunting and Guiding Expo, the 140th Rowing Regatta at Wahgunyah and the celebrations of 150 years of Cricket at Yackandandah, tourism is in a healthy state for the coming year.

The challenge is to maintain the growth and a strong commitment to effective marketing and continued event growth and support will be needed to build on the successes of the past year.

*Attachment
Tourism Statistics – Indigo Tourism Strategy progress report qtr 1 2009 2010*

12.11 FINANCE REPORT FOR QUARTER ENDING 30TH SEPTEMBER 2009

File No: 09/646 - Frank Bonacci - Finance Manager

For Information

Council's finances at the end of the first quarter (as at 30 September 2009) are showing positive favourability to Budget for both Year to Date (YTD) and for the projected year end position.

On a YTD basis, as at the end of September, Council's overall financial position is \$431,000 favourable to the Budget for the same timeframe. The major contributing departments and reasons for this YTD favourability are as follows. More detailed explanation can be found within the Exception Report.

- Community Planning – \$15,000 in additional grant funding received for the Community Strengthening projects
- Operations – a combination of delayed activities within the Local Roads budget while outdoor crews focus on Capital Works delivery, extra revenue / royalties from quarry sales and greater numbers of waste services than budgeted for have contributed \$165,000
- The Vacancy of Council's Strategic Planner has generated both salary savings and temporary YTD timing savings due to the resulting delays in project within the Strategic Planning area. This has generated YTD savings of \$60,000
- Delays from several regional tourism bodies invoicing the Council for our contributions towards joint initiatives have created \$43,000 in timing related savings
- Better than Budgeted insurance premiums has generated \$25,000 in savings
- The vacancy within Environmental Health has delivered \$12,000 in savings YTD

At the end of the September quarter, all budget managers provided revised forecasts for the remaining nine months of the 2009/10 year. When these revised forecasts are combined with the Actual July to September actual YTD position, the result is effectively a revised full year Budget estimate (which we call the Year End Forecast). The resulting September Year End Forecast is \$517,000 favourable to the full year adopted Budget. The major contributing Departments and reasons for this Year End Forecast favourability are as follows. More detailed explanation can be found within the Exception Report.

- The Community Planning Department received funding towards the end of 2008/09 and as well as to date in 2009/10 for the Community Strengthening Project. This is a two year project and approximately \$17,000 of that funding will be spent in the next financial year. The funding to be carried over into 2010/11 is showing as a year end saving in the 2009/10 Year End Forecasts. Additional Year End Forecast savings within Home Care also delivers \$56,000 Savings versus Budget
- Within the Assets and Infrastructure Department, Depreciation is now forecast to be \$96,000 more favourable than Budget. When the 2009/10 Budgeted was being prepared, Council was undertaking a revaluation exercise of all major infrastructure asset categories and the Budgeted depreciation figures were very estimated (pending results of revaluations). Some additional work over the next few months to review expected lifecycles for some components of Road assets is expected to show some additional depreciation savings at the December forecast review.
- Operations are projecting a year end saving of \$80,000 versus Budget coming from a combination of improved positions within Local Roads, Parks and Gardens and Waste Management.

ORDINARY COUNCIL MEETING AGENDA

- The Customer Service, Risk and Admin Support Department is projecting savings of \$43,000 versus Budget which come from a combination of Insurance premium, voter roll fines, printing costs and changes in staffing profile
- The Finance Department is projecting an improved Year End position versus Budget of \$26,000 caused by an overstated Interest expense in the original Budget Forecasts
- The Tourism Department is projecting an improved Year End position of \$17,000 lead mainly by the Museum and Historic Site Business Unit.

Council has a healthy cash and investment position of \$7.5 million at 30 September 2009. A breakdown of these investments is provided within the Cash and Investment Report as at 30 September 2009.

Year to Date Capital expenditure for the first three months of 2009/10 is a very promising \$1.95 million. This YTD capital expenditure coupled with projected spend on several large projects later in the financial year is looking promising for a higher percentage of capital works delivery in 2009/10.

Attachments
Profit and Loss to September 2009
Department By Business Unit Report for September 2009
September 2009 Exception Report
Cash & Investment Report as at 30 September 2009

13.0 GOVERNANCE

13.1 COUNCIL ADVISORY AND COMMITTEES OF MANAGEMENT REPORT

RECOMMENDATION

That the following Advisory Committee Minutes be received and ratified by Council.

INDIGO'S ENVIRONMENTAL ADVISORY COMMITTEE - OCTOBER 2009 MEETING

INTRODUCTION

Indigo's Environmental Advisory Committee's (EAC) latest bi-monthly meeting occurred on October 14th, 2009. Agenda items included annual review of the Deed of Delegation and general business items of environmental levies and issues relating to specific members and groups they represent.

BACKGROUND

In December 2009 the Environmental Advisory Committee will have been in operation for one year. Contained within the adopted Deed of Delegation is the requirement to call for new members. This will occur during the month of November and the committee agreed that existing members will also be given the opportunity to state their continuing interest in participating in the group. The committee also decided that a youth representative should be sought for the committee and that the frequency of bi-monthly meetings is appropriate. The primary role of the group - to provide advice, recommendations and advocacy to Council in relation to the environment - was reaffirmed.

Another main business item of the committee was the release of the draft Environment Strategy for Indigo Shire Council. This strategy was received by Council at their October meeting and will be on public exhibition until November 4th, 2009. The hard work and contributions made by the committee in development of this document were acknowledged and any additional feedback on the draft encouraged. The group also discussed a public 'launch' of the strategy following anticipated adoption at the December Council meeting.

Additional business focused on discussion regarding the concept of an environmental levy to enable implementation of sustainability projects. A motion was moved that this idea be considered by Council, via the rating and finance committee, and that feedback be provided to the committee regarding this idea. Other items discussed included: the response from Goulburn Murray Water to the Wooragee Landcare Group regarding water rights, monitoring and licensing arrangement; extent of putrescibles material in landfill; environmental education; and the Transition Towns movement.

CONCLUSION

The next meeting is scheduled to occur in early December, with agenda items to include discussion regarding development of an environmental awards program for Indigo.

INDIGO SHIRES DISABILITY ADVISORY COMMITTEE

The minutes for this committee are attached.

Attachments
File No: E163 – Shay Simpson – NRM Officer-EAC Minutes 14.10.09
Indigo Shire Disability Advisory Committee

13.2 MEDIA REPORT – OCTOBER 2009

File No: Nell Showers – Media & Communications Officer

For Information

| Date | Item | Author |
|------------|--|--------|
| 1 October | New tour to celebrate Beechworth's botanical treasures | TDO |
| 6 October | Beechworth cleans up at Tidy Towns awards | CEO |
| 8 October | Indigo considers a wildfire provision for its planning scheme | CEO |
| 19 October | Yackandandah gets set for a Derby Day with a difference | TDO |
| 16 October | Victorian planning laws relaxed for vegetation removal for bushfire protection | CEO |
| 21 October | Annual Australia Day Awards | CEO |
| 23 October | \$4000 for removal of bushfire affected trees from properties | CEO |
| 23 October | Expression of interest Indigo Heritage Advisory Committee | CEO |
| 27 October | Calling all film-makers! | TDO |
| 27 October | New winery tours to offer a rare peek behind the scenes | TDO |
| 29 October | Public meeting on Rutherglen bypass routes postponed | CEO |
| 29 October | Beechworth gets set for annual Celtic knees-up | TDO |
| Weekly | Indigo Connection | CEO |

14.0 NOTICES OF MOTION

14.1 NOTICE OF MOTION FOR NOVEMBER COUNCIL MEETING: CR B MURDOCH

I MOVE THE FOLLOWING MOTION

That Council Investigate the provisioning and cost of the Shire's Office Accommodation over three sites being the present sites at Yackandandah and Beechworth and a third site at the Old Chiltern Offices and that advice on all options be provided to Council and take into account the long term growth predictions, the cost and the provision of equitable service.

Barbara Murdoch
Councillor B Murdoch

OFFICERS COMMENTS

This motion is essentially the same as the one that was moved and lost at the October 2009 Ordinary Meeting of Council. To include a third site would involve an additional budget allocation to complete the work. The current project being undertaken is intended to come up with building designs and construction costs and would not take into account the costs of operating from three sites nor the provision of equitable service. These two factors would need to be a separate exercise and again would require budget allocations.

15.0 COMMITTEE AND DELEGATES REPORTS – OCTOBER 2009

15.1 CR PETER GRAHAM OAM MAYOR

File No: M220

For Information

| Date | Time | Function /Event |
|-------------|--------------------------|--|
| 1 October | 6-8pm | Bushfire Memorial Project Meeting, Stanley |
| 3 | 11am | Official Opening Art Exhibition 150 th Anniversary, Beechworth |
| 5 | 9am | Weekly Meeting with CEO, Beechworth |
| 6 | 9.15am 4pm | Victoria in Future 2008 DPCD Community Event, Benalla Council Briefing Meeting, Yackandandah |
| 7 | 11am 6pm | Yackandandah Senior Citizens Week, Yackandandah Bushfire Memorial Project Meeting, Beechworth |
| 8 | 6pm | Bushfire Memorial Project Meeting, Bruarong |
| 9 | 11am 4pm | Get it Sorted Launch, Bendigo Farewell Indigo Shire Staff, Wooragee |
| 10 | All day | Oktober Festival, Beechworth |
| 11 | Am Pm | Oktober Festival, Beechworth Corowa Show/Ironbark Festival, Corowa |
| 12 | 9am 10.30am 7.30pm | Weekly Meeting with CEO, Beechworth Ned Kelly Festival Meeting, Beechworth Rutherglen 150 th Celebrations Meeting, Rutherglen |
| 13 | 7.30am 2pm | Buy Local Breakfast, Chiltern Briefing/Council Meeting & Community Forum, Chiltern |
| 15 | 7.30am All day | Buy Local Breakfast, Rutherglen Association Victorian Regional Waste Groups, Nhill |
| 16 | All day | Alpine Valleys Regional Wine Management Group, Nhill |
| 17 | | Lions Club Convention, Corowa |
| 19 | 9am 10.30am | Weekly Meeting with CEO, Beechworth Tidy Towns Morning Tea, Beechworth |
| 20 | 4.30pm 7pm | Biodiversity Planning Meeting, Beechworth Community Forum, Kergunyah |
| 26 | 10am | Weekly Meeting with CEO, Beechworth |
| 27 | 3.30pm | Council Briefing Meeting, Beechworth |
| 28 | 12pm | Rural Housing Network AGM & Luncheon, Wangaratta |
| 29 | 7.30am All day | MAV Launch of Local Roads Advocacy Document, Melbourne MAV Annual Conference & Dinner |
| 30 | 8.15am | Building Capacity in Public Engagement, Melbourne |

15.2 CR BERNARD GAFFNEY

For Information

| Date | Time | Function / Meeting details |
|-------------|-----------------------------|--|
| 1 | 12.30pm | Rostrum |
| 2 | 6pm | Christ Church 150th Anniversary Dinner |
| 5 | 9am | Audit Committee Meeting |
| 6 | 4pm | Briefing Meeting, Yackandandah |
| 9 | 5pm | Staff Farewell, Wooragee |
| 11 | 10.30am 3pm | Chiltern Ironbark Festival Site visit PP09-0071 |
| 12 | 10.30am | Site visit PP at Browns Plains |
| 13 | 2pm 3pm | Briefing Meeting, Chiltern Council Meeting, Chiltern |
| 15 | 12.30pm | Rostrum |
| 19 | 10.30am | Tidy Towns Congratulations Morning Tea |
| 20 | 4.30pm 7pm | Biodiversity overlay site visit Community Forum, Kergunyah |
| 24 | 09.30am | Beechworth Uniting Church Fair |
| 26 | 10am | Constituent, Beechworth |
| 27 | 12.30pm 3.30pm 7.30pm | Constituent, Stanley Briefing Meeting Attend CFA Community Meeting |
| 28 | 09.30am | ITAC Meeting |
| 29 | 08.30am | MAV AGM Melbourne |

15.3 CR PETER CROUCHER

For Information

| Date | Time | Function / Meeting details |
|-------------|--------------------|--|
| 5 | 10am-12pm | Meeting with residents, Bruarong |
| 6 | 4-7pm | Briefing Meeting, Yackandandah |
| 7 | 11am-12pm 6-8pm | Senior Citizens Week Function, Yackandandah Memorial/Fire Meeting, Beechworth |
| 8 | 6-8pm | Memorial/Fire Meeting, Bruarong |
| 9 | 4-6pm 7pm | Farewell Indigo Shire Staff, Wooragee Deb Ball, Yackandandah |
| 10 | 7pm | Winemakers Legends Dinner, Rutherglen |
| 11 | 1-3.30pm | Ironbark Festival, Chiltern |
| 12 | 10am | Visit Vintara Winery Reapplication |
| 13 | 1-2pm 2-9pm | Junior Council, Barnawartha Council Meeting, Chiltern |
| 14 | 2pm 4.30-9pm | Meeting with Susan & Constituent Alpine Valleys Agribusiness Awards, Whorouly |
| 16 | 10-12.30pm | Community Health Forum, Beechworth |
| 18 | 2pm | Greening of Chiltern |
| 20 | 3pm 7pm | Environmental Overlay, Beechworth Kergunyah Forum |
| 22 | 2-4pm | Heritage Meeting, Beechworth |
| 23 | 11am | Tour of URML Libraries in Shire |
| 27 | 3.30pm 7.30pm | Briefing Meeting, Beechworth CFA Meeting, Beechworth |
| 28 | 9.30am-12pm | ITAC Meeting, Yackandandah |
| 29/30 | All day | MAV Conference, Melbourne |

For Information

Australia Alpine Valleys Agribusiness Forums:

On 14 October I attended a showcase Annual General Meeting and presentation of awards of the Australian Alpine Valleys Agribusiness Forum Inc at Whorouly. During the afternoon various people showcased different innovations and entrepreneurship. Some of these were innovations and marketing, maximising our potential water, tapping into the tourist market and irrigation technologies. Later the next generation farmers and Rural Women's Leadership Project participants were introduced. After the guest speaker Mr John Conboy, presentations of Agribusiness Leadership awards were made. A most enlightening afternoon and night was had by all of those who attended.

Winemakers of Rutherglen Legends Dinner, Vintara Winery:

On Saturday evening 10 October I attended the Rutherglen Legends Dinner at Vintara Winery. This year the Winemakers honoured Mr George Sutherland Smith from Sutherland Smith Winery.

15.4 CR LARRY GOLDSWORTHY

For Information

| Date | Time | Function / Meeting details |
|-------------|-------------|---|
| 6 | 4pm | Council Briefing Meeting, Yackandandah |
| 8 | 6.30pm | VLGA Leading Edge Forum, Wodonga |
| 9 | 4pm | Staff Send off, Wooragee |
| 11 | 11pm | Box Iron Bark festival, Chiltern |
| 13 | 2pm | Council Briefing Meeting, Chiltern |
| | 3pm | Council Ordinary Meeting, Chiltern |
| | 7pm | Community Forum, Chiltern |
| 14 | 7pm | Bigger Beechworth Project meeting, Beechworth |
| 19 | 7.30 pm | Municipal Fire Prevention Committee Meeting, Yackandandah |
| 20 | 4pm | Biodiversity Planning meeting, Beechworth |
| 21 | 7pm | Community Forum, Kergunyah |
| 22 | 7.30 pm | Municipal Fire Prevention Committee Meeting, Yackandandah |
| 27 | 4pm | Council Briefing Meeting, Yackandandah |
| 29 | 7.30 am | MAV Launch of Local Roads Advocacy Document, Melbourne |
| | 9.30 am | MAV Annual Conference, Melbourne |
| | 6.45 pm | MAV Dinner, Melbourne |
| 30 | 7.30 am | Rural Councils Victoria Forum Breakfast, Melbourne |
| | 9.30 am | MAV State Council & AGM, Melbourne |

15.5 CR VIC ISSELL

For Information

| Date | Time | Function / Meeting details |
|-------------|-------------|---|
| 1-4 | | On Leave |
| 6 | | Briefing Meeting, Yackandandah |
| | | Councillors Meeting, Yackandandah |
| 9 | | Staff Farewell, Wooragee |
| 13 | | Council Meeting, Chiltern |
| | | Community Forum, Chiltern |
| 16 | | Meeting with Council Youth Worker, Yackandandah |
| 18 | | October Greening Project, Chiltern |
| 19 | | October Meeting with CEO, Albury |
| 20 | | Council Briefing Meeting, Malakoff Road, Beechworth |
| | | Community Forum, Kergunyah |
| 23 | | October Meeting with Constituent, Beechworth |
| 26 | | October Rutherglen By-Pass Meeting, Beechworth |
| 27 | | Council Briefing Meeting, Beechworth |
| | | CFA Fire Ready Meeting, Beechworth |
| 29-31 | | Absent with work |

15.6 CR BARBARA MURDOCH

For Information

| Date | Time | Function / Meeting details |
|-------------|---------------------------------------|--|
| 1 | 6pm | Planning Bushfire Memorial Meeting, Stanley |
| 2 | 2pm | MAV Professional Development Committee Meeting, Melbourne |
| 2-4 | | Tidy Towns Workshop and Presentations, Horsham |
| 5 | 10am | Anglicare Meeting, Chiltern |
| 6 | 9am 4pm | Victoria in Future Meeting, DPCD, Benalla Briefing Meeting, Yackandandah |
| 7 | 9am 7pm | Regional Governance Futures Workshop, Corowa Planning Bushfire Memorial Meeting, Beechworth |
| 8 | 6:30pm | VLGA Financial Viability of Small Council's Presentation, Wodonga |
| 9 | 4pm | Farewell Presentation for Council Officers |
| 13 | 7:30am 1:15pm 2pm 3pm 7pm | Business Breakfast, Chiltern Citizenship Ceremony, Chiltern Council Briefing Meeting, Chiltern Council Meeting, Chiltern Council Forum, Chiltern |
| 14 | 9:30am 7pm | Tour of Chiltern with Council Officers, Chiltern AGM Beechworth Community Support, Beechworth |
| 15 | 7:30am 6pm | Business Breakfast, Rutherglen Jonathon Mann Lecture, Latrobe University, Wodonga |
| 16 | 6pm | CFA Town Meeting, Memorial Hall, Chiltern |
| 26 | 4:30pm | Rutherglen Heavy Vehicle Deviation Reference Group Meeting, Rutherglen |
| 27 | 4pm | Council Briefing Meeting, Beechworth |
| 29 | 7:30am | Business Breakfast, Yackandandah |

15.7 CR POCKLEY

For Information

| Date | Time | Function / Meeting details |
|-------------|-----------------------------|--|
| 5 | 10am | Meeting with bushfire affected residents at Bruarong Hall |
| 6 | 4pm | Council Briefing Meeting, Yackandandah |
| 7 | 11am | Senior Citizens Lunch & Film, Public Hall, Yackandandah |
| 8 | 5pm 6.30pm | Meeting with constituent LGWA – Financial Viability of Smaller Councils |
| 9 | 12.30pm 4pm | Fundraising lunch for Lifeline, Albury Send off for 3 Indigo staff members, Wooragee |
| 10 | 10am | Plant propagation with Jenny Indian & Wodonga TAFE staff members for bushfire affected residents, Mudgegonga Hall |
| 13 | 2pm 3pm | Council Briefing Meeting, Chiltern Council Meeting, Chiltern |
| 14 | 9.30am 6pm | Developing Women’s Businesses, Beechworth Environmental Advisory Committee, Wooragee |
| 18 | 2pm | Rutherglen Agricultural Show |
| 19 | 10.30am 6pm | Morning tea to celebrate Tidy Towns Awards, Beechworth Arts & Cultural Advisory Committee meeting, Beechworth |
| 20 | 10.30am 3.30pm 4.30pm | University of the Third Age (U3A) inaugural meeting, LaTrobe, Beechworth Meeting with constituent & Cr. Croucher, Beechworth Biodiversity Overlay meeting with DSE & Council staff, Beechworth |
| 21 | 9.30am | Developing Women’s Businesses, Beechworth |
| 22 | 1pm 2pm | Meeting with Tourism, Economic Development & Heritage staff members Heritage Advisory Committee meeting, Beechworth |
| 24 | 4.30pm | Beechworth Arts Council exhibition, Memorial Hall, Beechworth |
| 26 | 7.30pm | Beechworth Neighbourhood Centre Committee of Management Meeting, Beechworth |
| 27 | 7.30am 3.30pm 7.30pm | North East Multicultural Association (NEMA) Pink ribbon breakfast, Wangaratta Council Briefing, Beechworth CFA Fire Readiness Meeting, Beechworth |
| 28 | 9am | Indigo Tourism Advisory Committee meeting, Yackandandah |
| 29 | 9am 7.15pm | MAV Annual Conference, Melbourne MAV Annual Conference dinner |
| 30 | 9am | “Building Capacity in Public Engagement” MAV conference, Melbourne |

16.0 GENERAL BUSINESS

17.0 CONFIDENTIAL

Next Meeting: Tuesday 8th December, 2009
- The Supper Room, Beechworth