

ORDINARY COUNCIL MEETING MINUTES – 8 JUNE 2010

Mission Statement:

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

HELD: Tuesday 8 June 2010 at 3pm

LOCATION: Senior Citizens Hall, Rutherglen

ATTENDEES:

| | |
|----------------------------|----------------------------|
| Councillors: | Senior Management/Officers |
| Bernard Gaffney – Mayor | Brendan McGrath – CEO |
| Ali Pockley – Deputy Mayor | Mark Crouch |
| Peter Croucher | Mark Florence |
| Larry Goldsworthy | |
| Vic Issell | SMG as required |
| Barbara Murdoch | Robert Uebergang |
| Peter Graham | |

APOLOGIES: Andre M Kompler

Vision Statement:

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

TABLE OF CONTENTS

| | | |
|-------------|---|-----------|
| 1.0 | WELCOME | 4 |
| 2.0 | OPENING PRAYER & ACKNOWLEDGEMENT OF THE TRADITIONAL OWNERS OF THE LAND | 4 |
| 3.0 | APOLOGIES AND LEAVE OF ABSENCE..... | 4 |
| 4.0 | DECLARATION OF CONFLICT OF INTEREST | 4 |
| 5.0 | OPEN FORUM..... | 4 |
| 6.0 | CONDOLENCES | 5 |
| 7.0 | CONFIRMATION OF MINUTES FROM PREVIOUS MEETING – 11 MAY 2010 | 5 |
| 8.0 | BUSINESS ARISING FROM PREVIOUS MINUTES..... | 5 |
| 9.0 | DEPUTATIONS AND PETITIONS..... | 5 |
| 10.0 | CORPORATE SERVICES | 6 |
| 10.1 | PUBLIC NOTICES - PREFERRED NEWSPAPER PUBLICATION..... | 6 |
| 10.2 | FINANCE REPORT FOR PERIOD ENDING 30 TH APRIL 2010 | 8 |
| 11.0 | PLANNING & SUSTAINABLE COMMUNITIES..... | 10 |
| 11.1 | REQUEST TO AMEND DEVELOPMENT PLAN IN RESPECT OF A 42 LOT SUBDIVISION, NASHS ROAD, RUTHERGLEN AND PLANNING PERMIT PP07-4083 (HABITAT PLANNING) | 10 |
| 11.2 | PLANNING PERMIT APPLICATION PP09-0240 (WALSH) | 18 |
| 11.3 | PANEL REPORT: PLANNING SCHEME AMENDMENT C24 – PLANNING SCHEME REVIEW..... | 26 |
| 11.4 | INDIGO SHIRE COMMUNITY GRANTS AND AWARDS ADVISORY COMMITTEE NOMINATIONS | 34 |
| 11.5 | VICTORIAN CARER CARD..... | 37 |
| 11.6 | HEALTHY CHILDREN AND FAMILIES PLAN 2010 - 2014 | 39 |
| 11.7 | HEALTHY COMMUNITIES PLAN 2010 - 2014 | 41 |
| 12.0 | MAJOR PROJECTS AND PROGRAMS | 43 |
| 12.1 | INDIGO SHIRE TREE MANAGEMENT PLAN | 43 |
| 13.0 | GOVERNANCE | 46 |
| 13.1 | COUNCIL ADVISORY COMMITTEE'S REPORT | 46 |
| 13.2 | COUNCIL PLAN | 51 |
| 13.3 | UPDATED COMMUNICATIONS POLICY | 54 |
| 14.0 | NOTICES OF MOTION..... | 56 |
| 15.0 | COMMITTEE AND DELEGATES REPORTS (ALL ARE FOR INFORMATION ONLY) | 57 |
| 15.1 | CR GAFFNEY - MAYOR | 57 |
| 15.2 | CR POCKLEY - DEPUTY MAYOR..... | 58 |
| 15.3 | CR GRAHAM..... | 60 |
| 15.4 | CR CROUCHER..... | 61 |
| 15.5 | CR GOLDSWORTHY | 62 |
| 15.6 | CR ISSELL..... | 63 |



ORDINARY COUNCIL MEETING MINUTES – 8 JUNE 2010

15.7 CR MURDOCH64

16.0 GENERAL BUSINESS65

16.1 INSERT REPORTS**ERROR! BOOKMARK NOT DEFINED.**

17.0 CONFIDENTIAL66

17.1 CHIEF EXECUTIVE OFFICER ANNUAL REVIEW 2009/1066

17.2 COUNCIL INTENTION TO SELL INDUSTRIAL LAND.....**ERROR! BOOKMARK NOT DEFINED.**

1.0 WELCOME

The Mayor welcomed all those in attendance.

2.0 OPENING PRAYER & ACKNOWLEDGEMENT OF THE TRADITIONAL OWNERS OF THE LAND

Cr Pockley read the opening prayer and the acknowledgement of the traditional owners of the land.

3.0 APOLOGIES AND LEAVE OF ABSENCE

Nil.

4.0 DECLARATION OF CONFLICT OF INTEREST

Cr Murdoch declared a conflict of interest, as she is on the Board of North East Water, concerning the following items:

- Item 11.1 “Request to Amend Development Plan in respect of a 42 Lot subdivision, Nashs Road, Rutherglen and Planning Permit PP07-4083 (Habitat Planning)”,
- Item 11.2 “Planning Permit Application PP09-0240 (Walsh)”,
- Item 17.2 “Council intention to sell industrial land”.

5.0 OPEN FORUM

Cr Croucher introduced Nathan Cleal who is a grade 5 student at Rutherglen Primary School. Nathan spoke to the meeting regarding his fund raising efforts as an Indigo Shire Council Junior Councillor.

Cr Murdoch departed the meeting at 3.05pm as the following questions are in relation to Item 11.1 “Request to Amend Development Plan in respect of a 42 Lot subdivision, Nashs Road, Rutherglen and Planning Permit PP07-4083 (Habitat Planning)”.

Sandra Morgan (on behalf of Keith Buckingham) raised the following questions:

1. Why were the VCAT decisions on cost apportionment and previous planning permits issues in Rutherglen not discussed in the planning officers report when they are a critical consideration for the issue.

Mark Florence – range of VCAT decisions have been considered and merits based on each particular case. Officer has made recommendation based on that.

2. Why does the officer constantly refer to the proposed development as residential when it is “low density residential” (also called ‘rural residential’).

Mark Florence – it is a residential development being proposed.

ORDINARY COUNCIL MEETING MINUTES – 8 JUNE 2010

3. Do Councillors understand that the application is for changes to both the Development Plan and Planning Permit, not one or the other?

Councillors have been briefed by staff on this issue.

Various Councillors chose to either respond or not respond to this question.

4. Does Council understand that the position adopted by officers will mean the subject land will never be developed by the applicant or any other person because the cost of what can only be called opportunistic infrastructure provision at the developers expense simply makes the project financially unviable.

Mayor – the role of the Developer and the Indigo Shire Council are separate. It is up to the Developer to decide on any future action.

Cr Murdoch returned to the meeting at 3.13pm as she declared a conflict of interest due to her being on the Board of North East Water.

6.0 CONDOLENCES

**Moved: Cr Pockley
Seconded: Cr Croucher**

That a letter of support be sent to Ann & Lindsay Jarvis and his family, due to the ill health of Lindsay, from the Mayor on behalf of Indigo Shire Council.

Unanimously Carried

7.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETING – 11 MAY 2010

**Moved: Cr Goldsworthy
Seconded: Cr Murdoch**

That the minutes from the Council Meeting held on 11 May 2010 be adopted.

Unanimously Carried

8.0 BUSINESS ARISING FROM PREVIOUS MINUTES

Cr Croucher – Rutherglen Wine Board item was deferred from May Council Agenda to June Council Agenda. Cr Croucher requested an update.

Mayor informed Council of a number of meetings being held to resolve this issue and will be represented to a future Council Meeting.

9.0 DEPUTATIONS AND PETITIONS

Nil.

10.0 CORPORATE SERVICES

10.1 PUBLIC NOTICES - PREFERRED NEWSPAPER PUBLICATION

File No.: 09/690 - Jo Riley - Manager Governance & Risk

For Decision

RECOMMENDATION

In accordance with Section 3 of the Local Government Act 1989 Council resolves THAT:

All Public Notices published in accordance with the Local Government Act 1989 be placed in both the Border Mail Newspaper and the Ovens & Murray Advertiser.

**Moved: Cr Graham
Seconded: Cr Issell**

That In accordance with Section 3 of the Local Government Act 1989 Council resolves THAT:

All Public Notices published in accordance with the Local Government Act 1989 be placed in both the Border Mail Newspaper, the Ovens & Murray Advertiser and the Corowa Free Press.

Carried

| For: | Against: |
|--------------------|-----------------------|
| Cr Gaffney | Cr Goldsworthy |
| Cr Pockley | Cr Murdoch |
| Cr Croucher | |
| Cr Graham | |
| Cr Issell | |

INTRODUCTION

Section 3 of the Local Government Act 1989 states, "public notice means a notice published in a newspaper generally circulating in the municipal district of the Council chosen for the purpose by Council".

BACKGROUND

To date, Council has not formally adopted a preferred newspaper for publication of its Public Notices under the Local Government Act 1989.

Circulation of the Border Mail reaches the areas of Albury/Wodonga, Wangaratta and all areas of Indigo Shire. The Ovens & Murray Advertiser is circulated also in every township throughout the Indigo Shire.

KEY IMPLICATIONS

From a legislative perspective, the adoption of preferred newspapers for publication of the Public Notices ensures Council has in place consistent methods of communicating their message to the community.

It will also provide consistency to staff who are involved in the submission process and will enable procedures to be put in place.

FINANCIAL IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

Not applicable.

CONCLUSION

The formal adoption of the Border Mail and Ovens & Murray Advertiser does not significantly change what is already being done in practice, but rather formalises the process in accordance with the Local Government Act.

10.2 FINANCE REPORT FOR PERIOD ENDING 30TH APRIL 2010

File No.: 09/646 - Frank Bonacci - Finance Manager

For Information

At the end of March 2010, all Business Unit provided updated forecasts for the remainder of the year which were presented in reports to Council at the May Ordinary Council Meeting.

The financial results for the month of April show Year to Date favourability of \$73,498 compared to the March quarterly forecast. A review of variances making up this favourability reveals that most of this favourability is timing related and that we still expect the Year End position reported at the May Ordinary Council meeting to be delivered.

As can be seen from the attached April Exception Report, there are an additional savings of \$45,000 that have been reported across the Insurance and Risk, Human Resources and Town Planning Business Units which are largely offset by additional costs of \$28,000 in the Events Business Unit.

Cash and Investments remain strong with \$5.3 million being held as at 30 April 2010. Cash holding will be further improved during May with the fourth and final rates instalment due. The year end cash position is now expected to be much more favourable than reported at the May Ordinary Council meeting with the recent announcement by the Victorian Grants that they will pay 25% of their 2010/11 grant funding in June 2010.

This payment of 25% of 2010/11 Victorian Grants Commission Funding in June 2010 will also improve the Operating Result and Underlying Result for 2009/10 by approximately \$1.0 million to what was reported at the May Ordinary Council meeting.

The Capital works program is continuing progress delivery of planned works with an additional \$1.8 million being spent during the month of April. This April figure means that \$9.266 million has been spent on Capital Works in the ten months to the end of April 2010.

At the May Ordinary Council meeting, Council officers were requested to closely monitor several specific areas. Status for these focus areas are as follows:

1. Closely monitor utility costs for swimming pools and explore options to reduce consumption. The April forecast for swimming pool utility costs (water and electricity) was \$20k and the actual costs for April were \$21k which is considered within an acceptable variance tolerance. A report to Council covering options aimed at reducing consumption will be presented to Council at a future meeting.
2. Council to closely monitor Cost of Goods Sold (COGS) and return on investment (ROI) for external contracts. Buller Gas is the only external contract that contains COGS. Gas metres at the Buller resort are read and invoiced monthly for the months July through to September and then quarterly at the end of December, March and June. The next metre read and application of COGS will therefore not occur until the end of June 2010 at which point COGS will be analysed and reported against. Both Indigo Shire external contract are forecasting year end Return on Investment projections well within Council's agreed policy position.

ORDINARY COUNCIL MEETING MINUTES – 8 JUNE 2010

3. Council continue to support festivals and events and that the budget is appropriately expended to reflect this support. During the month of April, \$6k of the forecasted \$8.8k in support for events was expended and our event co-ordinators are projecting that the budget allocation will be fully expended by year-end.

Attachments:
Department By Business Unit Report for April 2010
Profit and Loss Report to April 2010
Exception Report April 2010
Cash & Investment Report as at 30 April 2010

11.0 PLANNING & SUSTAINABLE COMMUNITIES

Cr Murdoch departed the meeting at 3.20pm as she declared a conflict of interest due to her being on the Board of North East Water.

11.1 REQUEST TO AMEND DEVELOPMENT PLAN IN RESPECT OF A 42 LOT SUBDIVISION, NASHS ROAD, RUTHERGLEN AND PLANNING PERMIT PP07-4083 (HABITAT PLANNING)

File No.: PP07- 4083 – Travis Basham – Town Planner

For Decision

RECOMMENDATION

That Council refuses to amend the approved Development Plan for a 42 Lot subdivision, Nashs Road, Rutherglen and planning permit PP07-4083 for the following reasons:

1. The current Development Plan is prepared to the satisfaction of the Responsible Authority and provides certainty to the community, Council and the developer as to the development requirements associated with the proposed 42 Lot residential subdivision of the land;
2. There is an adequate nexus between the requirements of the Development Plan and the proposal;
3. Conditions 12, 14, 18, 19, 20 and 31 are in accordance with and are a requirement of the approved Development Plan;
4. Should the requirement to provide suitable linkages between the site and urban areas for road, bicycle and pedestrian transport facilities be deleted from the Development Plan, the Development Plan would not adequately address Clause 43.04 of the Indigo Planning Scheme; and
5. The present road construction requirements are consistent with the approved Development Plan and the Indigo Shire Council Road Hierarchy Standards.

**Moved: Cr Goldsworthy
Seconded: Cr Pockley**

That Council refuses to amend the approved Development Plan for a 42 Lot subdivision, Nashs Road, Rutherglen and planning permit PP07-4083 for the following reasons:

1. The current Development Plan is prepared to the satisfaction of the Responsible Authority and provides certainty to the community, Council and the developer as to the development requirements associated with the proposed 42 Lot residential subdivision of the land;
2. There is an adequate nexus between the requirements of the Development Plan and the proposal;
3. Conditions 12, 14, 18, 19, 20 and 31 are in accordance with and are a requirement of the approved Development Plan;
4. Should the requirement to provide suitable linkages between the site and urban areas for road, bicycle and pedestrian transport facilities be deleted from the Development Plan, the Development Plan would not adequately

ORDINARY COUNCIL MEETING MINUTES – 8 JUNE 2010

5. address Clause 43.04 of the Indigo Planning Scheme; and
 The present road construction requirements are consistent with the approved Development Plan and the Indigo Shire Council Road Hierarchy Standards.

Carried

| | |
|-----------------------|--------------------|
| For: | Against: |
| Cr Gaffney | Cr Croucher |
| Cr Pockley | |
| Cr Graham | |
| Cr Issell | |
| Cr Goldsworthy | |

SUMMARY

Application No: PP07-4083
 Applicant: Habitat Planning
 Subject Land: Crown Allotments 21, 21A, 22, 24, Part 25A (Lot 1 TP623463), 25D, 26, 26A, 30, & Part 25C (Lot 1 TP623469) Section 45, and Crown Allotments 31, 31A and 31B Section 42 Parish of Carlyle and Lot 2 PS503564, Nashs Road, Rutherglen.
 Proposal: Request to Amend Development Plan in respect of a 42 Lot subdivision, Nashs Road, Rutherglen and Planning Permit PP07-4083 in accordance with the submission at Attachment A.

BACKGROUND

At its meeting of 13 December 2005, Council considered a report in relation to the proposed rezoning of 20 hectares of land located on the eastern side of Nashs Road Rutherglen from Farming Zone to Low Density Residential Zone. In relation to that particular report, Council resolved to request authority to commence preparation of amendment C27 from the Minister for Planning. This authorisation was received on 26 May 2006. On 4 July 2006, Council resolved to prepare the documentation for Amendment C27, and it was subsequently exhibited in July and August 2006.

A number of submissions were received in response to the exhibited amendment and at its meeting of 14 November 2006, Council resolved to refer the matter to an independent panel.

The panel hearing was held on 15 and 16 March 2007. The final report of the panel was received on 30 April 2007. The panel considered all submissions. One of the main issues considered was related to infrastructure provision. The Panel Report makes the following relevant findings and conclusions in this regard:

“The panel finds the ability of the land to be fully serviced at the cost of the developer will result in an acceptable and sustainable community cost.

The panel finds there should be an upgrade of the road at the developer’s cost to an urban standard seal with swale drains instead of formal kerb and channel.” (emphasis added)

ORDINARY COUNCIL MEETING MINUTES – 8 JUNE 2010

The findings of the Panel Report were reported to Council in June 2007 and Council resolved to adopt Indigo Planning Scheme Amendment C27 as recommended by the Panel Report. The

Minister for Planning subsequently approved the Amendment and notice of the approval was published in the Government Gazette of 23 August 2007 rezoning the subject land to Low Density Residential Zone and introducing a Development Plan Overlay to address some site specific matters.

An application was subsequently received by Council for approval of a draft Development Plan prepared by Habitat Planning which outlined a proposal for a 42 lot subdivision at Nashs Road, Rutherglen. The land is approximately 20 ha in area and is covered by the provisions of the Low Density Residential Zone. The land is also affected by the Development Plan Overlay which requires the preparation of a Development Plan prior to any application for subdivision being approved.

Consistent with Council practice, public notice of the originally submitted Development Plan was given to adjoining landowners. In response, four submissions/objections were received. A planning focus meeting was held on 20 February 2008, attended by all persons that had made a submission. The concerns raised covered a wide range of issues and highlighted a number of valid considerations to the Development Plan and were addressed in a separate planning officer's report presented to Council in respect of the draft Development Plan (see Attachment C).

Clause 43.04 of the Indigo Planning Scheme applies to the subject land and provides that a permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a Development Plan has been prepared to the satisfaction of the responsible authority. A permit granted must:

- Be generally in accordance with the Development Plan; and
- Include any conditions or requirements specified in the schedule to the Development Plan Overlay.

Schedule 3 to Clause 43.04 applies to the subject land and sets out the following conditions and requirements for permits:

All residential development must be serviced with:

- Reticulated water and sewerage; and
- Sealed roads.

Schedule 3 to Clause 43.04 also states that the Development Plan must:

- Provide appropriate arrangements for the provision and funding of necessary physical and social infrastructure; and
- Provide suitable linkages between the site and low density residential and urban areas for road, public, bicycle and pedestrian transport facilities.

Council resolved at its meeting of 4 March 2008 to approve a Development Plan (Attachment B) which includes the following discussion on the above two points:

Provide appropriate arrangements for the provision and funding of necessary physical and social infrastructure; and

ORDINARY COUNCIL MEETING MINUTES – 8 JUNE 2010

“The subject land will be provided with reticulated water and sewerage services from Rutherglen. Water connections are available along Nashs Road and will require minor extensions for connection to dwellings within the development. Sewerage is not available on the site directly and will require an extension from its point on the southern side of the Murray Valley Highway to the subject land.

Electricity and telecommunications are also available to the site.

Pedestrian networks will be provided to the subdivision with footpaths included in the road reserves to provide linkages with the surrounding area and the town centre of Rutherglen.

Nashs Road will provide the frontage to initial development of the subdivision. It currently exists as a constructed and unsealed road which is proposed to be upgraded to an R2 standard in accordance with Indigo Shire Council’s standard design. The internal collector road will be designed to this standard also and provide traffic calming techniques including weaving and narrowed road sections and curves to limit the speed of through traffic to contribute to a safer environment. The proposed cul-de-sacs linking to the collector road will [be] constructed to a R4 standard as they will accommodate local traffic only. Where possible, the design aim shall be to incorporate the traffic calming measure into the WSUD stormwater treatment systems.

A Traffic Impact Assessment Report has been prepared in conjunction with the Development Plan that requires works for the intersection of the Murray Valley Highway, Jones Road and Hopetoun Road to the southwest of the site. This work is proposed to be undertaken with Stage 2 of the development.

The extension and provision of the required infrastructure will be funded by the developer.”

Provide suitable linkages between the site and urban areas for road, public, bicycle and pedestrian transport facilities:

“Linkages

The site is located close to the centre of Rutherglen being approximately 1.5 kilometres by road. This is not an unreasonable distance for residents wishing [to] walk or cycle, to the town centre.

By car the journey is a very short one along the Murray Valley Highway directly to the town centre.

The subdivision will include the provision and construction of a new pedestrian and cyclist path which will be located along all roads within the subdivision as well as along Nashs Road and the Murray Valley Highway to provide links with the existing network and ensure that the surrounding area and Rutherglen town centre can be accessed from the subdivision.

Being located on the eastern side of Rutherglen the site is also well situated for access to Albury-Wodonga.”

Following Council's resolution at its meeting of 4 March 2008 to approve the Development Plan (Attachment B), an application for a Planning Permit generally in accordance with the approved Development Plan was received on 17 April 2008. Following processing, referral and extensive consultation with the applicant regarding permit conditions (which included such measures as offsetting the cost of the provision of link footpaths by reducing the open space contribution from 5% to 2%), Planning Permit PP07-4083 was subsequently approved under Delegation on 29 October 2008.

On 4 February 2010 a separate application was received to amend the endorsed Development Plan and the Planning Permit in accordance with the submission at Attachment A.

DISCUSSION

Notice of the application was given and seven objections and two submissions were received to the requested amendment (see Attachment to be provided separately to councillors). The requested amendment was also referred to Council's assets manager and VicRoads for comment (see Attachment D for copy of responses).

The amendment to the Development Plan and Permit PP07-4083 currently before Council seeks to delete the requirement for specific bicycle and pedestrian facilities connecting the proposed development with the existing network, reduce the standard of road construction in terms of widths and traffic calming. Given the extensive process that the Development Plan and permit went through, including the extensive consultation with the applicant regarding permit conditions prior to the issue of the permit, the requirements have been refined to a point where there is little opportunity to reduce infrastructure provision.

ROAD CONSTRUCTION:

Having regard to the road construction requirements, Council's Assets Department has specified appropriate standards which, together with the staging of works, are addressed in the approved Development Plan. Nashes Road currently exists as a constructed and unsealed road which is proposed to be upgraded to an R2 standard in accordance with Indigo Shire Council's Road Hierarchy Standard. Likewise Campbell Street, which also services the development is required to be upgraded (seal widening) to an R2 standard in accordance with Council's Road Hierarchy.

The internal collector road will be designed to this standard also and provide traffic calming techniques including weaving and narrowed road sections and curves to limit the speed of through traffic to contribute to a safer environment. The design speed for the internal collector road is 50km/hr.

The R2 standard mentioned above is designed to cater for access and low density residential development with traffic counts (vehicles per day) of between 150 and 1,000, while the R4 standard is designated as catering for up to 150 vehicles per day. For estimating traffic counts, 10 vehicles per day are used in urban residential areas with a 10 year forward projection.

Whilst it is recognised that both the subject land and adjoining allotments are within a residential zone, it is the proposed subdivision and resultant increase in density that has created the need for the roads servicing the development to be upgraded.

ORDINARY COUNCIL MEETING MINUTES – 8 JUNE 2010

The Panel Report in relation to the rezoning of the land from the Farming Zone to the Low Density Residential Zone also made explicit consideration of the social and economic effects of the development of the land and concluded:

“The Panel finds the ability of the land to be fully serviced **at the cost of the developer** will result in an acceptable and sustainable community cost.

The Panel finds there should be an upgrade of the road **at the developers cost** to an urban standard seal with swale drains instead of formal kerb and channel.” (emphasis added)

The development of the land and change to higher densities as a result of approval of the Development Plan (and subsequent permit) was recognised in the Development Plan as originally submitted to Council for consideration as was the requirement of providing appropriate arrangements for the provision and funding of necessary physical and social infrastructure.

It is considered that there is a nexus between the need to upgrade Nashs Road and Campbell Street to a standard capable of safely and efficiently accommodating the proposed development and the requirement of the Development Plan and permit that the burden of the upgrades are placed on the developer.

The current requirement for sealed roads to be provided to an appropriate standard to cater for the development is not considered inconsistent with the strategic direction of the Indigo Planning Scheme and the requirement for the extension and provision of the required infrastructure to be funded by the developer is not considered unreasonable in the circumstances of this case.

PATHWAYS

The proposal to amend the Development Plan and the permit requirement to provide suitable linkages between the site and urban areas for road, public, bicycle and pedestrian transport facilities would result in a Development Plan that does not adequately address the requirements of Schedule 3 to Clause 43.04.

The subdivision is located at Nashs Road, Rutherglen and relies on the Murray Valley Highway for pedestrian links and access to the existing network. In considering the needs of the future residents of this development and the impacts of the development on Council's infrastructure, it was recognised that it would be unsafe to force pedestrians and young cyclists onto the Murray Valley Highway without the development providing a safe route to the existing network in Rutherglen.

The developer is being required to provide off-site infrastructure which would normally be the responsibility of others. However, given the dangers of forcing pedestrians onto the Murray Valley Highway and the unknown timing of other developments which may eventually construct this link, there is a very strong nexus between this development and the need to construct the footpath link to the existing network.

In light of the above and as Schedule 3 to Clause 43.04 states that the Development Plan must provide suitable linkages between the site and low density residential and urban areas for road, public, bicycle and pedestrian transport facilities, and given that there is a clear nexus between the proposed subdivision and the need for this link, it is not considered appropriate to delete this requirement from the Development Plan.

Pedestrian linkages form a key component in the design and servicing of residential development and are particularly critical in this instance due to safety considerations. As no alternate linkages exist, it is not considered appropriate to ignore this requirement of the Development Plan Overlay.

Clause 22.01-3 of the Indigo Planning Scheme provides that new residential subdivision and/or development is required to satisfy standards regarding service connections, road construction and development impact. Clause 18.03-1 has, as its objective, to integrate planning for bicycle travel with land use and development planning and encourages cycling as an alternative mode of travel. It is suggested that wherever possible, off-road bicycle networks should be planned for in new urban development.

If the requirement for the linkage had been omitted from the approved Development Plan, the Development Plan would not have addressed the requirements of Schedule 3 which clearly indicate the Development Plan must provide 'suitable linkages between the site and urban areas for ... bicycle and pedestrian ...facilities'. Having regard to the provisions of the planning scheme, the requirement under Clause 2 of Schedule 3 to the Development Plan Overlay, it is not considered that the requirement included in the approved Development Plan goes beyond matters Council should have taken into account. This requirement accords with the strategic intent of the Council as envisaged in the planning scheme and it is not considered that the Development Plan, endorsed as being to the satisfaction of Council, should be amended.

The current requirement of the permit in relation to the footpath in Howlong Road (Murray Valley Highway) is for the provision of a 2m wide concrete path. Various options for alternate treatments of this path have been raised with Council's Assets Department (such as spray seals). However, due to asset management and maintenance requirements, a concrete path is the required standard. It has been agreed however to reduce the width of this link pathway to 1.5m rather than the currently required 2m.

CONCLUSION

Having regard to the above, it is concluded that the requirements of the Development Plan in relation to pathways and road construction are a reasonable response to the proposal given the context of the site. Council has previously considered the matter and resolved at its meeting of 4 March 2008 to endorse the Development Plan (Attachment B) as being prepared to the satisfaction of Council. The Development Plan in its current form meets the required standards for residential development and would be deficient if it failed to address these matters. It is therefore considered that the request to amend the Development Plan should be refused.

Clause 43.04 (Development Plan Overlay) requires that a permit granted must:

- Be generally in accordance with the Development Plan; and
- Include any conditions or requirements specified in the schedule to the Development Plan Overlay.

The Development Plan in its current form requires the provision of sealed roads, traffic calming devices, and footpaths to service the development. If the Development Plan is not amended, it will not be appropriate to amend the permit as requested by the applicant.

ORDINARY COUNCIL MEETING MINUTES – 8 JUNE 2010

In light of the above, it is concluded that the amendment sought to the permit is inconsistent with the provisions of the Development Plan and does not represent an acceptable outcome. While there is considered to be some scope to amend the width of the link footpath from 2m to 1.5m, as the amendment sought includes additional matters that are inconsistent with the endorsed Development Plan and the orderly planning of the area, the application to amend the permit should be refused.

Attachments:

- A – Request to amend approved Development Plan and Permit PP07-4083
- B – Approved Development Plan and Planning Permit PP07-4083
- C – Planning officer's report presented to Council in respect of the draft Development Plan at the 4th March 2008 Ordinary Council meeting

Separate Attachment to be provided to Councillors – Copy of Objections and submissions

ORDINARY COUNCIL MEETING MINUTES – 8 JUNE 2010

11.2 PLANNING PERMIT APPLICATION PP09-0240 (WALSH)

File No.: PP09-0240 - Travis Basham - Town Planner

Cr Murdoch remained absent from the meeting as she declared a conflict of interest in regard to Items 11.1 and 11.2, due to her being on the Board of North East Water.

For Decision

RECOMMENDATION

That Council resolves to approve planning Permit Application PP09-0240 for the use and development of Lot 1 TP393070T, Corner Murphy and Main streets, Rutherglen, for the purposes of a car wash and vary the requirements of Clause 52.13 subject to the conditions included at Attachment C.

**Moved: Cr Goldsworthy
Seconded: Cr Croucher**

That Council resolves to approve planning Permit Application PP09-0240 for the use and development of Lot 1 TP393070T, Corner Murphy and Main streets, Rutherglen, for the purposes of a car wash and vary the requirements of Clause 52.13 subject to the conditions included at Attachment marked File No.S.

Carried

| | |
|-----------------------|-------------------|
| For: | Against: |
| Cr Gaffney | Cr Issell |
| Cr Croucher | Cr Pockley |
| Cr Graham | |
| Cr Goldsworthy | |

INTRODUCTION

Application No: PP09-0240
 Applicant: Walsh
 Subject Land: Lot 1 TP393070T (formerly known as pt CA 1 Sec F2 Township of Rutherglen Parish of Carlyle), Corner Murphy and Main streets, Rutherglen
 Proposal: Use and develop the subject land for the purposes of a car wash

BACKGROUND

Date application lodged: 22/12/2009
 Purpose: Use and develop the subject land for the purposes of a car wash.

ORDINARY COUNCIL MEETING MINUTES – 8 JUNE 2010

Subject site land area: 522m²

Current use of subject site: Shed and site office – formerly used car yard

Site constraints: Size and dimensions of Lot, frontage to Category 1 Road, adjacent residential land uses and development

Surrounding land use:

The site is located at the corner of Murphy and Main streets, at the five-way intersection at the round-a-bout in Rutherglen. Land immediately adjacent to the site on Main and Murphy streets is used and developed for residential purposes. Land opposite in Murphy Street was previously used and developed for the purposes of a car dealership and is currently used to store and service buses. Land at the intersection of Douglas and Main streets, opposite the site to the north, is used and developed for the purposes of a service station. Land at the intersection of Howlong Road and Main Street is occupied by the Rutherglen Wine Experience (tourist information centre).

Zoning of surrounding land: The subject site and the surrounding land is covered by the provisions of the Business 1 Zone

ZONING AND PLANNING CONTROLS

Zoning: Business 1 Zone

Overlay/s: None applicable

Permit Trigger: A car wash is defined as a Service Industry which is a subgroup of Industry under the Indigo Planning Scheme. An Industry (car wash) is a Section 2 – Permit required use under the provisions of the Business 1 Zone

Particular Provision 52.13 also applies to the use and development of land for the purpose of a car wash and sets out requirements for a development to meet in relation to:

- Crossovers;
- Kerbs and barriers;
- Queuing lanes;
- The discharge of waste;
- Amenity requirements in relation to adverse impacts on the locality; and
- Buffer requirements when the subject land adjoins land in a residential zone.

A permit may be granted to vary the requirements of Clause 52.13 if the responsible authority considers the purposes of this clause are satisfied. In this regard, Clause 52.13 requires that a queuing lane on the site must be able to accommodate at least 10 vehicles before entry to a car wash. The Access Assessment submitted with the application indicates that the available internal queue length will permit storage of up to eight design vehicles. As such, a permit is also required to vary the requirements of Clause 52.13.

Planning and Environment Act 1987 - SECT 60

Section 60 of the Act provides that before deciding on an application, the responsible authority must consider:

- (a) The relevant planning scheme;
- (b) The objectives of planning in Victoria (which include at Section 4(1)(b) to provide for the

protection of natural and man-made resources...);

- (c) All objections and other submissions which it has received and which have not been withdrawn;
- (d) Any decision and comments of a referral authority which it has received; and
- (e) Any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development.

Section (1A) of the Act provides that the responsible authority, if the circumstances appear to so require, may consider:

- (a) Any significant social and economic effects of the use or development for which the application is made; and
- (b) Any other relevant matter.

STATE PLANNING POLICY

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

Economic Development

- 17.01 Activity Centres
- 17.02 Business
- 17.03 Industry
- 18.01 Declared Highways, Railways & Tramways
- 18.02 Car parking & Public Transport Access
- 18.09 Water Supply, Sewerage & Drainage
- 19.03 Design & Built Form

LOCAL PLANNING POLICY FRAMEWORK

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

Municipal Strategic Statement

Relevant clauses of MSS include:

- Economy
- 21.03-2 Corporate Plan
- 21.04-1-2 Rutherglen

Local Planning Policies

None applicable

PARTICULAR PROVISIONS

- 52.05 Advertising Signs
- 52.06 Car parking
- 52.07 Loading & Unloading of Vehicles

52.13 Car Wash

The purpose of this Particular Provision is to ensure:

- That amenity, site layout and design are considered when land is to be used for a car wash, especially if the site adjoins a residential zone; and
- That use of land for a car wash does not impair traffic flow or road safety.

GENERAL PROVISIONS

65 Decision Guidelines

Because a permit can be granted, does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

65.01 Approval of an application or plan

Before deciding on an application or approval of a plan, the responsible authority must consider:

- 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; and
- The effect on the amenity of the area.

REFERRAL AUTHORITIES

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

- NERWA;
- Indigo Shire Council – Assets Department; and
- VicRoads.

Responses received recommend approval subject to conditions (see Attachment B for a copy of responses).

PUBLIC NOTICE

Notice of the application was given to adjoining owners and occupiers and other relevant persons in accordance with Section 52 (1) of the Planning and Environment Act 1987.

Six (6) objections were received in response (see Attachment *to be provided to Councillors separately*). Issues raised relate to:

- Traffic management;
- Pedestrian safety;
- Impacts on residential amenity;
- Accuracy of application materials;
- Noise;
- Overshadowing; and

- Hours of operation.

After taking into account the various matters raised in submissions, the proposal has been amended by the applicant to further address potential impacts on the amenity of the locality.

Amendments to the application include deletion of the previously proposed vacuum facilities, a lowering of the height of the car wash facility to meet residential design standards, and inclusion of restrictions on operating hours to limit operation to between 7:30am to 9pm.

Further information has also been received from the applicant in relation to traffic management and overshadowing of the adjacent property (see Attachment A).

A planning focus meeting was held on 5 May 2010 attended by the applicant, objectors, Council officers and Councillor Peter Graham to clarify the issues raised in objection which are discussed below.

DISCUSSION

Impact of development on residential amenity of adjacent dwellings

Despite the site not being in a residential zone, based on the information provided, assessment of the proposal under the *Walls on boundaries*, *Daylight to existing windows*, and *Overshadowing open space* Objectives of Clause 54 of the Indigo Planning Scheme has been carried out. Clause 54 relates to residential development and sets specific standards and objectives to ensure the amenity of existing dwellings is not unreasonably impacted on by new developments.

In this instance, the proposal meets the requirements of Standard A11 of Clause 54.04-2 in that the proposed walls on boundaries of the site do not exceed 10m plus 25 per cent of the remaining length of the respective boundary.

Standard A14 of Clause 54.04-5 relates to overshadowing open space. The objective is to ensure buildings do not unreasonably overshadow existing secluded private open space.

This standard provides that where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3m, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9am and 3pm on 22 September.

The shadow diagram submitted with the application (see attachment A) is based on the previous proposal that had a wall height of 5.6m and 3.6m on the boundary and demonstrates that this standard for residential development is met. Overshadowing will be further reduced by the amended proposal which reduces the height of walls on the boundary to 3m.

Standard A12 of Clause 54.04-3 relates to allowing daylight into existing habitable room windows. This standard states that walls more than 3ms in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.

In this instance, the maximum wall height of the car wash facility on boundary has been reduced to 3m to ensure that the development complies with this standard.

Standard A13 of Clause 54.04-4 relates to the provision of solar access to existing north facing windows where an existing dwelling is within 3m of a boundary on an abutting lot. In this instance, as the adjacent dwelling on Murphy Street is setback more than 3m, the objectives of this standard are met.

The standards for residential development anticipate that change will occur and that development in a residential environment will result in a certain amount of overshadowing. The objectives for residential development do not prevent this from occurring, however they do establish standards for the limit of overshadowing that is acceptable to protect residential amenity.

Despite the development being within the Business 1 Zone, the development proposed meets the standards that would be relevant in a residential context including the *Walls on boundaries, Daylight to existing windows, and Overshadowing open space* Objectives of Clause 54 of the Indigo Planning Scheme. This aspect of the development (ie the siting and form of the proposed buildings) is therefore considered acceptable in terms of the impacts it will have on the residential amenity of the adjacent dwellings.

Impact of use on residential amenity of adjacent dwellings

After taking into account the various matters raised in submissions, the proposal has been amended by deletion of the previously proposed vacuum facilities and inclusion of restrictions on operating hours to limit operation to between 7:30am to 9pm.

The heavy wall construction adjacent to facilities coupled with the deletion of the vacuum facilities is anticipated to ameliorate potential noise impacts on the adjacent dwellings. The heavy wall construction also has the potential to attenuate existing noise impacts from traffic at the five-way intersection and from Main and Murphy streets.

Any development approved is required to comply with the Environmental Protection Authority's *Interim Guidelines for Control of Noise in Country Victoria*, including the requirement that where background sound levels are less than 30dB(A) then the minimum limit for noise from the operating facility shall be 45dB(A) when measured at any residential premises.

Where background levels are greater than 30dB(A), then the minimum limit for noise from the operating facility must be less than 48dB(A) when measured at any residential premises.

Should the application be approved, such approval will be subject to conditions prohibiting the previously proposed vacuum facilities, limiting the hours of operation and requiring the use and development to comply with the Environmental Protection Authority's *Interim Guidelines for Control of Noise in Country Victoria* which would also require the operator to measure the noise levels in accordance with the procedures laid down by *State Environmental Planning Policy (Control of Noise from Commerce, Industry and Trade) No: N-1* and the *Guide to the Measurement and Analysis of Noise* when deemed necessary by Council or the EPA.

Having regard to the above, it is considered that noise emanating from the proposed use can be limited so as not to unreasonably affect the residential amenity of the adjacent dwellings.

TRAFFIC MANAGEMENT

An Access Assessment was submitted in support of the application (see Attachment A) and addresses access to the site (off site impacts) as well as internal traffic management. The assessment is based on the Australian/New Zealand Standard *AS/NZS 2890.1:2004 Parking Facilities Part: 1 Off-street car parking* and uses the B99 design vehicle rather than the B85 vehicle due to the limitations of the site.

The B85 vehicle is represented by the Ford Falcon Sedan. Since the B99 vehicle has to accommodate manoeuvres in critical areas (ie locations where failure of a vehicle to physically fit into the facility would occasion intolerable congestion and possible hazard), the B99 vehicle dimensions are derived through an analysis of the swept paths of the Holden Statesman, Ford Fairlane, Toyota 100 Series Land Cruiser, Chrysler Voyager, Ford Falcon utility, and Mercedes MB140. The Ford Transit MWB and LWB vans can also be accommodated by the normal operating clearances that are applied to the B99 vehicle.

The Access Assessment indicates that the proposed development can meet the requirements of AS/NZS 2890.1:2004; however, some minor amendments to the design are required in accordance with the recommendations of the report.

The Access Assessment also comments on the queuing lane requirements and concludes that up to eight B99 vehicles can be accommodated onsite. Given the nature and scale of the development and the visibility of the site, this is considered adequate.

The Access Assessment specifically addresses the location of the access point, sight distances (entering sight distance and sight distance to pedestrians), the internal traffic management and layout. Council's Development Engineer has assessed the proposal and the Access Assessment and has also given particular regard to the submissions received in relation to traffic and pedestrian conflict and concludes that the point of access to the site and traffic management is acceptable.

ACCURACY OF APPLICATION MATERIALS

Submissions received and comments raised at the planning focus meeting questioned the accuracy of the application materials. Specific comments in relation to the queuing lane are addressed by the Access Assessment. Comments in relation to the width of the land, as fenced on-site were also made.

The application materials, designs and assessment have all been based on the Title dimensions of the land and the proposal is reliant on a minimum Lot width of 13.3m to accommodate the required vehicle manoeuvres. It is not considered unreasonable to therefore require the site to be surveyed by a Licensed Surveyor as a condition of approval, should a permit issue.

SUITABILITY OF SITE

Various submissions have commented that there are other more suitable sites for a car wash in Rutherglen. Pre-application discussion with the applicant and the applicant's comments in relation to this at the planning focus meeting indicate that a number of alternate sites had been canvassed but were found to be unsuitable for a number of reasons including availability of land, sealed road access, and availability of services with particular regard to sewer.

ORDINARY COUNCIL MEETING MINUTES – 8 JUNE 2010

That there may be other sites in Rutherglen that are capable of accommodating the proposed development is not however a relevant matter to the consideration of the application before Council. Planning Permit application PP09-0240 relates to Lot 1 TP393070T, Corner Murphy and Main streets, Rutherglen and Council is required to decide whether the proposal is acceptable in the context of the site under the provisions of the Indigo Planning Scheme.

The discussion above indicates that although marginal, the subject land is capable of accommodating the proposed use and development. The site occupies a prominent position with regard to the entrance or gateway to the commercial centre of Rutherglen, however no specific planning controls exist over the subject land other than the Business 1 Zone.

The form of development will result in an essentially open site and will not provide definition to the corner through the built element. This recesses and makes the development somewhat subservient to existing corner elements such as the Rutherglen Wine Experience (tourist information centre) and the former car dealership opposite the site, which are both covered by the provisions of the Heritage Overlay.

Having regard to the form and siting of the proposed development, its separation from adjacent residential uses by the boundary walls and the traditional and existing use of other sites adjoining the intersection, including the service station at the intersection of Douglas and Main streets, it is considered that the proposal is not inconsistent with the existing character of the area.

CONCLUSION

Although the site is constrained due to its size and dimensions, the subject land is capable of accommodating the proposed use and development which is not inconsistent with the character of the area. Amendments made to the application ensure that the development meet the requirements that would apply to residential development and that the impacts on residential amenity are ameliorated. On balance, it is therefore concluded that the application represents an acceptable outcome under the provisions of the Indigo Planning Scheme.

Attachments:

A – Locality plan and Proposal

B – Referral authority responses

C – Conditions of approval

Separate Attachment to be provided to Councillors – Copy of Objections

Cr Murdoch returned to the meeting at 3.49pm.

11.3 PANEL REPORT: PLANNING SCHEME AMENDMENT C24 – PLANNING SCHEME REVIEW

File No.: E1240-24 SSP - Katie Rizzuto - Manager Planning and Sustainable Development

For Decision

RECOMMENDATION

That Indigo Planning Scheme Amendment C24:

- a) **Be altered in the manner recommended in this report as shown in the attached table of changes;**
- b) **Be adopted; and**
- c) **Be submitted to the Minister for Planning for approval in accordance with Section 31 of the Planning and Environment Act, 1987.**

**Moved: Cr Pockley
Seconded: Cr Goldsworthy**

That Indigo Planning Scheme Amendment C24:

- a) **Be altered in the manner recommended in this report as shown in the attached table of changes;**
- b) **Have the land belonging to Mr Milton Wedgewood only, excised from this planning scheme amendment;**
- c) **Be adopted; and**
- d) **Be submitted to the Minister for Planning for approval in accordance with Section 31 of the Planning and Environment Act, 1987.**

Carried

| For: | Against: |
|-----------------------|-------------------|
| Cr Gaffney | Cr Murdoch |
| Cr Pockley | Cr Graham |
| Cr Croucher | |
| Cr Issell | |
| Cr Goldsworthy | |

INTRODUCTION

The Indigo Planning Scheme Review 2006/07 process commenced in April 2006 and the final review document, entitled Indigo Shire Council - Planning Scheme Review 2006/07, was adopted by Council on 2 October 2007.

The Minister for Planning authorised the preparation of Amendment C24 in April 2008 and the amendment was subsequently exhibited in accordance with Council's decision of 2 October 2007.

ORDINARY COUNCIL MEETING MINUTES – 8 JUNE 2010

A number of submissions were received in response to the exhibited amendment and at its meeting of November 2008, Council resolved to refer the matter to an independent panel.

The panel hearing was held on 4 and 5 February 2009 with the panel's report received on 18 March 2009.

The panel recommendations regarding the Municipal Strategic Statement (MSS), one of the local planning policies, and alterations to the exhibited planning scheme maps related to individual sites and areas have been made and are presented to Council. Details of changes are provided in this report and the attached table of changes.

Upon Council adopting the amendment, the combined documents will be forwarded to the Minister for Planning for approval and subsequent Gazettal. The amendment is anticipated to come into effect at the time of Gazettal.

The panel made 21 recommendations. A summary of these recommendations and the action taken is included at Attachment A as is a recommendation to Council. These recommendations are summarised as follows:

- Simplify and structure the MSS;
- Simplify and focus the Strategic Framework Plans; and
- Reduce the list of further strategic work to only those that are required as a high priority and achievable;
- Modify the local planning policy framework by modifying the text relating to gaming machines to "prepare a local gaming machine policy" and deleting both the existing and proposed Clause 22.01-5 Dwellings on Existing Small Rural Allotments. (It is noted that the rural land use strategy currently underway will address and make recommendations on this issue); and
- Make changes to the exhibited Planning Scheme zone maps.

BACKGROUND

THE PANEL REPORT HIGHLIGHTED SOME KEY ISSUES AND MADE PARTICULAR COMMENT TO SOME IMPORTANT QUESTIONS. THESE INCLUDED:

1. IS AN INTERIM POLICY RESTRICTING THE DEVELOPMENT OF HOUSES ON LOTS LESS THAN 40 HECTARES REQUIRED?

We agree with Council that policy tensions between the current Clause 21.01-5 policy, which establishes a policy position in favour of the development of housing on smaller rural lots, and the more recent VPP Farming Zone do not promote either certainty or consistent decision making.

We endorse the deletion of the Clause 21.01-5 policy; however, we are not convinced that the precaution of introducing a stronger discouragement of housing in rural areas via the interim policy is warranted. We are satisfied that the FZ, supported by the proposed MSS provisions, provides a reasonable basis for the evaluation of the merits of any applications that may be lodged before the findings of the Indigo Rural Strategy are implemented in the planning scheme. The broader planning framework for rural areas, including the appropriate planning framework for land with limited capacity for productive agricultural use, are matters for more comprehensive consideration in the Rural Strategy processes.

2. THE 'NO POKIES' MSS OBJECTIVES AND STRATEGIES

We are not convinced that the proposed MSS objective to prevent gaming machines throughout the Shire has been justified. The MSS should simply indicate the intention to prepare a gaming policy but the outcome of further strategic work should not be pre-empted in the MSS.

3. SUBMISSIONS RELATING TO PARTICULAR PROPERTIES

We find that:

Before a commitment is made in the MSS to the future use of land in Chiltern between the railway line and the freeway, a more detailed investigation should be undertaken to establish the potential demand for and planning implications of developing the land for industrial and business purposes;

While we support the proposed back zoning of land fronting Twist Creek Road, Yackandandah from LDRZ to RLZ, we consider an option should be provided to Mr Wedgewood to apply for a planning permit to create an additional lot on the flatter land near the road; and

We support the identification of the possibility of a rezoning of land south of Crawford Street, Beechworth to LDRZ on the Beechworth Strategic Map. Our assessment indicates that, if a proposal to rezone the land is pursued, the Amendment should be subject to a restriction that ensures only one additional housing entitlement is created.

4. MSS DRAFTING

Since the review of the Indigo MSS commenced and Amendment C24 was prepared, there has been a significant ongoing effort at a State level to improve the effectiveness of LPPFs throughout the State. Understandably, the changes in the approach to the LPPF that are being developed are not reflected in Amendment C24. Nevertheless, we do consider that editing the MSS along the lines now considered 'best practice' would produce significant benefits for both decision making and those using the planning scheme. MSS revisions to achieve a more concise, structured approach are discussed in Chapter 4 and illustrated for one clause in Appendix C.

The MSS foreshadows an extensive amount of further strategic work. It is suggested that the work listed should be reviewed and tasks that are unlikely to be undertaken in the short to medium term should be deleted.

AMENDMENT TO THE MUNICIPAL STRATEGIC STATEMENT AND LOCAL PLANNING POLICIES

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 have been modified in accordance with the panel's recommendations.

| Municipal Strategic Statement: | | Revision Made |
|--------------------------------|--|--|
| 21.01-3 | Settlement & Infrastructure | New Clause 21.01-3 |
| 21.01-4 | Economy | New Clause 21.01-4 |
| 21.01-5 | Environment | New Clause 21.01-5 |
| 21.02 | Key Issues | New Clause 21.02 |
| 21.03 | Vision | New Clause 21.03 |
| 21.04 | Objectives and Strategies | New Clause 21.04 |
| New Clause 21.04-1 | Settlement | Shire wide issues, objectives and strategies |
| 21.04-1-1 | Beechworth | New Clause 21.04-1-1 |
| 21.04-1-2 | Rutherglen | New Clause 21.04-1-2 |
| 21.04-1-3 | Chiltern | New Clause 21.04-1-3 |
| 21.04-1-4 | Yackandandah | New Clause 21.04-1-4 |
| 21.04-1-5 | Wahgunyah | New Clause 21.04-1-5 |
| 21.04-1-6 | Barnawartha | New Clause 21.04-1-6 |
| 21.04-1-7 | Kiewa-Tangambalanga | 21.04-1-7 Left as is |
| 21.04-1-8 | Stanley | New Clause 21.04-1-8 |
| 21.04-2-1 | Agriculture | New Clause 21.04-2-1 |
| 21.04-2-2 | Tourism | Deleted |
| 21.04-3-1 | Natural Resource Management | Deleted |
| 21.04-3-2 | Heritage | Deleted |
| 21.04.3-3 | Flooding and Drainage | Deleted |
| 21.04.3-4 | Stormwater Management | Deleted |
| New Clause 21.04-11 | Further Strategic Work | Simplified list |
| New Clause 21.05 | Monitoring Process | Simplified process |
| New Clause 21.06 | Reference Documents | Up to date list |
| | | |
| Local Planning Policies: | | |
| 22.01-5 | Dwellings on Existing Small Rural Allotments | Deleted |

AMENDMENTS TO ZONING AND OVERLAY CONTROLS

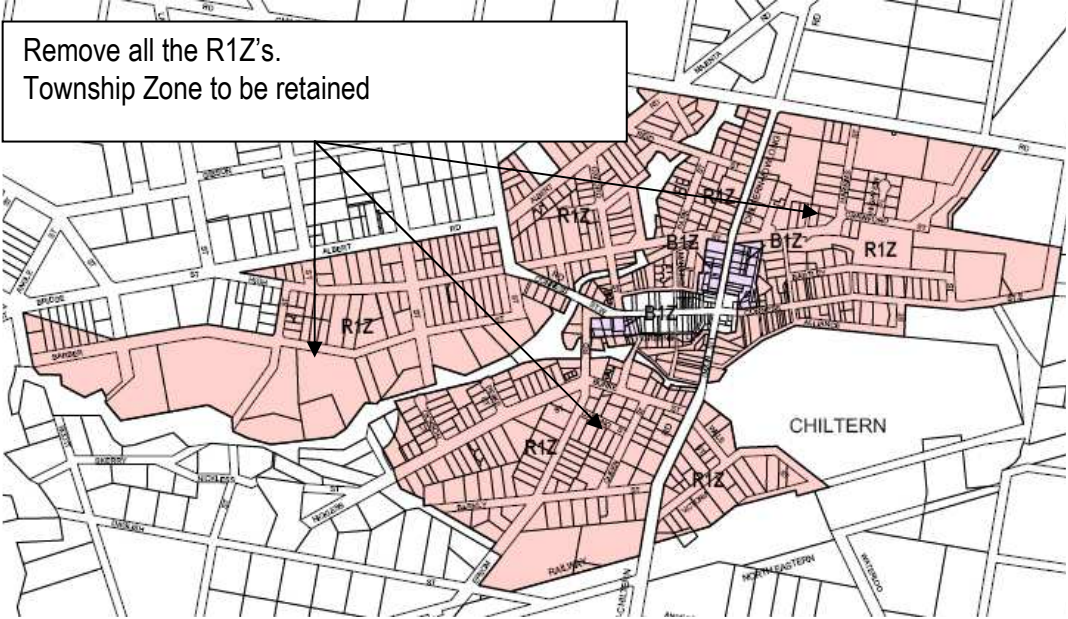
The panel recommended a number of changes to the exhibited Planning Scheme maps. These changes require mapping from the Department of Planning and Community Development but are summarised in the plans below.

Zone Map 1 - Wahgunyah
Recommendation 1.

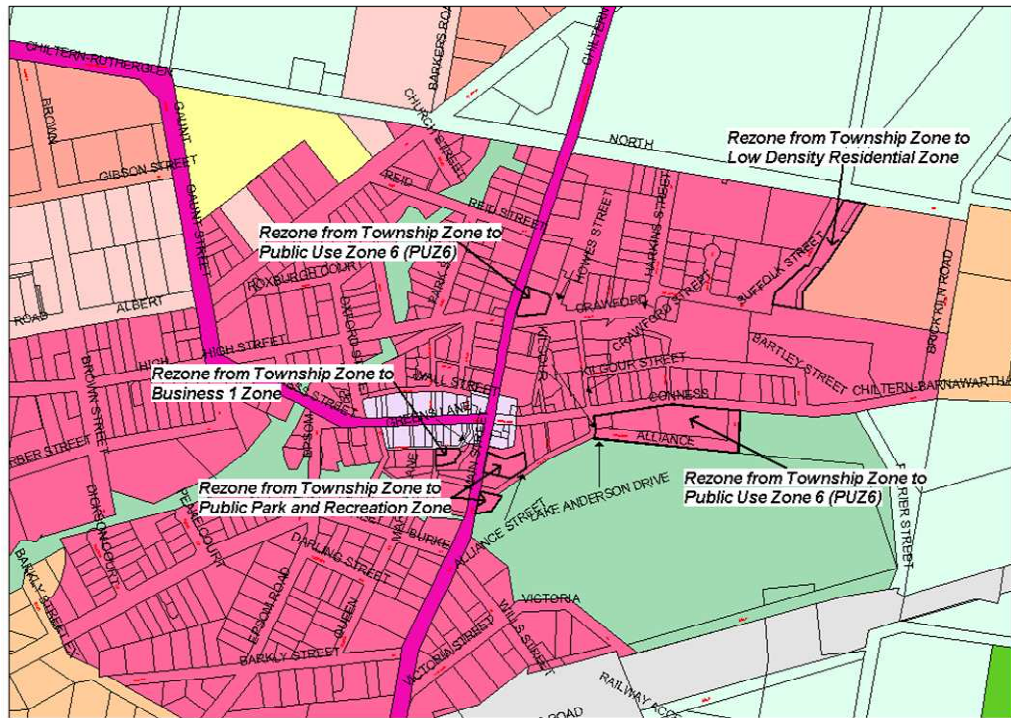


Zone Map 6 - Chiltern
Recommendation 2

ORDINARY COUNCIL MEETING MINUTES – 8 JUNE 2010



Recommendations 5, 6 and 7



ORDINARY COUNCIL MEETING MINUTES – 8 JUNE 2010

The MMM is intended to be a concise statement of the key strategic planning, land use and development objectives for the municipality and the strategies and actions for achieving the objectives. It furthers the objectives of planning in Victoria to the extent that the State Planning Policy Framework is applicable to the municipality and local issues. It provides the strategic basis for the application of the zones, overlays and particular provisions in the planning scheme and decision making by the responsible authority.

Local Planning Policies are tools used to implement the objectives and strategies of the MSS. The role of Local Planning Policy is to refine the direction provided by State Planning Policy. The prohibition of land uses or development is beyond the ambit of Local Planning Policy.

The panel considered that the information provided to it regarding gaming machines was insufficient to justify objectives in the MSS that seek to prohibit gaming machines. To resolve this issue it will be necessary to include the preparation of a new gaming machine policy in the revised list of Further Strategic Work. This will mean a separate amendment will be required in relation to gaming machines.

The panel supports the deletion of Clause 21.01-5 due to the policy tensions between current Clause 21.01-5 policy and the more recent VPP Farming Zone, as it does not promote either certainty or consistency in decision-making.

Council will be aware that an extensive rural land use study is currently underway. Without pre-empting the findings and recommendations of this study, it is anticipated that the study will bring considerable clarity to the issue of new dwellings on small lots in rural areas and will allow for the development of an appropriate range of planning scheme tools.

CONCLUSION

Amendment C24 has afforded Council and the community the opportunity to review local elements of the Planning Scheme.

The alterations to the MSS do not change the strategic direction for the Shire, but they do clarify and simplify that strategic direction.

Clear and unambiguous guidelines benefit all of those involved in the planning process and accordingly the recommendations of the panel are supported.

It is proposed to recommend that Council adopts the amendment with revisions as detailed here.

11.4 INDIGO SHIRE COMMUNITY GRANTS AND AWARDS ADVISORY COMMITTEE NOMINATIONS

File No.: 09/2481 - David Koren - Acting Manager Community Planning

For Decision

RECOMMENDATION

That:

Council appoints the following people to the Indigo Shire Community Grants and Awards Advisory Committee:

- Nerida Kerr;
- Christine Luckman;
- Kevin Cooper;
- Mike Byrne;
- Sharon Phillips; and
- Joy Lee.

Nerida Kerr, Christine Luckman, Joy Lee and Sharon Phillips be appointed for a period of three years and Mike Byrne and Kevin Cooper be appointed for a period of two years in accordance with the Instrument of Delegation.

Moved: Cr Croucher
Seconded: Cr Goldsworthy

Council appoints the following people to the Indigo Shire Community Grants and Awards Advisory Committee:

- Nerida Kerr;
- Christine Luckman;
- Kevin Cooper;
- Mike Byrne;
- Sharon Phillips;
- Joy Lee; and
- Tess Lucas

Nerida Kerr, Christine Luckman, Joy Lee and Sharon Phillips be appointed for a period of three years and Mike Byrne and Kevin Cooper be appointed for a period of two years in accordance with the Instrument of Delegation.

Unanimously Carried

INTRODUCTION

This report provides information regarding the nominations for the Indigo Shire Community Grants and Awards Advisory Committee and requests that Council appoints the nominees to the committee.

BACKGROUND

At its meeting on 13 April 2010, Council adopted the Instrument of Delegation for the Indigo Shire Community Grants and Awards Advisory Committee. The objectives of the committee are to:

- Consider all applications submitted under the Community Grants Program;
- Make recommendations to Council on the successful projects;
- Consider all nominations for Citizen of the Year , Young Citizen of the Year Awards and the Emma George Scholarship; and
- Make recommendations to Council on the successful nominees for Citizen of the Year, Young Citizen of the Year Awards and the Emma George Scholarship.

The membership of the Committee is:

- Mayor of the day;
- 1 Councillor;
- Council's Manager Community Planning (non voting); and
- 8 community members, representing a broad cross section of the Indigo Shire community;

The committee also has the ability to co-opt members with special interests, qualifications or experience on a needs basis.

Appointment to the committee will normally be for a two year period, however the initial appointment will see half the members being appointed for two years and the other half for three years. This will ensure that some consistency and knowledge would be retained. In order to gain good coverage, it is proposed that three people are appointed for three years, with their term ending in 2013, with the others appointed for two years with their term ending in 2012.

Expressions of Interest for joining the committee were called following the Council's resolution at the April meeting. Response to this notice was low. Following discussions with the councillor representatives, it was determined to identify members of the community that had a high level of involvement in their communities and ask them to submit an expression of Interest. From both processes a total of 6 nominations were received.

Nominations were received from:

- Nerida Kerr, Barnawartha;
- Christine Luckman, Beechworth;
- Kevin Cooper, Tangambalanga;
- Mike Byrne, Stanley;
- Sharon Phillips, Yackandandah; and
- Joy Lee, Chiltern.

The only area not fully represented is Rutherglen/Wahgunyah. It is intended to continue to identify appropriate members of the community from this area to ensure there are 8 community members from a wide geographical cross-section of the Shire as detailed in the Instrument of Delegation.

KEY IMPLICATIONS

There are no specific implications associated with this committee or the appointment of members to it. The Instrument of Delegation has been prepared in accordance with the requirements of the Local Government Act 1989.

FINANCIAL IMPLICATIONS

There are no financial implications associated with the appointment of members to the Indigo Shire Community Grants and Awards Advisory Committee.

POLICY IMPLICATIONS

The formation of the Indigo Shire Community Grants and Awards Committee is consistent with Council's strategies of:

- Creating opportunities for the community to participate in Council business and decision making; and
- Enhancing opportunities for local communities to guide the progress of their place.

CONCLUSION

The nominations received for this committee provide an excellent representation across the Shire, from a geographic perspective as well as from the community involvement and knowledge perspective.

11.5 VICTORIAN CARER CARD

File No.: 09/85 - Sally McCarron - Manager Community Planning

For Decision

RECOMMENDATION

That Council endorses the Victoria Carer Card Program and supports Indigo Shire Council's involvement in the program.

| | |
|--|-----------------------|
| <p>Moved: Cr Issell Seconded: Cr Goldsworthy</p> <p>That this item be deferred to the July Meeting of Council.</p> | |
| Carried | |
| For: | Against: |
| Cr Gaffney | Cr Goldsworthy |
| Cr Pockley | |
| Cr Croucher | |
| Cr Graham | |
| Cr Murdoch | |
| Cr Issell | |

INTRODUCTION

This report provides information about the Victorian Carer Card Program which is a new initiative of the Victorian Government.

BACKGROUND

The Victorian Carer Card Program will be launched by the Minister for Community Services, the Hon. Lisa Neville MP, on 1 July 2010. This program gives recognition to the significant level of care and commitment carers provide in supporting a person who has a disability, chronic condition, a mental illness, who is frail aged or a child in foster care.

The Carer Card will be issued, upon application, to eligible people who must be:

- A resident of Victoria and a primary, unpaid carer of a person with a disability, severe medical condition, or a mental illness, or who is frail aged or who is in need of palliative care;
- A foster, respites, kinship or permanent carer in receipt of Department of Human Services reimbursement payment; and/or
- A kinship carer.

Council are being encouraged to become involved in the following ways:

- Providing discounts or benefits to card holders e.g. concession entrance fee to pools and Beechworth Historic Precinct;

ORDINARY COUNCIL MEETING MINUTES – 8 JUNE 2010

- Displaying the Carer Card logo;
- Agree to the Carer Card Terms and Conditions (outlined in the Program Guidelines attached); and
- Promote the program to local businesses, attractions for their adoption.

It should be noted that the Carer Card is different to the Companion Card. The Companion Card is issued to a person with a severe and permanent disability and who is unable to access a venue or event without attendant care. The Carer Card is issued to a primary carer, who can access benefits of the card independently of the person they provide care for.

KEY IMPLICATIONS

There are no specific implications arising from Council's support of this program. Council's support of the program does present Council as a leader to the community.

FINANCIAL IMPLICATIONS

There are no significant financial implications associated with this program. The provision of discounts to card holders will result in small reductions in income levels; however, the benefit and support provided to people is important.

POLICY IMPLICATIONS

Council's support of and involvement in the Carer Card Program is consistent with the strategic objectives of "Leadership of our People and our Community" and "Developing Sustainable Communities."

CONCLUSION

The Victorian Carer Card Program provides valuable recognition of the contribution and commitment made by carers. In supporting the program, Council is enhancing its leadership within the community.

Attachment:
The Victorian Carer Card – Victorian Local Council Program Guidelines – April 2010

11.6 HEALTHY CHILDREN AND FAMILIES PLAN 2010 - 2014

File No.: 09/103 - Sally McCarron - Manager Community Planning

For Decision

RECOMMENDATION

That:

- 1. Council receives the Draft Municipal Early Years Plan 2010 – 2014; and**
- 2. The Draft Municipal Early Years Plan 2010 - 2014 be placed on public display to enable additional community feedback for 28 days.**

**Moved: Cr Croucher
Seconded: Cr Pockley**

That:

- 1. Council receives the Draft Municipal Early Years Plan 2010 – 2014; and**
- 2. The Draft Municipal Early Years Plan 2010 - 2014 be placed on public display to enable additional community feedback for 28 days.**

Unanimously Carried

INTRODUCTION

The Healthy Children and Families Plan is Council's Municipal Early Years Plan. This plan has been developed through a full consultative process with key agencies and community members. The report recommends that council place the Plan on public display to receive feedback from the community.

BACKGROUND

All Victorian local governments are required to develop a Municipal Early Years Plan. Whilst it is not a legislated requirement, it is a condition of funding from the Department of Education and Early Childhood Development (DEECD). The Department also requires reference to the Plan in any funding applications that may be submitted.

The Plan sets directions for Council, key stakeholders and the community in relation to the development of early years services for the future.

The project has been overseen by a steering committee which was comprised of local service providers and community members, with community members having the greater numbers. This has been a clear priority in the development of the Plan. A number of planning sessions, including a successful forum in Rutherglen, have been held to further develop information gathered from surveys.

KEY IMPLICATIONS

The Healthy Children and Families Plan has used a collaborative approach involving key agencies and community members. The development of the strategies has come directly from consultations and forums.

The key actions include:

- Ensuring provision of accessible, affordable and flexible child care options;
- Ensuring the provision of social activities and venues which enable people to connect and which are inexpensive and child friendly; and
- Ensuring the equitable provision of relevant and useful information in a range of appropriate and accessible ways across the Shire.

Implementation of the Plan will be overseen by a committee made up of agency representatives and community members. This approach will continue the approach used to date and ensures that the Plan and its implementation continues to be accountable to the community.

A key factor of this plan is that it draws on the involvement of a broad range of stakeholders to implement the actions. It relies on a partnership approach and acknowledges that responsibility for the early years does not just sit with Council, rather it requires a community wide approach.

FINANCIAL IMPLICATIONS

There are no immediate financial implications other than the provision of basic support to working groups. As an example the supported employment of an Early Years Officer at some later stage would result in a financial cost of approximately \$50,000 to Council. Some of this cost may be offset by any available grant support and would firstly require consideration from an organisational structure perspective by the Chief Executive Officer and then consideration by Council in a future Budget.

POLICY IMPLICATIONS

The development of the Healthy Children and Families Plan is a requirement from DEECD and is a key action within the Council Plan 2009 - 2013.

CONCLUSION

The Healthy Children and Families Plan is a good example of working with the community to determine the direction of early years services within the Indigo Shire. Whilst it is a Council document, it is supported by the community and requires actions by all sectors to ensure its successful implementation. The development of an implementation committee, consisting of agency representatives and community members, is of critical importance to continue the success of the process to date. The work of the steering committee, particularly the community members has been important to the development of the Draft Plan, and reflects a good model of community engagement.

Attachment:
Indigo Shire Council Municipal Early Years Plan

11.7 HEALTHY COMMUNITIES PLAN 2010 - 2014

File No.: 09/853 - Sally McCarron - Manager Community Planning

For Decision

RECOMMENDATION

That:

- 1. Council receives the Draft Healthy Communities Plan 2010 – 2014; and**
- 2. The Draft Health Communities Plan be placed on public display to enable additional community feedback for 28 days.**

**Moved: Cr Pockley
Seconded: Cr Graham**

That:

- 1. Council receives the Draft Healthy Communities Plan 2010 – 2014; and**
- 2. The Draft Healthy Communities Plan be placed on public display to enable additional community feedback for 28 days.**

Unanimously Carried

INTRODUCTION

This report presents the final draft of the Healthy Communities Plan 2010 - 2014, which is Council's Municipal Public Health Plan.

BACKGROUND

Council's Municipal Public Health Plan must:

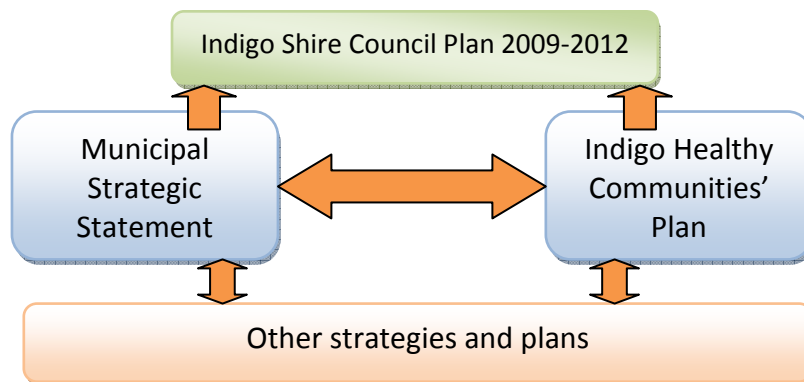
- Include an examination of data about health status and health determinants;
- Identify goals and strategies based on available evidence for creating a local community in which people can achieve maximum health and wellbeing;
- Provide for the involvement of people in the local community in the development, implementation and evaluation of the Public Health and Wellbeing Plan;
- Specify how the Council will work in partnership with the Department of Health and other agencies undertaking public health initiatives, projects and programs to accomplish the goals and strategies identified in the plan; and
- Be connected with the Council Plan and Municipal Strategic Statement.

This Plan has been developed in consultation with the Indigo Health Consortium and sits alongside the strategic and business plans of other health agencies including Indigo North Health and Bechworth Health Service.

KEY IMPLICATIONS

The Healthy Communities Plan focuses on promoting and ensuring that our communities are in good health, have access to services and facilities, access to housing etc. It does not focus on ill health or the medical model, rather it embraces the social model of health and acknowledges that maintaining healthy communities is multi faceted and involves a range of partnerships.

The Plan has been developed taking into account the range of plans and strategies already adopted by Council as well as those of other key health agencies.



The plan is framed by the following five key factors:

- Healthy spaces and places;
- Healthy neighbourhoods;
- Healthy lifestyles;
- Healthy services and supports; and
- Healthy economies.

A number of priorities have been identified within each factor. The actions that address each priority have been taken from and reflect the key recommendations and actions of existing plans and strategies. To this end, the Plan does not specify timelines as these are contained in the source documents.

FINANCIAL IMPLICATIONS

There are no current specific financial implications associated with the Healthy Communities Plan. Generally the specified actions are collected from other adopted strategies and plans. Where specific actions require budgeting support these will be factored into the budget preparation process as required and considered by Council at that point.

POLICY IMPLICATIONS

The development of the Healthy Communities Plan is a specific action in the Council Plan under the objective of enhancing the healthy and wellbeing of the community.

CONCLUSION

The development of the Plan is a legislative requirement however, it is also a critical strategic document for Council in continuing to support and build a resilient community.

12.0 MAJOR PROJECTS AND PROGRAMS

12.1 INDIGO SHIRE TREE MANAGEMENT PLAN

File No.: 09/626 - Robert Uebergang - Manager Assets

RECOMMENDATION

That the Indigo Shire Tree Management Plan be adopted.

Moved: Cr Goldsworthy

Seconded: Cr Murdoch

That the Indigo Shire Tree Management Plan be adopted.

Unanimously Carried

INTRODUCTION

Indigo Shire has significant and historical tree assets. Many of the older elm trees that line the streets in townships such as Beechworth are now reaching an age where tree replacement is becoming necessary. The draft Indigo Tree Management Plan (TMP) seeks to provide a framework for the planting of new and replacement street trees within its townships and for managing risk associated with its street trees.

BACKGROUND

The Plan's origins commenced with meetings between John Hawker (Horticulturist, Heritage Victoria), Colin Gladstone (Horticulture, Landscape and Arboriculture contractor) and several Council officers. Andrew Patrick (Horticulturist, Open Space Management) was engaged in mid-2009 to document a draft Tree Management Plan for Indigo Shire.

The initial draft Indigo TMP was taken to a Council briefing meeting in December 2009. Further to this meeting, and additional comments from John Hawker, the final draft was advertised on 20 February 2010 for review. Submissions were invited from the community on the Plan with this period ending 26 March 2010.

Three submissions were received and raised the following issues:

1. An extensive submission on the proposed Wahgunyah Street tree themes. A Council officer met on site in May 2010 to discuss the issues raised in the submission. The final Plan incorporates several changes requested in the submission:
 - That Eucalypt and native trees and shrubs be used for the Victoria Street entrance rather than the Peppercorn tree avenue proposed in the Plan; and
 - That more natives be used as street tree themes. Native trees are now the revised street tree theme for part of Barkly Street and in the courts and drives off Morley Avenue on the south side of the township (this tree theme replaces Velvet Ash and Chinese Elms previously proposed in this area).

2. A late submission regarding suitable tree species for Stanley. A Council officer met on site in May 2010 to discuss the issues raised in the submission. The final Plan incorporates Oaks, in addition to the Maples originally proposed as the Stanley tree theme, as suggested in the submission.
3. The local electricity infrastructure company provided a submission requesting that additional text be added to 'Guidelines for Street Tree Planting' in Appendix I of the Plan to clarify recommendations for plantings near power lines and poles. The additional text has been included in the Plan and an associated 'Your Guide to Planting Near Electricity Lines' has been included as a referenced document.

The Plan was also reviewed by officers in Council's Civil Operations and Assets area with some minor changes being made to the Plan, mainly in reference to documented speed zones, personnel titles and the Plan's continuous review and improvement.

KEY IMPLICATIONS

The formulation of a TMP forms part of the current Council Plan:

- Objective 2.6: "Maintain and enhance our parks, gardens and open spaces";
- Strategy/Goals: "A. Review desired resource and service levels for maintenance and improvement of public areas. B. Review long term suitability of Council's current parks and gardens plantings and species"; and
- Council Plan/ Action: "Develop draft Tree Management Plan (TMP), undertake community consultation, adoption by Council. Incorporate TMP outcomes into forward works programs within available budgets".

The TMP outlines a four yearly tree inspection regime to manage risk issues associated with Council trees. This area of risk management has been identified in recent audits from our insurers (Civic Mutual Plus) as one that requires Council's attention.

The TMP is largely about defining street tree themes in Indigo townships to provide a planned approach to tree planting and replacement. The environmental implications of the TMP are distinctly positive in that more trees that are properly managed provide an improved living environment.

FINANCIAL IMPLICATIONS

There is a recurrent financial commitment for a four yearly cycle of tree assessments associated with this TMP. Tree assessments have been done on an irregular and ad-hoc basis in the past but are essential in demonstrating a pro-active approach to managing the risk associated with Council's trees. A four yearly tree assessment for Council's streets and parks/ gardens has an estimated cost of \$50,000. A practical approach to tree assessment methodology also requires development.

- There is approximately \$115,000 budgeted in the 2009-10 financial year in the Civil Operations tree maintenance area. This amount is broken up into:
 - Elm Leaf Beetle - \$25,000;
 - Dead Wooding - \$37,000 (approx. 70% urban and 30% rural based dead-wooding);
 - Power Line Management - \$30,000;
 - Replacement tree planting - \$15,000; and
 - Tree Watering - \$8,000.

ORDINARY COUNCIL MEETING MINUTES – 8 JUNE 2010

Council's 2010-11 draft budget incorporates an additional \$10,000 to provide a total of \$125,000 in the Civil Operations tree maintenance area. It is anticipated that a significantly greater budget allocation is required in this area in order to effectively manage the tree asset both now and into the future. This is particularly the case with some stands of older street trees now reaching the end of their useful lives and requiring replacement.

As outlined in this report, there is a proposed once every four years tree assessment for Council's trees with an estimated cost of \$50,000 per assessment. A part-only assessment of Council's trees is proposed for 2010-11 with a draft budget of \$12,000 allocated in the assets area. The proposed tree assessment aims to define a prioritised works program that will aid in managing the risk associated with street trees.

This TMP provides a strategic approach to street tree planting and replacement and may form a ready basis for specific grant applications e.g. maintenance and replacement of heritage value street trees. It is anticipated that further to a tree assessment there may be considerable resources required to ensure Indigo's tree assets are brought up to standard.

POLICY IMPLICATIONS

The TMP includes a considerable amount of policy associated with tree management, risk mitigation, maintenance, assessment, removal, protection and street tree theme proposals. These all have a potential impact on the way Council does things. The policy outlined in the TMP in many cases mirrors current operational practice.

The TMP is open to periodical review and continuous improvement and remains an open document for the purposes of amendment and addition.

CONCLUSION

The Indigo Shire Tree Management Plan has been finalised and incorporates amendments to the draft further to submissions from the community. The Plan aims to provide a framework for how Council manages its trees and documents relevant street tree themes for its townships.

Attachment:
Indigo Shire Tree Management Plan

13.0 GOVERNANCE

13.1 COUNCIL ADVISORY COMMITTEE’S REPORT

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

For Decision

RECOMMENDATION

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

| Committee | Date of Meeting |
|---|------------------------|
| Indigo Tourism Advisory Committee | 21 May 2010 |
| Indigo Environmental Advisory Committee | Nil |
| Heritage Advisory Committee | 20 May 2010 |
| Arts & Cultural Advisory Committee | Nil |
| Disability Advisory Committee | 17 May 2010 |
| Finance Committee | Nil |
| Audit Committee | 19 April 2010 |
| Burke Museum & Historic Precinct Advisory Committee | Nil |

2. **That the following Advisory Committee resolutions be ratified by Council.**

| Committee | Resolution | Moved | Seconded |
|--|--|--------------|-----------------|
| Indigo Tourism Advisory Committee | <p>ITAC skills based members</p> <p>Six expressions of interest were received for the vacant skills-based positions and after discussion about the skill sets of candidates it was resolved that Brian Millar and Lanie Donaldson should be invited to fill the positions.</p> <p>Action: KB to request Council appoint Brian Millar and Lanie Donaldson to the two vacant Indigo Tourism Advisory Committee skills-based positions.</p> | | |

ORDINARY COUNCIL MEETING MINUTES – 8 JUNE 2010

3. That the following be adopted as outlined in the March Briefing Report titled “Getting the Best out of Audit Committees” (as appended).

| Item | | Responsible Officer |
|--|--|------------------------|
| <p>1. Audit Committee Charter</p> | <p>The committee does not currently have a charter which is a document that supports the foundation of everything the Audit Committee does and how they go about doing it.</p> <p>Without this, the committee lacks a clear point of reference, particularly for any new members joining. The introduction of a charter would allow for discussion and formal development of the committee’s purpose and objectives, role and responsibilities and would create a clear understanding for all involved in the committee what it is trying to achieve and the key areas of focus.</p> <p>Most importantly, it could be used as a basis to ensure that the Audit Committee discharges its responsibilities required by the charter (in conjunction with the Annual Plan).</p> | <p>Jo Riley</p> |
| <p>2. Annual Plan</p> | <p>The committee does not currently have a formal Annual Plan. With the absence of an Annual Plan it is difficult for the Audit Committee to set goals and acknowledge when those are achieved. An Annual Plan should include a programme which addresses all of the Audit Committees’ responsibilities, refer directly to the Audit Committee Charter, list the types of tasks to be achieved for the year and who the responsible council officer is in relation to that item.</p> <p>The Annual Plan information could then be fed into each relevant meeting agenda to ensure each topic is covered off at the appropriate time.</p> <p>Consideration would need to be given to the annual financial reporting and the approval of both the Internal Audit Plan and the External Audit Strategy.</p> | <p>Jo Riley</p> |
| <p>3. Performance Assessment</p> | <p>At a nominated time each year, the committee would evaluate its own performance both of individual members and the collective group including whether goals are being achieved effectively and efficiently and in compliance with the relevant Acts. This would allow the opportunity for assessment on what tasks/projects/opportunities have been missed, why those were not achieved and where improvements could be implemented.</p> | <p>Jo Riley</p> |

Moved: Cr Issell
Seconded: Cr Croucher

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

| Committee | Date of Meeting |
|---|-----------------|
| Indigo Tourism Advisory Committee | 21 May 2010 |
| Indigo Environmental Advisory Committee | Nil |
| Heritage Advisory Committee | 20 May 2010 |
| Arts & Cultural Advisory Committee | Nil |
| Disability Advisory Committee | 17 May 2010 |
| Finance Committee | Nil |
| Audit Committee | 19 April 2010 |
| Burke Museum & Historic Precinct Advisory Committee | Nil |

2. That the following Advisory Committee resolutions be ratified by Council.

| Committee | Resolution | Moved | Seconded |
|-----------------------------------|--|-------|----------|
| Indigo Tourism Advisory Committee | <p>ITAC skills based members</p> <p>Six expressions of interest were received for the vacant skills-based positions and after discussion about the skill sets of candidates it was resolved that Brian Millar and Lanie Donaldson should be invited to fill the positions.</p> <p>Action: KB to request Council appoint Brian Millar and Lanie Donaldson to the two vacant Indigo Tourism Advisory Committee skills-based positions.</p> | | |

3. That the following be adopted as outlined in the March Briefing Report titled “Getting the Best out of Audit Committees” (as appended).

| Item | | Responsible Officer |
|--|--|------------------------|
| <p>1. Audit Committee Charter</p> | <p>The committee does not currently have a charter which is a document that supports the foundation of everything the Audit Committee does and how they go about doing it.</p> <p>Without this, the committee lacks a clear point of reference, particularly for any new members joining. The introduction of a charter would allow for discussion and formal development of the committee’s purpose and objectives, role and responsibilities and would create a clear understanding for all involved in the committee what it is trying to achieve and the key areas of focus.</p> <p>Most importantly, it could be used as a basis to ensure that the Audit Committee discharges its responsibilities required by the charter (in conjunction with the Annual Plan).</p> | <p>Jo Riley</p> |
| <p>2. Annual Plan</p> | <p>The committee does not currently have a formal Annual Plan. With the absence of an Annual Plan it is difficult for the Audit Committee to set goals and acknowledge when those are achieved. An Annual Plan should include a programme which addresses all of the Audit Committees' responsibilities, refer directly to the Audit Committee Charter, list the types of tasks to be achieved for the year and who the responsible council officer is in relation to that item.</p> <p>The Annual Plan information could then be fed into each relevant meeting agenda to ensure each topic is covered off at the appropriate time.</p> <p>Consideration would need to be given to the annual financial reporting and the approval of both the Internal Audit Plan and the External Audit Strategy.</p> | <p>Jo Riley</p> |
| | | |

ORDINARY COUNCIL MEETING MINUTES – 8 JUNE 2010

| | | |
|---|---|------------------------|
| <p>3. Performance Assessment</p> | <p>At a nominated time each year, the committee would evaluate its own performance both of individual members and the collective group including whether goals are being achieved effectively and efficiently and in compliance with the relevant Acts. This would allow the opportunity for assessment on what tasks/projects/opportunities have been missed, why those were not achieved and where improvements could be implemented.</p> | <p>Jo Riley</p> |
| <p>Carried Unanimously</p> | | |

INTRODUCTION

A copy of the minutes from the abovementioned meetings is appended to this agenda.

BACKGROUND

Please refer to the appended minutes.

KEY IMPLICATIONS

Not applicable.

FINANCIAL IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

Not applicable.

CONCLUSION

Not applicable.

Attachments:
 Indigo Tourism Advisory Committee – 21 May 2010
 Heritage Advisory Committee Minutes – 20 May 2010
 Disability Advisory Committee – 17 May 2010
 Audit Committee Minutes – 19 April 2010
 "Getting the Best out of Audit Committees" – March Briefing Report

13.2 COUNCIL PLAN

File No.: Brendan McGrath - Chief Executive Officer

For Decision

RECOMMENDATION

That Council:

- 1. Adopts the Indigo Shire Council Plan for the period 2010 – 2013 as amended;**
- 2. Submits the updated Council Plan 2010 – 2013 and Strategic Resources Plan to the Minister for Local Government as required under Section 125 of the Local Government Act 1989; and**

**Moved: Cr Goldsworthy
Seconded: Cr Pockley**

That Council:

- 1. Adopts the Indigo Shire Council Plan for the period 2010 – 2013 as amended;**
- 2. Submits the updated Council Plan 2010 – 2013 and Strategic Resources Plan to the Minister for Local Government as required under Section 125 of the Local Government Act 1989.**

Unanimously Carried

INTRODUCTION

This report presents the Indigo Shire Council Plan and Strategic Resource Plan (SRP) for adoption by Council.

BACKGROUND

Following the 2008 Council Election, Council went through a rigorous process in accordance with Section 125 of the Local Government Act 1989 in preparing the Council Plan for the period 2009-2012 including:

DINNER CONVERSATIONS:

Various towns across the Shire including, Rutherglen, Beechworth, Yackandandah, and Kiewa Tangambalanga hosted a series of workshops. Local community facilitators were placed on each table guiding the conversation to cover various topics.

Attendance at these sessions was greater than anticipated. The turnout was as follows:

- | | |
|--|-----|
| • Rutherglen/Wahgunyah | 74 |
| • Chiltern/Barnawartha | 71 |
| • Beechworth/Stanley/Wooragee | 91 |
| • Yackandandah/Allans Flat/Osbornes Flat | 65 |
| • Kiewa/Tangambalanga | 81 |
| • Total Attendance | 382 |

COMMUNITY SURVEY

A 20-question community survey was created and placed online at www.indigoshire.vic.gov.au. Prizes were offered for those who completed the survey which covered topics:

- The method of communication you prefer to receive information from Indigo Shire;
 - Customer service rating for the Shire;
 - Delivery of services such as, roads, health, recreation, tourism and economic development;
 - What you like about living in the Indigo Shire; and
 - How to increase participation in your local community.
- A total of 930 surveys were completed online or face to face.

The 2010-2013 update included a repeat of the survey above by on-line, hardcopy and insert in the O&M. A total of 286 surveys were returned and analysed. The purpose of this process was to test whether priorities had remained unchanged or whether new issues had arisen from the community's perspective.

A draft version of both plans was made available for public comment and there were no submissions .

KEY IMPLICATIONS

The community survey conducted for the updated Council Plan showed that overall there was a strong increase in respondents' satisfaction with Council's performance, underpinned by improved communication and engagement processes, high levels of good customer service and quicker response to issues of concern. The Council was seen as innovative. The perception from the survey was of a happier Indigo community that values the spirit of the people, its history and the environment. Over a third of respondents (36%) felt their dealings with Council had improved over the previous 12 months. Comments included that they felt Council staff had a renewed sense of wanting to communicate and enjoyed the results of such relationship building. Respondents also indicated consultation techniques had improved. They felt Council was beginning to understand the community better by making a concerted effort to listen

This was a pronounced improvement on results from the first community survey, which indicated residents felt they were not listened to, and were consequently highly critical of the Council and how it goes about its work.

FINANCIAL IMPLICATIONS

The Strategic Resource Plan details, documents and quantifies the financial and non-financial resources required to deliver the Council Plan and has been updated to reflect the forward four financial years. This plan will be greatly strengthened by the completion of a long -term financial plan over the balance of the 2010 year.

POLICY IMPLICATIONS

The Council Plan is an important document and is Council's Strategic Plan for the next four years and will guide our priorities and activities over that period.

CONCLUSION

The Council Plan and Strategic Resource Plan are presented for final consideration.

Please note that the final version hasn't changed except for the correction of minor typographical errors.

Attachment:
CD - Council Plan 2010 - 2013

13.3 UPDATED COMMUNICATIONS POLICY

File No.: M450.7- Roberta Baker – Communications Advisor

For Decision

RECOMMENDATION

That Council adopts the updated Communications Policy.

Moved: Cr Goldsworthy
Seconded: Cr Issell

That Council adopts the updated Communications Policy.

Unanimously Carried

INTRODUCTION

The need for a new policy became apparent after the community consultation meetings and a community survey in January and February 2009 for the Council Plan 2009-12. Residents were critical of Council's communication and engagement with them and nominated various ways Council could improve in this area.

BACKGROUND

A Working Group of Crs Pockley, Goldsworthy and Issell, Media and Communications Officer Nell Showers and Communications Adviser Roberta Baker met over several months last year to write a new Communications Policy, which built on previous communication and engagement policies, but replaced them. The new Policy was adopted by Council at its September 2009 meeting and it states it must be reviewed annually. That review has taken place now, rather than September, to take account of feedback in the latest community survey and the updated Council Plan 2010-13.

KEY IMPLICATIONS

The Policy has had an impact on staff and Councillors. It has fostered cultural change to provide improved communication processes and better engagement with our community. The Policy works hand-in-hand with the Council Plan. In the second community survey conducted earlier this year, residents acknowledged a strong improvement in Council's communication and engagement with them.

FINANCIAL IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

The working group agreed the Policy required only minor adjustments to the first page. These included a reference to the award Council received for the community-driven consultation process for the initial Council Plan. This consultation process was a joint winner with the City of Melbourne of the LGPro Corporate Planners Network 'Excellence in Local Government Corporate and Community Planning Award' in November 2009. The award underpins the importance of Council continuing to build better relationships with the community.

Other changes on the first page include reference to the second community survey earlier this year which acknowledged a strong improvement in Council's communication and engagement processes, the improved structure for community forums and other public meetings, and the improved content of Council publications such as the Indigo Informer newsletter and the Indigo Connection advertisement in the weekly Ovens & Murray Advertiser. Mention is also made of a new Council website under production, which will also improve communication.

In the rationale, eight words were inserted at the end of the first sentence. ie Our Council continues to demonstrate a willingness to work closely with residents to identify a common vision for the shire and to put that vision into action.

In the definition, the meaning of 'timely' was extended. i.e. 'Timely' means occurring within a suitable amount of time or occurring at a suitable time.

CONCLUSION

The working group felt the Policy was effective and did not need major changes. The Policy is continuing to be instrumental in creating cultural change in helping people to value the benefits of improved communication leading to better relationships with our community.

Attachment:
Communications Policy

14.0 NOTICES OF MOTION

Nil.

ORDINARY COUNCIL MEETING MINUTES – 8 JUNE 2010

15.0 COMMITTEE AND DELEGATES REPORTS FOR MAY (ALL ARE FOR INFORMATION ONLY)

15.1 CR GAFFNEY - MAYOR

| DATE | TIME | FUNCTION/EVENT |
|------|---------|---|
| 1 | 1pm | Environment Strategy Launch, Beechworth |
| 2 | 10am | Old Cranks Motor Club Welcome Entrants, Beechworth |
| | 2pm | Old Cranks Motor Club Trophie Presentation, Beechworth |
| 4 | 4pm | Council Briefing Meeting, Yackandandah |
| 7 | 3.30pm | Harvest Festival Meeting, Beechworth |
| 8 | 11.30am | Official Opening Coulston Park, Tangambalanga |
| 10 | 10am | Meeting with CEO, Beechworth |
| | 2pm | National Volunteers Week Afternoon Tea, Beechworth |
| 11 | 2pm | Briefing / Council Meeting / Community Forum, Tangambalanga |
| 12 | 9am | Skeleton Hill Meeting, Chiltern |
| | 10am | Harvest Festival Meeting, Beechworth |
| | 2pm | National Volunteers Week Afternoon Tea, Yackandandah |
| 13 | | Indigo North Health Dinner, Chiltern |
| 14 | 2pm | National Volunteers Week Afternoon Tea, Rutherglen |
| | 7pm | Harvest Festival Gala Dinner, Beechworth |
| 15 | | Harvest Festival, Beechworth |
| 16 | | Harvest Festival, Beechworth |
| 17 | 8.30am | Media Training, Beechworth |
| | 10am | Meeting with CEO, Beechworth |
| | 5.30pm | Draft Hume Strategy Regional Plan, Wodonga |
| 18 | 9am | Old Hospital Site Meeting, Beechworth |
| | 4pm | Budget Workshop, Yackandandah |
| 19 | 4.30pm | Community Grants Meeting, Yackandandah |
| 21 | 9.30am | Indigo Tourism Advisory Committee Meeting, Yackandandah |
| | 2pm | Rutherglen Wineboard Meeting, Rutherglen |
| 25 | 4pm | Briefing / Special Meeting, Yackandandah |
| 28 | 6pm | Indigo Heritage Awards, Chiltern |
| 31 | 6pm | Baarmutha Park CEO Meeting, Beechworth |

15.2 CR POCKLEY - DEPUTY MAYOR

| DATE | TIME | FUNCTION/EVENT |
|------|----------|--|
| 1 | 10 am | Yackandandah Garden Society – Open Gardens Day |
| | 1 pm | Launch of Environmental Strategy, Beechworth |
| | 2 pm | Electric Car Launch, Beechworth Sustainability Group |
| 3 | 9 am | Heritage awards calendar – copy sub-group |
| 4 | 4 pm | Councillor briefing, Yackandandah office |
| 10 | 8.30 am | Planning Dept inspection |
| | 9.15am | NERWA Yackandandah Community Consultation Meeting, Yackandandah |
| 11 | 2 pm | Council Briefing |
| | 3 pm | Council Meeting |
| | 6.30 pm | Community Forum, all at Tangambalanga |
| 12 | 2 pm | National Volunteers Week – tea party for Yackandandah, Kiewa, Tangambalanga and Kergunyah volunteers |
| 13 | 3.15 pm | Meeting with Tourism Manager, Beechworth Office |
| 14 | 11.30 am | Meeting with Chiltern constituent and Community Strengthening Office, Chiltern |
| | 2 pm | National Volunteers Week – tea party for Chiltern, Rutherglen and Wahgunyah volunteers – Rutherglen |
| | 6.30 pm | Speaker at Lifeline’s 30 th birthday party, Albury |
| 15 | All day | Beechworth Harvest Market – fundraiser for Marysville, post-bushfires, Christ Church, Beechworth |
| 17 | 8.30 am | Media training, Beechworth office |
| | 4.15 pm | Meeting with Community Strengthening Officer |
| | 5 pm | Community Meeting at Middle Indigo Primary School regarding Community Strengthening Project |
| 18 | 3 pm | Council briefing, Yackandandah Office |
| 20 | 10 am | Junior Council, Chiltern Primary School Indigo Heritage Advisory Committee, Council Chambers – Rutherglen |
| 21 | 8 am | Burke Museum S86 committee meeting, Beechworth office |
| | 10 am | Soil Carbon workshop – TAFE Wangaratta |
| 23 | 5.30 pm | Beechworth Neighbourhood Centre, Board Meeting |
| 25 | 4 pm | Special Council Meeting, Yackandandah office |

ORDINARY COUNCIL MEETING MINUTES – 8 JUNE 2010

| | | |
|----|---------|--|
| 26 | 10 am | Morning tea, Middle Indigo Primary School |
| 27 | 6.30 pm | AVCLP Graduation, Wangaratta Gateway Hotel |
| 28 | 6 pm | Heritage Awards Night, Star Cinema, Chiltern |

15.3 CR GRAHAM

| DATE | TIME | FUNCTION/EVENT |
|-------|---------|---|
| 1-3 | | Personal Leave |
| 4 | 4pm | Briefing Meeting, Yackandandah |
| 5 | 1pm | NevRWaste Meeting, Wangaratta |
| 7 | 10am | Murray Darling Association Meeting, Tallangatta |
| 8 | 11.30am | Official Opening Coulston Park, Tangambalanga |
| 9 | | Farmers Market, Rutherglen |
| 10 | 2pm | National Volunteers Week Afternoon Tea, Beechworth |
| | 6.30pm | The Legacy Club of Albury Annual Dinner, Corowa |
| 11 | 2pm | Briefing / Council Meeting, Tangambalanga |
| 12 | 9.30am | MAV Planning Fundamentals Workshop, Benalla |
| 13 | All Day | NevRWaste Meeting, Wangaratta |
| | 6.30pm | Rotary Club of Rutherglen Business Dinner, Rutherglen |
| 14 | 2pm | National Volunteers Week Afternoon Tea, Rutherglen |
| | 6.30pm | Rutherglen RSL Dinner, Rutherglen |
| 17 | 10am | Murray Darling Association Meeting, Albury |
| 20 | All Day | Veterans Affairs, Melbourne |
| | 6.30pm | Planning Permit PP09-0240 Focus Meeting, Rutherglen |
| 22-26 | All Day | Veterans Affairs, Canberra |
| 27 | 9.30am | MAV Meeting Conduct & Negotiation Workshop, Benalla |

15.4 CR CROUCHER

| DATE | TIME | FUNCTION/EVENT |
|------|---------|---|
| 4 | 4pm | Council Briefing Meeting, Yackandandah |
| 8 | 11.30am | Official Opening of Coulston Park, Tangambalanga |
| 10 | 2pm | National Volunteers Week Afternoon Tea, Beechworth |
| 11 | 2pm | Briefing / Council Meeting / Community Forum, Tangambalanga |
| 12 | 2pm | National Volunteers Week Afternoon Tea, Yackandandah |
| 14 | 2pm | National Volunteers Week Afternoon Tea, Rutherglen |
| 16 | | Harvest Festival, Beechworth |
| 18 | 4pm | Budget Workshop, Yackandandah |
| 19 | 4.30pm | Community Grants Meeting, Yackandandah |
| 20 | 10am | Junior Council Meeting, Chiltern |
| | 3pm | Indigo Heritage Advisory Committee Meeting, Rutherglen |
| 21 | 9.30am | Indigo Tourism Advisory Committee Meeting, Yackandandah |
| 25 | 10am | Upper Murray Regional Library Meeting, Wodonga |
| | 4pm | Briefing Meeting / Special Meeting, Yackandandah |
| 27 | All Day | MAV Meeting Conduct & Negotiation Workshop, Benalla |
| 28 | 6pm | Indigo Shire Heritage Awards, Chiltern |

15.5 CR GOLDSWORTHY

| DATE | TIME | FUNCTION/EVENT |
|-------|---------|---|
| 4 | 4pm | Briefing Meeting, Yackandandah |
| 11 | 2pm | Briefing / Council Meeting / Community Forum, Tangambalanga |
| 18 | 4pm | Budget Workshop, Yackandandah |
| 20-21 | All Day | MAV Mastering Public Speaking Workshop, Melbourne |
| 24 | 2pm | Essential Services Commission Briefing, Wodonga |
| 25 | 4pm | Briefing Meeting / Special Meeting, Yackandandah |
| 27 | 9.30am | MAV Meeting Conduct & Negotiation Workshop, Benalla |
| 28 | 9am | MAV State Council Meeting, Melbourne |

15.6 CR ISSELL

| DATE | TIME | FUNCTION/EVENT |
|------|--------|---|
| 4 | 4pm | Briefing Meeting, Yackandandah |
| 11 | 2pm | Briefing / Council Meeting / Community Forum, Tangambalanga |
| 14 | 9.30am | Meeting with CEO, Beechworth |
| | 10am | Street Walk, Signage Policy, Beechworth |
| 18 | 4pm | Briefing Meeting, Yackandandah |
| 21 | 8am | Burke Museum Advisory Committee Meeting, Beechworth |
| | 9am | Meeting with Senior Planner, Beechworth |
| 25 | 4pm | Briefing / Special Meeting, Yackandandah |
| 28 | 5.30pm | Meeting with Constituent, Chiltern |
| | 6pm | Indigo Heritage Awards, Chiltern |

15.7 CR MURDOCH

| DATE | TIME | FUNCTION/EVENT |
|-------|---------|---|
| 4 | 4pm | Briefing Meeting, Yackandandah |
| 8 | 12pm | Tangambalanga Football Hall Opening |
| 10 | 8.30am | Planning meeting on site, Silver Creek |
| | 2pm | Volunteers Week Afternoon Tea, La Trobe Beechworth |
| 11 | 2pm | Briefing / Council Meeting / Community Forum, Tangambalanga |
| 12 | 9.30am | MAV Planning Fundamentals, Benalla |
| 14 | 2pm | Volunteers Week Afternoon Tea, Rutherglen |
| 17 | 5.30pm | Draft Hume Strategy Regional Plan, Wodonga |
| 18 | 4pm | Budget Workshop, Yackandandah |
| 20-21 | All Day | MAV Mastering Public Speaking Workshop, Melbourne |
| 25 | 4pm | Briefing / Special Meeting, Yackandandah |
| 27 | 9.30am | MAV Meeting Conduct & Negotiation Workshop, Benalla |
| 28 | 6.30pm | Indigo Shire Heritage Awards, Chiltern |

16.0 GENERAL BUSINESS

| COUNCILLOR | |
|-------------|---|
| Issell | <p>National Tidy Towns Award – what actions have occurred to date to maximise benefit of this achievement.</p> <p>Mark Florence – signage has been arranged for towns that won the award(s).</p> <p>CEO – have completed PR work through Indigo Informer and will look into completing further promotional work for this significant award.</p> |
| Goldsworthy | <p>Planning Scheme Amendment – request to commence planning scheme amendment has been sent to Minister and residents have been notified.</p> |
| | <p>Skeleton Hill – draft plan is being considered by DPI, we are awaiting response. Aim is to have a report to Council in August or September 2010.</p> |
| | <p>Interpretive Centre for Mt Pilot National Park Chiltern – report will be coming to Councillors.</p> |
| Pockley | Beechworth Dog Pound |

Moved: Cr Pockley
Seconded: Cr Issell

That all work on the Beechworth Pound be halted pending a report on the alternatives from the relevant Officer.

Unanimously Carried

17.0 CONFIDENTIAL

**Moved: Cr Pockley
Seconded: Cr Murdoch**

That the open meeting of Council be moved into confidential session.

UNANIMOUSLY CARRIED

**Moved: Cr Graham
Seconded: Cr Murdoch**

That the following motions moved in confidential session of the Council Meeting be moved in the open session of Council:

That Council:

- 1. Give public notice of its intention to sell land described as:**

**Lots 1-8, Plan of Subdivision PS 635249T, Kiewa- Bonegilla Road
Tangambalanga.**

Lots 1-3, Plan of Subdivision PS 635247X, Steel Road Yackandandah.

Lots 1-5, Plan of Subdivision PS 608687V, Railway Ave Yackandandah.

- 2. Receive and note the valuation reports prepared by LG Valuation Services dated April 23 2010, pursuant to S189 (2) (b), in relation to land described in 1 above;**
- 3. Instigate S223 processes pursuant to S189 (2) & (3) of the LGA89 and for submissions to be heard by Council at the July 13 2010 Council meeting.**
- 4. Consider submissions received per 3 above, and a further Council report at the July 2010 Council meeting.**

Unanimously Carried

That Council:

- 1. Adopt the 12 month CEO Annual Performance Review report,**
- 2. Determine the CEO's Total Remuneration Package is increased by 5% from the date of the CEO's 2 year anniversary,**
- 3. Determine that the review Remuneration Package be placed on Council's Public Register of Senior Officer Remuneration.**

Unanimously Carried

Meeting Concluded: 5.56pm

Next Meeting: 13 July 2010 – Senior Citizens Hall, Chiltern