

INDIGO SHIRE COUNCIL

MINUTES OF THE ORDINARY MEETING OF THE INDIGO SHIRE COUNCIL HELD IN THE SENIOR CITIZENS ROOMS, CONNESS STREET, CHILTERN ON TUESDAY 1 APRIL 2008 COMMENCING AT 7.00 PM.

PRESENT

Councillors

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

Officers

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

1.0 WELCOME

Cr Issell welcomed those in attendance.

2.0 OPENING PRAYER

Cr Banks read the Opening Prayer.

3.0 APOLOGIES AND LEAVE OF ABSENCE

Nil

4.0 DECLARATION OF PECUNIARY INTEREST AND

CONFLICT OF INTEREST

Cr Issell declared a Conflict of Interest in Item 10.1 in that he has very close friends who are bordering neighbours to the property in question.

5.0 OPEN FORUM

Nil

6.0 CONDOLENCES

Cr Walsh, on behalf of Council, acknowledged Mr Vin Warren who was a sailor on the recently discovered HMAS Sydney. Mr Warren was from Rutherglen.

7.0 CONFIRMATION OF MINUTES

**Moved Cr Murdoch
Seconded Cr Banks**

That the Minutes of the Council meeting held 4 March 2008 be adopted.

CARRIED

8.0 BUSINESS ARISING (PREVIOUS MINUTES)

Nil

9.0 DEPUTATIONS AND PETITIONS

9.1 PLANNING PERMIT 05-281 – APPLICANT: VON WILPERT (FILE NO: PP05-281 - SSP)

For Decision

A Petition signed by 56 people has been received.

The Petition states:

We, the undersigned, are expressing our support for the traditional heritage style boulder wall and terracing on Lot 20, Elgin Rd, Beechworth.

Not only is it a beautiful structure in keeping with the heritage nature of our town and is built of local granite hand laid by traditional stonemasonry techniques but it also contributes in a positive way to the visual landscape and should be preserved at all cost. We urge the relevant authorities that this structure must remain at all costs and not be demolished. It should also be visible

**Moved Cr Walsh
Seconded Cr Graham**

That the Petition from various signatories indicating their support for the traditional heritage style boulder wall and terracing on Lot 20 Elgin Road, Beechworth be received.

CARRIED

10.0 ENVIRONMENT AND DEVELOPMENT

10.1 PLANNING PERMIT 05-281 – APPLICANT: VON WILPERT (FILE NO: PP05-281 - SSP)

Note: Cr Issell declared a Conflict of Interest in Item 10.1 in that he has very close friends who are bordering neighbours to the property in question.

**Moved Cr Murdoch
Seconded Cr Dale**

That the Deputy Mayor, Cr Walsh, be elected Temporary Chairperson for Item 10.1.

CARRIED

For Decision

SUMMARY

Planning Permit: 05-281
Applicant: O & Z Von Wilpert
Subject Land: Crown Allotment 20, Section U, Elgin Road, Beechworth
Proposal: Amendment of Planning Permit PP05-281 to include development outside of approved building envelope (dwelling and retaining wall)
Recommendation: Refusal

RECOMMENDATION

- 1. That Council refuse the proposed amendment of Planning Application PP05-281 to include development outside of the approved building envelope at Crown Allotment 20, Section U, Elgin Road, Beechworth for the following reasons:**
 - a) The proposal is contrary to the provisions of Clause 42.03 (Significant Landscape Overlay) of the Indigo Planning Scheme in that the design height, mass and scale of the proposed development will have an adverse impact on the landscape and does not meet the *Landscape character objectives* specified in Schedule 2 of the Significant Landscape Overlay.**
 - b) Having particular regard to the objections received and the orderly planning of the area, the proposal is inconsistent with Clause 65 of the Indigo Planning Scheme, as it will adversely affect the amenity of the**

area.

2. That Council inform the applicant that:

- a) Amended plans must be submitted in accordance with Condition 1 of Planning Permit PP05-281.
- b) Amended plans must comply with Planning Permit PP05-281.
- c) The existing structure (retaining wall) must be modified to comply with Planning Permit PP05-281 and if this is not completed within a reasonable timeframe enforcement action will be taken.

Cr Issell left the meeting at 7.22 pm after discussion of the matter and returned at 7.23 pm taking no part in voting on Item 10.1

**Moved Cr Banks
Seconded Cr Murdoch**

That the Recommendation be adopted.

CARRIED

BACKGROUND

Planning Permit PP05- 281 was issued on 28 March 2006 approving the use and development of the subject land for the purposes of a dwelling. This permit approved such development within a specific building envelope (see **Attachment A** -copy of endorsed plan). Condition 1 of this permit also states:

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

- (i) the location of all building/s and works (including water tanks) proposed to be erected or constructed on the land;*
- (ii) the dimensions and elevations of all building/s proposed to be erected or constructed on the land;*
- (iii) the nature of all external materials and finishes of all such building/s (including the roofing and above ground water tanks);*
- (iv) the location of road access points and driveways; and*
- (v) primary and reserve wastewater disposal fields. These primary and reserve wastewater disposal fields are to be of adequate area (based on the size of the dwelling and water balance of the site) and both must be kept free of buildings, driveways, paths, service trenching and other domestic facilities. The wastewater disposal areas must be planted with appropriate vegetation to maximise their performance. Consideration must be given to the water balance and the slope of the land,*

are submitted to the Responsible Authority for approval and endorsement by the Shire Planner. When approved such plans shall form part of the permit.

(Underlining added)

In June 2007 Council officers became aware that substantial earth works were taking place on the subject land in the location of the approved building envelope. A search of Council's records indicated that no detailed plans (as required by Condition 1 of the Planning Permit) had been submitted to Council. A letter was written to the owners (O & Z Von Wilpert) stating that the permit had no force or effect until Condition 1 (above) was met and as this had not taken place, no further works should occur on the subject land until the condition had been satisfied.

In August 2007 Council Officers were made aware that a large stone structure (retaining wall) had been constructed on the subject land. This structure was built without the plans required by Condition 1 of the Planning Permit being submitted and therefore is a contravention of the Planning Permit. The structure was also located partly outside of the approved building envelope. The owners of the subject land were contacted in this regard and after subsequent discussion an application was received to amend Planning Permit PP05-281 to retrospectively allow for development of part of the retaining wall outside of the original building envelope. Details and plans were also submitted in an attempt to satisfy Condition 1 of Planning Permit PP05-281.

The subject site has an area of ±1.13 hectares and is located in Elgin Road on the outskirts of Beechworth. (See **Attachment B: Locality Plan**). The site is located on a hillside and slopes upwards towards the northern boundary of the lot. The site is cleared and an existing shed is located towards the front half of the lot.

PROPOSAL

The applicant is seeking approval for an amendment to Planning Permit PP05-281 to retrospectively allow development outside of the approved building envelope. Detail regarding the siting of the stone retaining wall and proposed dwelling can be seen on the attached plans (**Attachment C: Proposal**).

The stone retaining wall is located 4.5 – 5 metres from the north-western boundary of the lot and is more than 3.5m high at the south-western end of this structure (from natural ground level). The submitted plans show the retaining wall as being between 40 and 45 metres in length with a width of more than 40 metres. The wall is constructed from large granite rocks sourced locally. The wall is not cut into the site but is constructed with the base at ground level and filled behind.

A dwelling is proposed to be located on top of the levelled area created by the work already undertaken on the lot. Landscaping is further proposed in an attempt to screen the dwelling and the stone retaining wall.

ZONING AND PLANNING CONTROLS

Zoning: Farming Zone (FZ)

Overlay/s: Significant Landscape Overlay 2 (Rural Landscape)

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 policy is considered to be relevant to this proposal and need to be taken into account

when addressing this application.

Particular Uses and Development

19.03 Design and 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 need to be taken into account when addressing this application:

Municipal Strategic Statement (MSS)

Relevant clauses of the MSS include:

- 21.01 Municipal Profile

This Clause specifically mentions:

The quality of the landscape setting of the Indigo Shire Council is also a great natural and community resource.

And

In particular the protection of the visual quality and significance of the prominent hills, slopes and extensive open landscapes is a key goal of the Shire.

21.02 Key Issues

- 21.03-1 Vision and strategic framework

The long term strategic view for the Shire recognises the following relevant factor:

That significant landscape features...will continue to play a key role in the overall presentation, character and appearance of the Indigo Shire.

- 21.04-1-1 Beechworth

- 21.04-2-2 Tourism

This Clause specifically states:

The quality of the landscape setting is a great tourist resource.

- 21.04-3-2 Heritage

Under this Clause the following relevant points are listed:

Under Issues – *The sensitive design and siting of new buildings within historic townships and within the rural landscapes is critical to the presentation of the Indigo Shire.*

Under objectives – *To conserve and enhance heritage buildings, places, significant landscapes and Koori sites.*

Under Implementation – *Applying the Significant Landscape Overlay to areas of high visual sensitivity and National Trust Landscapes.*

Local Planning Policies

22.01-2 Rural dwelling siting and design guidelines

22.03-4 Effluent disposal and water quality

CLAUSE 65 DECISION GUIDELINES

Clause 65 requires that the responsible authority must decide whether a proposal will produce acceptable outcomes in terms of the decision guidelines of this clause. Decision guidelines under this clause include:

- The matters set out in Section 60 of the Act.
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.

PUBLIC NOTICE

Notice of the application to amend Planning Permit PP05-281 was given to adjoining owners and occupants. In response three objections were received (copies of these objections have been distributed to all Councillors). Issues raised can be summarised as follows:

- The proposal will have an adverse impact on the privacy of surrounding properties.
- The proposed development is obtrusive and unduly prominent in the landscape – adversely affects rural landscape.
- The proposal does not integrate with the existing surrounds.
- Stormwater runoff from the subject land adversely affects adjoining land.
- Stone retaining wall is constructed too close to neighbouring property.

A planning focus meeting was held on 4 February 2008, attended by the applicants, the applicant's representatives, the objectors, Council's Senior Strategic Planner and Councillor Andrew Banks to clarify the proposal and issues raised in the objections.

DISCUSSION

It is considered on balance that the proposed development does not meet the requirements of the Indigo Planning Scheme (IPS) and the Planning and Environment Act (P&E Act). The following clauses/sections are of particular relevance:

- **Clause 65 Decision Guidelines**

Decision guidelines included under this clause includes:

- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the amenity of the area.*

Clause 42.03 Significant Landscape Overlay

The objectives of this Clause include:

- *To identify significant landscapes.*
- *To conserve and enhance the character of significant landscapes.*

This Clause further includes a number of Decision Guidelines that must be considered before deciding on an application, these guidelines include:

- *The statement of the nature and key elements of the landscape and the landscape character objective contained in a schedule to this overlay.*
- *The conservation and enhancement of the landscape values of the area.*
- *The impact of the proposed buildings and works on the landscape due to height, bulk, colour, general appearance or the need to remove vegetation.*
- *The extent to which the buildings and works are designed to enhance or promote the landscape character objectives of the area.*
- *The impact of buildings and works on significant views.*
- *Any other matters specified in a schedule to this overlay.*

The relevant Schedule 2 to the Significant Landscape Overlay includes the following landscape character objective to be achieved:

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

Schedule 2 to the Significant Landscape Overlay also includes the following relevant decision guideline:

- *Before deciding on an application the Responsible Authority must consider:*
 - *The design, height, mass and scale of the proposed development and buildings.*
 - *The location of all buildings and including the exterior colour/ finish of buildings.*
 - *Effluent disposal systems and measures to improve water quality.*

The design, heights and scale of the proposed development (and the existing stone retaining wall) is considered inappropriate when considering the objectives and decision guidelines included under the Significant Landscape Overlay. The specific objectives included in Schedule 2 of the overlay are generally not achieved by the proposal. The applicant is proposing extensive landscaping as part of the development in an attempt to screen the stone retaining wall and proposed dwelling, but due to the prominence of the subject land in the surrounding landscape, this is not considered sufficient. It is further considered that landscaping would not successfully achieve the landscape character objective as set out in Schedule 2 to the Significant Landscape Overlay.

Planning Permit PP05-281 specifically included a building envelope which was considered acceptable under these circumstances. This envelope restricts future development to at least 10 metres from the lot boundary in the north west of the property. The stone retaining wall has been constructed much closer than this setback. This new setback is not considered sufficient, especially when the scale of the retaining wall and the proposed future development is considered.

In all instances where there is an approved building envelope, any development proposed (secondary consent required) must also be assessed having regard to both the approved building envelope as well as the relevant provisions of the Indigo Planning Scheme. In this instance, the building envelope indicated as part of the permit was based on a comprehensive site analysis and land capability assessment and provides an area that is theoretically capable of accommodating a dwelling and associated development. Due to physical and statutory development constraints, the building envelope represents the outer limit of the site in which development could occur in an acceptable manner. The permit was originally issued on the basis that development could be contained within this envelope. Had this not been the case, it is unlikely that support for the use of the land for the purposes of a dwelling would have been given.

As the use of the land for the purposes of a dwelling is dependant on the ability to contain development within the previously approved building envelope, the siting of the dwelling is required to be assessed having regard to the approved envelope as well as State and Local Planning Policy and the decision guidelines of the Zone.

In this instance, the site falls within the area recognized in Schedule 2 to the Significant Landscape Overlay of the Indigo Planning Scheme. Therefore in considering the current proposal, particular regard has to be given to the prominent location of the site in the broader context of needing to protect the visual quality and significance of the prominent hills, slopes and extensive open landscapes in the Shire.

Clearly the approved building envelope is significantly larger than the footprint required by a dwelling. In this regard therefore, it can be demonstrated that the building envelope also allows for development that is ancillary to a dwelling. The current request to amend the permit seeks to further enlarge the envelope to retrospectively approve the retaining wall and site works that have already occurred.

In addition to the above, another key policy to be considered in assessing the proposed dwelling is Clause 22.01-2 *Rural dwelling siting and design guidelines*. This policy applies to the development of land in the Rural Zones and has an Objective of ensuring that the character and visual quality of rural landscapes is not prejudiced by inappropriate development. In this regard it is Policy to require an application to be accompanied by a site analysis and a design response explaining how the proposed development has responded to the site analysis.

The site analysis should show the existing physical characteristics of the lot including slope, soil type, drainage pattern, existing vegetation, prevailing wind direction, hazard areas ie. areas subject to erosion, fire, flooding, etc. and any areas of environmental significance and, the design response should show how the proposal addresses the decision guidelines outlined in Clause 35.07.

It was this design response that the approved building envelope originally responded to. The approved envelope was considered to provide an adequate area to accommodate development that also met the requirements of the Rural Zone. The current proposal to amend the building envelope must also be considered under the same heads of consideration that originally limited the envelope to the approved location.

The Decision Guidelines of the *Rural dwelling siting and design guidelines* Policy also require the responsible authority to consider:

- orientation (main axis lying east west were possible);
- protection from winds;
- relationship to landscape and avoidance of visually prominent sites;
- privacy and noise; and
- vegetation cover.

In addition to this and as mentioned above, the proposal must also be assessed under the decision guidelines outlined in Clause 35.07 which require the responsible authority to consider, in addition to the decision guidelines in Clause 65, the following issues, as appropriate:

General issues

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies;
- The capability of the land to accommodate the proposed use or development, including the disposal of effluent.
- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses,

Environmental issues

- The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.
- The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

Design and siting issues

- The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts, and;
- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.

In light of the above, and given the overwhelming level of policy centred around ensuring that the character and visual quality of rural landscapes is not prejudiced by inappropriate development, it is extremely difficult to advocate the proposed siting of the dwelling. This point is obvious in this instance as the retaining wall and site works have already occurred, and occupy an area greater than the proposed dwelling footprint.

The approved building envelope was specifically chosen for reasons related to effluent disposal on the site and because a sensitively designed development located within this envelope would be more appropriate in the Significant Landscape Overlay as such development would be behind the existing shed with appropriate setbacks from property boundaries. The design of the proposed development does not sufficiently address the requirements of the Significant Landscape Overlay (and other relevant provision) as works have occurred which would elevate the proposed dwelling in the landscape. Condition 1 of Planning Permit PP05-281 was specifically included in the permit to ensure that the design of future development on the subject land would with be sensitive to the landscape. A site cut into the hillside would be more appropriate – ensuring the proposed dwelling is sited behind the shed at the same level. The proposal as it stands would not have been supported even if submitted before any works took place on the subject land.

It should further be considered that the stone retaining wall already exists and the application is an attempt to get this structure approved retrospectively. The structure is not only outside of the approved building envelope, but is also considered inappropriate within the Significant Landscape Overlay. The retrospective approval of this structure may also set an undesirable precedent.

Attachment A: *Endorsed Plan PP05-281*
Attachment B: *Locality Plan*
Attachment C: *Detail proposal*

Note: Cr Issell resumed the Chair at 7.23 pm.

Note: Cr Dale left the meeting at 7.24 pm due to ill health.

**10.2 PLANNING APPLICATION PP07-4081 – APPLICANT:
VASEY (EDSM)**

For Decision

SUMMARY

- Application No:** PP07-4081.1
- Applicant:** Peter Vasey & Associates
- Subject Land:** Lot 4 on Plan of Subdivision PS89922, being 18 Albert Road, Beechworth
- Proposal:** Application to amend Planning Permit PP07-4081 for the development of the subject land by the extension of the existing dwelling to allow for a painted rendered finish over fibre cement board to all areas other than the south east side.
- Recommendation:** Refusal

RECOMMENDATION

That Council Refuse Planning Application PP07-4081.1 to amend Planning Permit PP07-4081 to allow for a painted rendered finish over fibre cement board to all areas other than the south east side for the following reasons:

- 1. The proposal is contrary to the Municipal Strategic Statement, LPPF and the Heritage Overlay provisions of the Indigo Planning Scheme.**
- 2. The proposal will have a detrimental impact on the heritage significance of the existing building and locality.**

**Moved Cr Graham
Seconded Cr Walsh**

That the Recommendation be adopted.

CARRIED

BACKGROUND

- Date application lodged:** 20th December 2007
- Purpose:** Planning Permit PP07-4081 was issued on the 5th October 2007 for the extension of the existing dwelling in accordance with a set of endorsed plans and subject to conditions which required the front façade of the dwelling to be finished in either weatherboards or weathertek profile.

The current application to amend the permit to allow for a

painted rendered finish over fibre cement board to all areas other than the south east side was received on the 20th December 2007.

Subject site land area: ~800m²

Current use of subject site: Dwelling

Site constraints: Contributory element to essentially intact heritage precinct, reflected by Heritage Overlay listing.

Surrounding land use: Residential

Zoning of surrounding land: Residential 1 Zone

PROPOSAL

The application is for the amendment of the permit to allow for a painted rendered finish over fibre cement board to all areas other than the south east side of the dwelling in accordance with the plans at attachment B.

ZONING AND PLANNING CONTROLS

Zoning: Residential 1 Zone

Overlay/s: Heritage Overlay

Permit Trigger: Heritage Overlay

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. Clause 15.11 – *Heritage* is deemed to be relevant to this proposal and has been taken into account in the assessment of this application.

The objective of this policy is to assist the conservation of places that have historic, cultural, or social significance, as a means of understanding our past, as well as maintaining and enhancing Victoria's image and making a contribution to the economic and cultural growth of the State.

LOCAL PLANNING POLICY FRAMEWORK

The Local Planning Policy Framework (LPPF) provides relevant discussion in relation to land use and development in the Shire. The MSS recognises that the key issues related to land use planning as identified in consultation with the community, include the statement that tourism development in the Shire is strongly based on heritage, and there is a consequent need for the conservation and enhancement of the Shire's large array of heritage buildings and places.

The vision for Indigo Shire seeks to ensure that the Shire's natural and built assets are protected from inappropriate development that would prejudice the heritage and urban attributes of the Shire.

The vision for the Indigo Shire also recognises that the Shire's cultural heritage is of national significance, which together with the strength of the local communities, provides the base for the maintenance and enhancement of the lifestyle opportunities of the Shire's residents.

Essentially the Indigo Shire vision centres around the main characteristics of the strengthening of the economy by further investment in tourism and the significant tourist product within the Shire which is orientated around the built heritage of all towns.

The long term strategic view for the Shire recognises that the Shire's population and visitors alike will increasingly value the quality of the Shire's built environment and that significant heritage buildings and places will continue to play a key role in the overall presentation, character and appearance of the Indigo Shire.

The vision statement for Indigo is "...to enhance our lifestyle through community and economic development whilst conserving our heritage and natural environment." The Indigo MSS has drawn upon the following principles enshrined within the Corporate Plan:

- Preservation of heritage and historical features of the Shire
- Sustainable economic development through supporting tourism and business opportunities.

In considering the application, Clause 21.04-1-1 *Beechworth* needs to be taken into account. The issues and objectives identified by the MSS at this Clause include the need to:

- Protect heritage buildings and areas and improve the presentation of the township entrances and major streetscapes.
- The need to enhance and reinforce the links to key public areas, namely the town centre, university, the Gorge, Lake Sambell and future rail trail with a high quality open space and pedestrian network.
- To identify and support the role of Albert Road as a key civic element.
- To conserve and enhance heritage buildings and places.

These objectives are also reiterated in Clause 21.04-2-2 *Tourism*.

Clause 21.04-3-2 *Heritage* states that protecting cultural and natural heritage assets is important in maintaining the municipality's character and sense of place. The conservation and management of significant heritage assets in Indigo assists in understanding the past, enriches the present and is of value to future generations.

Clause 22.03-9 *Heritage Policy* implements the heritage strategies and objectives found in the SPPF (Clause 15.11) and the MSS which also identifies the need to implement consistent heritage conservation and management approaches across the Shire and to provide certainty and direction in relation to the use and/or redevelopment of heritage places (Clause 21.04-3-2).

The Heritage policy (Clause 22.03-9) acknowledges that throughout the Shire are buildings, streetscapes, sites and precincts that represent a significant asset and resource for North East Victoria. The value of the collection of heritage items within the Indigo Shire lays in its intactness, in that the development of the Shire socially and economically through time can be seen through these items.

All of the heritage places, if not significant in themselves, combine to produce a distinctive character. They should be preserved because of their intrinsic value and their contribution to urban character. The demolition of heritage places and the development of sites can erase their value forever and alterations can also affect the historical integrity of significant places.

Having particular regard to Beechworth the Policy notes that the aesthetic qualities of the streetscapes and their intactness are remarkable. There is little to compare with the scale, uniformity and quality of these streetscapes. Beechworth is unusual for its intactness and integrity, as the twentieth century has only lightly touched most of the township. During the twentieth century the economy of Beechworth was stimulated by the presence of government departments such as the Beechworth Gaol and Mayday Hills. These buildings were built during the 19th century and retained their use until relatively recent times. Despite functioning during the 20th century the 19th century building fabric, design and intentions are strongly evident.



Map 2 – Beechworth Conservation Precinct 8

Heritage studies and strategies implemented in Indigo have recognised these assets and have resulted in items, individual places and precincts included in a Heritage Overlay.

This Clause contains the following Objectives:

- To recognise, conserve and enhance places and streetscapes in Indigo identified as having architectural, cultural or heritage significance as described in the Indigo Shire Heritage Study (2002);
- To retain heritage assets for the enjoyment and experience of residents, visitors and future generations of the municipality;
- To ensure that any additions or alterations are sympathetic to the heritage place and its surrounds;
- To promote high architectural or design standards in all new buildings and works which reflect the heritage and cultural significance to the precinct and area, and;

establishes the policy to:

- Encourage new buildings and works that are compatible with the characteristics of the individual building and area, and undertaken generally in accordance with any Council prepared guidelines;
- Encourage the restoration, renovation, maintenance and repair of buildings which contribute to the heritage character of the area to be responsive to the individual building and the character of the surrounding area; and
- Not permit any work that will degrade and/or compromise the cultural heritage significance of the conservation precincts.

BACKGROUND

No referrals were necessary however, in assessing the original application advice was sought from Council's Heritage Advisor. Comments received indicated that the façade would need to have either weatherboards or weathertek profile cladding. The colour scheme would need to be approved, however the siting bulk and form of the proposed alterations and extensions were considered appropriate.

Planning Permit PP07-4081 was subsequently issued under delegation on the 5th October 2007 and approves the proposed alterations and extension subject to conditions requiring the façade to be clad in weatherboards or weathertek profile.

As the current application to amend the permit relates to conditions placed on the permit as a result of technical advice received from Council's Heritage Advisor, it was necessary to obtain comment from Council's newly appointed Heritage Advisor as to whether the proposed amendment is appropriate.

Comments received on the 14th March 2008 concur with the original heritage advice that as the building is elevated and the front elevation will be particularly noticeable in the streetscape of the heritage precinct, the front elevation / façade must be clad in timber weatherboards with a square edge profile. In this regard, it is also commented that this represents a compromise position in that it would be preferable if the whole of the building was clad in weatherboards.

PUBLIC NOTICE

Based on the nature of the proposal, the application was not publicly advertised.

DISCUSSION

As mentioned above under the heading 'site constraints', the building represents a contributory element to an essentially intact heritage precinct, reflected by the Heritage Overlay listing. The above policies identify this precinct as important for a number of reasons including its strategic importance as a link between the town centre and the university.

The Heritage Policy in particular notes that Beechworth is unusual for its intactness and integrity, as the twentieth century has only lightly touched most of the township. The relationship between the subject site and dwellings at 16 and 14 Albert Road is clearly evident and it is contended that the proposal to introduce a painted rendered finish into this environment is not responsive to the individual building and the character of the surrounding area. Rather it will impose contemporary fashion onto the built form and compromise the cultural heritage significance of the conservation precinct.

CONCLUSION

It is contended that the proposed amendment would introduce an element into this locality that does not reflect or respond to the individual building or the character of the area. Given the increasing importance that the presentation of Albert Road will play as a link between the university and town centre and the relative intactness of the streetscape the amendment as proposed is clearly in breach of the MSS and Council's Policy at Clause 22.03-9 of the Indigo Planning Scheme which recognises the need to prevent any work that will degrade and/or compromise the cultural heritage significance of the conservation precincts.

Having regard to the above discussion, the merits of the proposal in this particular location, it is felt that on balance the application to amend Permit PP07-4081 to allow for a painted rendered finish over fibre cement board to all areas other than the south east side of the dwelling should be refused.

Attachments
Attachment A – Locality plan
Attachment B – Proposal

10.3 INDIGO PLANNING SCHEME AMENDMENT C44 – CROWN LAND REZONING (FILE NO: E1240-44 - ATP)

For Decision

RECOMMENDATION

- 1. Council resolve to request authorisation to commence with the preparation of Indigo Planning Scheme Amendment C44 from the Minister of Planning, as required by the Planning and Environment Act of 1987.**
- 2. Pending the outcome of the request for authorisation to commence with the preparation of Amendment C44, Council resolve to commence with the preparation and exhibition of Indigo Planning Scheme Amendment C44 which proposes to rezone two parcels of Crown Land, one from Public Use Zone 7 (PUZ7) to Industrial 1 Zone (IN1Z), and the other from Public Conservation and Resource Zone (PCRZ) to Farming Zone (FZ).**

**Moved Cr Graham
Seconded Cr Banks**

That the Recommendation be adopted.

CARRIED

SUMMARY

Two requests have been received to rezone parcels of land currently zoned for public purposes to facilitate sale to adjoining owners. The Department of Sustainability and Environment have given their initial consent to the amendment

DISCUSSION

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

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

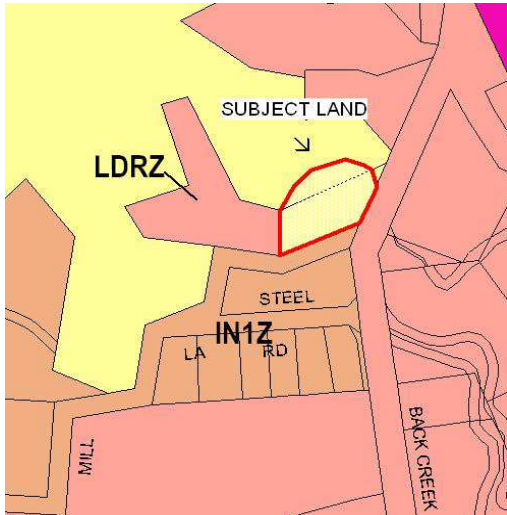


Figure 1: Existing Zoning (Gilbert)



Figure 2: Proposed Zoning (Gilbert)

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

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

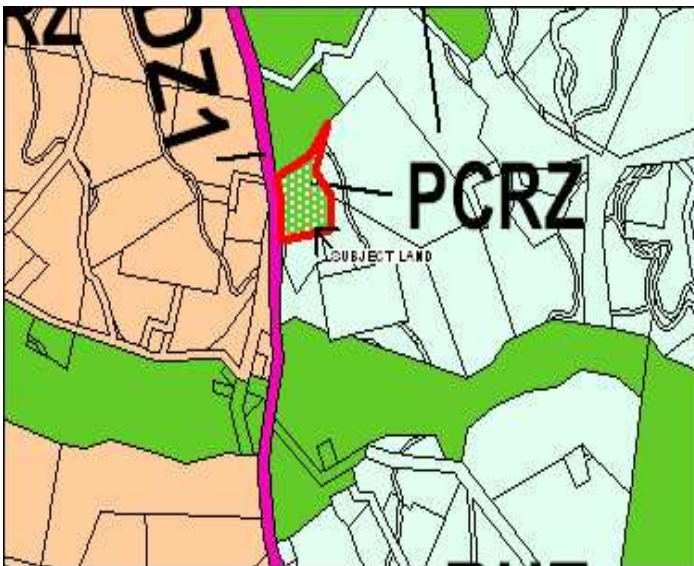


Figure 3: Existing zoning (Pund)

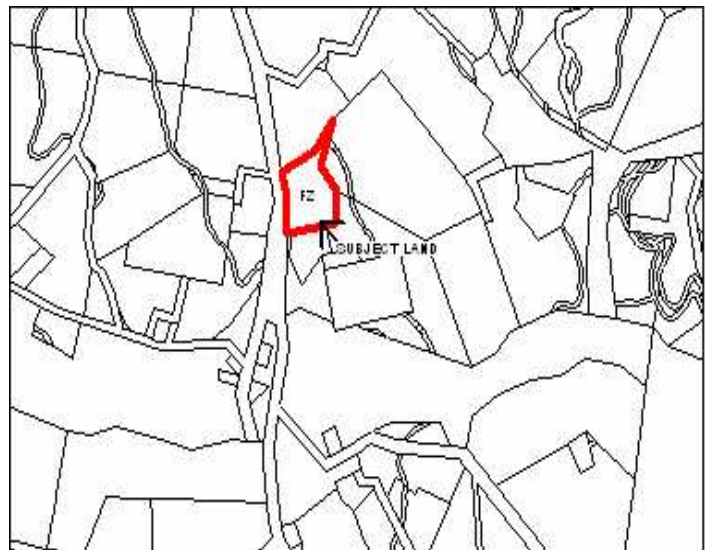


Figure 4: Proposed zoning (Pund)

CONCLUSION

Both requests for rezoning appear to be reasonable, and they have the support of DSE, who is the landowner. The Gilbert request serves to 'tidy up' a historical situation whereby a building was built into a road reserve and it also frees the land for sale. The Pund request will remove an area of land from the Beechworth Park which is largely unvegetated. This land will become part of an adjacent freehold parcel. Planning Scheme amendment C44 proposes to change the zoning of the subject land to Industrial 1 Zone and Farming Zone.

ATTACHMENTS

Attachment A: Aerial photograph of 'Gilbert' land

Attachment B: Aerial photograph of 'Pund' land

Attachment A: Aerial photograph of 'Gilbert' land



**Attachment B:
Aerial photograph of 'Pund' land**



10.4 SECTION 173 AGREEMENTS - (05/240) (EDSM)

For Decision

RECOMMENDATION

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

A) Wallis Watson (Coves) Ltd

**Moved Cr Walsh
Seconded Cr Banks**

That the Recommendation be adopted.

CARRIED

INTRODUCTION

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

Such 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 05/240 relates to a 66 lot residential subdivision of land at Ready Street, Rutherglen. The proposal originally included the retention of an existing dam at the entrance to the proposed estate that would aid in stormwater treatment. Following further detailed design and discussion with Council's Assets Engineers, the drainage design for the proposal was amended to include an offsite component for detention and treatment on a whole of catchment basis.

Part of the stormwater strategy is to require onsite detention of rainwater on each lot created and engineering calculations have demonstrated that a rainwater tank of 2,000L is sufficient for this purpose. The permit originally issued on the 31st March 2006 was amended on the 12th March 2008 to require an Agreement under Section 173 of the Act to be entered into with the Responsible Authority which reflects the performance measures of Council's Stormwater Management Policy at Clause 22.03-11 and ensures:

- (i) That all dwellings are sited, designed and constructed using the principles of Water Sensitive Urban Design and in particular that:
 - (a) All dwellings must incorporate a rain water tank on site. The water tank must be plumbed to the toilets and garden taps as a minimum. Only the overflow from the rainwater tank is to be directly discharged to each lot's stormwater point. All dwellings shall include water saving measures (AAA rated fixtures and a pressure reduction valve).
 - (b) Stormwater is to be retained on site where practicable through use of such measures as permeable paving, pebble paving, infiltration trenches, soakwells, lawn, garden areas and swales. The total hard surface site coverage (including outbuildings, swimming pools, tennis courts, driveways and all impermeable surfaces), must not exceed 75% of the area of each Lot.
 - (c) An Erosion and Sediment Control Plan must be submitted with all

Building Permit applications that clearly outlines how the site is to be managed during and after construction of a dwelling or other building.

- (ii) Where incorporated at the rear or side of each allotment infiltration trenches with overflows to the formal drainage system shall be maintained so as to ensure design stormwater flows do not impact on downslope properties.

ATTACHMENTS

Attachment A: Locality/Site Plan – PP05/240 Ready Street, Rutherglen.

10.5 INDIGO HERITAGE ADVISORY COMMITTEE MEETINGS – MINUTES AND SUMMARY (FILE NO: E511 - EDSM)

For Information

SUMMARY

Minutes to the two most recent meetings of the Indigo Heritage Advisory Committee are attached. These meetings were 21 February 2008 and 20 March 2008.

Issues of note raised at the recent meetings include:

- Indigo Heritage Awards – nominations have been called for this year's awards. The awards evening is set for Friday 18th April. The event will start at 6.00 pm. The awards are important as they recognise a range of heritage work within the shire. This includes restoration of commercial and residential buildings, heritage appropriate signage and landscaping, and work undertaken by community groups.
- A request that Council consider appointment of an officer to undertake enforcement and including heritage matters for two days per week on an ongoing basis. This request is made as the committee has concerns at ongoing issues with works being undertaken to heritage buildings which are not appropriate and diminish the heritage significance of the individual places and the collective significance of Indigo Shire's towns.

INDIGO HERITAGE ADVISORY COMMITTEE

MINUTES

**Meeting held on Thursday 21 February 2008 at 5pm
in the Athenaeum (McEwen Annex) 57 Conness Street, Chiltern**

ITEM	DISCUSSION/OUTCOME	ACTION/PERSON
1	<p><u>Attendance</u></p> <p>Francois Theron, Lorraine Huddle, Rex Fuge, Karen O'Connor, Frances Walsh, Brendan McGrath, Vic Issell and Suzanne Grant</p>	
2	<p><u>Apologies</u></p> <p>Jenny Dale, Susan Cheetham, Kate Biglin</p>	
3	Confirmation of previous Minutes	Moved: CO Seconded: SG
4	Items for Action from previous Meeting	
4.1	<p><u>Heritage Awards</u></p> <p>Closing date: 1 March Certificates and Awards: 18 April</p> <p>FT to book Yackandandah Court House for 18 April 2008</p> <p>FT to organise newspaper advertisement for 2 February 2008</p> <p>FT to organise bus tour for 27 March</p> <p>BH to contact local contractors re prize donations</p> <p>SC to request Beechworth Theatre Group to perform a 10 minute play</p> <p>FT to organise Program for the evening and report back to the Committee</p> <p>SR to organise catering</p> <p>Food Wine Awards</p>	<p>Actioned</p> <p>Actioned</p> <p>Actioned</p> <p>-</p> <p>Actioned</p> <p>Actioned and endorsed</p> <p>Actioned</p> <p>-</p> <p>-</p>

	<p>List of prizes</p> <p>Voucher with certificate for framing:- LH to present pro-forma Certificates at next meeting</p> <p>KO to report back on cost of framing and whether special frames can be provided.</p> <p>Master of Ceremonies: RF to contact Ian Jones</p> <p>FT to invite Ballarat Reformed League</p> <p>Guest Speaker?</p>	<p>Not much on building and gardening. LH explained the categories. Depending on interpretation, ample provision is made for a wide range of entries.</p> <p>Question on what is Burra Charter : LH explained that it is a guideline on the preservation of heritage.</p> <p>LH presented the concept of a booklet as proposed.</p> <p>FW suggested distributing a copy of booklet to all relevant organisations in the Shire.</p> <p>The frame maker has requested the following information be provided prior to supplying a quote:</p> <ul style="list-style-type: none"> • The number of frames to be manufactured <i>No definite number at this stage</i> • The colour of the frames <i>Colour will be nominated – most probably black.</i> • The life time of the vouchers <i>Committee agreed on two months after issuing.</i> • How will payment for frames be provided <i>Council will give a voucher to recipient of award, which can only be use towards the payment for the frame. The recipient may request a more expensive frame and pay additional costs from his own pocket.</i> <p>Ongoing</p> <p>Ongoing</p> <p>No guest speaker – Beechworth Theater Group to take over this function.</p>
4.2	Telegraph Hotel, Chiltern: FT to investigate illegal signage	Apparently a VCAT order was handed down to remove the sign. A search is underway to locate a copy of the decision. FT and LH to follow up.
4.3	Finance report FT Criteria for Heritage Loan	Invite Ray Woodhouse to next meeting if he is the appropriate person to discuss interest charged on heritage loans. FT to further investigate this matter and forward findings to LH for additional research. LH to present criteria for heritage

4.8	Heritage Advisor's report	Railway station in Chiltern:- a large platform is to be developed in close proximity to the existing Railway Station. Old Bank of Victoria building:- drainage issues – request owner to remove ivy.
4.9	Visitor Information Centre staff unhappy not invited to Heritage Advisory Committee Meetings. KB to investigate.	FW suggested distributing a copy of the Minutes to the Visitors Information Centre.
5	Inwards Correspondence	None
6	Outwards Correspondence	None
7	Other Business	<p>New Council offices: SG is concerned that comments made by ratepayers are being ignored. BM advised that all issues will be investigated.</p> <p>Proposed name change of Indigo Heritage Advisory Committee to Indigo Cultural Heritage Advisory Committee: SC to report back on this matter at the next meeting.</p> <p>LH wishes to inspect the Yackandandah Railway Crane, which is currently in storage. This will be arranged.</p> <p>SG reported on initiatives by North East Catchment Water Authority to build a new pipeline to supply Chiltern with water. She is worried that this will lead to the decommissioning of the existing water supply, which is apparently the only elevated water supply system in Australia.</p> <p><u>Motion:</u> Moved: CO Seconded: SG That LH investigates this issue and prepares a report on the significance of the system. Further action will be decided based on that report.</p>
8	Next Meeting	20 March 2008 at the Old Shire offices, Rutherglen
9	Meeting Closed	7.10pm

INDIGO HERITAGE ADVISORY COMMITTEE

MINUTES

**Meeting held on Thursday 20 March 2008 at 5pm
in the Old Shire Offices, Rutherglen**

<u>ITEM</u>	<u>DISCUSSION/OUTCOME</u>	<u>ACTION/PERSON</u>
1	<p><u>Attendance</u></p> <p>Francois Theron, Lorraine Huddle, Rex Fuge, Karen O'Connor, Frances Walsh, Susan Cheetham, and Bill Wilson in observation capacity</p>	
2	<p><u>Apologies</u></p> <p>Vic Issell, Ian Jones, Kate Biglin and Suzanne Grant</p>	
3	<p>Confirmation of previous Minutes</p>	<p>Moved: KO</p> <p>Seconded: KF</p>
4	<p>Items for Action from previous Meeting</p>	
	<p><u>4.1 Heritage Awards</u></p> <ul style="list-style-type: none"> • SC: Request Beechworth Theatre Group to perform a 10 minute play • Program for the evening • Bus Tour • Heritage Nominations <i>Record must be kept of recipients and categories of awards for future reference</i> 	<p>Not yet a certainty - SC</p> <p>Approved</p> <p>Thursday 27 March - 9am Beechworth, 1pm Tuileries</p> <ul style="list-style-type: none"> • Yackandandah ATM • Chiltern ATM • Fletcher house, garden, landscape, 3 Fletcher Road, Beechworth • House, Fortune Street, Rutherglen, Kerrie Ware • Devondale house – Sharon Cleal • Foundry, Conness Street, Chiltern • Memorial Gardens, Yackandandah (gates, rotunda and gardens) • Orange Trees Poachers Hotel – Judy Harris (check authenticity) • Memorial plaque, Beechworth Stanley Road, Silver Creek - Ballarand Reformed League • Rutherglen Memorial Hall

	<ul style="list-style-type: none"> • Master of ceremonies – RF to contact Vic Issell • Guest Speaker <p><u>4.2 Telegraph Hotel, Chiltern: FT to investigate illegal signage</u></p> <p><u>4.3 Finance Report</u> Criteria for Heritage Loan</p> <p><u>4.4 Development Signage Kit</u></p> <p><u>4.5 Old Beechworth Gaol</u></p> <p><u>4.6 Old Chiltern Convent</u></p> <p><u>4.7 Senior Planner’s Report</u></p> <p><u>4.8 Heritage Advisor’s Report</u></p> <p><u>4.9 Gipsy Wagon, Beechworth</u></p>	<ul style="list-style-type: none"> • Wahgunyah Hall Actioned <p>Actioned – John McQuilton - FT</p> <p>This item requires further research</p> <p>Ray Woodhouse to be invited to the next meeting to explain criteria for heritage loans an interest charged. FT to invite RW.</p> <p>To be followed up with Kath Oswald</p> <p>SC gave an overview of the current status, explaining that Brendan McGrath has sent a letter to the applicant inviting him to work with Council in creating a Development Plan for the site.</p> <p>LH raised the motion: Council make an offer to the Church to provide half of the cost of a security fence around the Convent, to be paid from the Heritage fund. Moved: SC Seconded: RF</p> <p>It appears that a number of breaches occur regarding heritage issues/matters. The Committee expressed concern about this situation. Moved: SC Seconded: RF</p> <p>That Council considers appointing an enforcement officer for two days a week to attend to heritage infringements.</p> <p>The Committee does not support the location of the proposed Gypsy Wagon in the Justice Precinct of Beechworth. Moved: SC Seconded: RF</p> <p>That the applicant be requested to nominate an alternative location.</p>
5	<p>Inwards Correspondence Resignation – Margaret Doring</p>	<p>FW expressed gratitude for Margaret’s contribution to the Committee. Moved: SC Seconded: SK</p> <p>That contact be made with the National Trust regarding the nomination of an appropriate person to replace Margaret on the Committee</p>

6	Outwards Correspondence	
7	<p>Other Business <u>Matters Arising</u></p> <ul style="list-style-type: none"> • SC report on proposed name change of Indigo Heritage Advisory Committee to Indigo Cultural Heritage Advisory Committee. • Arrange to inspect the Yackandandah Railway Crane. • LH report on the significance of the initiatives by North East Catchment Water Authority to build a new pipeline to supply Chiltern with water (leading to the decommissioning of the existing water supply) <p><u>General Business</u></p> <ul style="list-style-type: none"> • New Council Meeting Schedule 	<p>SC explained the proposed name change and suggested that a meeting be scheduled between the Committee of Arts and Culture, and the Indigo Heritage Advisory Committee to discuss linkages and fields of responsibility. Subsequent to this meeting a report will be taken to Council on the proposed name change.</p> <p>Nelson McIntosh offered his services to re-erect the crane. No specific site has been identified as yet. Options were presented by the Committee. Members must nominate a possible site at the next meeting. SC will organise a time to view the crane at the Council Depot. Photos of the crane in its original condition will be produced.</p> <p>SC provided feedback on NEWCMA's plans for the current water supply. The only way to ensure the protection of the system is to retain and use it as an alternative water supply. SC will organise with NEWCMA for LH to attend a site visit. LH will then report back to the Committee on the significance of the system.</p> <p>SC explained that reports for Council Meetings are now submitted on the Wednesday before the Heritage Committee Meeting. Minutes of the HCM must go to Council. The Committee is therefore requested to change meeting days to Wednesday instead of Thursday. A final decision on this issue will be made at the next meeting.</p>
8	Next Meeting	24 April 2008 at Yackandandah
9	Meeting Closed	6:55pm

10.6 BUILDING STATISTICS – FEBRUARY 2008 (EDSM)

For Information

Property Locality	Description	Project Value	Approval Date
Kiewa	Dwelling	\$213,000	04/02/08
Rutherglen	New Building	\$11,300	04/02/08
Stanley	Extension	\$90,000	05/02/08
Wahgunyah	Extension	\$8,000	05/02/08
Barnawartha	Extension	\$4,900	07/02/08
Osbornes Flat	Swimming Pool	\$64,000	07/02/08
Wahgunyah	Re-stump	\$7,000	07/02/08
Rutherglen	Extension	\$11,900	07/02/08
Carlyle	Dwelling	\$256,371	08/02/08
Rutherglen	New Building	\$300,000	11/02/08
Yackandandah	Swimming Pool	\$10,000	13/02/08
Barnawartha	Extension	\$3,570	13/02/08
Yackandandah	Dwelling	\$190,847	14/02/08
Rutherglen	New Building	\$48,000	19/02/08
Barnawartha	New Building	\$2,500,000	20/02/08
Barnawartha	Swimming Pool	\$2,000	21/02/08
Stanley	Extension	\$54,000	21/02/08
Barnawartha	Dwelling	\$167,000	21/02/08
Wahgunyah	Dwelling	\$289,720	25/02/08
Yackandandah	Dwelling	\$261,907	28/02/08
Beechworth	New Building	\$8,500	28/02/08
Stanley	New Building	\$210,000	28/02/08
Rutherglen	New Building	\$90,000	28/02/08
Beechworth	Extension	\$98,000	29/02/08
Beechworth	New Building	\$7,000	29/02/08
Total		\$4,919,515	

10.7 PLANNING STATISTICS – FEBRUARY 2008 (EDSM)

For Information

Locality	Description	Project Value	Decision
Chiltern	Dwelling	0	Refused
Beechworth	Dwelling	0	Refused
Beechworth	Road Access	0	Refused
Barnawartha	3 Shops	22,500	Approved
Barnawartha	Dwelling	250,000	Refused
Charleroi	2 Lot Subdivision	0	Approved
Rutherglen	Dual occupancy	80,000	Approved
Beechworth	Boundary Re-alignment 2 lots	0	Approved
Rutherglen	Cover outdoor area.	5,500	Approved
Yackandandah	Dwelling	154,448	No permit required
Yackandandah	Dwelling	170,000	No permit required
Rutherglen	Shed	150,000	Approved
Tangambalanga	Two Lot Subdivision	10,000	Approved
Yackandandah	Certificate of Compliance	0	Approved
Osbornes Flat	Dwelling	0	Withdrawn
Rutherglen	Shed	105,000	Approved
Stanley	Shed	54,000	Approved
Wahgunyah	Farm Shed	11,180	Approved
Brimin	Skillion to Shed	8,000	Approved
Beechworth	Extend Dwelling	90,000	Approved
Kiewa	Pergola	8,000	Approved
Total		1,118,628.00	

10.8 ENVIRONMENT AND DEVELOPMENT SERVICES PROJECTS – APRIL 2008 (EDSM)

For Information

Projects underway are shown in the following table:

Project	Current actions
Amendment C10 – Heritage Overlay	Amendment submitted to DPCD for approval.
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. Additional information requested in this regard by AAV. Proponents submitted a report on aboriginal

	<ul style="list-style-type: none"> ○ heritage. AAV considering report. Currently awaiting response form AAV to the information submitted.
Municipal Strategic Statement and Indigo Planning Scheme Amendment C24 – Major review	<ul style="list-style-type: none"> ○ Review report with Minister for Planning. ○ Planning Scheme amendment (C24) to implement initial matters submitted to DPCD for authorisation.
Amendment C34 – Wahgunyah Waste Water Treatment Facility	Amendment approved. Gazetted and operational from 14 February 2008.
Amendment C35 – Former Beechworth Hospital site	Amendment was on public exhibition from 29 November 2007 until 11 January 2008. Three submissions in total received. Currently one substantive issue which is potential contamination of a small part of the site. Proponent considering options to address this before the amendment proceeds.
Amendment C36 – Chiltern Flood Study	Amendment to replace Land Subject to Inundation Overlay in Chiltern based on the recommendations of the Chiltern Flood Study – Amendment submitted to DPCD February 2008 for authorisation to prepare. Authorisation received 7 March 2008. Exhibition information being prepared.
Amendment C41- Old Beechworth Gaol	Amendment to introduce Development Plan Overlay over the land. Approved by the Minister for Planning 13 February, gazetted and operational from 28 February 2008.
Indigo Planning Scheme Amendment C43 – Ministerial amendment - Mapping errors	The Minister for Planning has been requested to correct mapping areas where zoning for public purposes and it is private land and where zoned as private land and is public land. Request forwarded 1 February 2008. Awaiting response from DPCD.
Indigo Planning Scheme Amendment C44 -	Requests to rezone land zoned for public purposes to an industrial zone and land zoned for public conservation and resource use to farming. A report on this amendment included in this agenda.
Indigo Planning Scheme –environmental/biodiversity overlay	<p>Phase 1: Identifies biodiversity priority areas within the municipality for further investigation and possible further controls in the planning scheme. Phase 1 report completed.</p> <ul style="list-style-type: none"> ○ Phase 2: Project brief prepared. Consultants invited to submit proposals. Closing date 21 March. Appointment of consultant April.
Interim car parking policy (Indigo Planning Scheme Amendment C42)	Interim Policy on exhibition 11 February – 21 March 2008. A report on the policy will be provided to Council after this date.

Rural Land Use Strategy	Project brief prepared and released. Seven fee proposals received – mostly above budget. Revised brief provided to short listed consultants. Revised proposals due 31 March.
VCAT Appeals	<ul style="list-style-type: none"> ○ PP07-072 Appeal by R Beaver against Council's Failure to grant a permit for a 21 lot subdivision of the Old Beechworth Gaol. Hearing set down for 20 & 21 February 2008 and adjourned due to decision by Minister for Planning to introduce a Development Plan Overlay over the subject land. Listed for administrative mention 19 March. ○ PP07-4055 Appeal by G. Barnes against Council's Failure to grant a permit for a 3 lot subdivision of land in Rogers Lane, Chiltern. Hearing date has not been set at this time. Council officers have negotiated with the applicant in an attempt to resolve the matter. Appeal in process of being withdrawn.

11.0 OPERATIONS AND ASSETS

11.1 RUTHERGLEN HEAVY VEHICLE DEVIATION COMMUNITY REFERENCE GROUP CHARTER (FILE NO: – T360.1-03 - GMOA)

For Decision

RECOMMENDATION

That Council adopt changes to the Rutherglen Heavy Vehicle Deviation Community Reference Group Charter, as recommended by the Reference Group.

**Moved Cr Hotson
Seconded Cr Walsh**

- 1. That Council adopt changes to the Rutherglen Heavy Vehicle Deviation Community Reference Group Charter, as recommended by the Reference Group.**
- 2. That Council request that a decision on a quorum is at the discretion of the Chairperson.**

CARRIED

SUMMARY

Council prepared and adopted a draft Charter for the Reference Group. The first task of the Reference Group was to review the Charter and recommend to Council any changes

that would assist the Reference Group in their deliberations.

BACKGROUND

The Reference Group held its first meeting on Thursday, 21 February, 2008 under the chairmanship of Tony Plowman. The Reference Group carefully considered the draft Charter and recommended a number of minor changes, with the major change being the addition of several key points to the responsibilities of the Reference Group. A copy of the revised Charter is attached with the amendments highlighted.

COMMUNITY CONSULTATION

There has been no consultation outside the Reference Group on the contents of the Charter.

POLICY IMPLICATIONS

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

Nil

Attachment

11.2 RIVERS & RED GUM ENVIRONMENT ALLIANCE (FILE NO: E350-09 - NRM OFFICER)

For Decision

RECOMMENDATION

That Council:

- 1. Commend the rivers and Red Gum Alliance on its work in raising public awareness of issues contained in the VEAC report.**
- 2. Does not provide a financial contribution to the Rivers and Red Gum Environment Alliance.**

**Moved Cr Graham
Seconded Cr Banks**

That the Recommendation be adopted.

CARRIED

SUMMARY

The Rivers and Red Gum Environment Alliance recently outlined their proposal to overturn the draft VEAC proposal and present government with an alternative. The group has sought a financial contribution from Council.

BACKGROUND

The Victorian Environmental Assessment Council's (VEAC's) River Red Gum Forests Investigation began in April 2005. The Investigation includes public land along the Murray River from Lake Hume to the South Australian border and includes the lower reaches of the Avoca, Loddon, Campaspe, Goulburn, King, Ovens and Kiewa River. VEAC is scheduled to present the final report in May, following analysis of submissions. Some of the comments received, including those made by neighbouring councils, include:

- concern regarding the proposed increased area of national parks and conservation reserves and the economic impact this would have on resource uses such as timber harvesting and domestic stock grazing on public land
- reservations regarding access for recreation activities such as camping, horse-riding, fishing and four-wheel driving
- the need for VEAC to provide more detail on proposed camping management changes, by describing the changes and specific locations
- highlighting of the contributions of community organizations in management of public land
- concern over the possible adverse social effects in some communities in the Investigation area related to the proposed reduction in state forest
- the limited availability of domestic firewood which would follow the Draft Proposals, with no other cheap fuel alternatives in some locations
- concern over management of public land, particularly for wildfire prevention and suppression, and adequate on-ground resourcing

In response to the draft report released by VEAC, the Rivers & Red Gum Environment Alliance formed. The primary objective of the Alliance is "*to overturn the current VEAC draft proposals and present government with a balanced, credible alternative for land management in the study area*". Representatives from this group presented their views at the Council meeting held on January 15th 2008. In particular, the representatives spoke of the group's proposal to commission development of an alternative plan for which they have accepted a \$25,000 quote. The group has provided an invitation to Indigo Shire to financially contribute \$2000 towards preparation of this plan.

The VEAC investigation has been a highly political process. Individuals and individual lobby groups have had opportunities to provide feedback on the draft recommendations, as well as the process through which these have been determined. To align with a group that refutes the findings of the Investigation would be to represent the residents of the Shire as a collective, when Council's primary concern should focus on Council's role as a local government body charged with legislative responsibilities, some of which may/not be affected by the outcomes of the report.

It should be acknowledged that the efforts of the Rivers and Red Gum Environment Alliance would have contributed to increasing public awareness regarding the VEAC recommendations. Accordingly, it is hoped that this has made the State government process more vigorous and comprehensive as a result.

The Final Report will be presented by May 2008. The State government will then consider VEAC's recommendations and decide on its response. The government has six months to provide a response to the recommendations in the Final Report.

CONCLUSION

Indigo Shire has a diverse base of residents, all of who have had an opportunity to provide feedback on the VEAC draft report. The preparation of a plan by the Rivers and Red Gum Environment Alliance will help to inform the VEAC final report, however, it is recommended that Indigo Shire remain separate from this process.

11.3 MELLISH STREET, BEECHWORTH – SPECIAL CHARGE KERB & CHANNEL CONSTRUCTION, SCHEME 2008 (FILE NO. Q07/06 - GMOA)

For Decision

RECOMMENDATION

That Council:

- 1. Not to proceed with the Mellish Street, Beechworth, Street Construction Special Charge Kerb & Channel Scheme, but proceed with the reconstruction of Mellish Street, with all works being funded from the Federal Government AusLink funding and required council contribution.**
- 2. Consult with Mellish Street property owners. Convene a meeting to discuss the proposed standard of Mellish Street road works.**

**Moved Cr Graham
Seconded Cr Banks**

That the Recommendation be adopted.

CARRIED

SUMMARY

This report considers the commencement of statutory and consultative procedures in relation to the declaration of a Special Charge in accordance with Section 163 of the Local Government Act 1989, to construct kerb & channel and associated works as part of the Mellish Street AusLink road construction / upgrade, fronting premises in Mellish Street (between Bridge Road & Buckland Gap Road).

Council have previously authorised the Acting Operations Manager to prepare a “Footpath and Kerb and Channel Cost Recovery Scheme for properties abutting Mellish Street, Beechworth for consideration by council.”

The following must be considered:

- Council was successful in obtaining a grant to upgrade Mellish Street via the AusLink program funded by the Federal Government. Works for the total project include installation of associated drainage, construction of a footpath / bicycle path, strengthening the existing road pavement, including improvements to its horizontal alignment.

- Mellish Street already has a complete sealed road and the majority of the street has drainage in the form of brick drains. This project is an upgrade of existing assets.
- The decision to upgrade Mellish Street was based on availability of Federal Funds and not on complaints received from residents. This would not constitute a trigger for a special Rate of Charge Scheme.
- The Mellish Street funding was provided by AusLink based on the recognition that as Mellish Street is a major access route to the industrial estate and used by all modes of traffic to bypass the commercial centre of Beechworth. In consideration of this point the “community benefit” ratio could be considered to be as high as 100%.
- The Kerb and Channel represents a small proportion of the project of this less than half could be expected to be contributed by residents.
- It can be considered that Mellish being seen as an unofficial bypass is a disbenefit to Mellish Street residents.
- The disbenefit versus any small benefit gained by this project will not make the residents any better off.

BACKGROUND

The works will enhance amenity and safety of Mellish Street, currently used as an alternate traffic route for both motorcars and trucks to bypass the commercial centre of Beechworth. The works will widen the existing relatively narrow seal reducing dust and drainage complaints and providing a smoother surface with reduced road noise and safer parking for residents.

The scheme, to be presented, has been apportioned on the basis:

1. That only the kerb & channel and the immediate ancillary works that would be required for the construction of the K&C being included in the estimate. All other road works and bike path are to be met by the Government Grant.
2. Council will meet the “owners” proportion of the works abutting the crown land reserve
3. That properties fronting Mellish Street are assessed using their title frontage.

The exceptions are properties which has a sideage to Mellish Street and have been apportioned 1/3 of the property’s sideage length and properties that have Kerb & Channel currently fronting their property and this existing length has been deducted from the title frontage length.

Sections 163 – 166 of the Local Government Act 1989, allow Council to declare a Special Charge for any purpose where there is, or will be a special benefit to persons required to pay the special charge.

A special rate or charge can be declared on the basis of any criteria specified by Council. These may include frontage, percentage of benefit, percentage of use, valuation, land area, etc. In this case the declaration of a special charge will be based on a combination of lineal metre frontage, degree of benefit (Ratio) and the rate of cost of construction.

A special charge may be declared for the purpose of:

1. Defraying any expenses; or
2. Repayment (with interest) any advance, debt of loan, in relation to the purpose of that special charge.

STATUTORY AND CONSULTATIVE PROCEDURES

Step 1 – Preparation of Scheme

Step 2 – Public Consultation

Step 3 – Council considers Proposed Scheme by Resolution

Step 4 – Public Notice

Step 5 – Review of Submissions

Step 6 – Council Review of Proposed Scheme

Step 7 - Special Charge – First Notice

Step 8 – Administrative Appeals Tribunal Review

Step 9 - County Court Appeal

Step 10 – Special Charge – Second Notice

Step 11 – Tenders for Works

Step 12 – Construction

Step 13 – Scheme Review on Completion.

Council is currently at Step 3 in accordance with actions taken to date.

CONSULTATION

If the scheme is adopted the next step in line with details provided earlier in the report, and subject to Councils agreement, is to notify benefiting owners by mail, call a contributors meeting to explain the scheme and answer contributors questions, then proceed along the formal lines of notification as required by the Local Government Act. On receipt of any formal submission as a response to the formal notification, convene a committee of Council to consider written and hear verbal submissions of contributing owners.

POLICY IMPLICATIONS

In this instance the design has been based on the overall community and public use of the road as both a road to serve the abutting owners, but mainly to meet the needs of the adjacent Industrial zoning and the roads' use as an alternate route to bypass the Beechworth commercial centre.

FINANCIAL & RESOURCE IMPLICATIONS

The estimated cost of the kerb & channel works is \$81,527 (the whole project is estimated to cost \$490,000) with \$32,610.90 (plus scheme costs of 17.5%) apportioned to contributing owners, being 40% of the estimated amount that could be recovered from contributing owners (Government contribution is \$48,916.35).

11.4 CAPITAL WORKS – PROGRESS REPORT – MARCH 2008 (GMOA)

For Information

Project	Actions
Subdivisional works by developers	<ul style="list-style-type: none"> • Mt Fleury Estate, High St Beechworth started 30% completed. • Red Hill Rd Estate, Havelock Rd Beechworth 40% completed. • Yackandandah Heights residential subdivision (off Racecourse Rd)- Stage 2 works complete
Rural Road Development Contributions	Sealing of various intersections in developing rural areas to commence
Plant	Finalising plant replacement for 2007/2008. Consideration of second bogie drive truck and plant trailers.
Rutherglen Wine Bottle	North East Water assessing options to make safe. Awaiting engineers report
Murray to Mountains Rail Trail	Design plans have been completed. Still in negotiation stages with Vic Track. Works to start after Mellish St Beechworth or before depending on weather conditions.
Chiltern Floodplain Study	Works commenced, to be completed to the value of the available Council budget of \$100,000. Revised advice that Federal Government funding still possible. Works on hold pending advice.
Havelock Road area stormwater re-use	Works progressing well. Alma Road diversion underway. Construction retention basin commenced.
Ready/Soles Street drainage	Tomkinson Engineers has completed draft designs. Detailed design to commence
Playgrounds upgrade	<p>Isaac Park, Yackandandah and Martin Park Chiltern. Playground installed, soft fall placed. Edging of playground to be done by community groups completion expected mid March 08.</p> <p>Indigo Park, Barnawartha some extra equipment to added to existing playground equipment. Expected completion early April</p>

Chiltern Commercial Area Parking	Detail design to commence immediately final access alignment negotiated. Funding of \$200,00 received.
Bus Infrastructure	Council has received advice from the Department of Infrastructure that it has made available a grant of \$320,000 for improvements to school bus and commercial bus stops in towns within the shire. A program of works is currently being put together and it is expected that work will commence late March/early April with the funds to be spent by the end June 2008.
Rutherglen Heavy Vehicle Deviation.	First meeting held on 21 February. Bus tour of all routes held on Saturday 15 th March. Next meeting Thursday 10 th April.
Browns Plains Community Meeting Room	Works complete
Tangambalanga Football club rooms	Discussions underway with potential funding bodies. On hold pending restructure of federal funding body.
Yackandandah Supermarket Car parking	Supermarket construction underway. Road works to commence soon.
Wahgunyah-Moodemere Walking Trails	Steering Committee selected and attended 3 meetings. Preferred route selected pending further investigation by ISC/DSE as to feasibility. Committee agreed to target of having preliminary report to Council by End of June.
Yackandandah Museum	Tender let to Period Restoration Services. Works programmed over the next 6 months.
Chiltern Martin Park Lighting/Pathways/Music Bowl upgrade (LIWP)	Music Bowl roof widened to provide additional rain cover for users. Lighting being designed and fabricated by Yackandandah Sculptor Ben Gilbert. Foundation and electrical work this week. Pathways to follow ASAP and light poles to be installed this month.
Former Beechworth Methodist Church Roof	Grant received from Heritage Victoria to replace roof. Currently awaiting return of signed agreements. Upon receipt of this specifications for project will be compiled.

COUNCIL PROJECTS	Beechworth Netball courts have had the asphalt pavement placed and will now sit for 28 days for curing before final seal can be put on.
Osbornes Flat Hall Upgrade	Funding applications currently being compiled to allow upgrade of hall and associated tennis facilities. Decision expected mid '08.
Beechworth Pool	Consultant's ground assessment report due end of March
Wahgunyah Boat Ramp	DSE approval to advertise received but with conditions.

11.5 OPERATIONS & ASSETS DEPARTMENT – PROGRESS REPORT – MARCH 2008 (GMOA)

FOR INFORMATION

Project	Description of Works
GENERAL MAINTENANCE	
Road Maintenance & Parks and Gardens	<p>Maintenance crews currently resheeting in Rutherglen area.</p> <p>Parks and Gardens staff has been kept busy with mowing and weed control.</p> <p>Town Hall Gardens, Beechworth - The Bunya Trees have started to drop the nuts. The surrounding lawn area will be topsoiled after Bunya nuts have finished falling.</p>
EXTERNAL PRIVATE WORKS	
Annual Bituminous Resealing Contract	The 2008 works program jointly with Alpine Shire has been completed.
Buller Gas	Buller Gas is going very well, with the Resort Management Board happy with progress.
Waste Management	<p>Falls Creek Waste</p> <p>This contract expires in March 2009. Council will be meeting with Resort Management in the next few weeks to discuss possibilities for the next contract.</p>

	<p>East Gippsland Waste</p> <p>Wairewa Transfer Station due to be taken over from 1st April, 2008 – staff have been employed. Payment of this is in addition to the existing contract. \$65,000 per annum.</p> <p>Domestic Waste Collection Council's domestic urban/rural waste/recycle collection service is cruising.</p>
Animal Control & Local Laws	<p>Works (in hours and out of hours) In the coming weeks, the Local Law team is going to enforce Trading Places with the issue of infringement notices.</p> <p>Animal Control – quiet for the time of year.</p>
Emergency Management/Fire Prevention	<p>Several permits have been issued for farmers to burn stubble. Next emergency management planning committee is due on 27/3/08 at Yackandandah. Fire restrictions – no date has been decided upon for lifting of restrictions.</p>
<u>POOLS</u>	
Indigo	Pools have now closed for the season. End of year season reports will be available for the next meeting.
Summer	Wodonga Pool closes at the end of March.
ENVIRONMENT	
Community Water Grants – round 3	<ul style="list-style-type: none"> • Rainwater tank for Yackandandah depot has been installed • Plants ordered for roadside/creek line revegetation, Yackandandah – earthworks done
Greenhouse Action Plan	Milestone 3 workshop held 14 th February – good action planning undertaken.
North East Greenhouse Alliance	<p>Alternate Fuels</p> <ul style="list-style-type: none"> • Tender for provision of fuels awarded to Freedom Fuels – Barnawartha supplier <p>Kicking Goals for the Environment</p> <ul style="list-style-type: none"> • Participating clubs still undertaking installation of new technologies <p>Adaptation</p> <ul style="list-style-type: none"> • Awaiting announcement regarding success of funds from the Australian Greenhouse Office to contribute to EDS <i>Rural Land Use Study</i> <p>Plant Savers</p>

	<ul style="list-style-type: none"> Sustainable schools project – new schools being approached – Yack Primary School will be the pilot school <p>Sustainable Lighting</p> <ul style="list-style-type: none"> NEGHA working with SP Ausnet to determine which councils streetlights due for changeover in 2008 so these can be targeted for new lighting types <p>Membership</p> <ul style="list-style-type: none"> Membership & Alliance review undertaken – Councils have been informed of process & recommendations
Chiltern Green Corp project	Graduation 1 st April.
Work for the Dole Team	A new team has started & will continue with maintenance works at Lake Sambell. Work still continuing
Lake Sambell	<ul style="list-style-type: none"> Committee has undertaken review of Planning & Design Manual – listing achievements, as well as outstanding & new projects Committee members met with GM & Operations Manager regarding development of funding submission to the State for funds for path/track completion & amenity block
Indigenous Resource Area at Lake Sambell	<ul style="list-style-type: none"> Spraying & maintenance works recently carried out by contractor Plants ordered for Autumn planting
Isaac Park	<ul style="list-style-type: none"> Weed spraying carried out by contractors Some direct seeding of native grass carried out Plants ordered for mulched bank as well as further wetland plantings – waiting for autumn break Track improvement be carried out by Council crew
Community woodlot program	<ul style="list-style-type: none"> Recent <i>North East Firewood Community Reference Group</i> meeting held 31/02/08 Some timber still in Beechworth Transfer Station – prisoners to be confirmed to cut & deliver Further clean up needed on Chiltern roadsides – only one Landmates crew operating so may not be able to secure labour
Roadside Management Plan	<ul style="list-style-type: none"> “Roadside Partnership Project” over halfway – participating landholders visited, with those to receive follow-up visit identified Roadside weedspraying completed
Roadside weed initiative	<ul style="list-style-type: none"> Applications to open in June
Eco-Awareness Group	<ul style="list-style-type: none"> Meeting held on Tuesday 18th March. Meetings will be held bi-monthly from now on to assist with

	<ul style="list-style-type: none"> • on-going actions 	•
Community awareness	<ul style="list-style-type: none"> • Clean Up Australia Day – 5 local groups had rubbish collected by Council following this day. 7 groups participated throughout the Shire • National Tree Day school plant orders submitted 	•
Upper Sandy Creek School revegetation project	<ul style="list-style-type: none"> • Plant order submitted for early Spring plant 	•
Sustainable water use plan	<ul style="list-style-type: none"> • Actions identified in SWUP have been identified that may be appropriate for funding applications in 2008 • Water consumption data for 2006-07 collated & analysed 	•
Code of Forest Practice	<ul style="list-style-type: none"> • Database of harvest & plantation developments developed 	•

12.0 HEALTH AND WELLBEING

12.1 COMMUNITY GRANTS/LOANS PROGRAM POLICY (FILE NO: M272.13B- HWBM)

For Decision

RECOMMENDATION

That Council adopts the Community Grants Policy and Community Loans Policy.

**Moved Cr Hotson
Seconded Cr Murdoch**

That the Recommendation be adopted.

CARRIED

SUMMARY

This report presents the Community Grants Policy and Community Loans Policy and requests that Council adopts them.

BACKGROUND

The existing Community Grants/Loans Program Policy required amendment to accurately reflect how each program is delivered to the community. As the Programs are managed and administered separately, it was considered appropriate that they have separate Policies.

The Community Grants/Loans Program Policy was reviewed and two new policies were developed.

ISSUES

Community Grants Policy

The existing Community Grants/Loans Program Policy included some procedural guidelines and reference to Community Loans which were removed, but otherwise was accurate and relevant and was adapted to create a new Community Grants Policy.

Community Loans Policy

The existing community loans policy statement embedded in the Community Grants/Loans Program Policy is very specific in the interest rate to be charged and in the repayment terms of the loan. Both of these components were re-assessed.

- Interest Rates – Although the existing Policy recommends that loans to community groups should be interest free, it is important to note that Council's prime purpose does not include acting as a lending institution and that there is a real cost to Council in providing a loan to a community group. In 2007 Council provided three loans to community groups at the borrowing rate of the time of 6%. These recommendations are considered appropriate and reflect other Council's policies on loans to the community.
- Repayment Terms – The existing Policy refers to a specific three (3) year repayment term for all loans. To ensure flexibility in the process and to not disadvantage smaller clubs with less financial capacity, Council should look to a policy that sets the terms of repayments on a case by case basis, dependant on the size of the loan and the capacity of the organisation to repay the loan. However, it is considered good management practice to have a maximum loan term of ten (10) years.

Some clear statements regarding the status of the applicant group, the purpose of the loan and the benefits of the project were also included as part of the new Policy for Community Loans.

COUNCIL POLICY

The existing Community Grants/Loans Program Policy, which currently does not adequately address current issues, was amended to create a separate Community Grants Policy and Community Loans Policy.

FINANCIAL & RESOURCE IMPLICATIONS

The current Community Grants/Loans Program Policy states that Community Loans should be interest free, despite there being a real cost to Council to attain and administer the loan. The proposed new Community Loans Policy will ensure that the loan process will have no impact on Council's resources.

The proposed new Community Grants Policy will have no impact on Council finances or resources.

12.2 HEALTH & WELL BEING PROJECTS – PROGRESS REPORT – APRIL 2008

PROJECT	ACTION/ PROGRESS
<p>Freeza Event – Impact After Dark – 12 April 2008</p>	<p>The Councils of Indigo, Wodonga, Alpine and Wangaratta have combined their resources to stage the ‘Impact After Dark’ event to be held on Saturday April 12th in Wodonga. The event is part of the Freeza program and will be held during National Youth Week. Cog, The Getaway Plan and Horsell Common feature as the main acts.</p> <p>Tickets are on sale at the Beechworth Office and transport to Wodonga has been organised for those interested in attending.</p>
<p>Freeza Event – RAW Dance Co</p>	<p>Indigo Shire Council has engaged the services of the Queensland touring group, Raw Dance Co, to conduct Hip Hop Dance workshops in the Shire. These will be held in Rutherglen, Beechworth and Chiltern on Friday 18th April, as part of FReeZA 2008.</p>
<p>Inter School Competition – May 2008</p>	<p>Participants from the RAW Dance Co workshops, and school/ community dance groups, will be invited to attend an inter-school Dance/ Drama/ Alternative Sport competition to be held at the Tallangatta Secondary College in May (final date yet to be determined). This event is a partnership between the Indigo Shire and Towong Shire Councils involving young people from both Shires and has been funded as part of National Youth Week.</p>
<p>Youth Participation and Access (YPA) Program</p>	<p>Council has received notification from the Office for Youth that the funding for the YPA Program will be extended for a further six months to the 31 December 2008. This funding forms a significant component in the income for Council to provide Youth Services to the community, which includes the employment of a full time Youth Development Officer. The original funding was for a three year period, due to expire on 30 June 2008.</p> <p>The Office for Youth have informed Council that a review of the YPA is continuing and details of the process for the next round of funding will be forwarded to Council.</p>

<p>Transport Connections Project</p>	<p>This Project, across five local government areas, is progressing well. The Indigo Transport Working Group was established at a meeting held on 27 March 2008. This group will provide feedback to the Project on transport issues for local residents.</p> <p>It is also proposed to conduct a second Indigo Transport Forum in May. A meeting of the Regional Transport Forum will be held on 9 April.</p> <p>The Project workers will be located in the Beechworth Office each Thursday which will provide greater accessibility to the Project for community members.</p>
<p>Walking School Bus Program</p>	<p>The Walking School Bus Program supported local schools to participate in the Ride2 School Day on 12 March 2008. Eight local primary schools participated. Wahgunyah Primary School reported a 50% participation rate on the day.</p>

13.0 CORPORATE AND VISITOR SERVICES

13.1 CORPORATE SERVICES PROJECTS – PROGRESS REPORT – MARCH 2008 (CSM)

Project

Actions

<p>Enterprise Agreement</p>	<p>All other issues having been addressed, a postal ballot was conducted between 7 and 17 March to determine if the staff of Indigo Shire Council supported the proposed new Enterprise Agreement.</p> <p>In all, 224 ballot papers were sent out and 98 were received back by the close of the ballot at 5pm on 17 March. The votes were counted and it was found that 95 staff had voted in favour of accepting the new Agreement, and only three staff had voted against.</p>
	<p>On 18 March the Agreement was lodged electronically with the Workplace Authority. Subsequently a Declaration Receipt was issued confirming that the Agreement would start operating on the day it was received.</p>
	<p>Given that the first pay increase of 3.5% is to be backdated to 1 July 2007, the back pay will be paid in the week after Easter. Council is required to provide a copy of the Declaration Receipt to all staff and this will be attached to staff payslips when the back payment is made.</p>

It is instructive to note that the first meeting to discuss the Agreement took place on 7 February 2007 – almost 58 weeks prior to the Agreement being lodged.

13.2 TOURISM & MARKETING - PROGRESS REPORT – APRIL 2008 (TMM)

Project Actions

Burke Museum	The Burke Museum's <i>Cabinets of Wonder</i> exhibition continues to receive great publicity with an article to be printed in the upcoming REX in flight magazine. Work is also underway on the reaccreditation process, due later this year.
High Country brand launch	Victoria's new High Country campaign was launched in early March promoting the region's distinctive visitor appeal including gourmet food and wine, history, spectacular scenery and outdoor experiences. NEVT has produced a prospectus of marketing opportunities for operators to get involved in and capitalise on.
Packaging workshops	Indigo Shire tourism operators had a good presence at recent workshops to develop regional tourism packages, run by NEVT through Bushfire Recovery funding.
Cycle Tourism update	The draft Cycle Tourism Strategy 2007-2010 will be launched within the next month. A media famil "Beers and Bikes" was held in February following cycling routes around our brewery trail with journalists from Men's Health, The Australian, the Canberra Times and Age. Work is underway on improving the Beechworth Mountain Bike Park with the Beechworth Chaingang also developing a master plan for development.
Festivals and events	The past month has seen a successful series of festivals in the Shire including the Yackandandah Folk Festival and Tastes of Rutherglen. A committee has been formed for the Beechworth's Celtic Festival to run the 2008 following an initial lack of numbers.
Strategic planning day	The Indigo Tourism Board and available Councillors will participate in a strategic tourism planning workshop on April 11.

14.0 FINANCE

14.1 EXCEPTION REPORT

Attached

15.0 GOVERNANCE

15.1 VICTORIAN AUDITOR GENERAL'S REPORT ON LOCAL GOVERNMENT: RESULTS OF THE 2006-07 AUDITS (FILE NO: M030-07 – CEO)

For Decision

RECOMMENDATION

That the report be noted.

**Moved Cr Banks
Seconded Cr Graham**

That the Recommendation be adopted.

CARRIED

SUMMARY

Council has recently received the Victorian Auditor-General's Report on Local Government: Results of the 2006-07 Audits. This report gives Councillors an outline of this report including specific comments relating to Indigo Shire Council.

BACKGROUND

This report was withdrawn from the March Council meeting agenda due to an error in the Auditor General's officer's report. We have now confirmed that the scope for Indigo Shire in the self financing area is 24.5% and not 8.8% as the report shows. This further strengthens our already strong position.

Following the annual audit process for public sector entities, the Auditor General prepares a report on financial results for Parliament. For the first time this year a separate report for Local Government has been prepared "Local Government: Results of the 2006-07 Audits" (refer to attached section).

The report gives an overview of any issues facing the Local Government sector from an economic perspective. Predominantly it deals with the results of the recent audits, financial reporting, effectiveness of internal controls and any overall financial sustainability both of various types of Councils and Local Government as a whole.

Indigo Shire Council was included in the section Auditing Small Shire Councils along with 22 other small Shire Councils. Of the 22 Councils, one was considered to be of high risk of non financial viability, five were considered to be medium risk of non financial viability and the remaining 16 were considered low risk. Indigo Shire Council was amongst those considered at low risk.

CONSULTATION

No specific consultation was carried out in the compilation of the Auditor General's Report. The Report was compiled based on various financial reports and statements that Councils are required to submit under the Local Government Act 1989.

POLICY IMPLICATIONS

There are no specific policy implications associated with this report.

FINANCE AND RESOURCE IMPLICATIONS

The Auditor General's Report provides the detailed analysis of the financial sustainability of all Victorian Council's and then more specifically divides those results into a number of sub sections which includes inner metropolitan Councils, outer metropolitan Councils, large Shire Councils and small Shire Councils. Indigo Shire Council is one of 22 which is in the category of Small Shire Councils.

Of the group of 22 Indigo, along with 15 other Councils has been given a good overall sustainability risk rating with no high risk indicators.

The Auditor General considered five indicators in making this assessment. These included:

- *Underlying result ratio* - Positive results here reflect surpluses and negative results reflect deficits. This measure considers the underlying financial performance. In the longer term Councils require ongoing operating surpluses. Indigo's score of -0.74 indicates that Council sustained a minor deficit. Deficits are obviously not sustainable in the longer term. -10% or greater are high risk, -10% to 0 are moderate and greater than 0% are low.
- *Liquidity* – results greater than one in this section indicate there is more cash and/or assets than there are short term liabilities. It indicates an ability to meet debts over the next 12 months. Indigo's ratio of 1.49 shows that current assets are almost 1.5 times the level of current liabilities. Scores equal to or greater than 1 are high risk, 1.0 – 1.5 are moderate and greater than 1.5 are low.
- *Self financing ratio* – measures the ability of Council to finance replacement of assets from its operations. Indigo's ratio of 24.5 means that we can fund the replacement of our assets. Note the published report shows this score as being 8.8 which the Auditor General's office has confirmed is not correct. Scores less than 10% are high, 10-20% moderate and greater than 20% are low.
- *Indebtedness* – compares long term borrowings to own source revenue. Indigo's ratio of 25.5 indicates no concern over the Council's ability to repay its debts. Scores greater than 60% are high, 40-60% moderate and less than 40% low.
- *Investment gap ratio* – this compares the rate of spending with the rate of infrastructure depreciation. Indigo's score of 1.05 indicates that spending on existing assets may be slightly higher than the rate which assets are depreciating, but only just. Scores equal to or less than 1 are high, between 1 and 1.5 are moderate and greater than 1.5 are low.

Overall the Auditor General's Report shows Council's financial position to be very sound.

15.2 GOVERNANCE – PROGRESS REPORT – APRIL 2008 (CEO)

For Information

Project

Actions

Council Budget

February results for 07/08 will be available shortly. The Senior Management Group will be discussing Budget parameters at a workshop to be held on 7 March.

Community Forums

A forum was held at Tangambalanga on 25 March.

Media & Communications

We are continuing to put out a large number of press releases and other information and have been well supported in local media publishing covering activities across the Shire. Recent examples are:

- Extensive coverage of the Golden Horseshoes Festival in metropolitan and local media.
- Burke Museum *Cabinets of Wonder* exhibition. Continues to receive great exposure including the REX inflight magazine.

Murray to Mountains Rail Trail

We have received draft lease with VicTrack and are reviewing. We have also been granted a planning permit for works. VicTrack has advised that it would prefer to lease the whole to Council with the track being sublet to GreenTrail. VicTrack is in discussions with GreenTrail.

16.0 NOTICE OF MOTION

17.0 COMMITTEE AND DELEGATES REPORTS

17.1 MARCH DIARY - CR V ISSELL

For Information

Date	Time	Function
1 March	9.00 am	Radio Interview, 2AY, Albury
2	12 noon	Opening, Rural Fire Fighters Championships, Chiltern
	1.30 pm	Team Building, Councillors & Senior Managers, Indigo Valley
3	9.00 am	Presentation of SRC badges, Kiewa Valley Primary School
	12.30 pm	Weekly meeting with CEO, Beechworth
4	9.30 am	Kerferd Oration Committee meeting, Beechworth
	11.00 am	Meeting with Murray Arts Executive Officer, Beechworth
	4.30 pm	Council Briefing Meeting, Chiltern
	7.00 pm	Monthly Council Meeting, Chiltern
5	10.30 am	Opening, Howlong Community Resource Centre
	12.30 pm	Border Trust Board meeting, Albury
6	7.30 am	BCCI Marketing Workshop, Beechworth
	5.00 pm	North East Mayors and CEOs Forum, Wangaratta
7	10.00 am	World Prayer Day, Anglican Church, Beechworth
	7.00 pm	Opening, Rutherglen Art Exhibition
8	9.00 am	Welcome, World Youth Day Relay, Beechworth
9	6.00 pm	Opening, Chiltern 12 th Pro Rodeo
12	8.00 am	Lake Sambell Committee Meeting, Beechworth
	10.00 am	Weekly meeting with CEO, Beechworth
	11.30 am	Opening, Beechworth Honey Experience
	5.30 pm	Spring St Residents Focus Group Meeting, Beechworth
14-15	various	Yackandandah Folk Festival
16	12 noon	Tastes of Rutherglen
17	12.30 pm	Weekly meeting with CEO, Beechworth
	1.30 pm	Indigo Shire Disability Advisory Committee, Rutherglen
	5.00 pm	Indigo Shire Audit Committee, Beechworth
18	6.30 am	Beechworth to Buffalo - fundraiser
	3.00 pm	Meeting with Heather Mayer re Y-Talk, Yackandandah
	4.00 pm	Council Briefing meeting, Yackandandah
19	6.30 pm	Foundation Stone Ceremony, Rutherglen Primary School
20	9.00 am	Meeting with CEO, Beechworth
	12 noon	Meeting with Brian Millar, La Trobe University, Beechworth
21		Good Friday Appeal, Empire Hotel, Beechworth
22	various	Golden Horseshoes Festival, Beechworth
23-27		On Leave
28	11.00 am	Privacy Commissioner meeting, Melbourne
29	10.00 am	Murray Arts AGM, Wodonga
31	12.30 pm	Weekly meeting with CEO, Beechworth

17.2 FEBRUARY, MARCH & APRIL DIARY - CR J DALE

For Information

Date	Time	Function
1 Feb	9.30 am	MAV Board Meeting, Melbourne
5	4.00 pm	Council Briefing Meeting, Chiltern
	7.00 pm	Council Meeting, Chiltern
19	12 noon	100 Year Anniversary of Victorian Women Vote
	1.30 pm	Lunch with Minister for Women's Affairs Maxine Morand re Victorian Women Vote
21-22	Full Days	HACC National Forum, Melbourne
25	6.30 pm	Lions Charity Bowls Presentations, Yackandandah
26	4.00 pm	Council Briefing Meeting, Beechworth
	7.00 pm	Community Forum, Beechworth
27	6.00 pm	Councillors/CEO Meeting, Yackandandah
28	1.30 pm	La Trobe University Advisory Committee Meeting, Wodonga
	7.00 pm	Continuing Education Network Meeting, Yackandandah
29	10.30 am	Human Services Portfolio Meeting, MAV, Melbourne
2 March	1.00 pm	Councillors/Senior Managers Lunch
4	4.00 pm	Council Briefing Meeting, Chiltern
	7.00 pm	Council Meeting, Chiltern
6	5.00 pm	North East Local Government Network, Wangaratta
7	9.30 am	MAV Board Meeting, Melbourne
8	10.00 am	International Women's Day Atauro Island Appeal, La Trobe, Beechworth
14-16	Various	Yackandandah Folk Festival
15	8.00 am	Rutherglen Heavy Vehicle Bypass bus tour and meeting, Rutherglen
18	12 noon	University Advisory Town & Gown Organisational Committee Meeting, La Trobe, Wodonga
	4.00 pm	Council Briefing Meeting, Yackandandah
25	5.00 pm	Council Briefing Meeting, Tangambalanga
	7.00 pm	Community Forum, Tangambalanga
27	7.00 pm	YCEN, Yackandandah

Cr J Dale
1 April 2008

17.3 HACC NATIONAL FORUM (FILE NO: C555.2 - CR J DALE)

For Information

I attended the Home and Community Care National Forum “Promoting Independence” which was held in Melbourne on 21 and 22 February 2008.

Approximately 400 delegates representing Commonwealth, State and Territories departments responsible for HACC Program and major provider organisations attended.

Local government in Victoria had 10 invited representatives.

Victoria (DHS) saw this as an opportunity (of hosting the national conference) to further their own thinking and direction in developing the Active Service approach and gain wider inter state and Commonwealth Government support.

Three overseas speakers (from UK and NZ) outlined programs from those countries which have successfully introduced and evaluated restorative approaches in their community care services.

Silver Chain in Western Australia (a large nursing and home care provider) also outlined the work it has been doing over the past 7 years. The Western Australian HACC program has already adopted a wellness approach for all its HACC funded services and is well advanced in developing and providing training.

There was also a report on the 9 Active Service funded projects in Victoria all quite different in scale and approach.

The common theme through all the examples given relies on good assessment, individual goal setting, access to allied health services and a flexible response from HACC services to better meet individual need. Generally speaking, outcomes for individuals in the projects discussed, meant they used less of the usual HACC services such as home care, but required more time initially in assessment and setting up goals and action plans.

There is a growing body of evidence that individuals’ general wellbeing is enhanced more by interventions that address ways of improving their functioning rather than simply substituting services for those functions they are having difficulty with.

There is a view that many HACC services have tended to do for, rather than do with and have inadvertently contributed to dependency, rather than assisting people regain maximum independence.

The impetus for more restorative approaches has been driven both by increasing demand, as well as the desire to assist older people regain function, so the balance will be to ensure the new direction is not only used as a way of reducing services.

Implementing a more independence approach through the HACC services will take a carefully planned implementation strategy in Victoria, although it is seen as incremental quality improvement rather than radical change, and will build on some of the existing good practice.

DHS intend to follow the forum with a discussion paper and regional consultations over the next few months, and then prepare an implementation plan to start from 2009.

Further change will build on the changes to HACC assessment, which will begin to roll out in 2008.

17.4 FEBRUARY DIARY – (CR MURDOCH)

Date	Time	Function
5 Feb	2:00 pm	Victoria Police Launch Strategic Strategy, Wodonga
	4:00 pm	Council Briefing Meeting, Chiltern
	7:00 pm	Council Meeting, Chiltern
11	10:00 am	MAV Water Taskforce Meeting, Melbourne
14	2:00 pm	Indigo Greenhouse Action Plan Workshop, Yackandandah
19	4:00 pm	Council Briefing, Yackandandah
20	4:00 pm	Focus Meeting Nash's Road Development, Rutherglen
21	5:30 pm	Burke Museum Cabinets of Wonder Opening, Beechworth
26	4:00 pm	Council Briefing, Beechworth
	7:00 pm	Community Forum, Beechworth
27	9:00 am	Special Rates and Charges Seminar, Yackandandah
	6:00 pm	Councillors-CEO Meeting Yackandandah

Cr Barbara Murdoch
1 April 2008

17.5 MARCH DIARY – (CR P GRAHAM)

For Information

Date	Time	Event
2 March	10.00 am	Clean up Australia Day, visit Rutherglen area sites
	1.00 pm	150 th Celebrations Beechworth Historic Precinct Councillors / Senior Managers Luncheon, Watchbox Wines
3	8.30 am	Rutherglen Wine Experience, General Meeting
	4.00 pm	Council Briefing Meeting, Chiltern
	7.00 pm	Ordinary Meeting of Council, Chiltern
6	11.00 am - 2.00 pm	MAV Sustainability Forum, Melbourne
	7.30 pm	Sandy Creek Recreation Reserve AGM
7	7.00 pm	Official Opening Rutherglen & District Art Exhibition
11	4.00 pm	On site inspection, Elgin Road, Beechworth
18	1.30 pm	Admin, NevRWaste, Wangaratta
	4.00 pm	Council Briefing Meeting, Yackandandah
19	6.30 pm	Commemoration Laying of Foundation Stone for Rutherglen Primary School
22		Golden Horseshoes Festival, Beechworth
25	11.00 am - 1.30 pm	MAV Strategic Planning Regional Meeting, Performing Arts Centre, Benalla
	4.00 pm	Council Briefing Meeting, Tangambalanga
	7.00 pm	Community Forum, Tangambalanga
27	9.00 am	Executive Meeting, NevRWaste, Wangaratta

Cr Peter Graham OAM

1 April 2008

Note: Cr Hotson gave a verbal update on meetings of the Regional Fire Prevention Committee.

18.0 GENERAL BUSINESS

18.1 *Signage*

Cr Murdoch queried whether it would be possible to share signage throughout the Shire eg. with North East Water, where and when required.

18.2 *Roadsafe North East* □ *Meeting 20 March 2008*

Cr Graham tabled the Agenda together with Financial Statement of North East Community Road Safety Council Inc and Traffic & Road Safety Report (Victoria Police □ Region 4, Division 5) for 20 March 2008.

18.3 *Abandoned Car* □ *Main Street, Chiltern*

Cr Graham queried the status of this matter?

General Manager, Corporate and Visitor Services advised that the car was still currently registered but was not aware whether the plates had been handed in. Matter being followed up by Enforcement Services Co-ordinator.

19.0 CONFIDENTIAL

Nil

There being no further business the meeting was declared closed at 8.58 pm.

□ □ □ □ □ □ □ □ □ □ □ □ □ .

Cr Vic Issell □ Mayor

6 May 2008