

INDIGO SHIRE COUNCIL

MINUTES OF THE ORDINARY MEETING OF THE INDIGO SHIRE COUNCIL HELD IN THE SENIOR CITIZENS ROOMS, CONNESS STREET, CHILTERN ON TUESDAY 20 JANUARY 2009 COMMENCING AT 7.00 PM.

PRESENT

Councillors

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

Officers

Mr Brendan McGrath (Chief Executive Officer)
Mr Phil Prior (General Manager Operations and Assets)
Mr David Montgomery (Governance & Risk Manager)
Ms Sally McCarron (Community Planning Manager)
Mr Frank Bonacci (Finance Manager)
Ms Susan Cheetham (Planning Manager)
Mr Alex Showers (Operations Manager)
Mr Robert Uebergang (Assets Manager)
Mrs Naomi Cox (Executive Assistant/Chief Executive Officer)

1.0 WELCOME

Cr Graham welcomed those in attendance.

2.0 OPENING PRAYER

Cr Pockley read the Opening Prayer.

3.0 APOLOGIES AND LEAVE OF ABSENCE

Nil

4.0 DECLARATION OF PECUNIARY INTEREST AND CONFLICT OF INTEREST

Nil

5.0 OPEN FORUM

Nil

6.0 CONDOLENCES

Nil

7.0 CONFIRMATION OF MINUTES

Moved Cr Goldsworthy
Seconded Cr Croucher

That the Minutes of the Council meeting held 18 December 2008 be adopted subject to Item 11.4 being changed to indicate that Cr Goldsworthy was the Mover of that motion.

CARRIED

Moved Cr Pockley
Seconded Cr Gaffney

That the Minutes of the Special Meeting of Council held 13 January 2009 be adopted.

CARRIED

8.0 BUSINESS ARISING (PREVIOUS MINUTES)

Nil

9.0 DEPUTATIONS AND PETITIONS

Nil

10.0 SUSTAINABLE COMMUNITIES

10.1 SECTION 173 AGREEMENTS - (08/4306, 08/4330, 08/4336, 08/4339, 08/4408) (PM)

For Decision

RECOMMENDATION

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

- A) Lot 2 Plan of Subdivision 422787B, 37 Wood St Beechworth**
- B) Crown Allotment 5 Section L Parish of Gooramadda, Gills Rd Rutherglen**
- C) Crown Allotment 9 Section A and Crown Allotment 7 Section B Parish of Yackandandah, Stebbings Lane, Yackandandah**
- D) Crown Allotment 3, 3A, 3B, and 4 Section 12 Parish of Lilliput, Slaughterhouse Road, Rutherglen**
- E) Lot 2 PS 070870 and CA 17A & 17B Section M2 Township of Beechworth being 11 Mellish Street, Beechworth**

**Moved Cr Pockley
Seconded Cr Issell**

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) Owner: D M Gavan**

Planning Permit 08/4306 relates to a proposed 2 Lot subdivision of land at Wood

Street, Beechworth. The land is developed with an existing dwelling and it is proposed to create two Residential 1 Zoned lots. One of 1788m² containing the existing dwelling and the other being a 447m² vacant lot. The permit was issued on the basis that the owner of the land enter into an Agreement with Council under Section 173 of the Planning and Environment Act 1987 to provide:

- that on the vacant lot to be created, buildings may only be constructed within the building envelope as shown on the endorsed plan of the permit. The envelope cannot be varied except with the written consent of the responsible authority.

B) Owner: A M Melville

Planning Permit 08/4330 relates to a 2 lot subdivision of a Farming Zoned lot for the purpose of excising an existing dwelling of heritage significance at Gills Road, Rutherglen. The proposal will create a lot of 4.76ha containing the existing dwelling and a balance lot of 73.8ha. The application was approved on the basis that a Section 173 Agreement was to be entered into with the Responsible Authority to ensure:

- (i) that the land is not able to be further subdivided so as to create any additional lots.
- (ii) that proposed lot 2 cannot be used or developed for the purposes of a dwelling.
- (iii) that subsequent owners of the house lot acknowledge and accept any surrounding agricultural activities that may cause loss of residential amenity to the dwelling.

C) Owner: J F Dryden

Planning Permit 08/4336 relates to a dwelling on a Farming Zoned holding of ~48ha at Stebbings Lane, Yackandandah. As the Planning Unit is greater than 40ha, the use of the land for the purposes of a dwelling is 'as of right'. Rather than consolidate the Titles into a single allotment however, the landowners have agreed to enter into a Section 173 Agreement with council to ensure that:

- Crown Allotment 9 Section A and Crown Allotment 7 Section B Parish of Yackandandah cannot be used or developed for the purposes of accommodation.

D) Owner: R Stones & B Collins

Planning Permit 08/4339 relates to a dwelling on a Farming Zoned lot of 8.11ha at Meehan Street, Rutherglen. Planning Permit PP04-184 was previously issued for the use and development of the subject land for the purposes of a dwelling on the 12/10/2004.

The previous permit required the 4 existing small rural allotments to be Consolidated into a single allotment and an Agreement to be entered into under Section 173 of the Planning and Environment Act 1987.

Whilst the land was consolidated and the Agreement entered, it was not registered

with the Titles Office and the permit expired. Permit 08/4339 was therefore issued on the basis that the landowners enter into a Section 173 Agreement with council which:

- (i) ensures that the lot created cannot be further subdivided to increase the number of lots
- (ii) provides notification to future landowners of the proximity of the property to Council's quarry, which incorporates a gravel crushing process, and signifies that current and future owners will not object to these quarrying operations.
- (iii) to provide notification to future landowners of the subject land of the need to make a cash contribution to upgrade the single dwelling access to the required Council standard, should further development or additional use occur.

E) Owner: R H Harrison

Planning Permit 08/4408 relates to a proposed 2 Lot subdivision of Residential 1 Zoned land with frontages to Railway Avenue and Mellish Street, Beechworth. The land is developed with an existing dwelling which is proposed to be retained on a lot of ~645m². The other, vacant lot fronting Railway Avenue, is proposed to be ~1030m². The permit was issued on the basis that the owner of the land enter into an Agreement with Council under Section 173 of the Planning and Environment Act 1987 to ensure:

- (i) That any future development on proposed lot 2 is sited, designed and constructed using the principles of Water Sensitive Urban Design and in particular that:
 - (a) The dwelling must incorporate a minimum 10,000 Litre rain water tank on site. The water tank must be plumbed to the toilets and garden taps as a minimum. Only the overflow from the rainwater tank is to be directly discharged to the lot's stormwater point. The dwelling must include water saving measures (AAA rated fixtures and a pressure reduction valve).
 - (b) Stormwater is detained on site where practical through use of permeable paving, pebble paving, infiltration trenches, soakwells, lawn, garden areas and swales. The total hard surface site coverage (including outbuildings, swimming pools, tennis courts, driveways and all impermeable surfaces), must not exceed 40%.
 - (c) An Erosion and Sediment Control Plan must be submitted with all Building Permit applications that clearly outlines how the site is to be managed during and after construction.
- (ii) That where incorporated, rear or side of allotment infiltration trenches with overflows to the formal drainage system are maintained so as to ensure design stormwater flows do not impact on downslope properties.

Attachment A: Locality/Site Plan – PP08/4306 Wood Street, Beechworth.
Attachment B: Locality/Site Plan – PP08/4330 Gills Road, Rutherglen.
Attachment C: Locality/Site Plan – PP08/4336 Stebbings Lane, Yackandandah.
Attachment D: Locality/Site Plan – PP08/4339 Meehan Street, Rutherglen.
Attachment E: Locality/Site Plan – PP08/4408 Railway Avenue and Mellish Street, Beechworth.

10.2 BIODIESEL & RENDERING PLANT COMMUNITY REFERENCE GROUP (FILE NO: E1240-29 – PM)

For Decision

That Council acknowledge the contribution of Barnawartha Renewable Energy Support Group members Mr Brian Proctor and Mr Sarge Davis on the Biodiesel and Rendering Plant Community Reference Group.

**Moved Cr Murdoch
Seconded Cr Issell**

That the Recommendation be adopted.

CARRIED

SUMMARY

This community reference group for the biodiesel and rendering facility at Plemings Road, Barnawartha has membership from a range of organisations and authorities and from local residents. Mr Brian Proctor has resigned as the member for the Barnawartha Renewable Energy Support Group. The alternative member for this group, Mr Sarge Davis, has also indicated that he does not wish to continue on the group.

This report considers the contribution of this and other representation to the Community Reference Group and the change in representation of the group now that the initial establishment of the biodiesel plant has occurred, upgrade of the rendering plant is underway and commissioning of the new wastewater treatment plant has commenced.

BACKGROUND

Biodiesel Producers Australia Pty Ltd and Oztek Pty Ltd are the operating partners in a joint venture which developed a biodiesel plant at Plemings Road, Barnawartha. The Biodiesel Plant is now operational and running at a budget of \$50 Million. A request to undertake a Planning Scheme Amendment was lodged on their behalf by Maunsell Australia. Following public notice of the amendment and receipt of submissions, this amendment was the subject of a Panel hearing and detailed Panel report. The amendment was adopted by Council at its meeting of 13 September 2005 and subsequently received approval by the DSE and Minister for Planning.

The amendment required the establishment of a Barnawartha Renewable Energy (Biodiesel) and Rendering Facility Community Reference Group (CRG) within 45 days of Gazettal of Amendment C29.

The CRG Charter provides that the CRG shall comprise the following members:-

Voting Members

- Independent Chair (1)
- Representative of Biodiesel Producers Pty Ltd (1)
- Representative of Oztek Pty Ltd (1)
- Representative of ISC (1)
- Representative of EPA (1)
- Representatives of local residents comprising
 - A representative from the Barnawartha Renewable Energy Supporters Group (1)
 - A representative from the Barnawartha Indigo Valley Residents Action Group(1)
 - A representative from the Barnawartha Development Association (1)
 - A representative of local residents living within 1.5km radius of the development site. (1)

Non-Voting Members

- A representative of the Barnawartha branch of the Victorian Farmers Federation
- The Construction Contractor (during construction only).
- Technical Officers – Indigo Shire Council
- Representatives of referral bodies who have been involved in the approval process of the project including NECMA, GMW & DSE.

In November 2005 Council appointed members to the Renewable Energy *Biodiesel & Rendering Plant Facility Plemings Rd Barnawartha* Community Reference Group (CRG).

Both representatives from the Barnawartha Renewable Energy Support Group, Mr Brian Proctor and Mr Sarge Davis, have indicated that they do not wish to continue their membership of the CRG. It is noted that the Barnawartha Renewable Energy Support Group is now dissolving. Mr Brian Proctor has sent in a letter of resignation. Both persons have contributed to the CRG in the earlier part of its operation.

The CRG has been operating since November 2005. It has provided a consultative group to comment on development and operational issues associated with the two plants on the site. The CRG has been a good forum to deal with matters related to both development and operation of the site and importantly to address environmental concerns of nearby residents.

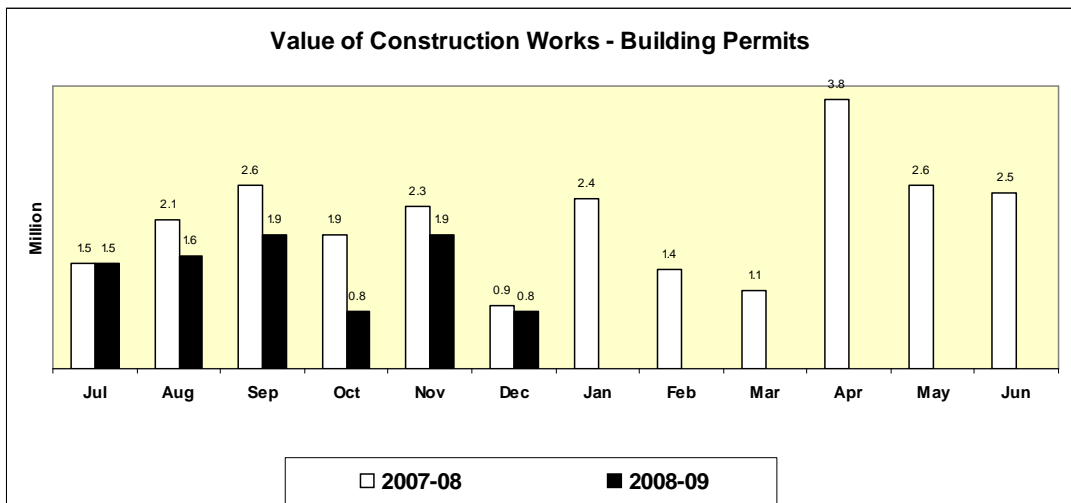
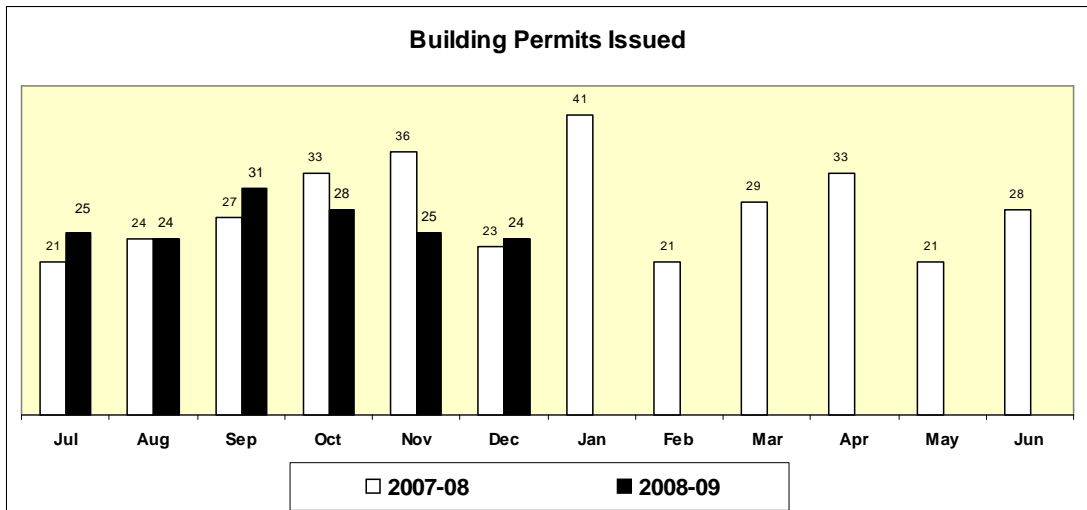
Initially the CRG meetings were more focused on development of the rendering plant. At this time development of the biodiesel plant and commencement of operations has occurred, upgrade of the rendering plant is underway and commencement of commissioning of the new wastewater facility is also underway. Meetings of the CRG have recently been concerned with upgrade of the rendering plant and with operational matters related to the site. There have been ongoing impacts particularly noise and odour impacts on some nearby residents and the CRG will have a continuing role in monitoring such impacts.

Given the change in circumstances and focus of the group, the Barnawartha Renewable Energy Support Group do not see the need for continuing input into the CRG. It is thus not proposed to advertise for a replacement member on the CRG, but to leave this position vacant for the time being and to look at amendment the Indigo Planning Scheme provisions to remove reference to the Barnawartha Renewable Energy Support Group at a future time.

10.3 BUILDING STATISTICS – DECEMBER 2008 (PM)

For Information

Property Locality	Description	Project Value	Approval Date
Rutherglen	Extension	\$4,500	02/12/08
Rutherglen	Swimming Pool	\$8,000	02/12/08
Beechworth	New Building	\$4,360	05/12/08
Beechworth	Dwelling	\$200,000	05/12/08
Kiewa	Swimming Pool	\$31,435	08/12/08
Kiewa	Swimming Pool	\$27,990	08/12/08
Tangambalanga	Swimming Pool	\$2,500	10/12/08
Kiewa	Swimming Pool	\$6,000	10/12/08
Yackandandah	Other	\$3,200	10/12/08
Rutherglen	Extension	\$11,200	10/12/08
Allans Flat	New Building	\$174,000	10/12/08
Beechworth	New Building	\$10,150	12/12/08
Sandy Creek	Dwelling	\$235,882	15/12/08
Yackandandah	Alteration	\$2,500	15/12/08
Indigo Valley	New Building	\$5,212	16/12/08
Barnawartha	New Building	\$300	16/12/08
Beechworth	Alteration	\$1,500	17/12/08
Beechworth	Extension	\$33,000	19/12/08
Chiltern	New Building	\$11,459	22/12/08
Yackandandah	New Building	\$15,000	22/12/08
Barnawartha	New Building	\$50,000	22/12/08
Total		\$838,199	

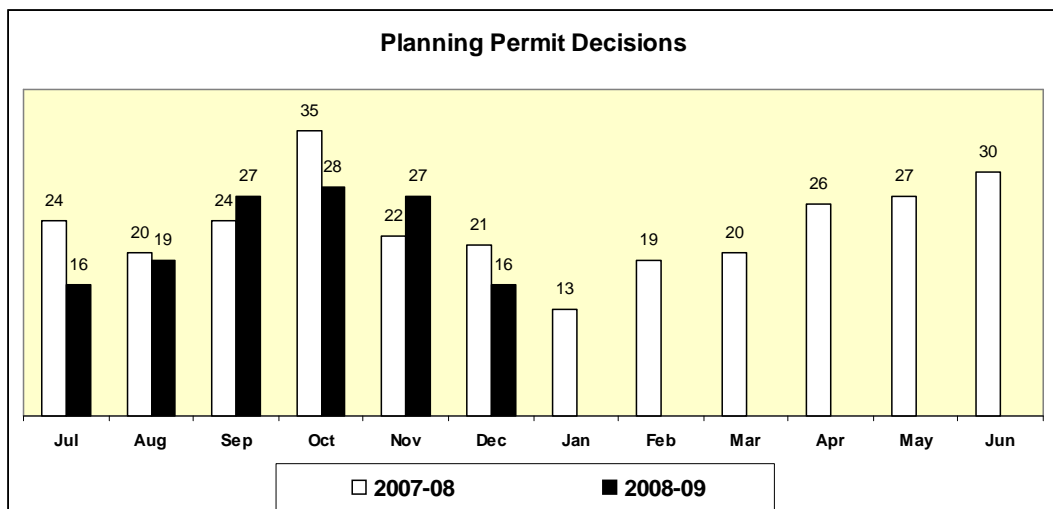


	Dec 2008	Financial Year To Date	Same Period 2007
Building Permits			
Number Issued	24	157	164
Value of Works	\$1.5M	\$9.2M	\$11.3

10.4 PLANNING STATISTICS – DECEMBER 2008 (pm)

For Information

Appl. No	Locality	Proposed Use	Project Value	Decision
PP084198	Staghorn Flat	Dwelling	310,000	Approved
PP084289	Yackandandah	Certificate of Compliance - Dwelling	0	Lapsed
PP084330	Rutherglen	2 Lot Subdivision	0	Approved
PP084331	Rutherglen	Dwelling	98,000	Approved
PP084336	Yackandandah	Dwelling	194,000	Approved
PP084339	Rutherglen	Dwelling	400,000	Approved
PP084380	Allans Flat	Dwelling and Shed	174,000	Approved
PP084398	Beechworth	Signage	0	Approved
PP084408	Beechworth	Subdivision	0	Approved
PP084426	Beechworth	Additions to Dwelling & Garage	90,000	Approved
PP084429	Wahgunyah	2 Lot Subdivision	0	Approved
PP084430	Rutherglen	Fence	8,500	Approved
07116.1	Staghorn Flat	Amended Permit - Dwelling	0	Approved
PP084438	Beechworth	Alterations & Additions to Kindergarten	33,000	Approved
04228.1	Sandy Creek	Dwelling	0	Approved
PP084208.2	Rutherglen	Amended Permit - Verandah (Retail Premises)	0	Approved
98166.3	Chiltern	Amended Permit - Service Centre	0	Approved
Total			1,307,500	



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

Determination	Dec 2008	Financial Year To Date	Same Period Financial Year 2007
Issued	12	101	140
Refused	0	3	5
Amended	4	29	1
TOTAL	16	133	146

10.5 SUSTAINABLE COMMUNITIES PROJECTS – JANUARY 2009 (PM)

For Information

Projects underway are show in the following table.

Project	Current actions
STRATEGIC PLANNING	
Amendment C21 - Kiewa-Tangambalanga	Refer to report in this agenda.
Municipal Strategic Statement and Indigo Planning Scheme Amendment C24 – Major review	<p>Major review finalised and adopted by October 2007, then submitted to the Minister for Planning.</p> <p>Planning Scheme amendment (C24) to implement initial matters finished public exhibition finished on 15 August 2008. 45 submissions were received. These include acknowledgment, support, requests for minor changes and objections.</p> <p>At the November 2008 meeting Council resolved to request appointment of an Independent Panel to review unresolved submissions. A direction hearing for this Panel held on 19 December 2008, the Panel hearing is likely to be in February 2009.</p>
Amendment C35 – Former Beechworth Hospital site	<p>This amendment proposes to rezone this site to residential and mixed use zones and introduce an Environmental Audit Overlay over part of the site. The public exhibition period ended 11 January 2008. Three submissions in total received.</p> <p>Following negotiations one substantive issue remained. This was the subject of an Independent Panel hearing on 19 December 2008. Awaiting report from Independent Panel prior to the matter being further reported to Council.</p>

<p>Amendment C36 – Chiltern Flood Study</p>	<p>Amendment to replace Land Subject to Inundation Overlay in Chiltern based on the recommendations of the Chiltern Flood Study. Exhibition period ended 24 June 2008.</p> <p>Two submissions were received. Issues raised in submissions were addressed by NECMA and revised mapping prepared. One further submission was received following this and a further revision to mapping is currently under discussion.</p> <p>The matter will be reported to Council once discussions have been finalised.</p>
<p>Indigo Planning Scheme Amendment C44 – Back Creek Road, Yackandandah and Buckland Gap Road, Beechworth</p>	<p>This amendment proposed to rezone land zoned Public Use Zone 7 to Industrial 1 Zone and from Public Conservation and Resource Zone to Farming Zone. Both rezoning will enable the Crown to dispose of the land to adjoining land owners.</p> <p>The public exhibition period closed 24 November 2008. One issue has been raised in the process – this is an issue of a water main that may need to be relocated. Once this matter has been resolved the amendment will be reported to Council.</p>
<p>Indigo Planning Scheme C48 – Kiewa Valley Highway</p>	<p>This is a minor amendment to rezone part of the Kiewa Valley Highway from Farming Zone to Road Zone Category 1 to reflect that it is part of the highway reserve. DPCD is undertaking the administrative work for this amendment on behalf of Vic Roads.</p>
<p>Indigo Planning Scheme C49 – Old Beechworth Gaol</p>	<p>This amendment introduces a Schedule to the existing Development Plan Overlay over the site.</p> <p>Conditional authorisation to proceed to advertise the amendment has been received from DPCD. Currently awaiting written confirmation that public exhibition can commence.</p>
<p>Indigo Planning Scheme –environmental/biodiversity overlay</p>	<p>Phase 1: Identified biodiversity priority areas within the municipality for further investigation and possible further controls in the planning scheme. Phase 1 report completed.</p> <p>Phase 2: Coomes Consulting appointed to undertake this phase of analysis of requirements for additional or changed planning controls. Phase 2 report to be presented to Council Feb/March</p>

Interim car parking policy (Indigo Planning Scheme Amendment C42)	Interim Policy adopted June 2008. Preparation of parking precinct plan under consideration. Will not be progressed until later in 2009.
Rural Land Use Strategy	<p>Coomes Consultants appointed to undertake the strategy. Initial consultation phase completed. Draft issues and opportunities paper released. Period for comments closed 19 November 2008. Twenty submissions received and being considered prior to finalisation of issues and opportunities paper. Draft strategy now being prepared.</p> <p>A second round of public consultation will be held in first half of 2009.</p>
Indigo Planning Scheme Amendment C50 - Chiltern Business 3 rezoning	Application for grant to fund strategic component has been lodged with RDV. Preparation of amendment to proceed following strategic work.
STATUTORY PLANNING	
VCAT Appeals	<ul style="list-style-type: none"> • P97/015 Appeal by Powercount Developments requesting modification of a condition of this permit which was issued at the direction of the AAT. Application being advertised prior to listing on 12 December 2008. • PP05-281 Appeal by O & Z vonWilpert against Council's refusal to amend a planning permit for a dwelling at Elgin Road, Beechworth. Hearing dates set and adjourned. New hearing date set for 11 March 2009 in Beechworth. • PP07-072 Appeal by R Beaver against Council's Failure to grant a permit for a 21 lot subdivision of the Old Beechworth Gaol. Hearing set down for 20 & 21 February 2008 and adjourned due to decision by Minister for Planning to introduce a Development Plan Overlay over the subject land. Mediation held 6 June 2008 to consider matters to be included in the development Plan. Mediation did not finalise all matters. The matter proceeded to hearing. • A second appeal was also lodged. This was against Council's failure to determine a development plan that was submitted on 28 April 2008. This matter was joined with the subdivision matter.

	<ul style="list-style-type: none"> Hearing was 29 and 30 October. Decision withheld and expected December 2008. PP07-4119 Appeal by C & T Welsh against Council's refusal of an application for a dwelling at Riley's Road, Hearing 11 November 2008. Decision withheld. Decision made to approve house. Permit issued. PP08-4185 Appeal by V & P Lehmann against Council's refusal of an application for a dwelling at Beechworth Road, Chiltern. Hearing set for 10 March 2009 in Beechworth.
Statutory planning staff	Budget allows for a full time trainee planner from January 2009. This has not proceeded at this time and the position is being resourced on a half time basis only.
HERITAGE SERVICES	
2009 Indigo Heritage Awards	Advertising for nominations for annual heritage awards to commence end of January 2009.
NATURAL RESOURCE MANAGEMENT	
Community Water Grants – Round 3	No change - Racecourse Road site – project almost complete – remaining funds to be used for follow up spraying
North East Greenhouse Alliance	<p>Update on Projects:</p> <ol style="list-style-type: none"> Alternate Fuels <ul style="list-style-type: none"> First delivery of biodiesel delayed as stocks of mineral diesel currently remain in the tank. Four to six weeks likely before first delivery. Adaptation <ul style="list-style-type: none"> Expression of Interest submitted to Green Precincts Fund for each council to retrofit a public building Sustainable Lighting <ul style="list-style-type: none"> No change
Lake Sambell	<ul style="list-style-type: none"> Brush-cutting of long grass in areas has occurred Rock beaching to occur near boardwalk – NECMA permit yet to be obtained Sealing around tunnel entrance – contract awarded. Works to be completed by end of February AGM highlighted that the committee would like new members & greater support from Council. Discussions on direction for group held with CEO.

Indigenous Resource Area at Lake Sambell	<ul style="list-style-type: none"> • Rock beaching of eroded bank still yet to occur – NECMA permit needed. • Signage still yet to be developed, fabricated & installed
Isaac Park	Brush-cutting of long grass has occurred in some areas
Community Woodlot Program	Hydraulic shearing of large timber in the Yackandandah, Chiltern and Stanley woodlots to make timber more accessible (jointly funded by DSE) occurred late 2008.
Roadside weed initiative	No change – assessments not required next autumn
Eco-Awareness Group	A meeting was held 19 November, in Yackandandah. Action Plan scheduled for review February 2009. Next meeting scheduled for February 2009
Upper Sandy Creek School revegetation project	No change – will monitor weeds/grass in site later in year.
Sustainable Water Use Plan	This application was unsuccessful and now looking for other grant opportunities.
Code of Forest Practice	Discussions to be held regarding use of consultant to fulfil statutory role of monitoring adherence to the Code of Forest Practice.
Environmental Advisory Committee	The inaugural meeting occurred on Wednesday 10 December. Members have been issued an updated version of the Instrument of Delegation for consideration, along with additional support material. The next meeting is scheduled for early February 2009.
Roadside Management Plan	<ul style="list-style-type: none"> • Roadside Partnership Program ongoing – landholder visits scheduled to conclude early 2009 with a wildlife discovery evening planned to follow. Completed assessment reports have been mailed to landowners with a follow up participation survey. • Roadside Conservation Value reassessment project underway – currently finalising methodology to capture new data, with consultants to be engaged by February 2009.
Greenhouse Action Plan	No change - Action planning, yet to be formalised.
Environment Strategy	A community engagement plan and survey are being created to capture priority issues which will inform the development of the strategy. This data will provide direction and discussion for the February 2009 meeting of the IEAC.

ENVIRONMENTAL HEALTH SERVICES	
Environmental Local Law	Draft reviewed local law on exhibition until 27 February 2009. Period for exhibition extended to allow for stakeholders meeting in February 2009 (after the Christmas/January holiday period).
Environmental health staff	Trainee Environmental Health officer position vacant. Review of external contracts being undertaken prior to further action in relation to this position.
BUILDING SERVICES	
Building and statutory planning staff	Shortfall in income from building area has meant that one officer working in statutory planning area part time and building part time. This situation will be monitored.

SUSPENSION OF STANDING ORDERS

**Moved Cr Gaffney
Seconded Cr Pockley**

That Standing Orders be suspended to bring forward for discussion Item 15.4.

CARRIED

15.4 LOCAL LAW NO. 7 (FILE NO: M200-04 – CR B GAFFNEY)

TAKE NOTICE that I intend to move the following motions:

“That:

1. Local Law Seven be immediately repealed.
2. Ombudsman Victoria be notified.
3. Council order an immediate review of Local Law Seven to bring it in line with **the LGA.**

Indigo Shire Council, like every other Council in the State of Victoria, is a creature of Statute and is bound by the laws of the State. The Act governing the Council is the Local

Government Act, 1989 ('the LGA').

Section 111 (2) of the LGA states " A local law must not be inconsistent with any Act or Regulation". If this occurs the Local Law is unlawful.

Sect 84 of the LGA states "The Mayor or at least three Councillors may by written notice call a Special Meeting of Council."

Local Law Seven, paragraph 23, states" The Mayor, Chief Executive Officer or at least two Councillors may by written notice call a special meeting of Council".

Local Law Seven at paragraph 23 is *prima facie* "unlawful", and there are other paragraphs in Local Law Seven that are *prima facie* unlawful.

A mistake was made at the December meeting of Council by referring to Local Law Seven.

COUNCILLOR B GAFFNEY

12 August 2009

**Moved Cr Gaffney
Seconded Cr Goldsworthy**

That:

- 1. Local Law No. 7 be repealed at a subsequent meeting of Council.**
- 2. Local Law No. 7 be not relied upon for any decision of Council.**
- 3. Council order a review of its meeting procedures.**
- 4. The Ombudsman Victoria be notified of Council's actions and intentions.**

CARRIED

Note: It was requested that it be minuted that Local Law No. 7 would still govern meeting procedures and the application of the seal and other business as intended, but that in its application Council would be mindful of any potential areas of conflict with the Local Government Act 1989, when the Local Law could not be relied upon.

OFFICER'S COMMENTS

Legal advice on this matter has been obtained, in summary the advice is:

1. Paragraph 23 of Local Law No. 7 is inconsistent with Section 84 (1) of the Local Government Act 1989.
2. The balance of paragraph 23 after excision of the inconsistency remains operative by reason of Section 111(3) of the Local Government Act.
3. At a future meeting notice should be given under Section 119 of the Local Government Act of Council's intention:-
 - to make a new Meeting Procedure Local Law; and
 - repeal Local Law No. 7
4. At a single meeting of Council the process under (3) should be effected.
5. There is no requirement to notify the Ombudsman of this issue.

11.0 OPERATIONS AND ASSETS

11.1 OFFICE ACCOMMODATION (FILE NO: E971-02 - GMOA)

For Decision

RECOMMENDATION

That Council approve expenditure to upgrade office accommodation at the Yackandandah site at an estimated cost of \$80,000 to be funded from the revised 2008/2009 Capital Works Program.

**Moved Cr Issell
Seconded Cr Croucher**

That the Recommendation be adopted.

CARRIED

SUMMARY

The need to accommodate staff on the Beechworth and Yackandandah sites to achieve necessary operational efficiencies requires additional accommodation at Yackandandah.

BACKGROUND

The re-structure has formed three divisions with General Managers and also direct reports to the Chief Executive Officer. A strong working relationship exists across all divisions and departments and in considering accommodation needs for next to three to four years the following considerations need to be taken into account:-

1. All personnel within divisions must be on one site.

2. There are particularly strong working relationships between the Operations and Assets and Sustainable Communities divisions.
3. Desirably any moves need to be kept to a minimum to ensure minimum disruption of staff.
4. There are strong working links within the Operations and Assets division and Finance Department.
5. Existing building infrastructure should be fully utilised where practical.

Considering all of the above the best result that can be achieved is to locate Operations and Assets and Sustainable Communities at the Yackandandah site and the balance of staff at the Beechworth site. This does however place Finance and Operations and Assets on separate sites will further exacerbate problems with computer connections between Beechworth and Yackandandah.

To cater for the Yackandandah staff a new transportable building of 72 square meters is required. This building will be located adjacent to the Wellsford Street office. The building can either be leased or purchased, however if the lease term is longer than two years the best value option is to purchase. The building can be resold at a later date.

FINANCIAL AND RESOURCE IMPLICATIONS

The funding can be made available from the 2008/2009 Capital Works Budget within the overall cap set on works, by making adjustments to expenditure in accordance with the Financial Report presented as part of this Agenda.

POLICY IMPLICATIONS

An addition of a transportable building is seen only as a temporary measure pending further Council discussion on long term office accommodation needs.

11.2 OPERATIONS DEPARTMENT – PROGRESS REPORT – TO 8 JANUARY 2009 (GMOA)

For Information

Project	Description of Works
GENERAL MAINTENANCE	
Road Maintenance & Parks and Gardens	General Road Maintenance has continued. Activity has decreased in both Road Maintenance and Parks and Gardens due to the Christmas break. The Parks and Gardens team are awaiting the arrival of their new mowers. A new apprentice gardener has been appointed for the Beechworth team and will commence on Monday the 12 January
Indigo Waste Management	Residents continue to take up the domestic green

	waste service with approximately 843 households using the service.
Fire Prevention	<p>Fire Hazard inspections are continuing to be undertaken as required. As a result of follow up inspections and non-compliance with the original notice a total of 16 Fire Prevention Infringement Notices have been issued.</p> <p>Hibbersons Rd. crossing has been upgraded as part of the Fire Access Road funding grant that was received from the CFA.</p>

Emergency Management	An overhead data projector and white boards have been installed in the Beechworth Senior Citizens rooms. These rooms are also used as our Municipal Emergency Coordination Centre in times of a large scale emergency. Funding for this work was provided through a grant received from the Department of Justice.
Animal Control & Local Laws	Works (in hours and out of hours) Over the Christmas and New Years break the On Call staff were busy with stock on roads as feed is short. Although there is fodder in some parts of the Municipality around the Rutherglen area things not so good. Lost dogs were the order of the day on New Years day residents had either found or lost dogs after fireworks displays.
<u>POOLS</u>	
Indigo Pools	The Indigo Shire pools have been experiencing large volumes of patronage with the warmer weather. The cool start to the season made for less than normal income, this income component should increase with the hot spell.
EXTERNAL PRIVATE CONTRACTS	
Buller Gas	The gas consumption for Oct, Nov, and Dec, was slightly in excess of the budget being 5100 Gj. Invoices will be issued next week. Construction of development on the mountain continues to be slow this year. Maintenance continues. Supply of Gas to the subdivision at Railway Avenue Yackandandah is being discussed with the developer. The New Gas Safety Case for Buller Gas is ready for submission to Energy Safe Vic.
Falls Creek Waste	After a very successful term our contract expires at the end of March 2009 it is expected that tenders for the next contract will be advertised shortly.
East Gippsland Waste	Contract is progressing smoothly with no major concerns.

Note: Cr Pockley left the meeting at 8.20 pm and returned at 8.21pm during discussion on Item 11.2.

11.3 CAPITAL WORKS – PROGRESS REPORT – TO 8 JANUARY 2009 (GMOA)

For Information

Project	Actions
Subdivisional works by developers	<ul style="list-style-type: none"> • Red Hill Road Estate Havelock Road, Stage 2 works in progress. 90% complete • Subdivisional construction works are currently very quiet.
Plant	Replacement program on schedule. Delivery of new ride on mowers (Kubota) and used loader (CAT) within the week. Tenders out for new small trucks. Reviewing minor plant tender. Investigations soon to commence for tender of new Tractor.
Rutherglen Wine Bottle	Water Tower Committee to ask for meeting with NEW. Planning Permit for works yet to be submitted by NEW.
Murray to Mountains Rail Trail	Design plans have been completed. Agreement reached on access. Preparing tenders for rail removal between Federation Way and Rutherglen.
Chiltern Floodplain Works	Presently investigating options for a dry detention basin upstream of the town. Meetings with land owners have occurred. Waiting on valuations on a potential site before commencing discussions with the owner. Improvements to culverts and channels through town underway.
Havelock Road area stormwater re-use	Wetlands awaiting final works on waterways permit approval from NECMA. Gordon Gibson Nominees collating final information. Plants orders have been placed.
Ready/Soles Street drainage	Contract drainage works out to Tender. Tender closes 28 January 2009.
Chiltern Commercial Area Parking	Reached agreement on land purchase, detail design at draft stage. Application made for additional \$170,000 grant in 08/09. Steering Committee second meeting to be held late January.
Rutherglen Heavy Vehicle Deviation.	Report released for public comment. Public Information meeting held 18 November, over 100 attendees. Tenders close for consultants for detail planning study on 20 January.
Tangambalanga Football club rooms	Contract building works out to Tender. Tender closes 28 January 2009. \$50,000 DPCD funding yet to be confirmed.
Yackandandah Supermarket Car parking	Works in Hammond Street commenced. Road widening works to be undertaken in conjunction with bus stop improvement works.
Wahgunyah-Moodemere Walking Trails	Cultural Heritage preliminary survey for proposed route nearing completion. Survey completed. Working

	through other planning permit requirements. Condition approval from DSE, as Public Land Manager, has been obtained providing that council agree to become the Land managers for this parcel of land. Final meeting required with committee to discuss design details.
Yackandandah Museum	Reconstruction works completed. Final contract claim expected January 2009.
Former Beechworth Methodist Church Roof	Tender prices received before Christmas. Need to select contract and discuss scheduling.
Tangambalanga Industrial Estate	No feedback to date on Regional Development Victoria (RDV) formal funding application submitted in December 2008. A further valuation on industrial land received in December.
Yackandandah Depot Industrial Estate	No feedback to date on Regional Development Victoria (RDV) formal funding application submitted in December 2008. Funding application incorporates Tangambalanga Industrial Estate and the Depot and Steel Road sites in Yackandandah in the one application.
Wahgunyah Boat Ramp	Planning process progressing slowly. Discussions ongoing with various authorities.
Osborne's Flat Hall Upgrade	Two Potential sources of state government funding were finally identified just prior to Christmas. Department of Planning & Community Dev (DPCD)- \$50,000 grant application submitted and under consideration. Regional Development Victoria (RDV) \$70,000 expression of interest submitted. Approval obtained 1 st Jan to submit formal application – currently being prepared.
Offices Project	Applied for \$1.5m from Green Precincts Fund to enhance environmental aspects of project. Applications closed 22 November 2008.

12.0 CORPORATE SERVICES

12.1 COUNCIL MEETING TIMES & LOCATIONS (FILE NO: M211 - GRM)

For Decision

RECOMMENDATION

1. That Council determines the time, location and day of the week and the frequency of Council meetings, Briefings and Community Forums.
2. Following Council's decision that the officers establish a timetable on the meetings.

Moved Cr Issell

Seconded Cr Gaffney

- 1. That Council determines the time, location and day of the week and the frequency of Council meetings, Briefings and Community Forums.**
- 2. Following Council's decision that the officers establish a timetable on the meetings.**

Moved Cr Gaffney

Seconded Cr Goldsworthy

That the Ordinary Meetings of Council be held on the second Tuesday of each month commencing at 3pm and to be held at locations to be rotated around the Shire.

DIVISION

For: Crs Croucher, Gaffney, Goldsworthy, Graham and Pockley

Against: Crs Issell and Murdoch

CARRIED

Moved Cr Goldsworthy

Seconded Cr Gaffney

That the next Ordinary meeting of Council be held on Tuesday 10 February 2009 commencing at 3pm at Beechworth.

CARRIED

SUMMARY

This Report discusses the current status quo for Council meetings and locations and raises further options for Council's consideration.

BACKGROUND

The current status for Council is as follows:-

Meeting Date		Venue
1 st Tuesday	– Optional Briefing	Yackandandah – The Shed
2 nd Tuesday	– Standard Briefing	Chiltern – Senior Citizens Rooms
	– Ordinary Meeting	Chiltern – Senior Citizens Rooms

3 rd Tuesday	–	Standard Briefing	Yackandandah – The Shed
4 th Tuesday	–	Optional Briefing	Various venues throughout the Shire.
	–	Community Forum	Various venues throughout the Shire.
5 th Tuesday	–	Community Forum	Various venues throughout the Shire.

In the past, venues for Community Forums have been as follows:-

Month	Venue
January	Rutherglen
February	Beechworth
March	Tangambalanga
April	Chiltern
	Yackandandah
May	Sandy Creek
June	Wahgunyah
July	Barnawartha Wooragee
August	Kergunyah
Month	Venue
September	Beechworth
October	Yackandandah
November	Chiltern
December	Free

Before the term of the previous Council, Council rotated its Ordinary Meeting at Beechworth, Yackandandah, Chiltern and Rutherglen.

It was noted that public attendance at Council meetings has in the past been minimal, attendance is issue based.

Council has also, apart from the Ordinary Meetings and the Community Forums, held

Briefing Meetings at Yackandandah in The Shed on Tuesday. Tuesdays as a meeting date has worked well in the past and because of past practice staff would have Tuesdays blocked out going into the future.

ISSUES

Council needs to determine the following:-

- What time and date to meet.
- Decide whether to rotate Council meetings.
- Suggested Options
 1. Briefing Meeting at 2:00 p.m.
Ordinary Meeting at 4:00-6:00 p.m.
Meal break 6:00-6:45 p.m.
Public Forum at 7:00 p.m.
 2. Same as previous practice
 3. Some other combination as Council sees fit

Suggested venues:-

Beechworth, Chiltern, Rutherglen, Yackandandah, Kiewa/Tangambalanga, Wahgunyah, Stanley, Barnawartha, Sandy Creek and Kergunyah.

- One of the disadvantages of moving meetings around the Shire is the transportation of IT equipment, the setting and dismantling of chairs and tables before and after a meeting and the general logistic issues of moving around the Shire. Concern has also been expressed by both Councillors, staff and the public with hearing difficulties at some of the venues we use.

By moving around the Shire we cannot take full advantage of technology ie. the display of supporting documents like maps and plans. However, by moving meetings around the Shire gives residents the opportunity of attending meetings they may not normally attend.

It is suggested that a changed meeting schedule be done as a trial and reviewed after a period of approximately six months.

It is also suggested that an Optional Briefing be held on the Third Tuesday of the month with a Standard Briefing on the fourth Tuesday of the month. This would allow the officer who prepares the Council agendas adequate time to prepare a Briefing agenda for the fourth Tuesday rather than the day after a full Council meeting.

Whatever Council decides will have to be widely publicised.

12.2 BEECHWORTH LAWN TENNIS CLUB - (FILE NO. C921-03 - GRM)

For Decision

RECOMMENDATION

That the Transfer of Land document for that land in Certificate of Title Volume 9396 Folio 870, Volume 4653 Folio 554, Volume 299 Folio 689, being the Beechworth Lawn Tennis Club site between Indigo Shire Council and the Beechworth Lawn Tennis Club be signed and sealed.

Moved Cr Issell
Seconded Cr Goldsworthy

That the Recommendation be adopted.

CARRIED

SUMMARY

This Report recommends the signing and sealing of the Transfer of Land document between Council and the Beechworth Lawn Tennis Club Incorporated.

BACKGROUND

Council has finally received the Certificates of Title for the land owned by the Beechworth Lawn Tennis Club from Mr. G. Bailey's office. It is necessary for the Transfer of Land document to be signed and sealed so as the land can be transferred into the name of the Beechworth Lawn Tennis Club. This will be done at the Club's expense.

12.3 TOURISM - USE OF THE FORMER SUB TREASURY AND POLICE STATION IN BEECHWORTH HISTORIC PRECINCT (FILE NO: E515 – TM)

For Decision

RECOMMENDATION

That Council seek Expressions of Interest from commercial operators and community groups for the use of the Sub Treasury building within the Beechworth Historic & Cultural Precinct, and consider the request of the Beechworth Re-Enactment Group at that time.

Moved Cr Gaffney
Seconded Cr Issell

That the Tourism Manager and Economic Development Officer confer with the Beechworth Re-enactment Group, the Beechworth Chamber of Commerce and Industry and the Victoria Police Historical Society regarding the use of the Sub Treasury building in the Beechworth Historic Precinct and prepare a report including the cost, if any, that would be sustained by Indigo Shire Council.

SUMMARY

Council staff have been working on an Expression of Interest document calling for applications from commercial operators interested in renting the Sub Treasury building within the Beechworth Historic & Cultural Precinct. The Expression of Interest document would indicate that any commercial operation would need to complement the existing heritage tourism operation, with all applications to go before the Indigo Heritage Advisory Committee for comment before decision.

Council has received a petition from the Beechworth Historical Re-Enactment Group, signed by an estimated 237 ratepayers, opposing the use of this building by private enterprise or the use of it as Council office space on the grounds that either would not be in keeping with the Heritage Precinct and may breach the terms under which the Precinct was transferred to Council management. The petition requests the Sub Treasury be available for the Beechworth Historical Re-Enactment Group to use as a base and to allow for the establishment of a police and gold museum over time.

BACKGROUND

The Sub Treasury, built in 1856/7 to handle and prepare gold for the regular escorts to Melbourne, was also the Beechworth Police Station until 1997. The building has been vacant and closed to the public for a number of years. It forms part of the Beechworth Historic & Cultural Precinct which cost Council approximately \$75,000 to operate in 2007/08. The building is located between the Courthouse and the Chinese Cultural Centre.

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

Whilst seeing a potential opportunity to develop an income stream to offset the operating costs of the Precinct, Council staff were concerned that any commercial use of the building must be complementary to the heritage significance of the building and complementary to the heritage tourism experience of the overall Precinct.

It was decided that an Expressions of Interest process be followed to assess the possible commercial uses of the building and the potential revenue opportunity. This process would also include an assessment of how any interested commercial operation would complement the Heritage Precinct, comment from the Indigo Heritage Advisory Committee on each application and detail of specific restrictions on use of the building.

This process would not commit Council to any course of action, but provide sound information on which to consider the future use of this building. It is proposed the call for Expressions of Interest be put out in February 2009.

In December 2008 Council received a petition from the Beechworth Historical Re-enactment Group stating:

“We the undersigned electors of the Indigo Shire request that the

Beechworth Pioneer re-enactment group be permitted to operate from the former Beechworth Police Station in the Heritage Precinct in order to provide an appropriate historical and heritage connection with the remainder of the Precinct. Also to allow for the establishment (over time) of a police and gold museum and provide a base for the Group to operate from. Finally, to enhance the tourist experience in the precinct by the Group having volunteers in period costume in the precinct at peak times.

We support this use for the following reasons:

- 1. Council has offered to lease the building to private enterprise; this MAY result in an inappropriate use in the heritage precinct which could affect the overall Beechworth heritage with subsequent damage to tourism. The sensitive use by this Re-enactment heritage group would be more in keeping with the area.*
- 2. The Group would have the opportunity over time to augment the precinct by establishing a police and gold museum in order to recognise the former uses. This would further develop Beechworth history by having more information available to tourists.*
- 3. Members in period clothing would staff the building (and walk about in the precinct) in peak tourist times, such as weekends and school holidays which would enhance the tourist experience for visitors.*
- 4. The Group would have the opportunity to use one room as a store and meeting space.*
- 5. There may be an opportunity for Council and the Group to share some funds from increased visitor patronage. Thus, a win-win for ratepayers and the Group.”*

The recently formed Re-Enactment Group is very supportive of the Precinct as an heritage tourism experience and is working with Council tourism staff as the organising committee behind the 2009 Ned Kelly Weekend.

The Re-Enactment Group’s request could be considered as an expression of interest in line with any commercial expressions of interest received.

Note: Cr Goldsworthy left the meeting at 9 pm and returned at 9.03 pm during discussion on Item 12.3.

12.4 REPRESENTATIVE TO NORTH EAST MULTICULTURAL ASSOCIATION – (FILE NO: C050-02 – GRM)

For Decision

RECOMMENDATION

That Council confirm Cr Ali Pockley as its representative to the North East Multicultural Association for 2009 and the Association be advised accordingly.

**Moved Cr Croucher
Seconded Cr Goldsworthy**

That the Recommendation be adopted.

CARRIED

SUMMARY

Indigo Shire has been a member of the North East Multicultural Association since its inception in 2004. Meetings have been attended on an ad hoc basis by the Mayor of the day and the Community Planning Manager. Meetings of the Association are rotated around the North East and Indigo hosts one meeting per year.

It is desirable for Council to have a dedicated representative to the Association and Cr Pockley has expressed her interest in this role.

12.5 TOURISM & MARKETING - PROGRESS REPORT – JANUARY 2009 (TM)

Project Actions

2009 visitor numbers up	The number of visitors through Visitor Information Centres throughout the Shire increased in all our key tourist towns in 2009 by a total of 10%, from 140,566 in 2008 to 154,307 in 2009. Visitor numbers recorded at Beechworth VIC increased by 7%, at Yackandandah VIC by 49% (largely due to the interest in the Tibetan Monks visit in July), at Rutherglen VIC by 7% and at Chiltern VIC by 1%. Income to the Beechworth Visitor Information Centre for commission on accommodation bookings was also up in 2009 by 14% reflecting the increased demand for online bookings and the inclusion of more event ticketing. Beechworth Visitor Information Centre also reported increases in phone enquiries by 28% and email enquiries by 17%.
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<p>Tourism Victoria's Regional Tourism Action Plan</p>	<p>Tourism Victoria released its Regional Tourism Action Plan 2009-2012 in December with several implications for the High Country region. The Plan includes an allocation of \$900,000 over three years to promote food and wine in Victoria, with the High Country named as the feature region for promotion in interstate markets.</p> <p>Tourism Victoria has also announced through the Plan it will restructure campaign committees from marketing based boards to new Regional Tourism Boards taking a broader approach including marketing, industry and product development. North East Victoria Tourism Inc is earmarked for restructure in 2009-10 in consultation with local government and industry stakeholders.</p> <p>Another highlight of the Plan was naming the completion of the Murray to Mountains Rail Trail and other High Country cycle tourism projects as investment and infrastructure priorities.</p>
<p>North East Valleys Food & Wine</p>	<p>North East Valleys Food & Wine will advertise for a short term executive officer this month to advance several projects including the Provincial Pantry online shop, Pedal to Produce and a fly/drive campaign.</p> <p>The North East Food & Wine Cluster Group is also planning to meet in late January to discuss its future and possible funding sources to increase marketing of the Provincial Pantry.</p>
<p>Cycle tourism update</p>	<p>Murray to Mountains Cycle Tourism is rolling out a "Wheelie Good Business" program to encourage tourism operators in Indigo, Alpine and Wangaratta shires to embrace cycle tourism. Business of Cycling morning teas are continuing to be held and logos for cycle friendly businesses and fact sheets are being distributed.</p> <p>The region continued to attract excellent publicity for cycle tourism throughout December with articles appearing in the Border Mail, Sydney Sun Herald, Melbourne Herald Sun and Australian Mountain Bike magazine.</p>
<p>Events</p>	<p>Ticket sales have been strong in the lead up to Beechworth's Opera in the Alps to be held on 17 January. Preparations are also in full swing for Chiltern's celebrations of the 150th anniversary of gold being discovered, with a full program of events including special guests Barry Cassidy and swimmer Brooke Hanson over the Australia Day long weekend.</p>
<p>Burke Museum grant</p>	<p>Regional Development Victoria has approved a grant of \$15,000 to support an operational review of Beechworth's Robert O'Hara Burke Museum. The project will include a review of the services provided from the museum, the organisational structure and staffing requirements, the vision and working action plans, and the fees and</p>

	charges. The project will take into account Indigo Shire Council's financial limitations, responsibility as custodians of the collection, relationship with the wider community and priority for quality heritage tourism experiences. The independent consultants will visit Beechworth for four days in late January to undertake consultation.
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13.0 FINANCE

13.1 NOVEMBER 2008 FINANCE REPORT (FILE NO: M064 – FM)

For Information

As indicated in the October 2008 Finance report, council officers have undertaken a half yearly review which provides a projection of end of year results versus the Adopted Annual Budget. Included with the November Financial reports are new columns (highlighted in yellow) titled “Year End Forecast” which provides these latest year end projection for each Business Area and Cost Centre.

The “Department By Business Unit Segment Summary” report highlights that the total Year to Date (YTD) position (columns highlighted in blue) as at the end of November 2008 is \$539k favourable to Budget. An explanation of variances greater than \$10k can be found in the Business Unit/Project Exception report for November.

The revised Year End Forecast as at the end of November 2008 shows a \$74k favourable variance to the Adopted Annual Budget (\$ 1,526k latest forecast versus \$1,600k Budget). This favourability is delivered after accounting for costs associated with the two new GM roles scheduled to commence in early 2009.

Due to i) changes in staff in the Finance Dept and ii) system and process changes to determine the new Year End Forecast, some minor adjustments to Year End Forecasts will need to be made during December. Where any such changes are expected, they have been highlighted in the notes to the Business Unit / Project Exception Report and it is further expected that these changes will still allow the Year End Forecast to remain within the Adopted Annual Budget.

All Financial Reports to Council for the remainder of this year will include the latest Year End Forecast.

The October 2008 Financial Report referred to the “Asset Revaluation” due this financial year and stated that the Half Yearly forecast would be updated to reflect updated depreciation forecasts in accordance with expected revaluations. After discussions with our external audit manager, Thomas Drum, it was recommended and agreed to reflect the new Asset Revaluations and resulting depreciation changes commencing from 1st July 2009.

The following section includes a recommendation on re-allocation of funding for Capital Works which, if adopted, will see Council's loan requirements for the current financial year for Capital Works reduce from \$627.5k to zero.

13.2 2008/09 CAPITAL WORKS FUNDS RE-ALLOCATION (FILE NO: M064 - GMOA)

For Decision

RECOMMENDATION

That Council approve increases and decreases to funding for approved projects as per the attached listing.

**Moved Cr Goldsworthy
Seconded Cr Issell**

That the Recommendation be adopted.

CARRIED

SUMMARY

Council has flexibility in allocations of funding from rates and loans for Capital Works Projects where variation to expenditure is predicted. Council can also endorse new projects. It is normal to review Capital Works allocations in conjunction with a mid year budget review.

BACKGROUND

Capital Works budgets are set as part of the normal budget process and adopted in June of each year for the following financial year. Council has the scope to approve variations to expenditure on approved projects or to introduce new projects within the financial parameters set in the original budget.

Under the attached spreadsheet in columns with yellow headings is the original budget as set in June 2008. The columns with tan headings are the recommended and revised allocations and some comments on those revised allocations. The cells highlighted in blue are the only changes being sought.

Council only has scope to change projects with rates or loan funding. Generally when a project is funded from grants, contributions, asset sales or reserve the funds are specifically allocated to that project.

FINANCIAL AND RESOURCE IMPLICATIONS

The revised allocations of rates generally total with the budget allocation from rates. The loan requirement for 2008/2009 has been reduced to \$0 principally due to amended timelines on the Council Offices Project and a cost effective result on the Beechworth Pool Project. This will provide the Council with potential for increased loan borrowings in the 2009/2010 financial year if that fits into the Council's long term financial strategy.

Attachment

14.0 GOVERNANCE

Nil

15.0 NOTICE OF MOTION

15.1 OFFICE ACCOMMODATION (FILE NO: E971 – CR L GOLDSWORTHY)

Note: This item was deferred to the Confidential section of the Agenda.

15.2 INDIGO SHIRE COMMUNICATIONS (FILE NO: M450.7 – CR L GOLDSWORTHY)

TAKE NOTICE that I intend to move the following motions:

“That:

1. That a Committee of Council is formed under Section 86 of the Local Government Act, 1989, to examine Indigo Shire Communications. As a basis for its charter it should examine:
 - The concept and construction of a Community Communication Plan;
 - The effectiveness of the Community Engagement Plan;
 - The present methods of communication;
 - The information that is being communicated; and
 - The viability of expanding our communication and in what form that could take.

That this recommendation should not limit the scope of its role, but that a charter should be formulated by the Committee within 3 months and placed before the Indigo Shire Council for ratification.

2. That the Indigo Shire Communications Committee be composed of three Councillors and the Indigo Shire Media and Communications Officer.
3. That the Indigo Shire Communications Committee report to the Indigo Shire Council on a monthly basis of its proceedings.
4. That as per the provision of Section 87 (8) of the Local Government only those members of the Indigo Shire Council have voting rights on the Indigo Shire Communications Committee.
5. That the Indigo Shire Communications Committee is delegated the authority of the Council to:
 - i) Identify a relevantly qualified person in the field of communications to assist in this process, if so desired. Once such a person is identified a

- recommendation is to be made to the Indigo Shire Council to engage the relevant person on a contractual, as needs, basis.
- ii) Call any community meeting, request input or otherwise seek community involvement as they see fit to assist in this process”.

COUNCILLOR L GOLDSWORTHY

12 August 2008

**Moved Cr Goldsworthy
Seconded Cr Pockley**

“That:

- 1. That a Committee of Council is formed under Section 86 of the Local Government Act, 1989, to examine Indigo Shire Communications. As a basis for its charter it should examine:**
 - The concept and construction of a Community Communication Plan;**
 - The effectiveness of the Community Engagement Plan;**
 - The present methods of communication;**
 - The information that is being communicated; and**
 - The viability of expanding our communication and in what form that could take.**

That this recommendation should not limit the scope of its role, but that a charter should be formulated by the Committee within 3 months and placed before the Indigo Shire Council for ratification.
- 2. That the Indigo Shire Communications Committee be composed of three Councillors and staff as recommended by the Chief Executive Officer of Indigo Shire Council.**
- 3. That the Indigo Shire Communications Committee report to the Indigo Shire Council on a monthly basis of its proceedings.**
- 4. That as per the provision of Section 87 (8) of the Local Government only those members of the Indigo Shire Council have voting rights on the Indigo Shire Communications Committee.**
- 5. That the Indigo Shire Communications Committee is delegated the authority of the Council to:**
 - i) Identify a relevantly qualified person in the field of communications to assist in this process, if so desired. Once such a person is identified a recommendation is to be made to the Indigo Shire Council to engage the relevant person on a contractual, as needs, basis.**

- ii) **Call any community meeting, request input or otherwise seek community involvement as they see fit to assist in this process”.**
6. **An initial budget of \$2,000 be allocated to this Committee.**
- CARRIED**

OFFICER’S COMMENTS

This review should produce some very positive outcomes in relation to communication with our community.

In relation to Recommendation 2, it would be more appropriate to include the Chief Executive Officer, who in turn, would determine what staffing resources are most appropriate to be involved in this process.

Note: Cr Issell left the meeting at 9.50 pm and returned at 9.51 pm during discussion on this item.

15.3 HARD RUBBISH COLLECTION IN INDIGO SHIRE (FILE NO: E700-03 – CR L GOLDSWORTHY)

TAKE NOTICE that I intend to move the following motions:

“That:

1. **That the concept of a free hard rubbish collection is examined for the residents in the Indigo Shire.**
2. **The Chief Executive Officer provide a comprehensive report in relation to the concept, examining the expected volume of rubbish likely to be collected and the expected cost of such activity.**
3. **A Strengths, Weaknesses, Opportunities and Threat analysis be provided in consultation with the Department of Sustainability, the Beechworth Campus of the La Trobe University and the Albury City Council”.**

COUNCILLOR L GOLDSWORTHY

12 August 2008

- Moved Cr Goldsworthy
Seconded Cr Pockley**
- That the Recommendation be adopted.**
- CARRIED**

16.0 COMMITTEE AND DELEGATES REPORTS

16.1 DECEMBER DIARY – CR P GRAHAM

For Information

Date	Time	Function / Meeting details
1 Dec	10.00 am	Declaration of Poll, Chiltern
	6.00 pm	Inaugural meeting of new Councillors, Yackandandah
2	6.00 pm	Statutory Meeting, Chiltern
3	1.30 pm	Meet with Kevin Hince & Phillip Clingin, Melbourne
5	12 noon	Tourism Think Tank, Beechworth
7	12.30 pm	Lake Sambell CoM Lunch, Beechworth
	3.00 pm	Rutherglen Lions Club Christmas Function
	5.30 pm	Wahgunyah Community Event “Lets Party @ the Bridge”
8	10.00 am	Funeral Late Les Jones, Rutherglen
8 – 11	Inclusive	Australian Council of Local Government Constitutional Forum, Melbourne
11	3.00 pm	Meet with Outdoor Staff, Chiltern Depot.
12	9.00 am	Onsite meeting with Operations Manager, Nash’s Rd, Rutherglen
	11.00 am	Launch of Beechworth Romance Festival, Albury
	8.00 pm	Christmas Carols, Rutherglen
13	9.30 am	Shire wide bus tour
	7.00 pm	Rutherglen Senior Citizens Christmas Dinner
14	9.00 am	Rutherglen Farmers’ Market
	10.00 am	Rutherglen Racecourse – Annual shoot
15	11.00 am	Launch Golf Festival, Howlong
	2.00 pm	Weekly meeting with CEO, Beechworth
	3.00 pm	Meeting with Yackandandah Office Staff

16	1.00 pm	MAV Councillor Fundamentals and Cocktail Function, Melbourne
17	10.00 am	NevRWaste, Wangaratta
	12.30 pm	Meeting re Lake Sambell CoM, Beechworth
	3.00 pm	Meeting with Beechworth Office Staff
	7.30 pm	Rutherglen High School Presentation evening
18	12 noon	NorthEast Road Safe Meeting, Wangaratta
	4.00 pm	Council Briefing Meeting, Chiltern
	7.00 pm	Ordinary Meeting of Council, Chiltern
19	11.00 am	Launch Chiltern 150 th Celebrations, Chiltern
	4.30 pm	Indigo Shire Christmas Party, Keebles Nursery, Yackandandah
21	6.45 pm	Beechworth Historical Re-enactment Group Meeting and BBQ
22	12 noon	Meeting with CEO, Senior Management Group and Terry Maher, Yackandandah
	3.30 pm	Team Building Activity, Yackandandah
24	5.30 pm	Ecumenical Service, Christ Church, Beechworth

Cr Peter Graham OAM

20 January 2009

16.2 DECEMBER DIARY – CR GOLDSWORTHY

For Information

Date	Time	Function / Meeting details
1 Dec	5:30 pm	Councillor Training (Meeting Procedures), Yackandandah
2	7:00 pm	Special Council Meeting, Chiltern
5	12:00 pm	Indigo Tourism Think Tank, Beechworth
9	1:00 pm	Media Awareness Training, Chiltern
13	9:00 pm	Tour of Indigo Shire
16	4:30 pm	MAV training and cocktail reception, Melbourne
17	3:00 pm	Meet the Council Staff, Beechworth
18	12:00 pm	NE Road Safety Council, Wangaratta

	1:30 pm	Student Award Presentation, Beechworth Primary School
	4:30 pm	Council Briefing Meeting, Chiltern
	7:00 pm	Council Meeting, Chiltern

Cr Larry Goldsworthy

20 January 2009

16.3 DECEMBER DIARY - CR MURDOCH

Date	Time	Function
1 Dec	4:00 pm	Council Briefing Yackandandah
2	6:00 pm	Statutory Council Chiltern
4	7:00 pm	Chiltern CFA Amalgamation Elections of Office Bearers, Chiltern
5	12:00 pm	Indigo Tourism Meeting Beechworth
8	3:00 pm 7:00 pm	Tour of Biodiesel Plant Barnawartha Chiltern Revitalisation Meeting, Chiltern
9	7:30 am 1:00 pm	Barnawartha PS Big Breakfast Barnawartha Media Training, Chiltern
11	3:00 pm	Meeting With Outdoor Staff, Chiltern
13	9:30 am	Bus and Information Tour of Indigo Shire
15	3:00 pm 6:00 pm	Meet the Outdoor Staff Chiltern Barnawartha Primary School Presentation Night, Barnawartha
16	6:30 pm	Chiltern Primary School Presentation Night, Chiltern
18	4:30 pm 7:00 pm	Briefing Meeting, Chiltern Council Meeting, Chiltern
19	4:00 pm	Staff Break-up Yackandandah
22	2:00 pm	Team Building Meeting, Yackandandah

Cr Barbara Murdoch

20 January 2009

16.4 DECEMBER DIARY – CR A POCKLEY

For Information

Date	Time	Function / Meeting details
1 Dec	6.30 pm	Inaugural meeting of new Councillors, Yackandandah
2	6.00 pm	Statutory Meeting of Council, Chiltern
4	4.00 pm	Planning Meeting, Rutherglen
5	1.00 pm	Tourism Think Tank Meeting, Beechworth

6	11.00 am	Opening Quercus Bookshop, Beechworth
8	9.30 am	Meeting with NRM re Environmental Advisory Committee, Yackandandah
	3.00 pm	Tour of Biodiesel Plant, Barnawartha (Dept Planning & Community Development)
9	10.00 am	Junior Council Meeting, Chiltern
	1.00 pm	Councillors Media Training, Chiltern
10	6.00 pm	Inaugural Environmental Advisory Committee Meeting, Beechworth
11	3.00 pm	Meet Outdoor Staff, Chiltern Depot
13	9.30 am	Shire bus tour Councillors and Senior Managers
15	3.00 pm	Meet Indoor Staff, Yackandandah Office
16	1.00 pm	MAV Fundamentals Training and Reception, Melbourne
17	3.00 pm	Meet Indoor Staff, Beechworth Office
18	7.30 pm	Ordinary Meeting of Council, Chiltern
19	4.30 pm	Indigo Shire Christmas Party, Keebles Nursery, Yackandandah
21	7.30 pm	Carols by Candlelight, Tangambalanga
22	2.00 pm	Councillors Team Building, Yackandandah

Cr Ali Pockley

20 January 2009

16.5 DECEMBER DIARY – CR P CROUCHER

For Information

Date	Time	Function / Meeting details
1 Dec	6.00 pm	Inaugural Meeting of Councillors, Yackandandah
2	7.30 pm	Statutory Meeting of Council, Chiltern
9	10.00 am	Junior Council Meeting, Chiltern
	1.00 pm	Media Training, Chiltern
11	6.00 pm	Presentations, Kiewa Valley Primary School Graduation night

13	9.30 am	Shire wide bus tour
15	3.00 pm	Meet Yackandandah Office Staff
16	1.00 pm	MAV Getting Started Workshop and Cocktail Reception
17	3.00 pm	Meet Beechworth Office Staff
	6.30 pm	Presentations, Yackandandah Primary School
18	6.00 pm	Ordinary Meeting of Council, Chiltern
22	2.00 pm	Team Building Session, Yackandandah

Cr Peter Croucher

20 January 2009

16.6 DECEMBER DIARY – CR B GAFFNEY

For Information

Date	Time	Function / Meeting details
1 Dec	6.00 pm	Inaugural Meeting of new Councillors, Yackandandah
2	6.00 pm	Statutory Meeting of Council, Chiltern
6	11.00 am	Opening of Querus Community Bookshop, Beechworth
9	1.00 pm	Media Training, Chiltern
16	1.00 pm	MAV Councillor Fundamentals & Cocktail Reception, Melbourne
17	7.30 pm	Rutherglen High School presentation evening
18	4.00 pm	Council Briefing Meeting, Chiltern
	7.00 pm	Ordinary Meeting of Council, Chiltern
19		Indigo Shire Christmas Party, Yackandandah
22	2.00 pm	Team Building Session, Yackandandah
27/29/30	Various	Met with constituents

Cr Bernard Gaffney

20 January 2009

Note: Cr Croucher left the meeting at 10.09 pm and returned at 10.10 pm during discussion on Item 16.6.

16.7 DECEMBER DIARY – CR V ISSELL

For Information

Date	Time	Function / Meeting details
1 Dec	5.30 pm	Council Meeting, Yackandandah
2	6.00 pm	Statutory Meeting, Chiltern
5	11.00 am	Handover to new Mayor, Beechworth
	12 noon	Indigo Tourism Think Tank, Beechworth
6	11.30 am	Opening Quercus Bookshop, Beechworth
7	11.30 am	Conduct draw, Ardent Alpaca, Beechworth
	12.30 pm	Lake Sambell committee lunch, Beechworth
9	7.00 am	ICLEI breakfast and presentation, Melbourne
9- 11	All day and night	Local Government National Constitutional Summit, Melbourne
13	9.15 am	All day bus tour of Shire with new Council
16	9.30 am	Councillor duty
	7.30 pm	Presentation night, Beechworth Secondary College
18	4.30 pm	Council Briefing, Chiltern
	7.00 pm	Ordinary Council meeting, Chiltern
19	11.00 am	Launch, Chiltern's 150 th Anniversary Gold discovery
	4.00 pm	Council's Christmas Party, Yackandandah
20.12.08 5.1.09	–	On Leave

Cr Vic Issell

20 January 2009

17.0 GENERAL BUSINESS

17.1 Council lawnmowers

Cr Gaffney suggested it would be good PR for the Council to offer its lawnmowers for the use of the Beechworth Gaol community workers. General Manager Operations and Assets to arrange for Cr Gaffney to inspect the mowers and the Chief Executive Officer to liaise with the prison Governor and to explore this opportunity.

18.0 CONFIDENTIAL

SUSPENSION OF STANDING ORDERS

Moved Cr Goldsworthy

Seconded Cr Pockley

That Council resolves to go into Committee to consider a confidential item relating to proposed developments.

CARRIED

RESUMPTION OF STANDING ORDERS

Moved Cr Goldsworthy

Seconded Cr Gaffney

That Standing Orders be resumed.

CARRIED

18.1 OFFICE ACCOMMODATION (FILE NO: E971 – CR L GOLDSWORTHY)

TAKE NOTICE that I intend to move the following motions:

“That:

1. A report is prepared explaining any Council liability or obligations to any third parties by not proceeding with the Council Office at Chiltern.
2. All work towards building a new consolidated Council office at Chiltern be ceased.
3. That the ownership of the land at the present Shire Office at the rear of the Beechworth Memorial Hall is clearly established”.

COUNCILLOR L GOLDSWORTHY

12 August 2008

**Moved Cr Goldsworthy
Seconded Cr Pockley**

That:

1. **All work towards building a new consolidated Council office at Chiltern be ceased.**
2. **That the ownership of the land at the present Shire Office at the rear of the Beechworth Memorial Hall is clearly established”.**

DIVISION

For: Councillors Gaffney, Goldsworthy and Pockley

Against: Councillors Murdoch, Graham, Croucher and Issell

MOTION was LOST.

There being no further business the meeting was declared closed at 10.39 pm.

.....
Cr Peter Graham OAM – Mayor
10 February 2009