

# INDIGO SHIRE COUNCIL

**MINUTES OF THE ORDINARY MEETING OF THE INDIGO SHIRE COUNCIL HELD IN THE SENIOR CITIZENS ROOMS, CONNESS STREET, CHILTERN ON TUESDAY 3 JUNE 2008 COMMENCING AT 7.00 PM.**

## **PRESENT**

### **Councillors**

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

### **Officers**

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

## **1.0 WELCOME**

Cr Issell welcomed those in attendance.

## **2.0 OPENING PRAYER**

Cr Murdoch read the Opening Prayer.

### **3.0 APOLOGIES AND LEAVE OF ABSENCE**

Cr Walsh requested leave of absence from 17 June to 3 July 2008 inclusive.

**Moved Cr Dale  
Seconded Cr Graham**

**That leave of absence for Cr Walsh from 17 June to 3 July 2008 inclusive be granted.**

**CARRIED**

### **4.0 DECLARATION OF PECUNIARY INTEREST AND CONFLICT OF INTEREST**

### **5.0 OPEN FORUM**

Nil

### **6.0 CONDOLENCES**

Cr Walsh expressed condolences to the family of the late Fr Peter Youngberry of Chiltern.

### **7.0 CONFIRMATION OF MINUTES**

**Moved Cr Graham  
Seconded Cr Dale**

**That the Minutes of the Council meeting held 6 May 2008 be adopted subject to the addition of Cr Graham be added as the seconder to the motion on Item 10.3 page 17 of those minutes.**

**CARRIED**

### **8.0 BUSINESS ARISING (PREVIOUS MINUTES)**

Nil

### **9.0 DEPUTATIONS AND PETITIONS**

Nil

## **10.0 ENVIRONMENT AND DEVELOPMENT**

### **10.1 INTERIM CAR PARKING POLICY (FILE NO: E1240.42 - SSP)**

#### **For Decision**

#### **RECOMMENDATION**

1. That as an interim measure, pending amendment of the Indigo Planning Scheme, Planning Applications that trigger the need to provide additional car parking, or that remove the ability to provide car parking on site will be considered in terms of the criteria outlined in the attached report and the attached Interim Car Parking Policy, and;
2. That Council establish systems to:
  - Research and monitor the demand for car parking in particular situations in the Shire to ensure that car parking requirements align with demand and hence are not excessive. This will include research into the collective needs of land use groupings such as activity centres. The parking requirements shall recognise the diverse situations in the Shire, including seasonal variations and the effect of tourism demands, and;
  - Implement accountability practices that can help justify cash in lieu payments.
3. That Council adopts the following interim rates for car parking cash-in-lieu payments, to be reviewed in accordance with the requirements of the Interim Car Parking Policy.

<b>Township</b>	<b>Rate Per Space</b>
<b>Rutherglen</b>	<b>\$6,793</b>
<b>Beechworth</b>	<b>\$7,326</b>
<b>Chiltern</b>	<b>\$5,628</b>
<b>Yackandandah</b>	<b>\$6,627</b>
<b>Barnawartha</b>	<b>\$5,261</b>
<b>Wahgunyah</b>	<b>\$5,261</b>
<b>Tangambalanga</b>	<b>\$5,095</b>

**Moved Cr Murdoch  
Seconded Cr Dale**

**That the Recommendation be adopted.**

**CARRIED**

## **BACKGROUND**

In December 2007 a report was submitted to Council regarding the car parking requirements of the Indigo Planning Scheme recommending the approval of an Interim Car Parking Policy. A copy of this Council report is attached (**Attachment A**). This policy was proposed for use when planning permit applications that trigger the need to provide additional car parking or that remove the ability to provide car parking on site, were assessed. The interim policy was proposed as a temporary measure until such time that the Indigo Planning Scheme could be formally amended to include clear provisions, specifically considering local circumstances.

The following recommendation was included in the Council report:

1. *That Council initiate the required studies including community consultation and prepare Parking Precinct Plans for all of the Shire's activity centres;*
2. *That Council prepare a Planning Scheme amendment to incorporate the adopted Parking Precinct Plans and the policy framework required to implement them;*
3. *That as an interim measure, pending amendment of the Indigo Planning Scheme, Planning Applications that trigger the need to provide additional car parking, or that remove the ability to provide car parking on site will be considered in terms of the criteria outlined in this report and the attached Interim Car Parking Policy, and;*
4. *That Council establish systems to:*
  - *Research and monitor the demand for car parking in particular situations in the Shire to ensure that car parking requirements align with demand and hence are not excessive. This will include research into the collective needs of land use groupings such as activity centres. The parking requirements shall recognise the diverse situations in the Shire, including seasonal variations and the effect of tourism demands, and;*
  - *Implement accountability practices that can help justify cash in lieu payments.*
5. *That Council adopts the following interim rates for car parking cash-in-lieu payments, to be reviewed in accordance with the requirements of the Interim Car Parking Policy.*

<b><i>Township</i></b>	<b><i>Rate Per Space</i></b>
<i>Rutherglen</i>	<i>\$6,793</i>
<i>Beechworth</i>	<i>\$7,326</i>
<i>Chiltern</i>	<i>\$5,628</i>
<i>Yackandandah</i>	<i>\$6,627</i>
<i>Barnawartha</i>	<i>\$5,261</i>
<i>Wahgunyah</i>	<i>\$5,261</i>
<i>Tangambalanga</i>	<i>\$5,095</i>

After consideration of this report, Council resolved:

1. That Council initiate the required studies including community consultation and prepare Parking Precinct Plans for all of the Shire's activity centres, and:
2. That Council prepare a Planning Scheme amendment to incorporate the adopted Parking Precinct Plans and the policy framework required to implement them.

The proposed interim policy and associated rates for car parking cash-in-lieu payments were not adopted.

Considering the amount of time it is expected to take to complete the required studies and implement the required planning scheme amendment/s, the resources required to undertake these actions and the lack of existing policy direction in the Indigo Planning Scheme regarding car parking requirements, it is considered necessary interim measures be put in place in order to provide a fair and consistent approach to determining the rate of car parking provision, and that appropriate cash-in lieu payments be determined, in line with current practice.

The implementation of appropriate interim measures with regard to the provision of car parking and associated cash-in-lieu payments are essential in order to maintain good levels of parking supply in a clear and fair manner. The proposed Interim Car Parking Policy is seen as a way of achieving equity, transparency and fairness with regards to the provision of car parking. Council is asked to re-consider this policy in light of the broad community consultation that has since occurred.

### **COMMUNITY CONSULTATION**

In order to assist Council to further consider the proposed Interim Car Parking Policy and its implications. A broad community consultation process was undertaken in accordance with Council's Community Engagement Plan. This consultation process included:

- An article in the Mayoral Column;
- A media release;
- A article on Council's website;
- Advertisements in local newspapers, and;
- Notices to all relevant chambers of commerce and progress associations.

The proposed interim policy and associated documentation was made available for community input between 8 February 2008 and 21 March 2008.

The purpose of this community consultation process was to attempt to provide Council with an indication of whether the proposed policy was generally accepted in the community. The consultation process resulted in one submission from the Wahgunyah Progress Association. A copy of the submission is attached (**Attachment B**).

In their submission the Wahgunyah Progress Association indicate that they generally agree with the proposed policy with one proposed amendment:

The first paragraph in the policy section should be amended to read:

*“Parking is to be provided to meet demand generated by all land uses in accordance with the following rates, either on site, in off site locations that serve the site and/or in communal public car parks in the town in which the development is planned.”* (proposed addition underlined).

This is considered an appropriate and valuable addition to the proposed policy. The addition will ensure that the policy sets a clear direction with regard to where relevant payments in lieu of providing car parking are to be utilized, thereby ensuring the relevant township will benefit from associated payments. The intention of the proposed policy is clearly reflected in this amended paragraph.

The proposed Interim Car Parking Policy has been amended to reflect the requested change. A copy of the amended policy is attached (**Attachment C**).

## **DISCUSSION**

In order for planning permit applications that trigger the need to provide additional car parking or that remove the ability to provide car parking on site, to be assessed in a fair and consistent manner, the appropriate planning tools have to be introduced into the Indigo Planning Scheme. The introduction of these tools will however take some time and requires supporting studies to be completed. In the interim appropriate measures should be put in place to maintain the supply of car parking in an equitable manner.

The proposed Interim Car Parking Policy attempts to achieve two main goals:

1. To provide more appropriate rates of car parking provision for our rural townships. The number of car parking spaces currently required by the Indigo Planning Scheme are more appropriate for metropolitan areas and reduction of these rates are considered more appropriate for local circumstances. The proposed interim policy proposes such a reduction.
2. To provide a fair process of determining cash-in-lieu payments associated with developments that cannot provide the required number of car parking spaces.

It should be noted that cash-in-lieu payments are currently charged at a rate of \$2000 per parking space. This figure has been used for a number of years and does not represent the real costs of providing car parking. If Council wants to maintain a sufficient supply of car parking in its town centres by continuing to charge cash-in-lieu payment, there should be a clear nexus between the amount charged and the real cost of providing car parking in these towns. As part of the report to Council in December 2007 the formula contained in the interim policy was used to calculate proposed rates for each of the larger townships in Indigo Shire. These proposed figures are listed in the table above.

A recent investigation into the practices of a number of other rural/regional Councils with regard to cash-in-lieu payments has revealed that a number of Parking Precinct Plans or relevant policies have been completed which propose cash-in-lieu amounts to be charged. These amounts vary from \$4500 - \$8000. In cases where no clear policy exist the general approach is to negotiate payments on an ad hoc basis. In many instances parking requirements are simply reduced or waived.

To simply wave or reduce car parking requirement seems to be the simplest method to deal with this complicated matter, but unfortunately this can at best only be a short term solution and is inconsistent and inequitable. In the longer term the waiving or reduction of parking requirements on an ad hoc basis will contribute to the erosion of the parking supply over time. In order to prevent such problems from occurring it is essential that the existing parking supply be maintained and new parking areas are developed in areas where developers cannot provide the required parking on the subject site. At the moment the appropriate mechanism to achieve this is the planning scheme, but relevant strategic studies will have to be completed before such mechanism can be introduced into the

Indigo Planning Scheme. In the interim these issues could be addressed through the adoption of the proposed interim policy.

It may be perceived that the introduction of the proposed higher amounts for payments in lieu of providing car parking, could potentially have an adverse impact on economic development in the Shire's townships. Especially when considering the difference between the current charge (\$2 000) and the proposed new charges. In this regard it should be noted that some Council's have decided to cover a portion of the costs of providing the appropriate car parking by not requiring developer to pay the full costs of developing car parking. In these cases the relevant Council had decided to reduce the amount in the interest of stimulating / maintaining economic development in their central business areas.

It should further be noted that maintaining an acceptable supply of car parking also has clear economic advantages, especially in towns dependant on tourism. Lack of parking could have a detrimental impact on tourist visitation and therefore a balance between maintaining car parking supply and minimizing the financial impact on developers, seems appropriate. It is considered that the proposed interim policy provides such a balance as the number of bays to be provided have been reduced to a level more appropriate for rural townships, but the cash-in-lieu payment is kept in line with the real cost of developing car parking spaces.

The proposed Interim Car Parking Policy reduces the number of car parking bays currently required by the Indigo Planning Scheme, but at the same time encourages car parking to be provided on-site. Part of the strategy to ensure the majority of required car parking is provided on-site is to reduce to opportunity to make a cash in lieu payment (instead of providing the parking) and in cases where these payments are allowed, to ensure these payments reflect the real cost of providing such parking. In this way the policy maintains equity between developers able to provide the required car parking on-site and those that can not.

*(For further detail regarding the Interim Car Parking Policy, its justification and implications refer to Attachment A - the report submitted to Council in December 2007)*

*Attachment A: Report submitted to Council in December 2007*  
*Attachment B: Submission from Wahgunyah Progress Association*  
*Attachment C: Proposed Interim Car Parking Policy*

## **10.2 INDIGO PLANNING SCHEME AMENDMENT C46 – LOT 1 TP896447, WAHGUNYAH (FILE NO: E1240-46 - SSP)**

### **For Decision**

### **RECOMMENDATION**

**That Council resolve to request the Minister for Planning to amend the Indigo Planning Scheme under Section 20(4) of the Planning and Environment Act to rectify a mapping anomaly by zoning Lot 1 TP896447, Wahgunyah Urban Floodway Zone and including this lot in the Floodway Overlay.**

### **SUMMARY**

Indigo Planning Scheme Amendment C43 was recently approved by the Minister for Planning. This amendment was a Ministerial amendment under section 20(4) of the Planning and Environment Act to correct a number of mapping errors in the Indigo Planning Scheme. One of these mapping errors was to rezone various parcels of public land in Wahgunyah from Farming Zone to Public Conservation and Resource Zone (PCRZ) - shown on **Attachment A**. After approval of this amendment, it was brought to Indigo Shire's attention that part of one of these parcels of land was freehold and should therefore not be zoned for public purposes (PCRZ). The remaining part of the subject lot is currently unzoned. The Department of Planning and Community Development (DPCD) has indicated that the minister would be willing to rectify this error through a Ministerial amendment under section 20(4) of the Planning and Environment Act.

The purpose of this report is to seek Council's support for proposed Planning Scheme amendment C46, which would rectify this zoning scheme anomaly by means of a Ministerial amendment to the Indigo Planning Scheme.

### **DISCUSSION**

After approval of Amendment C43 it was discovered that Lot 1 TP896447 in Wahgunyah (shown on **Attachment B**) was not shown on the relevant Indigo Planning Scheme map. It appears that this lot added to the Victorian mapping by the Surveyor General's office in 2006. This lot was apparently mistakenly not included on the state's mapping at some point in the past and has been freehold since 1855. As a result of this, the lot was not shown on the planning scheme mapping as part of Amendment C43 and part of this lot was mistakenly zoned for public purposes and the remaining part was left unzoned.

This inappropriate situation has been investigated and discussed with DPCD, who has confirmed that this lot exists and is freehold and should therefore be appropriately zoned. DPCD has also indicated that the Minister for Planning would be willing to rezone the subject land by means of a Ministerial amendment under section 20(4) of the Planning and Environment Act.

The appropriate zoning has further been discussed with DPCD and the North East Catchment Management Authority (NECMA) and considering the locality of the lot in the floodplain of the Murray River, the appropriate zoning is the Urban Floodway Zone (UFZ) and the Floodway Overlay (FO) on this land. The landowner has been informed of this and indicated that this zone and overlay would be acceptable to him. It is therefore

considered appropriate to request the Minister for Planning to amend the Indigo Planning Scheme to rezone Lot 1 TP896447, Wahgunyah from PCRZ and ‘unzoned’ to UFZ with a FO covering the land.

*Attachment A: Land zoned PCRZ*

*Attachment B: Subject Lot*

### **10.3 INDIGO PLANNING SCHEME AMENDMENT C48 – PART OF KIEWA VALLEY HIGHWAY (FILE NO: E1240-48 - SSP)**

#### **For Decision**

#### **RECOMMENDATION**

**That Council resolve to support a procedural Planning Scheme amendment (Amendment C48) by the Minister for Planning to rectify a mapping anomaly, by rezoning part of the Kiewa Valley Highway road reserve from Farming Zone to Road Zone – Category 1.**

#### **SUMMARY**

Vic Roads has requested Indigo Shire Council’s consent for a procedural Planning Scheme amendment to correct a mapping anomaly which excludes part of the Kiewa Valley Highway road reserve from the Road Zone - Category 1 (RDZ1). This part of the Kiewa Valley Highway road reserve is currently incorrectly zoned Farming Zone, as shown on **Attachment A** – Existing Zoning.

In order to correct this anomaly, Vic Roads has indicated that the Department of Planning and Community Development (DPCD) will undertake necessary amendment of the Indigo Planning Scheme on their behalf and that the amendment will be a Ministerial amendment under section 20(4) of the Planning and Environment Act.

The purpose of this report is to seek Council’s support for proposed Planning Scheme amendment C48, which would rectify this zoning scheme anomaly by means of a Ministerial amendment to the Indigo Planning Scheme.

#### **DISCUSSION**

In May 2008 Vic Roads requested that Indigo Shire Council provide “written consent” for a procedural Planning Scheme amendment to rectify a mapping anomaly which incorrectly excludes part of the Kiewa Valley Highway, south of Kiewa, from the Road Zone – Category 1 (RDZ1). The locality of the subject land is shown on **Attachment B** – Locality Plan. Under Section 7(5) of the Planning and Environment Act, the Minister for Planning has directed that:

*“A road which is declared as a freeway or an arterial road under the Road Management Act 2004 must be shown as Road Zone – Category 1 on the planning scheme maps.”*

The relevant portion of land (**Attachment C** – proposed rezoning) is designated as a

declared arterial road under the Road Management Act (see copy of Government Gazette enclosed as **Attachment D**). This portion of land must therefore be zoned RDZ1.

*Attachment A – Existing Zoning  
Attachment B – Locality Plan  
Attachment C – Proposed rezoning  
Attachment D – Government Gazette*

**Moved Cr Graham  
Seconded Cr Walsh**

**That the Recommendations for Items 10.2 and 10.3 be adopted.**

**CARRIED**

**10.4 SECTION 173 AGREEMENTS - (08/4201, 08/4221, 08/4278)**  
**(EDSM)**

**For Decision**

**RECOMMENDATION**

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

- A) W G Lucas & J M Lucas**
- B) G J & P M Bell**
- C) K H Buckingham**

**Moved Cr Dale  
Seconded Cr Walsh**

**That the Recommendation be adopted.**

**CARRIED**

**INTRODUCTION**

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

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

**COMMENT**

In the Agreements referred to, the responsibility of making application on behalf of

Council to the Registrar of Titles office for the registration of the Agreement and the payment of all legal costs is that of the other party entering into the Agreement with Council.

## **BACKGROUND**

**A)** Planning Permit 08/4201 relates to a dwelling on land Zones RLZ at Beechworth-Wodonga Road, Wooragee. The land is approximately 1ha in area, is bisected by a drainage depression and abuts an unmade government road. The permit issued on the basis that an Agreement under Section 173 of the Act be entered into with the Responsible Authority to:

- (i) provide notification to future landholders that whilst ever the “unmade road” is utilised for access to a single dwelling house, Council views the “unmade road” similar to a private driveway and as a consequence the laneway is not subject to regular maintenance under Council’s Road Maintenance Contract. On this basis the construction and maintenance of the “unmade road” from the point of access to the dwelling to the existing vehicular access to the Beechworth-Wodonga Road is the responsibility of the landholder, and;
- (ii) ensure that in the event that future development occurs that requires the use of the “unmade road” for access, the owner of the land must contribute to the construction of the road in accordance with the requirements of the Indigo Shire Council “Road Management Plan”. Works on the “unmade road” shall be focused on improvement to a public road standard to the satisfaction of the Responsible Authority.
- (iii) ensure that the recommendations of the Land Capability Assessment prepared by LWMP Consultants dated 12th December 2007, are implemented and works are maintained to the satisfaction of the Responsible Authority;
- (iv) ensure that the indigenous vegetated buffers indicated on the endorsed plan is planted, permanently protected and maintained to the satisfaction of the Responsible Authority.
  - that in the event of proposed Lot A1 being used and developed for the purposes of a dwelling, wastewater disposal infrastructure is installed, maintained and operated in accordance with the recommendations of the Land Capability Assessment prepared by LWMP Consultants dated 30<sup>th</sup> November 2007.

**B)** Planning Permit 08/4221 relates to a proposed 4 lot residential subdivision of land at Priory Lane, Beechworth. The proposal involves the restructure of 9 existing lots into 4 lots. Proposed Lot 4 (4,152m<sup>2</sup>) contains the existing Old Priory buildings and proposed lots 1 (636m<sup>2</sup>) and 3 (665m<sup>2</sup>) contain existing storage sheds. Proposed Lot 2 (836m<sup>2</sup>) is vacant. As there is potential for the building on proposed Lot 3 to be converted into a dwelling, the permit was issued on the basis that prior to the Certification of the Plan of Subdivision, plans prepared by a licensed surveyor must be submitted accurately showing the location of the building on proposed lot 3 in relation to the boundary with lot 4. If the boundary between Lots 3 and 4 is not setback a minimum 900mm from the wall of the existing building, the boundary must be realigned to achieve a minimum 900mm setback, or; prior to the issue of the Statement of Compliance, the owner must enter into

an agreement under Section 173 of the Act with the Responsible Authority to:

- provide notification that Part 3.7.1 of Volume 2 of the Building Code of Australia 2008 must be complied with in the event that the existing building is used for the purposes of a dwelling or part dwelling (Class 1 Building).

C) Application for Certification 08/4278 relates to a proposed 2 Lot subdivision of land at Nashs Road, Rutherglen. Council recently resolved at the March 2008 Ordinary Meeting to endorse a Development Plan that affects the LDRZ zoned land that is subject to this application for Certification. The Development Plan relates to the future subdivision of Crown Allotments 21, 21A, 22, 24, Part 25A, 25D, 26, 26A, 30, and Part 32 Section 45, Nashs Road, Rutherglen and anticipated the scenario by which a 2 lot subdivision could be carried out without the need for a Planning Permit under the provisions of Clause 62.04 of the Indigo Planning Scheme.

Clause 5.5 of the Development Plan provides that if prior to the approval of the planning permit for the subdivision of land contained within this Development Plan, an application is made for a boundary adjustment between two existing lots under Clause 62.04 of the Planning Scheme, the planning authority will not issue a Statement of Compliance unless:

- the smaller lot created accords with the Development Plan;
- reticulated water, sewer and underground electricity are provided to service the smaller lot, or there is an agreement to secure compliance with these requirements;
- access is provided to the smaller lot from a sealed road, and;
- the owner of the land enters into an agreement with Council to ensure that the creation of the smaller allotment does not jeopardise the master development of all of the land in accordance with this Development Plan and any future subdivision of the land. That is, that provision is made for the provision and funding of all servicing and infrastructure not provided at the time of the boundary adjustment, at the full cost of the developer and at the time of construction of Stage 1 of the subdivision in accordance with this Development Plan.

As an application has now been received for a boundary adjustment between two existing lots under Clause 62.04 of the Indigo Planning Scheme it is necessary for the land owner to enter into an Agreement under Section 173 of the Act with the Responsible Authority to ensure:

- (i) that in the event of the further subdivision of Lot 2 PS621456R or Stage 1 of the development indicated in the Development Plan occurring, reticulated water, sewer and underground electricity will be provided to service Lot 1 PS621456R by the developer of Lot 2 PS621456R;
- (ii) that the development of the land must be in accordance with the Development Plan;

- (iii) access is provided to Lot 1 PS621456R from a sealed road;
- (iv) to provide and fund all servicing and infrastructure required by the Development Plan not provided at the time of the boundary adjustment (the issue of the Statement of Compliance in respect of PS621456R), at the full cost of the developer of, and at the time of construction of, Stage 1 of the subdivision indicated in the Development Plan or the further subdivision of Lot 2 PS621456R;
- (v) that no dwelling shall be inhabited or used until such time as it is connected to reticulated sewerage and water services.

*Attachment A: Locality/Site Plan – PP08/4201 Beechworth-Wodonga Road, Wooragee.*

*Attachment B: Locality/Site Plan – PP08/4221 Priory Lane, Beechworth.*

*Attachment C: Locality/Site Plan – PP08/4278 Nashs Road, Rutherglen.*

## **10.5 PLANNING APPLICATION PP-084198 MAX BIRD, 706 YACKANDANDAH WODONGA ROAD, STAGHORN FLAT, YACKANDANDAH (STP)**

### **For Decision**

#### **SUMMARY**

<b>Application No:</b>	PP-074119
<b>Applicant:</b>	Max Bird
<b>Subject Land:</b>	Lot 2 on Plan of Subdivision 424748B
<b>Proposal:</b>	To use and develop a dwelling and associated outbuildings on the subject site for the purposes of habitation.
<b>Date application lodged:</b>	16/01/08
<b>Purpose:</b>	Seek approval to use and develop the subject site for the purposes of a dwelling and associated outbuildings.
<b>Subject site land area:</b>	4.76 ha
<b>Current use of subject site:</b>	The site is currently used as a grazing paddock.
<b>Recommendation:</b>	Refusal

#### **RECOMMENDATION**

That Council refuse planning permit application PP08-4198 to use and develop Lot 2 on Plan of Subdivision 424748B, 706 Yackandandah Wodonga Road Staghorn Flat Yackandandah for the purpose of a dwelling and associated outbuildings for the following reasons.

1. The proposal is inconsistent with the State and Local Planning Policy Framework;
2. The proposal is inconsistent with the purposes of the Farming Zone (Clause 35.07), and in particular:
  - a) The development and use is not associated with any genuine intensive agriculture

- and/or rural production;
- b) The development of the subject land is not compatible with the purpose of the Farming Zone and will contribute to an increase in the concentration of dwellings in this locality;
  - c) The proposal will not necessarily facilitate agricultural use of land;
  - d) It cannot be demonstrated that the proposal is not solely for the purposes of providing for a future dwelling for rural living purposes only.
3. The proposal is not consistent with the intent of Clause 22.01-5 (Dwelling on existing small rural allotments);
  4. The proposal if approved would set an undesirable precedent in the area leading to an increase in concentration of dwellings in this locality and the fragmentation of rural land;
  5. The proposal is contrary to the provisions of Clause 65.01 of the Indigo Planning Scheme and in particular the orderly planning of the area.

**Moved Cr Dale  
Seconded Cr Banks**

**That Council approve planning permit application PP08-4198 to use and develop Lot 2 on Plan of Subdivision 424748B, 706 Yackandandah Wodonga Road, Staghorn Flat for the purpose of a dwelling and associated outbuildings subject to conditions as determined by the Environment and Development Services Manager.**

**The motion was put and LOST.**

**Moved Cr Hotson  
Seconded Cr Graham**

**That Council refuse planning permit application PP08-4198 to use and develop Lot 2 on Plan of Subdivision 424748B, 706 Yackandandah Wodonga Road Staghorn Flat Yackandandah for the purpose of a dwelling and associated outbuildings for the following reasons.**

3. **The proposal is inconsistent with the State and Local Planning Policy Framework;**
4. **The proposal is inconsistent with the purposes of the Farming Zone (Clause 35.07), and in particular:**
  - e) **The development and use is not associated with any genuine intensive agriculture and/or rural production;**

- f) **The development of the subject land is not compatible with the purpose of the Farming Zone and will contribute to an increase in the concentration of dwellings in this locality;**
  - g) **The proposal will not necessarily facilitate agricultural use of land;**
  - h) **It cannot be demonstrated that the proposal is not solely for the purposes of providing for a future dwelling for rural living purposes only.**
3. **The proposal is not consistent with the intent of Clause 22.01-5 (Dwelling on existing small rural allotments);**
  4. **The proposal if approved would set an undesirable precedent in the area leading to an increase in concentration of dwellings in this locality and the fragmentation of rural land;**
  5. **The proposal is contrary to the provisions of Clause 65.01 of the Indigo Planning Scheme and in particular the orderly planning of the area.**

**CARRIED.**

## **BACKGROUND**

### **Description of the site:**

The subject site resembles a square shape and is located approximately 10 km north of Yackandandah along the Yackandandah – Wodonga Road. The property is approximately 4.76 ha in area and the land is undulating with some steeper slope to the far northern rear corner of the property. Two small earth dams exist on the property and the property is denuded of trees and is covered with introduced pastures.

A driveway exists on the land to serve as a vehicle access between the property boundary and Wodonga – Yackandandah Road. There is also an existing driveway on the land to serve the existing shed on the property which is located towards the north western corner of the property.

A site cut exists on the property where the owner proposed to locate the proposed dwelling.

### **Surrounding land use:**

The subject site is surrounded by mostly agricultural properties of which the dominant uses are sheep and cattle grazing. The properties surrounding the subject site to the north, south and east (across Yackandandah – Wodonga Road) contain dwellings. The properties in the area range in size from approximately 4 ha to 78 ha. and houses are developed on some of the properties in the wider area.

**Zoning of surrounding land:            Farming Zone**

## **PROPOSAL**

The proposal is for the use and development of a dwelling on the subject property. The proposed dwelling is to be located in the north western portion of the subject site approximately 160 meters west of Yackandandah – Wodonga Road. The application is for a four bedroom dwelling. The roof of the dwelling is proposed to be clad in natural colour bound colours and the walls are proposed to have a brick veneer finish also in natural colours.

## **ZONING AND PLANNING CONTROLS**

Zoning: Farming Zone

Overlay/s: No Overlays are applicable.

Permit Trigger: Farming Zone - Under the provisions of the Farming Zone a dwelling is a Section one use (no permit required) if the site is at least 40 ha. If the site is smaller than 40 ha the dwelling then becomes a Section two use (planning permit required). In this case the subject site is 4.76 ha, thus a planning permit is required.

## **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**

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

## **LOCAL PLANNING POLICY FRAMEWORK**

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

### **Municipal Strategic Statement**

Relevant clauses of MSS include:

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

- 22. Local Planning Policies
- 22.01. Rural dwelling siting and design guidelines.
- 22.01-5 Dwellings on existing small rural allotments

### **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:

Vic roads  
Assets  
Health

None of the referral authorities have any objection to the issuing of a planning permit subject to inclusion of conditions.

### **PUBLIC NOTICE**

#### **Public Notice/Advertising**

Council gave notice of the application by mail to the owners and the occupiers of adjoining lots. No objections or submissions were received.

### **SITE INSPECTION**

Senior Town Planner inspected the site during the processing of the application.

### **DISCUSSION**

#### **Consideration of the planning merits of the proposal:**

The question that needs to be answered in this case is whether the proposed dwelling will be in keeping with the character of the surrounding area and whether the proposed use will prejudice agricultural production and/or lead to the fragmentation of agricultural land and the proliferation of dwellings in rural areas.

The character of the surrounding area can be described as open farmland used for broad acre agriculture, cattle and sheep grazing. Lot sizes range from approximately 4ha to 76ha with an average lot size of approximately 40 ha. Some of the surrounding properties are developed with dwellings. The subject site and the surrounding area is zoned "Farming Zone" in terms of the Indigo Planning Scheme. Properties in this area vary quite significantly in size but the landscape of the area can be described as open landscape which clearly suggests that farms are made up of various lots which are farmed in combinations, thus the open landscape and farming character.

A planning permit was issued in December 1999 for the construction of a dwelling on the subject site. The applicant did not act on the planning permit and it lapsed. Subsequently

the Indigo Planning Scheme was amended to replace the old “Rural Zones” with the new “Farming Zone”. The intent and purpose of the Farming Zone is mainly to protect productive agricultural land and to facilitate agricultural production. To achieve this objective decision guidelines for assessing planning permit applications focus specifically on the impact that a proposed development will have on the agricultural activity in the area and more specific on how the development will contribute to agricultural production on the property.

The applicant has to justify why a dwelling is reasonably required on a property under 40 ha to facilitate agriculture production on the property and to demonstrate that the management input in the agricultural enterprise justify a dwelling on the property.

The applicants argue that based on the fact that a planning permit has been issued before by the Indigo Shire he should not have to address the decision guidelines set out under the Farming Zone and specifically the decision guidelines relating to the “Agricultural” issues. Thus the applicant has made no attempt to justify the reason for a dwelling on the subject site.

The applicant in addressing the decision guidelines is avoiding the issue of agricultural production by focussing on all the other qualities of the subject site and not addressing the key criteria which includes a demonstration that the proposed development will contribute to agricultural production. The applicant has trivialised the decision guidelines of the Farming Zone in providing reasons why this application should not be assessed in terms of these guidelines. Thus the applicant’s submission does not provide a balanced outcome.

The applicant argues that the property is too small to conduct any commercial form of agricultural, apart from moderate grazing activities, given the small size and average agricultural potential of the soil and due to the lack of a reliable water supply. This again is a classical argument to prove the point that the land is basically worthless in its current condition and therefore cannot operate as a viable agricultural unit and can thus be withdrawn from agricultural production.

This argument is weak in the sense that much land in Australia is of low or medium agricultural potential and such an approach would not have regard to the negative impact that indiscriminative development will have on the amenity of the area, the impact on the environment and the impact on the security of food production.

The Municipal Strategic Statement at Clause 21.04 (Economy) and the Local Planning Policy at Clause 22.01-5 (Dwellings on existing small rural allotments) and the Farming Zone at Clause 35.07 reiterate the importance of agriculture in the Shire and state. The MSS mentions that the strengthening of the Shire’s economy will be facilitated by a strategy of reinforcing the importance of agriculture to the region and allowing new industries and existing primary industries to diversify and expand in appropriate ways.

The Municipal Strategic Statement (MSS) goes on at Clause 21.04 (Environment) and the Local Planning Policies at Clause 22.01-5 to emphasise the importance of the Shire’s landscapes. The quality of the landscape setting of the Indigo Shire is also a great natural and community resource. The cultural value of the landscape within a number of areas of the Shire is high, evidenced by the classification applied to large areas of the Shire by the

National Trust (Victoria) and its attractiveness as a residential and tourist environment. In particular the protection of the visual quality and significance of the prominent hills, slopes and extensive open landscapes is a key goal of the Shire.

Agriculture in the Shire thus is important from an economic perspective in that it comprises a major component of economic activity in the shire and should therefore be protected. Such protection will not only maintain and enhance agricultural production, but will also facilitate protection of the Shire's rural landscapes for which Indigo Shire is renowned and contribute to the tourist potential of the Shire, another major form of income for the Shire.

The MSS recognises that regional influences on the Shire create a pressure for rural lifestyle opportunities as well as the importance of, and the necessity to, support agriculture. In order to achieve a balance between the two, the Rural Living Zone is strategically applied to large areas within the Shire to direct the provision of this form of land use. C22.01-5 was also adopted in recognition of the need for a balanced approach to the provision of rural lifestyle opportunities in broader acre rural areas whilst protecting the Shires agricultural base.

The precedent that would be set for this locality if the application were to be approved, State policy in respect to the protection of agricultural land (including the impacts of decisions on land values) as well as the significance of the rural sector for the Shire's economy, tends to outweigh the opportunities for rural living in this instance. Decisions made with respect to dwellings on existing small rural allotments, therefore need to be managed so as not to create defacto Rural Living Zones. Where there is the potential for this to occur, decisions should err on the side of caution and should reflect the underlying purpose of the Zone which is to:

- Implement the SPPF and LPPF including the MSS and local planning policy, and;
  - Provide for the sustainable use of land for Extensive animal husbandry and Crop raising,
- not convert land used for this purpose to non-rural or residential uses because the land unit is unviable.

In 1999, in its Final Report New Format Planning Schemes, Panels Victoria said:

The solution to the broad problem of the loss of productive agricultural land is to limit, where possible, the proliferation of residential use within agricultural areas, and to state clearly within the MSS the priorities the Council sees as applying in different areas. In this respect, it needs to be remembered that the objectives of the Rural Zone make no mention of residential use. It is the purpose of the Rural Living Zone to only provide for residential use within a rural environment. The Rural Zone should be used where the primary purpose is for extensive animal husbandry and crop raising (ie farming).

The subject area is part of the Shire's rural landscape as a productive, broad acre farming area and should remain as such. This area should continue to be used for stock raising (including sheep, cattle and horses) and intensive and extensive cropping, as cropping and grazing contributes to the economy and character of the Shire. Uses that in any way prejudice either agricultural activity in the area or agricultural landscapes should not be

supported.

The proposal will not only change the character of the area by allowing a dwelling on the property, but it will also change the type of agricultural pursuit from broad acre farming to small hobby farm type of agricultural pursuits which is contrary to the purpose of the Farming Zone.

## **VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL**

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

- the appropriateness of dwellings in the context of the Rural Zone as well as State and local policies;
- the appropriateness of using the provisions of the Rural Zone to create de-facto Rural Living areas, and;
- the need to consider the strategic intent of the Planning Scheme as a whole rather than focussing on individual policies.

For instance:

In the case *Marzorini & Ors v Mitchell SC [1999] VCAT 1826 (3 November 1999)* the Tribunal concluded that:

The Tribunal considers that the proposal would represent a significant change to the rural nature of the area. We believe that the proposal does not accord with the local and State planning policies relating to the loss of agricultural land, and need for the careful planning to avoid ad hoc rural residential subdivision and development in rural areas.

In the case of *P. & B. Carter & Ors v Shire of Kilmore (1992/010190)*, the Tribunal stated that:

*Without a planning permit for a dwelling, it is unlikely that there would be any pressure for these parcels to change hands. There would need to be a very good reason provided to permit a dwelling on any of the existing lots. ... there is no expectation that a dwelling should be permitted on every existing under-sized allotment within a rural area.*

*The provisions of the Rural Zone, at Clause 35.01 combined with the objective and implementation actions of Clause 17.05 of the SPPF (relating to Agriculture), impose a requirement not just to protect the State's agricultural base from the loss of high quality productive agricultural land, but also to consider the sustainability of rural activities on all categories of productive farmland.*

In the case of *SMA Projects v Port Phillip City Council 2 VPR, 270* it is stated:

*In coming to this view the Tribunal observed that while decision making under the Victoria Planning Provisions format planning schemes is to be "heavily influenced"*

*by policy - and that the consistent application of policy over time can avoid the adverse effects of incremental change, through ad hoc decision making (a point noted at Clause 20 of the Planning Scheme) - policy must nevertheless be applied in an intelligent and flexible way having regard to the entire strategic and policy framework affecting the future use of land, while at the same time avoiding unfortunate outcomes in individual cases.*

In the case of ***Teac Australia PL v Port Phillip CC [1999] VCAT 1222*** the Tribunal commented that:

*when considering a proposal in relation the policy framework set out in the planning scheme the preferred approach is to develop an overall picture of the policy framework and it is not necessarily correct or helpful to adopt a clause by clause analysis of the policy framework. In forming this overall picture the zone purposes, and the state planning policy framework, in particular clause 17.05 Agriculture, are as relevant as the clauses most debated in this application. [(reported in Bristow v Yarra Ranges SC [2004] VCAT 1815 (14 September 2004)]*

In the case of ***Sunbury Residents Association Inc. and Ors v Hume City Council and Eddie Hirsch (1999/85151)*** the Tribunal said:

*“Although the new scheme provides the discretion of a greater range of land uses to be considered, this does not mean that all of these land uses will result in an acceptable outcome...as set out in Clause 31.01-2...(which) makes it clear that proposals must be considered against the SPPF and LPPF in determining whether or not permission is granted for a use in Section 2. It is also relevant that the decision guidelines for the zone and those set out at Clause 65 require consideration to be given to the SPPF and LPPF,.....Accordingly, whether or not a particular proposal achieves an ‘outcome’ which is consistent with the planning scheme policies is a major factor to be considered when exercising discretion.”*

In ***Classic Home Constructions PL v Hobsons Bay CC [2004] VCAT 418 (17 March 2004)*** it is stated:

*The initial concern of the Tribunal is that the assessment and decision by Council in this matter seems to have been undertaken in isolation from important parts of the Hobsons Bay Planning Scheme. When new format planning schemes were introduced into Victoria in the late 1990s, they were intended to usher in a new era of decision making based on compliance with strategic direction rather than just statutory detail. The theory was that every Council would articulate its land use ambitions within its own Municipal Strategic Statement (the MSS) and this would drive decision making. So long as a Council had its strategy right, then decision making should logically follow. The elevation of strategic planning in decision making was explicitly emphasised by the fact that every time an assessment had to be made, the first stated purpose of every zone and every overlay said exactly the same thing:*

*To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*

*The strategic direction in the scheme is therefore the starting point for assessment. ...*

*...Planning decisions often require a balance to be struck between competing strategies. In this instance, the Tribunal feels that the Council has "taken for granted" the degree of compliance with urban consolidation principles, neighbourhood character, heritage assessment, and a willingness to modify the plans and instead has focussed only on aspects of amenity to justify their refusal. That is not to say that these amenity aspects are not important. It is just that the decision is devoid of any attempt at a balancing of issues so as to produce (in the words of Clause 31.01-2 of the scheme) "... acceptable outcomes ..." in terms of the whole of the state and local planning policy framework. In simple terms, the perceived shortfalls in the Good Design Guide technique dealing with amenity have distracted Council from conducting a complete assessment of the application.*

*18 The Tribunal believes that Clause 31.01-2 provides some sort of clue as to how decision making should be structured under new format planning schemes. Clause 31.01-2 was inserted into the Victoria Planning Provisions (VPPs) after the advisory committee report into the original (1996) VPPs, and it was a direct result of the observation that under the new schemes there was a much greater array of Section 2 'discretionary' uses than there had ever been before. Clause 31.01-2 neatly links the strategic and the statutory when it says:*

*Because a use is in Section 2 does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the State Planning Policy Framework, the Local Planning Policy Framework, the purposes and decision guidelines of the zone and any of the decision guidelines in clause 65.*

*19 Quite apart from the need to link discretion to the strategy, the Tribunal suggest that the two important words in this Clause are 'acceptable outcomes'. In other words, the assessment and the decision should consider the totality of the scheme and determine whether or not the application would produce an 'acceptable outcome' in terms of the strategic and the statutory provisions. This helps direct the decision maker to the question of balancing all aspects of the scheme rather than selectively focusing on specific provisions one of which may be taken out of context.*

The significance of placing policy in context is further commented on in "The role of strategy in the appeal process" prepared by John Keaney presented at Planet Seminar Program: Preparing submissions to VCAT on 27 March 2001 where it is stated that:

- *The first aspect of this is the State Planning Policy Framework (SPPF). In my experience with both Council submissions and officer reports, this is one of the most overlooked parts of the new schemes. As already noted, one only has to look at the first purpose of every zone and every overlay to realise that this simply cannot be overlooked. ...While it is true that some of the SPPF is couched in general terms, it is equally true that there is very clear direction provided by some aspects of it including (for instance) fragmentation of rural land.*
- *"The MSS is the 'bigger picture' document telling the reader what Council is hoping to achieve over the next decade or so. Local policies on the other hand are the real decision making tools that should assist Council and the tribunal on*

*a day to day basis. The officer report or the VCAT submission that, for instance, jumps straight to the Local Policies ignores the context within which the policy has been derived and, I suspect leaves the impression that the policy is being used to the exclusion of the rest of the scheme. I feel that the complete strategic journey needs to be explained both in a Council report and in a Tribunal Submission.*

In the case ***Widdison v Moorabool Shire Council [2002] VCAT 1535*** the tribunal stated:

*I appreciate that the lots are small and have poor soil quality. This is not a situation where the desirability of removing high quality farmland from primary production is a critical issue. I accept Mr Eskdale's advice that the current use of the land for grazing is not a sustainable rural use. It occurs "as a hobby and to cover the rates". Nevertheless, the absence of an existing sustainable rural use does not by default mean that the development of dwellings is appropriate....*

*45. I can find no strategic support in the Planning Scheme for the proposed dwelling. As highlighted by Mr Fadgyas and Mr Glossop the MSS recognises that fragmentation of rural land can occur where residential development takes place on rural areas with no link to the rural activities of the area and new residents start demanding that rural activities be modified. In particular, Clause 21.09 emphasises that rural residential development needs to occur in a planned and orderly manner. It should be located in rural living zones at the fringe of townships and controlled to avoid the conversion of quality agricultural land to non productive land uses. ...*

*60.... I consider that the proposed dwellings would have an adverse impact on the use of agricultural land in a broader sense. On that matter I accept the submissions of Mr Fadgyas and Mr Glossop that approval of these applications would create a "precedent" or at least raise expectations that other owners could also obtain permits. There are numerous small lots in the vicinity (perhaps hundreds throughout the Shire) that are undeveloped. As noted by Mr Fadgyas the creation of an expectation of development would lead to increase in property values of rural zoned land. This would make it more difficult for existing productive farms to continue in a viable form. In essence, every additional dwelling on rural land makes acquisition more difficult for genuine farmers. Incremental development on small lots would over time also lead to the substantial loss of productive land.*

## **CONCLUSIONS**

Although compliance can be demonstrated with a number of policies and decision guidelines that relate to the development aspects of the proposal, and despite the attractiveness of subject land for residential purposes due to its locality, having regard to the provisions of the Indigo Planning Scheme and the circumstances of the proposal it is concluded that the application should be refused.

Notwithstanding Council's Policy for dealing with small rural allotments, it is contended that this policy does not support scenarios where decisions made with respect to dwellings on existing small rural allotments have the potential to create defacto Rural Living Zones.

Given the nature of the area it is considered that approval of the proposal would effectively lead to a de-facto rezoning of the land through increased pressure on Council to approve similar proposals for adjoining holdings based on the very reasons that the applicant has put forward as factors that limit the productivity and rural use of the subject land.

In this instance the problem exists that adjoining land can be fragmented and disposed of separately in existing allotments. If this was to occur, there would be substantial pressure for a number of dwellings under Council's Dwellings on Small Rural Allotments Policy.

As the Responsible Authority needs to be consistent in its administration of the Indigo Planning Scheme, and there are no apparent differences between the subject land and other small rural lots in the locality, the area would effectively become a Rural Living Zone. Such a scenario is not supported by local policy, the MSS, the SPPF, the Zone or the decision guidelines of Clause 65. If this had been the intent of the Indigo Planning Scheme, and despite the fact that the application can be considered, it is contended that the Rural Living Zone would have been applied to the locality rather than the Farming Zone.

This land is ideally located in close commuter distance to Yackandandah/Wodonga and land values are high. The approval of dwellings in rural areas unrelated to agriculture raises expectations that other owners could obtain permits. The creation of an expectation of development would lead to increased property values and every additional dwelling on rural land makes acquisition of land more difficult for genuine farmers.

Having particular regard to the orderly planning of the area, consistency in interpretation of the planning scheme and considering the effect the proposal will have on adjoining land, it is therefore considered that the proposal should be refused.

*Attachments*

## **10.6 BUILDING STATISTICS – APRIL 2008 (EDSM)**

### **For Information**

<b>Property Locality</b>	<b>Description</b>	<b>Project Value</b>	<b>Approval Date</b>
Yackandandah	New Building	\$13,000	16/09/99
Wooragee	Extension	\$21,569	16/07/03
Tangambalanga	New Building	\$7,898	18/08/03
Barnawartha South	Extension	\$140,000	25/11/05
Tangambalanga	Extension	\$11,500	15/12/05

Osbornes Flat	Dwelling	\$350,000	20/03/08
Rutherglen	New Building	\$7,000	02/04/08
Wahgunyah	Extension	\$99,000	02/04/08
Beechworth	Shade Structure	\$75,000	02/04/08
Huon	Swimming Pool	\$25,999	03/04/08
Beechworth	Alteration	\$83,500	03/04/08
Beechworth	Re-stump	\$6,000	07/04/08
Yackandandah	New Building	\$15,497	07/04/08
Chiltern	Demolition	\$5,000	07/04/08
Rutherglen	Alteration	\$28,190	08/04/08
Beechworth	Alteration	\$4,396	11/04/08
Chiltern	Alteration	\$7,500	14/04/08
Sandy Creek	Dwelling	\$284,975	14/04/08
Barnawartha	New Building	\$4,787	14/04/08
Beechworth	Extension	\$110,000	16/04/08
Lilliput	New Building	\$120,000	16/04/08
Beechworth	Extension	\$4,900	21/04/08
Rutherglen	Alteration	\$199,451	21/04/08
Stanley	New Building	\$5,000	21/04/08
Allans Flat	New Building	\$4,200	21/04/08
Yackandandah	Re-erect Building	\$12,000	21/04/08
Yackandandah	New Building	\$25,000	22/04/08
Yackandandah	Retaining Wall	\$1,000	23/04/08
Beechworth	Dwelling	\$9,300	24/04/08
<b>Total</b>		<b>\$1,681,662</b>	

## **10.7 PLANNING STATISTICS – APRIL 2008 (EDSM)**

### **For Information**

<b>Appl No</b>	<b>Locality</b>	<b>Proposed Use</b>	<b>Cost</b>	<b>Decision</b>
06207	Rutherglen	Certification	0	No permit req
07014	Beechworth	5 Lot Subdivision and 4 dwellings and 1 tree removal	800,000	Approved
PP074125	Chiltern	Relocation of two dwellings and construction of two carports	80,000	Approved
PP074133	Beechworth	Extension to bed and breakfast accommodation, carport and parking area and fencing	465,000	Approved
PP074153	Allans Flat	Shed	4,200	Approved
05176.1	Beechworth	77 Lot Subdivision	0	Approved
PP084178	Yackandandah	Subdivide	0	Approved
PP084212	Rutherglen	6 units, strata subdivision	600,000	Approved
PP084217	Beechworth	Signage	1,000	Approved
PP084218	Chiltern	Install Automatic Teller Machine	1,500	Approved

PP084223	Beechworth	Tree Removal	300	Approved
PP084224	Beechworth	Painting of Exterior Frontage & Verandah, External Alterations, Signage, A-Frame Advertising (Retail Shop)	4,250	Approved
PP084227	Yackandandah	Alteration & Additions to Two (2) Aged Care Dwelling Units	125,000	Approved
PP084231	Kergunyah	Subdivision for Access	0	Approved
PP084240	Stanley	Winery	100,000	Approved
PP084243	Chiltern	Subdivision	0	Approved
PP084244	Yackandandah	Double Garage	10,000	No permit req
PP084246	Yackandandah	Two Lot Boundary Realignment	0	Approved
PP084247	Yackandandah	Addition to Dwelling	70,000	Approved
PP084248	Tangambalanga	Boundary Realignment -Reduce the Number of Lots from 3 to 2	0	Approved
PP084249	Chiltern	Colorbond Carport (Shed)	7,500	Approved
PP074081.1	Beechworth	Alterations and Extensions to dwelling	97,000	Refused
06047.2	Yackandandah	2 lot Subdivision & Dwelling	0	Approved
PP084254	Carlyle	Garage & Shed	101,000	Approved
PP084259	Chiltern	Consolidation	0	No permit req
PP084267	Yackandandah	Certificate of Compliance	130,000	Approved
<b>TOTAL</b>			<b>\$2,596,750</b>	

## **10.8 ENVIRONMENT AND DEVELOPMENT SERVICES PROJECTS – JUNE 2008**

### **For Information**

Projects underway are show in the following table.

<b>Project</b>	<b>Current actions</b>
<b>Amendment C10 – Heritage Overlay</b>	Amendment submitted to DPCD for approval.
<b>Amendment C21 - Kiewa-Tangambalanga</b>	<ul style="list-style-type: none"> <li>○ Structure Plan adopted by Council in May 2006.</li> <li>○ Authorisation received was conditional and a protracted negotiation took place before DSE allowed exhibition to commence.</li> <li>○ Exhibition period for the amendment closed 2 July 2007. Issues raised include Aboriginal heritage. Additional information requested in this regard by AAV. Proponents have submitted information that does not satisfy the AAV request. Discussions still underway with parties regarding Aboriginal heritage.</li> </ul>

<p><b>Municipal Strategic Statement and Indigo Planning Scheme Amendment C24 – Major review</b></p>	<ul style="list-style-type: none"> <li>○ Review report with Minister for Planning.</li> <li>○ Planning Scheme amendment (C24) to implement initial matters has received DPCD authorisation to proceed to public exhibition. Exhibition to commence June.</li> </ul>
<p><b>Amendment C35 – Former Beechworth Hospital site</b></p>	<p>Amendment was on public exhibition from 29 November 2007 until 11 January 2008. Three submissions in total received. Currently one substantive issue which is potential contamination of a small part of the site. Proponent considering options to address this before the amendment proceeds.</p>
<p><b>Amendment C36 – Chiltern Flood Study</b></p>	<p>Amendment to replace Land Subject to Inundation Overlay in Chiltern based on the recommendations of the Chiltern Flood Study – Amendment on exhibition for two months until 24 June 2008.</p>
<p><b>Indigo Planning Scheme Amendment C43 – Ministerial amendment - Mapping errors</b></p>	<p>Ministerial amendment to correct mapping areas where zoning for public purposes and it is private land and where zoned as private land and is public land. Amendment approved. It was gazetted and came into operation on 10 April 2008.</p>
<p><b>Indigo Planning Scheme Amendment C44 -</b></p>	<p>Requests to rezone land zoned for public purposes to an industrial zone and land zoned for public conservation and resource use to farming. This amendment is under preparation.</p>
<p><b>Indigo Planning Scheme –environmental/biodiversity overlay</b></p>	<ul style="list-style-type: none"> <li>○ Phase 1: Identifies biodiversity priority areas within the municipality for further investigation and possible further controls in the planning scheme. Phase 1 report completed.</li> <li>○ Phase 2: Coomes Consulting appointed to undertake this phase of analysis of requirements for additional or changed planning controls. Phase 2 underway.</li> </ul>
<p><b>Interim car parking policy (Indigo Planning Scheme Amendment C42)</b></p>	<p>Interim Policy on exhibition 11 February – 21 March 2008. A report on the policy is in this report.</p>
<p><b>Rural Land Use Strategy</b></p>	<p>Coomes Consultants appointed to undertake phase one of strategy. Phase one commenced.</p>

<p><b>VCAT Appeals</b></p>	<ul style="list-style-type: none"> <li>○ PP05-281 Appeal by O &amp; Z vonWilpert against Council's refusal to amend a planning permit for a dwelling at Elgin Road, Beechworth. Awaiting advice as to a hearing date.</li> <li>○ 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 &amp; 21 February 2008 and adjourned due to decision by Minister for Planning to introduce a Development Plan Overlay over the subject land. Listed for administrative mention 19 March. Mediation on question of matters to be included in the development Plan set down for 6 June.</li> <li>○ PP07-4091 Appeal by R Forrest against Council's refusal to approve a dwelling, Flat Rock Road, Beechworth. Awaiting advice as to a hearing date.</li> <li>○ PP07-4119 Appeal by C &amp; T Welsh against Council's refusal of an application for a dwelling at Riley's Road, Barnawartha. Waiting for advice of hearing date.</li> </ul>
----------------------------	--

## **10.9 MINUTES OF THE INDIGO HERITAGE ADVISORY COMMITTEE MEETING – 22 MAY 2008 (EDSM)**

### **For Information**

#### **INDIGO SHIRE COUNCIL**

#### **MINUTES**

#### **INDIGO HERITAGE ADVISORY COMMITTEE MEETING**

**5.00pm Tuesday 22 May 2008  
The Shed, Yackandandah**

- 1. PRESENT:** Francois Theron, Susan Reynolds, Bill Wilson, Lorraine Huddle, Anna Robbins, Geoff Austin
- 2. APOLOGIES:** Frances Walsh, Rex Fuge, Noelene Allan, Susanne Grant, Susan Cheetham, Karen O'Connor

-

<u>ITEM</u>	<u>DISCUSSION</u>	<u>ACTION/PERSON</u>
3.	Confirmation of Previous Minutes	Moved: Anna Robbins Seconded: Bill Wilson
4.	Items for Action from Previous Meeting	
	4.1 Previous Heritage Awards A document outlining the history of the awards (2005 to 2008) was distributed.	FT to search for awards given prior to 2005.
	4.2 Yackandandah Court House Furniture The furniture has not, but should be relocated to the Court House. Discussion was held on possible methods of tracking moveable heritage.	<b>Motion</b> : Develop a process to formally record moveable heritage items in an Asset.  SR to supply FT with a copy of a letter previously sent to Phil Prior in regard to this issue, and FT to prepare a follow up letter requesting assistance in preparing an Asset Register.  Moved: Anna Robinson Seconded: Bill Wilson
	4.3 Telegraph Hotel Chiltern LH suggested the matter be deferred until signage guidelines are adopted.	FT to report back to the next meeting on the current situation.
	4.4 Signage Kit Draft circulated to members. LH provided an overview of the kit and explained the steps needed to finalise this document. The Kit will be made available on Council's website when adopted. The Committee congratulates Kath Oswald for the work she has done in preparing this document.	FT to report back on the process and the possibility of incorporating the document into the Planning Scheme.
	4.5 Old Beechworth Goal	FT to provide an update on the status of the application at the next meeting.
	Old Chiltern Convent SC send a letter to the Church offering Council's financial assistance. No response has been received to date.	

	<p>4.7 Committee Name Change</p> <p>A joint meeting of the Cultural and Heritage Committees was held on 12 May 2008. It was agreed that no name change will occur but that the Heritage Advisory Committee will take on wider responsibilities.</p>	
5.	<p>Financial Report</p> <p>No report this meeting.</p>	
	<p>Site Inspections</p> <p>6.1 Yackandandah Crane The Crane was inspected by the Committee and recommendations made.</p>	<p>Recommendations:</p> <p>a) To systematically identify, photograph, and document each part of the crane.</p> <p>b) To preserve and maintain the crane in its current condition by lifting it out of the mud and cover it with a tarpoleum for protection against the elements.</p>
	6.2 Wine Bottle Rutherglen	LH to inspect on 23/5/08
	6.3 North East Regional Water Authority and Chiltern Water Supply	LH to inspect on 23/5/08
7.	<p>Senior Planners Report</p> <p>No report this meeting.</p>	
8.	<p>Heritage Advisor's Report</p> <p>LH advised that a proposal to alter the facade of the Beechworth Post Office cannot be supported due to space limitations.</p> <p>Demolition of house in Albert Street is unlikely to be approved. Further information will be supplied to LH by the proponent.</p> <p>LH provided a report on the old hospital building, 67 Connor St Chiltern.</p>	
9.	<p>Inwards Correspondence</p> <p>Nil</p>	
10.	<p>Outwards Correspondence</p> <p>Letter to Catholic Church offering financial assistance</p>	

<b>11.</b>	<p>Other business</p> <p>GA advised that a request to have the Catholic Church Osborne Flat included on the State Heritage List would be unlikely to be granted as it is not of State significance. This building is heritage listed in the Indigo Planning Scheme.</p>	
------------	---	--

The meeting closed a 7pm.

The next meeting will be held on Thursday 12 June 2008 commencing at 4 pm in the Community Centre, Chiltern

## **11.0 OPERATIONS AND ASSETS**

### **11.1 TRANSFER OF ROAD LAND, SUBDIVISION AT FIGHTING GULLY ROAD, BEECHWORTH (FILE NO: S230-056 - AM)**

#### **For Decision**

#### **RECOMMENDATION**

**That Council sign and seal formal land transfer documentation for the transfer of disused road reserve adjacent to newly created Council roads in the Fighting Gully Road subdivision Beechworth, to L & A Christesen.**

**Moved Cr Graham  
Seconded Cr Hotson**

**That the Recommendation be adopted.**

**CARRIED**

#### **BACKGROUND**

L & A Christesen have completed a 27 lot subdivision at Fighting Gully Road, Beechworth, with the 2 plans of subdivision (PS616576K & PS603138J) certified by Council on 31 March 2008.

The intention of L & A Christesen and Council in pre-subdivision negotiations was to complete a transfer of Council road reserve land with L & A Christesen's land to form a new road alignment. However, the certified plans of subdivision had the effect of realigning what is now known as Lawrie Road whilst keeping two elongated strips of now disused road reserve in the possession of Council.

The purpose of this transfer of land is to rectify this anomaly, giving L & A Christesen

possession of the redundant strips of road reserve resulting from the new road alignment created by the subdivision.

### **POLICY IMPLICATIONS**

The transfer will formally place the ownership of two strips of disused road reserve in the possession of L & A Christesen as intended from transfer of land negotiations with Council.

### **FINANCIAL IMPLICATIONS**

There is no cost to Council for this transfer.

## **11.2 CAPITAL WORKS – PROGRESS REPORT – TO 27 MAY 2008 (GMOA)**

### **For Information**

<b>Project</b>	<b>Actions</b>
<b>Subdivisional works by developers</b>	<ul style="list-style-type: none"> <li>• Mt Fleury Estate, High St Beechworth 75% completed.</li> <li>• Red Hill Rd Estate Stage 1, Havelock Rd Beechworth 95% complete.</li> </ul>
<b>Rural Road Development Contributions</b>	Sealing of various intersections in developing rural areas to commence
<b>Plant</b>	Plant replacement for 2007/2008 in progress. Tenders being compiled for 2 replacement trucks. Further discussion required upon other plant replacement issues. Loaders/mowers etc.
<b>Rutherglen Wine Bottle</b>	North East Water assessing options to make safe. Engineers report from North East Water received. Preliminary report to Council targeted for May.
<b>Murray to Mountains Rail Trail</b>	Design plans have been completed. Still in negotiation stages with Vic Track. Works to start shortly depending on weather conditions.
<b>Chiltern Floodplain Study</b>	Works commenced, to be completed to the value of the available Council budget of \$100,000. Revised advice that Federal Government funding still possible. Works on hold pending advice.

<b>Havelock Road area stormwater re-use</b>	Works in final stages. Alma Road diversion pavement to be completed. Retention basin- minor works still required. Intersection upgrade works pending.
<b>Ready/Soles Street drainage</b>	Tomkinson Engineers has completed draft designs. Detailed design to commence in May.
<b>Playgrounds upgrade</b>	Indigo Park, Barnawartha some extra equipment to added to existing playground equipment. Expected completion early June
<b>Chiltern Commercial Area Parking</b>	Detail design to commence immediately final access alignment negotiated. Funding of \$200,000 received.
<b>Rutherglen Heavy Vehicle Deviation.</b>	A meeting was held on 10 <sup>th</sup> April inviting Main Street traders to attend and make their concerns known. Traders in general are in full support of re-routing heavy vehicles from Main Street. A public meeting is planned for Thursday, 15 <sup>th</sup> May, 2008 at the Supper Room, Rutherglen Memorial Hall.
<b>Tangambalanga Football club rooms</b>	Discussions underway with potential funding bodies. On hold pending restructure of federal funding body.
<b>Yackandandah Supermarket Car parking</b>	Supermarket construction underway with wall and roof structure completed.
<b>Wahgunyah-Moodemere Walking Trails</b>	Preferred route selected and pending further investigation by ISC/DSE as to feasibility. Committee targeting preliminary report to Council by End of June.
<b>Yackandandah Museum</b>	Work has commenced on site. Placement of new roof structure to commence in May.
<b>Chiltern Martin Park Lighting/Pathways/Music Bowl upgrade (LIWP)</b>	Mains operated lighting around park installed. solar trial light to be installed within the week upon the banks of lake Anderson to complete project. Lights designed by Yackandandah Sculptor Ben Gilbert.. Pathways completed although some remedial works required on one section. Very positive feedback to date.
<b>Former Beechworth Methodist Church Roof</b>	Grant received from Heritage Victoria to replace roof. Specifications for project in process of being compiled for approval by Heritage Vic
<b>Beechworth Netball Courts</b>	Beechworth Netball courts have had the asphalt pavement placed and will now sit for 28 days for curing before final seal can be put on.

<b>Osbornes Flat Hall Upgrade</b>	Funding applications currently being compiled to allow upgrade of hall and associated tennis facilities. Decision expected mid '08.
<b>Beechworth Pool</b>	Consultant's ground assessment report received in April.
<b>Wahgunyah Boat Ramp</b>	Planning application to be advertised by early May.

### **11.3 OPERATIONS DEPARTMENT – PROGRESS REPORT – TO 27<sup>th</sup> APRIL, 2008 (GMOA)**

#### **For Information**

<b>Project</b>	<b>Description of Works</b>
<p><b>GENERAL MAINTENANCE</b></p> <p>Road Maintenance &amp; Parks and Gardens</p>	<p>Maintenance crews have finished the resheeting of roads in Rutherglen area. Some minor resheeting of shoulders is being undertaken.</p> <p>Resheeting has commenced in the Yack, Sandy Creek being done. Stanley and Beechworth next.</p> <p>Parks and Gardens staff has been kept busy with weed control. Particular attention has been given to areas involved with ANZAC Day services.</p> <p>Tommy Vaccing of leaves will be starting shortly in the CDBs.</p> <p>Town Hall Gardens, Beechworth – The bunting surrounding the Bunya Trees has been removed. Council will look at a more aesthetic method of keeping the public away from the trees; the Operations Dept will provide some figures on the cost of removable bollards and rope.</p>
<p><b>WORKS IN PROGRESS</b></p> <p><b>Bus Stops</b></p>	<p>As reported previously, Council has received funding for upgrading new bus stops/shelters.</p> <p>Chiltern bus stop improvements in Alliance St. have been almost completed with only road sealing works to be undertaken.</p> <p>Beechworth stop in Bridge Rd. kerbing has been completed with footpath works underway</p> <p>Barnawartha stop in Havelock St. is to commence shortly</p>

	<p>New shelters for various locations in Wahgunyah, Rutherglen and Yackandandah should be installed in mid June.</p>
<p><b>EXTERNAL PRIVATE WORKS</b> <b>Buller Gas</b></p>	<p>We are optimistic for a good end of year trade. Building works continue with new connections being completed. The annual Energy Safe Victoria was successfully completed on 7<sup>th</sup> May</p> <p>The Gas Safety Case is being reviewed on 17<sup>th</sup> June 2008</p>
<p><b>Waste Management - Mark</b></p>	<p><b>Falls Creek Waste</b></p> <p>Additional staff have been appointed for the winter period at Falls Creek and all necessary works have been completed for the increase in work for the snow season.</p> <p><b>East Gippsland Waste</b></p> <p>Contract progressing smoothly with no major problems. We are now nearing the end of the second year of this 5 year contract.</p> <p><b>Domestic Waste Collection</b></p> <p>In conjunction with Cleanaway Council is now able to offer the green waste collection service to rural residents who currently have a weekly waste collection service. Publicity promoting this service will be sent to media outlets shortly</p> <p><b>DrumMuster</b></p> <p>The DrumMuster collection is continuing at the Rutherglen transfer Station on the first Monday of each month.</p> <p>Since the commencement of the DrumMuster program in 1999 some 11.1 million containers have been collected nationally. This equates to 15,445 tonnes of material diverted from landfill or a saving of 6,155 metric tonnes of carbon equivalent (MTCE) or 4,885 cars off the road.</p> <p>Indigo collections have seen a total of 16,256 containers received since 1999.</p>

	<p><b>Detox Your Home</b></p> <p>The household chemical collection held on Saturday 24<sup>th</sup> May was reasonable successful with just over 30 residents taking advantage of the service.</p> <p>The Wodonga Council now has a permanent Detox Your Home facility located at their Transfer Station in Kane Rd., Wodonga and this is available to all residents including Indigo shire ratepayers.</p>
<b>Animal Control &amp; Local Laws</b>	<p><b>Works</b> (in hours and out of hours)</p> <p>The implementation of Trading places is still running on. The Rutherglen road maintenance team is moving some of the street furniture so that we lead by example.</p> <p>All animal registrations were due on the 10<sup>th</sup> of April and we are still seeing some monies coming in. The next stage is telephoning animal owners, to remind them. The final stage is the issuing of fines.</p> <p>Dog, cat and livestock complaints are steady, we attribute this to cooler wether.</p>
<b><u>POOLS</u></b>	
Indigo	<p>Pools have now closed for the season. End of year season reports will be available for the next meeting. Some news has been announced regarding the repair of the Beechworth pool shell, there is going to be community consultation to achieve the best outcome for the residence.</p>
<b>Summer</b>	<p>Wodonga Pool closed at the end of March. ISC will be negotiation with the City of Wodonga to complete our final year at the pool.</p>
<b>ENVIRONMENT - Shay</b>	
<b>Community Water Grants – round 3</b>	<ul style="list-style-type: none"> <li>• Yackandandah depot project complete</li> <li>• Racecourse Road site awaiting follow up spray – planting to occur end of June</li> </ul>
<b>Greenhouse Action Plan</b>	<p>Action planning to yet to be formalised – next financial year</p>
<b>North East Greenhouse Alliance</b>	<p>Note that current coordinator, Michelle Wilkinson, is going on maternity leave &amp; will be replaced by Nikki Scott.</p> <p>Alternate Fuels</p> <ul style="list-style-type: none"> <li>• Delays in installing tank at the Rutherglen depot – awaiting concreting of bunding - needs to be done before end of financial year</li> </ul>

	<p>Kicking Goals for the Environment</p> <ul style="list-style-type: none"> <li>All participating clubs to have installation of new technologies by May 30 – all have water savings measures installed and 6 have energy installations – so 4 clubs remain for completion –full report to be submitted to next briefing meeting as requested by Bill Hotson</li> </ul> <p>Adaptation</p> <ul style="list-style-type: none"> <li>No change - scoping interested groups to link with to translate URS report into usable form</li> <li>Indigo unsuccessful for application of funds from the Australian Greenhouse Office to contribute to EDS <i>Rural Land Use Study</i> – feedback was “the the project itself fell outside of the intent of the grants program because it was too specific and didn't look broadly enough across the whole of the council's operations and functions”</li> </ul> <p>Plant Savers</p> <ul style="list-style-type: none"> <li>No change - Yackandandah and Barnawartha schools audited April 15<sup>th</sup></li> <li>No change - St Mary's Rutherglen have installed technology and need to publicise completion of project and saving being made</li> </ul> <p>Sustainable Lighting</p> <ul style="list-style-type: none"> <li>Recent meeting with SP Ausnet revealed that all NE Councils (except Towong) have had/just about to have their scheduled lamp maintenance so have missed any opportunity with T5s being accepted as a 'standard' lamp - hopefully by next changeover there won't be as much 'legwork'/more streamlined process for next batch replacement for other councils to have new technologies installed to determine which councils streetlights due for changeover in 2008 so these can be targeted for new lighting types</li> <li>City of Wodonga Sustainability Fund application with Nillumbik successful, 400 lights (80W MVs) to be changed over – cost of changing over these lights would normally be \$140K approx and partner funding is providing approx \$80K of this cost.</li> </ul>
--	---

<b>Lake Sambell</b>	<ul style="list-style-type: none"> <li>• Spraying in Glades area to occur week of 26<sup>th</sup></li> <li>• Replacement planting throughout glades to occur week of 8<sup>th</sup> June</li> <li>• Next Committee meeting scheduled 12<sup>th</sup> June to occur onsite to look at drainage in Chinese Gardens, as well as areas for rock beaching</li> </ul>
<b>Indigenous Resource Area at Lake Sambell</b>	<ul style="list-style-type: none"> <li>• Follow up spraying to occur week of 26<sup>th</sup> May</li> <li>• Some pine removal to be organised as part of Envirofund funding</li> <li>• Planting to occur July/August</li> </ul>
<b>Isaac Park</b>	<ul style="list-style-type: none"> <li>• Additional weed spraying carried out by contractors</li> <li>• Plants ordered for mulched bank as well as further wetland plantings – planting to occur within next 2 months</li> </ul>
<b>Community woodlot program</b>	<ul style="list-style-type: none"> <li>• Timber still in Beechworth Transfer Station – have Governor has committed prison crew to cut &amp; deliver – awaiting availability</li> <li>• Timber in Chiltern depot yard to be moved into Chiltern Community Woodlot</li> <li>• Hydraulic shearing will occur in the Yackandandah, Chiltern and Stanley woodlots to make larger timber accessible (jointly funded by DSE)</li> </ul>
<b>Roadside Management Plan</b>	<ul style="list-style-type: none"> <li>• “Roadside Partnership Project” over halfway – participating landholders visited, with those to receive follow-up visit identified – local ecologist appointed to undertake next stage</li> </ul>
<b>Roadside weed initiative</b>	<ul style="list-style-type: none"> <li>• Applications to open in June</li> </ul>
<b>Eco-Awareness Group</b>	<p>Meeting held Tuesday 13<sup>th</sup> May – main discussion items (minutes to be circulated soon):</p> <ul style="list-style-type: none"> <li>• Inclusion of scan function on Governance copier</li> <li>• Consultation with main office staff at Yack regarding the fax machine</li> <li>• Purchasing Policy &amp; Procedure – need to include wastewise reference</li> <li>• New compost buckets in lunch rooms</li> <li>• End life of paper shredded at B’wth office</li> <li>• Use of ‘green’ cost codes to track green purchasing</li> <li>• Green Energy</li> <li>• Purchase of ‘Power Mate’ to monitor energy use of individual appliances (esp. servers)</li> </ul>
<b>Community awareness</b>	No change - next event is National Tree Day school planting – July 31st

<b>Upper Sandy Creek School revegetation project</b>	Plant order submitted for early Spring plant
<b>Sustainable water use plan</b>	<ul style="list-style-type: none"> <li>• Next funding opportunity will be Smart Water Fund (State) – extension of use of waste water</li> <li>• Note that Community Water Grants fund has been discontinued by the Federal government</li> </ul>
<b>Code of Forest Practice</b>	Ongoing monitoring of implementation of Harvest Coupe Plans

## **12.0 HEALTH AND WELLBEING**

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

#### **For Decision**

#### **RECOMMENDATION**

**That Bindy Welsh and Louise Hazelton be appointed to the Arts & Cultural Advisory Committee.**

**Moved Cr Hotson  
Seconded Cr Walsh**

**That the Recommendation be adopted.**

**CARRIED**

#### **SUMMARY**

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

#### **BACKGROUND**

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

At the November 2007 Statutory meeting of Council, six (6) new members were appointed. This left vacancies on the Committee from the four main districts of Rutherglen (2), Chiltern (2), Beechworth (1), & Yackandandah (1).

Council has since received two new nominations for membership on the Committee from Chiltern and the Indigo Valley.

### **ISSUES**

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

The two nominations received are:

1. Bindy Welsh representing the Indigo Valley
2. Louise Hazelton representing Chiltern

### **POLICY IMPLICATIONS**

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

### **CONSULTATION**

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

### **FINANCIAL & RESOURCE IMPLICATIONS**

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

## **12.2 BEECHWORTH HOCKEY FACILITY FEASIBILITY STUDY (FILE NO: C901.12 - HWBM)**

### **For Decision**

### **RECOMMENDATION**

**That Council adopts the Beechworth Hockey Facility Feasibility Study.**

**Moved Cr Graham  
Seconded Cr Banks**

**That Council:**

- 1. Adopts the Beechworth Hockey Facility Feasibility Study.**
- 2. Enters into discussions with Beechworth Secondary College to discuss the**

2.

### **SUMMARY**

This report presents the Final Draft of the Beechworth Hockey Facility Feasibility Study and requests that Council adopt it.

### **BACKGROUND**

Council, in partnership with the Beechworth Hockey Club and La Trobe University Beechworth Campus, secured funding to prepare a report to determine the feasibility of developing an international standard hockey facility at the Beechworth Campus of La Trobe University.

The key objectives of the Study were to determine:

- whether the partner organisations could afford to construct, maintain and replace as required a synthetic hockey facility
- the economic impact the facility will have on Indigo Shire's regional economy
- whether the facility will allow growth of player numbers and facilitate the expansion of the Beechworth Hockey Club into new areas
- whether the facility can support and be utilised by other sporting organisations within the Shire

The final Draft of the report has now been completed.

### **ISSUES**

The Study fully investigated the issues surrounding the proposed project to construct two (2) international standard hockey pitches with synthetic water based surfaces and associated infrastructure, including changerooms. The Study determined a set of key findings which are detailed on page 27 of the attached Study.

Of particular significance are the following findings:

- There exists demand for an additional synthetic hockey facility in the North East region of Victoria as evidenced by:
  - some existing games having to be scheduled on grass
  - the willingness of players to travel regularly to access the existing synthetic surfaces in Albury/Wodonga to train and compete
  - the potential growth of hockey within the region.

- The Hockey Club would be solely responsible for the ongoing management and maintenance of the facility. This will significantly increase the workload and responsibility of the club executive and members.
- The club would be unable to fund the development of the proposed dual pitch facility without significant financial support from another project partner or community organisation. This support does not presently exist. It is likely also that the club would require financial support to meet ongoing surface replacement costs.
- It is unlikely that the club would be successful in attracting government funding to construct the facility due primarily to the inability to match this funding with local contributions and the potential ongoing support required.
- Developing the facility in association with the Beechworth Secondary College rather than at the University site represents a more viable option and will provide the community with an increased level of benefits

The Study clearly concludes that the project would have difficulty attracting sufficient funding to complete the initial capital works, given the limited funds available from the key partners, and that ongoing management and maintenance of the facility would be a major issue for the Hockey Club.

Replacement costs for the synthetic hockey surfaces, required at the end of the estimated use-by date of about 10 to 12 years, would also be a major financial issue for the partners involved.

However, the final finding in the Study (final dot point above), indicates that investigation into the development of a hockey facility in association with the Beechworth Secondary College should be pursued as this would be a more viable option than the University option investigated in this Study.

This finding has some merit given the potential positive economic, social and recreational impacts anticipated for the Beechworth district if a quality hockey pitch was developed. Council staff are currently working with the Hockey Club and the Secondary College investigating this option.

### **CONSULTATION**

The community consultation process in the development of the Study was consistent with the Indigo Shire Council Community Engagement Plan 2006.

### **POLICY IMPLICATIONS**

The development of the Study is consistent with Council's objective to "*Strategically plan for the provision of services and facilities for the community.*"

**FINANCIAL & RESOURCE IMPLICATIONS**

There are no financial or resource implications resulting from this matter at this time.

*Attachment*

## 12.3 HEALTH & WELLBEING PROGRESS REPORT – JUNE 2008 (HWBM)

### For Information

#### PROJECT ACTION/ PROGRESS

<b>Centenary of Women's Suffrage 2008 Project</b>	The Centenary of Women's Suffrage 2008 Project that celebrates 100 years since women have had the vote in Victoria will be commemorated in the communities of the Shire between July and October. The Arts and Cultural Development Officer will be holding community meetings for interested groups to draw up a plan of action for their community that will include existing community events and new activities. Indigo Shire Council has a banner for each of the four main communities which will be signed and sent to Melbourne to be stitched together and presented to the Victorian Parliament in November.
<b>Visual Arts Display Boards</b>	Indigo Shire Council has been working with Goulburn Ovens TAFE and the Beechworth Correctional Centre to fabricate ten art display boards. It is anticipated that these boards will be ready for use by the community in June 2008.
<b>Indigenous Weaving Travelling Exhibition</b>	Indigo Shire Council, in conjunction with the North East Catchment Management Authority and the Indigo Valley and Kiewa LandCare Groups has been conducting Indigenous weaving workshops in the Shire. The workshops have now been completed and a small travelling exhibition will travel the Shire to display the workshop products.
<b>Combined Meeting of Arts &amp; Cultural and Heritage Advisory Committees</b>	<p>A meeting was held on Monday 12 May with representatives from Council, the Arts &amp; Cultural Advisory Committee and Heritage Advisory Committee to discuss the following issues:</p> <ul style="list-style-type: none"> <li>▪ Which Advisory Committee is responsible for providing advice to Council on community collections.</li> <li>▪ The need for any name changes to the two Committees in question</li> </ul> <p>This was a positive and constructive meeting. The outcomes of the meeting will be reported to Council in the near future.</p>
<b>'In Good Spirits'</b>	Beechworth Secondary College is organising a forum entitled "In Good Spirits" which will cover the topic of alcohol use by young people in Beechworth. Council's Youth Development Officer will attend the forum as a panel member, participating in the community discussions on Wednesday 28 May at the Secondary College.
<b>Regional Youth Affairs Network</b>	Following region-wide consultation, the RYAN Forum decided on three issues for submission to the Victorian State Government's Interdepartmental Committee. These issues are:

<b>(RYAN)</b>	<ul style="list-style-type: none"> <li>• Alcohol - Binge drinking (sport, drink spiking, under age)</li> <li>• Limited tertiary options</li> <li>• Limited and expensive transport</li> </ul> <p>Indigo Shire's young people have contributed digitally recorded interviews about their transport issues for a DVD presentation in July - a copy of which will be available for local viewing and interest. This timely focus has supported the Transport Connection Survey being conducted around the Shire.</p>
<b>North East Transport Connections Project</b>	<p>A successful Indigo Shire Transport Forum was held on 22 May 2008 in Yackandandah. Participants at the Forum were presented with an update of the work of the Indigo Transport Working Group as well as being asked to determine the key transport priorities for Indigo. The Indigo Transport Working Group has:</p> <ul style="list-style-type: none"> <li>• developed a transport options booklet , which is now available,</li> <li>• contributed to the development of a North East Transport Options Brochure</li> <li>• developed and distributed a transport survey seeking community input into transport issues faced by local people. The results of the survey are currently being collated and analysed.</li> </ul> <p>The information gained from the survey and the forum will inform the development of an Action Plan that will be submitted to the Department of Planning &amp; Community Development in July as part of the funding requirements.</p>
<b>Indigo Shire Drought Strategy committee</b>	<p>The Drought Strategy Committee held a planning session on 22 May to determine the future of the group and what actions were required to address ongoing issues arising from the drought. It was determined that there was still a key need for the group to continue. Small working groups have been formed to assist the Committee in determining the need for ongoing support of a drought worker and the need for and development of some information sessions. These groups will report back to the next meeting of the Committee, which is scheduled for 5 June 2008.</p>

## **13.0 CORPORATE AND VISITOR SERVICES**

### **13.1 COUNCIL PLAN 2006-2010 UPDATED (FILE NO: M142.1 – GMCVS)**

#### **For Decision**

#### **RECOMMENDATION**

#### **That Council:**

- 1. Adopt the updated Council Plan for the period 2006-2010 as amended and attached.**
- 2. Submit the updated Council Plan 2006-2010 to the Minister for Local Government as required under Section 125 of the Local Government Act 1989.**

**Moved Cr Walsh  
Seconded Cr Murdoch**

**That the Recommendation be adopted.**

**CARRIED**

#### **SUMMARY**

This report presents the updated Council Plan for adoption by Council, having advertised the preparation of the Plan.

#### **BACKGROUND**

In 2005/06 following the 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 2006-2010.

Under that Section of the Act the Council must at least once in each financial year, consider whether the current Plan requires any adjustment in respect of the remaining period of the Council Plan.

Council has been through an internal process and decided that the main objectives and strategies and directions of the Council Plan did not need amendment.

#### **ISSUES**

Council has held several workshops in understanding the progress on achievement of the goals and objectives in the Council Plan and the implementation of the various projects. These have also been reported on through reporting processes to Council.

The current Plan has therefore been updated by deletion of projects that have been completed and inclusion of projects that were not previously listed and which Council believes the community needs to know about. Key Performance Indicators have also been added.

The second part of the Council Plan is the Strategic Resource Plan and again, Council must adopt that Plan not later than 30 June each year. Again, Council has updated this section of the Council Plan by including the actual outcomes of the 2006/07 financial year and the forecast for the 2007/08 financial year.

Because of further information on the Assets Infrastructure Gap and the additional funding required to narrow that gap, Council has made minor amendments to the Strategic Resource Plan.

The main amendment is the clarification of the current financial predictions of the total amount of general rates and municipal charges that must be increased in each of the remaining years of the Plan. The adopted Plan last year showed that the rate rise for 2008/09 and 2009/10 would need to be a minimum of 7.5% and for 2010/11 it would need to be a minimum of 6.5%.

The final part of the Strategic Resource Plan that has been updated are the pages on performance indicators and the Standard Statements of Financial Performance.

### **CONSULTATION**

Under Section 125 of the Act, Council called for public submissions on the amended items in the Council Plan. Advertisements were placed in the Border Mail on Saturday 10 May, 2008 calling for submissions closing on Monday 26 May, 2008. No submissions were received therefore council can adopt the Plan without any further consideration.

### **FINANCIAL IMPLICATIONS**

The Strategic Resource Plan section of the Council Plan clearly sets out that there are many challenges for Council to achieve a balanced budget on an ongoing basis. However, Council is targeting to have a stronger financial position in the short to medium term. Part of this will be continued rate increases in excess of the Consumer Price Index and Average Weekly Earnings index.

As a strategy, Council will continue to lobby for changes to the way that Local Government is funded from both the Federal and State Governments. A change away from property based taxation and more into user charges and other types of subsidies such as a share of the GST, will be the only way that Council would have a growth income outside of its property based rating system.

### **13.2 NORTH EAST VICTORIA WINS “2008 VOGUE ENTERTAINING & TRAVEL REGIONAL PRODUCE AWARD” (FILE NO: D395 – GMCVS)**

The 2008 Vogue Entertaining Produce Awards were announced in Sydney yesterday, where the best of the best in regional produce from across Australia were recognised for their abilities in producing, sourcing and using regional produce.

Despite the Magazine receiving hundreds of entries for their annual national produce competition, North East Victoria won “The Regional Award” which recognises the high

level of exceptional food and wine produce within the region.

Janelle Boynton, Chair of North East Valleys Food and Wine Group commended the region for its great produce, restaurants, breweries and wineries stating, “we have 5 wine regions all within an hour’s drive of each other, including specialist food producers and quality local growers, all doing what they love to do – growing great produce.”

Helen Moran, Chair of North East Victoria Tourism, the region’s tourism marketing body, praised the producers, wine makers and restaurateurs for a job well done and is very pleased that our region has been nationally recognised by their peers for the quality of product on offer.

### **13.3 CORPORATE SERVICES PROJECTS - PROGRESS REPORT – MAY 2008 (GMCVS)**

**Project                      Actions**

<b>Carlyle Cemetery)</b>	<p>Excellent work has been carried out recently at the Carlyle Cemetery at Rutherglen.</p> <p>The rotunda has been refurbished and has been improved dramatically. In addition, “work for the dole” participants are doing very good work on maintaining the Cemetery grounds.</p> <p>Congratulations must be extended to Ian Stones and Tim Hall for their dedication to the Cemetery.</p>
--------------------------	---

### **13.4 TOURISM & MARKETING - PROGRESS REPORT – MAY 2008 (TMM)**

**Project                      Actions**

<b>Cycle Tourism Strategy launch</b>	<p>The Cycle Tourism Strategy has been launched and work on the actions is now well underway. The revived Murray to the Mountains Cycle Website will go live in May, and will provide operators with an opportunity to advertise their cycle friendly services. A new brochure detailing the top rides in the region is also in development.</p>
<b>Chiltern website and official visitor guide</b>	<p>The new Chiltern website is now live, with a review scheduled for three months’ time. There will be some changes of images when the new Chiltern Official Visitor Guide (OVG) is launched for continuity of branding. The Chiltern OVG is progressing to schedule with printing set for June.</p>
<b>Festivals and events</b>	<p>The Beechworth Harvest Celebration was held on May 16-17. The next major event in the Shire is Rutherglen’s Winery Walkabout on Queen’s Birthday Weekend. Yackandandah is also gearing up to host the Tibetan Monks Peace Tour in July.</p>
<b>North East Valleys Food &amp; Wine</b>	<p>North East Valleys Food &amp; Wine is progressing several projects including a major redesign of its website to incorporate a new online shop for local producers. The Provincial Pantry will be the result of a State Government grant after research with local producers. The</p>

	<p>website will run as a pilot for the first 12 months with 10 producers and there are hopes it will expand to include hundreds of producers in the future.</p> <p>North East Valleys Food &amp; Wine is also working with the Cycle Tourism Officer to create seasonal interactive maps linking cycling and the region's produce.</p>
<b>Law Lecture</b>	<p>Internationally prominent Justice Lex Lasry will give the Beechworth Law Lecture at the Beechworth Historic Courthouse on Saturday 14 June. The event marks the 150<sup>th</sup> birthday of the Courthouse, and is part of a broader focus marking 150 years of the Precinct.</p>
<b>Educational tourism</b>	<p>Indigo and Alpine Shires are working together to develop a History &amp; Adventure package to market to school groups which would feature overnight stays in Bright and Beechworth and promote visitation to the Historic Precinct and Burke Museum.</p>
<b>Packaging tourism product</b>	<p>Beechworth operators who had attended recent packaging workshops or expressed a particular interest met in early May to network and explore possible packages to market. A list has been developed to circulate throughout the Shire to promote operators interested in developing packages to each other.</p>

## **14.0 FINANCE**

### **14.1 APRIL 2008 FINANCE REPORT – (FILE NO: M064 – CFO)**

#### **For Information**

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

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

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

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

Department	YTD Budget	YTD Actuals	YTD Budget Variance	Annual Budget	Forecast
Assets & Infrastructure	3,690,000	3,509,900	180,000	4,335,400	4,509,100
Capital Works	2,838,000	1,662,400	1,175,500	3,039,800	2,871,600
Civil Operations	1,195,700	841,000	354,700	1,439,900	1,320,200
Corporate & Visitor Services	2,087,900	1,931,200	156,600	2,497,300	2,498,600
Environment & Development	406,800	256,900	149,800	592,100	523,500
Finance	951,000	1,162,300	211,300	1,360,700	1,482,000
Governance	654,800	587,400	67,400	748,300	738,400
Health & Well Being	684,400	541,600	142,700	793,700	715,000
	3,606,700	1,168,300	2,438,300	5,086,000	4,694,600

As you can see, the Forecast has been amended to reflect a net deficit of \$4,694,655 as compared to a budgeted figure of \$5,086,011. This is a net difference of \$391,356. There are variances in each Department and all of these movements can be traced back to the exception report.

*Attachment*

## **15.0 GOVERNANCE**

### **15.1 FRIENDSHIP AGREEMENT WITH EAST TIMOR (FILE NO: M220-03 - CEO)**

*Note: Cr Walsh declared a conflict of interest in Item 15.1 in that she is the Council delegate travelling to East Timor to formalise the Friendship Agreement between Indigo Shire Council and the Dili District Administration and the Sub district of Atauro, and took no part in voting on this item.*

*Cr Walsh left the meeting at 8.59 pm.*

#### **For Decision**

#### **RECOMMENDATION**

That Council delegate Cr Frances Walsh to formalise the Friendship Agreement between Indigo Shire Council and the Dili District Administration and the Sub District of Atauro.

**Moved Cr Graham  
Seconded Cr Murdoch**

**That Council:**

- 1. Delegate Cr Frances Walsh to formalise the Friendship Agreement between Indigo Shire Council and the Dili District Administration and the Sub District of Atauro.**
- 2. Register Cr Walsh for the Forum.**
- 3. Meet certain out of pocket expenses incurred on official duties associated to conclude the Joint Friendship Agreement.**

**CARRIED**

### **SUMMARY**

This report recommends the preparation of a Friendship Agreement with Atauro Island, East Timor and that Cr Frances Walsh deliver the Friendship Agreement when visiting the Island in June 2008.

### **BACKGROUND**

In November 2005 Council considered a report from former CEO Mr John Costello on the establishment of a Friendship Agreement with Atauro Island in East Timor.

Council recommended **“that Council approve in principle the establishment of a Friendship Agreement with Atauro Island in East Timor and seek general community support for the idea with Council making a formal commitment if enough support is forthcoming”**.

Following public meetings held in Beechworth on 3 May and 11 July, it was concluded that there was sufficient interest to establish Section 86 Committee of Council with a further public meeting to be held in August 2006. It was also agreed that the then Mayor Cr Peter Graham prepare a letter of Friendship. This letter was written on 28 July 2006 and delivered to Atauro Island by Abel Guterras, Consul General. A reply dated 14 October, but received 10 September 2007 from the Dili District Administration and Sub District of Atauro, welcomed the offer and extended an invitation for a visit from Indigo Shire representatives

The Friendship Agreement has not been formalised but a draft has been prepared and is attached hereto.

Cr Frances Walsh is attending the VLGA Conference in Dili on 18-20 June 2008 and will spend from 20-27 June on Atauro Island.

This is an opportunity for the Friendship Agreement between Indigo Shire and the Sub District of Atauro Island to be formalised.

## **CONSULTATION**

Several public meetings have indicated significant support for such an agreement.

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL & RESOURCE IMPLICATIONS**

If the Friendship Agreement is formalised during Cr Walsh's visit, it would be protocol for some gifts to be exchanged, for example a Shire banner, indicating Indigo's support for the community and other useful gifts.

Cr Walsh would also require an interpreter at a cost of \$US15 per day.

### **“DRAFT”**

## **Friendship Agreement dated .... between the Sub-district of Atauro Island and Indigo Shire Council**

### **FRIENDSHIP AGREEMENT**

*In the spirit of mutual respect and co-operation between the peoples of Australia and Timor-Leste, and in accordance with the 'Statement of Principles for Local Governments Working in Timor Leste' of 4 May 2000, we affirm our intention to develop a Friendship Relationship between the Sub-district of Atauro Island in Timor-Leste and the Indigo Shire Council in Victoria, Australia.*

*The Indigo Shire Council and its community seeks to develop the Friendship Relationship to assist the Atauro Island community in areas such as accommodating and training student teachers and tourism students in the English language. Indigo Shire may also be able to assist with advice on tourism ventures and opportunities. The Indigo Shire Council recognises the strong desire of individuals and organisations in their communities to contribute to the establishment skills and services and is committed to facilitating community-to-community links with Atauro Island. It is envisaged that this partnership, at both the local government and community level, will involve the transfer of knowledge, skills and resources as appropriate, and will result in improved understanding and the establishment of long-term relationships between the communities.*

*We recognise that there will be short-term and long-term goals for establishing skills and services on Atauro Island and that any strategy or project should be based on needs identified through local decision-making processes and should take account of the capacity of the Shire of Indigo and its community to resource and support them.*

*It is intended that all initiatives undertaken under the Friendship Relationship should be directed towards strengthening the communities of Atauro Island. These initiatives should aim to build capacity and advance the self sufficiency of the people of Atauro*

*Island and should be consistent with the principles of environmental, social and cultural sustainability.*

*It is also intended that the Friendship Relationship between the Sub-district of Atauro Island and Indigo Shire Council will be reviewed and reaffirmed by any administrations which might follow those currently responsible.*

*Dated:*

.....

<i>Ruben Joas Braz de Carvalho</i> <i>Dili District Administrator</i>	<i>Vic Issell</i> <i>Mayor</i> <i>Indigo Shire Council</i>	<i>Bonifacio Soares</i> <i>Atauro Sub District</i> <i>Administrator</i>
--	--	---

*Note: Cr Walsh returned to the meeting at 9.00 pm.*

## **16.0 NOTICE OF MOTION**

Nil

## **17.0 COMMITTEE AND DELEGATES REPORTS**

### **17.1 MAY DIARY - CR V ISSELL**

#### **For Information**

<b>Date</b>	<b>Time</b>	<b>Event</b>
2 May	10.00 am	Councillor duty, Beechworth
5	3.30 pm	Meet Press, Beechworth
	6.00 pm	Chair public meeting, "Creating Resilient Families" with Andrew Fuller, Corowa
6	4.30 pm	Council Briefing Meeting, Chiltern, guest Mike Hill
	7.00 pm	Ordinary Meeting of Council, Chiltern
7	12.30 pm	Border Trust Meeting, Albury
	7.00 pm	Chair Beechworth Sustainability Meeting with Mike Hill, Sustainability Victoria
9	9.30 am	Murray Darling Association Meeting, Albury
	3.00 pm	Meet with Intern from Office of Member for Indi
12	12.30 pm	Weekly meeting with CEO, Beechworth

13	4.00 pm	Council Briefing & Budget Meeting, Yackandandah
14	6.30 pm	Local Government Ministerial Forum Dinner, Melbourne
15	8.30 am	Local Government Ministerial Forum, Melbourne
16	10.00 am	Councillor Duty, Beechworth
	11.00 am	Indigo Tourism Board Meeting, Beechworth
17	8.30 am	Rural Landscapes Bus Tour
	7.00 pm	Harvest Celebration Dinner, La Trobe
19	8.30 am	Weekly meeting with CEO, Beechworth
	10.00 am	Meeting re Council Offices, Beechworth
	12 noon	Meeting with Deputy Mayor, Beechworth
19	1.30 pm	Disability Advisory Committee Meeting, Beechworth
20	4.00 pm	Council Briefing Meeting and tour, Beechworth Correctional Centre
22	9.30 am	Drought Committee Planning Session, Yackandandah
22	4.00 pm	Indigo Transport Forum, Yackandandah
23	1.30 pm	Youth Week, Battle of the Schools, Tallangatta
	6.00 pm	Official Opening, Visual Arts Exhibition, Chiltern
24	6.30 pm	Kiewa Fire Brigade Service Awards Presentation Night
26	9.30 am	Tidy Towns Judging, Beechworth and district
27	12 noon	North South Rail Corridor Meeting, Albury
	4.00 pm	Council Briefing Meeting, Sandy Creek
	7.00 pm	Community Forum, Sandy Creek
29	9.30 am	Kerferd Oration Committee Meeting, La Trobe
	6.30 pm	Alpine Valleys 2008 Leadership Graduation Dinner, La Trobe
31	7.00 pm	Cultural Diversity & Harmony Conference Dinner, Wangaratta

**Cr Vic Issell**  
3 June 2008

## **17.2 MAY DIARY - CR A BANKS**

### **For Information**

<b>Date</b>	<b>Time</b>	<b>Event</b>
6 May	4.00 pm	Council Briefing Meeting, Chiltern
	7.00 pm	Ordinary Meeting of Council, Chiltern
8	7.00 pm	Lake Sambell Committee of Management Meeting
13	4.00 pm	Council Briefing & Budget Meeting, Yackandandah
19	7.30 pm	Baarmutha Park Committee of Management Meeting
20	4.00 pm	Council Briefing Meeting at Beechworth Correctional Centre
27	4.00 pm	Council Briefing Meeting, Sandy Creek
	7.00 pm	Community Forum, Sandy Creek

### **Cr Andrew Banks**

3 June 2008

## **17.3 MAY DIARY - CR J DALE**

### **For Information**

<b>Date</b>	<b>Time</b>	<b>Event</b>
2 May	9.00 am	MAV Board Meeting, Melbourne
4	12 noon	Official re-opening Isaacs Park Playground, Yackandandah
6	4.00 pm	Council Briefing Meeting, Chiltern
	7.00 pm	Ordinary Meeting of Council, Chiltern
8	8.30 am	MAV State Council Meeting, Melbourne
	6.30 pm	MAV Reunion Dinner, Melbourne
12	7.00 pm	Yackandandah Primary School, Future Directions public meeting
13	4.00 pm	Council Briefing and Budget Meeting, Yackandandah
20	4.00 pm	Council Briefing Meeting, Beechworth
27	4.00 pm	Council Briefing Meeting
	7.00 pm	Community Forum, Sandy Creek
28	5.30 pm	Reception for Dr Don Brash, LaTrobe, Wodonga
	7.00 pm	2008 Michael Joseph Savage Lecture, LaTrobe, Wodonga
30	11.30 am	Tangambalanga Community Meal

### **Cr J Dale**

3 June 2008

## **17.4 MAY DIARY - CR P GRAHAM**

### **For Information**

<b>Date</b>	<b>Time</b>	<b>Function</b>
2 May	4.30 pm	Funding Announcement Rutherglen Tennis Club/Chiltern Skate Park, Chiltern
4	10.00 am	Official Welcome, Drive Back in Time, Beechworth
	12 noon	Reopening Isaacs Park Playground, Yackandandah
5	9.30 am	RWE Committee Meeting, Rutherglen

6	4.00 pm	Council Briefing Meeting, Chiltern
	7.00 pm	Ordinary Meeting of Council, Chiltern
7 - 31	Inclusive	Annual Leave

**Cr Peter Graham OAM**

3 June 2008

**17.5 MAY DIARY - CR W HOTSON**

**For Information**

<b>Date</b>	<b>Time</b>	<b>Event</b>
6 May	4.00 pm	Council Briefing Meeting, Chiltern
	7.00 pm	Ordinary Meeting of Council, Chiltern
8	5.30 pm	Biodiesel CGR Meeting, Yackandandah
12	7.15 pm	Chiltern Progress Association Meeting, Chiltern
13	4.00 pm	Council Briefing and Budget Meeting, Yackandandah
15	7.00 pm	Rutherglen Heavy Vehicle Bypass CRG Public Meeting
17	8.30 am	Rural Landscapes Bus Tour
19	7.30 pm	Chiltern Tourism Association presentation by Craig Dent for 150 <sup>th</sup> celebration of gold found in Chiltern
23	7.00 pm	Opening Chiltern Visual Arts Exhibition, Chiltern
28	5.30 pm	Rural Landscapes PSE Meeting, Yackandandah
29	6.30 pm	Alp Valleys 2008 Leadership Graduation Dinner, La Trobe, Beechworth

**Cr Bill Hotson**

3 June 2008

## **17.6 MAY DIARY - CR B MURDOCH**

### **For Information**

<b>Date</b>	<b>Time</b>	<b>Event</b>
2 May	4.30 pm	Funding announcement by Kaye Darveniza for Chiltern Skate Park, Chiltern
4	12 noon	Opening Isaacs Park Playground, Yackandandah
6	4.00 pm	Council Briefing Meeting, Chiltern
	6.00 pm	Ordinary Meeting of Council, Chiltern
7	7.00 pm	Beechworth Sustainability Mike Hill Presentation
13	4.00 pm	Council Briefing and Budget Meeting, Yackandandah
17	8.30 am	Rural Landscapes Bus Tour
20	4.00 pm	Council Briefing Meeting, Beechworth Correctional Centre
21	10.00 am	Northern Region Sustainable Water Strategy Meeting, Melbourne
22	2.00 pm	Indigo Transport Forum, Yackandandah
23	10.00 am	MAV Land & Biodiversity Green Paper presentation, Wangaratta
	7.00 pm	Official Opening Chiltern Visual Arts Exhibition
27	4.00 pm	Council Briefing Meeting
	7.00 pm	Community Forum, Sandy Creek
28	5.30 pm	Rural Land Use Strategy PSC Meeting, Yackandandah

### **Cr B Murdoch**

3 June 2008

## **17.7 MAY DIARY - CR FRANCES WALSH**

### **For Information**

<b>Date</b>	<b>Time</b>	<b>Event</b>
2 May	4.30 pm	Presentation by Kaye Darveniza re Chiltern Skate Park and Rutherglen Tennis Court, Chiltern
3	7.30 pm	Candle & Curry Night, Beechworth (Amnesty International and Hiam Health fundraising)
5	7.30 pm	Creating Resilient Families by Andrew Fuller, Corowa RSL
6	4.00 pm	Council Briefing Meeting, Chiltern
	7.00 pm	Ordinary Meeting of Council, Chiltern
13	4.00 pm	Council Briefing and Budget Meeting, Yackandandah
15	7.30 pm	Rutherglen Heavy Vehicle Deviation CRG Meeting, Rutherglen
16	11.00 am	Indigo Tourism Board Meeting, Yackandandah
17	Full Day	Rural Landscapes Bus Tour
18	9.00 am	Rutherglen Primary School Boot Sale
19	11.00 am	Beechworth Community Engagement and lunch with Cr Issell
20	10.00 am	Junior Council Meeting, Rutherglen Office
	4.00 pm	Council Briefing Meeting, Beechworth Correctional Centre
	7.30 pm	Rutherglen Arts "an evening with Wendy Harmer"
22	5.30 pm	Heritage Advisory Committee Meeting, Yackandandah
23		Bendigo for Funeral of Father Youngberry, former Chiltern

		Parish Priest
26	Various	Tidy Towns Judging, Beechworth and Yackandandah
27	4.00 pm	Council Briefing Meeting
	7.00 pm	Community Forum, Sandy Creek

**Cr F Walsh**

3 June 2008

## **17.8 JUNIOR COUNCIL MEETING 8 APRIL - CR FRANCES WALSH**

### **For Information**

The April meeting of the Junior Council was held at the Barnawartha Primary School.

### **PRESENTATION BY CRAIG AND MARLIE BURGEMEISTER**

The presentation from Craig and Marlie was brilliant and the children took copious notes for the meeting.

I am presenting my report in dot points and I will be willing to speak to them during the meeting.

Craig, an army engineering corpse for 22 years. Craig, wife Marlie and four children, 2 years in East Timor. Retiring soon.

### **Location**

- Dili is 600 ks from Darwin and an hour and a half flight. It is the most expensive flight per k. in the world.
- 13 districts in East Timor.
- Kirsty Sword Gusmao called "Princes Mary of East Timor"
- Population is 90% Catholic on the mainland but not on Atuario
- 43% of the population is under 15 compared with Australia 19%
- 52% have clean water 1/3 have no toilets
- Language is Tetun, the only place in the world this language is spoken

### **History**

- Under Portuguese rule until 1975
- Indonesia took control in 1975
- Independence in 2002
- Timor Leste the Island has the shape of a crocodile and many legends are told about this
- Life expectancy is 55 years against Australia of 81 years
- Wage is US \$80 per month
- Money centavio coins, no paper money
- Two banks in Dili - ANZ and Indonesian only two ATMs In Timor Leste at these two places
- Most deals done in \$US currency

### **Transport**

- There are no road rules in Timor Leste and drivers travel very quickly on a series of potholes called a road
- Trucks, buses, motor bikes and horse and cart are the usual ways of travel
- Took 3 1/2 hours to travel 140 ks
- Cost is \$3.00 inside and \$1.50 on the roof
- Pigs are in abundance and wander all over the roads as well as water buffalo and cows
- Butcher shops are beside the road and on an open stall in 35 degrees + heat. Fish are carried around to be sold and the advice is to buy the fish early in the day
- The open drain is used for sewerage, drinking and washing, and growing lettuce and vegetables

Despite all of this I will still be travelling to Timor Leste in June of this year but I will have extensive travel insurance!!!!

## **17.9 JUNIOR COUNCIL MEETING 20 MAY - CR FRANCES WALSH**

### **For Information**

The Junior Council Meeting was held in the old council chambers at the Rutherglen Office.

### **UPDATE ON FUNDRAISING EVENTS**

- Lachlan - Sports day / hot dog day, yet to be held
- Tyson - Footy colours day in July
- Mitchell - Raffle, several prizes donated included torch and wine/food platter, ticket price to be decided, but suggest \$1 per ticket
- Mikayla - still to decide but possibly a fun day or sport day
- Georgie - has held a games day and raised \$56 (*funds to Diane for receipt*)
- Ryan - is holding a disco. Cr Walsh suggested additional adult support from outside the school
- Flyn - Planning a wheels and casual clothes day
- Rhiannon - fete has been held, dress up day a little later on
- Sharni - still to decide, but possibly a games day
- Sam - Cake staff and soup day
- Elkie - 5 cent Friday - coins to be the longest line or shape of East Timor Island
- Emilia - Guess the baby photo

### **PRESENTATION - MR GREG SMITH, KOKODA TRACK**

Mr Greg Smith from Rutherglen and two of his sons have recently walked the Kokoda Track. Greg generously offered to share photos and tales of the experience with the Junior Councillors.

They had made their arrangements through the Kokoda Track Authority and whilst they had initially intended to do the walk by themselves, at the Authority's recommendation, employed a guide and porter.

The walk took 10 days and all supplies had to be carried. All food was dried with a daily

allowance of 500 grams per person. For five people for 10 days this still amounted to 25 Kg which needed to be carried in their back packs. As the days went by the weight to be carried became less. The dried food was mainly rice and pasta.

With the exception of a change of socks, they wore the same clothes for the whole trip.

The track is very rough and there are still many dug outs along its path where the Australian soldiers dug themselves in so that they could see any oncoming Japanese soldiers. There are many creeks and rivers to be crossed, in one section 40 creek crossings within an hour and a half, so they did not always remove their boots and socks.

Native villages along the way provide accommodation, for a donation to the community. The guide and porter know all the villagers having done the walk many times, it was the porter's 66<sup>th</sup> walk, and sometimes the villagers would come to meet them and perhaps bring some food. On one occasion this was cooked pig meat.

Greg commented that he and his sons were thrilled to have completed the walk however he has concerns for the future of the Kokoda Track with the increased number of people now making the journey - in 2007 some 5,000.

Some lively questions were put to Greg, such as "what kinds of snakes, spiders and other creepy crawlies did you see?" Greg commented that they only saw one snake and they were not sure what sort it was.

### **NEXT MEETING & TASK**

Tuesday, **10 June**, at Stanley Primary School.

Letter writing for East Timor. As I will be visiting Dili and Atauro Island between 17 June and 2 July and I will take the letters with me.

**Cr Frances Walsh**

3 June 2008

## **18.0 GENERAL BUSINESS**

Nil

### **SUSPENSION OF STANDING ORDERS – 9.07 PM**

**Moved Cr Murdoch  
Seconded Cr Hotson**

**That Council resolves to go into Committee to consider confidential item relating to staff.**

**CARRIED**

**Moved Cr Graham  
Seconded Cr Hotson**

**That Standing Orders be resumed.**

**CARRIED**

## **19.0 CONFIDENTIAL**

PURSUANT TO SECTION 77(2)(c) OF THE LOCAL GOVERNMENT ACT 1989 I HEREBY DESIGNATE THE ATTACHED INFORMATION AS CONFIDENTIAL AS IT RELATES TO STAFF



.....  
**Brendan McGrath  
CHIEF EXECUTIVE OFFICER  
3 June 2008**

## **19.1 CHIEF EXECUTIVE OFFICER PERFORMANCE PLAN 2008/09 (PERSONNEL FILE – CEO)**

**Moved Cr Murdoch  
Seconded Cr Hotson**

**That Council adopt the Chief Executive Officer Performance Plan 2008/09 and that this form the basis of the six month annual review of the Chief Executive Officer's performance.**

**CARRIED**

There being no further business the meeting was declared closed at 9.11 pm.

.....  
**Cr Vic Issell - Mayor  
1 July 2008**