

INDIGO SHIRE COUNCIL

MINUTES OF THE ORDINARY MEETING OF THE INDIGO SHIRE COUNCIL HELD IN THE SENIOR CITIZENS HALL RUTHERGLEN ON TUESDAY 14 APRIL 2009 COMMENCING AT 3.00 PM.

PRESENT

Councillors

Councillor P F A Graham, OAM (Mayor)
Councillor P H Croucher
Councillor B D Gaffney
Councillor L A Goldsworthy
Councillor B J Murdoch
Councillor A C Pockley
Councillor V Issell

Officers

Mr Brendan McGrath (Chief Executive Officer)
Mr Phil Prior (General Manager Operations and Assets)
Mr Mark Florence (General Manager Sustainable Communities)
Mr Mark Crouch (General Manager Corporate Services)
Mr David Montgomery (Manager Governance & Risk)
Mr Stuart Perry (Manager Tourism)
Mr Frank Bonacci (Manager Finance)
Roberta Baker (Communications Advisor)
Alice Gratton (Executive Assistant/Chief Executive Officer)

1.0 WELCOME

Cr Graham welcomed those in attendance and introduced Charlie and Mitchell from the Rutherglen Primary School. They were participants in the Young Leaders Forum held in Melbourne and expressed their desire to be Young Leaders within their School and within the Indigo Shire Council.

2.0 OPENING PRAYER

Cr Murdoch read the Opening Prayer.

3.0 APOLOGIES AND LEAVE OF ABSENCE

Moved Cr Issell
Seconded Cr Murdoch

That Leave of Absence be granted to Cr Pockley for the following dates:-

24-28 April 2009

CARRIED

4.0 DECLARATION OF PECUNIARY INTEREST AND CONFLICT OF INTEREST

Cr Barbara Murdoch disclosed a Conflict of Interest in item 10.4 in that she is a member of the North East Water Board.

5.0 OPEN FORUM

1. G & J Horne - Beechworth

QUESTION TO COUNCIL Further to our letter to Susan Cheetham dated 3/4/2009 with copies to all councillors and council staff.

IS COUNCIL GOING TO RE-INSTATE OUR PROPERTY KNOWN AS 'THE BEECHWORTH GALLERY' AT 8 ALBERT ROAD, TO IT'S RIGHTFUL COMMERCIAL ZONING? IF NOT, WHY NOT?

ONE COUNCILLOR HAS ALREADY STATED THAT THE REZONING OF OUR PROPERTY FROM HISTORIC COMMERCIAL TO RESIDENTIAL IN 1999 WAS A MISTAKE. WE WANT TO HEAR THE VIEWS OF OTHER COUNCILORS ON THIS MATTER. WE REQUIRE AN ANSWER AS A MATTER OF URGENCY.

Is council also aware:

- There are only 76 days before the expiry of existing commercial rights after which this "Magnificent Property" (as referred to by council) is lost to Beechworth and its history is closed to the public.
- Do council fully realize that by trying to delay making a decision the issue will not just disappear, but escalate into an extensive and exhausting on-going issue?
- There are at least 5 other known commercial use properties in the Beechworth locality also inappropriately rezoned at the same time, i.e.: The Old Priory, Murray Breweries, Beechworth Foodworks Supermarket, 9 Bridge Road, 4 Mellish Street. Were these owners notified? No. 12 Albert Road was also rezoned without owner's knowledge.
- Does council fully appreciate the loss to the community since the closure of Beechworth Gallery and the loss of contribution and support to local organisations and sports clubs? The future loss to visitors and tourism generally will be tragic
- The heritage overlay is not helping potential buyers to understand what they can and cannot use the building for. Consequently, they are not pursuing their initial

interest in the property. Several potential buyers have walked away when they found out or were informed by the planning department that 8 Albert Road was zoned residential.

- This significant property is CLEARLY SHOWN AS RIZ on Internet sites such as www.land.vic.gov.au
- This unnecessary and wrongful rezoning without our knowledge has had a seriously detrimental effect on our wellbeing.
- Expecting us to apply for, plus also pay all costs (as per Francois Theron's letter dated 10.2-09) in lodging an application for a restaurant permit. Why should we - when it is a council mistake? A restaurant permit would not remedy the problem long-term.
- Other spot rezoning has taken place in Beechworth i.e. as per a letter from Susan Cheetham regarding two properties in Buckland Gap Road described as a "mapping error". Hotly disputed by the owner Michael Breen. He was one of the owners also not informed by council about rezoning of his properties. Why? If need be Michael Breen can clarify the action taken at that time.
- Our property has been devalued by this inappropriate and unrealistic zoning.

Communication has taken place between us and:

Mr. Justin Madden, State Minister for Planning

Mr. Bruce Standish, Dept. of Community Planning and Development

Mr. Bill Tilley Vic, State Member

Ms. Sophie Mirabella MP

Vic. Planning and Environmental Law Association

Solicitors - Nevin, Lenne & Gross

(Both of the latter two are happy to act on our behalf if council refuses to resolve this issue satisfactorily.)

No. 8 Albert Road was built 152 years ago specifically for commercial use and has been occupied by a variety of retail businesses.

Clearly it should never have been changed in the first instance and we trust commonsense will prevail for the benefit of the Beechworth and Regional community.

We expect an early reply from council on this matter.

Mayor - Council is aware of the issues surrounding the property.

CEO - suggested that Council could consider a permit application and this could alleviate their situation. If they are selling their property, the permit could outline the approval for development opportunities/planning abilities to allow a mixture of uses for the new buyer.

CEO further explained that the rezoning regulations are set by the State Government and is their responsibility. Rezoning process further explained to G&J Horne.

CEO made general comment that their application process commenced while the planning scheme was being amended.

CEO/Mayor/G&J Horne agreed to meet again at 6pm tonight to discuss further.

Cr Vic Issell – commented that he was concerned as he was aware of one other property that could be affected that hasn't been detailed through any of this G&J Horne process to date.

6.0 CONDOLENCES

Nil.

7.0 CONFIRMATION OF MINUTES

Moved Cr Murdoch
Seconded Cr Gaffney

That the Minutes of the Council meeting held 10 March 2009 be adopted.

CARRIED

8.0 BUSINESS ARISING (PREVIOUS MINUTES)

Nil.

9.0 DEPUTATIONS AND PETITIONS

Nil.

10.0 SUSTAINABLE COMMUNITIES

10.1 PLANNING APPLICATION PP-08-4434 BILL DEE AND RUTH BEECHAM, 184 BASIN CREEK ROAD YACKANDANDAH FILE NO: PP-08-4434) (STP)

For Decision

SUMMARY

Application No: PP08-4434

Applicant: Bill Dee and Ruth Beecham

Subject Land: Lot 1 on Plan of Subdivision 512368W

Proposal: The construction of three small freestanding sheds to be used for the storage of wood and lawnmower and for the purpose of shearing of stock. A fourth covered drive through shed is proposed for tractor storage and to provide access to the back paddock.

RECOMMENDATION

That Council grant Planning Permit PP08-4434 subject to the following conditions:

THIS PERMIT ALLOWS:

The land is to be developed for the construction of three free standing sheds and an open sided shed for agricultural purposes.

**Moved Cr Issell
Seconded Cr Goldsworthy**

That the Recommendation be adopted.

CARRIED

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1 PLANS TO BE SUBMITTED

This permit shall have no force or effect until two (2) copies of detailed plans properly drawn to scale and showing:

The location of the shed closest to the driveway located 8.06 metres from the driveway behind shed number 2

Two rows of trees/shrubs to the west and south of the sheds are submitted to the Responsible Authority for approval and endorsement. When approved such plans shall form part of the permit.

2 EXTERNAL FABRIC

(i) The external fabric of the building/s hereby approved, (including the roofing) must be of a neutral “earthy” colour to blend with the landscape and preserve the visual amenity of the area.

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

(a) galvanised or natural colour bonded metal cladding (not zincalume); and/or

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

3 SEDIMENT CONTROL

Any clearing or construction associated with development must be conducted in accordance with sediment control principles as outlined in "Construction Techniques for Sediment Pollution Control" (Environment Protection Authority 1991). Specifically, the applicant must ensure:

(i) Grading, excavation and construction must not proceed during periods of heavy rainfall;

(ii) Sediment traps must be designed, installed and maintained to maximise the volume of sediment trapped from the site during development and construction, and;

(iii) Disturbed areas must be stabilised and revegetated following the completion of works.

4 SOIL AND WATER MANAGEMENT

To minimise soil erosion during construction, the landowner and builder shall ensure that the following measures are implemented in the sequences outlined:

- (i) A sediment trapping fence using a geo-textile fabric specifically designed for such a purpose and installed to manufacturer's specifications is to be placed below the construction area (e.g. "silt stop").
 - (ii) Vegetation is to be cleared from the construction site only; other areas are to remain undisturbed.
 - (iii) Top soil from the construction site or builders sand is to be stockpiled in a location where it will not be eroded from the site, and is not to be stockpiled on the road reserve.
 - (iv) All erosion control measures must be maintained after rainfall. They should be retained until the site has fully revegetated.
- If soil or other materials are spilt accidentally onto the road or gutter, they shall be removed prior to the completion of the days work.

5 BUSH FIRE PROTECTION

All new development on the land shall be carried out in accordance with the Country Fire Authority's "Design and Siting Guidelines - Bush Fire Protection for Rural Houses"

6. LANDSCAPING BEFORE COMMENCEMENT OF USE

Before the development allowed by this permit starts, a minimum of two rows of trees and/or shrubs must be planted on the western and southern boundary of the sheds to screen the sheds from the adjoining property to the west. The plantings, which must be indigenous to the locality, must be installed within 3 months of the completion of the building and maintained thereafter to the satisfaction of the Responsible Authority.

7 CONSTRUCTION OF BUILDINGS

The construction of the sheds/buildings hereby approved shall be constructed to general trade standards to the satisfaction of the Responsible Authority.

8 MAINTENANCE

The site shall be so ordered and maintained as not to prejudicially affect the amenity of the locality by reason of appearance.

9 EXPIRY DATE

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

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

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

BACKGROUND

- Date application lodged: 1 December 2007
- Purpose: The applicant seeks approval to construct three separate small freestanding sheds to be used for the storage of wood, lawnmower and also for the purpose of shearing of stock. A fourth shed/covered drive through is proposed for tractor storage and to provide access to the back paddock.
- The three sheds are all smaller than 10 square metres, with dimensions of 3.060 by 3 metres and free standing. The open sided shed for the storage of the tractor is 4.5 by 2.6 metres. The height of the sheds varies from 2.5 to 3.1 metres.
- Subject site land area: 42.5 hectares.
- Current use of subject site: The subject site is currently use for habitation and farming purposes.
- Zoning: Farming Zone
- Overlays: The subject site is subject to a Significant Landscape Overlay.

Site description:

The subject site is located approximately 4 km north of the township of Yackandandah and Basin Creek road abuts the property to the north. The subject site resembles a square shape except the south western boundary which runs in an irregular fashion to include the existing buildings on the subject site. An unmade road reserve traverses the site just north of the existing dwelling and runs parallel with the south-western boundary. Basin Creek traverses the subject site to the south western portion of the site and follows roughly the road alignment. The site slopes down from the south western boundary towards the creek, from where it rises quite steeply towards the north western boundary that runs along the ridge. Most of the north-western section of the subject site is covered with trees while most of the area to the south of the creek is cleared and covered with pastures. The existing house is located along the south-western boundary just north of Basin Creek Road. A number of small sheds/shelters are located in paddocks around the house.

Neighbourhood description:

The surrounding area can be described as broad acre farming mostly use for broad acre grazing of stock. The topography of the surrounding area is undulating and the subject site is located towards the end of a valley where the valley floor is mostly cleared of trees and replaced with introduced pastures. A number of dwellings are located along Basin Creek Road. Two dwellings located to the south and the south-west of the subject site looks directly down on to the existing dwelling on the subject site. A number of sheds are located just south of Basin Creek Road just opposite the existing dwelling on the subject lot.

PROPOSAL

The applicant seeks approval to construct three separate small freestanding sheds to be used for the storage of wood, a lawnmower and also for the purpose of shearing of stock. A fourth covered drive through shed is proposed for tractor storage and to provide access to the back paddock.

The three sheds are all smaller than 10 square metres, with dimensions of 3.060 metres by 3 metres and free standing. The open sided shed for the storage of the tractor is 4.5 by 2.6 metres. The height of the sheds varied from 2.5 to 3.1 metres.

The three sheds are all smaller than 10 square metres, with dimensions of 3.060 by 3 metres and free standing. The open sided shed for the storage of the tractor is 4.5 by 2.6 metres. The height of the sheds varies from 2.5 to 3.1 metres.

ZONING AND PLANNING CONTROLS

Zoning: Farming Zone

Overlay: Significant Landscape Overlay

Permit Trigger: A permit is triggered in this case under the provisions of the Significant Landscape Overlay (Clause 42.032) for the construction of a building. The schedule to this overlay does not provide any exemption for the proposed construction of sheds in the proposed location.

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

15.09 Conservation of native flora and fauna

Tourism

17.04-2 General implementation

Agriculture

17.05-2 General implementation

Particular Uses and Development

19.03 Design and build form

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

Settlement & Infrastructure

Economy

Environment

- 21.01-3 Settlement and infrastructure
- 21.03-1 Vision and strategic framework
- 21.03-2 Corporate Plan
- 21.04-2-1 Agriculture
- 21.04-2-2 Tourism
- 21.94-3 Environment
- 21.04.3-3 Flooding and Drainage
- 21.04-3-4 Stormwater Management

Local Planning Policies

- 22.01-1 Rural Living
- 22.01-2 Rural dwelling sitting and design guidelines
- 22.02-2 Land use, development and subdivision in rural areas
- 22.02-4 Tourism Development
- 22.03-8 Floodplain and Rural Drainage Management
- 22.03-11 Stormwater Management Policy

REFERRAL AUTHORITIES

The application was not referred to any referral authority.

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 (1) submission was received in response.

The objection is summarised as follows:

- The sitting of the proposed sheds close to a boundary fence of the objector's property is inconsistent with building setbacks.
- The location of the sheds to be used to shelter animal during shearing is positioned close to and above a watercourse feeding Basin Creek.
- The use of recycled galvanised iron of indeterminate quality is inconsistent with guidelines for enhancing the existing environment.

A Focus meeting was held on 12 March 2009. At this meeting all the issues were raised and discussed. No agreement was reach at this meeting, but the applicants indicated that they would reconsider the position of the sheds.

Subsequent discussions with the applicants resulted in the applicants consenting to relocating the shed closest to the driveway boundary (Shed 1) to the back of Shed 2 effectively positioning the sheds approximately 8.06 metres from the boundary.

Site inspection

The Senior Statutory Planner inspected the site and neighbourhood on several occasions during the processing of the application.

DISCUSSION

The purpose of the Significant Landscape Overlay is to conserve and enhance the character of Significant Landscapes. Schedule 2 to the Significant Landscape Overlay sets out the following objectives to achieve:

- To promote the visual quality and significance of the prominent hills, slopes and extensive open landscapes in the Shire including those classified by the National Trust.
- To protect the rural landscape from intensive design and development.
- To maintain and protect the diversity of landscapes, remnant vegetation and sites of historical, botanical and zoological significance.
- To protect rural landscapes from visual intrusion and inappropriate development.
- To maintain passive recreational use of the land for the enjoyment of all visitors.
- To encourage land use consistent with sustainable rural land management.

Any development in an area that is affected by the Significant Landscape Overlay must be assessed in terms of Council's strategic intent and the following specific guidelines:

- Design, height, mass and scale of the proposed development and buildings.
- The location of all buildings and including the exterior colour/finish of buildings.
- Effluent disposal systems and measures to improve water quality.

The question that needs to be answered is whether the proposed development is consistent with the decision guidelines set out above.

The area can be described as typical broad acre farming character with houses and associated outbuildings located on relatively large lots. The area is of high visual quality containing prominent ridgelines with commanding views to the east.

A number of free standing sheds are located across Basin Creek Road opposite the proposed subject site. Considering the character of the area, farm sheds in the landscapes can be viewed as contributing to the landscape character and will be expected to develop in this area. The development of a farm shed in this area will thus not necessarily have a negative impact on the character of the area depending on the style, external cladding, bulk and location of the shed. The development of sheds for farming purposes in this area is also consistent with the objective of the Significant Landscape Character in that the sheds are part of the infrastructure to contribute to sustainable land use practices.

In this case the objector states that the location, structure and external cladding of the proposed sheds are not consistent with the character of the area and will cause visual clutter. Considering the fact that two relatively large sheds are located approximately 20 metres south of Basin Creek Road opposite the existing dwelling on the adjacent property, the proposed sheds could be read as part of the character of the area. The proposed sheds are relatively small and of moderate height and the style of the sheds are consistent with sheds in the area.

The applicants have chosen the proposed location of the shed as it is the most convenient location on their property from a practical point of view. They need to run power to the sheds and due to the configuration of Basin Creek, Basin Creek Road and the location of the existing house, the proposed site is the most convenient location on the property. The location of the sheds is constrained by the bank of a tributary to Basin Creek, which passes just west of the proposed sheds site. Other existing outbuildings are located directly north of the proposed sheds and the applicant's driveway passes just east of the proposed sheds.

In terms of a local planning policy the applicants would be required to ideally offset the sheds 15 metres from the property boundary. In this case the most southern shed is located 5.5 metres from the property boundary. In reconsidering their position the applicants consented to relocating Shed 1 to 3.06 metres to the north behind Shed 2, which will put the southern wall of the sheds approximately 8.5 metres from the boundary/driveway.

The 15 metre building setback from the boundary referred to the objectors refers to Section 22.01-2 of the Indigo Planning Scheme which only relates to dwellings in the farming zone and does not include sheds. The Schedule to the Farming zone determines that the minimum setback from a boundary for the construction of a shed without a permit is 5 metres.

Relocating Shed 1 behind Shed 2 will open up this area between the driveway and the proposed sheds which will reduce the visual clutter experience by the objectors when drive through this area.

A further concern raised by the objectors relating to the style, structure and cladding materials proposed to be used in the construction of the sheds. Considering the value of the landscape quality in this area it could be expected that notwithstanding the fact that sheds in this area are an integral part of the rural landscape, the style, quality of construction, and the external cladding will be of a high standard. The applicant will be therefore required through permit conditions to construct the proposed sheds to a trade satisfactory standard.

A concern was also raised that the proposed sheds, which will be used once a year for shearing of stock, is located too close to a tributary of Basin Creek. This concern was referred to Council's Environmental Health officer who reported no concerns considering that minimal effluent will be discharged from the site.

CONCLUSION

The proposal is considered generally consistent with the provision of the zone, overlay and other applicable clauses in the Indigo Planning Scheme. Therefore this application is supported.

*Attachment:
Locality plan and proposed plan of
development*

10.2 SECTION 173 AGREEMENT - (09/0003) (MSD)

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) Lot 2 Plan of Subdivision 205166N, 131 Greenwattle Rd Beechworth.

**Moved Cr Goldsworthy
Seconded Cr Issell**

That the Recommendation be adopted.

CARRIED

INTRODUCTION

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

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

COMMENT

In the 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: P M Masclef

Planning Permit 09/0003 relates to a proposed host farm on land at Greenwattle Rd, Beechworth. The land is developed with an existing dwelling and it is proposed to construct a second residence in order for the existing residence to be used for tourist accommodation wishing to experience farmhouse accommodation in an olive grove farming environment. The permit was issued 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 to provide:

- (i) that the existing dwelling (proposed host farm accommodation) must only be used for visitor accommodation associated with a "host farm" use of the land as that expression is defined in the planning scheme and in accordance with this permit and must not be occupied as a second/permanent dwelling at any time;

- (ii) the land is not to be subdivided so as to create any additional lots on the basis of this building being a second dwelling, and;
- (iii) this agreement is to run with the subject land.

Attachment
Attachment A: Locality/Site Plan – PP09/0003 Greenwattle Rd, Beechworth.

**10.3 INDIGO ENVIRONMENTAL ADVISORY COMMITTEE –
(FILE NO: -E163 – ENVIRONMENTAL PROJECTS
OFFICER)**

For Decision

RECOMMENDATION

That Council sign and seal the Instrument of Delegation.

**Moved Cr Murdoch
Seconded Cr Pockley**

That the Recommendation be adopted.

CARRIED

SUMMARY

Indigo Shire Council resolved to establish a Section 86 Environmental Advisory Committee (EAC) at the June 2008 meeting. At the October 2008 meeting Council further adopted the 24 members of the committees, comprising Councillors, Council staff, community, Landcare, and NRM government representatives.

BACKGROUND

December the 10th 2008 saw the inaugural meeting of the Indigo Environmental Advisory Committee. Chaired by Councillor Ali Pockley, the group firstly were informed, by the Environment team of the existing environmental portfolio as well as the key drivers for environmental action across local government. Discussion regarding the role and objectives of the committee occurred, in order to draft the Deed of Delegation, which is the document that Council will adopt to formally recognise the operation of the group. Changes to the document were incorporated to acknowledge that the function of the group is strategic and not operational. The reviewed document was circulated to EAC members for consideration, with adoption occurring at the meeting on February 25th 2009.

One of the first roles of the group is to act as a key stakeholder group to provide advice on the development of an environment strategy. As such the recent February meeting chaired by Councillor Vic Issell saw active discussion on a number of significant themes. Topics for consideration included the rationale for the strategy, the submission of feedback for the Community Engagement Plan, a presentation on environmental priorities obtained via recent consultation and questionnaires, and group discussion on the content and framework for the strategy. An interim workshop to further define the structure and subject matter for the strategy is to occur on Wednesday the 25th of March 2009. Copies of the Deed of Delegation and past minutes have been attached with this report for consideration by Council.

CONCLUSION

The Environmental Advisory Group will be a primary form of community consultation throughout the development, and subsequent implementation, of the Environment Strategy. Initially the focus has been establishment of the group and how it will operate, with recent and future meetings to further progress the realisation of the Environment Strategy.

*Attachment
Deed of Delegation
EAC Minutes 10/12/2008 & 25/2/2008*

10.4 PLANNING APPLICATION PETER VASEY & ASSOCIATES, 1a RAILWAY AVENUE BEECHWORTH (FILE NO: PP084363) (STP)

Cr Murdoch declared a Conflict of Interest in this matter as she is a member of North East Water. She then withdrew herself from the meeting.

For Decision

SUMMARY

Application No: PP08-4363

Applicant: Peter Vasey and Associates

Subject Land: Lot 2 on Plan of 533527K

Proposal: To subdivide the subject property into three lots and common property (Lot1 approximately 345.8m² Lot 2 approximately 329.4 m², Lot 3 approximately 551m² and common property approximately 289.5m²) and to use and developed a unit on each of the proposed lots.

RECOMMENDATION

That Council grant Planning Permit PP08-4363 subject to the following conditions:

THIS PERMIT ALLOWS:

The land to be subdivided in accordance with the endorsed plan(s) and developed and used for the purpose of one house on each lot(s) in accordance with the endorsed plans.

1. APPROVED USE/DEVELOPMENT

Before a plan of subdivision can be certified, plans prepared by a licensed surveyor to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The plans must be generally in accordance with the endorsed plans, drawn to scale showing all bearings, distances, levels, street names, lot numbers, lot sizes, and easements.

The development hereby approved shall be carried out generally in accordance with the plans endorsed pursuant to this Condition and shall not be modified or altered without the written consent of the Responsible Authority.

2. LAYOUT NOT ALTERED

The layout *and/or development* as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

3. FUTURE WORKS

This Planning Permit shall have no force or effect until the landowner enters into an agreement under Section 173 of the Act with the Responsible Authority, to provide notification to future landowners of Lots 1, 2 & 3 by way of an endorsement on the title, of the need to make a cash contribution to any future Special Charge Scheme prepared by Council to improve specific road infrastructure in Railway Avenue.

4. PAYMENT IN LIEU OF OPEN SPACE

The applicant/owner must pay to the Council a sum equivalent to five per cent (5%) of the site value of proposed lots 2 and 3 in the subdivision towards public open space. This payment must be made before a statement of compliance is issued and may be varied under Section 19 of the Subdivision Act 1988. The site value shall be the site value at the date the plan is submitted for certification.

5. CONDITIONS REQUIRED BY NORTH EAST WATER

- (i) Each lot must be independently serviced with water supply and metered to the satisfaction of North East Region Water Corporation at the applicants cost.
- (ii) That the owner/applicant enters into an agreement with North East Water to construct all necessary works to provide water supply to serve all lots of the proposed subdivision, at the applicants cost, and in accordance with the corporations specifications and requirements.
- (iii) The subdivision must be served with sewerage to the satisfaction of North East Water Region Corporation at the applicants cost.
- (iv) That the owner/applicants enters into an agreement with North East Water to construct all necessary works to provide sewerage to serve all lots of the proposed subdivision, at the applicants cost, and in accordance with the Corporations specifications and requirements.
- (v) Water supply and sewerage system head works charges must be paid as determine by North East Water's policy for development charges.
- (vi) Easements must be provided over sewers to the satisfaction of North East Water Corporation.
- (vii) The plan of subdivision for certification must be referred to the Corporation in accordance with Section 6 of the Subdivision Act.
- (viii) Ensure that any private water services do not traverse external property boundaries and are supply independently from an approved point of supply.
- (ix) Prior to the issue of a Statement of Compliance under the Subdivision Act 1988 consent must be obtained from North East Region Water Corporation.

6. CONDITIONS REQUIRED BY SP AUSNET

Enter into an agreement with SPI Electricity Pty Ltd for the extension, upgrading or rearrangement of electricity supply to lots on the plan of subdivision as required by SPI Electricity Pty Ltd. A payment to cover the cost of such work will be required and easements internal and external to the subdivision and provision of sites for substations may also be required.

7. WORK WITHIN THE ROAD RESERVE

The applicant must note that: prior to the commencement of any works required as a condition of this approval within Railway Ave, an application for consent for "Works within Road Reserves" (formerly known as a road opening permit) is to be obtained by the works manager, in accordance with the Road Management Act 2004.

8. ROAD CONSTRUCTION – PRIVATE ROADS (INCLUDING BODY CORPORATE)

Prior to the consent to certification the applicant must submit detailed plans and specifications for the construction of all access ways within the private property to service lots 1, 2 & 3. Access ways must be designed and constructed in accordance with Clause 55.03-9 of the Planning Provisions and approved by the responsible authority.

9. POINT OF ACCESS

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

10. VEHICLE CROSSINGS

Prior to the issuing of the statement of compliance the applicant must construct the vehicle crossings to lots 1, 2 and 3 in accordance with relevant standards. A crossing permit must be obtained from the Responsible Authority and levels fixed

11. ENVIRONMENTAL MANAGEMENT

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

12. STORM WATER DRANAGE

- (i) The applicant must provide a stormwater drainage discharge point to each allotment including the construction of stormwater reticulation drains to a 1 in 5 Year ARI. The design must take into account any flows from upstream properties. All works to be constructed in accordance with approved plans.
- (ii) The applicant must ensure that all proposed and existing reticulation and outfall drains are contained within easements accessible by Council.
- (iii) Stormwater drainage design must take into account the principles of Water Sensitive Urban Design and the requirements of the Indigo Shire Council Stormwater Management Plan and the CSIRO publication Urban

Stormwater - Best Practice Environmental Guidelines. All works to be constructed in accordance with approved plans.

- (iv) All stormwater emanating from hard surfaces within the property must be collected and piped to an approved discharge point. All works to be constructed in accordance with approved plans.

13. STREET TREES

- (i) Prior to the issuing of the statement of compliance the applicant must provide street trees at a rate of one tree for each lot created, with two trees provided on each corner allotment. This requirement can be met by planting trees greater than 2 metres in height, with a species as listed in Council's Street Tree Plan and in accordance with Council's Street Tree Planting Policy.
- (ii) The applicant must maintain these trees for a period of 12 months from the date of issue of the Statement of Compliance. Any trees that die or are deemed by Council to need replacement due to lack of maintenance and watering during dry climatic conditions must be replaced at the developers cost and maintained for an additional 12 month period.
- (iii) Subject to the approval of the responsible authority the applicant may make a payment in lieu in accordance with Councils policy at the time. The current rate for payment in Lieu is \$145 (GST inclusive) per tree

14. COMPLETION BEFORE COMMENCEMENT

Prior to the commencement of the use hereby permitted, all works required for or associated with the development shall be completed to the satisfaction of the Responsible Authority.

15. LANDSCAPING BEFORE COMMENCEMENT OF USE

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

16. EXTERNAL FABRIC

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

17. EXPIRY DATE

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

- (i) The Plan of Subdivision is not certified within two years of the date of this permit.

- (ii) The dwellings hereby approved have not started within two years of the date of certification of the plan of subdivision.
- (iii) The dwellings hereby approved is not completed within two years of the date of commencement.
- (iv) The Responsible Authority may extend the periods referred to if a request is made in writing before the period expires or within three months of the date of expiration.

**Moved Cr Gaffney
Seconded Cr Pockley**

That the Recommendation be adopted.

CARRIED

BACKGROUND

Date application lodged: 20 August 2008

Purpose: The applicant seeks approval to construct three separate dwellings as shown on the plans and to subdivide the block to provide separate free hold title for each dwelling.

Lot 1 Area 345.8m²
Lot 2 Area 329.4m²
Lot 3 Area 551m²
Common space 289.5²

Subject site land area: 1516m²

Current use of subject site: The subject site is currently vacant.

Site description:

The subject site, 1A Railway Avenue, being Lot 2 on Plan of Subdivision 533527K as shown on the plans is a vacant residential block. The Title plans show a mining race traversing the south eastern section of the subject site. The applicant recently bought this mining race from the Department of Sustainability and Environment.

The site is substantially cleared with some old fruit trees and shrubs at the eastern end and two elms on the southern end. The entire site is well grassed.

The site slopes at a grade of 1 in 14 to the northwest becoming steeper towards Railway Avenue with a slope of 1 in 6 between the boundary and the road table drain, which will make driveways accessing the site quite steep. The site is fully serviced with water already connected and power and sewer available near the northeast corner of the block. A stormwater drain is installed along the northern boundary.

The site has good solar access along its long axis, however this side is also the lower side of the block where the drainage is installed and a 3 meter easement is register over the drainage line running the whole length of the subject site. This will mean that private open space for some of the development will be located to the south of the buildings requiring additional depth to allow for the shading effects of the buildings.

Neighbourhood description:

The subject site is located on the west side of an existing older residential area further to the west on the other side of Railway Avenue. A number of recreation and other facilities, including the “Rail Trail” Youth Centre, Croquet Lawns, Bowling greens and Skateboard Park, extending for some 150 m across Spring Creek towards the town centre, where development becomes residential again. This area also contains the historic buildings of the old railway station and goods shed.

Commencing some 70m to the east are further recreation areas of the Chinese Gardens and Lake Sambell.

To the east and south development is mainly residential, with older smaller houses on fairly large block predominantly with the exception being the significant red brick two story building on the corner of Albert and Kerferd Roads. However, further to the southwest on Kerferd Road many of the buildings are of more recent construction and styles and there are several multi- residential developments.

The buildings in the immediate vicinity of the proposed development are generally older with many from the Victorian era and mainly of timber construction with corrugated iron roofs. Most buildings have been modified to some extent with some extensively extended and renovated. Gardens are generally of the cottage style with a variety of exotic plants and shrubs, with a few scattered larger trees. Street fences are mainly timber picket or low wire mesh, while internal fences are generally of corrugated iron.

PROPOSAL

The applicant seeks approval to construct three separate dwellings as shown on the submitted plans and to subdivide the block to provide separate free hold title for each dwelling (see plans attached).

Lot 1 Area 345.8m²

Lot 2 Area 329.4m²

Lot 3 Area 551m²

Common space 289.5

ZONING AND PLANNING CONTROLS

Zoning: Residential 1 Zone

Permit Trigger: A permit is triggered in this case under the provisions of the Residential 1 Zone (Clause 32.01-2) for the subdivision of the subject site as well as for the use and development of the newly created lots for three separate dwellings.

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:

Settlement

14.01 Planning for Urban Settlement

Environment

15.09 Conservation of native flora and fauna.

15.12 Energy efficiency

Housing

16.02 Medium density housing

Infrastructure

18.02 Car parking and public transport access to development

18.09 Water supply, sewerage and drainage

Particular Uses and Development

19.01 Subdivision

19.03 Design and build form

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

Settlement & Infrastructure

Economy

Environment

21.01-3 Settlement and infrastructure

21.03-1 Vision and strategic framework

21.03-2 Corporate Plan

21.04-1-1 Beechworth

21.04-3-2 Heritage

Local Planning Policies

22.01-3 Residential Subdivision and development

22.03-9 Heritage Policy

Particular Provisions

Clause 55 and 56

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:

NERWA
SP AusNet
Telstra
Assets

Responses received recommended 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.

[3] Submissions were received in response.

The objections are summarised as including:

- The garage of unit 1 will spoil the view to the Old Beechworth Railway Station.
- The roots of the 2 large elm trees along the southern boundary cause substantial damage and lifting of the pavement and effect the stormwater drainage pipes.
- The current fences of the subject site are a mixed match of styles and materials and are inappropriate.
- A colorbond fence will not match heritage character of the area.
- The proposed development is not consistent with the heritage character of the surrounding area.
- Concern with the steep slope of the site adjacent to Railway Avenue

A Focus meeting was held on 19 January 2009. At this meeting all the issues were raised and discussed. At this meeting it was agreed that the applicant will prepare amended plans to address some of the concerns raised by the objector.

The applicant subsequently submitted amended plans with the following changes:

- Elms on southwest boundary to be removed.
- Southwest boundary fence to be 1800mm high colorbond with 300mm colour bond lattice extension.
- Unit One garage floor level lowered 250mm and roof ridge 750mm.
- Northeast boundary fence to be 1800mm high timber paling.

The issues raised have been extensively addressed in the officer's report.

Site inspection

The Senior Statutory Planner inspected the site and neighbourhood on several occasions during the processing of the application.

Response to Res-Code

The proposal is assessed in detail against Clause 55 and 56 (Residential subdivision). Copies of both the res-code assessments are contained on file. The application does meet all objectives and standards set out under clause 55 and 56.

The objections relate primarily to a sense that “units” are inappropriate on the site because of the low density character of the neighbourhood. However, there are no planning controls to prohibit “units” on the site and indeed this would be contrary to state government and local government policy, which encourages a diversity of housing in established residential areas.

The site has a Residential 1 Zoning. The purpose of this zone includes:

- *To provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households.*
- *To encourage residential development that respects the neighbourhood character.*

In part because the surrounding development is of a low density, in terms of the zoning of the land, it is appropriate to encourage residential development that differs in density from that which predominates in the area. This provides choice in housing, recognising that a significant proportion of households (such as single people, smaller families or the elderly) do not require, cannot afford or have maintenance problems with, traditional low density living. Given that, as a proportion of all houses, the number of such households is increasing, there is a necessity to provide housing to accommodate these “non-traditional” households, including within country towns. Since there is no designated area of higher or medium residential densities in Beechworth, (nor is it necessarily desirable to create one), it is appropriate to provide such medium density development in a dispersed manner within already established areas close to the town centre. The proviso is that such development must respect the character of its neighbourhood.

The key word in this case is for development to “respect”, not “replicate”, the neighbourhood character. If all new development were simply to replicate existing conditions, the “range of densities” encouraged by the zone could never occur nor would there be visual interest in the locality.

Respect for neighbourhood character is achieved through an identification of the key features of a neighbourhood. This proposal seeks to construct three houses on a lot within an area where there is usually only one house on a lot. The proposed houses will be small houses on what would be small lots, but, nevertheless, like the rest of the neighbourhood, they will be detached, one three single storey house surrounded by gardens are proposed.

The Scheme encourages the consolidation of existing township areas where services/infrastructure exist, in particular at Clauses 14.01 Planning for urban settlement, 16.02 Medium density housing, 21 Municipal Strategic Statement, 22.01-3 Residential subdivision and development and 32.01 Residential 1 Zone.

The Indigo Shire’s Planning Scheme encourages medium density housing in locations proximate to community facilities, and consequentially, proximity to such facilities is often a factor which favours the approval of medium density development in such locations. In this case the proposed development is located walking distance to most facilities.

The proposal's respect for the character of the neighbourhood is discussed below.

The proposal has been assessed against Clause 55. The key findings are:

- The proposal is a good response to the character of the neighbourhood, including the detached nature of the dwellings and the general “openness” of the development and its landscaping. The 1800 mm high timber paling fence along the northern boundary will provide effective separation and enhance privacy of both properties and is also an appropriate response to concerns raised at the Focus Meeting regarding the state of the existing fence and the uniformity of the fence. The 1800 colorbond fence with a 300mm colorbond lattice extension is also an appropriate response to concerns raised at the Focus meeting in that it will enhance privacy especially for the property located to the south of the subject site. The following additional points are of relevance:
- The level of integration with Railway Avenue will be high, because of the modest front setbacks, the front windows and doors.
- The front setbacks of development generally meet the relevant standard.
- The site coverage is to be low and the permeable proportion of the site, high; both of which easily meet their standards and respect the low density character of the neighbourhood.
- The proposed landscaping is an appropriate response to the character of the area. The proposed landscaping will also provide a good separation between the development and surrounding properties. Proposed vegetation will also to a certain degree provide screening to units within the proposed development.
- Adequate parking is to be provided, with each dwelling to have two spaces.
- Side and rear setbacks are in accordance with the relevant standard.
- The earthy materials, colours and the design detail reflect those of other houses in the neighbourhood.
- The standard of amenity for future residents of the dwellings will be good, with:
 - Relatively large floor areas and bedroom numbers.
 - A mixture of semi-private and secluded private opens spaces.
 - Good northern solar access for both internal and external spaces.
 - Good landscaping throughout the site.
 - A lack of internal or external excessive noise sources.

Overall, the development is a good response to the site's opportunities (relatively large size, two frontages) and constraints (a neighbourhood with a low density character including detached dwellings and informal landscaping and fencing).

CONCLUSION

The proposal is considered generally consistent with the provision of the zone, overlay and other applicable clauses in the Indigo Planning Scheme. Therefore this application is supported.

*Attachments
Locality plan and proposed
development plans*

Cr Murdoch returned to the Council Meeting.

**10.5 INDIGO PLANNING SCHEME AMENDMENT C44 –
CROWN LAND REZONING (E1240-44, ASSISTANT TOWN
PLANNER)**

For Decision

RECOMMENDATION

Council resolve to adopt Amendment C44 to the Indigo Planning Scheme as required by Section 29 of the Planning and Environment Act 1987.

**Moved Cr Croucher
Seconded Cr Pockley**

That the Recommendation be adopted.

CARRIED

SUMMARY

Two requests were received to rezone parcels of land currently zoned for public purposes to facilitate sale to adjoining owners. The Department of Sustainability and Environment gave their initial consent to the amendment. The amendment was exhibited in October and November 2008, and no submissions were received. The amendment is recommended for adoption by Council. Once adopted, the amendment can be forwarded to the Secretary of the Department of Planning and Community Development for certification and then approved by Council.

BACKGROUND

This matter was last reported to Council on April 1, 2008, when Council resolved to prepare and exhibit the amendment. The first request to rezone Crown Land, which will be referred to as 'Gilbert', involves the former sawmill site on Back Creek Road, Yackandandah. At present, the former sawmill buildings are located partly on a road reserve, and partly on land zoned PUZ7 (see Attachment A), which is a public use zone with an unspecified use, defined in the Planning Scheme as 'other public use'. The former sawmill site is presently under lease from DSE, and is being used for the purpose of an art and craft centre by a local sculptor.

This part of the amendment would only involve the rezoning of the land zoned PUZ7 to IN1Z, as the road reserve is presently zoned IN1Z. The road reserve will be closed under Section 10, Clause 3 of the Local Government Act to facilitate sale to the present lessee. The existing zoning of the subject site is shown in Figure 1 below, while the proposed new zoning is shown in Figure 2.

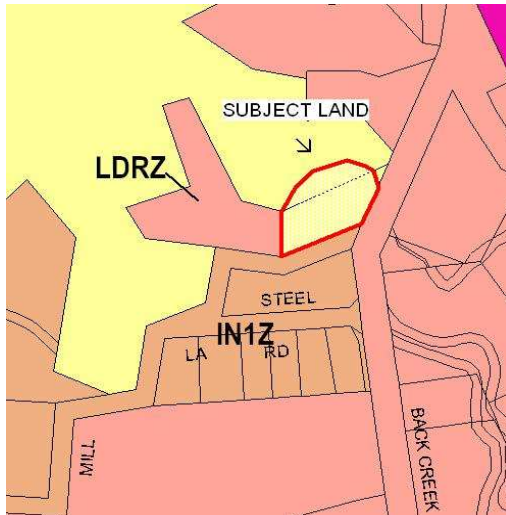


Figure 1: Existing Zoning (Gilbert)

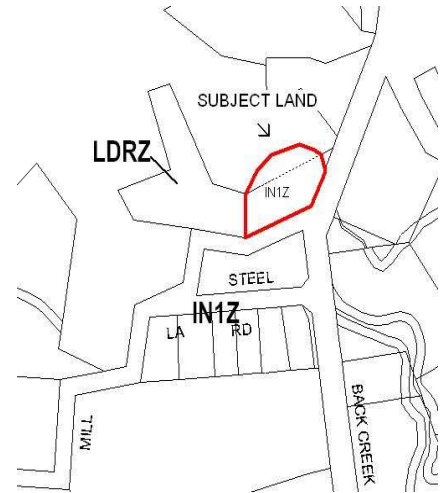


Figure 2: Proposed Zoning (Gilbert)

The second request for rezoning of Crown Land, which will be referred to as ‘Pund’, is located on Buckland Gap Road, Beechworth, and involves a parcel of land known as Crown Allotment 2056, Parish of Beechworth, which has an area of approximately 2.27ha. The land’s present PCRZ zoning reflects its position adjacent to the heavily vegetated Beechworth Park (see Attachment B), but the land itself is largely cleared of vegetation. DSE has agreed to sell this parcel of land to an adjoining landowner, conditional on it being rezoned to FZ. It is also anticipated that this parcel will be required to be consolidated with the purchaser’s existing holding, so as not to create an additional small lot in the FZ. Aerial photographs of the subject parcels of land can be found at **Attachment A**.

The existing zoning of the Pund site is shown in Figure 3 below, while the proposed new zoning is shown in Figure 4.

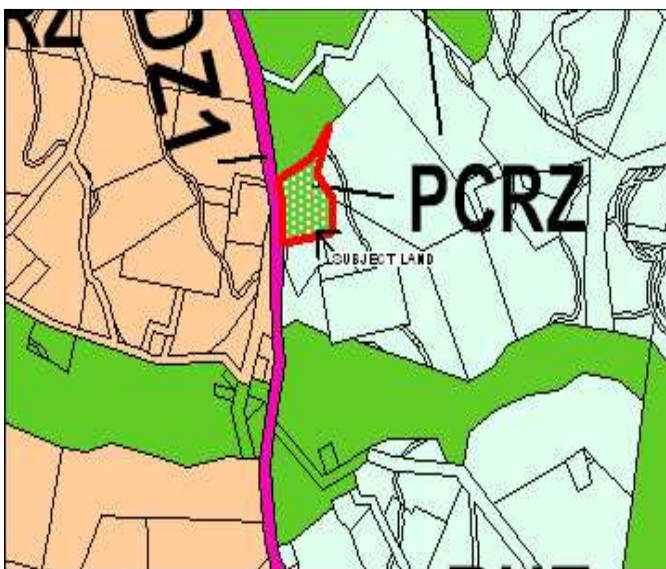


Figure 3: Existing zoning (Pund)

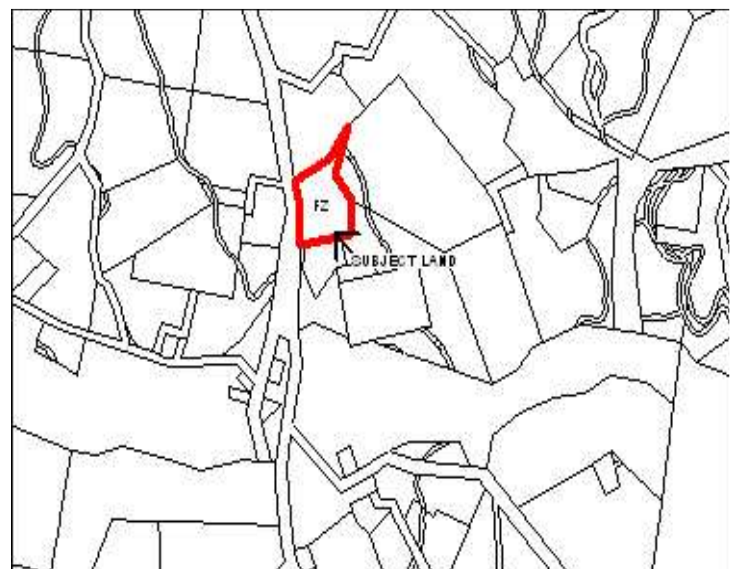


Figure 4: Proposed zoning (Pund)

PUBLIC CONSULTATION

Amendment C44 was advertised by means of notices to adjoining owners and occupiers from October 1 to 24 November 2008. No submissions were received in response to notification.

DISCUSSION

As the amendment involves two isolated parcels of land, and the purpose for which they are currently being used is not proposed to alter, it was anticipated there would be little or no response to the notification of the proposed amendment.

CONCLUSION

As part of Authorisation A001038 (**Attachment B**), Council is authorized by the Department of Planning and Community Development (DPCD) to approve the amendment, once certified by the Secretary of DPCD. The matter will be reported to Council again after certification by the Secretary.

Attachments

*Attachment A: Aerial photos of subject land parcels.
Attachment B: Authorisation A001038*

10.6 INDIGO HERITAGE ADVISORY COMMITTEE MINUTES (FILE NO:- E511 - MSP)

For Information

SUMMARY

This report considers matters from the 15 January 2009 meeting of the Indigo Heritage Advisory Committee and makes recommendations to Council about two matters – information centre signage and more adequate funding for the heritage advisory service Council operates.

BACKGROUND

A copy of the minutes from the January meeting of this Committee are attached. Matters of note from the meeting are:

- Information centre “I” signs

The committee is concerned that information centres signage, whilst located within heritage areas, does not meet requirements for signs in those areas. It is noted that other signs are required to comply with Council’s controls – however the information centre signage has been erected in most instances without reference to Council’s own controls.

The committee has resolved to request that Council progressively introduce a single standard heritage appropriate “I” sign at all information centres within Indigo Shire.

- Resignation of Heritage Advisor

Lorraine Huddle, Council's Heritage Advisor has resigned effective from January 2009. The committee has acknowledged Lorraine's hard work, skill and talent.

The service is now being provided by a combination of two persons – Deborah Kemp and Terri O'Brien.

- Heritage Advisory Service

The committee has been concerned at delays in heritage matters over 2008. Whilst the change in service delivery to a two person team of persons more locally based than Lorraine Huddle may assist with timing delays, there is still concern that the service will not be proactive given the limited budget that has been put to towards heritage. This may mean that the community concern about service delays may not be adequately addressed.

The committee has resolved that Council be requested to increase the funding in real terms for the Indigo Heritage Advisory Service for the next financial year.

DISCUSSION

It is suggested that Council investigate the "I" sign issue and discuss this further with Tourism Victoria.

The question of funding can be taken to the budget process.

Attachment

10.7 VICTORIA PLANNING PROVISIONS AMENDMENT VC53 – PLANNING PERMIT EXEMPTION FOR COUNCIL BUILDINGS OR WORKS WITH AN ESTIMATED COST OF \$1,000,000 OR LESS (ATP)

For Information

SUMMARY

On 23 February 2009, the Minister for Planning gazetted Victoria Planning Provisions Amendment VC53. This amendment was entitled 'Bushfire Recovery', and contained two main items. The first introduced a new particular provision into all planning schemes, *Clause 52.38 – Bushfire Recovery*. The second change was the introduction of a new permit exemption in Clause 62.02-1 for buildings and works carried out by or on behalf of a municipality with an estimated cost of \$1,000,000 or less.

BACKGROUND

In early February 2009, as we are all aware, Victoria experienced the worst natural disaster in our history, being the 'Black Saturday' bushfires. To assist in the recovery of communities affected by fires, the Minister for Planning prepared Amendment VC53.

The Amendment supports the Government's rapid response to address the recovery needs of affected communities. The amendment will assist immediate recovery operations including site clean up and providing temporary accommodation.

Exempt development includes the demolition of a building and removal, destruction or lopping of vegetation; the construction of a building and construction of or carrying out of works; and the display of signage. Buildings will only be able to be used on a temporary basis. Written consent of the responsible authority will be required for certain development within a Heritage Overlay, Land Management Overlay and the Environmental Audit Overlay. Most of the matters listed as being exempt from a planning permit under the new provision are already exempt.

By introducing a broad exemption, the provision will put beyond doubt that all matters in support of bushfire recovery are exempt, whether or not currently exempted by the planning scheme. The exemptions will enable councils to support their communities in the initial recovery phase and direct planning resources to the rebuilding phase. Buildings constructed under this provision will still need to comply with the requirements of the Building Act and Regulations.

Fortunately, this new provision will not be required on a broad scale in Indigo Shire.

The planning permit exemption for municipal development valued at 1 million dollars or less forms part of the planning reforms to fast-track key building projects to boost jobs and help shield Victoria from the effects of the global financial crisis. The implications for this new exemption are wide-ranging in Indigo Shire, mainly because of the need to maintain the heritage values of our townships.

CONSULTATION

Notification of Amendment VC53 was published by the Minister for Planning in the Government Gazette on 23 Feb 2009. At that time, two planning applications were being assessed. The first, PP08-4303, related to proposed bus parking and road works on Hammond and Wellsford Streets Yackandandah. This application had gone through the public consultation process, including a Planning Focus Meeting to deal with objections. After the introduction of VC53, the application was reported to Council at its meeting of March 10 for information, including information regarding VC53 and its implications. Submitters were also individually notified of the situation. The second application involved the installation of portable office accommodation at Council's Yackandandah office. This had generated one submission, and again, the submitter was notified of the situation.

DISCUSSION OF ISSUES

A planning permit will no longer be required for buildings and works conducted by or on behalf of Council to the value of 1 million dollars or less, including in areas affected by the Heritage Overlay or any other overlay. A planning permit will continue to be required for 'use'.

To ensure that development proposed as part of Civil Works, Assets and Engineering or any other Council Business Unit's projects take into account relevant heritage considerations, mechanisms are in place to make certain communication channels remain open. One of these is the Integrated Planning Group, which is being set up to act as a forum where strategic projects from various Business Units are viewed and other Business Units have the opportunity to provide input as appropriate.

CONCLUSION

It is important that Council's proposals with an external focus remain transparent from the public realm, despite the new exemption in the Planning Scheme. Council places a high importance on the heritage values in Indigo Shire, and therefore we must continue to ensure that buildings and works carried out by Council reflect these values. It is for this reason that communication channels between departments are more important than ever.

10.8 SUSTAINABLE COMMUNITIES PROJECTS – APRIL 2009

For Information

Projects underway are show in the following table.

Project	Current actions
STRATEGIC PLANNING	
Amendment C21 - Kiewa-Tangambalanga	Planning Panels Victoria has been requested to appoint a panel to consider this amendment.
Municipal Strategic Statement and Indigo Planning Scheme Amendment C24 – Major review	<p>Major review finalised and adopted by October 2007, then submitted to the Minister for Planning.</p> <p>Planning Scheme amendment (C24) to implement initial matters. Public exhibition during August 2008 resulted in 45 submissions. These included acknowledgment, support, requests for minor changes and objections.</p> <p>At the November 2008 meeting Council resolved to request appointment of a Panel. Panel hearing took place on 4 and 5 February 2009. Panel report received.</p>
Amendment C35 – Former Beechworth Hospital site	This amendment proposes to rezone this site to residential and mixed use zones and introduce an Environmental Audit Overlay over part of the site. This was the subject of a Panel hearing in December 2008. Report received from Independent Panel in January 2009. Amendment adopted by Council February 2009 and approved by Minister.
Amendment C36 – Chiltern Flood Study	<p>Amendment to replace Land Subject to Inundation Overlay in Chiltern based on the recommendations of the Chiltern Flood Study. Exhibition in June 2008.</p> <p>Two submissions were received. Issues raised in submissions were addressed by NECMA and revised mapping prepared. One further submission was received.</p> <p>Matter to be referred to Panel to consider the unresolved submission.</p>

<p>Indigo Planning Scheme Amendment C44 – Back Creek Road, Yackandandah and Buckland Gap Road, Beechworth</p>	<p>This amendment proposed to rezone land zoned Public Use Zone 7 to Industrial 1 Zone and from Public Conservation and Resource Zone to Farming Zone. Both rezonings will enable the Crown to dispose of the land to adjoining land owners.</p> <p>The public exhibition period closed in November 2008. One issue has been raised and resolved. The amendment will be reported to Council at this Meeting (April 2009) with a recommendation to adopt the amendment.</p>
<p>Indigo Planning Scheme C48 – Kiewa Valley Highway</p>	<p>This is a minor amendment to rezone part of the Kiewa Valley Highway from Farming Zone to Road Zone Category 1 to reflect that it is part of the highway reserve. DPCD is undertaking the administrative work for this amendment on behalf of Vic Roads.</p>
<p>Indigo Planning Scheme C49 – Old Beechworth Gaol</p>	<p>This amendment introduces a Schedule to the existing Development Plan Overlay over the site.</p> <p>Conditional authorisation to proceed to advertise the amendment has been received from DPCD and conditions have now been satisfied.</p> <p>Public exhibition finalised and objections received. Matter to be referred to Panel for consideration.</p>
<p>Indigo Planning Scheme – environmental/biodiversity overlay</p>	<p>Phase 1: Identified biodiversity priority areas within the municipality for further investigation and possible further controls in the planning scheme. Phase 1 report completed.</p> <p>Phase 2: Consultants appointed to undertake this phase of analysis of requirements for additional or changed planning controls. Phase 2 report was presented to Council Briefing in March 2009. Further briefing required.</p>
<p>Rural Land Use Strategy</p>	<p>Coomes Consultants appointed to undertake the strategy. Initial consultation phase completed. Issues and opportunities paper finalised. Draft strategy now being prepared.</p> <p>A second round of public consultation will be held on 22 & 23 April 2009.</p>
<p>Indigo Planning Scheme Amendment C50 - Chiltern Business 3 rezoning</p>	<p>Application for grant to fund strategic component has been lodged with RDV. Preparation of amendment to proceed following strategic work.</p>

STATUTORY PLANNING

VCAT Appeals	<ul style="list-style-type: none"> o P97/015 Appeal by Powercount Developments requesting modification of a condition of this permit which was issued at the direction of the AAT. Application still yet to be notified to the community. Listed for mention on 2 March 2009. Likely to proceed to public notification shortly. o PP05-281 Appeal by O & Z vonWilpert against Council's refusal to amend a planning permit for a dwelling at Elgin Road, Beechworth. Hearing dates set and adjourned. New hearing date set for 3 April 2009 in Melbourne. o PP07-072 Appeal by R Beaver against Council's Failure to grant a permit for a 21 lot subdivision of the Old Beechworth Gaol. Hearing set down for 20 & 21 February 2008 and adjourned due to decision by Minister for Planning to introduce a Development Plan Overlay over the subject land. Mediation held 6 June 2008 to consider matters to be included in the development Plan. Mediation did not finalise all matters. The matter proceeded to hearing. <p>A second appeal was also lodged. This was against Council's failure to determine a development plan that was submitted on 28 April 2008. This matter was joined with the subdivision matter.</p> <p>Hearing was held 29 and 30 October. Council's decision to refuse the application was overturned.</p> <ul style="list-style-type: none"> o PP08-4185 Appeal by V & P Lehmann against Council's refusal of an application for a dwelling at Beechworth Road, Chiltern. Hearing held 10 March 2009 in Beechworth. Council's decision upheld.
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HERITAGE SERVICES

2009 Indigo Heritage Awards	Awards evening is scheduled for 22 May. Preparation for this underway.
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NATURAL RESOURCE MANAGEMENT	
North East Greenhouse Alliance	<ul style="list-style-type: none"> • Awaiting outcomes on EOI's submitted to Sustainability Accord
Lake Sambell	<p>Current/Planned Works</p> <ul style="list-style-type: none"> • Bird hide rebuilt – fabrication of interpretative sign for inside on order • Maintenance scheduled being developed • Maintenance planting throughout glades to occur during Autumn/Winter <p>Outstanding Works</p> <ul style="list-style-type: none"> • Rock beaching to occur near boardwalk • Sealing around tunnel entrance
Indigenous Resource Area at Lake Sambell	<p>Current/Planned Works</p> <ul style="list-style-type: none"> • Maintenance spraying & brushcutting completed • Some replanting of feature plants to occur in Autumn/Winter <p>Outstanding Works</p> <ul style="list-style-type: none"> • Rock beaching of eroded bank • Completion of signage
Isaac Park	<p>Current/Planned Works</p> <ul style="list-style-type: none"> • Maintenance spraying & brushcutting completed • Maintenance plan being developed • Old signage removed • Planting in upper gully floor to occur in Autumn
Community Woodlot Program	<p>Timber available in all woodlots:</p> <ul style="list-style-type: none"> • Stanley (Six Mile Rd) – 500tonnes, salvage material, most is a bit charred on surface • Yackandandah (Nine Acre) - >2000 tonnes, sheared • Chiltern – 20 tonnes, sheared • Beechworth (transfer station) – 10tonnes – prison crew to split & deliver
Roadside weed initiative	<ul style="list-style-type: none"> • No change – assessments not required until next autumn
Roadside weeds	<p>DPI funding to spray roadside weeds:</p> <ul style="list-style-type: none"> • Priority roads & weeds sprayed in Beechworth • Priority roads & weeds sprayed in Yackandandah • Spraying yet to occur at Stanley • Spraying for Serrated Tussock around Rutherglen yet to occur
Eco-Awareness Group	<ul style="list-style-type: none"> • New committee formed with representatives from all departments to reflect change in organisational structure • First meeting held Monday 30th March – Two Year Action Plan was reviewed • Action Plan to be updated, circulated and then to Council for endorsement
Community awareness	<ul style="list-style-type: none"> • Community & school groups supported for Clean Up Australia Day

	<ul style="list-style-type: none"> • Invitation to schools to participate in National Tree Day pending
Upper Sandy Creek School revegetation project	<ul style="list-style-type: none"> • No change – will monitor weeds/grass in site later in year
Sustainable Water Use Plan	<ul style="list-style-type: none"> • EOI to be developed to submit to RDV for the extension of use of waste water in Rutherglen
Code of Forest Practice	<ul style="list-style-type: none"> • Harvesting of burnt coupes underway – coupe plans have been received • Code of Forest Practice consultant has undertaken 2 inspections of operations • Information brochure to be developed regarding plantations
Environmental Advisory Committee	<ul style="list-style-type: none"> • Workshop held recently to assist with actions for Greenhouse Action Plan as well as developing key policy directions for Environment Strategy • Next meeting scheduled for Wednesday 8th April 2009
Roadside Management Plan	<ul style="list-style-type: none"> • Roadside Partnership Program – remaining elements include an education event for all participants & completion of evaluation report by CSU • Roadside Conservation Value reassessment project – consultant appointed – data capture commenced
Greenhouse Action Plan	<ul style="list-style-type: none"> • Draft plan compiled – to be presented to council April 21st
Environment Strategy	<ul style="list-style-type: none"> • Further consultation with Environmental Advisory Committee has defined framework for strategy

10.9 ARTS AND CULTURAL ADVISORY COMMITTEE (FILE NO: C967.3 - CPM)

For Information

SUMMARY

This report presents the Minutes from the March 2009 meeting of the Arts and Cultural Advisory Committee.

BACKGROUND

The Arts and Cultural Advisory Committee (ACAC) is a Section 86 committee appointed by Council to provide advice to Council on matters pertaining to arts and culture within the Indigo Shire. The Committee generally meet about four times a year and are guided by the objectives contained in the Committee's Instrument of Delegation.

ISSUES

One recommendation was passed at the meeting:

- The Arts and Cultural Advisory Committee strongly recommend that Council contract Chris Dormer to complete the Public Arts Policy as soon as possible.

The recommendation from the Committee followed on from discussion by members about the importance of Council having in place a policy for the installation of public art. Council's previous Arts & Cultural Development Officer, who resigned in December 2008, had completed significant background research into the Policy but was unable to complete the project prior to her resignation late last year.

The Committee's recommendation will be considered by the appropriate Council officer and an appropriate response forwarded to the Committee as soon as practical.

POLICY IMPLICATIONS

Minutes of the ACAC meetings are to be reported to Council.

Attachment

10.10 SUSTAINABLE COMMUNITIES PROGRESS REPORT – APRIL 2009

For Information

PROJECT	ACTION/ PROGRESS
Sustainable Communities Tidy Towns Awards 2009	Entries for the Sustainable Communities Tidy Towns Awards 2009 closed on 27 March 2009. The following entries were received: Yackandandah <ul style="list-style-type: none">▪ Heritage & Culture - Reconstruction of the Yackandandah Bank Museum
	Beechworth <ul style="list-style-type: none">▪ Community Pride - Kerferd Oration – “The Climate Change Challenge”▪ Heritage & Culture - Beechworth Historical Re-enactment Group▪ Environmental Innovation - Dalcheri Uniquely Ethical▪ Zero Waste - La Trobe University Claypit Site▪ Protection of the Environment - Wooragee Landcare Group▪ Community Government Partnership - The Cities for Climate Protection Program▪ Energy Conservation - The Vision Splendid Eco Lodge▪ Proud Schools - Wooragee Primary School▪ Proud Schools - Beechworth Secondary College

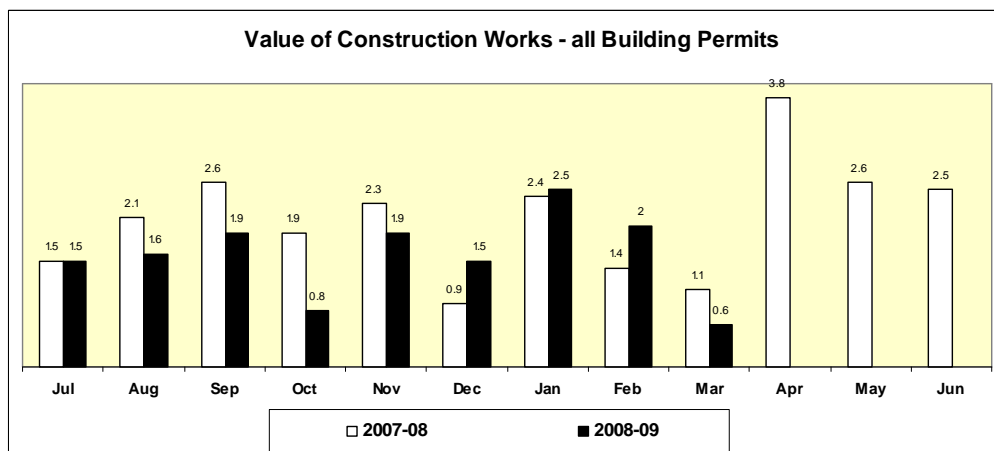
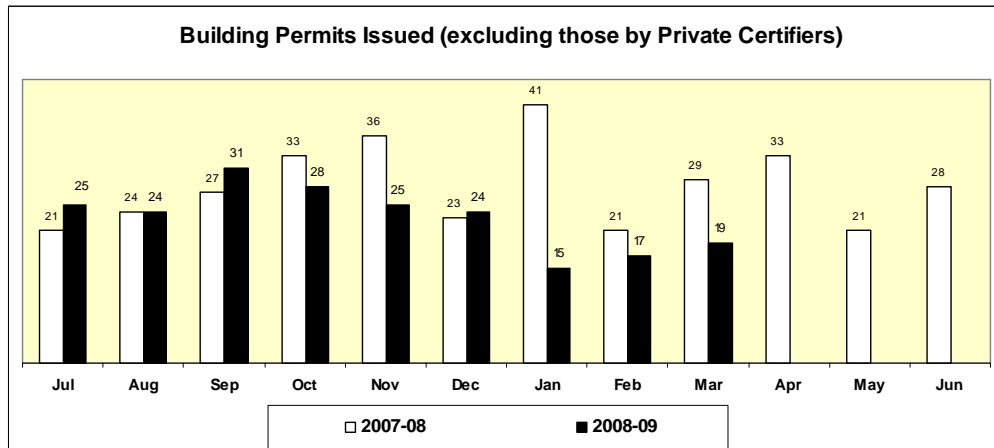
	<p>Rutherglen</p> <ul style="list-style-type: none"> ▪ Community Pride - Rutherglen Park Improvements ▪ Heritage & Culture - 100 Years of Rutherglen Primary School ▪ Environmental Innovation - Sustainable Winery and Accommodation ▪ Zero Waste - Rutherglen Primary School Recovering Resources ▪ Protection of the Environment - Rehabilitation of Dryland Salinity Site ▪ Community Government Partnership - Rutherglen Wine Experience ▪ Water Conservation - Save Water For Our Future ▪ Energy Conservation - Go Green With Power ▪ Young Leaders - Rutherglen Primary School ▪ Proud Schools - Rutherglen Primary School <p>Judging for the Awards will take place in late April and early May, followed by the Regional Presentations in July-August 2009. The State Awards weekend will be held in Horsham on 2-4 October 2009.</p>
<p>Bushfire Recovery</p>	<p>As part of the State Government's support of the bushfire recovery Council has received the following grants:</p> <ul style="list-style-type: none"> ▪ Department of Human Services for \$73,699 over two years ▪ Department of Planning and Community Development for \$30,000. <p>These grants are targeted to recovery and community development initiatives. It is proposed that they be combined with the Community Strengthening Grant for which Council recently received notification of its successful application. We are still awaiting advice regarding an application for \$50,000 from the Department of Planning and Community Development, again for bushfire recovery initiatives around volunteer support and development.</p> <p>A visit to Stanley by Ms Christine Nixon, from the Bushfire Recovery and Reconstruction Authority, on 19 March was well received by Indigo resident who have been impacted by the Black Saturday fires. Ms Nixon met and spoke with residents at a function held at the Stanley Pub and was able to provide updated information on the progress being made by the Authority. Ms Nixon acknowledged the issues raised by the community and it is hoped that the Authority may be able to address some of these.</p>
<p>National Youth Week</p>	<p>As part of the state-wide celebrations for this year's National Youth Week, Alpine, Indigo & Towong Shires and the Rural City of Wangaratta produced a DVD, 4 the Record, showing young people talking about their experiences of Fun, Safety and Risk. The final version of these interesting and exciting stories was viewed at a Youth Forum held last Tuesday at Coulston Park Hall in Tangambalanga. One hundred young people from across the four LGA's attended the highly successful day that</p>

	also included a facilitated discussion about Digitally Enhanced Body Image and the value of ‘being yourself’.
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10.11 BUILDING STATISTICS – 1 TO 31 MARCH 2009 (GC)

For Information

Property Locality	Description	Project Value	Approval Date
Wahgunyah	New Building	\$3,500	03/03/09
Beechworth	Extension	\$146,000	04/03/09
Yackandandah	New Building	\$18,800	04/03/09
Wahgunyah	New Building	\$12,000	04/03/09
Staghorn Flat	New Building	\$29,218	04/03/09
Tangambalanga	New Building	\$26,000	11/03/09
Beechworth	Retaining Wall	\$3,300	12/03/09
Wahgunyah	New Building	\$10,900	13/03/09
Yackandandah	New Building	\$25,000	16/03/09
Beechworth	Extension	\$19,900	17/03/09
Chiltern	New Building	\$4,583	17/03/09
Stanley	Retaining Wall	\$6,000	18/03/09
Yackandandah	Other	\$60,000	18/03/09
Beechworth	Extension	\$148,500	18/03/09
Kiewa	Swimming Pool	\$31,200	18/03/09
Indigo Valley	New Building	\$9,344	23/03/09
Rutherglen	Alteration	\$4,850	27/03/09
Beechworth	Extension	\$25,000	30/03/09
Beechworth	New Building	\$10,742	31/03/09
Total		\$594,837	



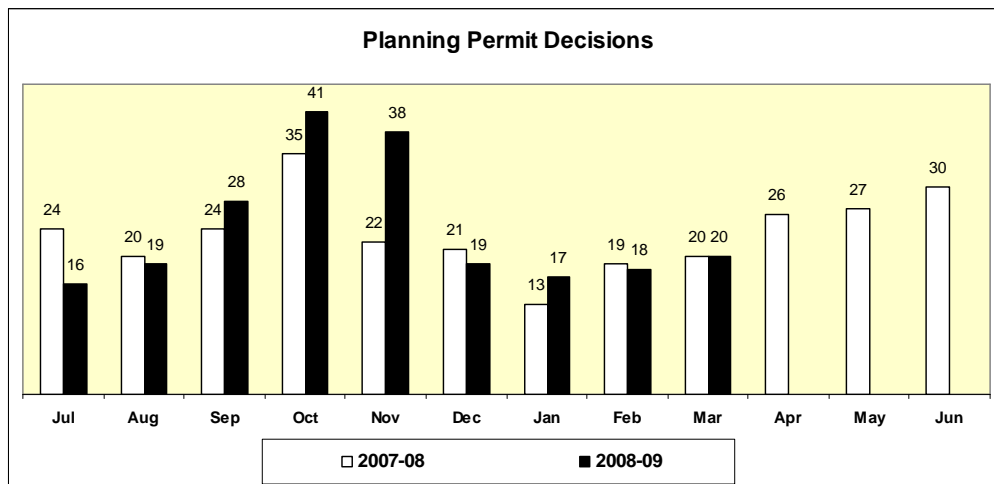
Building Permits	March 2009	Financial Year To Date	Same Period 2008
Number Issued (excluding Private Certifiers)	19	208	255
Value of Works (including Private Certifiers)	\$0.16M	\$14.3M	\$16.2M

PLANNING STATISTICS – 1 TO 31 MARCH (SC)

For Information

Appl. No	Locality	Proposed Use	Project Value	Decision
PP084303	Yackandandah	Footpath and Kerb and Channel	50,000	No permit required
PP084362	Kiewa	Dwelling	210,000	Approved
PP084417	Tangambalanga	Staged Industrial Subdivision - Stage 1 being 8 Lots	450,000	Approved
PP084422	Rutherglen	4 Lot Subdivision	0	Approved
PP084427	Stanley	Carport	5,500	Approved
02325.1	Beechworth	Amend (Extend) Permit - 39-Lot Subdivision	0	Approved
PP084442	Allans Flat	Alterations & Additions to Dwelling	120,000	Approved
PP084448	Osbornes Flat	Convert Former Church to a	200,000	Approved

		Dwelling, and extensions		
PP090003	Beechworth	Dwelling	240,000	Approved
PP090005	Rutherglen	Dual Occupancy	135,000	Approved
06268.1	Rutherglen	Amend/Extend Permit - Dwelling (including demolition of existing)	250,000	Approved
PP090016	Yackandandah	Shed	25,000	Approved
PP074149.2	Beechworth	Garage and Alterations to Dwelling	0	Approved
PP090017	Beechworth	Carport and Patio	19,990	Approved
PP090023	Beechworth	Extension to verandah	750	Approved
PP090026	Beechworth	Alterations to Dwelling	0	Approved
PP090028	Rutherglen	Extend Licensed Area	0	Approved
PP084332.1	Wooragee	Dwelling and Shed	0	Approved
PP084285.1	Beechworth	Amend Permit to Staged Three (3) Lot Subdivision	0	Approved
PP090029	Beechworth	Shed	10,742	Approved
PP090030	Chiltern	Carport	4,583	No permit required
06234.1	Rutherglen	Amend/Extend Permit - 6 lot Subdivision	0	Approved
Total			1,871,565	



Note: Figures do not include withdrawn or lapsed applications or those determined not to require a permit.

Determination	March 2009	Financial Year To Date	Same Period Financial Year 2008
Issued	15	180	186
Refused	0	2	10
Amended	5	34	2
TOTAL	20	216	198

11.0 OPERATIONS AND ASSETS

11.1 NEVRWASTE REGIONAL WASTE MANAGEMENT PLAN (FILE NO. E765-10 CWWM)

For Decision

That Council:

- 1. Adopt the North East Victoria Regional Waste Management Plan 2009.**
- 2. Incorporate relevant actions into the Indigo Shire Waste Management Strategy (Draft).**

**Moved Cr Murdoch
Seconded Cr Croucher**

That the Recommendation be adopted.

CARRIED

SUMMARY

Further to a report presented to Council at the meeting of 18 December 2008 the North East Victorian Regional Waste Management Plan (RWMP) is now available for presentation to Council for its adoption. A copy of the Plan is available from the Yackandandah office upon request.

BACKGROUND

The North East Regional Waste Management Group, trading as NevRwaste, works in partnership with its member Councils, to implement the State's waste management policies and strategies, at a regional and local level. As part of this responsibility NevRwaste is required to prepare a Regional Waste Management Plan. A Draft plan has been prepared and as part of the consultation process prior to the adoption of the plan it was a requirement for all Councils and Alpine resorts in the Region, to provide comment on the draft. This draft was presented to Council at its meeting on 18 December 2008. Cr. Graham, General Manager Operations & Assets and the Waste Management Officer perused the draft plan and provided some commentary back to NevRwaste.

CONSULTATION

Consultation was undertaken by NevRwaste in accordance with the Environment Protection Act 1970.

The RWMP was available for public comment during October/November 2008. Council was presented with the opportunity to comment on the Draft Plan at its meeting of 18 December 2008.

On 10 November an Industry information session was also held.

After public and Council consultation, the RWMP was referred back to the NevRwaste Board and at its meeting of 5 March 2009 the RWMP was adopted. The plan is proposed to be submitted to the EPA in June for its approval.

POLICY IMPLICATIONS

The RWMP compliments Council's current Waste Management policies.

FINANCIAL & RESOURCE IMPLICATIONS

Council currently contributes an amount of approximately \$12,000 annually to NevRwaste and the RWMP does not seek to increase this contribution other than the annual CPI increase. Actions arising from the RWMP will be reflected in Council's Waste Management Strategy (Draft) and in Council's Operational and Capital Works budgets.

11.2 REGIONAL WASTE MINIMISATION STRATEGY (FILE NO: E700-03 - CWWM)

For Decision

That Council endorse the Regional Waste Minimisation Strategy as prepared and adopted by the Albury City Council.

**Moved Cr Murdoch
Seconded Cr Croucher**

That the Recommendation be adopted.

CARRIED

SUMMARY

The Albury City Council established a Regional Waste Management Working Group (RWMWG) to develop a Regional Waste Minimisation Strategy (RWMS) designed to investigate ways of reducing the volume of waste that is being disposed of at the Albury Landfill. Membership of this Committee included Council representatives of regional Councils, both from Victoria and New South Wales, who dispose of waste at the Albury Landfill. Indigo Shire Council has an agreement with the Albury City Council to deposit all our municipal waste at the Albury Landfill. This agreement can be terminated by either party provided five years notice is given.

Development of the Regional Waste Minimisation Strategy has now been completed.

BACKGROUND

Approximately 194,000 tonnes of waste are deposited at the Albury Landfill per annum. This is generally made up of 55,600 tonnes Commercial & Industrial (C&I), 67,600 tonnes Construction & Demolition (C&D) and 70,800 tonnes of Municipal waste.

In an effort to reduce the amount of waste disposed of, and therefore prolong the life of the landfill, the RWMWG was established to develop the Regional Waste Minimisation Strategy. The focus of the strategy, among other things, is to develop and implement an education program designed to assist the community to sort, separate and remove waste from the various streams at the source so that disposal to the Albury Landfill is minimised.

The RWMWG will engage a suitable consultant to plan and deliver a public awareness and education campaign.

The objective of the campaign will be to increase public awareness and stakeholder understanding of all aspects of waste minimisation. Stakeholders will be encouraged as part of the campaign to participate in a number of education forums that will deliver a range of waste minimisation messages and inform the community of the recent changes relating to waste disposal, recycling and Extended Producer Responsibility. An opportunity also exists for community members to provide feedback on the Albury Waste Management Centre (AWMC) and current waste collection and disposal practices.

The Waste Minimisation Strategy recommends a number of strategic actions and these include:

- *All Councils represented by the RWMWG adopt the applicable NSW or Victorian State Waste Avoidance and Resource Recovery Targets for 2014.*

Indigo's target, as identified in the NevRwaste Regional Waste Management Plan is 45% by 2014. We currently achieve 27%

- *Waste management plans be a condition of consent required by Council for all Construction and Demolition (C&D) development applications.*
- *Public-place recycling is implemented in the represented region.*

Indigo currently provides public place recycling facilities in all towns.

- *The RWMWG supports Albury City in implementing a sliding scale of charges for the AWMC from 1 July 2010 that rewards waste separation and diversion and penalises non-waste separation.*
- *The RWMWG support Albury City in adjusting the gate charge at the AWMC from 1 July 2009 to generate ongoing funding of the Waste Minimisation initiatives in the Albury Wodonga region.*
- *The RWMWG undertakes an evaluation and review of the public awareness and education campaign. Evaluation and review will be based on the public's response to a managed multi-media campaign and on the successful delivery and implementation of RWMWG new waste minimisation initiatives.*

The Waste Minimisation Strategy was developed to provide a clear direction in the future management of waste services in the Albury Wodonga region. The Albury Wodonga region includes the Albury, Corowa, Greater Hume, Indigo, Towong and Wodonga Council areas.

CONSULTATION

The RWMS has been publicly advertised giving the community the opportunity to provide input to its development.

Stakeholders will be encouraged as part of the education campaign to participate in a number of education forums that will deliver a range of waste minimisation messages and inform the community of the recent changes relating to waste disposal, recycling and EPR.

POLICY IMPLICATIONS

The RWMS is complementary to Council's current Waste Management policies and will be incorporated in Council's Waste Management Strategy (Draft).

FINANCIAL & RESOURCE IMPLICATIONS

As part of the RWMS Albury City Council will be including a levy of approximately \$2.50/tonne in the disposal fees to fund the ongoing development of the Plan. This levy will be introduced in the 2009/10 financial year.

Council disposes approximately 2,400 tonnes of waste at the Albury Landfill per annum and this will result in an increase of approximately \$6,000 in disposal charges.

Attachment

11.3 CHILTERN TOWN CENTRE REVITALISATION PROJECT (FILE NO: D670.1-02 – GMOA)

For Decision

RECOMMENDATION

That Council sign and seal the attached documents in relation to Land Acquisition and Exchanges to facilitate the construction of Green Lane Chiltern:

- 1 Realignment of Boundaries - Council – Rowland - Strahan**
- 2 Exchange of Lands: Council - Rowland**
- 3 Exchange of Lands; Council - Berryman**

**Moved Cr Goldsworthy
Seconded Cr Issell**

That the Recommendation be adopted.

CARRIED

SUMMARY

The Council has been pursuing the proposals to construct car parking at the rear of the Chiltern IGA Supermarket and provide direct access to this carpark and the rear of the supermarket via an extension of Green Lane onto Main Street. All owners have reached agreement with Council to allow this to proceed and agreements need to be signed to allow the next steps to be taken.

BACKGROUND

The Council adopted a report at the February 2009 Council meeting authorising Council Officers to proceed with the purchase of land and other actions to facilitate the construction of Green Lane onto Main Street and allied car park construction and closure of access from Green and Martins Lanes onto Conness Street.

Council Officers are at the stage now where they have almost completed the first step in acquiring land to facilitate the extension of Green Lane onto Main Street. This has involved much discussion with the Department of Sustainability & Environment (DSE), VicRoads and two directly affected owners (Rowland and Berryman) from whom Council will need to acquire land. A third property owner (Strahan) has become involved in the proposed subdivision to correct a minor Title anomaly.

All property owners have agreed with Council's proposals in relation to the land acquisition and exchanges to facilitate the extension of Green lane onto Main Street. It is necessary to undertake a town planning process in relation to preparation of a Plan of Subdivision prior to the land exchanges taking place.

Planning Permit Applications are being submitted to Council's Planning Manager for approval for the subdivision and reconstruction of fencing and garages.

VicRoads has agreed in principle with the proposals and will shortly sign off on the plans.

The statutory advertisements for the closure of vehicular traffic from Martins Lane and Green Lane onto Conness Street appeared in the Border Mail and the Chiltern Grapevine on 4th and 3rd of April respectively. There is a 28 day public submission period open on these proposals.

COMMUNITY CONSULTATION

Ongoing discussions have been held with property owners directly affected by the Green Lane proposal since March 2008 and this now represents the conclusion of those discussions.

POLICY IMPLICATIONS

This report recommends actions that have resulted from previous Council decisions, budget allocations and grant provisions for capital works in improving Chiltern's central business area.

FINANCIAL AND RESOURCE IMPLICATIONS

The Council has previously approved the budget for this works.

11.4 OPERATIONS & ASSETS DEPARTMENT – PROGRESS REPORT – TO MARCH 2009 (GMOA)

For Information

ASSETS CAPITAL WORKS	
Project	Description
Rutherglen Wine Bottle	NEW to meet with Council planning and engineering officers late April to discuss issues.

Project	Description
Chiltern Floodplain Works	Acquisition of a potential detention basin site is under investigation.
Havelock Road area stormwater re-use	Wetlands works as final stage of this scheme currently under construction.
Ready/Soles Street drainage	Contracts have been signed by the contractor. Site works to commence 20 April.
Chiltern Commercial Area Parking	Application pending for additional \$170,000 grant in 08/09. Finalising streetscape concepts , works commencement shortly.
Rutherglen Heavy Vehicle Deviation.	Planning study progressing. Traffic analysis complete. Information bulletin on website.
Tangambalanga Multi-Purpose Activity Centre	\$50,000 DPCD funding has been confirmed. Contract works scheduled to commence August 24 th 2009.
Former Beechworth Methodist Church Roof	Site works scheduled to commence May 2009.
Tangambalanga Industrial Estate	Result of Regional Development Victoria (RDV) funding application yet to be publicly announced. Planning Permit conditions require further review
Yackandandah Depot Industrial Estate and Steel Rd industrial area	Result of Regional Development Victoria (RDV) funding application yet to be publicly announced. Planning Permit applications lodged.
Wahgunyah Boat Ramp	Meeting soon of all players. Issues finalised with referral authorities. Report to Council soon.
Osborne's Flat Hall Upgrade	Regional Development Victoria (RDV) \$70,000 formal application lodged.
Offices Project	Pending Council determination.
OPERATIONS CAPITAL WORKS	
Mellish Street Reconstruction	Construction has commenced and the contractor has made progress on the installation of drainage pipes
Spring Street Construction	Construction has commenced
Rutherglen to	Construction has commenced on the Riverside Loops section of the Rail Trail with the track being cut through

Project	Description
Wahgunyah Rail Trail	and gravel being laid.
Kiewa Bonegilla Road	Contractor has been awarded and the contractor is expected to commence in late April
Oxford Street Footbridge	Tenders have been received. Awaiting heritage advice prior to awarding contract
Sutherland Road Bridge	Tenders have been received and will be awarded shortly
Indigo Creek Road	Currently finalising scope for project
Resealing program	All roads in the Rutherglen / Chiltern area have been completed. There is a small amount of work to be completed in the Beechworth area which will be completed after Easter
Re-sheeting Program	The program is 95% complete. A small amount is retained in the budget for a small re-sheeting program later in the year to respond to problems that arise
Hammond Street Yackandandah	Car park has been completed. First seal has been laid with follow up to be completed after Easter
Bus Stops	Bus Stops have been completed in all towns except Yackandandah. Yackandandah will be completed when the planning process is complete
Murray to Mountains Rail Trail	Rail removal to commence shortly. Trail commencement by Council staff.
Yackandandah Supermarket Car parking	Works in Hammond Street 90% complete. Road widening works to be undertaken in conjunction with bus stop improvement works.
Wahgunyah-Moodemere Walking Trails	Works 50% complete, progressing very well.
Plant	Replacement program on schedule. Tenders for tractor received
OPERATIONS MAINTENANCE WORKS	
GENERAL MAINTENANCE	
Road Maintenance	Due to dry conditions corrugated roads are still a big problem, as the roads are too dry for any meaningful grading
Parks and Gardens	Parks and gardens are still looking very dry due to dry conditions and water restrictions. Trees are also very stressed particularly young trees. Many recent plantings

Project	Description
	have died
Indigo Waste Management	Green waste mulching has recently been completed at the Beechworth Transfer Station and at the former Yackandandah & Chiltern Transfer Stations.
Fire Prevention	Due to dry conditions. Permits to burn are still required until further notice.
EXTERNAL PRIVATE CONTRACTS	
Buller Gas	Invoices for Dec. have been issued. Construction of development on the mountain continues to be slow. Maintenance continues. The New Gas Safety Case for Buller Gas has been submitted to Energy Safe Vic.
Falls Creek Waste	No word yet on the appointment of the successful tenderer. Anticipate advice week ending 3 April 2009.
East Gippsland Waste	A staff training day held 12 March 2009 covering areas including asbestos identification, bullying and harassment, OH&S and extreme weather policy.
ASSETS MAINTENANCE WORKS	
Subdivisional Works by Developers	Red Hill Stage 2 works completed. No significant subdivision works currently under construction.
Lands & Buildings Revaluation	Contractor for valuation works selected. Valuation to be completed by end May 2009.
Roads Data Recollection Works	Works to commence April 2009.

12.0 CORPORATE SERVICES

12.1 INSTRUMENT OF DELEGATION (FILE NO. M250-02 - MGR)

For Decision

RECOMMENDATION

- 1. That Council appoint Mark Crouch as authorised officer pursuant to Section 224 of the Local Government Act, 1989.**
- 2. That the Instruments of Appointment and Certificates of Appointment be signed by the Chief Executive Officer under delegated power.**

**Moved Cr Goldsworthy
Seconded Cr Pockley**

That the Recommendation be adopted.

CARRIED

SUMMARY

This report recommends that Council authorise Mark Crouch as Authorised Officer of Council under Section 224 of the Local Government Act 1989.

BACKGROUND

Mark Crouch has recently joined the Shire as General Manager, Corporate Services.

It is necessary to authorise the above-mentioned person pursuant to Section 224 of the Local Government Act so that they may enforce matters and carry out day to day duties in accordance with various Acts, Regulations and Local Laws within their various roles.

Full copies of the Instruments of Appointment and Instrument of Delegation are attached.

12.2 INSTRUMENT OF DELEGATION (FILE NO. M250-02 - MGR)

For Decision

RECOMMENDATION

- 1. That Council appoint Mark Florence as authorised officer pursuant to Section 224 of the Local Government Act, 1989.**
- 2. That the Instruments of Appointment and Certificates of Appointment be signed by the Chief Executive Officer under delegated power.**

**Moved Cr Goldsworthy
Seconded Cr Pockley**

That the Recommendation be adopted.

CARRIED

SUMMARY

This report recommends that Council authorise Mark Florence as Authorised Officer of Council under Section 224 of the Local Government Act 1989.

BACKGROUND

Mark Florence has recently joined the Shire as General Manager, Sustainable Communities.

It is necessary to authorise the above-mentioned person pursuant to Section 224 of the Local Government Act so that they may enforce matters and carry out day to day duties in accordance with various Acts, Regulations and Local Laws within their various roles.

Full copies of the Instruments of Appointment and Instrument of Delegation are attached.

12.3 INSTRUMENT OF DELEGATION (FILE NO. M250-02 - MGR)

For Decision

RECOMMENDATION

- 1. That Council appoint Senior Constable Aaron Harding as authorised officer pursuant to Section 224 of the Local Government Act, 1989.**
- 2. That the Instruments of Appointment and Certificates of Appointment be signed by the Chief Executive Officer under delegated power.**

**Moved Cr Goldsworthy
Seconded Cr Pockley**

That the Recommendation be adopted.

CARRIED

SUMMARY

This report recommends that Council authorise Senior Constable Aaron Harding of Rutherglen as an Authorised Officer of Council under Section 224 of the Local Government Act 1989.

BACKGROUND

It is necessary to authorise the above-mentioned person pursuant to Section 224 of the Local Government Act so that they may enforce matters and carry out day to day duties in accordance with various Acts, Regulations and Local Laws within their various roles.

Council has Police Officers authorised for the purposes of using Local Laws to issue infringement notices for illegal activities that occur outside of normal business hours. Infringements are primarily issued for consumption of alcohol on Council properties.

Full copies of the Instruments of Appointment and Instrument of Delegation are attached.

12.4 AUDIT COMMITTEE (FILE NO. M034-02 - MGR)

For Decision

RECOMMENDATION

- 1. That WHK be appointed as Council's Internal Auditors for a period of three years. The contract will commence for a period of twelve months effective from the 14th of March, 2009 with further twelve month extensions being granted following formal review by the Audit Committee.**
- 2. That Frank Burfitt be appointed for a further 3 year term on the Audit Committee.**
- 3. That the Audit Committee Minutes from 4th of March, 2009 be noted.**

**Moved Cr Gaffney
Seconded Cr Murdoch**

That the Recommendation be adopted.

CARRIED

SUMMARY

Attached to the Agenda are the Minutes of the Audit Committee of the 4th of March, 2009.

BACKGROUND

The Audit Committee in 2008 determined to put the Internal Audit out to Tender. Four submissions were received from regional and Melbourne based firms. The indicative annual fee in the first year of the Contract is \$22,000.00.

12.5 COUNCILLOR & MAYORAL ALLOWANCES
(FILE NO. M235.2 - MGR)

For Decision

RECOMMENDATION

1. **That Council gives notice that in accordance with Section 74(1) of the Local Government Act 1989 that it intends to increase the allowances to be paid to the Mayor and Councillors as follows:-**

Part A

Effective from the 1st of December 2008, the annual allowance ranges and limits specified for Councillors for the purposes of Section 74B(1) of the Local Government Act is \$16,200.00.

Part B

Pursuant to Section 74B(2) for any Council that may in the future make a unanimous resolution under Commonwealth Taxation Legislation to cease tax withholding arrangements, the Part A allowances will be subject to the addition of the equivalent of the Superannuation Guarantee which is currently 9%.

Mayor Annual Allowance Limits

Category 1 Councils = \$48,400.00 plus the equivalent of the Superannuation Guarantee Contribution. Such rates will be effective for a period of 4 years unless varied by the Minister for Local Government.

2. **That in accordance with Section 223 of the Local Government Act, Council advertises its intentions and call for submissions.**

**Moved Cr Issell
Seconded Cr Croucher**

That the Recommendation be adopted.

CARRIED

SUMMARY

Section 74 Subsection 1 of the Local Government Act 1989 provides that within seven (7) months of the 29th of November, 2008 Election, all Councils (other than Melbourne) are required to perform a review involving public consultation under Section 223 of the Act to determine the allowances that will be payable from the range available to each Council in its category from that time and for the next four years.

BACKGROUND

In April 2008 the Minister for Local Government, the Hon. Richard Wynne MP announced *Recognition and Support, the Victorian Government's Policy Statement on Local Government Mayoral and Councillor Allowances and Resources*.

The Order in Council to give effect to the new allowances was published on the 27th of November, 2008. Allowances are now comprised of two parts:-

Part A – Lower and upper range limits and levels of allowances for Councils in categories and fixed amounts for Melbourne.

Part B – the equivalent of the Superannuation Guarantee Contribution (currently 9%) to be added to Part A **unless** a Council has made a unanimous resolution under Commonwealth taxation legislation to pay the Superannuation Guarantee Contribution.

In future years under Section 73B of the Act, each year the Minister for Local Government will undertake a review having regard to the movements in the levels of remuneration of executives within the meaning of the Public Administration Act 2004. If a review finds that allowances should be adjusted, the Minister will publish a notice in the Gazette setting out the adjustment factor and new limits and ranges of allowances including the adjustment.

Councils must then increase Part A of their allowances in accordance with the adjustment factor. Part B will then be added where applicable.

Part B of the allowances is not superannuation. In accordance with Commonwealth Taxation Rulings, each Councillor of a Council may decide to have any part of their total allowance paid into a Superannuation Fund of their choice.

RESOURCES

Recognition and support includes changes to requirements covering expenses, reimbursement and resources and facilities, support from Mayors and Councillors. Some of these requirements are mandatory and others are decided at the discretion of Councils depending on local circumstances.

Indigo Shire Council is included in Category 1 and the annual allowance ranges and limits specified pursuant to Section 74B Subsection 1 of the Local Government Act are:-

A \$6,800.00 to \$16,200.00

Mayoral Limits for Category A are up to \$48,400.00.

FINANCIAL IMPLICATIONS

The Mayor and Councillors are currently being paid as follows:-

Mayor - Part A \$47,000.00
Part B \$4,230.00
Total \$51,230.00

Councillors - Part A \$15,700.00
Part B \$1,413.00
Total \$17,113.00

These rates are based on information provided by the Municipal Association of Victoria.

Since that time the Department of Planning and Community Development has provided details of the new maximum rates applicable under Part A. They are:-

Mayor - Part A \$48,400.00
Part B \$4,356.00
Total \$52,756.00

Councillors - Part A \$16,200.00
Part B \$1,458.00
Total \$17,658.00

12.6 GIFTS & HOSPITALITY POLICY (FILE NO. M870 - MGR)

For Decision

RECOMMENDATION

That Council adopt the updated Gifts & Hospitality Policy.

**Moved Cr Goldsworthy
Seconded Cr Issell**

That this matter be adjourned to a date to be fixed.

CARRIED

SUMMARY

At Council's March 2009 meeting a Gifts & Hospitality Policy was adopted but staff were requested to update the Policy to include unacceptable gifts. The Policy has now been amended to include reference to unacceptable gifts and is attached to the Agenda.

12.7 TOURISM - LEASE OF THE FORMER SUB TREASURY AND POLICE STATION IN BEECHWORTH HISTORIC PRECINCT (TM)

For Decision

RECOMMENDATION

- 1. That Council officers enter into lease negotiations with the Beechworth Historical Re-enactment Group for the future use of the Former Sub Treasury building, within the Beechworth Historic Precinct, to be used to establish a 'Beechworth Police and Gold Museum'.**
- 2. That any lease of the property be on the basis that the usage proposal can operate and is viable without direct funding reliance or support from Council.**
- 3. That a further report on the matter and associated lease negotiations come before Council for determination.**

**Moved Cr Gaffney
Seconded Cr Goldsworthy**

That the Recommendation be adopted.

CARRIED

SUMMARY

Following the February meeting of the council on February 10th 2009, the Tourism Manager and the Economic Development Officer made contact with the Police museum in Melbourne and the Beechworth Chamber of Commerce to discuss their opinion of the leasing of the 'Sub-Treasury and Police station' within the Beechworth Historic & Cultural Precinct to the Beechworth Historical Re-Enactment Group. In 2008, council staff called for applications from commercial operators interested in renting the Sub Treasury building. It was determined that any activity or business would need to complement the existing heritage tourism operation, and all applications to go before the Indigo Heritage Advisory Committee for comment before occupancy.

The recently formed Beechworth Re-Enactment Group is very supportive of the Precinct as an heritage tourism experience and are acting as the organising committee behind the 2009 Ned Kelly Weekend.

Council received a petition from this group, signed by an estimated 237 ratepayers, opposing the use of this building by private enterprise or the use of it as Council office space on the grounds that neither would not be in keeping with the Heritage Precinct and may breach the terms under which the Precinct was transferred to Council management. The petition requests the Sub Treasury be available for the Beechworth Historical Re-Enactment Group to use as a base and to allow for the establishment of a police and gold museum over time.

Council has also received a number of letters of support in favour of the Beechworth Re-enactment Group.

Mr Jim McCann, Manager Victoria Police Museum and Historical unit has indicated their willingness to assist and support the establishment of the 'Police Museum' component of the occupancy. Mr McCann also indicated that as part of their outreach program, it may be possible for the Police Museum to loan some items to enhance the displays. The Beechworth Chamber of Commerce have commended the group on their activity and expressed support for the Re-enactment group to be based at the Sub-Treasury building.

Council has also received copies of letters of support from the officer in Charge of the Beechworth Police station and Bill Tilley MP, member for Benambra.

The group also point out that there are a number of local businesses and prominent people in the community who supported the project via the petition.

BACKGROUND

The Sub Treasury, built in 1856/7 to handle and prepare gold for the regular escorts to Melbourne, was also the Beechworth Police Station until 1997. The building has been vacant and closed to the public for a number of years. It forms part of the Beechworth Historic & Cultural Precinct which cost Council approximately \$77,000 to operate in 2007/08. The building is located between the Courthouse and the Chinese Cultural Centre.

In 2008 Council staff received two separate approaches from private operators interested in renting the former Sub Treasury within the Beechworth Historic & Cultural Precinct. These operators were a second hand goods dealership and a Devonshire tearoom operator.

Whilst seeing a potential opportunity to develop an income stream to offset the operating costs of the Precinct, Council staff were concerned that any commercial use of the building must be complementary to the heritage significance of the building and complementary to the heritage tourism experience of the overall Precinct. The transfer provisions are highlighted in the attachment. In the Historic Towns Cultural Precinct Conservation Management Plan, the interior and exterior of the buildings are described as being 'of considerable significance' (pages 37 to 47. It also states that use for historical interpretation is preferred' but there is scope to use the building for other purposes.

In the November 1999 assessment of the building by the Director of Heritage Victoria (DOI), the director states that the principles that underpin planning for the precinct should include:

- Acknowledgement of the cultural heritage significance
- Make 'best use of the existing buildings defined as:
- Involve minimal intervention of the important fabric of the building
- Ideally some form of community or public use
- Provide some income for the continued care, maintenance and protection of the buildings.

In all documents relating to the restoration of the precinct, constant reference is made to public access, preservation and historical use.

The Re-Enactment Group's request certainly fits well with the existing use of the other buildings in the precinct, the proposed development of the Indigo Shire Gold trail. The use is also complementary to the heritage significance of the building and complementary to the heritage tourism experience of the overall Precinct.

THE PROPOSAL

The proposal (attached) determines that the group will establish the building as a memorial to Victoria Police, include a 'Heroes and Villains' exhibition cover the history of policing in NE Victoria and be used as a base for re-enactments both inside and outside the building. The group would also allocate space within the building for a 'Gold Museum.

While there is no expectation of any funding from Indigo Shire Council for the development of the project, there is a request that council consider the building when allocating the Capex funds identified for the precinct.

However, the Beechworth Historical Re-Enactment Group have established a grants and donations 'target plan' to raise all of the funds to carry out the establishment of the displays. There is also a considerable voluntary labour input into the project from within their membership. In regards to the exhibits, their members have considerable resources and the Victorian Police Museum have offered to lend some displays.

Ongoing operational Costs:

The group will charge an entry fee which will be used to offset any utility/insurance and maintenance costs incurred by council.

ALTERNATIVE USE

1/ The council have investigated two separate approaches from private operators interested in renting the former Sub Treasury within the Beechworth Historic & Cultural Precinct. These operators were a second hand goods dealership and a Devonshire tearoom operator. Council staff were concerned that any commercial use of the building must be complementary to the heritage significance of the building and complementary to the heritage tourism experience of the overall Precinct. Since these expressions were put forward, the interest of one party has waned and the other was considered inappropriate.

2/ The Indigo Shire Arts Advisory committee have also promoted the use of the building by the Beechworth Arts Council as an Art Gallery.

A letter has been received by email in the last week to that effect. (Attached).

While it may be possible for the facility to be a mix of both uses, this would limit the area for art gallery displays, restrict the area for police museum displays or both. Dual use would almost certainly rule out any space for a Police Museum and Gold Museum. An alternative site should be considered for the Art exhibition space.

12.8 LOCAL LAW NO. 7 – MEETING PROCEDURE
(FILE NO. M200-04 - GRM)

For Decision

RECOMMENDATION

That in accordance with Section 119 of the Local Government Act 1989, Council hereby resolves to make a new Meeting Procedure Local Law No. 7, as per the copy provided by the Council Solicitors and in accordance with the Act Council proposes to make the Local Law and call for submissions under Section 223.

Moved Cr Goldsworthy
Seconded Cr Gaffney

That the Recommendation be adopted.

CARRIED

SUMMARY

This Report recommends that Council make a new Local Law, which follows on from the Notice of Motion adopted by Council in January 2009.

BACKGROUND

At Council's January 2009 meeting, Council resolved that an immediate review of Local Law No. 7 be carried out to bring it in line with the Local Government Act.

There was an anomaly between the Local Law and the Local Government Act particularly at Paragraph 23 which stated, "that the Mayor, Chief Executive Officer or at least two Councillors may by written notice call a Special Meeting of Council". This was incorrect as Section 84 of the Local Government Act states, "that the Mayor or at least three Councillors may by written notice call a Special Meeting of Council".

The Local Government Act is very specific on the making of a Local Law, the steps are to resolve in principal to make the Local Law, then to call for submissions, Council to then consider the submissions (if any) and then to finally resolve to make the Local Law. At the conclusion of the Local Law making process Council provides the made Local Law to the Minister for Local Government and also advertises its making in the Government Gazette and local papers.

LEGAL IMPLICATIONS

Legal advice has been sought on the content of the Local Law. This advice is not to hand at the preparation of the Agenda, but will be tabled at the meeting.

12.9 COUNCIL MEETING TIMES & LOCATION/COMMUNITY FORUMS (FILE NO. M211 - MGR)

For Decision

RECOMMENDATION

That Council conduct Community Forums in the outlying townships of the Shire namely Stanley, Wahgunyah, Barnawartha, Sandy Creek, Wooragee and Kergunyah and such Community Forums be held on the respective third Tuesday of the month.

Moved Cr Croucher
Seconded Cr Pockley

1. That Council conduct Community Forums in the outlying townships of the Shire namely Stanley, Wahgunyah, Barnawartha, Sandy Creek, Wooragee and Kergunyah and such Community Forums be held on the respective third Tuesday of the month.
2. That the Community Forums commence in July 2009 and that Council staff prepare a timetable.

CARRIED

SUMMARY

This Report recommends the continuation of Community Forums in the smaller townships of the Shire.

BACKGROUND

At the Council meeting on the 10th of February 2009, Council resolved to adopt a schedule which provided for Council meetings on a rotational basis at Rutherglen, Chiltern, Yackandandah, Beechworth, Kiewa/Tangambalanga. Community Forums follow those Council meetings.

There has been concern in the community that the smaller towns of the Shire are missing out on Community Forums. This Report is in response to those concerns.

It is important to note that a 6 month review of the Council meeting times will take place at the end of July.

12.10 FEBRUARY 2009 FINANCE REPORT

For Information

As some councillors may be aware, we are seeking to revamp monthly financial reporting to Council to deliver more appropriate levels of information while at the same time, utilising native system reports wherever possible.

With significant focus of the finance team and other SMG members on preparation of the Council Plan and the 2009/10 Budget, the February 2009 financial review was a “minor” review and a detail reforecast of the Year to Go (YTG) and expected Year End position will be prepared for the March month end and reported against at the next Council meeting. This detailed Year End position prepared as at March month end will also be used as this years base for the 2009/10 Budget.

Attached as appendices’ you will find the following system native reports as at February month end:

- Profit and Loss Statement
- Department Business Unit Details report
- Business Unit and Cost Centre Details report
- Summary of Indigo Shire Investment holdings as at 2nd March 2009
- Revamped Capital Works Monitor (to be tabled at Council meeting)

The Profit and Loss Statement shows total YTD actual expenses of \$15.74M versus the YTD Budget of \$15.95M – a variance of \$0.21M or 1.3%. Within the expense categories, the largest variances are within Contract Payments and Other Expenses and are considered timing or phasing difference.

The Profit and Loss Statement also shows a significant (favourable) variance (\$1.92M) in actual income received YTD (\$19.54M) versus YTD Budget (\$17.62M). The Victorian Grants Commission issued their Q3 and Q4 instalments in February to bushfire affected shires and the vast majority (\$1.45M) of this favourable income variance comes from the early receipt of these funds.

The net result is that our YTD surplus is slightly more than \$2M favourable to Budget.

The Department Business Unit Detail report provides details of YTD progress versus YTD Budget of each Business Unit within our 11 departments. You will notice that the structure of these 11 departments has been re-aligned to reflect the recent changes to our organisational structure. Unfortunately, due to focus on Council Plan and 2009/10 Budget referred to above, detailed exception reporting for variances greater than \$10k has not been prepared for this months report but will be provided as part of the March review at the next Council meeting.

In lieu of an enclosed Exception Report for February accounts, SMG members present at the April meeting will be in a position to field questions at that meeting on variances of significant nature or interest.

The Business Unit and Cost Centre Details reports provides the same information but down to each Cost Centre within each Business Unit. This is a fairly lengthy “numbers” report (13 pages) and I would recommend to council that that we exclude this report from future financial updates to Council meetings and instead rely on the newly formed Finance Committee to review this report on a monthly basis.

The summary of Indigo Shire Investment holdings as at 2nd April 2009 shows a very healthy \$7.08M held across a number of investment accounts with various financial institutions and our operating cheque account. This level of cash holdings is larger than planned for this stage of the year and is driven by a combination of the early receipt of Grants Commission instalments and slower progress than planned on some of our Capital Works activities.

12.11 CAPITAL EXPENDITURE MONITOR 2008/2009

For Information

SUMMARY

Considerable work has recently been carried out in the format, structure and currency of the above monitoring schedule 2008/2009.

Concerns were validly raised at the March 2009 Council meeting as to the standard of this schedule. There were many items reflected within the schedule that attracted comment and concerns were that insufficient attention had been paid to the monitoring schedule and some of the data presented.

The monitoring schedule has been altered to tighten up on financial and other information detailed.

Project Managers have been instructed to take greater care with the reporting and update information provided in the capital works area.

The financial impact and the size of the capital works program in its own right warrants better tracking and reporting of projects.

BACKGROUND

CONSULTATION

Managers of various projects have been instructed to examine their respective projects and monitoring information detailed.

Changes and updates have been made to the schedule.

POLICY IMPLICATIONS

Not applicable.

FINANCIAL & RESOURCE IMPLICATIONS

The existing monitoring schedule provides a basic tool to monitor the agreed capital works program of Council.

Given the scale of the program and associated control and reporting requirements there is most likely a need to development a more comprehensive tool to enable better management and reporting of the program.

Council resources are stretched further with the Federal Government announcement of the Regional and Local Communities Infrastructure Program (RLCIP). Council has made application for a number of projects under this initiative and is yet to have these formally confirmed. Given that these works are required to be completed by the end of August 2009, and that we are currently half way through April 2009, getting these works programmed and completed will be challenging.

The monitoring schedule is premised on all RLCIP projects not having commenced prior to June 30 2009, and being factored into the draft proposed 2009/2010 capital works program. Projects that can be commenced prior to June 30 will be expedited as quickly as possible.

Given a poor completion / achievement percentage on the initial agreed capital works program 2008/2009, the late addition of the RLCIP works into the 2008/2009 program will make the outcome less favourable.

The Capital Works monitoring schedule will be tabled at the next Council meeting and will have Actual Year To Date (YTD) figures current as at February 28 2009. A further monitoring schedule will be tabled at the April Council meeting that will provide updated YTD Actuals once the March 2009 accounts payable have been processed.

12.12 INDIGO SHIRE COUNCIL – FORMATION OF FINANCE COMMITTEE

For Information

SUMMARY

A working party of Councillors and officers met March 23 2009 to consider the formation of a Council Finance Committee, examine charters of similar committees at other Councils, as well as consider the types of roles and functions of a Finance Committee.

A number of matters were considered as part of moving forward.

- There was support for a Finance Committee to consider the style and formats of financial reporting to Council. It was acknowledged that there were needed improvements in the form and styling of financial information provided to Council.
- That a finance committee would be able to consider matters of a financial nature in more depth and that this would aid Council in its governance responsibilities.
- That a finance committee would be able to devote more time and attention to the Capital works program, and how the program was being delivered. Agreed that the capital works constituted a large funding area within Council, and one that required sufficient attention at the governance level.
- The committee should have a strategic planning and overview role / capacity.

- Questions were asked whether the committee should have external representation. Concerns were raised how this would be resourced and operated.
- Support conveyed for the committee to consider how grants were sourced, grant application priorities, and processes generally.
- Council legal and operating exposure/s – scope to consider in more detail.
- Discussion of ‘out of Shire’ business. It was indicated that this was subject to a separate review process currently being prepared and to go to Council in the near future. Was this the role of a Finance Committee?
- Resourcing issues associated with a small council operating an Audit committee as well as a separate Finance Committee structure was raised. Staffing implications in the administration of such a committee.

Agreed Actions

- i. That the General Manager Corporate Services prepare a draft Special Committee delegation detailing the various issues listed above for further consideration by the working party before going back to Council for formal consideration.
- ii. Next meeting of group – April 20, 2009 - 4pm in the Shed Yackandandah.

BACKGROUND

Council resolved at its February 10 2009 Council meeting:

1. *That a sub committee of Council is formed under Section 86 of the Local Government Act, 1989, to ensure the well being of Indigo Shire’s finances. As a basis for their charter they should as a minimum examine;*
 - *The present financial status of the Indigo Shire;*
 - *The grants and other funding sources that are currently in place or as they are being proposed;*
 - *The potential to access other funding sources;*
 - *The full extent of any current or future liabilities that will impact on Council finances; and*
 - *The full extent to which the 'Out of Shire' businesses benefit the Shire.*

To facilitate this committee full and unrestricted access should be provided to all and any financial reports of the Indigo Shire Council and subordinate bodies.

- 2. That this recommendation should not limit the scope of their role, but that a charter should be constructed within 3 months and put before the Indigo Shire Council for ratification.*
- 3. That the Indigo Shire Finance Committee is composed of three Councillors and a staff member appointed by the Chief Executive Officer.*
- 4. That the Indigo Shire Finance Committee report to the Indigo Shire Council on a monthly basis of proceedings.*
- 5. That as per Section 87 (8) of the Local Government only those members of the Indigo Shire Council have voting rights on the Indigo Shire Finance Committee.*
- 6. That Councillors Goldsworthy, Murdoch and Pockley be Council's representatives on the sub committee formed under Section 86 of the Local Government Act, 1989 to ensure the wellbeing of Indigo Shire's finances.*

CONSULTATION

A number of Councils have been approached to determine the basis of operation of finance committees operating in Local Government. A number of Councils were found to operate finance committee structures in conjunction with the statutory requirement to operate an Audit Committee.

A number of Councils did not operate finance committees.

POLICY IMPLICATIONS

The policy implications are that a Special Committee of Council would be formed under the Local Government Act 1989. The Committee would be delegated authority to operate in conformance with established roles and responsibilities as set out in an Instrument of Delegation.

LEGISLATIVE IMPLICATIONS

Local Government Act 1989 - SECT 86

Special committees of the Council

86. Special committees of the Council

(1) In addition to any advisory committees that a Council may establish, a Council may establish one or more special committees of the following-

(a) Councillors;

(b) Council staff;

(c) other persons;

(d) any combination of persons referred to in paragraphs (a), (b) and (c).

(2) A Council may appoint members to a special committee and may at any time remove a member from a special committee.

(3) *Except as provided in subsection (4), a Council may by instrument of delegation delegate any of its functions, duties or powers under this or any other Act to a special committee.*

(4) *A Council cannot delegate to a committee the following powers-*

(a) this power of delegation;

(b) to declare a rate or charge;

(c) to borrow money;

(d) to enter into contracts for an amount exceeding an amount previously determined by the Council;

(e) to incur any expenditure exceeding an amount previously determined by the Council;

(f) any prescribed power.

(5) *A Council may require a special Committee to report to the Council at intervals determined by the Council.*

(6) *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.*

(7) *A committee that exercises a power, or performs a duty or function, of the Council that has been delegated to that committee under any Act is a special committee for the purposes of this Act.*

FINANCIAL & RESOURCE IMPLICATIONS

There will be a range of administrative and resource implications associated with establishing a Finance Committee.

At the same time, there will be a number of benefits and ‘value adding’ associated with the added structure and process of a Finance Committee.

12.13 CONFLICT OF INTEREST (FILE NO. M246-02 - GRM)

For Information

ISSUES

The Local Government Act 1989 was significantly amended in a number of areas in late 2008. In particular, changes were made to clarify the circumstances that give rise to a conflict of interest for Councillors, Council officers and members of Council special committees.

The Department of Planning and Community Development has now published a Guide to Conflict of Interest in Local Government (“The Guide”). All Councillors have been provided with a copy.

The Guide says, *“In general terms, a person has a conflict of interest if they have a direct interest in a matter, including where they are likely to directly gain or lose financially or where their residential amenity is likely to be directly affected.*

A conflict of interest also exists where a person has one or more of the following five types of indirect interest:-

- *An indirect interest because of a close association with a family member, relative or housemate who has a defined interest;*
- *An indirect financial interest, including holding shares above a certain value in a company with a direct interest;*
- *A conflict of duty arising from having particular responsibilities to a person or organisation with a direct interest;*
- *Having received an applicable gift valued at \$200 or more from a person with a direct interest; and*
- *Being a party to the matter by having become a party to civil proceedings in relation to the matter.*

There are procedures that must be followed by public officials when they have conflicts of interest. While the procedures vary, depending on the particular role and circumstance, they basically involve disclosing the relevant interests in a specific way and then stepping aside from the relevant decision making process or from the exercise of the public duty.”

The implementation of the Indirect Interest provisions, particularly those dealing with Conflict of Duty, are causing concerns in a number of Councils.

Section 78B deals with Indirect interest because of conflicting duties. The section is set out below:-

- (1) *A person has an indirect interest in a matter because of a conflicting duty if the person-*
 - (a) *is a manager of a member of a governing body of a company or body that has a direct interest in a matter;*
 - (b) *is a partner, consultant, contractor, agent or employee of a person, company or body that has a direct interest in a matter;*
 - (c) *is a trustee for a person who has a direct interest in a matter.*
- (2) *A person has an indirect interest in a matter because of a conflicting duty if the person held a position or role specified in subsection (1) and, in that position or role, dealt with the matter.*
- (3) *A person does not have an indirect interest because of a conflicting duty if-*
 - (a) *the person is only an employee in the service of the Crown or of a body established by or under any Act for a public purpose and the person has no current or expected responsibilities as that employee in relation to a matter;*
 - (b) *the person only holds a position in a not-for-profit organisation for which the person receives no remuneration and the person-*
 - (i) *was appointed or nominated to that position by the Council;*
or
 - (ii) *was appointed to the relevant special committee of the Council to be a representative of the not-for-profit organisation;*

- (c) *the person is only a Councillor who holds a position in the Municipal Association of Victoria or in another body that has the purpose of representing the interests of Councils;*
- (d) *the person only holds a position that has been prescribed for the purposes of this section.*

The Guide elaborates on this section. It says, “Where a person has a separate duty or responsibility to another person or organisation whose interests overlap with the relevant person’s public duty.....this is an indirect interest because of a “conflicting duty””.

The Guide also proposes that whether or not the person’s duties relate to the matter in question does not alter the situation. The duties may not relate to the matter in any way but the fact that a person has duties to another person or organisation creates a situation of conflicting duty.

The Guide points out that the Act refers to positions in a club or not-for-profit organisations.

Certain exemptions are set out in the Act but these are quite specific and narrow in their application. For example, a person does not have a conflict if they are a member of a not-for-profit organisation as a result of being appointed or nominated to that position by the Council.

Conflict of interest situations could arise where:-

- Planning applications that involve a referral to any agencies with Councillor board members;
- Community grants or assistance to community groups that have Councillor committee members;
- Grant applications to State or Federal programs, for community projects such as those for recreation or community facility type projects where Councillors are committee members;
- Council budget proposals for funding community groups and agencies where Councillors are committee members. The Act does exempt a Councillor from a conflict of interest when approving a budget but this is conditional on the matter in which the Councillor has an interest being previously approved by the Council.

Special committees established to manage community facilities, including halls and recreation areas, are also subject to the conflict of interest rules.

In addition, Councillors with a conflict of interest cannot participate in any discussion on a matter under consideration by an Assembly of Councillors.

The bottom line is that the ultimate responsibility lies with the elected member. Councillors need to be on top of and aware of their responsibilities under the legislation.

Legal Advice

Advice has been received from Russell Kennedy an extract of which is as follows:-

“New Section 79 prohibits a Councillor with a conflict of interest from remaining in a Council meeting when the matter relevant to the conflict is being discussed or voted on. New section 79D permits the Councillor to make a submission to the Council meeting on the matter and to speak to the submission for no longer than is required for him/her to be heard.

The situation is different where the Councillor has a conflicting personal interest (as distinct from a conflict of interest – direct or indirect). Under new Section 79B the

Councillor may (but is not required to) apply to be exempted from voting and if that application is granted the situation is the same as if there was a conflict of interest (but the Councillor may still make a submission on the issue and speak to it).

There will be an upcoming briefing session dedicated to these provisions and the Office of Local Government is also holding regional briefing sessions for Councillors and Council Officers in the near future.

12.14 TOURISM & MARKETING - PROGRESS REPORT – APRIL 2009 (TM)

For Information

Project	Actions
Visitor Numbers down for Feb.	<p>As expected as a result of the Bushfires across Victoria, visitor numbers into Beechworth for February have been down across the board. The commission and online booking total includes Opera in the Alps sales \$59,687.00 in 2008 and \$75,650.50 in 2009. Visitor Numbers in Beechworth were down by 41%.</p> <p>There were a number of cancelled tours and accommodation bookings during the month</p> <ul style="list-style-type: none"> • Cancelled tours - Beechworth Mini Buses 5 tours • Precinct groups - 11 cancellations, 3 have re booked • Beechworth Ghost Tours have been very quiet and have had a number of cancellations
Continued:	<p>The staffs have received numerous reports of cancelled accommodation bookings.</p> <p>Bookings for the Easter weekend are slow, but this was hampered to some extent to the two night minimum requirement for long weekend bookings and also the numerous warnings in place for travel for the 3rd and 4th March. As the weather has cooled down and the fire threat abated the staffs are hoping for a last minute rush. Special long weekend packages have been made available to book on line at www.beechworthonline.com.au these will be changed in to a series of “visit Beechworth in autumn packages” after the weekend. All accommodation operators have received an email inviting them to take part in this campaign.</p> <p>The marketing campaign has been underway since the beginning of March (post Bushfires) and visitor numbers are slowly returning to previous levels.</p>

Project	Actions
High Country Tourism Response and Recovery Group	<p>The High Country Tourism Response and Recovery Group has developed a strategy which aims to provide support and business development that will allow our region and industry re build from this natural disaster. It also hopes to support them through the current global financial crisis by supporting new initiatives and emerging products establish themselves in the marketplace.</p> <p>The strategy addresses the biggest threat to the North Eastern tourism industry - the consumer's perception of visiting an area that is considered bushfire prone. Our industry is still recovering and re building from the fires of 2006-07. With 3 fires in the past 6 years, consumers now consider visiting the High Country as possibly dangerous. Whether this perception is valid or not, it is problematic in encouraging all season visitation to our region. This report also recognises the support of Tourism Victoria in working to better understand the behaviour characteristics of the consumer after a major disaster.</p> <p>A copy of the strategy is attached.</p>
North East Valleys Food & Wine	<p>North East Valleys Food & Wine are about to publish the 5th edition of the 'Seasonal Indulgence' food and wine guide. The publication covers Indigo, Alpine and Wangaratta regions and is funded through membership, advertising and sponsorship.</p>
Media	<p>A series of visiting journalist programs are underway with the region being highlighted in a number of publications around Victoria and NSW. The support from Tourism Victoria has been excellent and the coverage extensive.</p> <p>The success of free feature stories through this media coverage is highlighted by the exposure Beechworth received as a result of the Australian Traveller magazine and Beechworth's 2nd place ranking in Victoria and 6th place ranking out of Australia's top 100 towns.</p>
Continued:	<p>Coupled with the extensive coverage from the visit by the Premier, the Indigo Shire has had excellent and very extensive positive exposure over the past month and the impact is starting to show.</p>
Events	<p>Post Bush-fire events have recovered well. The Yackandandah Folk Festival was exceptionally successful with ticket sales 20% above last year's event. The Taste of Rutherglen was also very successful however a final report on that event is yet to be received.</p> <p>Television Radio and Print marketing for the Beechworth Golden Horseshoes has attracted extensive coverage in local and Metropolitan media – ABC, Melbourne Age, Herald Sun, RACV Magazine and on the Tourism Victoria home page. Strongly supported 12 page supplement circulated through the North East newspaper group funded by local business advertising.</p>

	<p>Coming events include the Stress Less weekend in Yackandandah on the 18th & 19th of April and the Harvest Festival in Beechworth 15 – 17th of May.</p> <p>The strong local marketing campaign is being backed up by a vigorous Melbourne and Sydney metropolitan campaign funded by Tourism Victoria.</p>
<p>Rural Skills Connect</p>	<p>This program totally funded by the State Government is headed by Rom Reilly in our region and had a slow start with some seeming reluctance for the rural community to pick up on the training offers. However, there are now 102 participants of whom 41 are from the Indigo Shire.</p> <p>Alpine: 16 Indigo: 41 Towong: 40 Wodonga: 5 Total cost to date of training: \$ 53,139.93</p> <p>At the end of December 2008 there were just 30 RSC participants, so a further 72 have been seen and are now registered!</p> <p>There are 37 farmers doing Truck driving courses of various levels and 20 or more doing earthmoving courses. 6 participants are about to start a Cert III on Aged and Community Care.</p> <p>Rom has had contact with Neighbourhood Houses and CEC's in the area, delivered a talk at the Rural Men's Connect Forum in Beechworth, attended Fire meetings in Mudgegonga, Beechworth and Myrtleford, a field day near Myrtleford for fire victims, attended a forum for Rural Women in a Changing Climate, delivered a talk to business representatives in Wodonga and spent a day door knocking in Indigo Shire for fire victims.</p>

Attachment

12.15 INDIGO TOURISM ADVISORY COMMITTEE – MINUTES
(FILE NO: E530 TM)

For Information

Attached for the information of Council are the Confirmed Minutes of the Indigo Tourism Advisory Committee for 25 February 2009.

The minutes of the March 2009 meeting will be ratified at the ITAC meeting on April 29 and attached to the following council agenda.

Attachment

13.0 GOVERNANCE

13.1 COUNCIL PLAN 2009-2012 (FILE NO: M142.1 – CEO)

For Decision

RECOMMENDATION

That Council endorse the draft Council Plan 2009-2012 and advertise its preparation calling for submissions under Section 223 of the Local Government Act providing for 28 days for submissions.

**Moved Cr Goldsworthy
Seconded Cr Issell**

That the Recommendation be adopted.

CARRIED

BACKGROUND

Following the 2008 Council Election, Council went through a rigorous process in accordance with Section 125 of the Local Government Act 1989 in preparing the Council Plan for the period 2009-2012.

The preparation of the Council Plan at this stage has involved substantial Community consultation, business and community group involvement. Government Agencies, Councillors and Senior Management of Indigo Shire Council have also been consulted and provided valuable input to the plan.

In order to access a large cross-section of the Community the consultation took many forms including:

Dinner Conversations:

Various towns across the Shire including, Rutherglen, Beechworth, Yackandandah, and Kiewa Tangambalanga hosted a series of workshops. Local Community facilitators were placed on each table guiding the conversation to cover various topics.

Attendance at these sessions was greater than anticipated. The turnout was as follows:

Rutherglen/Wahgunyah	74
Chiltern/Barnawartha	71
Beechworth/Stanley/Wooragee	91
Yackandandah/Allan's Flat/Osborne's Flat	65
Kiewa/Tangambalanga	81
<i>Total Attendance</i>	382

Community Survey:

A 20 question Community Survey was created and placed online at www.indigoshire.vic.gov.au. Prizes were offered for those who completed the survey which covered topics;

- the method of communication you prefer to receive information from Indigo Shire
- customer service rating for the Shire
- delivery of services such as, roads, health, recreation, tourism and economic development
- what you like about living in the Indigo Shire
- how to increase participation in your local community

930 surveys were completed online or face to face.

ISSUES

The section of the Council Plan is the Strategic Resource Plan, this is currently being prepared as part of the Budget process.

CONSULTATION

Under Section 125 of the Act, Council needs to call for public submissions on the proposed Council Plan. Section 223 of the Act specifies the provisions in making submissions and provides that the Council and where the Council so determines a Committee of the Council must consider any written submission which is received by Council within fourteen days after it has publicly notified calling for submissions.

It is proposed that advertisements will be placed in the Border Mail on Saturday 18th April 2009 calling for submissions and submissions must be with Council by Monday 18th May 2009. It is proposed that if there are any submissions Council will consider those submissions on Tuesday 26th May 2009 following which it will direct that the Plan will be amended if required and finalised.

14.0 NOTICES OF MOTION NO. 12/09

14.1 STAND ALONE OFFICE COMPLEX (FILE NO: E971 – CR B GAFFNEY)

TAKE NOTICE that I intend to move the following motion:

“That:

We have received extensive documentation and listened to presentations from senior management in regard a new stand-alone Indigo Shire office complex.

In the environment of the Global Economic Crisis with uncertain times ahead - together with the Shires unpaid loans as described in the Annual Report - to proceed with such a project would require a severe reduction in capital works expenditure and reduced services as well as substantial rate increases over an extended period

This situation is untenable.

I move the following motion - "All work towards a new stand alone Indigo Shire office complex is to be halted immediately."

If this motion is carried the full Council is prepared to work with the Chief Executive Officer to address any staff accommodation problems.

Bernard Gaffney

.....
COUNCILLOR B GAFFNEY
14 April 2009

Officers Comments

This project needs clear direction from Council as to how it intends to resolve the current state of inefficient, very poor office accommodation.

Officers could provide much more specific financial analysis of the likely impacts on rates and Capital Works resulting from this project.

Even at a relatively high level, the Kwong Report demonstrated that with appropriate limits and direction, this project is quite affordable.

Moved Cr Gaffney

Seconded Cr Pockley

That all work towards a new stand alone Indigo Shire Office complex is to be halted immediately.

CARRIED

The Mayor called for a Division.

For: Cr Gaffney, Cr Goldsworthy, Cr Pockley, Cr Croucher, Cr Issell

Against: Cr Graham, Cr Murdoch

Moved Cr Croucher

Seconded Cr Goldsworthy

A specific financial analysis of other options available in regard to addressing staff accommodation be made available.

CARRIED

15.0 COMMITTEE AND DELEGATES REPORTS

15.1 MARCH DIARY - CR P GRAHAM

For Information

Date	Time	Event / Function
1 March	9.30 am	Official Opening Kergunyah Pony Club Cross Country Course
	12 noon	Victorian RFB Region 24 Fire Fighting Championships, Chiltern
2	9.00 am	Weekly Meeting with CEO, Beechworth
3	8.30 am	Meeting with Councillors, Wangaratta
4	8.30 am	Launch of Re-Use Programme, Mansfield
	6.00 pm	Community Business Forum re Bushfires, Beechworth
5	9.00 am	NevRWaste AGM, Wangaratta
	12.30 pm	NevRWaste Meeting, Wangaratta
6	12 noon	Bushfire Royal Commission Meeting, Melbourne
	6.30 pm	16 th Annual Rutherglen Art Exhibition
7	Various	Tastes of Rutherglen
8	12 noon	Beechworth Community Bushfire Thankyou
	6.30 pm	Officially Open 13 th Chiltern Pro Rodeo
10	11.00 am	Admin, Beechworth Office
	1.30 pm	Council Briefing Meeting, Tangambalanga
	3.00 pm	Council Meeting, Tangambalanga
	7.00 pm	Community Forum, Tangambalanga
12	12 noon	Meet with John Landy re Red Cross Fund, Myrtleford

13	8.30 am	Meeting Biodiesel / Rendering Plant, Yackandandah
14	11.00 am	Meeting the G Charles re Chiltern Quarry
15	12 noon	Yackandandah Community Bushfire Thank You
16	9.00 am	Weekly meeting with CEO, Beechworth
	11.00 am	Admin, NevRWaste, Wangaratta
	1.30 pm	Disability Advisory Committee Meeting, Yackandandah
	6.00 pm	North East Multicultural Committee Meeting, Beechworth
17	11.00 am	Rutherglen Wine Experience re Arts Shed Development
	4.00 pm	Council Briefing Meeting, Yackandandah
	5.30 pm	CEO Review, Yackandandah
18	5.30 pm	Meeting re Gold Battery, Rutherglen
19	10.00 am	Meeting with Christine Nixon re Bushfires, Stanley
	12 noon	First Meeting Kerferd Oration Committee, La Trobe
20	3.00 pm	Association of Victorian Regional Waste Management Group (AVRWMG), Melbourne
22	7.00 am	Legacy Golf Day, Rutherglen
	Various	Yackandandah Folk Festival
23	9.00 am	Weekly Meeting with CEO, Beechworth
24	9.30 am	MAV Strategic Planning Workshop – Finance, Wangaratta
	4.00 am	Council Briefing Meeting, Beechworth
	6.30 pm	RACV “Fly the Flag” Dinner at La Trobe
25	1.00 pm	O&M Launch, QEII Square, Albury
	6.30 pm	Maximising the Mayoralty Dinner, Melbourne
26	9.00 am	Maximising the Mayoralty Workshop, Melbourne
	7.30 pm	Friends of Glenview AGM, Rutherglen
27	7.30 am	Premier’s Breakfast re Bushfires Tourism Promotion, Beechworth
	10.00 am	3NE radio Interview, Beechworth
	1.00 pm	Meeting with R Bell, Area Manager, Telstra, Beechworth
28	3.00 pm	Rutherglen Pre Season Trial Match, Wahgunyah
	6.30 pm	Browns Plains Annual Dinner, Morris’ Rutherglen
30	8.30 am	Weekly Meeting with CEO, Beechworth
	11.00 am	Opening of new buildings, St Mary’s, Rutherglen
31	12 noon	Youth Forum, Tangambalanga
	4.00 pm	Council Briefing Meeting, Yackandandah

Cr Peter Graham OAM

14 April 2009

15.2 MAV CARBON POLLUTION REDUCTION SCHEME (CPRS)
– FILE NO: M506-14 - CR P GRAHAM OAM

For Information

I attended a meeting at the MAV offices on Wednesday 1 April regarding the Carbon Pollution Reduction Scheme [CPRS] and the likely effect on Local Government particularly in regard to landfills.

The general indication was that local government areas with large landfills were generally across issues regarding permits, cost of licensing and risk considerations.

Smaller local government areas may not be well positioned on this issue.

There are to be a number of briefings around Victoria for local government on this issue in the forthcoming weeks together with the first MAV CEO forum having this topic as number one item on their agenda when they next meet.

There are considerable issues in regard to CPRS which can impact on local government and budget immediately and in the mid to long term and all councils should take every opportunity to understand the likely effect on them as individual councils and well as the effect on local government overall.

Further information ad meetings are to take place in the future and information will be provided as appropriate.

15.3 FEBRUARY AND MARCH DIARY - CR MURDOCH

Date	Time	Function
02 Feb	6:30 pm	Tangambalanga Roundtable
03	9:30 am	MAV Governance Meeting Wangaratta
09	7:30 pm	Chiltern Progress Meeting, Chiltern
10	1:15 pm 3:00 pm	Briefing Meeting Council Meeting , Beechworth
12	6:30 pm	Rutherglen-Chiltern CEC Annual General Meeting, Rutherglen
13	9:00 am	Council Plan Meeting , Beechworth
14	9:00 am	Council Plan Meeting, Beechworth
16	9:00 am	School Badge Presentation, Barnawartha Primary School
17	4:00 pm	Council Briefing, Yackandandah
18	10:00 am	Northern Region Sustainable Water Strategy Meeting, Melbourne
10 March	1:30 pm 3:00 pm 7:00 pm	Briefing Meeting, Tangambalanga Council Meeting, Tangambalanga Community Forum, Tangambalanga
17	4:00 pm	Council Briefing Meeting, Yackandandah
20	3:30 pm	Kiewa PS Fete, Tangambalanga
21	5:30 pm	Yackandandah PS Community Dinner
22	11:00 am	Yackandandah Folk Festival
23	4:00 pm	Finance Committee Meeting, Yackandandah
24	4:00 pm	Briefing Meeting , Beechworth
25	6:00 pm	Yackandandah PS Building Reconstruction Meeting
27	7:30 am	Bushfire Support Meeting with Premier Beechworth
29	10:00 am	Land Use Planning Course, Melbourne

Cr Barbara Murdoch
14 April 2009

15.4 MARCH DIARY - CR P CROUCHER

For Information

Date	Time	Event
1 March	9.30 am	Kergunyah Pony Club
	11.00 am	Church Service Yackandandah Re: Bushfires
2	6.00 pm	Yackandandah Supermarket noise issue
4	7.00 pm	Coulston Park Committee of Management Meeting, Tangambalanga
5	9.00 am 5.00 pm	Tour of Kergunyah, Mt Murra with constituents
6	7.00 pm	Opening Art Exhibition, Rutherglen
7	All day	Tastes of Rutherglen
10	9.00 am	Presentation of SRC badges at Kiewa Valley Primary School
	2.00 - 8.30pm	Council meeting and Community Forum, Tangambalanga
15	11.00 am	Gun Tree Café, Bushfire benefit, Yackandandah
16	All day	Junior Council Youth Forum, Melbourne
17	2.00 pm	Yackandandah Primary School meeting
	4.00 pm	Council Briefing, Yackandandah
18	All day	Meeting with Councillors and Senior Officers Tour of Mudgegonga / Bruarong
19	9.00 am	Meeting with Constituent, Stanley
	10.00 am	Meeting with Christine Nixon, Stanley
20	3.30 - 7.00pm	Kiewa Valley Primary School Fete
21	Pm	Yackandandah Folk Festival
24	9.00 am - 3.30 pm	MAV Finance Fundamentals Workshop, Wangaratta
	4.00 pm	Council Briefing Meeting, Beechworth
25	9.30 am	Tourism Meeting, Rutherglen
	2.00 pm	Rutherglen Primary School – Talk on local government
	6.00 - 7.00 pm	Yackandandah Primary School community meeting
26	9.00 am	RACV Rally Beechworth
	11.00 am - 2.00 pm	Meeting with staff, Beechworth
27	7.30 pm	Breakfast with Premier Brumby, Beechworth
31	12.30 pm - 2.00 pm	Youth Forum, Tangambalanga
	4.00 - 7.00 pm	Council Briefing Meeting, Yackandandah

Cr Peter Croucher

14 April 2009

15.5 MARCH DIARY – CR B GAFFNEY

For Information

Date	Time	Function / Meeting details
1 March	11.00 am	Ecumenical Service re Bushfires, Yackandandah
	12 noon	AGM Beechworth Social Club
4	4.00 pm	Audit Committee Meeting, Beechworth
	6.00 pm	Beechworth Business Bushfire Recovery Meeting

5	12.30 pm	Meet with Albury Cr Daryl Betteridge
8	12 noon	Bushfire Thank You, Baarmutha Park
9	12 noon	Visit Rutherglen VIC and Rutherglen RWE Visit various re Tastes of Rutherglen
10	2.00 pm	Council Briefing Meeting, Tangambalanga
	3.00 pm	Ordinary Meeting of Council, Tangambalanga
	7.00 pm	Community Forum, Tangambalanga
11	3.30 pm	Meeting with Governor of Beechworth Prison
12	11.00 am	Meet with Constituent
13	11.00 am	Met with Constituent
14	4.00 pm	Attend Fire Relief Concert at La Trobe, Beechworth
15	2.00 pm	Meet with Beechworth Constituents at Myrtleford Aged Care Hostel
16	7.30 pm	Attend Baarmutha Park Committee Meeting
17	4.00 pm	Council Briefing Meeting, Yackandandah
18	9.00 am	Rutherglen Wine Experience Board Meeting
19	9.00 am	Attend Stanley Property re Bird Scare devices
20	6.00 pm	Attend Yackandandah Folk Festival
22	11.00 am	Attend Yackandandah Folk Festival and Market
23	4.00 pm	Finance Committee Meeting, Yackandandah
24	9.30 am	MAV Fundamentals Finance Workshop, Wangaratta
	4.00 pm	Council Briefing Meeting, Beechworth
25	10.00 am	Indigo Tourism Board Meeting, Rutherglen
	7.00 pm	Maximising the Mayoralty Training Dinner, Melbourne
26	Full Day	Maximising the Mayoralty Training, Melbourne
27	11.00 am	Meet with Constituent
30	11.00 am	Meet with Constituent
31	11.30 am	Attend Beechworth Prison Community Consultative Committee Meeting
	4.00 pm	Council Briefing Meeting, Yackandandah

Cr Bernard Gaffney

14 April 2009

15.6 MARCH DIARY – CR GOLDSWORTHY

For Information

Date	Time	Function / Meeting details
8 March	12.00 pm	Beechworth Community Gathering, Beechworth
10	2:00 pm	Council Briefing Meeting, Tangambalanga
	3:00 pm	Council Ordinary Meeting, Tangambalanga
14	4.30 pm	Bush Fire Benefit, La Trobe Beechworth
15	2:00 pm	Bush Fire Benefit, Yackandandah
16	7:00 pm	Fire Prevention Committee, Yackandandah
17	4:00 am	Council Briefing Meeting, Yackandandah
19	12.00 pm	Road Safe North East, Community Road Safety Council, Wangaratta
	5:30 pm	Municipal Emergency Management Planning Committee, Chiltern,
	7:00 pm	Beechworth Primary School AGM, Beechworth
20	6:00 am	Timber Towns Victoria AGM, Melbourne

23	4:00 pm	Finance Committee, Yackandandah
24	9:30 am	MAV Training – Finance Fundamentals, Wangaratta
	4:00 pm	Council Briefing Meeting, Beechworth
26	4.30 pm	Heritage Advisory Committee, Chiltern
31	4.00 pm	Council Briefing Meeting, Yackandandah

Cr Larry Goldsworthy

14 April 2009

15.7 MARCH DIARY – CR A POCKLEY

For Information

Date	Time	Function / Meeting details
1 March	9.30 am	Kergunyah Pony Club - opening of Cross Country Course
	11.30 am	Ecumenical Service, Memorial Gardens, Yackandandah
2	6.00 pm	Public Meeting re Yackandandah Supermarket, The Shed, Yack Office
4	6.00 pm	Beechworth Chamber of Commerce, Bushfire Recovery Session
	7.30 am	International Women's Day Breakfast, Wangaratta
7	4.00 pm	Yack Museum, Coffee and Cake Afternoon with street and museum walk
8	11.00 am	Beechworth Community Thank You to voluntary organisations post bushfires.
	7.00 pm	Chiltern Rodeo
10	2.00 pm	Council Meeting, Tangambalanga
	7.00 pm	Community Forum, Tangambalanga
11	6.00 pm	Focus Meeting, Yack Office - re Basin Creek Road, Yack
12	10.30 am	Drive Safely Launch, Murray Valley Highway, near Logic Centre
15	11.00 am	Yack Community Fun Day post bushfires
16	5.00 am – 7.30 pm	Young Leadership Course, Melbourne
17	2.00 pm	Meeting at Yackandandah Primary School
	4.00 pm	CEO Review Workshop
18	2.30 pm	Women, Drought and Climate Change committee meeting, YCEN, Yack
19	8.15 am	Meeting with constituent
	10.00 am	Bushfire Recovery Meeting, Stanley Pub
20	4.30 pm	Meeting with constituent, Chiltern
20-22	Various	Yackandandah Folk Festival
24	9.30 am	Councillor Fundamentals – Finance. MAV. Wangaratta
	4.00 pm	Council Briefing Meeting, Beechworth
25	9.30 am	Women in Climate Change Forum, Coulston Park, Tangambalanga
	6.00 pm	Yackandandah Primary School – public meeting. Yack Senior

Date	Time	Function / Meeting details
		Citizens
26-27	Various	Australian Local Government Women's Association Conference, Ararat
30	7.30 pm	Arts and Cultural Advisory Committee, Beechworth
31	12.30 pm	Body Image wrap up for Youth Week. Coulston Park, Tangambalanga
	4.00 pm	Council Briefing, Yackandandah Office

Cr Ali Pockley

14 April 2009

16.0 GENERAL BUSINESS

ANZAC Day Service:

Cr Graham highlighted the ANZAC Day services and enquired as to which Cr would be present at Kiewa/Tangambalanga.

17.0 CONFIDENTIAL

Chairman declared the meeting closed at 6.21pm.