

## ORDINARY COUNCIL MEETING AGENDA – 9 AUGUST 2011

***Mission Statement:***

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

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**TO BE HELD:** Tuesday 9 August 2011 at 3pm

**LOCATION:** School of Arts, Wahgunyah

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**REQUIRED TO ATTEND:** Councillors: Senior Management/Officers

Bernard Gaffney – Deputy Mayor

Brendan McGrath – CEO

Peter Croucher

Andre M Kompler

Larry Goldsworthy

Mark Florence

Vic Issell

Greg Pinkerton

Barbara Murdoch

SMG as required

Peter Graham

**APOLOGIES:** Ali Pockley – Mayor

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***Vision Statement:***

***INDIGO – A great place to live, work and visit.***

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## 10.0 CORPORATE SERVICES

### 10.1 FINANCE REPORT – JUNE 2011

File No.: 09/647 – Frank Bonacci – Finance Manager

For Decision

#### RECOMMENDATION

That Council:

- **Receives the finance report for June 2011.**
- **Endorses the Capital Works overspend of \$351,805.**
- **Endorses the carry over amount of \$1,351,608 into the 2011/12 Capital Works Budget.**

The 30 June 2011 financial position is still being finalised with many year-end transactions still to be posted. A formal financial report for the year will be presented to Council at the September meeting.

At this stage in the preparation of the year-end accounts, Council can be advised that the year-end financial position will be significantly more favourable than Budget and latest forecasts. This favourability will be driven by the following factors:

- Early receipt of 25 per cent of the 2011/12 Victorian Grants Commission (VGC) funding in June 2011. This will add un-forecast income of \$1.05 million for the 2010/11 year.
- The addition of a number of bridges (mainly path bridges) that had not previously been included on the balance sheet. These assets were identified during the development of asset management plans. The value of these additional assets must be declared as income in the year-end financial reports which will add \$2.34 million towards the favourability.
- The completion of a number of private subdivisional works throughout the Shire in the 2010/11 financial year means that the Council will need to recognise \$0.6 million as a non-cash contribution for gifted assets in the form of roads, footpaths, bridges, drains and land under roads.
- The above favourability will be offset slightly by \$0.5 million due to higher than forecast employee costs. This is due to a combination of the defined benefit superannuation call payment, an audit requirement to take up a year-end accrual of 4 days wages and on-costs to 30 June, redundancy payments made to East Gippsland employee at the end of our contract and several smaller items totalling \$64,000 reported the previous month.

The above items will add a net of \$3.5 million of unbudgeted book profit to the 2010/11 financial statements and may raise questions as to the need to increase rates when the Shire's profit and loss for the year shows such a favourable position. It is therefore extremely important to understand that the 2010/11 result will be significantly influenced by the mandatory financial book entries required to deal with the above events.

Council's cash and investment position at 30 June 2011 of \$3.97 million provides a better indicator of the 30 June 2011 position. Of this cash and investment balance, \$1.0 million must be set aside under the *Local Government Act 1989* to cover the long service leave provision, an additional \$1.6 million relates to unspent capital grants and \$1.0 million relates to 2011/12 VGC funding received in advance.

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The financial position of the 2010/11 Capital Works program has been finalised and the results are extremely pleasing with close to 90 per cent Capital Works completion. The Capital Works completion rates are:

- Versus Budget 89.01 per cent
- Versus Mid year Budget 88.64 per cent
- Versus March Forecast 88.40 per cent

The attached Capital Works Monitor provides details, status and the unspent carry forward amount (where applicable) for each project. The total unspent Capital Works to be carried forward and added to the 2011/12 Capital Works Budget is \$1,351,608.

The Capital Works program includes a combined overspend of approximately \$350k for the year when compared to the adopted Mid Year Capital Works Budget. The over-spend can be calculated by adding the YTD spend (\$7,801,347) plus the carry forward amounts (\$1,351,608) which totals \$9,152,954 and compare that to the adopted Mid Year Budget.

Of this \$350,000 over-spend:

- \$250,000 is easily identifiable at the bottom of the attached report under the heading “Unapproved Capital Works 2010-2011”. Of these \$250,000 in unapproved Capital Works
  - \$148,600 was required for the buy out of the operating lease for the East Gippsland truck so that it could be sold onto the East Gippsland Shire.
  - \$75,000 relates to spend against the Indigo Gold Trail project which was transferred to the Capital Works program in June from the Tourism operational budget to comply with the grant funding criteria. Note that this treatment generates a corresponding increase in our operating result.
  - \$23,000 is for payment to Lake Sambell and Rutherglen caravan parks for past capital works that they had undertaken and now paid for in accordance with the lease terms.
- The remaining \$100,000 overspend is the net of a number of under and overspends across all the other capital projects.

Attachments:  
Capital Works Monitor as at 30 June 2011  
Cash & Investment report as at 30 June 2011

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### 10.2 INDIGO TOURISM ADVISORY COMMITTEE – FESTIVALS AND EVENTS SPONSORSHIP PROGRAM 2011/12

File No.: INTERNAL 2011/01285 - Sue Couttie - Tourism Manager

For Decision

#### RECOMMENDATION

That Council adopts the recommendation of the Indigo Tourism Advisory Committee (ITAC) regarding the Festivals and Events Sponsorship Program 2011/12 totalling \$25,000 as follows:

FESTIVAL OR EVENT	APPLICANT ORGANISATION	Amount Requested	Amount Suggested
Beechworth Celtic Festival	The Beechworth Celtic Festival Inc	\$4,000	\$1,500
Beechworth Drive Back in Time	Beechworth Old Cranks Motor Club Inc.	\$2,000	\$1,000
Beechworth Fabric & Fibre Award	Old School House Gallery	\$5,000	\$2,500
Beechworth Harvest Celebration	Beechworth & District Chamber of Commerce & Industry Inc	\$2,500	\$1,500
Beechworth Vineyards Backyard Trail	Beechworth Vignerons Association	\$1,000	\$1,000
Chiltern Henry Handel Richardson Birthday Celebration & Oration January 3 2012	Henry Handel Richardson Society of Australia Inc	\$500	\$500
Chiltern Ironbark Festival	Chiltern Tourism & Development Inc	\$2,500	\$2,000
Chiltern Open Day	Chiltern Tourism & Development Inc	\$2,500	\$750
Chiltern Pro Rodeo	Chiltern Rodeo Club	\$1,000	\$500
Hickling Family Emergency Response Fund Raiser -	Hickling Family Emergency Response Fund Raiser	\$1,000	\$500
147th Annual Rutherglen Regatta	Murray Rowing Association	\$3,000	\$2,000
Rutherglen Ride	Destination Rutherglen	\$1,500	\$1,500
Rutherglen Tastes of Two Regions 2012 – Canberra	Winemakers of Rutherglen Inc	\$2,700	\$2,500
Rutherglen Wine Show & The Australian Fortified Wine Show	Rutherglen Agricultural Society Inc	\$5,000	\$2,250
Wahgunyah Green Living Fair	Green & Sustainable Living Inc	\$2,000	\$2,000
Fifteenth Yackandandah Folk Festival 2012	Yackandandah Folk Festival Incorporated	\$5,000	\$3,000
<b>Total Amount</b>		<b>\$41,200</b>	<b>\$25,000</b>

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### INTRODUCTION

Each year the Indigo Tourism Advisory Committee (ITAC) makes a recommendation to Council on the distribution of its Festivals and Events Sponsorship Program funds to maximise visitation and economic benefit to the region. The 2011/12 budget allocation for this program is \$25,000 and the ITAC has recommended this be shared between 16 events.

### BACKGROUND

The ITAC met on Friday 1 July 2011 to consider applications to the Shire's 2011/12 Festivals and Events Sponsorship Program with a budget allocation of \$25,000. This allocation was an increase from \$20,000 in 2010/11. The ITAC consists of four local tourism association representatives from Rutherglen, Chiltern, Beechworth and Yackandandah; three skills-based representatives covering areas including marketing, tourism research and business event tourism; two Indigo Shire councillor representatives; and the Indigo Shire Tourism Manager (ex officio).

The ITAC called for applications with direct mail-outs to the Shire's database of festival and event organisers, advertisements in local media and the Indigo Tourism and Business eNewsletter. ITAC members also distributed the application forms to their databases of local tourism organisation members.

Sixteen applications were received from across the Shire requesting a total of \$41,200. Six of these applications were for events that had not previously received funding through the Indigo Festivals and Events Sponsorship Program. Funding applications were assessed by ITAC for suitability of each event against the Shire's tourism brand values, the opportunity for an injection of "new" money into the region, ability to maximise visitor yield and dispersal, support from local tourism organisations and the potential (if an ongoing event) for future financial sustainability.

A review of the program guidelines will take place in 2012 to consider any changes that may be made to strengthen the program.

### KEY IMPLICATIONS

By providing these financial sponsorships to the community, Council is supporting a vital part of the shire's tourism industry. Volunteers run these events and festivals on tight budgets and this funding is often an important part of their sustainability.

### FINANCIAL IMPLICATIONS

The recommendation of funding distribution reflects the budgeted allocation.

### POLICY IMPLICATIONS

The awarding of these grants is consistent with the Council Plan Objective 3.6: "Support our festivals and events".

### COMMUNICATION

ITAC is working with Manager Communications to prepare press release advising of successful festivals and events.



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### CONCLUSION

Indigo Shire is renowned for its rich calendar of festivals and events. The Indigo Festivals and Events Sponsorship Program is a vital support for many of our existing events and plays an important role in encouraging and supporting new festivals and events in the Shire.

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## 11.0 SUSTAINABLE COMMUNITIES

### 11.1 PROPOSED AMENDMENT TO BEECHWORTH PRISION FARM - PRISION DEVELOPMENT PLAN

File No.: 09/1522 - Ian Scholes- Manager Planning and Sustainable Development

For Decision

#### RECOMMENDATION

That Council:

1. Notes the report and the objection received to the proposed amendment of the Beechworth Prison Farm Prison Development Plan.
2. Advises DPCD that it supports the proposed PDP amendments as shown on the plan described as Overall Site Plan.
  1. Prison Development Plan.
  2. Dated 1/4/11.
  3. Code 2917 revision B".

#### INTRODUCTION

The Department of Justice (DOJ) proposes to build a range of additional facilities at the Beechworth Prison Farm. The proposed additional facilities are of a relatively minor nature and will not increase the number of inmates housed on the site. Although the proposed additional facilities are relatively minor, an amendment to the existing approved PDP is required before approval can be given. Schedule 1 to Cl. 37.01 requires DOJ to apply to the Minister for Planning for approval to amend the Prison Development Plan (PDP). In turn, the Minister is required to consult Council and Council has been directed by DPCD to advertise the proposal.

#### BACKGROUND

The development of the Beechworth Prison Farm is controlled in the Indigo Planning Scheme (IPS) by a PDP. The original DPD was approved in 2005 and was modified in 2009.

The current proposal involves:

- 12m x 6m carport.
- 8 kennel dog run.
- 18m x 9m shed.
- 2 x 110,000 litre water tanks.
- 15m x 21m poly tunnel.
- 16m x 16m open shed roof over existing building.
- 48m x 20m shed.
- Screen planting.

The information provided with the application states that the additional facilities are required to either provide additional facilities for prisoner employment and training programs or improve on-site amenity for prisoners and /or staff.

KEY IMPLICATIONS

There are no policy or financial implications raised by this report.

FINANCIAL IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Nil.

COMMUNICATION

In accordance with the process established via the previous DPD amendment proposal in 2009, Council, at the request of DPCD, has advertised the amended plans. One objection (from a neighbour) was received. A meeting at the prison was organised to enable the objectors to discuss with DOJ staff modifications to the proposal so that their concerns may be addressed.

Following this meeting, DOJ submitted an amended plan; however the objectors subsequently indicated they are still unsatisfied with some aspects of the proposed additional facilities. In particular, the objectors are concerned that the “large shed” (48m x 20m) be sited in such a way as to not be visible from their house. They also expressed some concerns about noise impacts and the timing/location of any screen planting. DOJ have responded in turn to say that it believes the modified plan does in fact address the applicant’s concerns. The objectors have not responded to the modified plans.

CONCLUSION

Council officers believe the modified plans do address the concerns as originally expressed by the objectors and so recommend that DPCD be advised that Council supports the proposed amendments to the PDP subject to the modifications as shown on the most recent plan (as described in the recommendation).

## 11.2 RURAL LAND USE STUDY

File No.: E1240.40 – Ian Scholes, Travis Basham and Kath Oswald

For Decision

### RECOMMENDATION

That Council:

- Receives and notes the Phase 4 report on the *Rural Land Use Strategy* from CPG consultants.
- Notes that the Phase 4 report from CPG consultants will be used to inform an implementation program over the years 2011/12, 2012/13 and 2013/14.
- Notes the attached implementation program generally will:
  - Add significant landscape controls in accordance with identified National Trust classified landscapes
  - Change relevant policies in the Local Planning Policy Framework (LPPF) to:
    - Not provide for subdivision sizes of less than 40ha except in accordance with the Farming Zone provisions
    - Make clear that residential development of existing small lots in the Farming Zone is not in line with Council's current settlement strategy.
  - Prepare a Planning Scheme Amendment proposal to change the zoning of the Stanley township area.
  - Prepare a Planning Scheme Amendment proposal to provide for additional Rural Living Zone land adjacent to the Rutherglen township.

### INTRODUCTION

Over the past three and a half years, Council has been engaged in a discussion about how best to regulate the use of rural land within the Shire. Consultants were engaged, a range of research projects were conducted and consultations were held as the project went through the agreed four phases over this time.

Starting in early 2008 and concluding with the consultant's final task, the production of the Phase 4 report, in the last months of 2010 the project attempted to: firstly, define current state of rural land use in the Shire, secondly, look at various competing pressures including Council's role in implementing the state government agenda for rural land through such mechanisms as the then newly introduced Farming Zone, and thirdly, recommend the best mix of measures to provide guidance for Council as it makes future rural land use decisions.

As has been previously reported to Council, via the Banon report in early 2011, the project encountered various difficulties. Not the least of these was the departure from Council and the consultant's company of all the staff managing the project.

Despite the difficulties incurred in delivering the project, Council has received the final report which recommends some significant changes to the current land use controls for Indigo Shire.

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The purpose of this document is to discuss the changes proposed by the consultant's report, provide some information about feedback to date from key stakeholders and recommend an 'implementation program' to move forward with some or all of the project recommendations. This current report is not new information about rural land use controls, rather it suggests to Council as to what should happen next, with the results of this project.

### BACKGROUND

As a reminder to Council, the following notes on the background to this project were provided to a Council briefing earlier this year. These notes were prepared by Chris Banon of Banon Consultants.

The *Rural Land Use Strategy* was prepared initially by Coomes consulting and in the later stages by CPG Australia Ltd during 2008/09 and was funded jointly by Council and DPCD.

The project was designed broadly to investigate rural planning issues in Indigo Shire and to make recommendations for changes to the planning scheme that would address the identified issues.

Within the framework of the strategy, there was significant provision for public consultation within five identified parts or phases.

The five phases were:

- Phase 1 - Project inception involving finalising project brief and appointment of consultants.
- Phase 2 - Analysis data collection, identification of issues and development principles.
- Phase 3 - Development perspective, identifying broad objectives from agreed vision leading to possible development scenarios.
- Phase 4 - Formulation of strategy, including recommendations for Planning Scheme amendments necessary to achieve the adopted strategy.
- Phase 5 - Adoption of strategy by Council on Planning Scheme amendment preparation process.

The appointed consultant's primary role was contained in phases 2-4 inclusive. Phase 4 was concluded late last year.

Project constraints - The project encountered the following difficulties:

- The project brief was overly ambitious in that it attempted to require detailed and precise answers to all the rural planning problems in the Shire of Indigo. This is simply not possible and while credit is due for the brave attempt, it leads to expectations that cannot realistically be achieved.
- The consultants for this project had a major restructure, staff changes and ownership change during the course of the consultancy. This resulted in some lack of cohesion in the report.
- Major changes in council staff occurred during the consultancy period. The two principal officers in charge of the project were, Council's Strategic Planner and Environmental Development Services Manager. Both of these officers left prior to finalisation of the report at critical stages of the report. This resulted in a lack of follow-up on specific issues.

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In spite of these difficulties, the document now produced and identified as *Indigo Shire Rural Land Use Strategy - Phase 4* is a significant and worthwhile document. It does not achieve all the matters the original brief required it to achieve and this is not surprising given the overly optimistic nature of the brief.

The document contains a wealth of important background information. It identifies particular issues of importance in the rural parts of Indigo as well as opportunities. It also, most importantly, suggests several areas where the existing planning scheme should be changed.

Most significantly, the DPCD officers have reviewed the document and have only identified some relatively minor areas for correction in the body of the report. DPCD broadly accepts the document as providing strategic justification for the principle of the proposed amendments to the planning scheme. At the same time, the DPCD expresses the view that some further work is necessary on the detail of the amendments and the precise location of any areas where controls are to be changed.

As part of the consideration of the background to this matter, it is important to be aware that changes to the planning scheme are only possible within the suite of controls provided by the state government. It is possible to include some local provisions into these controls and to have local input into their area of application. However, these local inputs are influenced by state policy and it is not possible to step outside this policy. The net effect of this is that there can only be limited changes to the planning scheme that can be achieved effectively. This is a further constraint on the output of the rural strategy that is not given sufficient recognition in the original consultant's brief.

### KEY IMPLICATIONS

The Banon report also summarised the work done by the consultants in the various 'phases':

- The Phase 2 document was prepared following community and stakeholder consultation and was basically in the nature of an Issues and Opportunities paper.

The issues were identified as:

- Planning scheme flexibility.
- Urban sprawl.
- Changing demographic.
- Visual amenity/impacts on the scenic qualities.
- Dwellings on small rural allotments.
- Environment.
- Future land uses.
- Protection of high quality agricultural land.
- Rural area housing pressure.
- Incorporation of tourism into rural areas.
- Flooding and drainage.
- Right to farm.
- Landholding sizes.
- Conflicting land uses.
- Environmental issues.
- Economy.
- Fragmentation of the area.
- Future settlement areas.

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- Support of specific sectors of agriculture.
- The diversification of agricultural sector.
- Natural resource management.
- Rural character.

The issues are discussed and explored in some detail in the Phase 2 report.

The Banon report then goes on to identify the lack of any detailed discussion in the consultant's report about different development options for rural land in the Shire.

The Banon report identifies the following four issues as being consistently noted in both the existing MSS and the proposed MSS revision (Am.C24) and says that there is nothing in the CPG report which argues for, or justifies, a departure from these four issues:

- Importance of agricultural productivity and the need for planning to protect and foster this productivity.
- The desire and resultant demand for rural living opportunities should result in sufficient land supply for 10 to 15 years demand.
- The need to foster and encourage tourism opportunities in the rural areas as well as within towns.
- The need to protect and enhance the environmental and scenic values throughout the municipality.

The Banon report then proceeds to provide a summary of the Phase 4 report (in effect the final report of the consultants) and what steps were taken by Council to consult on the document. It is unclear whether the consultants actually made any changes to the draft report.

The Banon report then provides some brief summaries of officers' recollections of feedback provided at the time. It should be reassuring to Council to know that these 'tally' with the responses recently obtained and listed in the consultation section of this current report.

### FINANCIAL IMPLICATIONS

The consultant's study was originally part of a shared project (with the Rural City of Wangaratta) and was largely funded by the state government. In addition, significant Council resources are being allocated to the project, mainly in staff time.

The proposed implementation program of the outcomes of the project will require further funding and consume additional office time. This is unavoidable if there are to be changes made to the Shire's planning controls.

The implementation program is proposed to run over the next two to three years and would consume a significant proportion of the strategic land use planning budget. Spreading the work over several years helps to manage the funding but also is recognition of the capacity of Council staff to absorb and successfully manage projects additional to their normal workload.

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The implementation program is designed to allow a number of small 'contained' projects to be undertaken in priority order over the current and next two financial years. Some of the work would be done by contractors and some by staff, and the work would be deliberately broken up into bite sized chunks to avoid some of the problems Council has had in managing the long drawn-out process that has been the *Rural Land Use Strategy*.

### COMMUNICATION

As noted elsewhere in this report, there have been numerous opportunities for public input to the preparation of the *Rural Land Use Strategy*. These have included public meetings, one-on-one discussions, submissions and feedback as the work progressed.

Over the past three months, further discussions have been held between Council staff and people who made submissions during the process. This was in order to ensure that current Council staff heard directly from the key submitters and as a check that, as far as appropriate, the consultants took these concerns into consideration.

It is inevitable with such a complex project as reviewing land use, that there are many strongly held conflicting views. Subsequently, it has not been possible for the consultant to accommodate all points of view as often people have conflicting opinions about even basic questions such as, "Is there a future for farming in Indigo Shire?" This diversity of views about such a complex topic is unsurprising; however, it obviously makes for difficult decision making.

The following list is an attempt by officers to summarise all of the salient comments that have been made during the two year long process:

- Council needs to give greater attention to identifying and protecting significant environmental assets.
- Bushfire planning needs to be given greater consideration by Council.
- As a minimum allotment size 40 ha is: a) too large, or b) too small, or c) irrelevant, or d) a good compromise.
- Owners should be allowed to build on existing titles even if they are smaller than 40 ha.
- Owners should not be allowed to build on every existing small block.
- Some areas, although zoned farming, are not used for commercial farming any longer and more development such as houses on small lots should be allowed and encouraged.
- Some existing residential areas are on soils of good to high agricultural value, and these areas should be preserved for future farming activities.
- The Shire's economic future will be compromised if further development of houses in the farming zone is not allowed.
- The future economic and environmental health of the community will be threatened unless strict controls are maintained and the loss of farming land minimised.
- Land, often in existing 'small' titles adjacent to various towns, should be allowed for expanded rural living zones.
- In some way or other, real farmers should be allowed to sell off parts of their farm for residential development whilst hobby farmers should not have this option.
- Greater efforts need to be made to identify areas which still support commercial farming, and these areas should not be further subdivided and used for the construction of houses.

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There was one topic however, about which all submitters were in agreement and that was the importance of maintaining the attractive rural landscapes that are such a standout feature of the Indigo Shire. The consultant's recommendations to adopt into the Planning Scheme the remaining National Trust classified landscapes not currently documented reflect this clearly held viewpoint.

The most recent round of consultation with previous submitters was held against the background of the vigorous debate about the *Wangaratta Rural Land Strategy*. Most submitters acknowledged the extensive opportunities there had been for input within the Indigo process compared to their perception of the Wangaratta process. Many people commented that they felt the draft Wangaratta plan was an example of a politically unrealistic and overly severe approach to the control of rural residential development in the Farming Zone.

Although there is not a 'consensus' view or even a shared view held by a strong majority, officers believe that the following points are a fair summary of the most commonly held views:

- Council must not allow development that would adversely affect the Shire's attractive rural landscapes.
- Some areas are currently not used for commercial agricultural activities, however they have high agricultural value and Council should ensure that the potential for these areas to be used in future for farming is not lost.
- Much of the rural land in the Shire is owned by people who are not commercial farmers, but nevertheless use their land for farming activities and so make a significant contribution to both the rural landscape and to agricultural production.
- Council should be more flexible and creative about identifying areas that are not suitable for commercial agriculture and which can be appropriately used for rural residential developments. It should be noted that most members of the public do not share the same concerns about rural residential development that professional planners hold.
- Council should find a solution to the Stanley township zoning problem.
- Maintaining the current minimum subdivision size at 40 ha has almost no positive support, but equally it would seem that maintaining the status quo is also the least upsetting of all the various options discussed.
- Council should still have the ability to allow some houses in farming areas but must exercise caution so as not to cause further pressure on existing farming operations.
- Council must be farsighted enough to manage rural land use for future generations. It must not bow to pressure to allow development that would compromise the future of high quality agricultural land.

### DISCUSSION

Twelve precincts were identified based on land profiles, topography and water catchment areas to assist in detailed assessment of the current land uses and capability within each of the precincts. The Phase 4 report adopted this approach to enable detailed analysis or commentary to be provided on distinct geographical areas rather than treating the whole of the Shire as one uniform area.

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The 12 precincts identified are shown at Attachment F of the Phase 4 report and include:

- Sandy Creek Precinct.
- Kiewa Valley Precinct.
- Staghorn Flat Precinct.
- Yackandandah Precinct.
- Silver Creek Precinct.
- Black Springs Precinct.
- Rutherglen Precinct.
- Upper Black Dog Creek Precinct.
- Indigo Valley Precinct.
- Chiltern-Barnawartha Precinct.
- Reedy Creek Precinct.
- Upper Back Creek Precinct.

The Phase 4 report then goes on to discuss the characteristics of each precinct as well as the opportunities, constraints, development trends and land use issues. Recommendations are then made for the strategy to guide future land use and development in each precinct as well as suggested means of implementation of the strategy.

As can be seen from the Phase 4 report, although precincts are identified based on differing land profiles, topography and water catchment areas, there is a common theme to the land use issues that have been identified. If the implementation and recommendation sections of the precinct analysis are compared, there are basically five common themes that emerge across the Shire as land use issues that the *Rural Land Use Strategy* needs to address. That is, despite the differences in the character or the elements that make up distinct precincts, the land use issues are common across the Shire.

Essentially, it is the description of the land use issues and the recommendations and suggested strategy implementation for each precinct that differs slightly as a result of the characteristics of each precinct; however the underlying or fundamental land use issues remain the same.

For example, a precinct containing many small crown allotments will identify fragmentation as a land use issue and will identify a strategy of consolidation to address it. Another precinct comprised of larger holdings will identify subdivision of large lots as an issue and will set a strategy of applying a larger default size limit in the schedule to the zone.

Quite clearly, the fundamental issue is the same for each precinct, that being the fragmentation or loss of agricultural land, however because of the underlying characteristics of the precincts, the issues and strategies have been articulated based on the precinct rather than the underlying issue.

The underlying land use issues that are consistent across all precincts and therefore across the Shire can be summarised as:

- Fragmentation and protection of agricultural land.
- Protection of native vegetation and biodiversity.
- Fire hazard.
- Settlement strategies (the impact of dwellings unrelated to agriculture).
- Protection of landscapes.

As these issues are basically consistent shire wide, rather than address on a precinct basis which would introduce a multitude of differing controls to achieve the same outcome, it is instead suggested that the most appropriate mechanism to address the issues is via the Local Planning Policy Framework. Such a mechanism provides the flexibility to allow Council to respond to the varying influences across the various precincts and also allows the strategy to effectively implement the objectives sought.

In this regard, it is considered that fundamental issues related to land use, development and subdivision in the rural areas, which include the fragmentation and protection of agricultural land, protection of native vegetation and biodiversity and settlement strategies (the impact of dwellings unrelated to agriculture), should be addressed through a review and update of the Local Planning Policy Framework having specific regard to the following policies:

- 22.01-1 Rural living.
- 22.01-2 Rural dwelling siting and design guidelines.
- 22.02-1 House lot excisions.
- 22.02-2 Land use, development and subdivision in rural areas.
- 22.02-4 Tourism development.
- 22.03-1 Landcare and catchment management.
- 22.03-2 Fire hazard.
- 22.03-3 Development adjoining the Murray River, Lake Hume and Lake Moodemere.
- 22.03-4 Effluent disposal and water quality.
- 22.03-5 Classified National Trust landscapes.
- 22.03-8 Floodplain and rural drainage management.
- Schedule 1 to the Environmental Significance Overlay.

The guiding vision and principles of the *Rural Land Use Strategy* recognise that an important component of the Planning Scheme is the expression of the long-term land use planning vision for the municipality. The vision statement reflects the broad goals and aspirations for future land use and development and relates to the corporate direction of the Shire.

The strategic land use planning vision for Indigo Shire articulated in the *Rural Land Use Strategy* is:

“A prosperous, growing, community with a diversified economy integrated with a sustainable and productive natural resource base.”

The long-term vision for Indigo Shire’s rural areas in the *Rural Land Use Strategy* is:

“A rural environment which supports agriculture along with a diverse range of other rural activities and settlement opportunities, whilst conserving and enhancing landscape, heritage and the environmental values.”

This vision recognises:

- The significant role agriculture plays in the economy of the Shire, including supporting tourism.
- That other rural activities and settlement opportunities are important aspects of rural land use.
- The value of protecting and enhancing the Shire’s environment and liveability.
- The importance of allowing for a diverse range of rural land uses while protecting existing strengths.

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The more recent growth of Indigo Shire has resulted in the fragmentation of farming land and increased dwelling approvals on Farming Zone land. A key strategic direction identified in the *Rural Land Use Strategy* is that in order to provide for the sustainable growth of the Indigo Shire, new residential dwellings should generally be located within the existing townships and areas which are well serviced and provide sufficient community facilities and open space for residents to live comfortably. The following is a list of objectives that underpin the strategy to manage growth within the Shire:

- Concentrate new dwellings around established communities and established centres.
- Urban consolidation of areas that are or can be serviced.
- Provide for a diversity of lot sizes to account for a range of land uses.
- Provide appropriate community services and facilities in areas where urban consolidation is supported.

Key findings of the *Rural Land Use Strategy* in relation to the use of rural land acknowledge that Indigo Shire's rural areas are used for a wide range of agricultural purposes, and agricultural production is the major contributor to the economy of the Shire. This is closely followed by tourism, which is strongly linked to agriculture in its capacity for production as well as its landscape and biodiversity values.

Given the importance of this finite resource to the economic well-being of the Shire, it is important to manage the range of pressures affecting it to enhance and protect its on-going use while ensuring its continued growth and diversification. Apart from crown land, rural areas hold the majority of biodiversity assets of the Shire and, as such, care must be also taken to manage this relationship.

Of particular importance is the pressure to use rural land for dwelling purposes where the dwelling is not linked directly to the use of the land for agricultural purposes. The potential adverse impacts of unplanned rural living on agriculture, tourism, landscapes, ecological values and the efficiency of infrastructure and service provision is a key issue for the Shire.

In seeking to provide a balance between the ongoing use and development of rural areas, it is appropriate to require that uses achieve the following objectives:

- Ensure the use of land is in conjunction with agricultural production.
- Promote the long-term sustainable use of agricultural land regardless of quality.
- Support local employment and value adding opportunities in rural areas.
- Minimise conflict between land uses in the rural zones.
- Support the growth and diversification of agriculture and rural industries.
- Provide for the residential use of land where associated with and required to support a productive agricultural enterprise.
- Consolidate residential use in the townships and areas zoned for rural residential purposes.
- Encourage consolidation of rural lots.
- Protect and conserve biodiversity, including native vegetation retention and provision of habitats for native plants and animals and control of pest plants and animals.

The review and update of the Local Planning Policy Framework in relation to land use, development and subdivision in rural areas is anticipated to culminate in a new suite of policies that directly stem from the *Rural Land Use Strategy* and provide clear direction for the application of statutory planning controls in the Indigo Shire.

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Rural subdivision and the concept of a default minimum lot size has been the subject of many submissions and the *Rural Land Use Strategy* recommends a number of different measures to address this issue. Rural subdivision that is not associated with dedicated rural and agricultural activities can potentially undermine the viability of the rural sector through amenity impacts, loss of productive agricultural land, use of infrastructure and water that could be used for agricultural production, and can result in land values exceeding agricultural value. Rural subdivision has the potential to create demand for community and physical infrastructure that may be more appropriately located in dedicated rural living areas.

In addition, subdivision of rural land on the basis of personal or financial reasons is inappropriate and contrary to sustainable farm practices. Likewise, fragmentation of significant biodiversity assets can be contrary to long-term management and conservation of this resource.

It is acknowledged that land size requirements can be dependent on the rural activity being undertaken, however further review of existing allotment patterns, sizes and numbers based on the recommendations of the *Rural Land Use Strategy* indicates that the demand for variable lot sizes can be met through the significant numbers of existing small rural lots or the reconfiguration of existing lots under the default Farming Zone provisions.

An example of this is a review of the recommendations regarding default minimum lot sizes for subdivision in the Stanley area which reveals that there is potentially only one property that may be able to be further subdivided under the proposed recommendations. It is therefore proposed to maintain a default minimum lot size of 40ha within the Farming Zone across the Shire and rely on the Farming Zone provisions to provide the flexibility to consider the creation of smaller lots dependent on the rural activity being undertaken. This is proposed to be supported by local policy to achieve the following objectives:

- Retain land in larger parcels suitable to the relevant production requirements of agriculture.
- Ensure that the subdivision of land does not prejudice the continued operation of agricultural industries or the productive capacity of the land.
- Encourage opportunities for the expansion of agriculture and agricultural industries.
- Ensure that the excision of dwellings and creation of lots smaller than that specified in the schedule to the Farming Zone are consistent with the purposes of the zone and support surrounding rural production activities.
- Encourage the consolidation of rural lots.
- Discourage subdivision which results in a dwelling not related to farming purposes.
- Protect and conserve biodiversity, including native vegetation retention and provision of habitats for native plants and animals and control of pest plants and animals.
- Encourage identification of site opportunities and constraints, including biodiversity assets, access to water and land capability to ensure site responsive subdivision layout.

Further precinct specific issues and recommendations identified in the *Rural Land Use Strategy* include:

- The use of the Rural Activity Zone.
- Application of the Significant Landscape Overlay to remaining National Trust classified landscapes not currently protected.
- Application of the Rural Living Zone to an area around Rutherglen.
- Application of the Wildfire Management Overlay.
- Review of the land use planning controls for the Stanley township.

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Recommendations regarding the application of the Rural Activity Zone have been 'ground truthed' and as noted above, there is nothing in the CPG report which justifies such a fundamental shift in strategic direction from both the existing MSS and the proposed revised MSS (Am.C24) in relation to the application of underlying land use zones in the Indigo Planning Scheme. It is considered that proper application of policy combined with the provisions of the Farming Zone can adequately deliver the recommended outcomes for the precincts identified.

As mentioned above, there is one issue about which all submitters were in agreement and that was the importance of maintaining the attractive rural landscapes that are such a standout feature of the Indigo Shire. The consultant's recommendations to adopt into the Planning Scheme, the remaining National Trust classified landscapes not currently documented reflect this clearly held viewpoint and it is considered that application of the Significant Landscape Overlay coupled with a review of relevant schedules and local policy 22.03-5 Classified National Trust landscapes can appropriately address this issue.

Application of the Rural Living Zone to an area around Rutherglen has also been 'ground truthed' and it is considered that this recommendation requires further strategic justification and refinement particularly given the extent of the area proposed for rezoning. It should be noted that this also represents a fundamental shift in strategic direction from both the existing MSS and the proposed revised MSS (Am.C24) in relation to the application of underlying land use zones in the Indigo Planning Scheme.

Amendment C51 introduced to the Indigo Planning Scheme on the 21 January 2010 implemented a new Clause 44.06 Wildfire Management Overlay and associated Wildfire Management Overlay maps. It will however be necessary to review and update local policy at Clause 22.03-2 in relation to fire hazard.

The zoning of the Stanley area was also the subject of many submissions, most of which urged Council to adopt a zoning, which allowed for a wider range of uses than the current Farming Zone provisions. Subsequent discussions with the representatives of Stanley rural community Inc have identified the strong community feeling about the failure of the planning scheme to provide an appropriate zoning from the township area. Any potential solution for this issue has also to take into account environmental constraints and the declared Special Water Catchment status of the Stanley area, including the 'township'.

Officers have done some further investigation into the effect of changing the zoning of the Stanley township area to either 'Rural Activity' or 'Township', or a combination of both, and have concluded that very few additional houses can be built due to the limitations of the catchment to cope with additional septic tank installations.

It is therefore proposed that the possibility of applying a Township Zone to the core of Stanley, together with appropriate development controls via revised Schedule 4 to the Environmental Significance Overlay and possibly the introduction of a Restructure Overlay to identify inappropriate subdivisions which are to be restructured and to preserve and enhance the amenity of the area and reduce the environmental impacts of dwellings and other development, be explored further as a separate phase of the *Rural Land Use Strategy* implementation program.

### CONCLUSION

The *Rural Land Use Strategy* project has gone on for a relatively long time and this work now needs to be brought to a conclusion. Unfortunately, in many cases the consultant's recommendations will require further work prior to being able to run planning scheme amendment with an appropriate level of technical data support. The approach recommended therefore is to:

- Receive and note the Phase 4 report on the *Rural Land Use Strategy* from CPG consultants.
- Use the Phase 4 report from CPG consultants to inform an implementation program over the years 2011/12, 2012/13 and 2013/14.
- Fund and implement the work required for the various tasks identified in the *Rural Land Use Strategy* implementation program.

Over the next few years, work resulting from the rural land use strategy will affect Council's land use planning policies for rural areas in various significant ways including:

- Review and update of the Local Planning Policy Framework in relation to land use, development and subdivision in rural areas. It is anticipated that such a review is likely to culminate in a new suite of policies that directly stem from the *Rural Land Use Strategy* and provide clear direction for the application of statutory planning controls in the Indigo Shire. This includes:
  - \*Removal of that part of the current schedule to the Farming Zone which allows for consideration of subdivision sizes less than the 40ha 'default size' in the Victoria Planning Provisions.
  - \*Confirmation that applications to construct dwellings on existing lots less than 40ha in the Farming Zone must be assessed according to the decision guidelines of the zone and a revised local policy. The effect of this policy will be to make clear that Council does not support a settlement strategy that encourages rural residential development scattered throughout the Farming Zone. Rather, Council's approach will be to rigorously test the need for additional dwellings in the Farming Zone and to proactively review current zonings in areas where it appears the land should not be zoned Farming.
- Peripheral land use and development around Rutherglen will require further investigation in relation to the establishment of additional Rural Living Zone areas.
- Application of the Significant Landscape Overlay coupled with a review of relevant Schedules and local policy 22.03-5 Classified National Trust landscapes.
- The land use and development controls for the township of Stanley will be further investigated.

It is important to note that the CPG report and its 'receipt' by Council does not lead to any immediate changes to Council's planning controls. Any changes can only occur as a result of Planning Scheme amendments and in turn, these can only happen if adequate documented justification is provided. In most cases, the CPG report does not, in itself, provide the required level of documented evidence to justify an amendment.

Another issue Council should keep in mind when considering this matter is the very real likelihood that the current state government will want to make some changes to the existing provisions of the Farming Zone controls. While any content changes cannot be predicted, it is apparent from comments made by the Minister for Planning that there may well be some changes relating to the construction of houses on existing small lots in the Farming Zone.

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This report and the subsequent adoption of an implementation programme mark the end of the *Rural Land Use Strategy* project. The project proved to be difficult and took considerably longer than planned, but Council now has a useful background document that will inform a series of Planning Scheme amendments to be prepared over the next two and a half years.

These proposed amendments and the consultation process for each amendment will enable all parties to review and comment on the 'fine detail' of the strategic directions established by the Rural Land Use Study.

Attachment:  
Rural Land Use Strategy Implementation Program  
Phase 4 Report (provided in hard copy due to size of document)

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### 11.3 VICTORIAN PLANNING SYSTEM MINISTERIAL ADVISORY COMMITTEE REVIEW SUBMISSIONS

File No.: 09/1564 - Ian Scholes, Manager Planning & Sustainable Development

For Decision

#### RECOMMENDATION

That Council notes the appointment of the Victorian Planning System Ministerial Advisory Committee and in response to the call for submissions, directs that officers prepare a submission based on the discussion paper circulated by the MAV (as attached).

#### INTRODUCTION

The Minister for Planning has announced the establishment of a Ministerial Advisory Committee to review the planning system in Victoria. The various documents provided by government about the review are included as attachments.

Submissions are due by 31 August and it is understood that the call for submissions has been widely advertised.

Officers have held discussions on possible changes and improvements to the planning system and a list of these has been circulated separately for Council consideration.

#### BACKGROUND

The recently elected state government has decided to review the operation of the current planning system. This is one of several significant reviews recently announced by the Minister for Planning, Matthew Guy. The other reviews are of the development contribution system and a review of the boundaries of the urban growth boundaries for Melbourne.

#### KEY IMPLICATIONS

As is normal with most state government policy reviews, the time provided for local government to respond does not allow for officers to get detailed reports on the Council agenda cycle. As mentioned earlier, a group of officers have met and a list of suggested responses has been separately circulated to councillors.

#### FINANCIAL IMPLICATIONS

Nil.

#### POLICY IMPLICATIONS

It is unknown how quickly the government might respond to the Ministerial Advisory Committee recommendations, although it would appear that the Minister is keen to make some changes to the system.

It would also be expected that there will be a wide range of, sometimes, opposing views put forward. The development industry will presumably push for a “quicker” approval process whilst many local community and resident groups will push for more effective consultation mechanisms.

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Past reviews of the planning system have discussed the potential for “diluting” local governments’ role in the land use planning system. One of the topics the committee is seeking input on is:

“Are the respective roles of the state and local government in the planning system still appropriate?”

This may be a topic that Council particularly wants to comment on.

### CONSULTATION

The government has commenced an extensive consultation exercise to gather a wide range of views/input. All local government authorities have been asked for their comments.

### CONCLUSION

The government is reviewing the planning system and Council has an opportunity to put forward suggestions for change. Officers have provided a list of potential items that Council may wish to pursue.

Attachments:

- 1: Planning System Reform – Preliminary Comments for discussion with Councils
- 2: Review of the Victorian Planning System
- 3: Planning System Reform: New Residential Zones

**11.4 TRADING PLACES POLICY – INTERIM BEECHWORTH AMENDMENT REVIEW****File No.: 09/951 - Mark Florence- General Manager Sustainable Communities**

For Decision

**RECOMMENDATION**

That Council resolves to:

1. **Confirm the 2007 Trading Places Policy as the shire wide response to footpath trading activities in commercial precincts.**
2. **Adopt the review recommendations that make additions to the Trading Places Policy with respect to trader information, responsibilities and obligations.**
3. **Undertake a comprehensive communication program to inform traders and the community of the Trading Places Policy.**
4. **Have no exemptions in the implementation of this Policy.**

**INTRODUCTION**

In 2007, Indigo Shire Council adopted the Trading Places Policy, which aims to ensure that the footpaths throughout the Shire are safe and accessible for all community members and visitors. The policy, which covers the legal and social obligations for Council under the *Disability Discrimination Act*, is based on the premise that footpaths are primarily for pedestrian access and that traders play an important role in ensuring that footpaths are kept clear of obstructions and are safe to move along.

The policy stated that a clear line of access must be maintained along the building line throughout the business districts of each town. For some towns, the size of the footpaths meant that this would not allow for footpath trading. For others, it provided the opportunity for trading (including displays and seating and/or tables) to be placed along the kerb side of the path.

During 2009, concern from some Beechworth traders led to Council reviewing the policy and eventually electing to implement a 12 month interim policy for Beechworth. The interim policy allowed traders to place goods and displays along the building line of their businesses, as long as certain standards and requirements were met.

As the interim policy for Beechworth has now been in place for over 12 months, this review has been conducted to assess the success and challenges of the interim policy, and provide recommendations to Council for the future Trading Places Policy.

**BACKGROUND**

The Trading Places Policy was developed in line with the requirements of the *Disability Discrimination Act 1992*. Upon recommendation from the Human Rights Commission, the policy supports a continuous path of uninterrupted travel for pedestrians within the CBDs of the Shire's townships – using the edge of buildings as the beginning of the accessible path of travel. Due to the varying size and width of footpaths within the Shire, the requirements for the width of the path of travel varies from 1200mm to 1800mm. Due to the wide footpaths within Beechworth, 1800mm is stated in the Trading Places Policy as the required distance from a building before a trader could display goods or have seating.

## ORDINARY COUNCIL MEETING AGENDA – 9 AUGUST 2011

The Trading Places Policy raised some concerns for some traders within Beechworth. The issues were raised via conversations with councillors, through the delivery of a petition signed by Beechworth traders and during a presentation to Council by some local business owners.

Predominantly, the concerns raised by traders about the implications of the Trading Places Policy focussed on several major points. These were:

- Impacts on the streetscape – some traders in Beechworth have the concern that moving goods away from the building line would change the look, feel and dynamic of the CBD. The concerns relate to the thoughts that the street would look empty, boring or too structured - instead of the busy market place feel that traders were supportive of protecting.
- Lost marketing opportunities - some traders were concerned that the removal of goods from the building line would not only impact their ability to promote their business, but that it would be hard for customers to see that they were open.
- Protection of goods – some goods are not able to be displayed in negative weather conditions and given the often wet and cold temperatures in Beechworth, this is seen as a major factor in traders wishing to place their goods against the building line.
- Cost to move goods – there were some comments relating to the cost to relocate signage, or to build structures that would meet the required standards to display goods along the kerb side of the footpath. Also, some traders reported that they felt it would be necessary to install blinds along the kerb way to protect their goods and/or customers from the weather. Traders had concerns regarding this both in terms of cost and the look that the blinds would create in the CBD.
- Lack of information - it was apparent that many traders have received (or found themselves) information that is either wrong or misleading about the issue of accessibility and accessible pathways. Some traders had formed views based on their conversations with one or two people, which had resulted in generalisations being made on limited information.

After considering the information presented, which included legal advice to Council, the following motion was made and carried at a Council meeting in late 2009.

*Moved Cr Goldsworthy*

*Seconded Cr Pockley*

*That the Trading Places Policy be amended to allow the following conditions for a 12 month trial period in the township of Beechworth:*

- Traders are permitted to have goods on display or street furniture within one metre of their window/property line.
- All displays or furniture within this area must have a tap rail surrounding it on the three sides not facing the window. The tap rail is to comply with any relevant Australian or industry standard.
- The area that is between 1.0 metre and 2.8 metres from the window/property line is to remain free from all obstructions.
- Street furniture, goods for sale and “A” frame advertising boards are permitted on the area that is 2.8 metres from the window/property line and the gutter.
- No goods, ornaments, flags or any other items are to hang down and provide less than 1.8 metres clearance from the footpath.

## ORDINARY COUNCIL MEETING AGENDA – 9 AUGUST 2011

The review undertaken was quite comprehensive and involved:

- Discussions with traders, councillors, Council staff, representative of the Beechworth Chamber of Commerce, and other LGA's with Trading Places policies.
- Analysis of information associated with the development of the ISC Access and Inclusion Plan.
- Review of legal and insurance advice received by Council.
- Review of legislative basis for development of Trading Places policies.
- Compliance to the Interim Amendment.

The compliance against the interim amendment in Beechworth was mixed at best. The review document highlights photographic evidence where traders' displays were not compliant.

The review found that the *Disability Discrimination Act 1992* (DDA) provides clear overarching regulation to prevent discrimination against individuals or groups across a range of areas. Section 23 of the DDA makes it unlawful to discriminate on the grounds of disability in providing access to or use of premises that the public can enter or use. A footpath comes under the definition of 'premises' and would therefore be covered by section 23 of the DDA. Furthermore, the review highlighted that the Human Rights Commission highly recommends that a continuous accessible path of travel should extend from the property line with no obstructions or projections in order to provide the best possible guidance line for all users, including people with vision impairment. The commission encourages local governments with responsibility for footpaths to develop policies that reflect this best practice.

People with vision impairments are often those most affected by issues associated with footpath trading. Vision Australia has a very clear policy statement on footpath trading. The most relevant part of the policy states that:

*"Vision Australia recommends that all street furniture and items on footpaths should be placed on the kerb side of the footpath in order to provide a consistent, predictable and direct path along the building line. VA recommends a continuous obstacle and protrusion free pathway extending from the property line, of width no less than 1.8 meters and vertical clearance of height of 2 meters. VA advocates that street furniture should be contrasted in luminance against the surface on which it is positioned, be continuous to ground level and be free from sharp corners or edges."*

The review also concluded that the advice received from Council's solicitors and insurers would not accommodate any practice other than that defined under the DDA, the Human Rights Commission and other standards and policy statements from various stakeholders, and failure to comply with the requirements would expose Council to significant risk of liability and/or damage. Creating an accessible path of travel from the building line will exceed the requirements for Council under the DDA and Australian Standards, thus providing decreased risk of complaint or liability against Council. It will also allow Council to meet the best practice standards set by other councils throughout Victoria in line with the recommendations from the Human Rights Commission.

Legislation such as the DDA is developed and implemented as a way of ensuring that minority and disadvantaged groups are adequately and appropriately supported and protected in our communities. Council has demonstrated its commitment to actively engaging and supporting such groups through the adoption of a number of specific strategies and policies, including Council's *Access and Inclusion Plan*. The consistent implementation of the Trading Places Policy would be a further commitment to creating and supporting an inclusive and accessible shire.

## ORDINARY COUNCIL MEETING AGENDA – 9 AUGUST 2011

The review recommends that Council should return to a shire wide Trading Places Policy without any Beechworth amendment to ensure consistency across the Shire with the requirements and recommendations of legislation and reference authorities, the basis for good policy on the matter.

The review acknowledged that some traders may consider that they have reason to seek exemption from the conditions of the Trading Places Policy implementation, however it is considered important that a consistent application of the policy be made across the shire.

As a comparison, food premises are regulated in a consistent manner and are not exempted from adhering to food handling policies, nor are residents exempted from parking policies and regulations. The Trading Places Policy should be managed in the same manner, and it is therefore recommended that the Trading Places Policy be implemented with no exemptions.

Central to the review is the need to make additions to the existing Trading Places Policy which will provide more precise and detailed information to inform traders of their obligations, rights and responsibilities. This additional information, as detailed in the Review Report, will negate the concern of many traders that insufficient information and communication of the policy has led to uncertainty and a variety of practices. It is an important responsibility of Council to inform traders of requirements under the policy to ensure enforcement of the Trading Places Policy is effective.

It is argued that the width of footpaths within the Beechworth commercial precinct, and the concerns of some Beechworth traders, allows for a mix of approaches to footpath trading and provision of an unimpeded accessible path of travel which differs from other towns and does not reflect the recommendations of legislation or advice from various agencies. Whilst the width of the footpaths in the Beechworth commercial precinct are generally wider than other towns, that fact is not considered as being sufficiently compelling to recommend making the Beechworth amendment permanent.

Good policy is framed on an understanding of a broad range of factors including information from authorities, legislation, legal and risk imperatives and best practice. It is the strong view of Council officers that the recommendations be adopted and implemented.

Nonetheless, Council may wish to adjust the Trading Places Policy and the Local Law which provides enforcement of the policy, to support the continuation of the Beechworth amendment on a permanent basis. Should that be the case, then it will be important that the conditions of the amendment and the options open to traders are well defined and enforced.

### KEY IMPLICATIONS

As pointed out above, the review was quite comprehensive and identified that legislative and regulatory requirement apply for Trading Places activities which form the basis of best practice policies. The implementation of best practice Trading Places Policy reduces the likelihood of complaint against Council and any legal action being taken.

The implications of adopting and maintaining a best practice Trading Places Policy include the capacity to consistently enforce the conditions across the shire and to provide certainty for traders and community members making use of footpaths in trading areas.

## ORDINARY COUNCIL MEETING AGENDA – 9 AUGUST 2011

### FINANCIAL IMPLICATIONS

Negative financial implications are limited through Council meeting legislative and regulatory requirements and minimising any financial impost through legal action. Traders may meet costs associated with compliance to the policy which would need to be considered as part of individual business plans.

### POLICY IMPLICATIONS

Adopting the review recommendations ensures a strengthening of the Trading Places Policy and provides clarity and certainty for traders and the community.

### COMMUNICATION

Should Council accept the recommendations of the review, then a communication program will be developed and implemented to ensure that all traders in the shire are aware of the Trading Places Policy and the obligations and responsibilities for traders and Council. This communication program will require a particular focus in Beechworth.

Activities associated with the communication process may include, special meetings with traders, reissuing of the Trading Places Policy, regular focus by Council staff and more.

### CONCLUSION

The review of the Trading Places Policy – Interim Beechworth Amendment has been useful in recommending a return to a consistent shire wide Trading Places Policy based on the emphasis of a number of key areas where Council should be compliant against legislative, regulatory, legal and best practice requirements, and also makes good reference to opportunities to ensure greater knowledge and information about the policy is disseminated. The review also suggests the possibility of a process to allow for exemptions based on clear and precise criteria. The adoption of the review recommendations should result in a more consistent and well-defined Trading Places Policy.

Attachment:  
Trading Places Policy Review – Beechworth Amendment

## **11.5 LIBRARY FUNDING CAMPAIGN**

**File No.: Mark Florence- General Manager Sustainable Communities**

**For Decision**

### **RECOMMENDATION**

**That Council:**

- 1. Supports the MAV Library Funding Campaign goals to:**
  - **Achieve an early reversal of the 2011/12 funding cut and the application of indexation for the life of the current funding agreement.**
  - **Achieve a more sustainable funding model by seeking an increase in the underlying escalator of recurrent library funding, together with an increase in the state's base allocation.**
- 2. Writes to the Premier, the Hon. Ted Baillieu, MP and Minister for Local Government, the Hon. Jeanette Powell, MP seeking a review of library funding.**
- 3. Writes to local State MPs asking for this matter to be raised in parliament.**
- 4. Advises the Upper Murray Library Corporation of Council's support for the MAV Library Funding Campaign and requests that the Upper Murray Library Corporation does not sign the Library Funding Agreement with the state government until further advice is received from the MAV on this matter.**

### **INTRODUCTION**

The Municipal Association of Victoria (MAV) , local councils and library corporations have become aware that recurrent library funding agreements sent out from the Department of Planning and Community Development (DPCD) in recent weeks includes a decrease in the quantum of funds to be received under the recurrent Public Libraries Grant Program, and a loss of indexation funding. The MAV is concerned that this matter has not been transparently identified by DPCD and no explanation has been provided by the government for the funding cut.

### **BACKGROUND**

The state provides two forms of library funding, being recurrent grants indexed by population and inflation and capital grants (facilities, book programs).

Libraries have done well from capital grant programs under the previous and current state governments through the Living Libraries program, Public Libraries Capital program (\$17.2 million) and the Premier's Reading Challenge (\$4.4 million).

The Upper Murray Regional Library Corporation (UMRL) receives the annual grant on behalf of the Victorian member councils which include Indigo Shire, Wodonga and Towong Shire. UMRL uses these funds along with the annual contribution from Indigo Shire to facilitate library services across the Shire.

Recurrent grants have not kept pace with underlying costs (or even inflation) and population growth. If grants had kept pace with the underlying costs since 2000/01, an additional \$23.2 million would have been provided statewide.

## ORDINARY COUNCIL MEETING AGENDA – 9 AUGUST 2011

The recurrent state funding contribution for public libraries has reduced from 20.1 per cent of service expenditure over the past three years to 19.2 per cent, while local government's recurrent contribution has grown from 72.0 per cent to 74.7 per cent.

No indexation for inflation or population growth has been applied in the proposed funding agreement. In total, this means there is a statewide \$1.4 million to \$1.7 million shortfall in funding in 2011/12. The total shortfall over the next four-year funding period will be \$5.7 million to \$7.1 million. This assumes that indexation will resume next year. If no indexation occurs, the shortfall will be \$12.9 million to \$16.2 million.

The funding agreement does not include a guaranteed quantum of funding each year. The agreement provides for a division of the overall library budget appropriation across councils and library corporations. Most other funding agreements include a commitment to an annual funding quantum, e.g. Maternal and child health, kindergartens, HACC.

The MAV has initiated a campaign to have the state government re-consider its proposed funding cuts. The main goals of the MAV campaign are:

- Reversal of cut and application of indexation for the 2011/12 year and the life of the funding agreement which is likely to result in significant benefits to library funding over the next four years and minimise the potential future advocacy for the overall quantum of funding.
- Increase in the underlying escalator of recurrent library funding together with an increase in the base. These actions will fulfil a long-term goal of local government and the MAV, provide consistency with MAV State Council resolutions and be largely consistent with the 2006 Liberal Party Libraries Policy.

The consequences of not funding libraries appropriately have been publicly stated as reducing opening times, purchasing fewer new books, reducing access to free internet and cutting other programs.

The MAV campaign needs to consider the longer-term relationship with the state government and the Minister for Local Government. The door is ajar to negotiate an outcome with the state government for the 2012/13 financial year. The Minister has been quoted in media reports as saying this year's cuts are "set in stone", but that she will meet with the MAV and councils to discuss next year's budget. Given this, it is important to keep the tenor of the campaign generally positive.

The timing for this funding decision could not be worse, with councils having already fulfilled statutory obligations to set a budget for the coming year. This unexpected loss in state government funding at this late stage is neither acceptable nor justified.

The MAV is urging councils and/or library corporations not to sign the funding agreement until the MAV has had time to examine this matter in more detail and activate the elements of the campaign. The Public Libraries Victoria Network has discussed this matter with the MAV and PLVN is similarly recommending that councils and library corporations do not sign the funding agreement until this matter has been followed up with the Minister.

A strong and united response from local government will be important to ensure public libraries receive adequate state funding to survive.

### KEY IMPLICATIONS

The main implication of this decision is a reduction to the Indigo Shire grant allocation of \$1859 for the 2011/12 year. Whilst some may consider this an insignificant amount, this may impact on the UMRL to provide appropriate services to the Indigo Shire. This could be felt in areas of operating hours at Indigo's static libraries, reduction in mobile bus services, and a reduction in access to new library resources by the community.

To maintain the current service levels would require Indigo Shire to increase its annual contribution by the reduced amount.

The decision to take on the staff for the Beechworth and Chiltern libraries as Council employees has provided some cost relief which will offset the reduced grant allocation but the principle of ensuring appropriate funding levels by the state government remains.

### POLICY IMPLICATIONS

Council has many policies which support access to appropriate services for residents. This funding cut proposal undermines Council's ability to maintain the important library services.

### COMMUNICATION

The MAV campaign has involved media information and advocacy. As the campaign evolves, Council will ensure that Shire residents are aware of developments, through associated media releases, *Indigo Informer* issues etc.

### CONCLUSION

It is important that Council participate in the MAV campaign to lobby the state government to reconsider the funding cuts to library services and the recommendations are an appropriate way to support the campaign.

**12.0 MAJOR PROJECTS AND PROGRAMS**

**12.1 ROAD DEVIATION AND EXCHANGE AT BARKLY STREET CHILTERN**

File No: S090/009 – Paul McLachlan – Project Engineer

For Decision

**RECOMMENDATION**

That Council resolves:

1. In accordance with the process in Section 12 of the *Road Management Act 2004*, to give public notice in the *Border Mail*, *Corowa Free Press* and *O&M Advertiser* of its intention to deviate the road reserve at Barkly Street Chiltern, to allow a land exchange with the adjacent property, 1 Nickless Street, Chiltern.
2. That the public notice stipulate that persons may make a submission on the proposed deviation and that written submissions must be received on a date that is within 28 days of the publication of the notice.
3. That the Chief Executive Officer be authorised to undertake the administrative procedures necessary to enable Council to carry out its functions under Section 12 of the *Road Management Act 2004* in relation to this matter.
4. That if submissions are received:
  - a. Any person or persons who request to be heard in support of a written submission may do so at the next Ordinary Council meeting.
  - b. A report on any submissions received by Council be provided to an Ordinary Council meeting for consideration.
5. That if no submissions are received within 28 days of the notice Council resolve to deviate Barkly Street without further resolution of Council and the Chief Executive Officer be authorised to execute the necessary documents.

**INTRODUCTION**

As part of planning permit PP05-046 the developer, through its consultant Esler and Associates, sought consent from Council to deviate Barkly Street, Chiltern, to allow for an existing building that encroaches on the road reserve, and a significant tree further along Barkly Street.

At its Ordinary Meeting on Tuesday 7 February 2006, the Indigo Shire Council approved the deviation of Part of Crown Allotment 7, Section 17, Parish of Chiltern, Barkly Street, Chiltern, as per the attached plan. The deviation was published in the *Government Gazette* on Thursday 16 February 2006. As part of the road was to be closed, Council was required to advertise the deviation in the local media and invite submissions under Section 12 of the *Road Management Act 2004*; however, this requirement was neglected at the time.

The action proposed seeks to correct this previous error, and allow the developer to execute the land exchange through Department of Sustainability and Environment (DSE).

The attached plan shows the layout and survey of the road deviation. The area of road reserve to be closed is 271m<sup>2</sup>, while the area of road reserve to be opened is 167m<sup>2</sup>.

### BACKGROUND

The request initially came through an application for subdivision as part of a Planning Permit PP05-046 that subdivided Crown Allotments 6 and 7, Section 17, Parish of Chiltern, on the corner of Barkly and Nickless streets Chiltern.

The freehold land affected by the proposed road deviation and exchange is in one title, the boundary of which is such that it passes through the existing weatherboard house on the North East corner of Barkly and Nickless streets. As such, the dwelling encroaches into the road reserve. The deviation seeks to address this matter, as well as taking into account a large eucalypt tree that exists in the road reserve. This was a condition of the planning permit.

### KEY IMPLICATIONS

The road reserve at the intersection with Nickless Street before the road closure is approx 21.3m, with the closure leaving a road reserve width of 15.5m. The deviation attempts to balance the land to be exchanged, with the net result being a 104m<sup>2</sup> loss of road reserve. The proposal is supported by the DSE and the Minister for Planning as per a letter from Therese Davis, Senior Case Manager, Crown Land Management, dated 12 May 2005, and a notice of consent from Mervyn John McAliece as delegate for the Minister for Planning.

The impacts of the part road closure are minimal as this part of the road reserve has been under an existing structure for many years. Re-fencing along the new property boundary is a requirement of the Planning Permit and will be carried out at the expense of the developer. The road way is a no through road, servicing a further two properties. It is not anticipated that future development will require upgrading, further to the conditions on the existing planning permit to improve the road with drainage and bitumen seal.

The partial closure of the road will not affect the function or operation of the adjoining roads and road reserves.

### FINANCIAL IMPLICATIONS

There are no direct costs to Indigo Shire associated with the road closure with surveys having been carried out at the expense of the property owner, and boundary fencing forming a planning permit condition for the property owner.

### POLICY IMPLICATIONS

Council has the power to deviate roads under Section 2 of Schedule 10 of the *Local Government Act 1988*. But, as part of the deviation is considered a discontinuance of part of a road, Council must follow the process as specified in Section 12 of the *Road Management Act 2004*, which requires public notice and invitation of submissions. As a result, the proposal will need to be publicly advertised to allow the formal land exchange through the DSE.

### COMMUNICATION

The proposed road closure will be publicly advertised under Council's standard process, outlined in Section 223 of the *Local Government Act 1989*.

**ORDINARY COUNCIL MEETING AGENDA – 9 AUGUST 2011**CONCLUSION

The deviation of Barkly Street was approved by Council at its meeting in February 2006, and the deviation included in the Government Gazette. However, the legislation required Council to advertise the proposal under Section 12 of the *Road Management Act 2004*, which was never done. This proposal seeks to correct this error.

The partial closure of the road will not affect the function or operation of the adjoining roads and road reserves.

Attachment:  
Enclosures – site survey

**12.2 ADDITIONAL STATE INFRASTRUCTURE FUNDING 2011 - 2014**

**File No.: 11/2843 - Andre Kompler- General Manager Major Projects & Programs**

**For Decision**

**RECOMMENDATION**

**That Council endorses the formal application for \$1 million per year of state funding for roads and bridge maintenance over the next four years and allocation of the same as outlined in this report.**

**SUMMARY**

The state government on 30 June 2011 advised that Indigo Shire, along with 40 other councils, was eligible to seek up to \$1 million per year for the next four years under the Victorian Government's Country Roads and Bridges Initiative.

Application for the current round of funding closes 30 September 2011 and for subsequent years on 30 April. The intent of the funding is to improve the maintenance and restoration of existing roads or bridge infrastructure in rural Victoria.

Eligible projects under this program will need to meet the following criteria:

- The projects must be in addition to work that Council would otherwise fund under recurrent maintenance and restoration programs.
- The works must be an increase in scope to what Council would otherwise have undertaken in recurrent maintenance and restoration programs.

Subject to on-site verification, the recommended four year allocation of additional state funds is as follows:

2011/12

Re-sheeting Gravel Pavements	\$670,000
Replace Bridge Rail/ Barrier Systems	\$330,000
<b>Total</b>	<b>\$1,000,000</b>

2012/13

Re-sheeting Gravel Pavements	\$500,000
Sealed Link Roads Pavement Rehabilitation (Barnawartha-Howlong Rd.)	\$500,000
<b>Total</b>	<b>\$1,000,000</b>

2013/14

Re-sheeting Gravel Pavements	\$250,000
Sealed Link Roads Pavement Rehabilitation (Gundowring Road)	\$580,000
Restoration Bridge structural integrity (investigation + 4 bridges)	\$170,000
<b>Total</b>	<b>\$1,000,000</b>

## ORDINARY COUNCIL MEETING AGENDA – 9 AUGUST 2011

2014/15

Sealed Link Roads Pavement Rehabilitation (Indigo Creek Road)	\$661,000
Restoration Bridge structural integrity (16 bridges)	\$339,000
Total	\$1,000,000

### BACKGROUND

Over time, the level of recurrent maintenance funding and capital funding provided by Council for unsealed roads has been such that community discontent has been growing as seen at community forums and as evidenced in community satisfaction surveys. Compared to other small rural councils, the Shire is average for roads and footpaths, but the trend over the last three years is toward being below average moving from a score of 50 to 48. The community satisfaction surveys verbatim comment has been saying that the Shire needs to spend more on its roads.

For a sense of perspective, consider that the unsealed network on average receives a gravel re-sheet or top up with running surface pavement material once every 30 years. Whilst the unsealed surface may be graded several times per year to facilitate a reasonable surface for the public to travel on, the reality is that where there is little quality pavement material in place and the road is near to natural subgrade, many areas corrugate and break up quickly under traffic especially in dry periods. In the wet, the road surface quickly degrades. This all makes for more recurrent maintenance and increasing community complaint.

Annual VicRoads funding of \$1 million for a period of four years was flagged to Council in July 2011. This funding is applicable to:

- Maintenance and/ or restoration of existing road and bridge infrastructure.
- Works additional to that normally funded under Council's recurrent maintenance and restoration programs.
- An increase in scope of a project that otherwise would not have been undertaken to that extent under the Council's recurrent maintenance and restoration programs.
- Specific projects (not miscellaneous tasks or tasks to be developed).
- Administration costs directly incurred by the project (planning, study costs, and general administration costs are not eligible).

The priority areas identified from the draft *Road Asset Management Plan* that fit this renewal framework are:

1. Re-sheeting of gravel pavements to counter the current degraded state.
2. Rehabilitation of degraded sealed road pavements.
3. Replacement / relaying of older degraded kerb and gutter asset in historic townships such as Beechworth.

The priority areas identified from the *Bridge Asset Management Plan* that fit this renewal framework are:

1. Assessment and restoration of the structural integrity of 20 bridges identified as deficient in the *Bridge Asset Management Plan*.
2. Replacement of railing and barrier system for 11 bridges identified as deficient in the *Bridge Asset Management Plan*.

## ORDINARY COUNCIL MEETING AGENDA – 9 AUGUST 2011

Based on the above and the road asset hierarchy, the following potential quantum of work has been identified:

1. **Re-sheeting of gravel pavements** – we have a current backlog of poor quality gravel pavements:-

*121,000m<sup>2</sup> at condition 9 and 223,000m<sup>2</sup> at condition 8 = Total 344,000m<sup>2</sup> in condition 8 and 9. The anticipated value of additional gravel pavement maintenance work over 4 years = \$1,420,000.*

*This quantum of work would be additional to current cyclic re-sheeting works of approximately \$400,000 per annum.*

2. **Sealed Link roads pavement rehabilitation**

(a) Barnawartha Howlong Road - Whelans Road to Murray Valley Highway  
(1,500m) - Pavement (9m width), Seal (7.2m width) - Total= \$497,700

(b) Gundowring Road. - Ch. 16,235-17,000 plus Ch. 7,455-8650  
(1,960m) - Pavement (8m width), Seal (6.8m width) - Total= \$588,800

(c) Indigo Creek Road - Ch. 3,175-3,990, Ch. 1,800-3,120 plus Ch. 20,275-21,750  
(2,290m) - Pavement (8m width), Seal (5.6m width) - Total= \$654,500

*The anticipated value of additional sealed pavement rehabilitation over four years = \$1,741,000.*

*Whilst the above can be accommodated in this newly announced Country Roads and Bridges Initiative funding, the need for work on other Indigo Shire roads remains. These other roads as indicated below as items (d) to (f) will need to be dealt with in the future via a combination of Federal R2R funding, Council contribution and state funding (i.e. State Impacted Roads Fund applications by VicRoads for the likes of Up River Road)*

(d) Huon Kiewa Road - overall project includes widening pavement and seal. This part includes renewal works only. Ch. 650-1050  
Pavement (5m), Seal (3.8m width) - Total = \$73,640

(e) Chiltern Barnawartha Road - Ch. 607-3,120  
(2513m) - Pavement (8m width), Seal (7.0m width) - Total = \$767,972

(f) Up-River Road - Ch. 4,207-11,390  
(7,183m) - Pavement (9m width), Seal (6.8m width) - Total = \$2,376,855

3. **Replacement/ relaying of the older degraded kerb and gutter**

*Such works will be accommodated over time as part of annual Capital Works.*

## ORDINARY COUNCIL MEETING AGENDA – 9 AUGUST 2011

4. **Restoration of the structural integrity of 20 bridges identified as deficient in the Bridge Asset Management Plan**

*Whilst scoping work is yet to be undertaken, it is expected that this type of work could be accommodated within the Country Roads and Bridges Program.*

*The anticipated value of additional bridge integrity maintenance work over four years = \$509,000 (i.e. estimated cost \$30,000 per bridge plus \$50,000 total for confirmation assessment = \$650,000. The \$141,000 difference will come from Council Capital renewal spending).*

5. **Replacement of railing and barrier system for 11 bridges identified as deficient in the Bridge Asset Management Plan**

*The anticipated value of additional bridge railing and barrier maintenance work over four years = \$330,000. Current estimated cost is \$330,000 (\$30,000 per bridge), and scoping work is yet to be undertaken.*

### FINANCIAL IMPLICATIONS

In short, an extra \$1 million per year will be available to spend on the current road and bridge network. Planning studies and administration costs are not eligible; however, administration costs directly incurred by specific projects will be eligible.

The above allocations are in today's dollars, and it would appear there is no scope for costs escalation, so some scopes of work may have to reduce to match the level of available funding.

Whilst decisions on project delivery are premature, it is expected that a significant amount of this additional expenditure will attach to contracts to ensure completion/ time constraint compliance and a sustainable long-term internal organisation size.

Also, another issue is that depreciation will increase as a consequence of improved road assets.

### POLICY IMPLICATIONS

The extra \$1 million per year for the next four years will certainly help lift the standard of certain Council assets if applied as recommended over and above existing levels of capital and recurrent expenditure. However, such is short-term relief for a long-term issue centred on the levels of service Council provides and sustainable financial management.

Council's asset management plans are signalling the level of funding needs into the future required to maintain Council's assets at current condition. The level of budget funding for infrastructure maintenance and capital for renewal work will need to increase in the next decade if current standards are to be maintained. At present, the community is signalling a desire for better standards of service delivery in the roads and infrastructure space. On face value, there appears a mismatch between Council funding and community expectations.

In the next few years, decisions will have to be made about either increasing funding levels and service delivery in the infrastructure area or reducing levels of service to the community.

## ORDINARY COUNCIL MEETING AGENDA – 9 AUGUST 2011

Notwithstanding, Council already has a capital evaluation and prioritisation framework in place, and good use is being made of available funding levels, more clarity on what is ultimately provided will be apparent after Council completes its 10 year Long Term Financial Plan (LTFP) next calendar year. Feeding into the LTFP will be the current suite of Council service and the envisaged future infrastructure needs as detailed in asset management plans.

The time for engagement with the community on what level of service they want or are willing to accept will follow the drafting of Council's 10 year LTFP. Thereafter, hard decisions on funding and service provision may need to be made to ensure a sustainable balance between costs and expenditure.

### COMMUNICATION

Whilst a schedule for this years extra road re-sheet work is near complete, and is split approximately equally between the east and west of the Shire, until the \$1 million funding application is lodged, approved by VicRoads, and Council approves the road funding allocations contained in this report, it would be premature to state what roads will benefit over the next 12 months. After the above approvals, Council will provide to the public details of the future 12 months works via its website, the Indigo Informer and community forums etc.

### CONCLUSION

A welcome opportunity has arisen outside of the recent budget process to increase funding to the Shire's road and bridge infrastructure over the next four years in the form of state funded injections capped at \$1 million per year. Notwithstanding that, such is a grant, and it is Council that approves recurrent expenditure and capital works. Within this report are recommended works for the next four years. Such works will contribute to renewing the condition of some of Council's infrastructure assets.

Attachment:  
Grant advice and details

## 13.0 GOVERNANCE

### 13.1 RE- APPOINTMENT OF THE CHIEF EXECUTIVE OFFICER

File No: Cr Ali Pockley- Mayor

For Decision

#### RECOMMENDATION

1. That Council reappoints Mr Brendan McGrath to the position of Chief Executive Officer for a further four year term (with a one year option).
2. That the Mayor be authorised to finalise the terms of the Chief Executive Officer's contract (including the remuneration) and execute the contract on behalf of Council.

#### BACKGROUND

At the July meeting, Council resolved to commence the process for the possible re-appointment of Mr Brendan McGrath to the position of Chief Executive Officer (CEO) without publicly advertising the position. The *Local Government Act 1989* requires that, at least 14 days prior to a meeting where a motion is considered for the re-appointment of the CEO without public advertising of the position, Council must give public notice of its intention to consider the motion. The public notice must be given in a newspaper generally circulating in Council's municipal district which has been chosen by Council for this purpose and also on Council's website. Notices appeared in the *Ovens & Murray Advertiser* on 20 July 2011, the *Border Mail* on 23 July 2011 and on Council's website from 25 July 2011.

#### KEY IMPLICATIONS

The re-appointment of the CEO will provide greater security and stability to Council and the CEO, and will avoid the need to make a decision on any new appointment after July 2012 (in the period leading into Council elections in October 2012). It is considered that a four year term (with one year option) would be appropriate in this instance, as this would enable Council to make its decision regarding any new contract 12 months prior to the 2016 elections.

#### FINANCIAL IMPLICATIONS

The 2011/12 Budget makes sufficient allowance for this outcome to be implemented in the coming year. Any future salary expenditure will be appropriately budgeted for in annual budget cycles.

#### POLICY IMPLICATIONS

There are no particular policy implications resulting from this report.

#### CONCLUSION

Under the terms of the *Local Government Act 1989*, and to ensure security and stability for Council and CEO over the next four years, it is appropriate that the CEO renewal be considered and resolved upon by Council.

## ORDINARY COUNCIL MEETING AGENDA – 9 AUGUST 2011

### 13.2 ADVISORY AND COMMITTEES OF MANAGEMENT REPORTS

File No.: 09/1177 & 09/1770 – Jo Riley - Manager Governance & Risk

#### RECOMMENDATION

1. That the following Advisory Committee Minutes be received and noted by Council. Note: all Minutes listed below are unconfirmed unless specified.

COMMITTEE	DATE OF MEETING
Audit Committee	Nil
Burke Museum & Historic Precinct Advisory Committee	Nil
Environmental Advisory Committee	Nil
Finance Committee	Nil
Indigo Arts & Cultural Advisory Committee	13 July 2011
Indigo Heritage Advisory Committee	16 June 2011
Indigo Shire Disability Advisory Committee	18 July 2011
Indigo Shire Grants & Awards Advisory Committee	20 June 2011
Indigo Tourism Advisory Committee	Nil

COMMITTEE	RESOLUTION	MOVED	SECONDED
Indigo Arts & Cultural Advisory Committee	1. That the minutes from the previous meeting are accepted as an accurate record.	David Pietsch	Lyndan Blackman
	2. That the committee recommend the Indigo Shire Community Grant submissions deadline is fixed for the same time every year, promoted on Indigo Shire Council website with an increased lead in time, enabling advance promotion and preparation for applicants.	Margaret Tyrie	Lee Sinclair
Indigo Heritage Advisory Committee	That the minutes from the May meeting be confirmed.	Rex Fuge	Ali Pockley
Indigo Shire Disability Advisory Committee	That the minutes from the previous meeting be confirmed.	Ron Walker	Robert Burke

## ORDINARY COUNCIL MEETING AGENDA – 9 AUGUST 2011

COMMITTEE	RESOLUTION	MOVED	SECONDED
Indigo Shire Grants & Awards Advisory Committee	The committee assessed all applications on their merits and recommended that the applications (as set out in attached minutes) are recommended to Council for funding through Council's 2011/2012 Community Grants Program.	Joy Lee	Alan Pleitner

**2. That Council receive and note the attached Assembly of Councillors records.**

COMMITTEE	DATE OF MEETING
Indigo Arts & Cultural Advisory Committee	13 July 2011
Indigo Heritage Advisory Committee	16 June 2011
Indigo Shire Disability Advisory Committee	18 July 2011
Indigo Shire Grants & Awards Advisory Committee	20 June 2011
Indigo Tourism Advisory Committee	1 July 2011

Attachments:

- Minutes – Indigo Arts & Cultural Advisory Committee – 13 July 2011
- Minutes – Indigo Heritage Advisory Committee – 16 June 2011
- Minutes – Indigo Shire Disability Advisory Committee – 18 July 2011
- Minutes – Indigo Shire Grants & Awards Advisory Committee – 20 June 2011
- Assembly of Councillors – Indigo Arts & Cultural Advisory Committee – 13 July 2011
- Assembly of Councillors - Indigo Heritage Advisory Committee – 16 June 2011
- Assembly of Councillors - Indigo Shire Disability Advisory Committee – 18 July 2011
- Assembly of Councillors - Indigo Shire Grants & Awards Advisory Committee – 20 June 2011
- Assembly of Councillors – Indigo Tourism Advisory Committee – 1 July 2011

### 13.3 COMMUNITY FORUMS – JULY HALF-YEAR REPORT 2011

File No: Roberta Baker – MANAGER COMMUNICATIONS

#### For Information

#### INTRODUCTION

A focus of the Council Plan is: Objective 1.4 Foster community involvement with council decision-making. This includes creating opportunities for the community to participate in Council business and decision-making by continuing to improve community forums throughout the Shire, and actively marketing the community forums to ensure the best possible attendance. The forum attendances and processes are reviewed every six months. This report meets the Performance Statement measure for 2010/11.

#### BACKGROUND

In 2009, the numbers of residents attending community forums was decreasing. In July 2009, in an effort to boost attendances and in line with the new Council Plan, the number of community forums was increased across the Shire introducing additional forums in smaller communities where Council meetings are not held. A marketing campaign was developed in 2010 based on the community consultation process for the original Council Plan in 2008-09. The theme (and title of the LGPro Award received in November 2009 for that consultation process), *A Place at the Table*, was used in our advertising and promotion of community forums. We also changed the format of the forums and invited residents to share a light meal with Council staff, thus continuing the theme of having a 'place at the table' of Council business. We did away with theatre-style seating and placed participants in a circle with no visual barriers dividing staff and residents.

#### KEY IMPLICATIONS

These strategies continue to work, as the figures in the table in this report demonstrate. The total number of people attending forums in the six months to July this year was 173, compared to 139 in 2010 – an increase of 24 per cent in 2011. (The number of people attending forums for the full year in 2010, was 273, compared to 145 in 2009 – an increase of 46 per cent). The figures in the table compare one forum in the same town at the same time in each year. In 2010, there were additional forums which have not been repeated this year due to concerns about 'consultation fatigue'.

#### LINKS WITH LG SURVEY AND ISC SURVEY 2011

The community forums are one important mechanism for Council to get messages out to our residents and create opportunities for residents to be part of Council business. They form just one of many activities and programs in a wider strategy to increase our ratings in the Local Government Annual Satisfaction Survey and the Indigo Shire Customer Satisfaction Survey. The local government survey this year indicated Indigo Council had improved in a number of key areas including community engagement, overall performance and advocacy. And this year's Council survey recognised Council's improved communication and engagement processes.

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Location	Date	Attendances 2011	Half-year totals	Attendances 2010
<b>Stanley</b>	8 February 2011	22		11 (19 October - Stanley)
<b>Yackandandah</b>	8 March 2011	26		23, 32 (9 March, 10 August - Yackandandah)
<b>Beechworth</b>	12 April 2011	73		22, 17 (13 April, 14 September - Beechworth)
<b>Tangambalanga</b>	10 May 2011	16		29 (11 May - Tangambalanga)
<b>Rutherglen</b>	14 June 2011	26		38, 16 (7 June, November - Rutherglen)
<b>Sandy Creek</b>	12 July 2011	10		16 (19 January – Sandy Creek)
			173/139 (24% increase)	
<b>Wahgunyah</b>	9 August 2011			
<b>Barnawartha</b>	13 September 2011			
<b>Wooragee</b>	11 October 2011			
<b>Kergunyah</b>	8 November 2011			
<b>Chiltern</b>	13 December 2011			

### CONCLUSION

The approach taken with community forums this year, similar to last year, is working. It is an important tool to help Council build partnerships with the community and create opportunities for people to be involved in Council business. It is just one mechanism that demonstrates the principles of Council's Communications Policy, which includes that all communication will consider and value community perspectives.



14.0 NOTICES OF MOTION

Nil.

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## ORDINARY COUNCIL MEETING AGENDA – 9 AUGUST 2011

INDIGO SHIRE COUNCIL

### 15.0 GENERAL BUSINESS

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## ORDINARY COUNCIL MEETING AGENDA – 9 AUGUST 2011

### 16.0 COMMITTEE AND DELEGATES REPORTS (ALL ARE FOR INFORMATION ONLY)

#### 16.1 CR POCKLEY - MAYOR

DATE	TIME	FUNCTION/EVENT	LOCATION
1-Jul	2pm	Meeting with Ratepayer	Yackandandah
4-Jul	3pm	Weekly Meeting with CEO	Beechworth
6-Jul	7.30pm	Kerferd Oration Insight 3	Beechworth
7-Jul	12.30pm	Rostrum	Albury
	2.30pm	Beechworth Historic & Precinct Volunteer Afternoon Tea	Beechworth
	7pm	Yackandandah Community Education Centre Committee of Management Meeting	Yackandandah
11-Jul	10am	Weekly Meeting with CEO	Beechworth
	12pm	Kerferd Oration Meeting	Beechworth
12-Jul	2pm	Council Briefing Meeting	Sandy Creek
	3pm	Council Meeting	Sandy Creek
	6.30pm	Community Forum	Sandy Creek
13-Jul	6.30pm	Indigo Arts & Cultural Committee Meeting	Beechworth
14-Jul	2.30pm	Beechworth Red Cross Meeting	Beechworth
	3pm	Indigo Heritage Advisory Committee Meeting	Beechworth
18-Jul	10am	Weekly Meeting with Acting CEO	Beechworth
19-Jul	10am	Keep Australia Beautiful Judge Visit	Beechworth
	4pm	Council Briefing Meeting	Beechworth
	7pm	Chiltern Tourism Development Inc. Annual General Meeting	Chiltern
20-Jul	7pm	Beechworth Chamber of Commerce Annual General Meeting	Beechworth
21-Jul	12pm	North East Regional Transport Forum	Tallangatta
	5pm	Kerferd Oration Community Insight 4	Beechworth
22-Jul	9.30am	Budget Setting Process Meeting	Yackandandah

## ORDINARY COUNCIL MEETING AGENDA – 9 AUGUST 2011

23-Jul	11am	Rutherglen RSL Leopard Tank Plaque Unveiling	Rutherglen
25-Jul	10am	Weekly Meeting with Acting CEO	Beechworth
	1.15pm	2030 Vision Meeting	Yackandandah
26-Jul	4pm	Council Briefing Meeting	Yackandandah
28-Jul	12pm	Beechworth Post Office Meeting	Beechworth
	3pm	Cobblestones Meeting	Beechworth
	3.30pm	Kerferd Oration Meeting	Beechworth
	7pm	Yackandandah Community Education Network Committee of Management Meeting	Yackandandah
30-Jul	5pm	Kerferd Oration Reception	Beechworth
31-Jul	11am	2011 Kerferd Oration	Beechworth

## ORDINARY COUNCIL MEETING AGENDA – 9 AUGUST 2011

### 16.2 CR GAFFNEY – DEPUTY MAYOR

DATE	TIME	FUNCTION/EVENT	LOCATION
1-Jul	10am	Indigo Tourism Advisory Committee Meeting	Yackandandah
2-Jul	9am	Beechworth Farmers Market	Beechworth
	11am	Indigenous Art Exhibition re: NAIDOC Week	Beechworth
5-Jul	9am	Wine Board Meeting	Rutherglen
7-11 Jul		Leave	
12-Jul	9am	Festival & Events Funding Meeting	Beechworth
	11am	Fibre & Fabric Exhibition	Beechworth
	2pm	Council Briefing Meeting	Sandy Creek
	3pm	Council Meeting	Sandy Creek
	6.30pm	Community Forum	Sandy Creek
15-Jul	10.30am	Farewell Morning Tea for Katie Rizzuto	Yackandandah
18-Jul	4pm	Audit Committee Meeting	Beechworth
	7.30pm	Baarmutha Park Committee of Management Meeting	Beechworth
19-Jul	10am	Keep Australia Beautiful Judge Visit	Beechworth
	4pm	Council Briefing Meeting	Beechworth
21-Jul	12.30pm	Rostrum	Albury
22-Jul	2pm	Wine Board Meeting	Rutherglen
25-Jul	11am	Meeting with Mayor and CEO	Beechworth
26-Jul	4pm	Council Briefing Meeting	Yackandandah
27-Jul	7pm	Wahgunyah Progress Association Annual General Meeting	Wahgunyah
29-Jul	4pm	Baarmutha Park Committee of Management Meeting	Beechworth
31-Jul	10am	Wooragee Landcare Meeting	Wooragee

**16.3 CR GRAHAM**

DATE	TIME	FUNCTION/EVENT	LOCATION
5-6 Jul	All Day	Veterans Affairs Meeting	Melbourne
7-Jul	5.30pm	Sustainability Victoria Forum	Wangaratta
12-Jul	2pm	Council Briefing Meeting	Sandy Creek
	3pm	Council Meeting	Sandy Creek
	6.30pm	Community Forum	Sandy Creek
14-15 Jul	All Day	Association Victoria Regional Waste Management Group Meeting	Halls Gap
18-Jul	1.30pm	Indigo Disability Advisory Committee Meeting	Beechworth
19-Jul	10am	Keep Australia Beautiful Judge Visit	Beechworth
	11.15am	Administration nevRwaste	Wangaratta
	4pm	Council Briefing Meeting	Beechworth
20-Jul	9.30am	Staff Interviews nevRwaste	Wangaratta
	12.30pm	Keep Australia Beautiful Judge Visit	Rutherglen
	7pm	Lions Club Meeting	Rutherglen
21-Jul	9.30am	nevRwaste General Meeting	Wodonga
22-Jul	4pm	Budget Process Review	Beechworth
	6.30pm	Rutherglen Apex Club Annual General Meeting and Handover	Rutherglen
23-Jul	10.45am	Formal Acceptance of Leopard Tank, War Memorial	Rutherglen
26-Jul	4pm	Council Briefing Meeting	Yackandandah
27-Jul	4pm	Gold Battery Meeting	Rutherglen
	6.30pm	Wahgunyah Progress Association Annual General Meeting	Wahgunyah
28-Jul	10.30am	Rutherglen Arts Presentation of Donations to Local Organisations	Rutherglen
	3pm	Cobblestones Meeting	Beechworth

**ORDINARY COUNCIL MEETING AGENDA – 9 AUGUST 2011**

30-Jul	5pm	Kerferd Oration Reception	Beechworth
31-Jul	11am	2011 Kerferd Oration	Beechworth

**For Information****nevRwaste**

Cr Graham OAM stood down as Chair of nevRwaste after eight years at its Annual General Meeting held on 21 July 2011 in Wodonga.

The position attracted two nominees with Cr Lisa Mahood from City of Wodonga being the successful candidate.

Cr Graham continues to be a Director of nevRwaste.

**For Information**

The following documents are attached for your information:

- Murray Darling Association Inc. Minutes of Meeting held on Friday 8 July 2011.
- Murray Darling Association Inc. Region 1 Manager's Report.

## ORDINARY COUNCIL MEETING AGENDA – 9 AUGUST 2011

### 16.4 CR GOLDSWORTHY

DATE	TIME	FUNCTION/EVENT	LOCATION
7-Jul	2.30pm	Beechworth Historic and Cultural Precinct Volunteer Afternoon Tea	Beechworth
12-Jul	2pm	Council Briefing Meeting	Sandy Creek
	3pm	Council Meeting	Sandy Creek
	6.30pm	Community Forum	Sandy Creek
14-Jul	3pm	Indigo Heritage Advisory Committee Meeting	Beechworth
18-Jul	7pm	Baarmutha Park Committee Meeting	Beechworth
19-Jul	10am	Keep Australia Beautiful Judge Visit	Beechworth
	10.20am	Visit the Powder Magazine with Tidy Towns Judge	Beechworth
	11am	Lake Sambell Committee Meeting and Tour of the lake with Tidy Towns Judge	Beechworth
	4pm	Council Briefing Meeting	Beechworth
28-Jul	3pm	Cobblestones Meeting	Beechworth
29-Jul	4pm	Baarmutha Park Committee Meeting with Beechworth & District Hockey Club	Beechworth
30-Jul	5pm	Kerferd Oration Reception	Beechworth
31-Jul	11am	Kerferd Oration	Beechworth

## ORDINARY COUNCIL MEETING AGENDA – 9 AUGUST 2011

### 16.5 CR ISSELL

DATE	TIME	FUNCTION/EVENT	LOCATION
1-Jul	2pm	Meeting with Ratepayer	Yackandandah
2-8 Jul		Leave	
11-Jul	4.30pm	Meeting with constituent re: planning issue	Staghorn Flat
12-Jul	2pm	Council Briefing Meeting	Sandy Creek
	3pm	Council Meeting	Sandy Creek
	6.30pm	Community Forum	Sandy Creek
15-Jul	10am	Accounting for Natural Disasters Workshop	Shepparton
	2pm	Focus Meeting with Managers	Beechworth
18-20 Jul		Consumers Reforming Health International Forum	Melbourne
21-Jul	5pm	Kerferd Oration Community Insight 4	Beechworth
22-Jul	9am	Budget Process Review	Yackandandah
	11.30am	Meeting with Member for Benambra	Wodonga
	2pm	Murray Arts Board Meeting	Albury
26-Jul	4pm	Council Briefing Meeting	Yackandandah
28-Jul	6pm	Lecture – Basin Plan	Wodonga
30-Jul	5.30pm	Kerferd Oration Reception Justice David Harper	Beechworth
31-Jul	11am	2011 Kerferd Oration	Beechworth

## ORDINARY COUNCIL MEETING AGENDA – 9 AUGUST 2011

### 16.6 CR MURDOCH

DATE	TIME	FUNCTION/EVENT	LOCATION
7-Jul	2:30pm	Burke Museum Volunteer Afternoon Tea	Beechworth
8-Jul	7pm	Fabulous Fifties Fashion Show	Chiltern
9-Jul	6.30pm	Lions Changeover Dinner	Chiltern
12-Jul	2pm	Council Briefing Meeting	Sandy Creek
	3pm	Council Meeting	Sandy Creek
	6.30pm	Community Forum	Sandy Creek
18-Jul	2:30pm	Indigo Resilience Committee Meeting	Chiltern
	4pm	Audit Committee Meeting	Beechworth
19-Jul	4pm	Council Briefing Meeting	Beechworth
	6.30pm	Chiltern Tourism & Development Committee Meeting	Chiltern
20-Jul	12.30pm	Keep Australia Beautiful Judge Visit	Rutherglen
25-Jul	11am	Border Trust Morning Tea	Wodonga
26-Jul	4pm	Council Briefing Meeting	Yackandandah
27-Jul	7pm	Chiltern Open Day Meeting	Chiltern
28-Jul	6pm	Jonathon Mann Lecture	Wodonga
31-Jul	11am	2011 Kerferd Oration	Beechworth

**16.7 CR CROUCHER**

DATE	TIME	FUNCTION/EVENT	LOCATION
1-Jul	10am	Special Events Meeting re: Indigo Disability Advisory Committee	Yackandandah
4-Jul	3pm	Meeting with Planner	Yackandandah
5-Jul	3pm	2030 Vision Meeting	Yackandandah
	4pm	Council Briefing Meeting	Yackandandah
6-Jul	10.30am	Welcome Morning Tea Janine Williams	Beechworth
	12pm	Senior Citizens Luncheon	Beechworth
7-Jul	12.30pm	Rostrum	Albury
	2.30pm	Burke Museum Volunteers Recognition Afternoon Tea	Beechworth
9-Jul	6.30pm	Lions Club Changeover Dinner	Chiltern
11-Jul	7.30pm	Kiewa Memorial Park Meeting	Tangambalanga
12-Jul	9am	Festivals & Events Meeting	Beechworth
	2pm	Council Briefing Meeting	Sandy Creek
	3pm	Council Meeting	Sandy Creek
	6.30pm	Community Forum	Sandy Creek
13-Jul	3pm	Meeting with Chris Westwood re: Huon Reserve	Tallangatta
15-Jul	10am	Lake Hume Visitor Education Meeting	Lake Hume
	6.30pm	Farewell Dinner for Katie Rizzuto	Yackandandah
19-Jul	10am	Keep Australia Beautiful Judge Visit	Beechworth
20-Jul	8.30am	Newspaper Meeting	Beechworth
	12pm	Senior Citizens Christmas in July Lunch	Beechworth
	6pm	Community Strengthening Meeting re: Newspaper	Tangambalanga
21-Jul	12pm	North East Regional Transport Forum	Tallangatta
	4pm	Meeting with Gabriella Tange Beechworth Health	Beechworth

**ORDINARY COUNCIL MEETING AGENDA – 9 AUGUST 2011**

	5pm	Kerferd Oration Community Insight 4	Beechworth
22-Jul	9.30am	Budget Setting Process Meeting	Yackandandah
25-Jul	9am	Kiewa Valley Primary School Award Presentation	Tangambalanga
	1.15pm	2030 Vision Meeting	Yackandandah
26-Jul	10am	Upper Murray Regional Library Meeting	Wodonga
27-Jul	6pm	Local Newspaper Committee Meeting	Tangambalanga
28-Jul	10.30am	Junior Council Meeting	Chiltern
31-Jul	11am	2011 Kerferd Oration	Beechworth

**17.0 CONFIDENTIAL**

PURSUANT TO SECTION 89(2) (d) and (e) OF THE LOCAL GOVERNMENT ACT 1989 I HEREBY DESIGNATE THE ATTACHED INFORMATION AS CONFIDENTIAL AS IT RELATES TO CONTRACTUAL AND PROPOSED DEVELOPMENT MATTERS.



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**Brendan McGrath**

**CHIEF EXECUTIVE OFFICER**

**9 August 2011**

**17.1 YACKANDANDAH VISITOR INFORMATION CENTRE OPTIONS**

**File No.: 09/500 – Greg Pinkerton- General Manager Corporate Services**

PURSUANT TO SECTION 89(2) (d) OF THE LOCAL GOVERNMENT ACT 1989 I HEREBY DESIGNATE THE ATTACHED INFORMATION AS CONFIDENTIAL AS IT RELATES TO CONTRACTUAL MATTERS.



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**Brendan McGrath**

**CHIEF EXECUTIVE OFFICER**

**9 August 2011**

**17.2 HERITAGE LOAN AGREEMENT**

**File No.: 09/889 - Greg Pinkerton – General Manager Corporate Services**

## ORDINARY COUNCIL MEETING AGENDA – 9 AUGUST 2011

PURSUANT TO SECTION 89(2) (d) OF THE LOCAL GOVERNMENT ACT 1989 I HEREBY DESIGNATE THE ATTACHED INFORMATION AS CONFIDENTIAL AS IT RELATES TO CONTRACTUAL MATTERS.



.....  
**Brendan McGrath**

**CHIEF EXECUTIVE OFFICER**

**9 August 2011**

### **17.3 FLOOD DAMAGE RESTORATION – EASTERN SHIRE RE-TENDER**

**File No.: Ron Sneddon – Manager Operations**

**Next Meeting: 13 September 2011 at 3pm**  
**Soldiers Memorial Hall, Barnawartha**