

INDIGO SHIRE COUNCIL

MINUTES OF THE ORDINARY MEETING OF THE INDIGO SHIRE COUNCIL HELD IN THE CHILTERN HALL, CONNESS STREET, CHILTERN ON TUESDAY 4 SEPTEMBER 2007 COMMENCING AT 7.00 PM.

PRESENT

Councillors

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

Officers

Mr John Costello (Chief Executive Officer)
Mr David Montgomery (General Manager Corporate & Visitor Services)
Ms Sally McCarron (Health & Wellbeing Manager)
Mr Nicholas Moore (Chief Finance Officer – 7.20 pm)
Ms Susan Cheetham (Environment & Development Services Manager)
Mr Phil Prior (Assets Manager)
Mrs Naomi Cox (Executive Assistant/Chief Executive Officer)

1.0 WELCOME

Cr Graham welcomed those in attendance.

2.0 OPENING PRAYER

Cr Murdoch read the Opening Prayer.

3.0 APOLOGIES AND LEAVE OF ABSENCE

Councillor J M Dale

Moved Cr Walsh
Seconded Cr Hotson

That the apology of Cr Dale be accepted.

CARRIED

4.0 DECLARATION OF PECUNIARY INTEREST AND CONFLICT OF INTEREST

Cr Murdoch advised she would declare a Conflict of Interest in Item 10.3 in that she is a Board Member of North East Water.

5.0 OPEN FORUM

Nil

6.0 CONDOLENCES

Nil

7.0 CONFIRMATION OF MINUTES

Moved Cr Murdoch
Seconded Cr Issell

1. That the Minutes of the Council meeting held 7 August 2007 be adopted subject to the word "individual" in Item 11.5 Page 24 be changed to "industrial" and that Cr Issell's vote be recorded in the negative .
2. That the Minutes of the Special meeting of Council be adopted.

CARRIED

8.0 BUSINESS ARISING (PREVIOUS MINUTES)

Nil

9.0 DEPUTATIONS AND PETITIONS

Nil

10.0 ENVIRONMENT AND DEVELOPMENT

10.1 INDIGO PLANNING SCHEME REVIEW 2006/07 (FILE NO: E1240.24 - SSP)

For Decision

RECOMMENDATION

1. Council adopt the Indigo Shire Council – Planning Scheme Review 2006/07 document.
2. That the Indigo Shire Council – Planning Scheme Review 2006/07 document be submitted to the Minister for Planning in accordance with Section 12B of the Planning & Environment Act 1987
3. Council resolve to request authorisation to commence with the preparation of Indigo Planning Scheme Amendment C24 from the Minister of Planning, as required by the Planning and Environment Act of 1987.
4. Pending the outcome of the request for authorisation to commence with the preparation of Amendment C24, Council resolve to commence with the preparation and exhibition of Indigo Planning Scheme Amendment C24 which proposes to:
 - introduce a revised Municipal Strategic Statement into the Indigo Planning Scheme;
 - implement action items listed in the Indigo Shire Council – Planning Scheme Review 2006/07 document for immediate action;
 - back-zone land identified by the Indigo Shire Council – Planning Scheme Review 2006/07 document, in Chiltern and Yackandandah, from Low Density Residential Zone to Rural Living Zone, and;
 - correct administrative and mapping errors contained in the Indigo Planning Scheme.

**Moved Cr Hotson
Seconded Cr Murdoch**

That the matter be deferred until the October meeting of Council in order that Council can be fully briefed on the implications of this report.

CARRIED

Note: Cr Banks voted in the negative

SUMMARY

The Indigo Planning Scheme Review 2006/07 process commenced in April 2006 and has recently been completed. This process included extensive public participation opportunities and a final document entitled *Indigo Shire Council – Planning Scheme Review 2006/07* has been prepared. Council needs to consider this document for adoption. Should Council decide to adopt this document the implementation of the proposals contained in it will commence. The first step of the implementation is to

undertake a Planning Scheme Amendment including:

- all action items listed in the review document for immediate action;
- the back-zoning of areas of land in Chiltern and Yackandandah, and;
- the correction of known administrative and mapping errors within the Indigo Planning Scheme.

BACKGROUND

The Planning and Environment Act requires Councils to review their Planning Scheme every 3 years. The objective of such a review is to enhance the effectiveness and efficiency of the planning scheme in achieving the objectives of planning in Victoria and the objectives of the planning framework established by the Planning and Environment Act. In April 2006 Council resolved to undertake to Indigo Planning Scheme Review during 2006/07.

The Indigo Planning Scheme Review process was undertaken by the Council's Environment and Development Services Department. This process was conceived as a participatory and partnership-driven process and included extensive public participation opportunities including a focus group, public exhibition of documents and community meetings.

The review process has now been concluded and a final review document prepared. This document entitled *Indigo Shire Council – Planning Scheme Review 2006/07* is attached (see **Attachment A**).

PROCESS FOLLOWED

The Indigo Planning Scheme Review process commenced in April 2006 and entailed the following elements:

- **Phase 1: Project Initiation**

This phase included:

- The establishment of an internal committee to manage the project;
- The establishment of a Review Focus Group (reference group) consisting of Councillors, Council Officers and Community representatives; and
- Developing a Stakeholder Consultation Framework (detailing how consultation would take place throughout this process). This Stakeholder Consultation Framework was developed in conjunction with the Focus Group.

- **Phase 2: Assessment of Current Situation**

This phase included:

- Analysis of current situation;
- Identifying constraints/issues/gaps; and
- First round of community meetings

- **Phase 3: Recommendations**

This phase included:

- The formulation of draft recommendations;
- Second round of community meetings;

- Production of a Draft Report;
- Public exhibition of Draft Report; and
- Production of a final Review Report.

The Planning Scheme Review process included extensive community participation opportunities. A total of 16 community meetings were held in communities across the Shire. These meetings provided community members with the opportunity to actively participate in the Planning Scheme Review process by providing relevant input. The process further included the establishment of a Planning Scheme Review Focus Group. This Focus Group consisted of community members, Council Officials and Councillors. The main role of the Focus Group was to act as a 'sounding board' prior to broad community consultation. This Focus Group met on seven occasions during the review process.

As part of the final stages of the review process a draft Planning Scheme Review document was prepared and publicly exhibited.

Submissions received throughout the review process were considered on a continuing basis and the final submissions received as a result of the exhibition of the draft document were considered before finalising the review document.

Once the final document is adopted by Council it will be submitted to the Minister for Planning and the implementation of the proposals contained in it will start immediately. Implementation will include a Planning Scheme Amendment with further opportunity for community input.

PUBLIC EXHIBITION AND FINAL DOCUMENT

As a result of the recent public exhibition of the draft review document, a number of submissions were received. Copies of these submissions have been provided to each Councillor. These submissions were all considered before the review document was finalised. The table below contains a summary of the submissions received, a response to main issues and a recommendation for each point raised. The table deals with submissions to the final exhibition period only, and does not include the submissions which were dealt with progressively prior to that time – matters raised in those submissions were addressed earlier in the process.

Submis- sion	Summary Of Content	Response	Recom- mendation
1	The Rutherglen Rural Planning meeting included a presentation by a consultant touching on land close to lake Hume.	This probably refers to a presentation regarding the implementation of new rural zones in Towong Shire.	No change to document
	Implementation Plan should include an item to "enable action to be taken to allow development proposals to be considered and dealt with".	All development proposals are assessed and processed as required by the Planning and Environment Act. There is no need to add such an item into this document.	No change to document
2	Rezone land owned at entrance to Chiltern from FZ to Rural Activity Zone to allow for the development of a 'rural community market'.	The FZ does not prohibit the use of land for the purposes of a community market.	No change to document
	Chiltern: all land between the Hume Freeway and the railway line from the Chiltern Beechworth Road west to the Black Dog Creek and east to the Iron Bark Forest, should be rezoned from FZ to Rural Activity Zone.	The proposed Rural lands Study will be undertaken before new rural zones are implemented. Until then it is proposed to retain the FZ over all land currently zoned FZ.	No change to document

	Amend setbacks for buildings and works under the FZ.	The current setbacks are considered appropriate for this zone.	No change to document
	Proposed light industrial area at the entrance of Chiltern is located on this persons land. Land owner does not consent to this land use and argues that this land is inappropriate for industrial development.	Proposal to be reviewed and clarify possible future zonings.	Clarify proposal and consider appropriate zoning
3	More land should be included for future residential development in Tangambalanga.	From a land supply and demand perspective the rezoning of more residential land cannot be justified – this land was not identified in the Kiewa Tangambalanga Structure Plan as suitable for residential purposes.	No change to document
	Mapping inconsistencies between Structure Map for Kiewa Tangambalanga and mapping for Amendment C21.	Mapping inconsistencies are as a result of a mapping error in Draft Planning Scheme Review Document. Mapping from Kiewa-Tangambalanga Structure plan not translated correctly.	Correct mapping error
	Visually exposed area south of Kiewa East Road on Figure 9 is incorrectly mapped.	This area was translated correctly from the adopted Kiewa-Tangambalanga Structure Plan mapping. In this specific case the 200m contour was used to determine visually exposed land.	No change to document
	Land between the Kiewa River and Kiewa East Road on the western side of the Tangambalanga Township should be considered for rezoning to R1Z to allow for access.	Rezoning of land is not required to allow for access over such land – roads can be built over land in the FZ if required.	No change to document
	Objections against aspects of the ongoing Indigo Planning Scheme Amendment C21.	Amendment C21 has been exhibited and this submitter has provided an submission as part of this exhibition. These issues will be addressed as part of the Amendment C21 process.	No change to document
	Plans are poorly drafted and contain errors, in particular the numbering in Section C of the document does not follow numerical order.	Errors in the draft document are to be corrected.	Correct errors identified
4	Request to include specific property in the Urban Growth boundary for Beechworth and identify it for future Low Density residential use.	The specific locality of the relevant lot could potentially lead to future land use conflicts and is therefore not suitable for future low density residential use.	No change to document
5	Proposed light industrial area at Chiltern should include opportunity for business / commercial development and land west of the Beechworth Road should be included. Management of the development of this land to protect visual amenity. Some land east of Beechworth Road should be able to accommodate larger industry in future.	The need for 'light industrial' land in Chiltern is acknowledged, but the amount of land made available in future should be limited as the need is limited. This proposal should be reviewed based on submissions received. Possible future zoning of this land should be clarified.	Clarify proposal and consider appropriate zoning
	Large areas of land on the edge of Chiltern should be rezoned for residential purposes to promote residential development.	The Strategic map for Chiltern already includes large areas on the edge of Chiltern for future residential development.	No change to document
6	Minor typing errors in document.	Errors to be corrected.	Correct errors
	Rezoning of part of Frederick Street fro B1Z to R1Z to be prioritised in Implementation plan.	This item should be actioned immediately.	Include this item as an immediate action item in the Implementation Plan
	Various crown reserves in Wahgunyah currently incorrectly zoned FZ.	These areas are probably incorrectly zoned as a result of mapping errors.	Mapping errors to be corrected as part of Planning Scheme Review amendment

	Land parcel on banks of Murray River incorrectly zoned	This is not considered a mapping error and the proposed residential zone for this lot is not appropriate for this land as it is flood affected and environmentally significant.	No change to document
	Property at 6 Mill Street, Wahgunyah (former John Foord mill) should be included on the Heritage Overlay (HO)	The Indigo Heritage Study does not recommend the property for inclusion in HO. The Heritage Advisor was consulted in this regard and advises that the old mill has been substantially modified which included demolition of a large percentage of original building fabric. It is considered that there is not sufficient integrity of the place for it to be included in the HO.	No change to document
7	Objection to location of light industrial at the entrance to Chiltern	Proposal to be reviewed and clarify possible future zonings.	Clarify proposal and consider appropriate zoning
8	Land along Alma Rd proposed for future residential is not suitable for this use as it valuable agricultural land and will adversely affect existing farming operations in the area due to land use conflicts	This proposal should be reviewed.	Review this proposal
9	Business 1 Zone in the centre of Beechworth should be extended to include a specific property owned by submitter.	Current extent of Business 1 Zoned land in the centre of Beechworth is sufficient for current and foreseeable future business use. No further extension of this area is proposed.	No change to document
	Specific rural property should be included in the Rural Activity Zone	The proposed Rural Lands Study will be undertaken before new rural zones are implemented. Until that time it is proposed to retain the FZ over all land currently zoned FZ.	No change to document
10	Chiltern: rezone land between Racecourse Rd and Black Dog Creek from FZ to LDRZ.	The Black Dog Creek is a natural physical edge to the west of Chiltern. Servicing of land across this creek could also be inefficient. Rezoning of this land to LDRZ will lead zoning not being contiguous and this situation could lead to 'leapfrog' development.	No change to document
11	Commercial area in the centre of Chiltern should be extended along Main Street to include the Police Station, Post office and Community Centre	Considering the amount of land currently zoned Business 1 Zone, the extension to this area already proposed (closer to the existing commercial area) and the current land uses in the subject area, it is proposed to retain the current zoning of the area. Business development in this are in the near future would be unnecessary and not in keeping with the current use of the area. Future commercial development in Chiltern could potentially be limited and therefore a limited amount of land directly adjacent proximity to the existing commercial area is proposed for rezoning.	No change to document
	Concerned about the proposed siting of the industrial area in Chiltern	Proposal to be reviewed and clarify possible future zonings.	Clarify proposal and consider appropriate zoning
12	Objection to the proposed siting of the industrial area in Chiltern. Industrial development more appropriate at proposed service centres	Proposal to be reviewed and clarify possible future zonings.	Clarify proposal and consider appropriate zoning
13	Objects to suggestion that a systemic misinterpretation of planning policy over time has led to the development of de facto rural living areas across the shire	The wording of these sections should be reviewed to reflect that the specific policy did not achieve its intended purpose	Review wording of relevant sections

	Basic assumption that a significant component of future growth will take place in townships with existing services is optimistic and contradicts historic population growth patterns within the Shire. The planning scheme should embrace population growth across both urban and rural sectors.	The review document is suggesting that more should be done to attempt to get most of the predicted population growth in towns with good existing services. This is a more sustainable approach as services will be utilised to their full potential and new services would not be required in rural localities. The current planning scheme identifies areas suitable for rural residential development and zoned the areas appropriately (RLZ). Unfortunately the current scheme allows for this type residential development outside of these areas and development within these zoned areas have been limited in the recent past. New strategies are required to make sure that development takes place in areas identified as suitable. The review document therefore still embraces a balance between urban development and rural development, but new emphasis is being placed on achieving a more sustainable pattern of spatial development.	Some rewording of relevant sections to clarify this matter
	Review document ignores the importance and value of small and family farms.	These matters will be taken into account as part of the Rural Lands Study.	No change to document
14	Objection to the proposed siting of the industrial area in Chiltern	Proposal to be reviewed and clarify possible future zonings.	Clarify proposal and consider appropriate zoning
15	Allow for the development of dwellings on rural properties smaller than 40ha, but link these development to agricultural production	The planning scheme review proposes that a Rural Lands Study be undertaken to determine how development in rural areas will be managed in future. This study will take at least 2 years to complete and as an interim measure it is proposed to discourage the development of dwelling on rural properties smaller that 40ha.	No change to document
16	Rural Lands Study is crucial to the long term sustainable future of the Shire –slope should not be considered as a negative factor in assessing land capability.	The Rural Lands Study is proposed to take place in the next 2 years and will include community consultation.	No change to document
	The MSS ignores water supply issues	Water supply issues are addressed by external agencies and authorities. This issue is not ignored but the Planning Scheme has limited influence over these matters.	No change to document
	Supports the protection of agricultural land and therefore requires the” revocation of Amendment C5” and are further concerned about the proposed future residential development of land along Havelock Road and along the approaches to Beechworth	The process followed for Amendment C5 involved public exhibition and an independent panel. The proposal for future residential development along Havelock Road should be reviewed. No future residential development is proposed along the approaches to Beechworth.	Review proposal for future residential development along Havelock Road
	Neighbourhood character should be maintained	The Planning Scheme Review makes provision for this	No change to document
	Growth should be encouraged locally and provide local employment opportunities	The Planning Scheme Review makes provision for this	No change to document

17	Existing manufacturing businesses around Yackandandah should be zoned to reflect current use and allow for the ongoing use and "evolution" of the businesses as existing use rights are not adequately protected by the planning legislation.	These uses were approved under the Yackandandah Planning Scheme and in 1 case the use of the land for the relevant purpose was only approved for a limited period. Current planning legislation protects existing use rights, but this does not include the extension of such uses on the relevant land. The subject areas are earmarked for future Low Density Residential and Rural Living purposes and the extension of these uses are not appropriate in these localities	No change to document
	Land adjacent to Yackandandah Sports park is privately owned and should be appropriately zoned	This land is zoned LDRZ at the moment	No change to document
	Land to the west of Yackandandah cemetery should be rezoned from FZ to LDRZ	This cannot be justified from a land supply and demand point of view at this stage. This should further be dealt with through a separate amendment if it could be justified in future. Proposing rezoning of land at this late stage in the process without public input would not be appropriate	No change to document
18	Disappointed and concerned regarding limited time allowed for community input into the draft document and the "lack of public awareness about this review"	Considering the extensive program of community participation included in this process over the last 14 months the period of 3 weeks for community comment on the latest draft document is considered adequate. The process has been advertised widely and enjoyed good community involvement throughout.	No change to document
	All rural areas should be allowed to be subdivided to 16ha and each of these lots should further be allowed to be developed with a dwelling as large scale farming is not viable	This type of development is rural residential development and is appropriate in the Rural Living Zone. The draft Planning Scheme Review document is encouraging a policy direction where the majority of residential development will take place in townships where existing services can be more efficiently utilised. To allow large-scale residential development in rural areas outside of those areas already identified as suitable for rural residential purposes would counteract this policy direction. The proposed Rural Land Study will further determine what type of uses should be allowed in the rural areas in different parts of the Shire.	No change to document
	Farming should be supported by rating systems, positive bylaws, etc.	The ISC is currently initiating the Rural Landscapes – Designing a preferred future project. This is a direct result of the Planning Scheme Review process. This project is specifically designed to investigate ways of supporting the ongoing use of rural land for rural purposes by means of tools outside of the conventional planning system.	No change to document
	High quality agricultural land should be clearly identified	The proposed Rural Lands Study should achieve this	No change to document
	The Rural Lands Study will not achieve its goal and will take too long to complete. Prospective opportunities will be lost while study is undertaken.	The interim measures proposed for introduction while the Rural lands Study is undertaken do not prohibit development from taking place and will support the ongoing use of farmland for farming purposes. Dwellings will be discouraged on small rural lots while the necessary information is gathered for a comprehensive rural strategy to be compiled and implemented.	No change to document

	Land use conflict between urban development and farming activities are recognised	These issues are recognised in the Planning Scheme Review document	No change to document
19	Population trends show a decline in rural farming populations and stagnating townships	The population figures used in the Planning Scheme review does not reflect a decline in rural populations or stagnating townships. The trends in each township have been identified and some have stagnated or declined while others have grown in the recent past. This situation should be further investigated using the latest available census figures recently released.	Include latest available census figure into document
	Document should refer to wastewater treatment not disposal	This term should be reconsidered	Change this term
	Issues regarding water authorities and wastewater disposal	These issues fall outside of the scope of the planning scheme	No change to document
	Not all land included in the National Trust landscape included as significant landscapes on the spatial constraints map for Yackandandah, includes map of "significant ridgelines" that should be included on this map	The significant landscapes indicated on the spatial constraints maps are directly translated from the Significant Landscape Overlay (SLO) currently contained in the Planning Scheme. The Implementation Plan further identifies that the possible extension of the SLO to include all National Trust Landscapes should be investigated in the next 3 years. The spatial constraints map identifies only major constraints – not all constraints are included on the maps, but all constraints are considered.	No change to document
	Reticulated gas should be required in all new subdivisions	This will be determined at subdivision stage and will depend on specific circumstances and possibilities	No change to document
	Agricultural land use and sediment pollution has a impact on water quality	These issues are already considered as part of the Planning process and the Planning Scheme contains local policy in this regard	No change to document
	Car parking – a study was undertaken in Yackandandah in 1988 with recommendations	This seems to remain an issue in Yackandandah as it was identified during community consultation and therefore the Implementation Plan includes an action item in this regard.	No change to document
	The Strategic Framework Plan should identify land in Yackandandah valley as high quality agricultural land	This Framework shows land currently identified as high quality agricultural land in the IPS. The proposed Rural Land Study will possibly provide more detail in this regard	No change to document
	Why is Wooragee identified for rural living purposes?	The Wooragee area is currently zoned Rural Living and has previously been identified as suitable for this type of land use.	No change to document
	Land west of Twist Creek should be back zoned from R1Z to RLZ	This majority of this area was identified as future urban in the Yackandandah Planning Scheme and has been zoned R1Z since the inception of the Indigo Planning Scheme. The area is considered appropriate for future residential development and with correct management of such a development any adverse impacts can be addressed or minimised. The Planning Scheme Review already proposes the implementation of certain buffer areas to achieve such an outcome.	No change to document
	Specific lot should be back zoned from LDRZ to RLZ due to topography and vegetation.	The factors mentioned do not exclude development from taking place on this land. Proposing the back zoning of this property at this late stage in the process without any public input would also not be appropriate. If this is an issue in future, a separate planning scheme amendment process should be followed.	No change to document

	Land bounded by Twist Creek Road, Tannery Lane and Fletcher Street should be back zoned to rural residential because of physical constraints and visual prominence	Physical constraints will be considered with any development proposal. Proposing the back zoning this land at this late stage in the process without any public input would also not be appropriate. If this is an issue in future, a separate planning scheme amendment process should be followed.	No change to document
	Land identified as a buffer area West of Twist Creek Road should be zoned rural residential due to topography and visual prominence	This area was identified as a future buffer area for these reasons and appropriate management of development will allow for any adverse impacts to be minimised.	No change to document
	Zoning at the eastern entrance to Yackandandah is inappropriate for this area – numerous suggestions	The zoning combined with identified buffer areas and other management tools should be sufficient to avoid or minimise any adverse impacts of future development	No change to document
	The proposed extension of the commercial area in Yackandandah is inappropriate, as this will affect a significant heritage streetscape.	The conversion of houses into commercial uses should not significantly affect the streetscape. The Heritage Overlay will protect significant heritage items/areas.	No change to document
	Land south of Yackandandah, east of Dederang Road should be proposed for future residential use	This cannot be justified from a land supply and demand point of view.	No change to document
	As an interim measure, until the Rural Lands Study is completed, dwellings in rural areas should be prohibited	This is not considered a viable or fair option at this stage. The FZ does not prohibit dwellings and this can also not be achieved through local policy. In other words this can not be achieved through the planning scheme	No change to document
20	Brief history of the Indigo Valley and changes that has occurred here in the recent past	No response required	No change to document
	Small farm could be beneficial. Capital investment from new rural land owners should be welcomed.	The proposed Rural Lands Study will consider these aspects.	No change to document

The final review document entitled *Indigo Shire Council – Planning Scheme Review 2006/07* (dated July 2007) is attached (see **Attachment A**). The document includes detailed background information, a review and identification of relevant key issues, objectives and strategies for the Shire. Preferred future development patterns are further described and illustrated in the document through the strategic maps for the Shire and each township. The Planning Scheme Review document concludes in an Implementation Plan, which provides a list of actions to be undertaken in the next 3 years to implement the policy direction contained in this document. These actions include studies, investigation and proposed changes to the planning scheme. All actions identified for immediate action will be implemented once Council adopts this document.

In addition to this, the review document proposes that two areas of land currently zoned Low Density Residential Zone (LDRZ) be back-zoned to Rural Living Zone (RLZ). These areas are:

- Land in Chiltern, west of Black Dog Creek (see Chiltern Strategic Map), and
- Land west of Bells Flat Road in Yackandandah (see Yackandandah Strategic Map).

Both of these areas are currently largely undeveloped and were identified as unsuitable for low density residential development due to their location outside of identified urban growth boundaries, physical characteristics and potential environmental impacts.

CONCLUSIONS

The Indigo Planning Scheme has been reviewed as required by the Planning and Environment Act. This review has been undertaken as a consultative process, including numerous opportunities for the community of Indigo Shire to provide input. The result of the review process is a document entitled *Indigo Shire Council – Planning Scheme Review 2006/07*. This document is hereby submitted to Council for adoption. Such adoption would then lead to the implementation of the proposals contained in the Implementation Plan forming part of this document. Action items included in this Implementation Plan for immediate implementation are proposed to be included in a Planning Scheme Amendment (Amendment C24) to be undertaken as soon as possible.

These items are:

- Produce new Municipal Strategic Statement (MSS) based on the Indigo Planning Scheme Review 2006/07 and include Strategic maps into MSS.
- Interim measure: Implement local policy to discourage dwellings in the Farming Zone on lots smaller than 40ha and direct small lot development to areas strategically justified and zoned for rural living purposes.
- Review relevant schedules to the Development Plan Overlay to ensure appropriate servicing of future development (including adequate potable water supply).
- Review relevant schedules to the Development Plan Overlay to include the provision of adequate and functional future open space networks and appropriate linkages to existing networks.
- Require Water Sensitive Urban Design under the relevant schedules to the Development Plan Overlay.
- Chiltern: Rezone land currently in the Township Zone to Residential 1 Zone.
- Rezone land identified on the Chiltern Strategic Map for future industrial/commercial purposes and include measures to establish a buffer area around this land.
- Rezone land identified on the Chiltern Strategic Map for future commercial purposes.
- Rezone land identified on the Rutherglen Strategic Map for future commercial purposes.
- Rezone land identified by the Wahgunyah Strategic Map for future industrial purposes.
- Wahgunyah: Rezone land east of Frederick Street from B1Z to R1Z.
- Rezone land currently in the Township Zone to Residential 1 Zone and Business 1 Zone as identified on the Barnawartha and Yackandandah Strategic Maps.
- Investigate the rezoning of land identified on the Barnawartha Strategic Map for future industrial purposes.
- Introduce a local policy into the Planning Scheme to maintain Shire's "Pokie" free status by reflecting Council's current Gaming Policy (including required changes to schedules in the relevant Particular Provision).

The remaining action items listed in the Implementation Plan are proposed for implementation over the next 3 years leading up to the next Planning Scheme Review.

In addition to the above items the *Indigo Shire Council – Planning Scheme Review 2006/07* document identifies two areas of land (in Chiltern and Yackandandah respectively) to be back-zoned from LDRZ to RLZ. These proposed back-zonings should

be implemented as part of Amendment C24.

It is further considered appropriate to include the correction of known administrative and mapping errors contained in the Indigo Planning Scheme into proposed Amendment C24. These errors have been brought to the attention of Council's Environment and Development Services Department over the last 2 years and should be corrected as part of the first step towards implementing the proposals of the Planning Scheme Review (2006/07) document.

*Attachment A: Indigo Shire Council – Planning Scheme Review
2006/07 (July 2007)*

10.2 SECTION 173 AGREEMENTS - 07/134, 07/3997, 07/3998 – (EDSM)

For Decision

RECOMMENDATION

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

- A) Lundin-Mijacevic**
- B) Buckingham**
- C) Rebbechi**

**Moved Cr Banks
Seconded Cr Walsh**

That the Recommendation be adopted.

CARRIED

INTRODUCTION

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

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

COMMENT

In the Agreements referred to, the responsibility of making application on behalf of Council to the Registrar of Titles office for the registration of the Agreement and the

payment of all legal costs is that of the other party entering into the Agreement with Council.

BACKGROUND

A) Planning Permit 07/134 relates to a proposed restructure of land located at Yackandandah-Myrtleford Road, Yackandandah into 2 lots. The land is approximately 125ha and is covered by the provisions of the Farming Zone. Lot 1 is an existing small allotment and is developed by 2 dwellings, Lot 2 is comprised of 8 existing allotments. The application was approved on the basis that a Section 173 Agreement was to be entered into with the Responsible Authority to ensure:

- that the lots created are not able to be further subdivided so as to increase the number of lots.

B) Planning Permit 07/3997 relates to a proposed restructure of land and a dwelling on land located at Police Paddocks Road, Rutherglen. The land is comprised of 4 allotments and covered by the provisions of the Farming Zone. The permit allows a dwelling on an existing allotment of 35ha and the other three allotments to be restructured into 2 lots of 42ha and 55ha. The application was approved subject to conditions including that a Section 173 Agreement was to be entered into with the Responsible Authority which:

- (i) ensures that each lot created is not able to be further subdivided so as to increase the number of lots;
- (ii) ensures that Crown Allotment 1 Section U Parish of Gooramadda is not able to be further subdivided so as to increase the number of lots;
- (iii) ensures that in the event of a dwelling house being approved and erected on the land that such dwelling cannot be excised from the Lot under the provisions of the Indigo Planning Scheme, and;
- (iv) provides notification that any future application for the development of proposed lots A, B, or C for the purposes of a dwelling would depend on the ability to comply with the provisions of the Indigo Planning Scheme in effect at the time, and in particular:
 - (a) Clause 22.01-2 Rural Dwelling Siting and Design Guidelines;
 - (b) Clause 22.03-4 Effluent Disposal & Water Quality;
 - (c) Clause 22.03-2 Fire Hazard;
 - (d) Schedule 3 to Clause 42.01 Environmental Significance Overlay, and;
 - (e) The ability to avoid the removal or destruction of any native vegetation.
 - (f)
- (v) provides notification to future landowners of Lots A and B by way of an endorsement on the title, of the need to contribute to Council the sum of Council's Road Contribution Levy in the event that the development of the land for the purposes of a dwelling is approved.

C) Planning Permit 07/3998 relates to a proposed 2 lot subdivision of land located at Fortune Street, Rutherglen. The land is developed by a single dwelling and covered by the provisions of the Residential 1 Zone. The application was approved subject to

conditions including that a Section 173 Agreement was to be entered into with the Responsible Authority to:

- provide notification to future landowners of lot 2 by way of an endorsement on the title, that any future development of lot 2 that requires upgrade of the road along the frontage of lot 2 shall also be completed along the frontage of lot 1 at the full cost of the developer at the time.

Attachment A: Locality/Site Plan – PP07/134 Yackandandah-Myrtleford Road, Yackandandah.

Attachment B: Locality/Site Plan – PP07/3997 Police Paddocks Road, Rutherglen.

Attachment C: Locality/Site Plan – PP07/3998 Fortune Street, Rutherglen

10.3 INDIGO PLANNING SCHEME AMENDMENT C34 – RUTHERGLEN-WAHGUNYAH WASTE WATER TREATMENT FACILITY (FILE NO: E1240-34 - ATP)

Note: Cr Murdoch declared a Conflict of Interest in this item as she is a Board Member of North East Water. Cr Murdoch left the meeting at 7.12 pm and returned at 7.13 pm and took no part in voting on the matter.

For Decision

RECOMMENDATION

1. That Indigo Planning Scheme Amendment C34 be altered in the following way:
 - by retaining the Environmental Significance Overlay 3 □ Black Dog Creek over the subject land and
 - removing the native vegetation removal exemptions from Environmental Significance Overlay 5 □ Rutherglen-Wahgunyah Wastewater Treatment Plant Separation Distance; and
2. That Indigo Planning Scheme Amendment C34 be adopted as amended; and
3. That Indigo Planning Scheme Amendment C34 be submitted to the Minister for Planning for approval in accordance with Section 31 of the *Planning and Environment Act, 1987*.

Moved Cr Banks
Seconded Cr Hotson

That the Recommendation be adopted.

CARRIED

SUMMARY

Indigo Planning Scheme Amendment C34 was last reported to Council in November 2006. At this meeting it was resolved to commence preparation and exhibition of the amendment.

Amendment C34 was requested by the North East Region Water Authority (NERWA), and proposes to rezone land owned by NERWA and used as the Rutherglen-Wahgunyah Wastewater Treatment Plant (WWTP).

The amendment would rezone the WWTP from Farming Zone (FZ) to Public Use Zone 1 (Service & Utility), delete Environmental Significance Overlay Schedule 3 (Black Dog Creek) from the subject land and replace it with Environmental Significance Overlay Schedule 5 (Rutherglen-Wahgunyah Wastewater Treatment Separation Distance).

The Amendment was exhibited from 29 June to 6 August 2007, and submissions were received from the North East Catchment Management Authority (NECMA) and the Department of Sustainability & Environment (DSE).

The issues raised in these submissions can be accommodated within the scope of the amendment. Therefore it is considered that the most appropriate course of action would be for Council to change the amendment in the manner requested, and submit the amendment to the Minister for Planning for approval.

BACKGROUND

Council has previously considered and supported Amendment C14 concerning the Rutherglen-Wahgunyah wastewater treatment facility. Amendment C14 proposed to introduce a Development Plan Overlay (DPO) to all land within a defined area around the treatment facility. Objections were received to the amendment which could not be accommodated within the scope of the amendment, so it was referred to an independent Panel for consideration. The Panel concluded that the most appropriate planning tool to apply in this instance was the Environmental Significance Overlay. This amendment was abandoned.

NERWA again applied for an amendment to the Indigo Planning Scheme, with the main difference being the proposal for a Development Plan Overlay has been changed to an Environmental Significance Overlay, which appeared to be the main criticism of the previous Amendment C14. However, the applicant has also requested that the Rutherglen-Wahgunyah wastewater treatment plant site be rezoned from Farming Zone to Public Use 1.

In the report to Council of November 2006, the rezoning of the wastewater treatment plant from FZ to PUZ1 was not supported. Application of the PUZ1 would result in development that could have significant off-site impacts being exempt from the planning approvals process. In addition, the proposed PUZ1 covers more land than that used as part of the wastewater treatment plant (WWTP) operations (i.e. vacant land in addition to operational parts of the WWTP).

Discussions with NERWA since the matter was last reported to Council indicated they definitely wanted to pursue the rezoning of the property. The justification for this is that NERWA is a public authority, and is the owner and manager of the site. The FZ provisions are seen to be restrictive to the WWTP use of the land and could impede the operation of the plant. In addition, the area of the land to be rezoned PUZ1 is justified in that not only is the mechanical plant important to the WWTP operations, but also the vacant land which absorbs the treated wastewater.

For these reasons the amendment was exhibited with the proposed PUZ1 replacing the FZ on the subject land.

PUBLIC EXHIBITION

The amendment was exhibited from June 29 to 6 August 2007. In response, two written submissions were received (see Attachment A).

The first, from the Northeast Catchment Management Authority (NECMA), objected to the removal of the ESO3 and the NECMA as a referral authority from the subject land. The area of the proposed ESO5 falls in zone 1 of the Black Dog Creek Waterway Management District and is known to have significant drainage problems.

The second submission, from The Department of Sustainability and Environment (DSE), objected to the amendment based on the fact that the amendment in its current form would allow vegetation to be removed without consideration to *'Victoria's Native Vegetation – A Framework for Action'*. This is due to the exemption for vegetation removal in the 'Permit requirement' section of the Overlay.

Both of these submissions can be accommodated within the scope of the amendment.

DISCUSSION

It is contended that the objection from NECMA can be satisfied by the retention of the ESO3 over the subject land. The ESO3 and the ESO5 are both tools that have a strategic basis and provide for the management of different issues on the subject land. It is therefore appropriate to have them both cover the subject land.

With regard to the objection from DSE, the retention of the ESO3 over the subject land introduces conflict with regard to vegetation removal, i.e. ESO3 indicates a planning permit is required for vegetation removal, ESO5 proposes that no permit is required for vegetation removal. It is proposed to remove the vegetation removal exemption from the ESO5.

Initial discussions with NERWA indicate they have no objection to the proposed changes to the amendment. The proposals as outlined above and in Attachment B will be put to the relevant authorities for comment prior to the amendment being forwarded to the Minister for Planning for approval.

CONCLUSION

In accordance with Clause 23(1) of the Act, after considering a submission that requests a change to the amendment, the planning authority may

- (a) Change the amendment in the manner requested;
- (b) Refer the submission to a Panel; or
- (c) Abandon the amendment or part of the amendment.

Given the changes requested are generally supported, it is considered that the most appropriate course of action would be for Council to change the amendment in the manner requested. It is considered that the changes do not sufficiently alter the amendment to warrant referring to a Panel.

*ATTACHMENTS
Objections to the amendment from DSE and NECMA.
Amendment documentation.*

10.4 INDIGO PLANNING SCHEME AMENDMENT C10 – HERITAGE (FILE NO: E1240-10 - EDSM)

For Decision

RECOMMENDATION

It is recommended that:

1. Indigo Planning Scheme Amendment C10 be altered in the following manner:
 - Tree controls are refined in the schedule to the HO;
 - Include the shop on the property in HO230 along with the dwelling;
 - Remove HO514 'Warrawee', Kiewa Valley Highway Kergunyah, from the map and schedule to the HO;
 - Remove two properties from the Rutherglen Heritage Precinct HO628;
 - Revise HO628 so that individual items are also covered by the precinct;
2. HO594 (10 Murray St Rutherglen) be retained in the Heritage Overlay;
3. Indigo Planning Scheme Amendment C10, as detailed in this report, be adopted.
4. Indigo Planning Scheme Amendment C10 be submitted to the Minister for Planning for approval in accordance with Section 31 of the Planning and Environment Act.

**Moved Cr Walsh
Seconded Cr Hotson**

That the matter be deferred to the October meeting of Council pending the release of a report from Heritage Victoria to the Planning Minister regarding heritage matters.

**For: Crs Walsh, Hotson and Graham
Against: Crs Banks, Issell and Murdoch**

The motion was CARRIED on the casting vote of the Mayor

SUMMARY

The Independent Panel appointed to hear submissions in relation to this amendment was held from 15 – 18 May 2007. The Panel consisted of two members, and the hearing was held at The Shed in Yackandandah. The Panel heard submissions from Council's Environment and Development Services Manager, Peter Freeman (expert witness involved in preparation of the Indigo Heritage Study) and Deborah Kemp (expert witness responsible for review of listed heritage places), along with seven objectors. The Panel members conducted inspections in the weeks after the hearing.

The Panel report was received in mid July, and recommends Council should adopt Amendment C10 as exhibited, subject to a number of conclusions and recommendations. The recommendations include the removal of 3 items from the schedule to the Heritage Overlay, and the review of the Statement of Significance for each item on the schedule.

BACKGROUND

Amendment C10 deals with heritage items and areas in the Indigo Planning Scheme. The amendment was prepared after completion of the *Indigo Heritage Study*, 2002. This amendment finalises heritage provision introduced in an interim amendment in August 2005.

The amendment was placed on public exhibition from August to November 2005. Six public meetings were held in March 2006 as part of the consultation process. As a result of ongoing concern by a limited number of submitters, further discussions were held with a number of owners and all listed items underwent a further review prior to consideration of the amendment by Council. A report on the amendment was considered by Council in February 2006. At that time Council resolved to make changes to the amendment and to refer the amendment to an Independent Panel.

DISCUSSION

A full copy of the Panel Report has been provided to Councillors as **Attachment A**.

Following are the Panel's recommendations in italics with a brief discussion on each.

- *In relation to problems in the identification and mapping of heritage places in rural settings, Council should monitor the outcome of this particular issue in the Heritage Review currently being undertaken by a Committee of Inquiry appointed by the Minister for Planning.*

One of the issues identified by the panel were the problems presented by having small items marked on a map to a large scale, and the confusion that can result from having an entire property marked with an Heritage Overlay number when in reality only a structure on that property or several structures in a limited area of the property is or are of interest. This issue stems from the limitations we have with the scale of the planning scheme mapping.

An alternative form of mapping for rural properties would be to map only the extent of each property that was intended to be covered by the Heritage Overlay. This would result

in a number of dot points on the rural area maps. This is considered acceptable where backed up with field work to determine the location of the elements desired to be covered by the Heritage Overlay. This revised form of mapping has been utilised in the amendment now presented to Council. The effect of this mapping is that the maps are read in conjunction with the schedule to the Heritage Overlay which states what is covered (in one or two words only). Details of the listing are provided in Statements of Significance found in the Heritage Study.

- *Council should review the use of Criterion G (referring to associations with significant individuals), to establish if the associations are more than of local interest.*

Criterion G is one of the Victorian State Heritage Assessment Criteria and refers to ‘*The importance of the place or object in demonstrating social or cultural associations.*’ It is used regularly in the Indigo Heritage Study, and the Panel members questioned in some cases whether the individuals or events were significant enough to warrant protection of a place solely on this basis. This recommendation is reasonable, and the statements of significance where this is relied upon will be reviewed to determine if it is appropriate in each case. As this relates to the *Indigo Heritage Study, 2002*, a supporting document to the amendment, the adoption of the amendment can go ahead and the reviewed statements of significance can be incorporated at a later date upon their completion.

- *Council should review and redraft the statements of significance for individual properties and precincts to a more structured format that excludes descriptive, background or speculative material (including redrafting statements of significance in Clause 21.04-3-2 and 22.03-9).*

There is some debate as to what the statement of significance for a heritage place or object should contain, but the general consensus is that it should be succinct and contain only limited information to avoid confusion as to exactly what is to be protected. This recommendation is reasonable, however it raises two issues – firstly the timing of such a review and in particular is it necessary to carry out such a review prior to finalisation of Amendment C10, and secondly the resources required to carry out the review.

The recommendation to review and redraft statements of significance refers to statements contained within the *Indigo Heritage Study, 2002*. This document supports the amendment, and is a reference document in the Planning Scheme. It is suggested that the amendment can be adopted and finalized prior to the statements of significance being revised. Revised statements of significance can be incorporated at a later date upon their completion.

Revision of statements will be impact on Council’s limited resources. The project could be carried out by way of a further stage or body of work to revise the Indigo Heritage Study, 2002 as it now stands. While the work could be undertaken by Council’s Heritage Advisor, it will not be able to be undertaken within the current time allocated to the advisory service. It will require a separate budget allocation as it will require a considerable amount of time and work.

- *Council should amend the provisions of either or both Clauses 21.04-3-2 and*

22.03-9 to include reference to a (future) document that would include redrafted statements of significance for all individual properties.

These clauses were introduced as part of the interim heritage amendment (Amendment C28 which introduced provisions which are amended in turn by this amendment). Given that statements of significance will not be altered at the present time but reviewed at a later time it is considered premature to flag this at this point. It is considered better to amend that planning scheme at a future time to acknowledge the revised statements once this work has been completed. If the work is done by way of a revised edition of the Indigo Planning Scheme, at that time the reference would be changed to a revised version of the Study.

- *Council should review the proposed tree controls in the Schedule to Clause 43.01 and ensure these match with any statements of significance relating to trees (also refer to separate recommendation relating to the general need to re-draft the statements of significance).*

This had already been carried out and tree controls in the proposed schedule to the Heritage Overlay only exist where trees are expressly mentioned in the statement of significance for an item or place. Given the Panel's recommendation the schedule has been further refined by also adding exactly which vegetation type is the subject of the vegetation controls.

- *Council should review the basis for the significance of the shop and dwelling in HO230, with a view to establishing a more appropriate set of values for their significance.*

Based on an objection in regard to this site, Council had originally recommended that the shop at this site (52 High St Barnawartha), be removed from the HO. The Panels review of the site found that the shop should remain in the HO, but that the statement of significance is perhaps not appropriate. The statement of significance for the site will be reviewed as part of the comprehensive review of all items in the HO.

- *76 Chiltern Valley Road, Rutherglen (HO533) should be retained in the schedule to the Heritage Overlay. The Statement of Significance should be amended to delete reference to Criterion 'E' and the reference to "possibly the work of A C McKnight."*

This recommendation is agreed with, and this will be carried out at the time of the review of statements of significance for all of the new items in the schedule to the Heritage Overlay.

- *92 Chiltern Valley Road, Rutherglen (HO534) should be retained in the schedule to the Heritage Overlay. The Statement of Significance should be redrafted to exclude reference to Criterion 'D', as not being adequately supported by any evidence.*

Again, this recommendation is agreed with and will be carried out at the time of the review of statements of significance for all of the new items in the schedule to the Heritage Overlay.

- *The dwelling at 10 Murray Street, Rutherglen, (HO594) should be removed from the heritage overlay.*

It is recommended that Council not adopt this Panel recommendation. The dwelling at 10 Murray St is the only one left of a group of houses known as the Melbourne houses that were moved to Rutherglen in the early 1900's. The inclusion of this residence is considered appropriate because:

- The Indigo Shire has included other examples of buildings that were relocated as part of the changing complexity of settlements during the gold rushes. The residence at 10 Murray Street assists in an interpretation of the changing nature of settlement and the growth of Rutherglen;
 - Many buildings were relocated well into the 20th century despite the townships becoming more established.
 - The architecture of 10 Murray Street is atypical for Rutherglen and this difference in the aesthetics assists in an appreciation of the type of vernacular building found in Rutherglen as compared to vernacular building in Melbourne and other regional areas.
 - It is recommended that further research into the provenance of the building be undertaken
- *“Quondong” 604 O’Donoghue’s Road, Wahgunyah, should be retained in the heritage overlay (HO621). The Statement of Significance should be amended to delete reference to Criterion ‘E’.*

As with the recommendations regarding 76 & 92 Chiltern Valley Road, this recommendation is agreed with and will be carried out at the time of the review of statements of significance for all of the new items in the schedule to the Heritage Overlay.

- *“Warrawee” 2429 Kiewa Valley Road Kergunyah, should be not be included in the schedule to the Heritage Overlay.*

Agreed. This property has now been removed from the amended schedule to the HO included as part of **Attachment B** to this report..

- *Rutherglen Heritage Precinct HO628 should remain in the schedule to the Heritage Overlay; prior to adoption of the amendment, Council should:*
 - *review the final boundaries of this overlay in order to reflect recent developments;*

This has been carried out and two properties have been removed from mapping for HO628: the first is the State School at the northern end of the precinct on High St. It was considered appropriate to remove this, because being a State controlled property a planning permit is not required for alterations to the buildings, and local heritage controls have no effect. The second property to be removed is on Audley St. It is considered appropriate to remove this property as it contains a recently built brick home. The revised boundary of the item is considered more appropriate and to reflect those buildings and sites which should be listed.

- *amend the overlay to incorporate within it those buildings that at present remain individually listed in the schedule to the Heritage Overlay but which would be more appropriately recognised as contributing to the overall values of the Rutherglen heritage precinct (these properties' individual listing in the schedule would then be removed);*

Review of the remaining properties revealed that the majority of the individually listed properties in the HO are not subject to this amendment (i.e. they were covered by the HO prior to the commencement of Amendment C10), and therefore their status cannot be changed at this time. Those individual properties that are subject to this amendment have been reviewed by the Heritage Adviser who considers it is appropriate they retain their individually listed status.

- *amend the boundaries of precinct HO628 to also incorporate those buildings that are significant in their own right but which also contribute to the cultural values of the Rutherglen heritage precinct (i.e. these buildings would then be listed twice in the schedule: once on their own account and, secondly, as contributing to the township's heritage precinct).*

Agreed. The revised mapping amends the boundaries as per this recommendation. This recommendation is reasonable in that properties that are significant in their own right can still contribute to the significance of the precinct as a whole.

- *St Andrews Church, Gundowring Road, Red Bluff, (HO711) should be removed from the heritage overlay.*

Agreed. This property has been removed from the Heritage Overlay schedule and mapping.

- *“Lyndale”, 667 Beechworth-Wodonga Road, Wooragee (HO769), should be retained in the heritage overlay.*

Agreed, although it has been accepted that only the brick façade of the front and side of the building are significant.

- *The places listed in Table 2 should be retained in the Heritage Overlay.*

Agreed.

- *Council should undertake further research to establish whether the work of A C McKnight is of sufficient local cultural importance as to justify protection of some or all of the individual, extant buildings he has designed, possibly by means of a single, common listing in the schedule to Clause 43.01.*

Council's Heritage Adviser is in contact with relevant staff at Melbourne University with a view to utilising a student to commence a research project into A C Mc Knight. Depending on the outcome of this project, the relevant statements of significance will be altered accordingly.

As a result of the Panel recommendations, some of the Heritage Overlay maps are being altered. Final copies of these maps are presently being obtained from Department of Planning and Community Development. They will contain only minor changes to the maps presented to Council in **Attachment B**

CONCLUSION

The Panel Report for Indigo Planning Scheme Amendment C10 proposes a limited number of minor changes to the amendment. The recommendations can be accommodated now or in some instances at a later time as they will not prejudice the adoption, approval and gazettal of the amendment at this time.

*Attachment A: Indigo Planning Scheme Amendment C27 – Panel Report
Attachment B: C10 amendment documentation*

10.5 PLANNING APPLICATION PP07-072, R BEAVER, SUNJOULE DESIGN (EDSM)

For Decision

SUMMARY

Application No: PP07-072

Applicant: Ross Beaver, Sunjoule Design

Subject Land: CA 2011, Town ship of Beechworth, William Street

Proposal: 21 lot subdivision – being 18 residential lots and 3 staged lots

Recommendation: Refusal

RECOMMENDATION

That Council refuse the application on the following grounds:

- 1. The proposal fails to provide for the long term sustainable reuse of the old Beechworth prison.**
- 2. The proposal fails to meet objectives and standards of Clause 56, in particular it provides an inadequate design response by failing to:**
 - a. explain how it derives from and responds to the site and context description;**
 - b. respond to strategic direction of the Indigo Planning Scheme, including Clause 21.04-1-1;**
 - c. meet built environment requirements to contribute to a sense of place and cultural identity including existing cultural identity of the site;**
 - d. meet minimum requirements for building envelopes;**
 - e. ensure building envelopes do not impact on root systems of significant trees; and**
 - f. provide for orientation of streets and houses onto public spaces;**

3. **The proposal fails to meet objectives and standards of Clause 54, in particular it provides an inadequate design response by failing to:**
 - a. **respect existing neighbourhood character;**
 - b. **integrate with adjoining public space areas; and**
 - c. **protect trees;**
4. **The proposal is an overdevelopment of the site.**
5. **The proposal is detrimental to and fails to take into adequate account the character and amenity of the area.**

**Moved Cr Issell
Seconded Cr Banks**

That the Recommendation be adopted.

CARRIED

BACKGROUND

Date application lodged: 29/3/2007

Purpose: Seek approval for a 21 lot subdivision – being 18 residential lots and 3 staged lots.

Subject site land area: 3.551 hectares

Current use of subject site: Vacant – former prison

Site constraints: The subject site is a significant historical landmark located centrally in the Beechworth township. Site constraints include heritage infrastructure, existing trees, and quarry area within the site which extends into the Queen Victoria Gardens.

Surrounding land use: Surrounding land uses are residential to the north west and south east, park to the north east and residential and public use – police station to the south west.

Zoning of surrounding land: Residential 1 Zone, Public Use Zone 7 – Other public use and Business 1 Zone.

PROPOSAL

ZONING AND PLANNING CONTROLS

Zoning:	Mixed Use Zone
Overlay/s:	Heritage Overlay
Permit Trigger: subdivision	Mixed Use Zone – Clause 32.04-3 requires a planning permit for subdivision Heritage Overlay - Clause 43.01-1 requires a planning permit for subdivision and construction of buildings and fences. Clause 42.01-2 specifies that no permit is required to develop a heritage place which is included on the Victorian Heritage Register if a permit for the development has been granted under the Heritage Act, 1995. In this instance the subdivision will require a planning permit as this is not included within the meaning of ‘develop’.

STATE PLANNING POLICY

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

Settlement

14.01 Planning for Urban Settlement

Environment

15.01 Protection of Catchments

15.06 Soil Contamination

15.10 Open Space

15.11 Heritage

15.12 Energy Efficiency

Housing

16.01 Residential Development for Single Dwellings

16.02 Medium Density Housing

Economic Development

17.04 Tourism

Infrastructure

18.09 Water Supply, Sewerage & Drainage

Particular uses and development

19.01 Subdivision

19.03 Design & Built Form

LOCAL PLANNING POLICY FRAMEWORK

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

Municipal Strategic Statement

Relevant clauses of MSS include:

21.02 Key Issues

Vision

21.03-1 Vision & Strategic Framework

21.03-2 Corporate Plan

21.04-1 Settlement & Infrastructure

Objectives and strategies

21.04-1-1 Beechworth

21.04-2-2 Tourism

21.04-3-1 Natural Resource Management

21.04-3-2 Heritage

21.04-3-4 Stormwater Management

LOCAL PLANNING POLICIES

The following local planning policies are applicable:

Settlement and infrastructure

22.01-3 Residential Subdivision & Development

Economy

22.02-4 Tourism Development

Environment

22.03-2 Fire Hazard

22.03-4 Effluent Disposal & Water Quality

22.03-5 Classified National Trust Landscapes

22.03-9 Heritage Policy

22.03-10 Advertising Sign Policy

22.03-11 Stormwater Management Policy

PARTICULAR PROVISIONS

The following particular provisions are applicable:

52.01 Public Open Space Contribution and Subdivision

52.02 Easements, Restrictions & Reserves

52.06 Carparking

52.29 Land adjacent to a Road Zone, Category 1 or a Public Acquisition Overlay for a Category 1 Road

54 One dwelling on a Lot

56 Residential Subdivision
GENERAL PROVISIONS

In addition the following general provision is also applicable:

65 Decision Guidelines.

INTERNAL REFERRALS

The application was referred within Council to the Assets and Operations Department and to Council's Heritage Advisor. The application was also referred to the Indigo Heritage Advisory Committee.

Assets and Operations Department issues can be addressed by way of conditions on any permit. This would include provision of additional information to ascertain all uses of the proposed new public roadways in particular the future uses of the former gaol and industrial buildings areas.

Council's Heritage Advisor has a number of concerns with the application. These matters area addressed in this report. The overall conclusion from Council's Heritage Advisor is that the application is not acceptable in its current form.

The Indigo Heritage Advisory Committee has considered the proposal and resolved on 26 July 2007:

That any development of the old Beechworth Gaol should be primarily concerned with its historical significance with secondary weight given to limited commercial development and as a focus for shire tourism/information centre etc."

REFERRAL AUTHORITIES

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

North East Water – No objection subject to any planning permit including the following conditions: -

- (i) Each lot must be independently serviced with water supply and metered to the satisfaction of North East Region Water Authority at the applicants cost.
- (ii) The subdivision must be serviced with sewerage to the satisfaction of North East Region Water Authority at the applicants cost.
- (iii) Water supply and sewerage system headworks charges must be paid as determined by North East Water's policy for development charges.
- (iv) Easements must be provided over sewers to the satisfaction of North East Region Water Authority.
- (v) The plan of subdivision for certification must be referred to the Authority in accordance with Section 8 of the Subdivision Act 1988.
- (vi) Ensure that any private water services do not traverse external property boundaries and are supplied independently from an approved point of supply.
- (vii) Prior to the issue of a Statement of Compliance under the Subdivision Act 1988 consent must be obtained from North East Region Water Authority.

SP AusNet – No objection subject to any permit including the following conditions:

The applicant/landowner shall:

- (i) Enter in an agreement with SPI Electricity Pty Ltd for supply of electricity to each lot on the endorsed plan.
- (ii) Enter into an agreement with SPI Electricity Pty Ltd for the rearrangement of the existing electricity supply system.
- (iii) Enter into an agreement with SPI Electricity Pty Ltd for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by SPI Electricity Pty Ltd.
- (iv) Provide easements satisfactory to SPI Electricity for the purpose of “Power Line” in the favour of “Electricity Corporation” pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not otherwise been provided, for all existing SPI Electricity electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.
- (v) Obtain for the use of SPI Electricity any other easement required to service the lots
- (vi) Adjust the position of any existing SPI Electricity Pty Ltd easement to accord with the position of electricity line(s) as determined by survey.
- (vii) Set aside on the plan of subdivision Reserves for the use of SPI Electricity Pty Ltd for electric substations
- (viii) Provide survey plans for any electric substations required by SPI Electricity Pty Ltd and for associated power lines and cables and execute leases for a period of 30 years, at a nominal rental with a right to extend the lease for a further 30 years. SPI Electricity Pty Ltd requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88(2) of the Transfer of Land Act prior to the registration of the plan of subdivision.
- (ix) Provide to SPI Electricity Pty Ltd a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.
- (x) Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by SPI Electricity Pty Ltd. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.
- (xi) Ensure that all necessary auditing is completed to the satisfaction of SPI Electricity to allow the new network assets to be safely connected to the distribution network.

Telstra – No objection subject to any planning permit including the following conditions:

- (i) That the plan of subdivision submitted for certification be referred to Telstra in accordance with Section 8 of the Subdivision Act 1988.
- (ii) Telstra will not consent to the issue of a Statement of Compliance until such time as the applicant provides satisfactory evidence of compliance with the above conditions.

- Note 1: Approval does not cover alterations to existing Telstra Plant or Network. Locations of existing network can be obtained from Dial Before You Dig – Ph 1100.
- Note 2: For co-ordinated Telstra plant reticulation in this development, please refer to www.telstrasmartcommunity.com to Register Your Development and Apply For Reticulation

VicRoads – No objection subject to any planning permit including the following conditions:

1. Direct access from the subject land to the Beechworth-Wodonga Road will not be permitted. Access shall be via the local road network (High Street and Williams Street).
2. Prior to the issuing of a statement of compliance for the subdivision, the applicant shall enter into a Section 173 Agreement, under the provisions of the Planning and Environment Act 1987, with the Indigo Shire Council. The Agreement shall provide for the preparation of a TIAR by the owner(s)/future owner(s) of the lot containing the existing Gaol building or their nominated agent. The preparation of the TIAR shall be triggered by any redevelopment of the existing Gaol building that requires a planning permit application to be submitted to the responsible authority. The TIAR shall identify any mitigating works required as part of any redevelopment of the Gaol building including traffic impacts from previous stage/s of the development as detailed in planning application PP07-072. The TIAR shall include in its calculations, traffic generated from previous stage/s of the development as detailed in the planning application PP07-072, when determining the mitigating works. The mitigating works shall be undertaken prior to the coming into use of the redeveloped Gaol building by its owner(s)/future owner(s) at no cost to both VicRoads and the Indigo Shire. The Agreement shall be registered on the title of the lot, shall be binding on all future owners and shall remain in force until the agreed improvement works identified in the TIAR on the arterial road network have been completed to the VicRoads satisfaction.
3. The discharge of concentrated drainage to the arterial road reserve will not be permitted. The drainage shall discharge at a legal point of discharge as determined by the responsible authority (Indigo Shire Council).

CFA - No objection subject to any planning permit including the following conditions:

1. Amended plans required
 - 1.1 Before the development commences, amended plans to the satisfaction of CFA must be submitted for approval by CFA and the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must demonstrate compliance with the following conditions.
2. Hydrants
 - 2.1 Operable hydrants, above or below ground must be provided to the satisfaction of CFA.
 - 2.2 The maximum distance between these hydrants and the rear of all building

envelopes (or in the absence of building envelopes, the rear of all lots) must be 120m and hydrants must be no more than 200m apart.

- 2.3 Hydrants must be identified as specified in “Identification of Street Hydrants for Firefighting purposes” available under publications on the Country Fire Authority web site (www.cfa.vic.gov.au).

3. Access

- 3.1 Roads shall be constructed to provide emergency vehicle access to all lots. These roads shall be designed, constructed and maintained for vehicles of at least 15 tonnes and be of all weather construction. A minimum trafficable width of 7.3m, if parking is unrestricted, or 5.5m if parking is prohibited on one side of the road, shall be provided.
- 3.2 The vertical and horizontal alignment of the roads shall be designed to accommodate the design vehicle equivalent to the Austroads Design service vehicle – 12.5m radius.
- 3.3 Provision shall be made at the end of all dead-end streets greater than 60m in length (whether or not created by staged construction) for turning this design vehicle to the satisfaction of the Responsible Authority. (A three point turn is acceptable)
- 3.4 Evidence of compliance with conditions 3.1, 3.2 and 3.3 shall be provided to the CFA prior to Certification of the Subdivision.
- 3.5 Bridges must be designed in accordance with the Australian Bridge Design Standard AS5100 – 2004 to carry a rigid truck of at least 15 tonne.
- 3.6 The average grade of roads must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters.

Note: Information on these conditions, including the CFA preferred requirements are available in the CFA publication ‘Requirements for Water Supplies and Access for Subdivisions in Residential land 2 and Township Zones’ that is available on the CFA web site at www.cfa.vic.gov.au under ‘Publications’.

S. 52 REFERRAL AUTHORITIES

Heritage Vic (s. 52) – Heritage Victoria issued a conditional permit under the provisions of the *Heritage Act*, 1995 for a substantially similar proposal on 15 March 2007. The permit reference number is P10999 and a copy is attached for reference.

Heritage Victoria’s interest in the proposal is prescribed by the relevant provisions of the Heritage Act and its concerns are considered to have been addressed by the conditions attached to permit P10999.

PUBLIC NOTICE

Clause 32.04-3 of the Mixed Use Zone exempts the application from the notice requirements of Section 52 (1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the third party review rights of Section 82(1) of the Planning and Environment Act, 1987.

Given the level of community concern that had been expressed at the prospect of

subdivision and development of the site and that the rezoning of the site had been carried out without public consultation, Council opted to notify the application in the manner specified in Section 52 of the Act. Notice of the application was given to adjoining owners and occupiers, by erecting signs on the boundary of the subject site and by newspaper advertisements.

A petition with 484 signatories and 2 submissions were received in response to this notification. In addition written submissions had been received at earlier stages in the approval process of the subdivision.

The Beechworth Old Gaol Action Group presented a petition of 484 signatures to Council's CEO on 17 May 2007.

The Petition states:

"Beechworth Old Gaol Action Group. To the responsible Councillors and officers of the Indigo Shire Council. The Petition of the residents of Beechworth and residents of Australia draws to the attention of the above Officers and Councillors the concerns of the residents of Beechworth and Australia to the proposed subdivision at the rear of the Old Beechworth Gaol and its impact on neighbours, residents and heritage space of Beechworth.

The Petitioners therefore request that the Indigo Shire Council:

- Ensure the concerns of Beechworth residents are addressed to the limit of Council ability.
- Maintain the integrity of the site location by increasing the lot sizes, allowing single story residential buildings only.
- Preserve the amenity of Queen Victoria Park by restricting building near the boundary and limiting fence heights and types.
- Require site assessment by a suitably qualified Arborist to identify location of roots from Park trees facing possible threat from earthworks and future tenancy of site.
- Require report prepared by a qualified archaeologist demonstrating that the impact on Aboriginal cultural heritage values has been assessed.'

This petition was considered by Council at its meeting of 7 June 2007, at which time it was resolved to refer the content of the Petition to Council's Senior Planner to be considered as a submission on the planning permit application.

Issues raised in all submissions received are summarized below:

- Character
 - Impact on neighbours, residents and heritage space of Beechworth
 - Lot sizes too small for Beechworth – out of character with surrounding area
 - Double storey development not appropriate to location in

Beechworth

- Density of development
 - Extent of double storey development not appropriate to location in Beechworth
 - Small lot sizes which mean attached dwellings are not appropriate to Beechworth
- Exterior Design Parameters referred to in Heritage Victoria permit should include a limitation to one storey only
- Negative impact on rural character of park from development in proximity to park boundary
- Require site assessment from Arborist to determine location of tree roots from park trees
- Need to limit earthworks near park boundary to prevent damage to trees
- Limit fence heights and types
- Possibility of a hedge in-lieu of some fencing along Sydney Road dwellings.
- Require assessment of Aboriginal cultural heritage
- Impact on surrounding area, park, Cultural Precinct and existing streetscape.
- Impact on Gaol – which is an icon
- Impact on premiere tourism status
- Precedent for double storey development on High Street, opposite the Gaol site
- Ensure residents concerns are addressed

As per normal Council practice a Focus Meeting was held to clarify aspects of the application, to clarify issues in submissions and to seek ways to address the matters that had arisen. This Focus Meeting was held on 9 August 2007. The meeting was attended by 10 residents, 4 Councilors and the Environment and Development Services Manager. Unfortunately the applicant, proponent and consultants did not attend.

Main outcomes of the meeting were:

1. Issue with density. Suggestion is that the density does not reflect the character of the area.
2. Issue with extent of double storey development. Again the extent of double storey does not reflect the character of the area.
3. Issue with number of attached dwellings. Again not consistent with the character of the area.
4. Loss of sight lines of the gaol from the extent of development – particularly the double storey component.
5. Impact on the area – including economic impact from loss of heritage character.
6. Negative tourism impact.
7. Impact on trees in QV Park.
8. Need for Section 173 Agreement to address a number of character issues.
9. Fencing is particularly important and should be lower and more transparent.
10. Possibility of a hedge in-lieu of some fencing along Sydney Road dwellings.
11. Need for all external lighting to be at a low height given that the site has elevation.
12. Need for more sustainable design to minimise energy costs. This includes lot orientation.
13. Need to control location of any air-conditioning units.

14. Possible impact of blasting on other properties.

In addition there was concern expressed at the proponent's failure to meet with community members to discuss issues related to the application.

The meeting consensus was that the applicant be requested to redesign the proposal to take into account the above issues and particularly items 1, 2, 3, 4, 7, 9, 10, and 12. This was conveyed to the applicant and owner who declined to change the proposal.

DISCUSSION

Strategic framework

Clause 21.04-1-1 Beechworth includes the following issues:

- *“The need to protect heritage buildings and areas and improve the presentation of the township entrances and major streetscapes”.*
- *“The need to maintain the simple urban landscape of central Beechworth”*
- *“The need to facilitate the orderly, economic and sustainable use and development of the old Beechworth prison.”*

Strategies in this clause include:

“To provide for a mix of uses on the old Beechworth prison site that will ensure the preservation of the heritage fabric of the buildings through appropriate alternative uses of the site.”

The proposal fails to adequately address the most significant components of the subject site. Approval of the subdivision could in particular impact on car parking available for reuse options for the gaol. Likewise reuse and redevelopment options for Lot S3 - the Industries Building may impact on cohesion of the residential lots in this subdivision.

An overall site development proposal is required to demonstrate that the strategic framework of the planning scheme is satisfied.

Viability of gaol lot (Lot S2)

The form of the subdivision before Council is for 21 lots. The information provided is that the main gaol infrastructure on Lot S2 will be supported by car parking on Lot S3 which contains the Industry Building. Approval of a separately disposable lot will compromise the viability of Lot S2 as there is no legal ability to tie development on one lot to car parking on another lot. This situation compromises the ability to facilitate the orderly, economic and sustainable use of the old Beechworth prison as is required in Clause 21.04-1-1.

Heritage

The state listing of the property and issue of a permit pursuant to the Heritage Act, 1995 means that heritage matters have been addressed under that legislation are not to be reconsidered by Council. Heritage is however not altogether dismissed from the list of matters that Council is required to consider as the site is also covered by a heritage precinct overlay. Clause 22.03-9 Heritage policy states:

Where a permit is required for subdivision,... it is policy to:

- *Require a heritage impact assessment detailing:*
 - *how the subdivision will affect the cultural significance of the place;*
 - *how the subdivision will affect the cultural significance of an adjacent or surrounding heritage place; and*
 - *how any development resulting from the subdivision boundary realignment or consolidation may affect the cultural significance of the particular heritage place, its visual setting and significant view-lines to and from the heritage place.*
- *Require a design plan, which incorporates the following:*
 - *the siting of new boundaries away from significant elements and features;*
 - *allow for the heritage place to be given visual prominence over potential development; and*
 - *provide development envelopes that ensure an appropriate transition between new development and neighbouring heritage places.*

It is also policy to consider:

- *the recommendations of:*
 - *Heritage Advisor*
 - *Indigo Heritage Advisory Committee*
 - *Indigo Heritage Study (2002)*
 - *Guidelines for the assessment of Heritage Planning Applications*

Assessment in terms of subdivision and dwelling provisions within the planning scheme.

The application has been assessed in terms of compliance with Clause 56 Residential Subdivision and Clause 54 One Dwelling on a Lot. The results of these assessments are included as **Attachments** to this report. The proposal fails to satisfy all criteria. In particular:

- Strategic issues (see above);
- Built environment issues and design response to site context – (see character);
- Lot area and building envelopes for proposed Lot 5;
- Building envelopes that clearly will not impact on tree roots of significant trees both on and off the site (see trees);
- Streets and houses which fail to look onto public open space and sides and rears of lots along public open space boundaries (see interface with open space and roads);
- Providing roads and streets along public open space boundaries; and
- Fencing that does not sufficiently allow for integration with adjoining public areas - open spaces and roads;

Character

Character issues are relevant in terms of:

- Impact on the gaol specifically;
- Character of the residential lots; and
- Impact on the surrounding area.

The critical components of character in this context are views of the gaol walls, spacing between buildings, extent of open spaces around buildings on individual lots, height and design of buildings, fencing, lighting and landscaping.

The proposal does not respect the character of the contextual situation. The standards for character include:

- *“Contribute to a sense of place and cultural identity”*
- *“Provide an integrated layout, built form and urban landscape”*.

It has not been demonstrated that the proposal contributes to the existing cultural identity of the site in an adequate way.

The failure to address the redevelopment of the Industries Building may compromise the integration of the site. Given that car parking requirements for any hotel/tourist development of the gaol component may necessitate that the entire of Lot S3 be utilised for car parking, this will potentially mean that there is no cohesion between residential lots that are created.

By failing to integrate lots and residential development within the site (given that Lot S3 is excluded from any development proposal at this time), the subdivision does not create its own neighbourhood character. It is contended that the subdivision should respect the existing neighbourhood character and respond to an integrated surrounding urban environment. The proposal fails to take into account the value and amenity of the relevant streetscapes and character of the locality.

Density

Clause 14.01 Planning for Urban Settlement encourages consolidation of existing urban areas while respecting neighbourhood character. This is satisfied in that the proposal provides for infill within an urban area.

The issue of density also relates to the context of the site. Clause 22.01-3 Residential subdivision and development addresses the additional need to ensure that development that increases density is not detrimental to the overall character, presentation and heritage values of the shire’s towns and to the values and amenity of streetscapes. While there is policy encouraging higher densities it is necessary that it respond to the surrounding neighbourhood character. Design emphasis should be focused on the relationship of the development to the street scene and to neighbouring buildings and to how each new development can contribute to and enhance the amenity of the area. In this regard development should be well connected into the neighbourhood with:

- Dwellings facing existing and proposed streets;
- Design and landscaping which relates to surrounding neighbourhood character; and
- Provision of adequate vehicle and pedestrian links.

In this instance the proposed density does not satisfy the test of responding to neighbourhood character.

Interface with open space and roads

Passive surveillance of public spaces has not been achieved in the proposal as it stands. Passive surveillance of Queen Victoria Park, Sydney Road and High Street are important.

The current design provides for lots to back onto these areas only. This is poor urban design. Residential design guidelines or restrictions could be used to deal with this issue.

Soil contamination

Clause 15.06 of the planning scheme addresses soil contamination. Given that the previous use of the site included components of a market garden (for food for consumption by the inmates, industrial use, and some chemical storage it is necessary to address this issue.

The applicant has provided an Environmental Site Assessment prepared in 2004 which addressed contamination. Conclusions of the report are that « *the site was suitable for redevelopment for a range of medium density residential and/or commercial purposes. It is anticipated the identified arsenic and lead impacted soils could be dealt with during development so that more sensitive landuses could be an option for this site.* »

This Environmental Site Assessment is neither a clear Certificate of Environmental Audit nor Statement of Environmental Audit in accordance with the *Environmental Protection Act, 1970*. Given that the assessment recognises that contamination is an issue on the site but that development is not precluded the nit is reasonable to address this matter by way of appropriate conditions on any planning permit to address both the need for a Statement of Environmental Audit and requirements to be addressed during the course of subdivision and building works.

Open space

Open space has been proposed along the William Street frontage. Unfortunately the proponent is not currently proposing a useable area that is consistent with Council developing areas for public use in this location. It is suggested that useable open space could be provided in a single location around the William Street / Sydney Road corner of the site.

Trees

Due to drought conditions sequoias adjacent to the site appear to be under stress. Lots 5 – 8 are located close to these sequoias. Lot 9 is located close to an eucalypt in Queen Victoria Park. The application fails to demonstrate that the subdivision and development will not have an adverse impact on root zones of these trees. It is noted that the Conservation Management Plan prepared for the site (which recognised the value of the significant tress) suggested that a Tree Management Plan be prepared to fully address the impact of any proposal on the trees.

Quarry

One of the key elements of the site is the quarry which is located partly on the site and partly in Queen Victoria Park. The Conservation Management Plan recognised the significance of this area and the need to allow for interpretation of the quarry. This matter can be addressed when proposals for use of Lot S3 are submitted.

View cone

The view cone retains a view of part of the walls of the gaol complex from Sydney Road. Adjoining the view cone and located along Sydney Road are eight dwelling which are either shown as entirely two storey or substantially two storey. Given the extent of development proposed in this area the view cone does not ensure clear view of the walls from approaches to the gaol along Sydney Road. The extent of development in this area will limit views of the gaol walls..

Privatisation of perceived open space

There is no dispute that the area along High Street is appropriate for residential development. The area along Sydney Road to the west of the ridge line which accommodates proposed lots 1 – 9 is however an area which has a strong visual presence. It is not suggested that development per se should not be permitted in this area of the site, however residential land use in this location will heighten the perception of loss of public space. A commercial enterprise such as restaurant would give a perception that this area is still able to be accessed. This would improve interaction between the site and surrounding public areas.

Fencing

Fencing between lots and Sydney Road is proposed to be 1.8 metre high precast concrete panels. Along the Queen Victoria Park boundary the proposal is for a mixture of precast concrete panels with sections of mesh fencing. Improvements in fencing are desirable to these important interface areas.

CONCLUSIONS

The principal of redevelopment of part of the site of the Old Beechworth Gaol for residential development appears appropriate. The particular proposal fails in a number of respects. These matters have been briefly outlined in this report.

In addition a significant issue remains which is the impact of the proposed subdivision on the reuse of the balance of the site. The heritage values of this site are centred not on the component proposed for residential lots at this time, but on the built infrastructure and quarry component which have not been fully addressed in this subdivision proposal. Given the uncertainty of reuse options it is not clear what impact approval of this subdivision may have on the long term reuse of the gaol.

It is recommended that the application be refused.

*Attachment A – Proposed plan of subdivision
Attachment B – Draft Residential Design Guidelines
Attachment C – Heritage Act, 1995 permit
Attachment D – Clause 56 Assessment report
Attachment E – Clause 54 Assessment report*

10.6 ENVIRONMENT AND DEVELOPMENT SERVICES PROJECTS – SEPTEMBER 2007

For Information

Project	Current actions
Amendment C10 – Heritage Overlay	<ul style="list-style-type: none"> ○ Independent Panel report has been received. Advice on report recommendations sent to all objectors and a press release provided to media outlets. ○ A report on the amendment is included in this agenda.
Amendment C21 - Kiewa-Tangambalanga	<ul style="list-style-type: none"> ○ Structure Plan adopted by Council in May 2006. ○ Authorisation received was conditional and a protracted negotiation took place before DSE allowed exhibition to commence. ○ Exhibition period for the amendment closed 2 July 2007. Issues raised include Aboriginal heritage. This matter is still under investigation by the proponents of the amendment.
Amendment C27 – Low Density Residential rezoning. Nashes Road, Rutherglen	<p>Amendment approved. Notice of approval of the amendment was published in the Government Gazette 23 August 2007. The amendment is operative from that date.</p>
Municipal Strategic Statement and Indigo Planning Scheme – major review	<ul style="list-style-type: none"> ○ First round of public consultation meetings held August - September 2006. Second round held March 2007. ○ Consultation with government agencies and neighbouring municipalities undertaken. ○ Rural planning issues workshops held November 2006 and March 2007. ○ Public comments received on draft review report. ○ A report on the review is included in this agenda.
Indigo Planning Scheme - environmental overlay	<p>Ecology Partners P/L appointed to undertake a project to identify biodiversity priority areas within the municipality for further investigation and possible furthers controls in the planning scheme.</p> <p>Draft report being revised by consultant to incorporate steering committee responses. Report was due to be</p>

	<p>presented to Council during July, but is still awaiting finalisation by consultants.</p> <p>NECMA has advised that second and third stage funding will be approved for this project over the next two years. This has been awarded through the Regional Catchment Investment Process.</p>
<p>VCAT Appeals</p>	<ul style="list-style-type: none"> ○ PP05-321 Appeal by Barden Consulting against refusal of Council to amend the Development Plan and against refusal by Council to amend conditions of the planning permit for subdivision, Elgin Road, Beechworth. Hearing held 27 June 2007 in Beechworth. Still awaiting decision. ○ PP06-063 appeal by George Fendyk against conditions of a planning permit for a 2 lot subdivision. Issue is around the loss of car parking area behind Tanswell's hotel in Beechworth. Hearing held 27 June 2007 in Beechworth. Still awaiting decision. ○ PP06-242 Appeal by AR Bennett against refusal by Council to approve a balcony addition to a shop, Ford Street, Beechworth. Hearing set down for 21 September at Beechworth. ○ PP06-280 Appeal by C Brown against refusal by Council to approve an extension to a dwelling, Pioneer Road, Stanley. Hearing set down for 19 September at Beechworth. ○ PP06-247 Appeal by C Rebbechi against refusal by Council to approve a dwelling, Lake Moodemere Road, Norong. Hearing set down for 20 September at Yackandandah. ○ PP06-294 Appeal by I and L Berryman against Council's Notice of Decision to Grant a Planning Permit for demolition of four buildings, removal of five trees, construction of a car park and construction of access laneways, Greens Lane, Chiltern. Hearing set down for 20 September at Yackandandah.

Statutory planning services	Due to a resignation there is currently an unfilled position for a Town Planner. This is impacting on service delivery in this area. Additional hours by other staff and a casual employee are assisting to provide planning services prior to appointment of a town planner.
Building Services	One vacancy has been unfilled for some months – placing an additional burden on staff. This position has now been filled and an additional Building Inspector appointed. Commencement will be at the end of September.

10.7 PLANNING STATISTICS – JULY 2007 (EDSM)

For Information

Item No	Locality	Purpose	Cost	Decision
149	Leichworth	Lot Subdivision		Approved
015	Leich Plains	Accommodation units	\$200,0	Approved
025	Leichandandah	Culpture and Art/Craft Centre	\$6,0	Approved
056	Leicherglen	10 mini storage units	\$35,0	Approved
089	Leichworth	Additional shops	\$80,0	Approved
095	Leichtern	Vegetation	\$100,0	Approved
102	Leichtley	Vegetation/Dog Breeding Business	\$160,0	Approved

117	ckandandah	reation of Right of Way Easement		Approv
109	iltern	ot Subdivision		Approv
119	echworth	neyard, Tank, Shed	\$35,0	Approv
123	ckandandah	Lot Subdivision, create access to ad		Approv
127	iltern	nce	\$5,0	Approv
138	therglen	velling	\$650,0	Approv
137	uarong	tension to dwelling	\$120,0	Approv
0739	owns Plains	bdivision, Dwelling	\$10,0	Approv
0740	rlyle	ed	\$16,0	Approv
0740	ckandandah	ravan Park -add removable enities block	\$50,0	Approv
0740	rnawartha	velling, shed	\$11,7	Approv
0740	ghorn Flat	velling	\$250,0	Approv
0740	echworth	gnage	\$	Approv
0740	anley	rm shed	\$8,0	Approv

0740	anley	mp shed	\$6	Approv
DTA			,757,3	

*Note new sequence of permit Numbers due to new database.

10.8 BUILDING STATISTICS – JULY 2007 (EDSM)

For Information

echworth	xtension	\$68,00	02/07/
ngambalanga	xtension	\$28,18	03/07/
digo Valley	e-stump	\$8,50	03/07/
ahgunyah	ew Building	\$8,50	04/07/
utherglen	ew Building	\$267,80	05/07/
utherglen	ew Building	\$90,00	10/07/
ackandandah	ew Building	\$21,00	10/07/
echworth	teration	\$50,00	12/07/
imin	welling	\$99,60	13/07/

utherglen	ew Building	\$10,1	17/07/
arnawartha	ew Building	\$11,7	19/07/
utherglen	welling	\$337,6	19/04/
utherglen	xtension	\$26,0	19/07/
sbornes Flat	ew Building	\$32,7	20/07/
anley	xtension	\$178,0	23/07/
eechworth	xtension	\$25,0	23/07/
utherglen	welling	\$226,3	25/07/
ahgunyah	ew Building	\$13,5	26/07/
ackandandah	ew Building	\$435,7	30/07/
lliput	e-erect Building	\$37,9	30/07/
eechworth	ew Building	\$4,3	30/07/
ackandandah	ew Building	\$9,6	30/07/
owns Plains	xtension	\$30,0	31/07/

Philtern	New Building	\$165,000	31/07/07
Total		\$2,251,000	

11.0 CIVIL OPERATIONS

11.1 MCSWEENS ROAD BRIDGE (FILE NO: S150/010 - AOM)

For Decision

RECOMMENDATION

That Council confirm and approve the placing of a 15 tonne load limit on McSweens Road Bridge until the bridge is replaced or the strength of the bridge is reviewed.

**Moved Cr Hotson
Seconded Cr Murdoch**

That the Recommendation be adopted.

CARRIED

SUMMARY

McSweens Bridge suffered some damage recently, possibly due to heavy traffic loading and/or the age and deterioration of structural members. The Bridge has been repaired and test loaded with a vehicle weighing 15 tonne.

BACKGROUND

McSweens Road Bridge is located over the Indigo Creek off the Indigo Creek Road. It is a full timber bridge, and is programmed for replacement this financial year. It serves a number of properties including one large farming activity. It is the only viable access to this area.

CONSULTATION

No consultation has taken place in regard to the installation of the load limit, apart from discussion with one owner Mr Ian Jack. I was concerned about the structural stability and safety of the structure and installed the load limits immediately after inspection. This action was verbally reported to Council at its August Briefing Meeting.

FINANCIAL & RESOURCE IMPLICATIONS

Council has provided funding in the 2007-2008 budget for replacement of the Bridge and one property owner Mr Ian Jack has agreed to provide some bridge beams for the new structure.

11.2 GREENHOUSE ACTION (FILE NO: E352-03 – NRM OFFICER)

For Decision

RECOMMENDATION

That Council:

- 1. Endorse the goal of reducing Council operation greenhouse gas emissions from 2005/06 levels by 20% by 2015/16; and**
- 2. Endorse the goal of reducing Community greenhouse gas emissions from 2005/06 levels by 20% by 2015/16; and**
- 3. Prepare a suitable media release and information to assist the community in working towards this goal.**

**Moved Cr Issell
Seconded Cr Banks**

That the Recommendation be adopted.

AMENDMENT

Moved Cr Hotson

That Council:

- 1. Endorse the goal of reducing Council operation greenhouse gas emissions from 2005/06 levels by 20% by 2015/16; and**
- 2. Endorse the goal of reducing Community greenhouse gas emissions from 2005/06 levels by 10% by 2015/16; and**
- 3. Prepare a suitable media release and information to assist the community in working towards this goal.**

AMENDMENT lapsed due to the lack of the Seconder.

The Motion was put and CARRIED.

Note: Cr Hotson voted in the negative

SUMMARY

Milestone 1 of the Cities for Climate Protection (CCP) Australia Program – the creation of an inventory and forecast of greenhouse emissions from the community and from council activities – has been completed. This report seeks Council's endorsement of Emission Reduction Goals to enable completion of Milestone 2.

The proposed Emissions Reduction Goal is a 20% reduction in Council operation (Corporate) emissions on 2005/06 levels by 2015/16, and a 20% reduction in Community emissions on 2005/06 levels by 2015/16.

BACKGROUND

Indigo Shire Council is a member of the *Cities for Climate Protection Program (CCP)*, which is hosted by the *International Council for Local Environmental Initiatives (ICLEI)*. This membership has been ongoing since Council adopted the recommendation to subscribe to ICLEI and join the CCP program in November 2005.

The CCP Program aims to assist Local Government to identify and reduce its greenhouse gas emissions in response to reducing the impacts of climate change. The program uses a structured methodology broken into five Milestones. Currently CCP has 218 Local Council's participating in the program, which represents 86% of the Australian population.

The five Milestones of the CCP Program are:

1. Conduct an inventory and forecast for Community and Corporate (Council) greenhouse gas emissions;
2. Establish an emissions reduction goal;
3. Develop and adopt a Local Action Plan;
4. Implement the Local Action Plan; and
5. Monitor and report on implementation of the Local Action Plan.

In May 2006 Indigo Shire Council applied for and was successfully granted funds from the Australian Greenhouse Office to undertake Milestones 1 and 2 of the CCP Program. Synergies with the Rural City of Wangaratta and the Rural City of Benalla were identified and in December 2006 a regional, part-time CCP Program Officer was employed to undertake Milestones 1 and 2 for the Councils of Indigo, Wangaratta and Benalla. This employment has been hosted by Indigo and the officer employed is Andrea Cook whose contract is set to finish in August.

On Friday 9th February key staff and Councillors from the three Councils attended a workshop that provided:

- Staff and Councillors with an understanding of Climate Change and its effects on the north east region;
- An understanding of how Council and Community contribute to the effects of climate change through greenhouse gas emissions;
- An overview of projects that are being undertaken by the North East Greenhouse Alliance to address impacts of climate change in the region; and
- An opportunity for each Council's staff and Councillors to discuss implementation of the CCP Program within their respective organisations.

Milestone 1

The Milestone 1 inventory was based on the collation and analysis of data from a range of sources. These included:

CORPORATE (I.E FROM COUNCIL OPERATIONS)

- **Buildings** – emissions resulting from the energy use (electricity and gas) of corporately operated buildings – sourced from electricity and gas bills
- **Streetlights** – emissions resulting from the energy use (electricity) of streetlights

- sourced from electricity bills
- **Vehicle Fleet** – emissions resulting from the energy use (unleaded petrol & diesel) of council operated vehicles and machinery – sourced from fleet and plant officers
- **Water Pumping** – emissions resulting from the energy use (electricity) for water pumping on Council owned reserves, parks and gardens - sourced from electricity bills
- **Waste** – emissions resulting from the breakdown of waste originating from corporate activities (organic waste breaks down to produce methane).

COMMUNITY

The community emissions analysis has been broken down into six main sectors:

- **Residential** – emissions resulting from household energy use (electricity, natural gas and LPG)
- **Commercial** – emissions resulting from commercial energy use (electricity, natural gas and LPG)
- **Industrial** – emissions resulting from energy use (electricity, natural gas, LPG, diesel, kerosene & coal)
- **Transport** – emissions resulting from energy use (unleaded and leaded petrol, diesel, LPG and CNG)
- **Waste** – emissions resulting from the breakdown of waste originating from the community (organic waste breaks down to produce methane)
- **Agriculture** – emissions resulting from agricultural practices and farming systems.

This information was primarily sourced from ABS and ABARE statistical reports provided by ICLEI.

Milestone 1 Key Findings

- The Base Year used for the inventory for both Corporate and Community have been the 2005-06 financial year. The Forecast/ target year is 2015-16.
- Corporate Base Year (2006) greenhouse gas emissions in tonnes of eCO₂ for the Indigo Shire Council are 3,190 tonnes.
- Community Base Year tonnes of eCO₂ are 405, 264 tonnes.
- Buildings and streetlights have been identified for the Indigo Shire Council as having a high greenhouse gas aspect in the corporate inventory.
- In the community inventory Indigo Shire Council has a very high agriculture aspect and a very low waste aspect.

***NB eCO₂:** Carbon dioxide equivalent. This is a unit used to measure the proportional impacts of more than one greenhouse gas. For example, methane is 21 times more potent than carbon dioxide in terms of greenhouse warming potential so 1 unit of methane is equivalent to 21 units of CO₂e.*

Corporate Summary

Corporate Greenhouse Gas Emissions in 2006 Summary Report			
	Equip CO₂	Equip CO₂	Cost
	(%)	(tonnes)	(\$)
Sectors			
Buildings	37.2%	1,188	\$ 126,768
Vehicle Fleet	24.2%	772	\$388,375
Streetlights	36.4%	1,161	\$61,866
Water/Sewage	0.1%	2	\$610
Waste	2.1%	67	\$ -
Total	100	3,190	\$ 577,619
Corporate Greenhouse Gas Emissions in 2006 Source Report			
	Equip CO₂	Equip CO₂	Cost
	(%)	(tonnes)	(\$)
Sources			
Electricity	73.5%	2,345	\$186,626
Petrol	12.3%	391	\$187,294
LPG	0.2%	5	\$2,454
Natural gas	0.0%	1	\$164
Diesel	12.0%	381	\$201,080
Paper products	0.7%	22	
Food waste	0.5%	14	
Wood/Textiles	1.0%	31	
Total	100	3,190	\$577,619

- 17% of all eCO₂ are contributed from the 6 swimming pools managed by Indigo Shire costing \$58256 in electricity supply charges
- 7% of all eCO₂ are contributed from the 4 administration buildings (3 in Yackandandah and 1 in Beechworth), costing \$23,302 in supply charges
- The 4 Senior Citizens buildings in the shire contribute to 1.4% of all Council eCO₂ costing \$5708 in supply of electricity and gas
- 3 Halls – Beechworth, Chiltern and Rutherglen contribute to 2.1% of all Council eCO₂ costing \$6982
- Plant vehicles contribute to 8.6% of all Council eCO₂ costing \$154,050 in diesel
- Passenger fleet contributes to 15.6% of all Council eCO₂ costing \$234,325 in fuel usage

Community Summary

Community Greenhouse Gas Emissions in 2006		
Summary Report		
	Equiv CO ₂	Equiv CO ₂
	(%)	(tonnes)
Sectors		
Residential	15.5%	62,937
Commercial	6.3%	25,788
Industrial	22.0%	89,329
Agriculture	41.8%	169,772
Transportation	13.6%	55,224
Waste	0.8%	3,446
Total	100	406,495

Community Greenhouse Gas Emissions in 2006			
Source Report			
	Equiv CO ₂	Equiv CO ₂	Energy
	(tonnes)	(%)	(GJ)
Sources			
Soils and Fire	25,144	6.2	
Dairy	51,280	12.7	
Sheep	14,799	3.7	
Beef (Range)	76,814	19	
Pigs	504	0.1	
Electricity	126,746	31.3	316,427
Petrol	39,196	9.7	573,539
Kerosene/Burning oil	295	0.1	4,244
Heavy fuel oil	97	0	1,333
Lignite	119	0	1,351
LPG	5,678	1.4	94,948
Coke	11	0	92
Natural gas	35,060	8.7	675,537
Anthracite	1	0	11
Coal briquettes	5,787	1.4	52,878
Diesel	20,288	5	291,286
Paper products	1,288	0.3	
Food waste	1,610	0.4	
Plant debris	547	0.1	
Total	405,264	100	2,011,646

- Agriculture has been identified as being the greatest source of eCO₂ in Indigo, this is predominantly sourced from dairy and beef production.
- Electricity from residential, commercial and Industry is also a large contributor.

Milestone 2

Milestone 2 requires that a flexible reduction goal is set for both Corporate (Council operations) and Community from the base year to the target year. There are also economic benefits for council through ensuring efficient energy management and reducing corporate costs. The reduction target is a flexible goal to aim for rather than a mandatory target to hit or miss - and can be adjusted by the municipality as the local action plan progresses.

The recommended reduction goal by ICLEI for both the Corporate and Community sectors is a 20% reduction in eCO₂, this target has been supported by about 250 local authorities world wide as it is seen as a realistic and achievable target.

What have some other Municipalities set as their targets in rural Victoria?

Municipality	Corporate	Community	Milestone Achieved
Towong	20 % reduction from 2003 to 2010	20% reduction from 1996 to 2010	Milestone 2
Alpine	20 % reduction from 2003 to 2010	20 % reduction from 2003 to 2010	Milestone 3
Wodonga	10% reduction from 2004 to 2010	10 % reduction from 2001 to 2010	Milestone 3
Moira	10% reduction from 2004 to 2010	10 % reduction from 2001 to 2010	Milestone 3
Greater Shepparton	20% reduction from 1999 to 2010	20% reduction from 1999 to 2010	Milestone 4
Mitchell	20% reduction from 2002 to 2010	15% reduction from 1996 to 2010	Milestone 4
Corangamite	20% reduction from 2000 to 2010	15% reduction from 1996 to 2010	Milestone 3

CONSULTATION

Key technical staff and managers have been consulted regarding an appropriate greenhouse gas reduction target. The group agreed on the following:

- A 20% reduction target for Council operations was achievable, however, once actions have been identified and the Action Plan adopted, implementation should occur as assets are routinely maintained or turned over and only retrofitted or upgraded as external funding becomes available; and
- Council has a limited capacity to implement reduction actions within the community, however, 20% for the Community Sector would provide a good educational message, provide consistency with Council's target and would

primarily occur through Council's involvement with the North East Greenhouse Alliance.

POLICY IMPLICATIONS

Adoption of a 20% greenhouse gas reduction targets for both Council and Community sectors will form the basis of a Council endorsed, public statement. It will demonstrate a strong commitment from Council and will raise community awareness (or respond to community concerns) about greenhouse issues. Once a reduction target has been adopted by Council, the following Milestones can then be undertaken.

FINANCIAL & RESOURCE IMPLICATIONS

Milestone 3 establishes how this target will be achieved. A number of actions are already being implemented within Council through various officers, departments and groups such as *Indigo's Eco Awareness Group*.

Some examples for Council may include:

- Look at downsizing fleet vehicles from 6 to 4 cylinder
- Investigate the feasibility of using bio diesel for plant
- Implement staff awareness programs to reduce electricity in the office
- Turning of the water boilers in the kitchen out of business hours
- Turn off monitor when computer is not in use
- Turning off heating and cooling in rooms that are not in use
- Considering low emission technology when assets are being turned over
- Investigate more energy efficient streetlights

Some examples for the Community sector, through the North East Greenhouse Alliance (NEGHA) existing programs include:

- Farm efficiency workshops
- Solar Hotwater and PV initiatives
- Carbon sink programs
- Alternative fuels and transport programs

Funding for implementation of actions that will be identified during Milestone 3 will be sought through Federal and State Government funding opportunities, and as discussed earlier will be considered as assets are turned over or routinely maintained.

The main resource implication for the Council will be staff time (NRM Officer), who would be required to investigate suitable funding streams for identified actions, as well as liaise with internal staff regarding implementation.

CONCLUSION

Completion of Milestone 1 of the CCP Program has allowed an in-depth investigation into Council's greenhouse gas emissions across all assets. In turn, this information can provide a base from which a range of actions can be developed, which have the potential to accrue economic benefits for Council through ensuring efficient energy management and reducing corporate costs.

Consideration of a reduction target for greenhouse gas emissions across Council and Community is a fundamental step in CCP Program. A 20% for both sectors has been

agreed on by staff as being feasible and visionary, without being unrealistic when weighted against existing staff and Council commitments. With Council's endorsement of reduction goals, Milestone 3 can then be developed.

11.3 OPERATIONS DEPARTMENT – PROGRESS REPORT – SEPTEMBER 2007 (AOM)

For information

Project	Description of Works
GENERAL MAINTENANCE	
Road Maintenance & Parks and Gardens	Rain over the whole Shire has seen some moisture in the pavement material of gravel roads, and the grader drivers' have been busy working on improving the ride ability of these roads. Parks and Gardens staff has been kept busy with the Tommy Vac and cleaning up falling leaves and unblocking drains.
Gravel Road Resheeting	All 2007 works completed – Refer details August 2007 meeting
COUNCIL PROJECTS	
Restoring Community War Memorials	Tangambalanga; Yackandandah; Rutherglen Works are now ordered and progressing.
EXTERNAL PRIVATE WORKS	
Works- General Gundowring Road Dairy Road Funding	Construction of improvements to Gundowring Road under the Dairy Road Funding Program. (\$375,000) Works are nearing 95% completion. Works have been put on hold due to weather conditions
Deep Creek Road Bridge	Works outstanding are handrails and sealing of road approaches. The bridge is now open to traffic again.
Cleaning of Council Buildings	Tenders will be considered at this meeting. The new contract is to commence 1 st November. <i>(Note: tenders were not considered)</i>
Buller Gas	Nothing to report this month.
Waste Management	Falls Creek Waste Despite a number of issues with staff resigning, work is progressing smoothly with the collection of waste/recycling at Falls Creek. This winter is the busiest that we have had for a number of

	<p>years with heavier than usual waste and recycle volumes being experienced. East Gippsland Waste</p> <p>An annual contract review and internal audit meeting with the East Gippsland Shire Council was undertaken in late July. We received a very favourable report on our performance over the first 12 months of this contract. Thanks go to all staff based in East Gippsland.</p> <p><i>DrumMUSTER</i></p> <p>Following a request from the <i>drumMUSTER</i> coordinator a survey has been prepared and distributed asking the rural community if they would like collections more frequently. We are asking if they would prefer a weekly, monthly or six monthly service. If weekly or monthly then collection would be on the day and time that the Rutherglen Transfer Station is open if only 10 drums to dispose of. If more than 10 drums an appointment can be made prior to opening time.</p>
Animal Control & Local Laws	<p>Works (in hours and out of hours) As the warmer weather starts to make the grass grow with a bit of luck livestock will remain in paddocks. This period, straying stock continue to cause concerns. This month we have been doorknocking properties that have not renewed their animal registrations, these owners have had 2 warning letters and a courtesy call and as a result owners will be fined \$220.00 for failing to register a dog or cat over the age of 3 months old. The unit is also chasing up businesses that have not paid accounts raised for placing goods, signs etc. on Council's footpaths. The revised Local Law No 1 is included in the agenda for adoption.</p>
POOLS	
Indigo	<p>Pools are still closed but we have completed the re-jointing of the Yackandandah pool. The sealing process will save about 50,000 litres of water a week. These savings will confirm that Indigo Shire is doing our part to be a "Water Wise Municipality". Other works will be complete prior to the start of the pool season.</p>
Summer	<p>Wodonga Pool remains closed at this time.</p>

Emergency Management	A Draft Flood Plan for the municipality has been forwarded to various organisations for their comment and feed back to be returned by 3 rd September. After comments have been analysed the plan will be forwarded to the Municipal Emergency Management Planning Committee for their consideration and then to Council for adoption.
ENVIRONMENT	
Community Water Grants – round 2	Appropriate community centres to be fitted with rainwater tanks still be investigated – Rutherglen Senior Citizens Centre, Osborne’s Flat Hall and Chiltern Memorial Hall being closely looked at.
Community Water Grants – round 3	Two project proposals submitted were submitted for Round 3 and notification of success is estimated to take 3 months, around October.
Greenhouse Action Plan	Following information presented at the Council briefing meeting on 24th July, recommendations for reduction targets for Milestone 2 are contained in September’s Council report. Milestone 3 will involve organisation and facilitation of a workshop to present information to staff and to determine appropriate actions within Council to achieve target.
North East Greenhouse Alliance	<p>Alternate Fuels</p> <ul style="list-style-type: none"> ○ Tender being developed for the supply of bio-fuels to participating Councils <p>Kicking Goals for the Environment</p> <ul style="list-style-type: none"> ○ Water & energy audits have been carried out at each of participating clubs – new technologies being installed <p>Adaptation</p> <ul style="list-style-type: none"> ○ Scoping information for stage 2 being drafted – looking at how NEGHA can support sectors through adapting to Climate Change better <p>Plant Savers</p> <ul style="list-style-type: none"> ○ Sustainable schools project – focus is on getting Semester 1 schools to apply for their \$2000 funding for retrofits and Semester 2 schools are getting started on their energy audits <p>Sustainable Lighting</p> <ul style="list-style-type: none"> ○ NEGHA representatives recently visited Melbourne to look at residential energy use reduction programs and new t5 streetlights that will soon be added to the load table <p>Membership</p> <ul style="list-style-type: none"> ○ A membership review sub-committee has been

	<ul style="list-style-type: none"> ○ established & has recommended an investigation into the Alliance vision (which has previously focused on DSE funding objectives), membership model and new members to ensure that group will be sustainable in absence of DSE funding
Chiltern Green Corp project	Application for Chiltern team has been successful. Proposed start date is October 10 th , however, paperwork has yet to be signed by Indigo and CGVT.
Work for the Dole Team	A new team is scheduled to carry on maintenance works at Lake Sambell.
Lake Sambell	Committee's Deed of Delegation still under review.
Indigenous Resource Area at Lake Sambell	Steering group meeting yet to be held to determine next project priority.
Isaac Park	<ul style="list-style-type: none"> ○ Mulched material spread on-site ○ Monitoring of site to ensure weeds controlled
Regional Stormwater Education Officer	<ul style="list-style-type: none"> ○ Builders workshop scheduled for early September to promote stormwater best practice on building sites ○ Development of signage for Isaac Park and Havelock Rd sites ○ Compilation of 2006-07 water use data
Community woodlot program	Landmates gang from Beechworth Correctional centre cut over 35m ³ of excess timber from Chiltern roadsides and transported to Chiltern community woodlot during early August.
Roadside Management Plan	"Roadside Partnership Project" expressions of interest period has closed. Ecologist appointed for first section of project, which is for initial visits to participating landholders. Next priority is to assess all applications and notify successful participants by 24 th September.
Roadside weed initiative	<ul style="list-style-type: none"> ○ Applications closed – 20 applications received ○ Applications to be assessed by 14th September
Eco-Awareness Group	<p>Ongoing implementation of Action Plan – last group meeting highlighted issues of:</p> <ul style="list-style-type: none"> ○ Constant running of hot water boilers in kitchens; ○ Automated timing of reverse cycle air conditioners; ○ Results of Waterwise audit; ○ Catering practices; & ○ Training in use of 'green cost codes'
Community awareness	<p>Whole environment section of website currently being updated.</p> <p>Next media releases to focus on weed control, in particular Chilean Needle Grass.</p>

Upper Sandy Creek School revegetation project	<ul style="list-style-type: none"> ○ All site preparation complete ○ Planting of over storey with school to occur Friday 24th August.
Sustainable water use plan	<ul style="list-style-type: none"> ○ Priority actions identified in plan are the basis of a Community Water Grants proposal; ○ Water consumption data for 2006-07 to be collected and analysed
Code of Forest Practice	New <i>Code of Practice for Timber Production</i> recently released. Main changes from the old <i>Code</i> is the specification of 'mandatory' practices as opposed to 'recommended' practices. A report regarding these changes is being prepared for submission to Council.

12.0 ASSETS AND INFRASTRUCTURE

12.1 CAPITAL WORKS – PROGRESS REPORT – SEPTEMBER 2007 (AM)

For Information

Project	Actions
Subdivisional works by developers	<ul style="list-style-type: none"> • Lawranna Estate-30 lots (off Fighting Gully Rd) 5 - 20% complete. Work on hold due to weather. Significant improvements to Fighting Gully Rd to be undertaken in conjunction with subdivisional works. • Nickless St Chiltern 3 lots- 90% complete. • Bells Flat Rd wetlands- 90% complete. Only plantings to be completed. • Sheehan Drive Fletcher Hill Stage 2 Beechworth 10 residential lots- 80% complete. Works on hold due to weather. • Yackandandah Heights residential subdivision (off Racecourse Rd)- Stage 2 works commenced.
Rural Road Development Contributions	<ul style="list-style-type: none"> • Norms Rd works complete.
Plant	<ul style="list-style-type: none"> • National Plant Hire plant maintenance agreement extension currently being discussed and negotiated. • Replacement 5 tone excavator tenders closed.

Rutherglen Hall	All building contract works complete. Positive feedback from all user groups. Curtains, stage and other finishing touches to be completed as budget permits.
Wooragee Hall	Works 99 % complete. Committee have moved back in to the hall. Grand opening soon.
Chiltern Floodplain Study	Application for Natural Disaster Relief Funding unsuccessful. Works to be completed to the value of the available council budget.
Havelock Road area stormwater re-use	Detail designs complete. Land purchase being negotiated. Discussions ongoing with Baarmutha Park Committee. Permits from DSE & GMW & NECMA underway. Part outfall pipe constructed.
Ready/Soles Street drainage	Tomkinson Engineers has completed draft designs. A report will be presented to Council. Costs of Stage 1 construction incorporated in 07/08 Capital Budget.
Playgrounds upgrade	Planning for Issac Park and Martin Park underway.
Chiltern Commercial Area Parking	Detail design to commence immediately final access alignment chosen, pending planning appeal on the 20th September. Funding of \$200,00 applied for.
Local Infrastructure Works Program (Drought Funding)	\$300,000 received from State Government. Stanley Reserve trees clearance complete. Chiltern Hall Landscaping complete. Kergunyah hall carpark complete - note Committee paid for sealing. Hall painting at Stanley & Barnawartha complete. Tangambalanga netball repairs complete. Chiltern lake Anderson works complete. Beechworth Shire Hall internal painting to commence. All other projects underway.
Rutherglen Heavy Vehicle Deviation.	Community discussion ongoing. Considerable community concern on the southern shortlisted route.
Browns Plains Community Meeting Room	Funding received for works in conjunction with CFA shed. Tenders called.

13.0 HEALTH AND WELLBEING

13.1 INDIGO SHIRE MUNICIPAL RECREATION PLAN (FILE NO Q06/08, C908.1 - HWBM)

For Decision

RECOMMENDATION

That:

The Draft Indigo Shire Municipal Recreation Plan be placed on public exhibition for comment by the community for a period of six weeks.

**Moved Cr Hotson
Seconded Cr Murdoch**

That the Recommendation be adopted.

CARRIED

SUMMARY

In October 2006, Council engaged recreation consultants, @leisure to prepare a Municipal Recreation Plan for the Indigo Shire Council. The main aims of the Plan were to identify the community need for both recreation programs/activities and for the strategic development of appropriate infrastructure/facilities. Following an extensive period of consultation, a Final Draft of the Plan has been prepared and is now ready to be placed on exhibition for comment from the Indigo Shire community.

BACKGROUND

In 2005, Council recognised the need to review its existing Municipal Recreation Plan, which was adopted in 1997, and subsequently applied for funding through the Victorian governments Community Facility Funding - Planning Program. Funding was ultimately approved and Council called for tenders in September 2006. From the list of three (3) tenders received, Council made the decision to engage @leisure for the project in October 2006.

A Steering Committee was formed to guide the process and provide feedback to the consultants. The scope of works, as detailed in the Project Brief was used as the basis to ensure the outcomes were delivered.

@leisure, in conjunction with Council, developed a comprehensive community consultation process which included:

- A householder survey distributed to approximately 6,000 households in the Shire, of which over 750 completed surveys were returned
- Public workshops inviting comment on progress reports in February and June 2007

- Extensive consultation with the Steering Committee, and community organisations including telephone interviews, meetings and workshops

Following a review of all relevant information and consultation, @leisure produced a three volume Final Draft of the Plan (attachment to this report).

Volume 1 – Draft Strategies and Actions

Volume 2 – Draft Issues Paper

Volume 3 – Demand and Consultation Findings

It is now considered appropriate to invite the Indigo Shire community to comment on the Draft Plan through a public exhibition process throughout September with an aim for Council to adopt the Plan at its October meeting.

ISSUES

The Draft Municipal Recreation Plan is a comprehensive document which highlights strategies that offer cost effective solutions to the issues identified in the consultation and review.

The Draft Plan identifies seven (7) key focus areas for Indigo Shire and uses this framework in the Action Plan contained in Volume 1. The seven key focus areas are:

- Refining **Council's role** in recreation in context with available funds
- Meeting **increased and changing demand**
- Creating **diversity in aquatic** facilities
- Enhancing provision for **cycling and walking**
- **Access** to and availability of recreation facilities
- **Better marketing** and distribution of information
- Enhancing the **condition of facilities** and experiences

These seven key focus areas all have goal summaries which are detailed in the Draft Plan and form the framework for the Action Plan (Appendix 1 in Volume 1). Each focus area has a set of actions which have been prioritised based on recreation planning principles and the assessment of the consultation findings. The Action Plan is comprehensive and the high priority actions which have been identified would require resources to implement.

There were several issues or actions that were strongly emphasised throughout the review and consultation process which have been highlighted in the key focus areas. The actions to address these issues have been given a high priority in the Action Plan and include:

- Greater marketing and information dissemination on recreational opportunities

- Development and diversification of the Shire’s swimming pools
- Strategic development of walking and cycling opportunities throughout the Shire. It is important to note the very strong increase in participation in these activities, not only in Indigo, but throughout Australia.
- Encouragement and incentive to committees and clubs who promote shared use and plan for greater participation

At the request of the Steering Committee, the consultants also prepared a list of recommended planning and capital works directions for key townships and their recreation facilities. This listing (Appendix 2 in Volume 1) identifies all planning and capital works directions and prioritises them on a township basis and also on a Shire wide basis. The priorities in the listing have been based on a set of weighted assessment criteria with an aim to ensure the greatest benefits can be achieved in the areas of greatest need, both Shire wide and by individual township.

Based on this weighted assessment process, the number 1 priority actions for planning and capital works for some of the Shire major townships are:

- | | |
|----------------------|--|
| Barnawartha: | Prepare a business case and facility design for the development of a new multi-purpose pavilion at Barnawartha Recreation Reserve – consider incorporating an indoor sports court large enough to cater for netball |
| Beechworth: | Adopt the Baarmutha Park Masterplan concept to help guide and prioritise future site development |
| Chiltern: | Undertake a Masterplan for the Chiltern Recreation Reserve that identifies priority areas for facility development and improvement as well as considering an overall future site plan to potentially cater for new facilities (ie BMX track or skate park) |
| Kiewa/Tangambalanga: | Review the existing Coulston Park Masterplan in line with proposed site developments and consider the preparation of a revised site plan that incorporates new facility development proposals |
| Rutherglen: | Create a formal walking track circuit around Lake King, connecting the swimming pool, Apex Park, lawn bowling club, caravan park, Rutherglen Golf Course and Showgrounds with the town centre |
| Stanley: | Investigate opportunities to create a shared trail (on or off-road) that better connect Stanley and Beechworth |
| Wahgunyah: | Continue to support the funding application process for the Wahgunyah to Rutherglen – Murray to Mountains Rail Trail Link |

Yackandandah: Prepare a business case for the development of an indoor sports court (and associated amenities) at the Yackandandah Sports Park

It is the considered opinion of the Steering Committee that the Draft Plan adequately addresses the scope of works, as detailed in the original Project Brief, however, the issue for this Council, as detailed throughout the draft Plan, is to maximise its limited resources, when planning for the implementation of the Plan.

CONSULTATION

The consultation process for the preparation of the draft Plan has been guided by the Indigo Shire Council Community Engagement Plan 2006. Information and consultation to date have included:

- Media release on the engagement of the consultants to commence preparation of the Plan
- Information about the Plan in public notices, the Mayors Column and the Indigo Informer
- A householder survey distributed to approximately 6,000 households in the Shire
- Public meetings inviting feedback at two key phases in the process
- Telephone interviews with community organisations and other key stakeholders
- Regular feedback to the Steering Committee for the project

It is anticipated that the public will also be invited to comment on the final draft of the Plan prior to its adoption by Council.

COUNCIL POLICY

The preparation of the Indigo Shire Municipal Recreation Plan adheres to strategies in the Council Plan 2006-2010, specifically:

Strategies 5.1: Review Council's current suite of Health & Wellbeing plans including the Community Safety Plan, Recreation Plan and Municipal Public Health Plan

Strategies 5.2: Implement the priorities of the Recreation Plan within available resources

Projects 5.2: Review the Council's role in provision and maintenance of recreation facilities and programs

The preparation of the Plan is also consistent with Council's Health and Well Being Departmental Plan which highlights, as a key project, the revision of the Recreation Plan and the subsequent implementation of the key actions from the Plan.

FINANCIAL IMPLICATIONS

The Municipal Recreation Plan has a significant number of actions which potentially require Council resources including financial and staff. However, as the Plan is theoretically a ten year plan, the actions can be implemented over a period of time subject to the availability of Council resources.

The Plan has two distinct sets of actionable recommendations with priorities - the Action Plan itself and the planning and capital works listing by township.

The Action Plan, based on the seven key focus areas contains actions which require financial resources, staff resources or a combination of both. The highest priorities from the Plan will require some minor changes to staff workplans and/or submissions into the 2008/2009 Council budget. As the Plan is not costed, specific budget and staff requirements are not known.

The priorities from the planning and capital works listing can be assessed and integrated into Council's current process for prioritising capital works. It is fair to say that the listing is relatively consistent with Council's existing list of recreation capital works projects and integration should not be an issue. However, the list is extensive with some 'big ticket' items and Council's current financial constraints will impact on when they can be achieved. Accessing external funding sources ie grants and community support will be an important component in completing the projects.

Attachments

13.2 HEALTH & WELL BEING PROJECTS – PROGRESS REPORT – SEPTEMBER 2007 (HWBM)

PROJECT ACTION/ PROGRESS

Council's 2007/2008 Community Grants Program	Applications under Council's 2007/2008 Community Grants/Loans Program closed on 24 August. Applications will now be assessed under the categories of General, Arts and Cultural Initiatives and Youth Initiatives, by ISCAC on 11 September with the aim of making recommendations to the October meeting of Council.
Yackandandah Sports Park Masterplan	The Draft Yackandandah Sports Park Masterplan was assessed by the Steering Committee on 27 August. Following some minor amendments the public will be invited to comment on the Draft Masterplan while on exhibition. It is anticipated that the final draft can then be presented to Council at its October meeting for adoption.

<p>Government House Reception - Premier's Award for Victorian Senior of the Year and Cota Victoria Senior Achiever Awards for 2007</p>	<p>Indigo Shire Council was allocated eight places at the Government House Reception for seniors on 4 October 2007. Following a nomination process, all eight places were allocated to senior citizens who have made valuable contributions to their communities over the years. The successful nominees are from Rutherglen, Beechworth, Kiewa, Tangambalanga and Kergunyah.</p>
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14.0 CORPORATE AND VISITOR SERVICES

14.1 LOCAL LAW NO. 5 GLASS CONTAINER FREE ZONES - DELETION (FILE NO: M205.5 - GMCVS)

For Decision

RECOMMENDATION

That Local Law No. 5 Glass Container Free Zones be deleted.

**Moved Cr Hotson
Seconded Cr Issell**

That the Recommendation be adopted.

CARRIED

SUMMARY

This report recommends the extinguishment of Local Law No. 5.

BACKGROUND

Local Law No. 5 Glass Container Free Zones was adopted by Council on 4 June 1996. The purpose of the Local Law was to: a) regulate control and position of glass containers in certain public places and b) prevent behaviour involving glass containers which: i) constitutes or may constitute a nuisance, or ii) may be detrimental to health and safety; or iii) affects the enjoyment of certain public places.

The Local Law prescribed three areas as glass container free zones. They are: 1) Lake Sambell Beechworth and its environs, 2) Queen Victoria Park Beechworth and its environs, 3) Lake King Park Rutherglen and its environs.

The Local Law prescribed that a person must not, without first obtaining a permit take a glass container into a glass container free zone.

CONSULTATION

Consultation has been made with Council's Enforcement and Operations Staff as to the actual use of this Local Law. Comment has been received that the Local Law has not been used and it should be revoked.

The staff have advised that due to liquid consumables such as soft drinks, water and juice now being packaged in cheaper-made plastic containers, the Local Law has not been used. Although alcohol is still being packaged in glass containers, Local Law Officers and the Police use other laws such as Local Law No. 6 (Consumption of Alcohol Local Law) to ensure that its consumption is controlled on Council Property.

The problem of glass as a litter item can be enforced using the Environment Protection Act 1970.

14.2 OFFICE CLOSURE – CHRISTMAS/NEW YEAR BREAK (FILE NO: E371.1 – GMCVS)

For Decision

RECOMMENDATION

That respective Shire Offices in Beechworth, Rutherglen and Yackandandah be closed from 4.00 pm on Friday 21 December 2007 and reopen at 8.30 am Wednesday 2 January 2008.

**Moved Cr Issell
Seconded Cr Murdoch**

That the Recommendation be adopted.

CARRIED

SUMMARY

BACKGROUND

This year, Christmas Day falls on a Tuesday. Consequently, both the Tuesday and Wednesday are public holidays.

The normal practice for the Council offices has been for the offices to close between Christmas and New Year with the three days in between being taken by staff as rostered days off or other leave.

This year, however is somewhat different as the Christmas and New Year holidays fall on Tuesdays - accordingly Council staff would normally work on the respective Mondays. In the circumstances it is suggested that the offices close on those two days.

As has been the case in previous years, rosters will be drawn up and appropriate staff will be available and out of hours phone numbers publicised. In the event of an emergency, staff can also be 'deployed'.

14.3 RAY SIMMONDS' RETIREMENT AFTER 30 YEARS' SERVICE TO THE INDIGO COMMUNITY (FILE NO: C023 – GMCVS)

For Decision

RECOMMENDATION

That a letter of appreciation be forwarded under seal to Ray Simmonds for work done across the Shire's cemeteries over the past 30 years.

Moved Cr Walsh
Seconded Cr Murdoch

That the Recommendation be adopted.

CARRIED

SUMMARY

Ray Simmonds has sold his gravedigging business to Trevor Gladstone after 30 years in the business working across 47 cemeteries in North East Victoria including those in the Indigo Shire.

His work has been vital to our community as the land in several of our cemeteries makes them unsuitable for machine digging. Media reports suggest that Ray has hand dug more than 7000 graves in his career.

14.4 RUTHERGLEN MEMORIAL HALL – INCREASE OF FEES FOLLOWING REFURBISHMENT (FILE NO: C220.3-05 – GMCVS)

For Decision

RECOMMENDATION

That the fees for hire of the Rutherglen Memorial Hall be increased in accordance with the attached schedule.

Moved Cr Hotson
Seconded Cr Banks

That the Recommendation be adopted.

CARRIED

SUMMARY

The Rutherglen Memorial Hall was recently reopened following refurbishment. Fees and Charges for 07/08 were not included in the normal Fees and Charges Schedule.

BACKGROUND

To determine the appropriate level of increase, an examination was made of other facilities in the shire and their respective fees and also consideration as to what the market can accommodate to ensure that the hall is a facility available to the whole community.

It is noted that the Committee of Management of the Beechworth Memorial Hall elected not to increase their fees and charges for this financial year.

CONSULTATION

Discussion was also had with Council Staff at Rutherglen who provided feedback.

Attachment – Rutherglen Hall fees

CORPORATE SERVICES	2006-2007 Fees (excluding GST)	GST Component	2006/2007 Total Fee	Increase To 2007-2008 Fee (excluding GST)	GST Component	2007/2008 Total Fee
<i>Rutherglen Memorial Hall Main Hall</i>						
(Main hall, supper room and kitchen included)						
day 6am to 6pm	\$215.43	\$21.55	\$237.00	\$226.36	\$22.64	\$249.00
night 6pm to midnight	\$215.43	\$21.55	\$237.00	\$226.36	\$22.64	\$249.00
Extra one hour after midnight	\$24.09	\$2.41	\$26.50	\$25.45	\$2.55	\$28.00
Upstairs stalls	\$71.82	\$7.18	\$79.00	\$75.45	\$7.55	\$83.00

Stage day						
Stage night	\$49.09	\$4.91	\$54.00	\$51.82	\$5.18	\$57.00
Decorating only day	\$14.55	\$1.45	\$16.00	\$15.45	\$1.55	\$17.00
Decorating only night	\$14.55	\$1.45	\$16.00	\$15.45	\$1.55	\$17.00
MAIN HALL ONLY PARTIES ETC						
day 6am to 6pm	\$157.27	\$15.73	\$173.00	\$165.45	\$16.55	\$182.00
night 6pm to midnight	\$157.27	\$15.73	\$173.00	\$165.45	\$16.55	\$182.00
extra one hour after midnight	\$24.09	\$2.41	\$26.50	\$25.45	\$2.55	\$28.00
Upstairs stalls	\$71.82	\$7.18	\$79.00	\$75.45	\$7.55	\$83.00
Rutherglen Memorial Hall Supper Room						
SUPPER ROOM ONLY						
day 6am to 6pm	\$81.82	\$8.18	\$90.00	\$86.36	\$8.64	\$95.00

one extra hour after midnight	\$24.09	\$2.41	\$26.50	\$25.45	\$2.55	\$28.00

SUPER ROOM & KITCHEN						
Includes kitchen and utensils - day 6am to 6pm	\$133.64	\$13.36	\$147.00	\$140.91	\$14.09	\$155.00
includes kitchen and utensils - night 6pm to midnight	\$133.64	\$13.36	\$147.00	\$140.91	\$14.09	\$155.00
extra one hour after midnight	\$24.09	\$2.41	\$26.50	\$25.45	\$2.55	\$28.00
REHEARSALS						
day 6am to 6pm	\$48.18	\$4.82	\$53.00	\$50.91	\$5.09	\$56.00
night 6pm to midnight	\$48.18	\$4.82	\$53.00	\$50.91	\$5.09	\$56.00
Decorating only day 6am to 6pm	\$14.55	\$1.45	\$16.00	\$15.45	\$1.55	\$17.00
Decorating only night 6pm to midnight	\$14.55	\$1.45	\$16.00	\$15.45	\$1.55	\$17.00
Casual users insurance	\$19.09	\$1.91	\$21.00	\$20.00	\$2.00	\$22.00
KITCHEN UTENSILS						

broken glasses replaceme at cost						
Deposit	\$52.73	\$5.27	\$58.00	\$55.45	\$5.55	\$61.00
KITCHEN	\$52.73	\$5.27	\$58.00	\$55.45	\$5.55	\$61.00
DISCOUNT FOR CONSECUTIVE DAYS						
HIRING						
10% discount for hire on consecutive days						
20% discount for hire on consecutive days						
30% discount for hire on consecutive days						
50% discount for hire on 7 consecutive days						
Discount only applies if cleaning is not required						
during consecutive days hiring						

25%						
REFUNDABLE HALL SECURITY DEPOSITS						
Key deposit - per key	\$19.09	\$1.91	\$21.00	\$20.00	\$2.00	\$22.00
Damage/security deposit supper room only	\$142.73	\$14.27	\$157.00	\$150.00	\$15.00	\$165.00
Damage/security deposit main hall/supper room	\$238.18	\$23.82	\$262.00	\$250.00	\$25.00	\$275.00

14.5 LOCAL LAW NO. 1 (FILE NO: M201.5A – GMCVS)

For Decision

RECOMMENDATION

1. That Local Law No.1 (Streets and Roads) 2007 be made and the Local Law be signed and sealed by Council.
2. That Public Notice be given in the Government Gazette and the Border Mail notifying of the making of the law.
3. A copy of the Local Law be provided to the Minister for Local Government.

**Moved Cr Issell
Seconded Cr Walsh**

That the Recommendation be adopted.

CARRIED

SUMMARY

Council, at its meeting held on the 5th June 2007 adopted in principle the amended Local Law No. 1 and comment on the proposed making of the Local Law was invited in accordance with Section 224 of the Act.

BACKGROUND

In accordance with the Local Government Act, 1989 Section 111 that 'Council may make Local Laws with respect to any act, matter or thing in respect of which the Council has a function or power under this or any other Act'.

The Act is very specific on the procedure for making a Local Law and this is the final step in the process.

CONSULTATION

Notice that Council proposed to make a Local Law was advertised in the Government Gazette on 12 July 2007 and the Border Mail on 14 July 2007 and comment was invited in accordance with Section 224 of The Local Government Act.

No written submissions were received by the closing date for submissions of 3 August 2007, however there were approximately 15 phone calls received by various Council Officers.

Most of the residents who called were concerned with how the changes to the Local Law would affect them personally. Two copies of the draft document were sent to residents and others viewed the draft at the Customer Service Centres.

14.6 CORPORATE SERVICES PROJECTS – PROGRESS REPORT – SEPTEMBER 2007 (CSM)

Project

Actions

Enterprise Agreement	<p>Meetings of the Enterprise Agreement Negotiating Team took place on 7 and 14 August. While there is now agreement with the Australian Education Union, the Australian Nursing Federation and the non-union staff representatives, the Australian Services Union (ASU) has indicated that it is not prepared to accept the Council's wage offer and has advised Council that it is seeking a 4% wage increase in each of the three years of the agreement - an aggregate 12% increase as contrasted with Council's offer of 10%.</p> <p>Previously, Council's belief was that the ASU was close to agreement, but the union delegate, who has been involved with the negotiations since February, has gone on paternity leave for some weeks and has been replaced by a new delegate who has questioned a number of issues that were considered to be resolved.</p> <p>The Chief Executive Officer has spoken to the delegate personally about the Council's concerns and has now been referred to Igor Grattan, an Assistant Victorian Branch Secretary of the Union. In the meantime Council has taken its previous undertakings off the table. Given that the ASU initiated a 'bargaining period' some weeks ago, it is possible that it may take some form of industrial action in pursuit of its claims.</p>
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	budget for 07/08 for this activity. A Snowy Valley Way Committee meeting will be held on 11 September to discuss financial contributions.
Beechworth Official Visitor's Guide	The Beechworth Official Visitor's Guide will need to be reprinted before Christmas and additional sponsorship is being sought to offset the cost. Work is also continuing on widening the distribution of the Official Visitor's Guide with copies now available in Melbourne Airport International Arrivals and Canberra.

15.0 FINANCE

15.1 JULY 2007 FINANCE REPORT – (FILE NO: M064 – CFO)

For Information

BACKGROUND

Attached are the financial reports for July 2007 and shows a comparison between the YTD actual position and the YTD budgeted position for the period.

SUMMARY

Profit and Loss Statement (A.1)

YTD Actual v YTD Budget

Council is reporting a YTD surplus of \$7.05 million against a YTD budgeted surplus of \$6.99 million. This represents a favourable variance of \$59,000 or 0.8%. The large surplus relates to the levying of Council's rates in July of \$8.26 million.

Departmental Profit & Loss Statement (A.2) pg 3

YTD Actual v YTD Budget

The operating revenue and expenditure report by department shows a favourable variance of \$185,257 or 2.7%. Further information in relation to variances is detailed in the report.

Balance Sheet (B) pg 4

YTD Actual v Last year YTD Actual

The Council balance sheet reflects a strong position of cash and investments on hand of \$2.08 million. This compares favourably to July 07 when Council held \$1.90 million of cash.

Council rates were levied in July 2007 as compared to August in the prior financial year.

Property plant and equipment, borrowings and provisions are at higher levels than the original budget due to the revaluation of Councils infrastructure assets at 30 June 06, recognition of finance leases, and recognition of a provision for the Yackandandah landfill rehabilitation.

Cash Flow Statement (C) pg 5

Council has collected 6% (\$472,000) of its total rates to be collected in the 2007/08 year income of \$8.45 million to the end of July 2007.

Capital Works

Expenditure for the month of July was \$354,604 with the majority of this relating to payment for works uncompleted at 30 June 2007. The capital works program is currently being programmed with little work commencing in relation to the 2007/08 budget. As in prior years a number of projects from the 2006/07 year that were not completed will be incorporated into the Council forecast.

Attachments

15.2 AUDIT COMMITTEE MINUTES - (FILE NO: - CFO)

For Information

AUDIT COMMITTEE MEETING : 6 AUGUST 2007

Yackandandah Office **4.00pm**

Minutes

Present

Cr Barbara Murdoch
Klaus Baumgartel
Cr Andrew Banks
Cr Peter Graham (Mayor)

In Attendance

Nicholas Moore (CFO)
Tim Frazer (KPMG – internal auditor)
John Costello (CEO)

Apologies

Confirmation of Minutes at last meeting

The Minutes of 3 April 2007 were confirmed

Moved **Cr Murdoch**

Seconded **Cr Banks** **CARRIED**

1. Business arising from last meeting

It was noted that audit in relation to OH&S had not been conducted but had been replaced with the audit in relation to the Tourism and Economic Development as well as an audit by Council's insurers which covers the same issues. This report will be provided to the next Audit Committee meeting.

2. Finance Reports – 30 June 2007

The CFO presented the following reports along with draft statutory balance sheet and income statement for year ended 30 June 2007.

1. Departmental Income and Expense Report

This report showed an unfavourable variance overall of \$87,523 or 4% as compared to budget. Favourable variances shown in all departments with the exception the Civil Operations and Tourism and Economic Development departments.

2. Private Works Report.

The private works report showed a profit of \$485,894 as compared to a budgeted profit of \$476,533 which represented a 2% or \$9,361 favourable variance.

3. Capital Works Report

The Capital Works report shows that Council spent 84% or \$5.14 million of its forecast Capital expenditure program. The remaining projects not completed which amounts to \$1,000,450 and will be incorporated into the 2007/08 financial year forecast.

4. Draft Balance Sheet

The draft balance sheet shows a strong financial position with record cash on hand of \$3.2 million and improved working capital ratio which has increased from 1.29 to 1 in 2005/06 to 1.48 to 1 in 2006/07. Council borrowings have also decreased by \$239,611 or 6%

5. *Draft Income Statement*

The draft income statement shows a profit of \$1.08 million as compared to \$311,878 as reported in the 2005/06 financial year.

3. Confidential Business – 30 June 2007

That the committee go into confidential business to consider reports presented by the internal auditor as the reports relate to personal staff matters and Council internal procedures.

Moved Cr Murdoch
Seconded Klaus Baumgartel CARRIED

On resumption of the open meeting

That the confidential reports as above be accepted and forwarded to Council in confidence and an implementation plan with timeframes on recommendation be drawn up by internal auditor.

Moved Klaus Baumgartel
Seconded Cr Banks CARRIED

4. General Business

It was requested that Deed of Delegation be distributed by CFO to committee members and be discussed at next meeting.

5. Date of next meeting

Next meeting scheduled for September 07. CFO to contact committee members for available dates to confirm.

There being no further business the meeting closed 6.05 pm

16.0 GOVERNANCE

16.1 GOVERNANCE – WORK IN PROGRESS – SEPTEMBER 2007 (CEO)

For Information

Project	Actions
Councillors Training	None attended in the past month.
The Council Plan	Departmental Plans being revised in line with the newly adopted budget.
The Council Budget	The 2007/08 Budget has been adopted and is now available in Service Centres and on the Council web site. Rate notices have been issued.
Community Forums	A Forum was held at Yackandandah on 31st July and at Kergunyah on 28 th August. A public meeting is to be held on 3 rd September at Rutherglen on the Heavy Vehicle Alternative routes and a normal Forum will be at Rutherglen on 25 th September.
Media & Communications	Excellent media coverage continues with numerous stories covering activities across the Shire.
CEO Recruitment Process	FM Consulting has been appointed to undertake this process with advertising to commence this week.
Operations Manager	This position has been advertised and several applications are being processed by consultants McArthur Management with interviews scheduled for week commencing 10 th September. I then hope to advertise the remaining vacant positions in this Department straight after that process is completed.
Municipal Offices Project	A special edition of the Indigo Informer and survey forms will be posted to all ratepayers next week as the commencement of community consultation and engagement on this project.
Web Site Redevelopment	The Web site has been updated with clearer Council contact information following a request.
Murray to the Mountains Rail Trail	The Federal Government funding agreement has been signed off. Finalisation of the lease is being progressed with VicTrack via a site meeting last week.
Rural Councils Victoria	The Mayor, CEO and EDO attended this worthwhile seminar on 23 rd to 25 th August at Birchip. Speakers spoke of a number of worthwhile community based small town development projects and business developments and opportunities. Birchip also has one of the best community sporting/meeting facilities I have seen in rural Victoria.

16.2 PROPOSED RUTHERGLEN BYPASS (FILE NO: T360.1-02 - AM)

For Decision

BACKGROUND

The Mayor advised of the public meeting held on the Rutherglen Heavy Vehicle Deviation Route on Monday 3 September 2007.

At that meeting the Council was requested to:

1. Form a Consultative Committee comprising a wide selection of community members and that it would have an independent Chair.
2. That the Consultative Committee would work closely with Council in researching all ideas for a bypass.

Moved Cr Murdoch

Seconded Cr Walsh

- 1. That Council form a Consultative Committee comprising a wide selection of community members and that an independent Chair be appointed.**
- 2. That Council notes that the intent is for the Consultative Committee to work closely with Council in researching all ideas for a bypass.**
- 3. That Council staff commence work towards organising a Consultative Committee for Council's consideration at the October meeting of Council.**

CARRIED

17.0 NOTICE OF MOTION

Nil

18.0 COMMITTEE AND DELEGATES REPORTS

18.1 AUGUST DIARY - CR P GRAHAM

Date	Time	Function
1 Aug	11.00am	Tidy Towns Awards, Rutherglen
	5.30pm	2AY Cocktail Party John Laws, Albury
2	10.30am	WasteWise Re-accreditation Presentation, Yackandandah
	7.30pm	Apex Award, Rutherglen
3	5.45pm	Official Opening Ned Kelly Weekend
4	8.00am	Strategic Study, Chiltern District Health Service
6	9.00am	Rutherglen Wine Experience Board meeting
	1.00pm	Rutherglen Historical Society meeting, Rutherglen Hall
	4.00pm	Audit Committee Meeting, Yackandandah
	6.30pm	Tidy Towns Certificates Presentation, Rutherglen
7	9.30am	Admin NevRwaste Meeting, Wangaratta
	11.30am	Weekly meeting with CEO, Beechworth
	2.00pm	Tree Planting Lone Pine, Beechworth
	4.00pm	Council Briefing meeting, Chiltern
	7.00pm	Council meeting, Chiltern
8	10.00am	Meeting with Mandy Jones, Community Involvement Rutherglen By-Pass
9	2.00pm	AGM Beechworth Red Cross, Beechworth
	5.30pm	Focus meeting Old Beechworth Gaol, Beechworth
13	4.00pm	Meeting Consultants CEO Recruitment, Beechworth
	7.30pm	Yackandandah Kiewa Tangambalanga CAC, Tangambalanga
14	5.00pm	FMConsulting meeting re CEO Recruitment, Beechworth
16	All Day	MAV Energy Forum, Melbourne
17	9.45am	Vic/NSW Cross Border meeting, Albury
18	5.45pm	Vietnam Veterans' Remembrance Service at SS&A, Albury
	7.00pm	Wodonga TAFE 21 Anniversary Dinner, Wodonga
20	1.30pm	Disability Advisory Committee Meeting, Beechworth
	5.30pm	Rutherglen Wahgunyah CAC, Wahgunyah
21	9.30am	Administration at NevRwaste , Wangaratta
	11.30am	Weekly meeting with CEO, Beechworth
	12.30pm	Administration, Beechworth
	3.30pm	Briefing meeting, Yackandandah
	5.00pm	Meet with Consultant re CEO Recruitment, Yackandandah
	6.00pm	Special Council meeting, Yackandandah
	6.30pm	Meet with Consultant re CEO Recruitment, Yackandandah
22	7.00pm	Rutherglen Wine Region Dinner
23-24	Full Days	Victorian Small Towns Summit, Birchip
27	9.30am	Kerferd Committee at LaTrobe, Beechworth
28	11.30am	Weekly meeting with CEO and Administration, Beechworth
	4.00pm	Council Briefing meeting, Kergunyah
	7.00pm	Community Forum, Kergunyah Hall
29	12.00pm	Launch, Commitment to Young People of Wodonga and area, Wodonga
	7.00pm	Forum – Domestic Violence at Rutherglen

Cr Peter Graham OAM

4 September 2007

18.2 MAV ENERGY FORUM - MELBOURNE (FILE NO: M500-05 - CR P GRAHAM)

I attended this forum held at the Melbourne Convention Centre from 10am to 1.30pm on Thursday 16 August 2007.

About 60 local government Councillors and officers were present.

There were a number of interesting ideas put forward however I found the idea of using a different type of wind generator to the usual windmill (using a rotary type) most interesting.

Presentations covered:

- Carbon offsets,
- Solar values (covering wind, sun, water)
- support by Sustainability Victoria
- local government targets for reducing greenhouse emissions
- future energy (a public company) producing electricity for local consumption and provision to the public grid
- the sustainability assessment accord.

Of particular interest was a Business Energy Efficiency project undertaken by Moyne Shire, which produced energy savings to local businesses. The cost of these savings are recoverable in two years, a 50% return on investment.

This was a lead up to the forthcoming MAV conference in September.

18.3 CROSS BORDER ISSUES MEETING ALBURY (FILE NO: M219-05 - CR P GRAHAM)

Held on Friday 17 August 2007 this meeting of Premiers' Department heads from VIC and NSW together with State politicians, heads of relevant Departments, Mayors and LG representatives from both States indicated to me that little had been achieved in the past 12 months.

The issues remain constant, medical support, registration and licence issues, transport regulations, policing and extradition, fishing licences, registration of businesses and individuals the list goes on (estimated at 1500 individual problem areas!).

All Victorian representatives were adamant that a better reporting back to LG and others was needed and that regular updates on how particular issues were being progressed is a must.

Well at least we have agreement on that - let's see what happens from here on.

The problems with Albury and Wodonga hospital facilities is a key area and this could be the yardstick which could, in my view, be used to gauge the success of this ongoing committee.

18.4 AUGUST DIARY - CR BANKS

Date	Time	Function
6 Aug	4.00 pm	Audit Committee Meeting, Yackandandah
7	4.00 pm	Council Briefing Meeting, Chiltern
	7.00 pm	Council Meeting, Chiltern
9	5.30 pm	Focus Meeting, Beechworth Gaol development, Beechworth
13	4.00 pm	Meeting with Consultants re CEO Recruitment, Beechworth
14	5.00 pm	Meeting with Consultant re CEO Recruitment, Beechworth
20	7.30 pm	Baarmutha Park CoM Meeting, Beechworth
21	5.00 pm	Meeting with Consultant re CEO Recruitment, Yackandandah
	6.00 pm	Special Meeting of Council
	6.30 pm	Meeting with Consultant continued
28	4.00 pm	Council Briefing Meeting, Kergunyah
	7.00 pm	Community Forum, Kergunyah

Cr Andrew Banks
4 September 2007

18.5 AUGUST DIARY - CR DALE

Date	Time	Function
3 Aug	9.30am	MAV Board meeting, Melbourne
6	5.00pm	LaTrobe Council meeting, Bundoora
7	4.00pm	Council Briefing meeting, Chiltern
	7.00pm	Council Meeting, Chiltern
8	7.00pm	Yackandandah Lions District Governors meeting, Yackandandah
9	6.00pm	LaTrobe Awards, Wodonga
12	10.00am	ISAAC Playground Equipment Community meeting, Yackandandah
14	10.00am	ISAAC Park Community Consultation Meeting (Playground), Yackandandah
	5.00pm	Consultant Interview CEO Recruitment Beechworth
16	5.00pm	Vic Roads / MAV Consultative Committee meeting, Kew
17	10.30am	Chair MAV Human Services Committee meeting, Melbourne
21	3.30pm	Council Briefing meeting, Yackandandah
	6.00pm	Special Council meeting Yackandandah
		Meeting with Consultant Re: CEO Recruitment, Yackandandah
28	4.00pm	Council Briefing meeting, Kergunyah
	7.00pm	Kergunyah Community Forum, Kergunyah
29	7.00pm	Yackandandah Primary School Concert, Yackandandah

Cr Jenny Dale
Tuesday 4 September 2007

18.6 AUGUST DIARY - CR HOTSON

Date	Time	Function
7 Aug	4.00 pm	Council Briefing Meeting, Chiltern
	7.00 pm	Council Meeting, Chiltern
13	4.00 pm	Meeting with Consultants re CEO Recruitment, Beechworth
	6.00 pm	Briefing of Audit Board, Beechworth
14	5.00 pm	Meeting with Consultants re CEO Recruitment, Beechworth
16	7.30 pm	Information evening, application for community market, Chiltern
20	7.30 pm	Chiltern Tourism Association Meeting, Chiltern
21	1.30 pm	Council Briefing Meeting, Yackandandah
	4.00 pm	Meeting with Consultant re CEO Recruitment, Yackandandah
	6.00 pm	Special Council Meeting, Yackandandah
	6.30 pm	Meeting with Consultant continued
24	7.00 pm	Official opening, Chiltern Antique Fair
28	6.00 pm	Digital Storytelling "Don't Talk About the Drought", Chiltern
29	3.00 pm	Executive Meeting, Chiltern Tourism Board, Chiltern

Cr Bill Hotson
4 September 2007

18.7 AUGUST DIARY - CR V ISSELL

Date	Time	Function
2 Aug	8.00am	Murray Arts Board meeting, Wodonga
3	10.00am	Councillor Duty, Beechworth
3	6.00pm	Opening 'Ned' Art Exhibition, Beechworth
4-5	12.30pm	Ned Kelly weekend, Beechworth
5	10.30am	Opening, '1860' accommodation, Beechworth
6	4.30pm	Warner Road site meeting, Beechworth
7	4.00pm	Council Briefing, Chiltern
7	7.00pm	Council Meeting, Chiltern
9	5.30pm	Focus meeting regarding Beechworth Gaol, Beechworth
10	10.00am	Councillor Duty, Beechworth
11	2.00pm	Murray Arts CD Launch, Wodonga
13	4.00pm	Consultant Interview, Beechworth
14	5.00pm	Consultant Interview, Beechworth
16	4.00pm	Murray Arts meeting, Wodonga
16	5.30pm	Launch of Border Trust Leaders Network, Albury
21	3.30pm	Council briefing, Yackandandah
21	5.00pm	CEO Recruitment Meeting, Yackandandah
21	6.00pm	Annual Statement Meeting, Yackandandah
24	10.00am	Councillor Duty, Beechworth
28	4.00pm	Council Briefing, Kergunyah
28	7.00pm	Community Forum, Kergunyah

Cr V Issell
4 September 2007

18.8 AUGUST DIARY - CR WALSH

Date	Time	Function
1 Aug		Represented Shire at funeral of Late Dominic Bailey
2		Arts Rutherglen Apex presentation Award Shave for a Cure
4		Reading of letter from Jerilderie, Beechworth
7	4.00 pm 7.00 pm	Council Briefing meeting "Marathon" Council meeting, Chiltern
9		Focus meeting, Beechworth Gaol
10	Full day	MAV Leadership course, Melbourne
11		Arts Rutherglen, Boston Youth Choir
13	9.00 am 5.00 pm	Presentation of SRC badges, Barnawartha Primary School Meeting with Consultants re CEO recruitment, Beechworth
14	Full morning 5.00 pm	Junior Council meeting, Stanley Primary School Meeting with Consultants re CEO recruitment, Beechworth
20	5.30 pm	Rutherglen-Wahgunyah CAC, Wahgunyah
21	1.30 pm 6.00 pm 6.30 pm	Council Briefing meeting, Yackandandah Special Council meeting, Yackandandah Meeting with Consultant re CEO recruitment, Yackandandah
24	7.00 pm	Rutherglen High School Performance, Rutherglen
28	4.00 pm 7.00 pm	Council Briefing meeting, Kergunyah Community Forum, Kergunyah
29	7.00 pm	Forum - Jason McCartney re Domestic Violence, Rutherglen
31		Community with Lions Club re Carols by Candlelight

Cr Frances Walsh
4 September 2007

18.9 AUGUST DIARY - CR MURDOCH

Date	Time	Function
6	4:00pm	Audit Committee, Yackandandah
7	4:00pm 7:00pm	Briefing Meeting, Chiltern Council Meeting, Council
13	4:00pm	Meeting Consultants CEO Recruitment, Beechworth
14	5:00pm 6:30pm	FM Consulting Meeting, CEO Recruitment, Beechworth ASCUM Meeting, Albury
20	10:00am	MAV Water-taskforce Melbourne
21	3:30pm 5:00pm 6:00pm	Briefing Meeting Yackandandah Meet Consultant re- CEO Recruitment, Yackandandah Special Meeting, Yackandandah
24	7:00pm 6:00pm	Meeting (con't) re CEO Recruitment, Yackandandah Antique Fair, Chiltern
28	4:00pm 7:00pm	Briefing Meeting, Kergunyah Community Forum, Kergunyah

Cr Barbara Murdoch
4 September 2007

19.0 GENERAL BUSINESS

19.1 *ASCUM Meeting*

Cr Murdoch reported on the recent ASCUM meeting and in particular the support for the inland rail that the Federal Government is considering. ASCUM as a whole is keen to see the eastern route developed so that the north east area is promoted.

19.2 *Internal Audit Committees*

The Mayor provided a copy of the Baw Baw Council's Internal Audit Committee Deed of Delegation noting that the legal status of the Committee is that it is not open to the public.

19.3 *Cyprinus Newsletter*

The Mayor tabled Newsletter No. 19 in relation to an initiative of the Murray Darling Association on Carp and Pest fish.

19.4 *NSW – Victoria Cross Border Issues*

The Mayor tabled a letter from the Department of Premier and Cabinet regarding outcomes of Victoria and New South Wales Government Officials' Meeting on Cross Border issues held 17 August 2007.

SUSPENSION OF STANDING ORDERS – 8.48 PM

**Moved Cr Banks
Seconded Cr Walsh**

That Council resolves to go into Committee to consider confidential items relating internal procedures and actions of a member of staff.

CARRIED

RESUMPTION OF STANDING ORDERS – 9.20 PM

**Moved Cr Murdoch
Seconded Cr Issell**

That Standing Orders be resumed.

CARRIED

20.0 CONFIDENTIAL

PURSUANT TO SECTION 77(2)(c) OF THE LOCAL GOVERNMENT ACT 1989 I HEREBY DESIGNATE THE ATTACHED INFORMATION AS CONFIDENTIAL AS IT RELATES TO ACTIONS OF A MEMBER OF STAFF AND INTERNAL PROCEDURES.



John P Costello
CHIEF EXECUTIVE OFFICER
04/09/07

20.1 INTERNAL AUDIT REPORT – TOURISM & ECONOMIC DEVELOPMENT DEPARTMENT POLICIES AND PROCEDURES (FILE NO: D402 – CEO)

Moved Cr Banks
Seconded Cr Walsh

- 1. That Council receive the KPMG report and endorse the findings and recommendations of that report.**
- 2. That Council direct its Chief Executive Officer and Senior Management Team to implement the recommendations of the Internal Auditor in relation to purchasing and tendering processes and other recommendations relating to general management of activities.**
- 3. That Council implement a detailed study of its strategic objectives and strategies and resourcing relating to Tourism activities and involve the Indigo Tourism Board and the wider Tourism Sector in that review.**

CARRIED

There being no further business the meeting was declared closed at 9.20 pm.

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Cr Peter Graham, OAM - Mayor
02/10/2007