



INDIGO SHIRE COUNCIL

NOTICE is hereby given that the Ordinary Meeting of the Indigo Shire Council will be held on **Tuesday 5 August, 2008** in the **Senior Citizens Rooms, Conness Street, Chiltern** commencing at **7 pm**.

A handwritten signature in black ink, appearing to read "Brendan McGrath", is positioned above the printed name and title.

Brendan McGrath
Chief Executive Officer

AGENDA

- 1.0 Welcome - Mayor**
- 2.0 Opening Prayer**
- 3.0 Apologies and Leave of Absence**
- 4.0 Declaration of Pecuniary Interest and Conflict of Interest**
- 5.0 Open Forum**
- 6.0 Condolences**
- 7.0 Confirmation of Minutes**
 - Council Meeting 1 July 2008
 - Special Meeting of Council 15 July 2008
- 8.0 Business Arising (previous Minutes)**

OUR VISION IS

“A UNITED, PROSPEROUS AND ADMIRABLE COMMUNITY ENRICHING OUR ENVIRONMENT, HERITAGE AND RURAL LIFESTYLE: A GREAT PLACE TO LIVE, WORK AND VISIT.”

Table of Contents

9.0	DEPUTATIONS AND PETITIONS	1
10.0	ENVIRONMENT AND DEVELOPMENT	1
10.1	PLANNING APPLICATION 06/280 – BROWN (SSP)	1
10.2	SECTION 173 AGREEMENTS - (07/4155, 08/4200, 08/4229, 08/4318) (EDSM)	6
10.3	PLANNING APPLICATION PP08-4185 VJ & PM LEHMANN (STP)	9
10.4	BUILDING STATISTICS – JUNE 2008 (EDSM)	22
10.5	PLANNING STATISTICS – JUNE 2008 (EDSM)	23
10.6	ENVIRONMENT AND DEVELOPMENT SERVICES PROJECTS – JULY 2008	24
10.7	SECTION 173 AGREEMENTS - (07/4032) (EDSM)	26
11.0	OPERATIONS AND ASSETS	27
11.1	PROPOSED ROAD MANAGEMENT PLAN AMENDMENT (FILE NO: T320.1 – AM)	27
11.2	CAPITAL WORKS – PROGRESS REPORT – TO 24 JULY, 2008 (GMOA)	29
11.3	OPERATIONS DEPARTMENT – PROGRESS REPORT – TO 24 JULY 2008 (GMOA)	32
12.0	HEALTH AND WELLBEING	36
12.1	WAHGUNYAH MEALS ON WHEELS COMMITTEE – RESCISSION OF DEED OF DELEGATION (FILE NO: C505.2-03 - HWBM)	36
12.2	HEALTH & WELL BEING PROJECTS – PROGRESS REPORT – AUGUST 2008 (HWBM)	37
13.0	CORPORATE AND VISITOR SERVICES	39
13.1	INDIGO TOURISM BOARD (FILE NO:)	39
13.2	COUNCIL ELECTIONS 2008 (FILE NO: M247.1 – GMCVS)	40
13.3	TOURISM & MARKETING - PROGRESS REPORT – JULY 2008 (TMM)	41
14.0	FINANCE	42
14.1	JUNE 2008 FINANCE REPORT – (FILE NO: M064 – CFO)	42
15.0	GOVERNANCE	43
15.1	MUNICIPAL OFFICES PROJECT – SITE SELECTION (FILE NO: E971 – CEO)	43
16.0	NOTICE OF MOTION	44
17.0	COMMITTEE AND DELEGATES REPORTS	44
17.1	JULY DIARY - CR V ISSELL	44
17.2	MURRAY DARLING ASSOCIATION MEETING WODONGA COUNCIL OFFICES FRIDAY 11 JULY 2008 (Cr Peter Graham OAM)	45
17.3	JULY DIARY - CR P GRAHAM	47
17.4	TIMOR LESTE AND INDIGO SHIRE - MEMORANDUM OF UNDERSTANDING (MOU) (FILE NO: M220-03 - CR FRANCES WALSH)	48
17.5	INAUGURAL TIMOR LESTE – AUSTRALIA FRIENDSHIP CONFERENCE DILI (FILE NO: M220-03 - CR FRANCES WALSH)	51
17.6	JULY DIARY - CR FRANCES WALSH	55
17.7	JUNE AND JULY DIARY - CR A BANKS	55
17.8	MAV COUNCILLOR DEVELOPMENT WEEKEND – (FILE NO: M506-12 - CR JENNY DALE)	56
17.9	JULY DIARY - CR J DALE	59
17.10	JULY DIARY - CR W HOTSON	60
17.11	JULY DIARY - CR B MURDOCH	60
18.0	GENERAL BUSINESS	61
19.0	CONFIDENTIAL	61
19.1	PRINCIPLES FOR A FUNDING STRATEGY FOR THE COUNCIL OFFICE CONSOLIDATION PROJECT – (FILE NO: E971 – CEO)	61

9.0 DEPUTATIONS AND PETITIONS

10.0 ENVIRONMENT AND DEVELOPMENT

10.1 PLANNING APPLICATION 06/280 – BROWN (SSP)

For Decision

SUMMARY

Application No:	06/280
Applicant:	C Brown
Subject Land:	PC363768, 46 Pioneer Road, Stanley
Proposal:	Secondary consent – changes to windows (dwelling) and pergola
Recommendation:	Endorsement of part of proposal

RECOMMENDATION

- 1. That Council inform the applicant that the proposed pergola fails to comply with the Clause 1 of VCAT Order P197/2005 and P2241/2005 of 6 December 2005 in that the pergola will be higher than 2.7m.**
- 2. That Council endorse the plans submitted, excluding proposed changes to the approved pergola. This is a secondary consent under Condition 1 of Planning Permit PP06-280.**

BACKGROUND

Planning permit PP06-280 was issued on 1 October 2007 after Council's decision to refuse this application was set aside by the Victorian Civil and Administrative Tribunal (VCAT).

Planning Permit PP06-280 allows the subject land to be developed by the extension of the existing dwelling and the construction of a pergola in accordance with endorsed plans. A Copy of this Planning Permit (including plans endorsed in April 2008) is attached (**Attachment A**).

The landowner has now applied for secondary consent under a condition of the planning permit in order to get Council's endorsement of alternative plans. These plans propose changes to windows and the pergola. Copies of the alternative plans are included as **Attachment B**.

The subject site has an area of 5.4 hectares and is located on the outskirts of the township of Stanley. (See Locality Plan included as **Attachment C**). Legal access is obtained from Pioneer Road, Stanley.

The site slopes upwards from the north to south. Limited native vegetation is located on the site, as the site was cleared many years ago for the purposes of agricultural production.

The subject site consists of a dwelling and outbuildings. The dwelling and outbuildings are within close proximity of the southern property boundary and are clustered together. These buildings are located over 100m from the nearest neighbouring house.

Properties surrounding the subject site are rural lifestyle properties/hobby farms.

PROPOSAL

The applicant is proposing alternative window/door sizes and location in relation to the dwelling extension. The proposed windows/doors are minor adjustments on the original design and changes are mostly to windows on the northern side of the dwelling. Proposed changes include:

Approved	Proposed
<u>Northern side of dwelling extension:</u> <ul style="list-style-type: none">• Two sliding doors (2100mm x 2100mm)• 1 x sliding sash window (2100mm x 2100mm)• 1 x sliding sash window (1500mm x 1500mm)	<ul style="list-style-type: none">• 1 x sliding door (2100mm x 2100mm)• 2 x sliding sash windows (1240mm x 2140mm)• 1 x sliding sash windows (1040mm x 1240mm)• 1 x sliding sash window (1240mm x 1040mm)
<u>Western side of dwelling extension:</u> <ul style="list-style-type: none">• 1 x sliding sash window (1500mm x 1500mm)• 1 x sliding sash window (1030mm x 2140mm)	<ul style="list-style-type: none">• 1 x sliding sash window (1240mm x 1040mm)• 1 x sliding sash window (1040mm x 1240mm)
<u>Southern side of dwelling extension:</u> <ul style="list-style-type: none">• 1 x sliding sash window (635mm x 650mm) – opaque glass• 1 x timber door (no window)	<ul style="list-style-type: none">• 1x sliding sash window (690mm x 690mm) – obscure glass• 1 x timber door with window (obscure glass)

The applicant also proposes changes to the pergola’s roof structure from a flat roof

structure to a pitched roof structure. The proposed pitched roof structure makes the pergola 400mm higher than the approved pergola. The overall height of the pergola is proposed to be 2.95m as apposed to the 2.55 m high pergola already approved.

PLANNING PROVISIONS

The following planning provisions are relevant to this application:

- Farming Zone (FZ)
- Environmental Significance 1 (High Quality Agricultural Land)
- Local Planning Policy Clause 22.01-2 Rural dwelling siting and design guidelines
- Clause 65 – Decision Guidelines. This clause requires that the responsible authority must decide whether a proposal will produce acceptable outcomes in terms of the decision guidelines of this clause. Decision guidelines included under this clause include:
 - The matters set out in Section 60 of the Act.
 - The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
 - The purpose of the zone, overlay or other provision.
 - Any matter required to be considered in the zone, overlay or other provision.
 - The orderly planning of the area.
 - The effect on the amenity of the area.
 - The proximity of the land to any public land.
 - Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
 - Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
 - The extent and character of native vegetation and the likelihood of its destruction.
 - Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
 - The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.

Condition 1 of Planning Permit PP06-280states:

The layout of the site, dimensions and elevations of the proposed development as shown on the plans endorsed pursuant to this condition shall not be modified or altered without the written consent of the Responsible Authority.

This application is an application for secondary consent under condition 1 of Planning Permit PP06-280.

The application does not conflict with any of the relevant provisions contained in the Planning Scheme. The proposed changes to the windows/doors of the dwelling extension are minor alterations to the location size and type of windows/doors. These alternative windows/doors being proposed do not alter the appearance of the dwelling extension significantly and therefore the proposal is acceptable under the Indigo Planning Scheme.

The applicant also proposes to change the pergola by altering the design of the roof structure from a flat roof structure to a pitched roof structure. The proposed pitched roof structure complies with the relevant provisions of the Indigo Planning Scheme. The proposed design is compatible with the existing buildings on the subject land and will not have a significant impact on the amenity of the area.

VCAT ORDER

As Council is aware, a VCAT Order dated 6th December 2005 relates to the subject site. As such any development on this land must meet the requirements of this Order.

This Order requires that:

- 1) *No further structures within 30 metres of the southern boundary (being the fence line shown on the Eslers survey dated 17 February 2004 (“Eslers Plan”) including but not limited to water tanks, sheds extensions to existing structures, lean-to-attachments or any structure requiring support from any existing structure except:
 - a) *A single storey alteration to existing shed (dwelling) no higher than the existing building from natural ground level) but no closer than 7.39 metres to fence line as shown on the Eslers Plan;*
 - b) *A pergola between the shed (dwelling) and the 5-bay shed at a height no greater than 2.7 metres; and*
 - c) *An alteration to horse shed for loose box/wood shed.**
- 2) *Any application for any such exempted building or works to be notified to the Whamonds prior the commencement of any such works.*
- 3) *No vegetation to be planted between the southern boundary and the shedding in compliance with Condition 9 of PP00-051.*
- 4) *Any change of use and/or further development or works including any dual occupancy application to the notified to the Whamonds.*
- 5) *Any amendments, including minor amendments, to existing permits on the Site to be*

notified to the Whamonds.

- 6) *Within 30 days hereof an agreement under Section 173 of the Planning and Environment Act 1987 (Vic) to be executed by Brown and Council and registered forthwith as resolved by Council as its meeting on 26 April 2000, such agreement to include items 1-5 (inclusive) and 7-10 (inclusive) and 12.*
- 7) *Removal at Browns expense by 30 June 2006 of the recently planted exotic vegetation along the southern boundary except for the conifers located near the boundary east of the water tank.*
- 8) *Within 30 days, at Browns' expense, Brown will engage APT Trees or another qualified arborist (of certificate 4 level) to the satisfaction of Council and the Whamonds to reassess the tree on the boundary near the garage (PP03-334) and recommend remedial action. At Brown's expense, Brown, subject to confirmation by the Whamonds, to take all remedial action recommended by the arborist within 21 days of receipt of the arborist's report. A copy of the arborist's report to be provided to the Whamonds within 2 days of receipt by Brown and before any remedial work commences.*
- 9) *Brown to plant at Brown's expense within 30 days, screening native vegetation to a maximum height to 3 metres and a depth of 5 to 6 metres to supplement the conifers (2.5 metre additional) from water tanks attached to PP02/071 extending to east boundary fence.*
- 10) *Brown to construct at Brown's expense a 2.5 metre high Colorbond steel fence (approximately 'Pale Eucalypt' in colour) on boundary line as shown by fence line on Esler Plan from the Whamonds' western boundary to the eastern-most building or tank. Construction to commence within 30 days of issue of the Whamond's possessory title or otherwise agreed by the Whamonds.*
- 11) *Council to pay the Whamonds within 30 days \$7, 500.00 in costs.*
- 12) *At least 40 native plants of species to the satisfaction of Council must be planted within the Site by Brown before 30 June 2006.*

Clause 1 and 2 of the VCAT Order is of particular relevance to this application. The proposed altered pergola will exceed the height limit placed on this structure by the VCAT order.

PUBLIC NOTICE

As directed under Clause 2 of the VCAT order, the adjoining landowners were notified of this application for secondary consent under Condition 1 of the Planning Permit. A letter of objection was received. Issues raised in this letter can be summarised as follows:

- The overall height of the proposed pergola exceeds the height restriction placed on this structure by VCAT

DISCUSSION/CONCLUSION

Changes proposed to the size and localities of windows in the approved extension to the

dwelling are minor alterations to the final design of this extension. These changes are mostly related to the northern and western side of the proposed extension and would generally not be visible from the adjoining property. The part of the application related to these windows is considered acceptable and is recommended for approval.

Clause 1 of the VCAT (Order dated 6th December 2005) requires that no further structures be built within 30 metres of the southern boundary of the property, except for a number of structures including:

A pergola between the shed (dwelling) and the 5-bay shed at a height no greater than 2.7 metres

The proposed change to the pergola's roof structure will result in a total height of 2.95 metres, which clearly exceeds the 2.7 metre limit placed on the height of this structure by VCAT. As this part of the application does not comply with the VCAT Order, it is recommended that the part of the application related to the pergola be refused.

Attachment A: Copy of Planning Permit

Attachment B: Alternative plans submitted for endorsement

Attachment C: Locality Plan

10.2 SECTION 173 AGREEMENTS - (07/4155, 08/4200, 08/4229, 08/4318) (EDSM)

For Decision

RECOMMENDATION

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

- A) W & EE Sturzbecher**
- B) JE Rudd**
- C) JF McCormack**
- D) C Clarke**

INTRODUCTION

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

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

COMMENT

In the Agreements referred to, the responsibility of making application on behalf of Council to the Registrar of Titles office for the registration of the Agreement and the payment of all legal costs is that of the other party entering into the Agreement with Council.

BACKGROUND

- A)** Planning Permit **07/4155** relates to a boundary adjustment on land zoned FZ at Chiltern-Beechworth Road, Beechworth. The land is approximately 74ha in total area, and the boundary adjustment is to allow a water supply to be contained within the lot where it is presently used for stock & domestic supply. The permit issued on the basis that an Agreement under Section 173 of the Act be entered into with the Responsible Authority to ensure that the lots created are not able to be further subdivided so as to increase the number of lots.
- B)** Planning Permit **08/4200** relates to a proposed residential subdivision of land at Albert Rd, Beechworth into 3 Lots of approximately 2,588m², 775m², and 856m². The land presently contains a single dwelling and several large trees. The permit was issued on the basis that the owner enters into an agreement under Section 173 of the Act with the Responsible Authority to provide for the following:
- (a) No dwelling or outbuilding shall be constructed outside the building envelopes shown on Lots 1, 2 and 3.
- (b) Trees shown in Figure 6 of the arborist report (Arborescence Professional Tree Care) must not be removed, lopped or pruned and must be protected as follows:
- (i) A Tree Protection Zone must be established around trees and delineated by a fence prior to any site works (demolition, development or construction) taking place;
- (ii) The following shall be excluded from taking place within the Tree Protection Zone:
- built structures or hard landscape features (i.e. paving, retaining walls);
 - materials storage (i.e. equipment, fuel, building waste or rubble);
 - soil disturbance (i.e. stripping or grade changes);
 - excavation works (specifically surface-dug trenches for underground utilities), and;
 - pedestrian access (i.e. pathways).
- (iii) The following procedures shall be included in setting up and maintaining any Tree Protection Zone (TPZ):

- erect warning signs at regular intervals along the entire length of any TPZ fencing as per figure 5 of the arborist report;
- construct tree protection fencing to prevent pedestrian access into the protected area;
- mulch the TPZ area to a depth of 150mm with woodchips (if available used woodchip generated from on site tree clearing);
- irrigate TPZs periodically as determined by a consultant arborist;
- implement a “No Dig” policy within 2 meters of a TPZ, and;
- arrange for a qualified arborist to supervise any unavoidable excavation or construction work within 2.0m of any TPZ.

C) Planning Permit Application **08/4229** relates to the proposed construction of 9 storage units at Diffey Rd Beechworth. As the land is located in the Development Plan Overlay, a development plan was required to be submitted for approval prior to the permit being granted. The permit was issued on the basis that the owner must enter into an agreement under Section 173 of the Act with the Responsible Authority to ensure:

- (i) That the proposed 9 storage units as shown on the approved Development Plan can only be used for the purposes of storage;
- (ii) That the development and use of the land is in accordance with the approved Development Plan and in particular that no further development, storage of materials, or disposal of wastes may occur on that part of the site set aside for landscaping and drainage without the further written approval of the Responsible Authority, and;
- (iii) That the existing open drain within the property is maintained and protected to the satisfaction of the Responsible Authority.

D) Planning Permit Application 08/4318 relates to a re-subdivision of three lots into two Lots of approximately 44ha and 52.5ha in Gundowring Rd, Gundowring. The subject land has a total area of 96.5ha, and contains one existing dwelling. The planning permit was entered into subject to the condition that prior to the issue of a Statement of Compliance in respect of the Plan of Subdivision the landowner must enter into an agreement with Council under Section 173 of the Act which:

- (i) ensures that the lots created are not able to be further subdivided so as to increase the number of lots;
- (ii) provides notification that any future application for the development of proposed Lot 2 for the purposes of a dwelling would depend on the ability to comply with the provisions of the Indigo Planning Scheme in effect at the time, and in particular:

- (a) Clause 22.01-2 Rural Dwelling Siting and Design Guidelines;
- (b) Clause 22.03-4 Effluent Disposal & Water Quality;
- (iii) ensures that any future development of proposed Lot 2 for the purposes of a dwelling is restricted to a point below 240m AHD.
- (iv) provides notification to future landowners of Lot 2, of the need to contribute to Council the sum of Council's Road Contribution Levy in the event that the development of the land for the purposes of a dwelling is approved.

Attachment A: Locality/Site Plan – PP07/4155 Chiltern-Beechworth Rd, Beechworth.

Attachment B: Locality/Site Plan – PP08/4200 Albert Rd, Beechworth.

Attachment C: Locality/Site Plan – PP08/4229 Diffey Rd Beechworth.

Attachment D: Locality/Site Plan – PP08/4318 Gundowring Rd Gundowring

10.3 PLANNING APPLICATION PP08-4185 VJ & PM LEHMANN (STP)

For Decision

SUMMARY

Application No: PP-084185

Applicant: VJ and PM Lehmann

Subject Land: Part of Portion A Parish of Eldorado, CA 9 Section F Parish of Chiltern County of Bogong, CA 1 A Parish of Eldorado and CA 8 Section G Parish of Chiltern County of Bogong, 1948 Beechworth-Chiltern Road, Chiltern

Proposal: To use and develop a dwelling and associated outbuildings on the subject site for the purposes of habitation.

Date application lodged: 7 January 2008

Subject site area: Approximately 21ha.

Current use of subject site: The site is currently used for the grazing of cattle.

Recommendation: Refusal

RECOMMENDATION

That Council refuse Planning Application PP 084185 to use and develop Part of Portion A Parish of Eldorado, CA 9 Section F Parish of Chiltern County of Bogong, CA 1 A Parish of Eldorado and CA 8 Section G Parish of Chiltern County of Bogong for the purposes of a dwelling for the following reasons:

- 1) The proposal is inconsistent with the State and Local Planning Policy**

Framework of the Indigo Planning Scheme;

- 2) **The proposal is inconsistent with the purposes of the Rural Zone (Clause 35.01), and in particular:**
 - a) **The development and use is not associated with any genuine intensive agriculture and/or rural production;**
 - b) **The development of the subject land is not compatible with the purpose of the Rural Zone and will contribute to an increase in the concentration of dwellings in this locality;**
 - c) **The proposal will not necessarily facilitate agricultural use of land;**
 - d) **It cannot be demonstrated that the proposal is not solely for the purposes of providing for a future dwelling for rural living purposes only;**
- 3) **The proposal if approved would set an undesirable precedent in the area leading to an increase in concentration of dwellings in this locality and the fragmentation of rural land; and**
- 4) **The proposal is contrary to the provisions of Clause 65.01 of the Indigo Planning Scheme and in particular the orderly planning of the area.**

BACKGROUND**Description of the site**

The subject site is located approximately 2.7 km east of Chiltern in the Farming Zone and comprise of 4 titles, (1) Part of Portion A Parish of Eldorado, (2) CA 9 Section F Parish of Chiltern County of Bogong, (3) CA 1 A Parish of Eldorado and (4) CA 8 Section G Parish of Chiltern County of Bogong, which are contiguous, except for CA 9 Section F Parish of Chiltern which is dissected by the Beechworth – Chiltern Road. The subject property has an irregular form with the Beechworth – Chiltern Road forming the southern boundary and the Black Dog Creek Road forming the northern Boundary. The subject site is slightly undulating and clear of trees except along the Creek and roads boundaries. There are a number of sheds located just north of Beechworth – Chiltern Road approximately halfway between the most northern and southern corners of the subject site along this road. The original dwelling on the subject property burnt down in 1978 and the remains have not been used for this purpose ever since.

Surrounding land use

The subject site is surrounded by mostly agricultural properties of which the dominant uses are sheep and cattle grazing. There are houses on the properties to the north-west, west and south-west of the subject site. The surrounding properties range in size from 25 hectares to 191 hectares but the area in general consists of larger farms and display a typical rural character.

The Chiltern Quarry is located in the Iron Bark forest approximately 3km towards the

north of the subject site. The quarries lease runs out towards the end of 2009 and the operator has identified a hill approximately 1.3 km north of the subject site as one of their preferred options for the extraction of gravel. Although a formal application hasn't been lodged with Council yet, Cemex have submitted a letter of intent to apply for a licence for extracting gravel from this hill. Although the establishing of a quarry in this location is not a certainty the potential of it in the area could have an impact on future dwellings in close proximity to this operation.

Zoning of surrounding land:

Farming Zone

PROPOSAL

The proposal is to use and developed a dwelling on the subject property. The proposed dwelling is to be located approximately in the middle of CA 1A Parish of Eldorado County of Bogong which is approximately 200m north of the Beechworth – Chiltern Road. Power is available to the site.

ZONING AND PLANNING CONTROLS

Zoning: Farming Zone

Permit Trigger: Under the provisions of the Farming Zone a dwelling is a Section one use (no permit required) if the site is at least 40 ha. If the site is smaller than 40 ha the dwelling then becomes a Section two use (planning permit required). In this case the subject site is 21 ha, thus a planning permit is required.

STATE PLANNING POLICY

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

Settlement

- 15.01 Environment
- 15.07 Protection from wildfire
- 15.09 Conservation of native flora and fauna
- 15.12 Energy efficiency
- 17.05 Agriculture

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:

- 20.01 Operation of locale Planning Policies
- 21.01-4 Economy
- 21.01-5 Environment
- 21.03 Vision
- 22. Local Planning Policies
- 22.01-2 Rural dwelling sighting and design guidelines.
- 22.02-2 Land Use Development and subdivision in rural areas.

REFERRAL AUTHORITIES

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

North East Catchment Management Authority

- 1 The finished floor levels of a new dwelling should be a minimum of 450 mm above the general surrounding natural surface level.
- 2 In recognition of the Farming Zone it is also recommended that titles be consolidated to create viable farming lots.

VicRoads

- 1. Only one direct access will be permitted from Lot 3 to the Beechworth-Chiltern Road. This access shall be located at the existing driveway access located approximately 380 metres from the north-western boundary of Lot 3. This access shall be upgraded and sealed in accordance with the layout for a Typical Sealed Rural Driveway as shown on the attached drawing (Fig 3.11.2 (a) Sheet 2 of 9, Modified). Driveable end walls must be installed on the ends of the existing culvert in accordance with VicRoads' Standard Drawing SD 1991A (attached).
- 2. All works associated with the upgrade of the driveway are to be completed at no cost to VicRoads and the road reserve must be left in a neat, tidy and safe condition to the satisfaction of the responsible authority.
- 3. Construction activities within the arterial road reserve must be performed in

accordance with the relevant sections of VicRoads' Standard Specifications for Roadwork. Traffic management shall be conducted in accordance with a traffic management plan prepared in accordance with the Road Safety Act and Road Management Act Code of Practice for Worksite Safety – Traffic Management.

4. All buildings must be setback at least 20 metres from the Beechworth-Chiltern Road reserve boundary to the satisfaction of the responsible authority.

PUBLIC NOTICE

Public Notice/Advertising

Council gave notice of the application by mail to the owners and the occupiers of adjoining lots. No objections or submissions were received.

DISCUSSION/PLANNING MERITS

Site inspection

Senior Town Planner inspected the site during the processing of the application.

Assets & Operations Comments

The applicant was referred to Council's Assets & Operations Department. That department has recommended inclusion of a number of conditions in any approval. No objection to the issuing of a planning permit subject to inclusion of the following conditions:

- 1 Point of Access

The point of access to the site shall be a point that gives practical access to the building location to the satisfaction of the Responsible Authority.

- 2 Vehicle Crossings

- (i) Prior to the commencement of any on-site works any new vehicle crossings required, or any existing vehicle crossings not complying with current standards must be constructed at full cost to the applicant/owner, to the satisfaction of the Responsible Authority. A crossing permit must be obtained from the responsible authority and levels fixed.

- (ii) Prior to the commencement of any on-site works any other existing accesses not complying with current standards, or no longer providing an effective point of access, or otherwise redundant, including gateways and/or driveway crossings, must be removed and fenced across to prevent further vehicle access. The road reserve and road formation must be left in a neat and tidy manner to the satisfaction of the responsible authority.

- 3 Environmental Management

- (i) All works within the Beechworth Road or Black Dog Creek Road reserve, this section classified as a High Conservation zone, will be undertaken in accordance

with the requirements of the Indigo Shire Guidelines for Roadside Management and Code of Works Practice Plans.

- (ii) Prior to the commencement of any works, an assessment of the vegetation affected within the road reserve as a result of any new property accesses must be made by Council in conjunction with the vehicle crossing permit inspection.

4 Stormwater Drainage

- (i) The discharge of concentrated stormwater drainage into the road drains or culverts will not be permitted.
- (ii) All stormwater emanating from the developments approved by this permit must be disposed of within the curtilage of the property to the satisfaction of the responsible authority.
- (iii) The unnamed creek traversing lot 1A appears to have a substantial catchment and the propensity to carry large peak stormwater flows. Any works related to the development of a dwelling in its vicinity must make adequate provision for the conveyance of flood flows and prevention of soil erosion. Any culverts or works within this gully must make provision for a 100 year ARI storm. All works to be constructed in accordance with approved plans.

5 Road Infrastructure Contribution Levy

Prior to the commencement of the construction of a dwelling on site, where that dwelling is accessed from the Black Dog Creek Road, the applicant must contribute towards general road infrastructure improvements in accordance with Council policy at the time. The current contribution rate is \$1,500 per new allotment/development being a total of \$1500 in this instance.

Consideration of the planning merits of the proposal

It would be remiss of me attempting to run an argument on this case not having regard to the history of the properties involved in this case. The applicant also used to own CA 6 of Section 4 Parish of Barambogie which is located south-west of the subject site across the Beechworth Chiltern Road. This site was approximately 74 hectares and an application for subdivision was submitted to the former Chiltern Council (1982). This application was assessed under the old Chiltern Planning Scheme and approval was granted to subdivide the site into two allotments. Subsequent to this action the applicant again applied for the subdivision of one of the allotments created. This was also allowed by the former Chiltern Council subject to a condition that no dwelling will be constructed on Lot 3 of LP 206968T which came about through this subdivision. The reason for this was mainly due to the fact that this site was subject to a tenement control. In January 1975 approval was granted for the erection of a second dwelling on the subject site effectively developing the tenement to its maximum potential under the Chiltern Planning Scheme. Application for a third house was submitted and subsequently withdrawn in 1985. In 1995 an application was again lodged for a dwelling on the third allotment (Lot 3 LP206968T) which was refused by Indigo Shire Council. The subject property was sold and the new owner then applied for a planning permit to construct a dwelling on the subject property in 2004. With the introduction of the new format

planning schemes 28 January 1999 tenement controls has effectively fallen away and a permit was granted to use and develop the property for a dwelling.

In terms of the current application the applicant has also previously applied for a planning permit to construct a dwelling on CA 8 Section G, CA 9 Section H Parish of Chiltern and CA 1A Section M Parish of Eldorado three of the properties involved in the subject application. A planning permit was issued to use and developed a dwelling on the above mentioned properties. This permit was issued on 8/8/97, but the applicant did not act on this permit which therefore has lapsed in August 1999.

A reflection on the history of the property located across the Beechworth - Chiltern Road presents a classical example of what the current Farming Zoning trying to prevent. There was only one dwelling developed on this property prior to 1975 and the property consisted of an area of approximately 74 hectares, as such the subject site could have sustained a relatively productive farming enterprise. Due to a number of applications and Council decisions the subject site was subdivided into three allotments each containing a dwelling with very limited potential for agricultural production. Although this argument carries little weight in this case, the site being a different property, it never the less sets a good example of the eroding of productive agricultural land in the absence of strategic direction as is now articulated in the current State Planning Provisions, Local Planning Provisions, Municipal Strategic Statement and the Farming Zone.

The question that needs to be answered in this case now is whether the proposed dwelling will be in keeping with the character of the surrounding area and whether the proposed use will be prejudicial to agricultural production and/or lead to the fragmentation of agricultural land and the proliferation of dwellings in rural areas.

The character of the surrounding area can be described as open farmland use for broad acre agriculture for cattle and sheep grazing and ranges in lot sizes from approximately 25ha to 191ha.

Developing a dwelling on the subject site will take a relatively small portion of productive agricultural land out of production, which is not detrimental to the potential of the subject site (broad acre grazing), however allowing a dwelling on the site will have a negative impact on the surrounding agricultural production capacity in that this will artificially increase the land values of the area beyond that of agricultural land, which will further put pressure on subdivision and development of existing lots smaller than 40 ha.

The Municipal Strategic Statement at Clause 21.04 (Economy) and the Local Planning Policy at Clause 22.01-2 (Rural dwelling sighting and design guidelines) and the Farming Zone at Clause 35.07 reiterate the importance of agriculture in the Shire and state amongst others that the strengthening of the Shire's economy will be facilitated by a strategy of reinforcing the importance of agriculture to the region and allowing new industries and existing primary industries to diversify and expand in appropriate ways.

The Municipal Strategic Statement goes on at Clause 21.04 (Environment) and the Local Planning Policies at Clause 22.01-2 to emphasise the importance of the Shire's landscapes. The quality of the landscape setting of the Indigo Shire is also a great natural and community resource. The cultural value of the landscape within a number of areas of the Shire is high, evidenced by the classification applied to large areas of the Shire by the

National Trust (Victoria) and its attractiveness as a residential and tourist environment. In particular the protection of the visual quality and significance of the prominent hills, slopes and extensive open landscapes is a key goal of the Shire.

Agriculture in the Shire thus is important from an economic perspective in that it comprise a major component of economic activity in the shire and should therefore be protected. In protecting agriculture will not only maintain and increase agricultural production, but will also facilitate protection of the Shire's rural landscapes for which Indigo Shire is renowned and contribute to the tourist potential of the Shire, another major form of income for the Shire.

The MSS recognises that regional influences on the Shire create a pressure for realising rural lifestyle opportunities as well as the importance of, and the necessity to, support agriculture. In order to achieve a balance between the two, the Rural Living Zone is strategically applied to large areas within the Shire to direct the provision of this form of land use.

Due to the precedent that would be set for this locality if the application were to be approved, State policy in respect to the protection of agricultural land, including the impacts of decisions on land values, as well as the significance of the rural sector for the Shire's economy tends to outweigh the opportunities for rural living in this instance. Decisions made with respect to dwellings on existing small rural allotments, therefore need to be managed so as not to create de facto Rural Living Zones. Where there is the potential for this to occur, decisions should err on the side of caution and should reflect the underlying purpose of the Zone which is to:

- Implement the SPPF and LPPF including the MSS and local planning policy, and;
- Provide for the sustainable use of land for Extensive animal husbandry and Crop raising,

and not convert land used for this purpose to non-rural or residential uses because the land unit is unviable.

In an effort to provide protection for productive agricultural land the State Government has introduced the new format Farming Zones in July 2006. The State Government in collaboration with Council has thus "drawn a line" in its strategic planning for the shire. The line has the dual purpose of containing rural-residential development with little or no association with agriculture, and preventing "township sprawl". The subject site is in the Farming Zone, not a more mainstream residential zone.

This line is not absolute but reflects the hardening of attitudes to rural dwellings in the strategic planning, in both state and Council over the last five or six years.

In 1999, in its Final Report New Format Planning Schemes, Panels Victoria said:

The solution to the broad problem of the loss of productive agricultural land is to limit, where possible, the proliferation of residential use within agricultural areas, and to state clearly within the MSS the priorities the Council sees as applying in different areas. In this respect, it needs to be remembered that the objectives of the Rural Zone make no mention of residential use. It is the purpose of the Rural Living

Zone to only provide for residential use within a rural environment. ... The Rural Zone should be used where the primary purpose is for extensive animal husbandry and crop raising (ie farming). ...

The applicant proposed to continue to use the subject property for the purposes of cattle grazing. The applicant has provided no justification from an agricultural perspective as to why a dwelling would be reasonably required to conduct a farming enterprise on the property. The applicant merely states that he wants to sell the subject property and needs a planning permit for the use and development of a dwelling on the property, presumably to obtain a higher price for the property. In other words the applicant wants a planning permit purely for speculative purposes whereby the price of the subject land will artificially be inflated beyond the agricultural value of the land. This will have a negative impact on the existing agricultural production of the area due to the artificially inflated price of the property. Genuine farmers would not be interested in buying the subject property to increase the size of their properties and thereby increase agricultural production to make existing farms more viable. Although the proposal might have some benefits for agriculture given the agricultural potential of the property, this will be in essence a hobby farm, which is not compliant with the surrounding broad acre agricultural uses. Although a hobby farm cannot be classified as a residential use per se in general most hobby farms will be developed in the Rural Living Zone, which have a stronger connection with a residential use than a rural use.

Council's vision for the future of the subject area is as a productive, broad acre farming area. The attributes of this area that have led to this vision are areas of productive agricultural land and important rural landscapes. Council wishes to see this area continued to be used for stock raising (including sheep, cattle and horses) and intensive and extensive cropping as cropping and grazing contributes to the economy and character of the Shire. Council believes this area should continue to be an area whose primary use is sustainable and productive agriculture. Uses that in any way prejudice either agricultural activity in the area or agricultural landscapes will not be supported.

It is thus clear that Council will not support any use that is contrary to its vision for this area. The proposal will not only change the character of the area by allowing a dwelling on the property, but it will also change the type of agricultural pursuit from broad acre farming to small hobby farm type of agricultural pursuits which is contrary to its vision for this area.

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

There are a number of cases in recent years that have some relevance to this particular application and in particular:

- the appropriateness of dwellings in the context of the Rural Zone as well as State and local policies;
- the appropriateness of using the provisions of the Rural Zone to create de-facto Rural Living areas, and;
- the need to consider the strategic intent of the Planning Scheme as a whole rather than focussing on individual policies.

For instance:

In the case *Marzorini & Ors v Mitchell SC [1999] VCAT 1826 (3 November 1999)* the Tribunal concluded that:

The Tribunal considers that the proposal would represent a significant change to the rural nature of the area. We believe that the proposal does not accord with the local and State planning policies relating to the loss of agricultural land, and need for the careful planning to avoid ad hoc rural residential subdivision and development in rural areas.

In the case of *P. & B. Carter & Ors v Shire of Kilmore (1992/010190)*, the Tribunal stated that:

Without a planning permit for a dwelling, it is unlikely that there would be any pressure for these parcels to change hands. There would need to be a very good reason provided to permit a dwelling on any of the existing lots. ... there is no expectation that a dwelling should be permitted on every existing under-sized allotment within a rural area.

The provisions of the Rural Zone, at Clause 35.01 combined with the objective and implementation actions of Clause 17.05 of the SPPF (relating to Agriculture), impose a requirement not just to protect the State's agricultural base from the loss of high quality productive agricultural land, but also to consider the sustainability of rural activities on all categories of productive farmland.

In the case of *SMA Projects v Port Phillip City Council 2 VPR, 270* it is stated:

In coming to this view the Tribunal observed that while decision making under the Victoria Planning Provisions format planning schemes is to be "heavily influenced" by policy - and that the consistent application of policy over time can avoid the adverse effects of incremental change, through ad hoc decision making (a point noted at Clause 20 of the Planning Scheme) - policy must nevertheless be applied in an intelligent and flexible way having regard to the entire strategic and policy framework affecting the future use of land, while at the same time avoiding unfortunate outcomes in individual cases.

In the case of *Teac Australia PL v Port Phillip CC [1999] VCAT 1222* the Tribunal commented that:

when considering a proposal in relation to the policy framework set out in the planning scheme the preferred approach is to develop an overall picture of the policy framework and it is not necessarily correct or helpful to adopt a clause by clause analysis of the policy framework. In forming this overall picture the zone purposes, and the state planning policy framework, in particular clause 17.05 Agriculture, are as relevant as the clauses most debated in this application. [(reported in Bristow v Yarra Ranges SC [2004] VCAT 1815 (14 September 2004)]

In the case of *Sunbury Residents Association Inc. and Ors v Hume City Council and Eddie Hirsch (1999/85151)* the Tribunal said:

“Although the new scheme provides the discretion of a greater range of land uses to be considered, this does not mean that all of these land uses will result in an acceptable outcome...as set out in Clause 31.01-2...(which) makes it clear that proposals must be considered against the SPPF and LPPF in determining whether or not permission is granted for a use in Section 2. It is also relevant that the decision guidelines for the zone and those set out at Clause 65 require consideration to be given to the SPPF and LPPF,.....Accordingly, whether or not a particular proposal achieves an ‘outcome’ which is consistent with the planning scheme policies is a major factor to be considered when exercising discretion.”

In *Classic Home Constructions PL v Hobsons Bay CC [2004] VCAT 418 (17 March 2004)* it is stated:

The initial concern of the Tribunal is that the assessment and decision by Council in this matter seems to have been undertaken in isolation from important parts of the Hobsons Bay Planning Scheme. When new format planning schemes were introduced into Victoria in the late 1990s, they were intended to usher in a new era of decision making based on compliance with strategic direction rather than just statutory detail. The theory was that every Council would articulate its land use ambitions within its own Municipal Strategic Statement (the MSS) and this would drive decision making. So long as a Council had its strategy right, then decision making should logically follow. The elevation of strategic planning in decision making was explicitly emphasised by the fact that every time an assessment had to be made, the first stated purpose of every zone and every overlay said exactly the same thing:

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

The strategic direction in the scheme is therefore the starting point for assessment.

...Planning decisions often require a balance to be struck between competing strategies. In this instance, the Tribunal feels that the Council has "taken for granted" the degree of compliance with urban consolidation principles, neighbourhood character, heritage assessment, and a willingness to modify the plans and instead has focussed only on aspects of amenity to justify their refusal. That is not to say that these amenity aspects are not important. It is just that the decision is devoid of any attempt at a balancing of issues so as to produce (in the words of Clause 31.01-2 of the scheme) "... acceptable outcomes ..." in terms of the whole of the state and local planning policy framework. In simple terms, the perceived shortfalls in the Good Design Guide technique dealing with amenity have distracted Council from conducting a complete assessment of the application.

18 The Tribunal believes that Clause 31.01-2 provides some sort of clue as to how decision making should be structured under new format planning schemes. Clause 31.01-2 was inserted into the Victoria Planning Provisions (VPPs) after the advisory committee report into the original (1996) VPPs, and it was a direct result of the

observation that under the new schemes there was a much greater array of Section 2 'discretionary' uses than there had ever been before. Clause 31.01-2 neatly links the strategic and the statutory when it says:

Because a use is in Section 2 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 State Planning Policy Framework, the Local Planning Policy Framework, the purposes and decision guidelines of the zone and any of the decision guidelines in clause 65. 19 Quite apart from the need to link discretion to the strategy, the Tribunal suggest that the two important words in this Clause are 'acceptable outcomes'. In other words, the assessment and the decision should consider the totality of the scheme and determine whether or not the application would produce an 'acceptable outcome' in terms of the strategic and the statutory provisions. This helps direct the decision maker to the question of balancing all aspects of the scheme rather than selectively focusing on specific provisions one of which may be taken out of context.

The significance of placing policy in context is further commented on in "The role of strategy in the appeal process prepared by John Keaney presented at Planet Seminar Program: Preparing submissions to VCAT on 27 March 2001 where it is stated that:

- *The first aspect of this is the State Planning Policy Framework (SPPF). In my experience with both Council submissions and officer reports, this is one of the most overlooked parts of the new schemes. As already noted, one only has to look at the first purpose of every zone and every overlay to realise that this simply cannot be overlooked. ...While it is true that some of the SPPF is couched in general terms, it is equally true that there is very clear direction provided by some aspects of it including (for instance) fragmentation of rural land.*
- *"The MSS is the 'bigger picture' document telling the reader what Council is hoping to achieve over the next decade or so. Local policies on the other hand are the real decision making tools that should assist Council and the tribunal on a day to day basis. The officer report or the VCAT submission that, for instance, jumps straight to the Local Policies ignores the context within which the policy has been derived and, I suspect leaves the impression that the policy is being used to the exclusion of the rest of the scheme. I feel that the complete strategic journey needs to be explained both in a Council report and in a Tribunal Submission.*

In the case ***Widdison v Moorabool Shire Council [2002] VCAT 1535*** the tribunal stated:

I appreciate that the lots are small and have poor soil quality. This is not a situation where the desirability of removing high quality farmland from primary production is a critical issue. I accept Mr Eskdale's advice that the current use of the land for grazing is not a sustainable rural use. It occurs "as a hobby and to cover the rates". Nevertheless, the absence of an existing sustainable rural use does not by default mean that the development of dwellings is appropriate....

45. I can find no strategic support in the Planning Scheme for the proposed

dwelling. As highlighted by Mr Fadgyas and Mr Glossop the MSS recognises that fragmentation of rural land can occur where residential development takes place on rural areas with no link to the rural activities of the area and new residents start demanding that rural activities be modified. In particular, Clause 21.09 emphasises that rural residential development needs to occur in a planned and orderly manner. It should be located in rural living zones at the fringe of townships and controlled to avoid the conversion of quality agricultural land to non productive land uses. ...

60.... I consider that the proposed dwellings would have an adverse impact on the use of agricultural land in a broader sense. On that matter I accept the submissions of Mr Fadgyas and Mr Glossop that approval of these applications would create a "precedent" or at least raise expectations that other owners could also obtain permits. There are numerous small lots in the vicinity (perhaps hundreds throughout the Shire) that are undeveloped. As noted by Mr Fadgyas the creation of an expectation of development would lead to increase in property values of rural zoned land. This would make it more difficult for existing productive farms to continue in a viable form. In essence, every additional dwelling on rural land makes acquisition more difficult for genuine farmers. Incremental development on small lots would over time also lead to the substantial loss of productive land.

CONCLUSIONS

Although compliance can be demonstrated with a number of policies and decision guidelines that relate to the development aspects of the proposal, and despite the attractiveness of subject land for residential purposes due to its locality and nature with respect to servicing and infrastructure, having regard to the provisions of the Indigo Planning Scheme and the circumstances of the case it is concluded that the application should be refused.

Given the nature of the area it is considered that approval of the proposal would effectively lead to a de-facto rezoning of the land through increased pressure on Council to approve similar proposals for adjoining holdings based on the very reasons that the applicant has put forward as factors that limit the productivity and rural use of the subject land.

In this instance the problem exists that adjoining land can be fragmented and disposed of separately in existing allotments. If this was to occur, there would be substantial pressure for a number of dwellings under Council's Dwellings on Small Rural Allotments Policy. As the Responsible Authority needs to be consistent in its administration of the Indigo Planning Scheme, and there are no apparent differences between the subject land and other small rural lots in the locality, the area would effectively become a Rural Living Zone. Such a scenario is not supported by local policy, the MSS, the SPPF, the Zone or the decision guidelines of Clause 65. If this had been the intent of the Indigo Planning Scheme, and despite the fact that the application can be considered, it is contended that the Rural Living Zone would have been applied to the locality rather than the Rural Zone.

This land is ideally located in close commuter distance to Chiltern township, and land values are high. The approval of dwellings in rural areas unrelated to agriculture raises expectations that other owners could obtain permits. The creation of an expectation of

development would lead to increased property values and every additional dwelling on rural land makes acquisition of land more difficult for genuine farmers.

Having particular regard to the orderly planning of the area, consistency in interpretation of the planning scheme and considering the effect the proposal will have on adjoining land, it is therefore considered that the proposal should be refused.

Attachment A: Arial location of land

Attachment B: Confidential

10.4 BUILDING STATISTICS – JUNE 2008 (EDSM)

For Information

Property Locality	Description	Project Value	Approval Date
Carlyle	New Building	\$256,371	05/6/08
Rutherglen	Dwelling	\$248,519	05/6/08
Beechworth	Swimming Pool	\$27,000	01/6/08
Rutherglen	Swimming Pool	\$318,000	20/6/08
Kiewa	New Building	\$12,000	24/6/08
Rutherglen	New Building	\$24,080	02/06/08
Beechworth	New Building	\$334,000	04/06/08
Stanley	New Building	\$19,404	04/06/08
Yackandandah	Swimming Pool	\$9,500	04/06/08
Beechworth	Alteration	\$46,500	04/06/08
Yackandandah	Dwelling	\$145,638	10/06/08
Yackandandah	Change of Use	\$50,000	16/06/08
Rutherglen	Extension	\$109,862	17/06/08
Rutherglen	New Building	\$11,300	18/06/08
Beechworth	Re-stump	\$9,000	19/06/08
Beechworth	Extension	\$148,000	19/06/08
Tangambalanga	Dwelling	\$406,000	19/06/08
Allans Flat	Extension	\$70,000	20/06/08
Chiltern	Extension	\$7,626	23/06/08
Chiltern	New Building	\$9,990	23/06/08
Rutherglen	Dwelling	\$200,000	24/06/08
Wahgunyah	New Building	\$50,000	24/06/08
Rutherglen	New Building	\$11,220	25/06/08
Rutherglen	Extension	\$124,480	25/06/08
Yackandandah	Extension	\$111,992	27/06/08
Yackandandah	Extension	\$111,991	27/06/08
TOTAL		\$2,872,472.62	

10.5 PLANNING STATISTICS – JUNE 2008 (EDSM)**For Information**

Appl No	Locality	Proposed Use	Project Value	Decision
07125	Kiewa	Two (2) Lot Subdivision	0	Approved
PP074076	Rutherglen	Dwelling and horse facility	350,000	Withdrawn
PP074154	Rutherglen	Amenities block, and covered outdoor area	205,000	Approved
PP074172	Rutherglen	Two (2) Lot Subdivision	0	Approved
PP084198	Staghorn Flat	Dwelling	310,000	Refused
PP084207	Wooragee	Subdivision	0	Approved
PP084229	Beechworth	9 Storage Units	30,000	Approved
PP084236	Beechworth	Painting and Signage - Retail Shop	350	Withdrawn
PP084245	Rutherglen	Emergency Services Facility (Fire Station)	1,005,000	Approved
PP084250	Yackandandah	Boundary Realignment	0	Approved
PP084260	Rutherglen	Operate Farmers Market	0	Approved
PP084272	Beechworth	Alterations to Dwelling	230,000	Approved
PP084273	Rutherglen	Boundary Realignment	0	No permit required
PP084278	Rutherglen	Certification	0	No permit required
PP084281	Yackandandah	Rural Industry	1,300	Approved
PP084283	Rutherglen	Extension to Telecommunication Infrastructure	20,000	Approved
PP084284	Beechworth	Alteration to signage, and on-premises Liquor Licence	0	Approved
PP084290	Beechworth	Road Access	6,500	Approved
PP084293	Yackandandah	Shed	50,000	Approved
PP084294	Chiltern	Dwelling	180,000	Approved
PP084296	Yackandandah	Dwelling and Shed	110,000	Approved
PP084297	Kiewa	Additions to Shed	18,000	Approved
98166.2	Chiltern	Service Centre	0	Approved
PP084301	Wahgunyah	Shed	47,651	Approved
PP084302	Kergunyah	Shed	13,000	Approved
PP074112.1	Beechworth	Alterations and Additions to Dwelling	150,000	Approved
PP074149.1	Beechworth	Garage and Alterations to Dwelling	150,000	Approved
06137.1	Beechworth	Development Plan (4 Lot Subdivision)	0	Approved
PP084314	Rutherglen	Dam	3,000	No permit required
PP084317	Beechworth	Dwelling	245,000	Withdrawn
PP084318	Gundowring	Consolidation (3 lot to 2)	0	Approved
PP084319	Beechworth	Dwelling	0	Approved
06246.1	Chiltern	Dwelling	0	Approved
TOTAL			\$3,124,801	

10.6 ENVIRONMENT AND DEVELOPMENT SERVICES PROJECTS – JULY 2008

For Information

Projects underway are show in the following table.

Project	Current actions
Amendment C10 and C45 – Heritage Overlay	Amendment submitted to DPCD for approval. Amendment C10 abandoned due to lapse of time and replaced with Amendment C45. Awaiting Ministerial approval since March 2008.
Amendment C21 - Kiewa-Tangambalanga	<ul style="list-style-type: none"> • Structure Plan adopted by Council in May 2006. • Authorisation received was conditional and a protracted negotiation took place before DSE allowed exhibition to commence. • Exhibition period for the amendment closed 2 July 2007. Issues raised include Aboriginal heritage. Additional information requested in this regard by AAV. Proponents have submitted information. This is awaiting a response from AAV.
Municipal Strategic Statement and Indigo Planning Scheme Amendment C24 – Major review	<ul style="list-style-type: none"> • Review report with Minister for Planning. • Planning Scheme amendment (C24) to implement initial matters has received DPCD authorisation. The amendment is on public exhibition until 15 August 2008.
Amendment C35 – Former Beechworth Hospital site	Amendment was on public exhibition from 29 November 2007 until 11 January 2008. Three submissions in total received. Currently one substantive issue which is potential contamination of a small part of the site. Proponent still considering options to address this before the amendment proceeds.
Amendment C36 – Chiltern Flood Study	<ul style="list-style-type: none"> • Amendment to replace Land Subject to Inundation Overlay in Chiltern based on the recommendations of the Chiltern Flood Study – Amendment was on exhibition for two months until 24 June 2008. • Issues raised in submissions being addressed prior to a report on the amendment being presented to Council.

<p>Indigo Planning Scheme Amendment C44</p>	<p>Requests to rezone land zoned for public purposes to an industrial zone and land zoned for public conservation and resource use to farming. Authorisation has not yet been received for exhibition of the amendment.</p>
<p>Indigo Planning Scheme Amendment C46 – Mapping correction</p>	<p>This is a Ministerial amendment to correct a mapping anomaly in Wahgunyah. Amendment approved by Minister for Planning on 17 July 2008.</p>
<p>Indigo Planning Scheme C48 – Kiewa Valley Highway</p>	<p>This is a minor amendment to rezone part of the Kiewa Valley Highway from Farming Zone to Road Zone Category 1 to reflect that it is part of the highway reserve. DPCD is undertaking the administrative work for this amendment on behalf of Vic Roads.</p>
<p>Indigo Planning Scheme –environmental/biodiversity overlay</p>	<ul style="list-style-type: none"> • Phase 1: Identifies biodiversity priority areas within the municipality for further investigation and possible further controls in the planning scheme. Phase 1 report completed. • Phase 2: Coomes Consulting appointed to undertake this phase of analysis of requirements for additional or changed planning controls. Phase 2 underway. Due for completion August.
<p>Interim car parking policy (Indigo Planning Scheme Amendment C42)</p>	<p>Interim Policy adopted June 2008. Preparation of parking precinct plan under consideration.</p>
<p>Rural Land Use Strategy</p>	<p>Coomes Consultants appointed to undertake phase one and two of strategy. Phase one and two commenced. Advice received from DPCD that funding of \$30,000 will be provided to assist with this project.</p>
<p>VCAT Appeals</p>	<ul style="list-style-type: none"> • PP05-281 Appeal by O & Z von Wilpert against Council’s refusal to amend a planning permit for a dwelling at Elgin Road, Beechworth. Hearing set for 13 August in Melbourne. • PP07-072 Appeal by R Beaver against Council’s Failure to grant a permit for a 21 lot subdivision of the Old Beechworth Gaol. Hearing set down for 20 & 21 February 2008 and adjourned due to decision by Minister for Planning to introduce a Development Plan Overlay over the subject land. Mediation held 6 June 2008 to consider matters to be included in the development Plan. Mediation did not finalise all matters. The matter will proceed

	<ul style="list-style-type: none">• to hearing.• A second appeal has now been lodged. This is against Council's failure to determine a development plan that was submitted on 28 April 2008. This matter will be joined with the subdivision matter. Hearing date set for 3 days commencing 29 October. Hearing location yet to be advised – Council has requested that one day be in Beechworth to allow objectors to be heard without travelling to Melbourne.• PP07-4091 Appeal by R Forrest against Council's refusal to approve a dwelling, Flat Rock Road, Beechworth. Heard 9 July in Beechworth. Decision withheld.• PP07-4119 Appeal by C & T Welsh against Council's refusal of an application for a dwelling at Riley's Road, Barnawartha. Waiting for advice of hearing date.• PP08-4246 Appeal by G Scamell against conditions of a planning permit. Negotiations underway with applicant to resolve issues.
Environmental health staff	Trainee Environmental Health officer M Boyd has resigned. Position has been advertised.
Administration staff	D Townsend was awarded a Planning Institute of Australia and DPCD funded Planning Assistants traineeship. She has now attended 6 days of training and La Trobe university. This training will enhance work in the statutory planning administration area.

10.7 SECTION 173 AGREEMENTS - (07/4032) (EDSM)

For Decision

RECOMMENDATION

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

A) LR & MJ Mull

INTRODUCTION

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

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

COMMENT

In the Agreement referred to, the responsibility of making application on behalf of Council to the Registrar of Titles office for the registration of the Agreement and the payment of all legal costs is that of the other party entering into the Agreement with Council.

BACKGROUND

Planning Permit **07/4032** relates to a restructure of land at Gundowring Road, Gundowring. The permit originally issued on the 04/10/2007 provided for a boundary adjustment between 2 Lots to excise an existing dwelling. The permit was subsequently amended on the 27/02/2008 to include the entire land holding comprised of Lots 1 and 2 TP921233C, Lot 3 LP130798 and Lot 3 on PS209845U and Crown Allotment 1C Section 7 Parish of Gundowring, Gundowring Road, Gundowring. The amended Planning Permit provides for a boundary adjustment on land zoned FZ that excises an existing dwelling and creates 3 Lots of 115ha, 69.74ha and 1.362ha. The amended permit issued on the basis that an Agreement under Section 173 of the Act is entered into with the Responsible Authority to ensure:

- (i) that each lot created is not able to be further subdivided so as to increase the number of lots; and
- (ii) that proposed lot 1 can not be used or developed for the purposes of a dwelling.

Attachment: Locality/Site Plan – PP07/4032 Gundowring Road, Gundowring.

11.0 OPERATIONS AND ASSETS

**11.1 PROPOSED ROAD MANAGEMENT PLAN AMENDMENT
(FILE NO: T320.1 – AM)**

For Decision

RECOMMENDATION

That Council:

- 1. Receive the recommendation to amend the Road Management Plan.**
- 2. Proceed to advertise and invite submissions on the proposed amendment pursuant to the provisions of Section 54 of the Road Management Act.**

SUMMARY

The amendment of Council's current Road Management Plan is required to provide a current and succinct document outlining the process Indigo Shire uses for the management of the local road network.

The process for modification of the Road Management Plan (the Plan) is firstly a resolution from Council to amend the Plan, followed by public advertising calling for submissions, subsequent review of submissions, and final adoption by Council.

BACKGROUND

Council's Road Management Plan was formulated in late 2004 further to the Road Management Act 2004 establishing a new statutory framework for management of the road network. The purpose of the Plan is to document the principles, methods and systems used by Indigo Shire Council in managing the local road system. The Plan becomes the documented interface between road users and Council. A copy of the proposed Road Management Plan is included as an attachment.

The Plan has three major components:

- 1. Register of Public Roads** – A register of all road and pathway assets as deemed public assets under the Road Management Act
- 2. Road Maintenance Activity Specification** – A statement of the levels of service that Indigo Shire Council provides in managing the local road network
- 3. Road Management System** – A work process that provides a sound basis for monitoring, inspections and work planning.

The following amendments to the Plan are incorporated into the new Plan:

- inclusion of Council's road hierarchy management plan into the body of the Plan;
- pathway maintenance classifications;
- review and changes to Council's Road Maintenance Activity Specification including defect recording levels, response times and intervention levels, and
- updating of Council's Public Road Register (including pathways).

ISSUES

The Plan amendment has been proposed for the following reasons:

1. **Simplification** – the Plan format has been changed to a more integrated format and redundant appendices have been deleted from the plan
2. **Pathway Clarification** – pathways have been classified into three categories according to use to prioritise response times, inspection levels and defect recording levels
3. **Match Service Levels to Current Practice and Industry Standards** – documented service levels have been revised to reflect industry standards and Council’s service ability within budgetary constraints
4. **Update of Register of Public Roads** – the register has been updated to reflect Council’s current road and pathway assets
5. **Risk Management** – the Plan has been revised to increase definition to road and pathway defect, inspection and service levels so that the process of managing risk is defined and improved.

FINANCIAL & RESOURCE IMPLICATIONS

Nil.

CONCLUSION

An amendment is required to Council’s Road Management Plan to provide currency, simplification and clarification to the current document. The amendment seeks to provide an integrated document that can be practically used to better manage Council’s road infrastructure..

Attachment: Proposed Road Management Plan

11.2 CAPITAL WORKS – PROGRESS REPORT – TO 24 JULY, 2008 (GMOA)

For Information

Project	Actions
Subdivisional works by developers	<ul style="list-style-type: none">• Mt Fleury Estate, High St Beechworth 100% completed. minor rectification works to be undertaken during maintenanceRed Hill Rd Estate Havelock Rd, Stage 1 on to maintenance. Stage 2 works commenced 10% complete. Temporarily stopped works due to wet weather
Rural Road Development	<ul style="list-style-type: none">• Sealing of various intersections in developing rural

Contributions	<ul style="list-style-type: none">• areas to commence
Plant	<ul style="list-style-type: none">• Tenders being compiled for 2 replacement trucks. Further discussion required upon other plant replacement issues. Loaders/mowers etc.

Rutherglen Wine Bottle	Report outlining water tower history and current status provided to Council in May. Community committee to consider future uses. NEW proceeding with arrangements to remove superstructure.
Murray to Mountains Rail Trail	Finalising lease with VicTrack. Works commenced on riverside loops.
Chiltern Floodplain Study	Minor works commenced.. Advice that Federal Government and State funding both available. Total \$290,000. Design works commenced, pre-commencement activities commenced.
Havelock Road area stormwater re-use	Works in final stages. Re-use pump system 60% complete. Dam also currently 50% full so looking good for irrigation use in upcoming football season. Working with football club to discuss terms of use.
Ready/Soles Street drainage	Detailed survey on site completed June. Modelling and detailed design has commenced.
Playgrounds upgrade	Indigo Park, Barnawartha some extra equipment to add to existing playground completed.
Chiltern Commercial Area Parking	Reached agreement on land purchase, detail design to commence. Application to be made for additional \$170,000 grant in 08/09.
Rutherglen Heavy Vehicle Deviation.	Met with Minister Kosky 26 June to ascertain viability of railway option. Awaiting response. Met 24 July to commence scoring routes. Next meeting approx 13 August to complete scoring. Report to Council September/October.
Tangambalanga Football club rooms	Discussions underway with State Government funding bodies as Federal funding on hold. Optimistic.
Yackandandah Supermarket Car parking	Supermarket construction progressing with wall and roof structure completed. Works in Hammond St commenced. Supermarket due to open early August.
Wahgunyah-Moodemere Walking Trails	Preferred route selected and pending further investigation by ISC/DSE as to feasibility. Preliminary report to Council and action plan in progress
Yackandandah Museum	New roof 90%complete. Replacement sub-floor framing commenced.

Chiltern Martin Park Lighting/Pathways/Music Bowl upgrade (LIWP)	Works now complete. Full media release to be compiled
Former Beechworth Methodist Church Roof	Specifications for project in process of being compiled for approval by Heritage Vic.
Beechworth Netball Courts	Retaining wall to be completed.
Osbornes Flat Hall Upgrade	As a result of withdrawal of Federal “Regional Partnerships’ program applications are on hold until secondary source can be found.
Yackandandah Courthouse	Sisalation installed to prevent condensation dripping on to and ruining carpet. Complete.
Beechworth Shire Hall	Internal painting and possum proofing complete.
Beechworth Pool	Tenders being called for repair works. Discussions underway with insurance company. Further discussions underway with geotechnicians and DSE re options for treatment of contaminated areas. Funding application submitted.
Tangambalanga Industrial Estate	Proceeding with detail design and land purchase. Genuine interest in land purchase.
Yackandandah Depot Industrial Estate	Following interest from two businesses ,pursuing grants with a view to commencing servicing ASAP
Wahgunyah Boat Ramp	Planning application to Council. Some issues to be resolved with NECMA..
Bundalong Boat Ramp	Major repairs complete. Funded via Grant. Opportunistic works while water low.

<p>Animal Control & Local Laws</p>	<p>Works (in hours and out of hours) Cats seem to be the order of the day during this period. Customer contacts relating to cats are coming in thick and fast, trapping programs are working well to remove any problem animals. Dog complaints are down and stock on roads are at minimal levels.</p>
<p><u>POOLS</u></p>	
<p>Indigo</p>	<p>We are about to advertise internally for staff for 2008 2009 pool season for Indigo and Wodonga pools. The following week we expect to invite proven, past staff back and advertise externally for qualified life guards Some news has been announced regarding the repair of the Beechworth pool shell, there is going to be community consultation to achieve the best outcome for the residents. Aiming to open for summer.</p>
<p>Summer</p>	<p>ISC has lodged a submission to extend the current contract and we are waiting to hear back from the City of Wodonga</p>
<p>ENVIRONMENT - Shay</p>	
<p>Community Water Grants – round 3</p>	<ul style="list-style-type: none"> • Racecourse Road site to be planted week of 28th July then bulk of project complete
<p>Greenhouse Action Plan</p>	<p>Action planning to yet to be formalised – next financial year</p>
<p>North East Greenhouse Alliance</p>	<p>Note that current coordinator, Michelle Wilkinson, is going on maternity leave & will be replaced by Nikki Scott.</p> <p>Alternate Fuels</p> <ul style="list-style-type: none"> • Tank installed – yet to arrange delivery of biodiesel with Moira & Alpine • Discussions with YCDCo regarding Council support for biodiesel tank installation – yet to follow up <p>Kicking Goals for the Environment</p> <ul style="list-style-type: none"> • No change - 4 clubs have for energy installations outstanding - case study of Albury Tigers posted on NEGHA website <p>Adaptation</p> <ul style="list-style-type: none"> • No change - scoping interested groups to link with to translate URS report into usable form <p>Plant Savers</p> <ul style="list-style-type: none"> • No change - Yackandandah and Barnawartha schools audited April 15th

	<ul style="list-style-type: none"> • No change - St Mary's Rutherglen have installed technology and need to publicise completion of project and saving being made <p>Sustainable Lighting</p> <ul style="list-style-type: none"> • No change
Lake Sambell	<ul style="list-style-type: none"> • Re-fumigation of rabbit burrows & follow up weed spraying at north of Lake as well as removal of some dead standing willows on pool/dam wall occurred at end of June • Onsite meeting held with DSE regarding management of adjacent Crown land at end of Jarvis Road • Rock beaching to occur near boardwalk
Indigenous Resource Area at Lake Sambell	<ul style="list-style-type: none"> • 4 pines were removed (as part of Envirofund funding) • Rock beaching of eroded bank to occur prior to planting • Planting to occur July/August
Isaac Park	<ul style="list-style-type: none"> • Planting complete for this season • Follow up spray of exotic grasses and broom scheduled end of July • Planting in mid & upper reaches of gully will need to occur annually over the next 4 years
Community woodlot program	<ul style="list-style-type: none"> • No change - Timber still in Beechworth Transfer Station –Governor has committed prison crew to cut & deliver – awaiting availability • Hydraulic shearing will occur in the Yackandandah, Chiltern and Stanley woodlots to make larger timber accessible (jointly funded by DSE) – still awaiting contractor
Roadside Management Plan	<ul style="list-style-type: none"> • No change - “Roadside Partnership Project” over halfway – participating landholders visited, with those to receive follow-up visit identified – local ecologist appointed to undertake next stage • Joint funding application with Rural City of Wangaratta to the Sustainability Fund has been successful – this will allow review of our Roadside Management Plans as well as re-assessment of some of our roadside conservation values
Roadside weed initiative	<ul style="list-style-type: none"> • Applications to open in August
Eco-Awareness Group	<p>Recent meeting held Tuesday 15th July - main discussion items on agenda :</p> <ul style="list-style-type: none"> • staff awareness • doco destroy vs shredded paper systems • cost codes – reporting of green purchases

	<ul style="list-style-type: none">• streetlights• new office building
Community awareness	<ul style="list-style-type: none">• North East Schools Environmental Roadshow was held at Lake Anderson on Wednesday 23rd July – 108 students from 6 schools attended• 15 out of 17 schools within the Shire accepted their donation of indigenous shrubs for National Tree Day• Indigo Shire will be supporting B'wth Landcare Group for National Tree Day to plant trees in Council managed land – Wallace Park
Upper Sandy Creek School revegetation project	<ul style="list-style-type: none">• Planting day scheduled for mid August
Sustainable water use plan	<ul style="list-style-type: none">• Smart Water Fund (State) – extension of use of waste water – due August 22nd
Code of Forest Practice	<ul style="list-style-type: none">• Officer who we use from Benalla Rural City no longer employed – awaiting his employment by another host Council so we can use his services for ongoing monitoring of implementation of Harvest Coupe Plans
Environmental Advisory Committee	<ul style="list-style-type: none">• Calls for expression of interest close August 11th
Environment Strategy	<ul style="list-style-type: none">• Sustainability Victoria has confirmed funds for project• NRMO to develop PD for project officer

12.0 HEALTH AND WELLBEING

**12.1 WAHGUNYAH MEALS ON WHEELS COMMITTEE –
RESCISSION OF DEED OF DELEGATION (FILE NO: C505.2-
03 - HWBM)**

For Decision

RECOMMENDATION

That Council rescind the Section 86 Deed of Delegation for the Wahgunyah Meals on Wheels Committee in accordance with Section 86 of the Local Government Act 1989.

SUMMARY

This report recommends the rescission of the Deed of Delegation for the Wahgunyah Meals on Wheels Committee as it is no longer operating.

BACKGROUND

The Wahgunyah Meals on Wheels Committee was established by resolution of Council in March 2000.

ISSUES

The Wahgunyah Meals on Wheels Committee successfully co-ordinated the delivery of meals to Wahgunyah residents from 2000 until 2006

During 2006 the Committee advised that it was becoming increasingly difficult to recruit volunteers and ensure meal delivery. They also advised that they struggled to maintain the Committee. As a result the Committee requested assistance from Council.

Following several discussions it was mutually determined that the Committee would fold and that Council's Aged Services Unit would assume responsibility for volunteer co-ordination and ensuring volunteers were rostered to deliver the meals. This system has now been in place since November 2006 and is working smoothly.

Whilst this action was put in place in late 2006 the Deed of Delegation was not formally rescinded. It is appropriate therefore that Council now formally rescind the Deed.

CONSULTATION

Members of the Wahgunyah Meals on Wheels Committee and the Wahgunyah volunteers were fully involved in the discussions and negotiations to wind down the Committee and transfer arrangements to Council.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

FINANCIAL & RESOURCE IMPLICATIONS

There are no financial implications resulting from this matter.

12.2 HEALTH & WELL BEING PROJECTS – PROGRESS REPORT – AUGUST 2008 (HWBM)

For Information

PROJECT	ACTION/ PROGRESS
Choices	Following on from the first Community Information evening, Indigo Shire will be hosting another session at the Chiltern Football Clubrooms on Monday 18 August at 6pm. These evenings are being held as part of the Indigo Shire initiative “Strengthening Communities” and are aimed at discussing some of the community issues in the Chiltern area.
FReeZA	The next music event for Indigo Shire is a Push-FReeZA ‘Battle of the Bands’ held at Tangambalanga on Saturday 2 August from 7-11pm.
Celebrating 100 years of Victorian Women’s Vote Project 1908 - 2008 in Indigo Shire	<p>In 2008, Victoria will celebrate the 100th anniversary of women’s right to vote with a series of events and initiatives. In 2008, calico banners displaying the Victorian Women Vote 1908-2008 logo will travel to metropolitan, rural and regional areas in Victoria. All Victorians will be invited to sign these as a way of marking the Centenary.</p> <p>The Arts & Cultural Development Officer with the assistance of the women Councillors will hold meetings in Yackandandah, Rutherglen and Chiltern to plan and facilitate local activities to celebrate the women’s right to vote as well as arranging details for the signing of the 2008 banners which will be presented to the Victorian Parliament in November 2008.</p>
	<p>Centenary of Women’s Suffrage 2008 celebrations around Indigo Shire are:</p> <p>BEECHWORTH: a series of events planned by Beechworth Arts Council and funded by the Office of Women’s Policy that include Launch of the ‘Scroll of Honour’: an art installation by Beechworth artist Jo Voigt, ‘They Picked Up</p>

	<p>the Patter with Amazing Fluency’ an exhibition at the Burke Museum honouring the 160 plus women who signed the Monster Petition in 1891, ‘Nothing on a Plate’ a travelling exhibition from the Union of Australian Women at the Neighbourhood Centre, a women’s lunch in September, a Signatories Cemetery Walk, a Beechworth Tapestry tour</p> <p>STANLEY: 19 August 2008 2pm afternoon tea and speakers at Stanley Athenaeum.</p>
	<p>YACKANDANDAH: on Saturday 16 August 2008 from 10 am–12 pm women will celebrate the women’s right to vote with a ‘Bring A Plate’ morning tea at Yackandandah Senior Citizens Centre with Chairperson, Cr Jenny Dale and speakers to be invited are Hannah Neumayer, student and performer, Robyn Burns-Taylor on the women of Yackandandah who signed the Monster Petition in 1891, Helen McGowan and Libby Gilchrist on the ordination of women.</p> <p>CHILTERN & RUTHERGLEN: Details for activities in Chiltern and Rutherglen will be provided in the near future.</p>
<p>Indigenous Weaving Travelling Exhibition</p>	<p>The master works in this exhibition are made by the artist Sharon Edwards, a Ngiyampaa woman who learned weaving from the Gunditjmarra elders in Portland, Victoria and the participants from four community workshops held with Indigo Valley and Kiewa Valley LandCare groups in 2007/08. This project was supported by NE Catchment Management Authority, Indigo Shire Council, Indigo Valley and Kiewa Valley LandCare and funded by Regional Arts Victoria.</p> <ul style="list-style-type: none">• Yackandandah 14 - 27 July Monday 1:00pm to 5:00pm; Tuesday to Thursday 9:00am to 5:00pm; Saturday 26 July 1:00pm - 4:00pm at Yackandandah Community Education Network (YCEN) High St, Yackandandah• Indigo Valley 29 July - 7 August 9:00am - 3:30pm at Middle Indigo Primary School, Indigo Valley Road• Albury 11 August - 5 October at Albury Library Museum and Lavington Library

13.0 CORPORATE AND VISITOR SERVICES

13.1 INDIGO TOURISM BOARD (FILE NO:)

For Decision

RECOMMENDATION

- 1. That the Indigo Tourism Board be dissolved.**
- 2. That the attached Indigo Tourism Advisory Committee Instrument of Delegation be adopted.**
- 3. That in accordance with Section 86 (3) of the Local Government Act, 1989, the following representatives be appointed to the Indigo Tourism Advisory Committee:**
 - a. 2 Councillors – Cr Walsh, Cr Hotson**
 - b. 5 local tourism association representatives including:
Prue Campbell – Winemakers of Rutherglen
Jan Milhinch – Rutherglen Wine Region Tourism
Toni Eames – Chiltern Tourism Association
Greg Porter – Yackandandah Tourism Association
Bill Bell – Beechworth Chamber of Commerce**
 - c. 3 skills based representatives – Meg Houghton, Trish Forrest and Damien Adams**
 - d. Tourism and Marketing Manager or nominee – Kate Biglin (ex officio)**

SUMMARY

It is proposed that the Indigo Tourism Board be dissolved and reformed with a new name to more accurately reflect its role as an advisory committee to Council, amended membership and amended instrument of delegation to reflect these changes.

BACKGROUND

The Indigo Tourism Board has requested this change to more accurately reflect its role as a strategic advisory committee to Council providing a co-ordinated regional focus for marketing and tourism development. It was decided the term “advisory committee” would be more appropriate than “Board” to prevent any misperception that members would have financial responsibilities.

The revised Deed reflects the name change and an increase to the membership by one position. Two skills-based members were added to the Board in December 2007, and with this input proving a valuable change over the past six months, the new deed extends the membership of skills-based roles to three individuals. It is proposed Rutherglen Wine Region Manager Tourism & Business Development Damien Adams take up the third skills-based position.

There have also been changes to local tourism association representation with Prue

Campbell replacing Damien Adams as the Winemakers of Rutherglen representative and Toni Eames replacing Barry Rogers as the Chiltern Tourism Association representative. The revised Deed is attached.

CONSULTATION

The existing Board supports the proposal.

*Attachment
Proposed Instrument of Delegation – Indigo Tourism Advisory Committee.*

13.2 COUNCIL ELECTIONS 2008 (FILE NO: M247.1 – GMCVS)

For Information

SUMMARY

This Report provides details of the returning officer and again provides details of the salient dates and the site of the VEC Electoral Office.

BACKGROUND

At Council’s meeting on the 1st of July, 2008 Council formally appointed the Victorian Electoral Commission (“VEC”) to conduct Council’s general Elections on Saturday the 29th of November, 2008 by postal voting.

Council’s decision was provided to the VEC and the VEC have recently advised that they have appointed Alan Cuman as the returning officer for Council’s Elections. The VEC’s Electoral Office will be established at the Chiltern Community Centre, 52 Main Street, Chiltern.

Again I would highlight the timelines for the Elections:-

MAV Community and Candidate Information Session	<i>Thursday 25 September for Indigo Shire at the Chiltern Senior Citizens Clubrooms</i>
Exhibition Period starts	<i>Friday 26 September</i>
Close of Rolls	<i>4:00 pm Friday 3 October</i>
Nominations Open	<i>Thursday 23 October</i>
Nominations Close	<i>4:00 pm Tuesday 28 October</i>
Mail out of Ballot Packs	<i>Tuesday 11 November</i>
Voting Closes	<i>6:00 pm 28 November</i>

Mr. Cuman will be in attendance at the Chiltern Election Office for the key electoral activities as follows:-

Wednesday, 22nd October 2008

Thursday, 23rd October 2008 to Friday, 31st October 2008 (*nominations/candidates/statements, photos and preferences*).

Monday, 24th of November 2008 to Friday 28th November 2008 (*last week of voting*)

Monday, 1st December, 2008

The office hours are 9:00 a.m. to 5:00 p.m. Extended hours will apply on Thursday, 27th November 2008 9:00 a.m. - 8:00 p.m. and Friday 28th November 9:00 a.m. - 6:00 p.m.

At other times during the Election period the returning officer will be located at the Hub Election Office which is situated in Wodonga.

1.2 Other Promotional Matters

- (i) The MAV has developed a website the domain of which is www.standforcouncil.com.au

The website provides details under the following headings:-

- Why Stand?
 - What's it Take?
 - How to Do It
 - You'll Need to Know
 - News
 - Can I be a Councillor?
- (ii) The VEC will be providing a comprehensive advertising program across Victoria highlighting the forthcoming Election.

13.3 TOURISM & MARKETING - PROGRESS REPORT – JULY 2008 (TMM)

For Information

Project Actions

Cycle Tourism update	Work is continuing on the production of a Murray to Mountains region Ride booklet, again with good take up of advertising from local operators. An electronic direct marketing campaign has been run to drive traffic to the new Murray to Mountains website and build up subscribers to receive Murray to Mountains region cycling email newsletters, resulting in nearly 500 new subscribers.
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Burke Museum review	Expressions of interest have closed for an operational review of the Burke Museum. We are now seeking a grant through Regional Development Victoria to progress this project.
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Festivals and events	<p>The Tibetan Monks Peace Tour was held in Yackandandah during July and hailed a great success with approximately 2000 people through the visitor centre during the period and excellent media exposure for Yackandandah.</p> <p>The annual Ned Kelly Weekend will be held on August 1-3, with a special program of events planned as part of the 150th celebration of the Historic & Cultural Precinct.</p>
North East Valleys Food & Wine	<p>The “Provincial Pantry” has been officially launched. Indigo Shire auspiced a \$50,000 grant to develop this online shop for local producers, a collaborative project between Australian Agribusiness Forum, North East Valleys Food & Wine and the Hume Murray Foodbowl. North East Valleys has incorporated the Pantry into its new website, running it as a pilot for 12 months.</p>
Victorian Adventure and Nature Based Tourism conference	<p>Beechworth hosted the Victorian Adventure and Natural Based Tourism conference on July 29-30. This conference, run by Tourism Alliance, will shine the light on the Shire’s natural attractions and adventure tourism operators. The conference will also address “education tourism” and how to attract more students groups to regions.</p>
Festival & Events sponsorship program	<p>Applications for the Indigo Tourism Board 2008/09 Festivals & Events Sponsorship Program close on Wednesday 6 August.</p> <p>The Indigo Tourism Board has overhauled the sponsorship program for 2008/09 and has introduced more defined criteria to shift the focus toward providing seeding funds for new events that bring new economic benefit to the region; and to existing events introducing new initiatives, particularly initiatives that work toward financial self sustainability.</p>
Snowy Valleys Way	<p>The Snowy Valleys Way touring route committee is currently advertising for a part time marketing officer to drive the project forward, capitalise on the collateral developed in recent years and increase general awareness of the route. Applications close on Friday 8 August.</p>

14.0 FINANCE

14.1 JUNE 2008 FINANCE REPORT – (FILE NO: M064 – CFO)

The finance report for June 2008 will be presented as the Indigo Shire Council Annual Report 2007/08 in the month of September. We are currently finalising the 2008 financial year and any earlier report would not take into account adjustments generated through the normal year end processes.

Our forecasting throughout the quarter to 30th June 2008 has shown that we are going to meet our adjusted outcomes, whilst allowing for normal year end adjustments.

We will continue to present our exception and quarterly reports for the 2008/09 financial year.

15.0 GOVERNANCE

15.1 MUNICIPAL OFFICES PROJECT – SITE SELECTION (FILE NO: E971 – CEO)

For Decision

That Council:

- 1. Write to all submitters thanking them for their valuable input.**
- 2. Review the Suters Prior Cheney report, submissions received, Community Reference Group findings and the Community and Staff surveys against the determined project site selection criteria.**
- 3. Utilise the results of the review to determine the final preferred site for new municipal offices and then;**
- 4. Undertake a detailed funding strategy to determine sources of funding and hence achievable timelines for progression of the Project.**
- 5. Undertake a study into the provision of Customer Service on a shire-wide basis.**

SUMMARY

Council has received a total of 101 submissions (85 after the release of the Suters Prior Cheney Report and 16 prior to the release of this report).

The submissions are substantial with the majority of the 85 submissions in favour of the Chiltern site. The Suters Prior Cheney Report recommends the Beechworth site.

A considerable amount of media coverage occurred as a result of the announcement of the recommendation for the new office location to be in Beechworth. The Mayor was interviewed about the new office location on three local radio stations. The O&M Advertiser and The Border Mail covered the announcement extensively. Five articles were published in both newspapers, announcing the Beechworth site as the preferred option, and discussed details of the recommendations outlined in the feasibility study. Four Letters to the Editor appeared, mostly from Chiltern residents supporting the Chiltern site as the new office location. These letters stated a number of misconceptions that were clarified by the Chief Executive Officer in an interview with Border Mail journalist Brad Worrall about the Beechworth site.

Prior to the release of the Feasibility Study there were also a series of earlier letters to the Editor, all querying the need and financial viability of the Project.

BACKGROUND

Council has undertaken a lengthy and extensive process of identifying future office accommodation needs to service Council's constituents. This has included investigation of both spatial requirements and site suitability. Importantly, Council has included the community in the process and has assessed requirements against set criteria to ensure an

impartial process.

Council appointed architects Suters Prior Cheney to investigate the final three shortlisted sites using a team of specialist sub-consultants. The report from Suters Prior Cheney provides the required detailed technical analysis of the three sites and recommends the Beechworth site.

The report is not definitive as many of the final selection criteria become subjective.

Council now needs to review that recommendation in light of other criteria, including community issues. The submissions received on this project address both technical and community issues.

POLICY IMPLICATIONS

Council currently provides Customer Service centres in Beechworth, Rutherglen, Yackandandah and Chiltern. Council needs to concurrently identify strategies for the future provision of Customer Service across the Shire, but in particular at any sites where Shire Office facilities may be relocated to a new preferred site.

FINANCIAL IMPLICATIONS

The range of project costings identified in the Suters Prior Cheney Report are higher than earlier estimates, which were undertaken as indicative costings only for site comparison purposes.

Council needs an achievable financial strategy for the Project. This may necessitate extending timelines to enable a reserve of funds to be achieved over a number of years.

Attachments

16.0 NOTICE OF MOTION

17.0 COMMITTEE AND DELEGATES REPORTS

17.1 JULY DIARY - CR V ISSELL

For Information

Date	Time	Function
1 July	3.00 pm	NE Rail Revitalisation Project Meeting, Chiltern
	4.30pm	Council briefing, Chiltern
	7.00 pm	Council Ordinary meeting, Chiltern
2	9.30 am	Welcome to Tibetan Monks, Yackandandah
	10.30am	Radio and TV interviews, Yackandandah

6 - 11		Leave
12	10.00 am	Murray Arts Board meeting, Albury
14	12.30pm	Meeting with CEO, Beechworth
	2.00 pm	Presentation re East Timor, Beechworth
15	5.30 pm	Budget Submissions, Yackandandah
	6.00 pm	Special Budget Meeting, Yackandandah
16	10.30 am	OAK FM interview, Wangaratta
	3.00 pm	Meeting with Area Consultative Committee, Beechworth
18 - 20		Councillor Development weekend, Lorne
22	4.00 pm	Council briefing, Barnawartha
	7.00 pm	Community Forum, Barnawartha
23	10 am – 2 pm	NE Schools Environmental Roadshow, Chiltern
24	3.00 pm	Planning for Kerferd Oration & Burke Museum reception
26	10.30 am	Launch, Women's Scroll of Honour artwork, Beechworth
	4.00 pm	Recognise Tread Softly exhibition artists, Beechworth
	6.30 pm	Dinner with Tim Flannery, Beechworth
27	11.00 am	Kerferd Oration, Beechworth
28	9.00 am	Morning Assembly, Kiewa Primary School
29	8.30 am	Meeting with CEO, Beechworth
	3.00 pm	Council Briefing,
	6.15 pm	Nature Based Tourism Conference, Beechworth
30	8.30 am	Welcome, Nature Based Tourism Conference, Beechworth
	4.00 pm	Retirement function, Yackandandah
31	5.30 pm	Rural Land Use committee meeting, Yackandandah

Cr Vic Issell
5 August 2008

17.2 MURRAY DARLING ASSOCIATION MEETING WODONGA COUNCIL OFFICES FRIDAY 11 JULY 2008 (Cr Peter Graham OAM)

For Information

I attended the meeting of Region 1 of the MDA Inc which was held in the offices of the Rural City of Wodonga and welcomed by the Mayor Cr. Rodney Wangman at 10am on Friday 11th July 2008.

Cr Wangman gave an overview of the developments in Wodonga and the changes proposed to the rail infrastructure including the location of the new Wodonga Railway Station adjacent to the on ramp to the freeway when exiting Wodonga and heading towards Albury. This would need, in RCOW councils view, support from providers of public transport to ensure maximum use of the system. He also spoke a bout the considerations included in recent and future commercial and residential developments to ensure maximum use of water resources now and into the future.

The future use of rail, in general, was discussed by the meeting and I formed the view that our present transport study should ensure maximum provision of feeder services into and out of our portion of the rail corridor to ensure maximum opportunities for rail use.

The meeting discussed:

Dam improvement issues: including works to reduce risk concerns on the following, Dartmouth, Hume, Lake Victoria, Yarrawonga and Torrumberry -all works simply to improve performance NOT capacity.

ACCC to review Water costs increases

Proposed resolutions to the AGM in Leeton on 28th August

The meeting then was addressed by Dr Ben Gawne, Director MDFRC and briefed those present on actions being taken on the six [6] icon sites of the Murray River and some aspects of the National Plan for Water Security

The actions by MDFRC are designed to improve the use of MDB water and take the necessary steps to ensure water is delivered to meet the needs of these icon sites.

The meeting was then addressed by the Senior Project Officer of the NSW Murray Wetlands Working Group, Mrs Deb Nias. This group actually controls over 30,000GL annually and trades water on behalf of the NSW Government to pay for their staff and the projects to improve, conserve and re-generate , generally, private wetlands.

It was interesting to note that the water used in these projects is NOT to be returned to the Murray system under current guidelines.

The resolutions likely to be presented by Region 1 to the AGM in August are”

Speed up time to deliver the Basin plan,

Request that MDA actively work towards maintaining the current two [2] representative positions on the new Basin Community Committee,

That the MDA supports the appointment of its GM, Ray Najjar, to the Water By Back Review Committee,

That the MDA write to Senator The Hon Kim Carr, expressing dismay and disappointment in the cuts to funding for the CSIRO and the closure of facilities which is already taking place, and

The MDA seek further information to all communities on detail regarding the forward panning on water issues.

FUTURE MEETINGS;

The Annual MDA Inc conference is to be held in Leeton over 27-30th August.
Cr Graham is attending as Indigo Shire representative.

The next Region 1 GM is to be held on Friday 14th November 2008 in Tumbarumba at the Council offices,

TABLED DOCUMENTS

The following are tabled for information:

Agenda for 11th July meeting

Issues Paper for Water Charge Rules

Brochure – Climate Change – The Challenge 27-30 Aug Leeton

Draft Recommendations to AGM 28th Aug 2008

Upper Murray Manager – Report to Region 1

Report: - Adaptive Environmental Water in the MV in NSW 2002-2003

17.3 JULY DIARY - CR P GRAHAM**For Information**

Date	Time	Event
1 July	3.00 pm	Council Briefing re North-South Railway Refurbishment, Chiltern
	4.00 pm	Council Briefing Meeting, Chiltern
	7.00 pm	Ordinary Meeting of Council, Chiltern
2	1.00 pm	Rutherglen Wine Experience Meeting
3	10.30 am	Meeting with CEO, Member for Murray Valley, Rutherglen
9	9.00 am	General Meeting, Rutherglen Wine Experience, RWE
8	7.00 am	AICD Breakfast Forum, Albury
	11.00 am	Attend Funeral Late Ron Scanlon, Beechworth
10	10.00 am	NevRWaste Meeting, Wangaratta
11	10.00 am	Murray Darling Basin Association Meeting, Wodonga
12	10.00 am	Public Meeting re Shire office relocation, Chiltern
15	4.30 pm	Council Briefing Meeting re Budget, Yackandandah
	6.00 pm	Special Meeting of Council to Adopt Budget
17	11.30 am	Tour with Association of Waste Management Groups, Barnawartha
	3.30 pm	Association of Victorian Waste Management Group Meeting, Wangaratta
	6.30 pm	AVRWMG Dinner, Wangaratta
18	8.00 am	AVRWMG Annual General Meeting, Wangaratta
	9.00 am	AVRWMG General Meeting, Wangaratta
	7.30 pm	Rutherglen Apex Club Handover Dinner, Tuileries
21	1.30 pm	Indigo Disability Advisory Committee Meeting, Rutherglen
	3.30 pm	Alp Valleys Forum, DPI, Rutherglen
22	4.00 pm	Council Briefing Meeting, Barnawartha
	7.00 pm	Community Forum, Barnawartha
23	3.30 pm	Meeting re Cross Border Anomalies, Albury
27	11.00 am	Kerferd Oration, Beechworth
31	5.30 pm	Land Planning Meeting, Yackandandah

Cr Peter Graham OAM

5 August 2008

17.4 TIMOR LESTE AND INDIGO SHIRE - MEMORANDUM OF UNDERSTANDING (MOU) (FILE NO: M220-03 - CR FRANCES WALSH)

For Decision

RECOMMENDATION

That:

- 1. Expressions of interest be called for someone with experience in Tourism to go to Atauro Island for at least a month to work with and observe the island's potential for tourism, subject to grants being available to cover the cost of travel and accommodation.**
- 2. Two people from Atauro Island, Osaias be invited to return to Indigo Shire Council to gain skills in tourism, subject to grant funds being available.**
- 3. A Section 86 Committee be formed with Expressions of Interest called for from around the Shire.**
- 4. A Councillor is appointed to this Committee with a substitute.**
- 5. Displays are placed in all Visitor Information Centres of the Indigo Atauro friendship relationship.**

BACKGROUND

The Indigo Shire has had a friendship relationship with Atauro Island since 2006 when then Mayor Peter Graham wrote to the Dili District Administrator, Ruben Joas Braz de Carvalho offering the hand of friendship to the island. The signed letter took 12 months to be returned.

When we had a presentation from Rachael Clarke, the coordinator of the Friendship Relationship Group supported by Victorian Local Government, to the junior councillors as well as Principals and teachers of the schools involved with Junior Council, Rutherglen Primary signed up to be a friendship school and there was interest from other schools as well.

A decision was made by the Junior Councillors and myself that we wanted to be part of this program. Council was notified that a conference was to be held in Dili from the 18th to the 20th June 2008. It was recognised that this would be an ideal time for representatives from the Indigo Shire to travel to Timor Leste to attend the conference and to also visit Atauro Island to have the Memorandum of Understanding (MOU) signed by both Atauro Island chiefs and Indigo Shire. Mrs Irene Cracknell OAM volunteered to come with me to represent the residents of Indigo; the invitation was open to anyone to be part of the trip.

The conference was attended by over 100 people from 28 friendship relationship areas together with representatives from the various Timorese districts.

Indigo Shire representatives from Atauro Island were Osaias and Lia, both members of the original tourism group formed in 2006. Osaias is a student of English and has a good grasp of oral English.

We travelled across on a ferry from Dili to Atauro Island on the Saturday after the conference. We were accommodated on the island at Tua Ko'in eco village about 10kms from Beloi where the ferry docked.

Also staying at the eco village was Dr Wendy Connor, from Beechworth who was working at a clinic in the village of Vila, and Gabrielle Samson an Australian volunteer who has been involved with Timor Leste and Indonesia for 14 years. It was of invaluable help to have these two people there with us as they both have an understanding of Tetun (Gabrielle speaks very fluent Tetun) they were able to work with us during the week.

The island is organised into five districts and each district has a representative that is appointed by the community of that district, a sub-district governor is appointed from Dili and a District Governor is appointed by the Government based in Dili. The district representatives are called "Chiefies" and they meet every Monday to discuss issues and make decisions for the island.

I met with them on the first Monday we were on the island and presented them with copies of the brochures from each of our main towns, a map of the shire, a map of Victoria and a map of Australia to show where each section fits. I also took a copy of the Rutherglen book to represent my home town.

When I was asked to speak I stressed that I was there to listen, to look and to learn and I was not going to make any promises on behalf of Indigo Shire. The Chiefies had several suggestions as to how we could help them, from building a new school to working with them in tourism. The Chiefies agreed that they would meet again on Friday to sign the MOU after I had had a chance to look and listen to the village requests. I was made to feel very welcome and there was no feeling that I was only a woman and not to be listened to.

At this meeting the Chiefies appointed Osaias to be the liaison person between Atauro Island and Indigo Shire and for him to be my interpreter and guide during my stay on the island.

During the following week I visited Vila, Pala, Beloi, Birkelli and Irene also visited HIAM Health clinics at Pala and Vila (on the coast) and Anartutu & Ili Timor in Macadade (up in the mountains). The schools, kindergartens and villages varied from well organised and clean to some places that were not so good. There is plenty of scope for this island to be a tourist attraction. Some work has already been done. There is some sort of tourism plan already prepared but it couldn't be found. I hope to have a copy of that forwarded to me by Osaias.

The island is surrounded by a beautiful reef and has good beaches. There are two main roads on the island, mostly tracks that need a four wheel drive to travel. Transport is a huge issue on the island as there are only a few tray trucks and four wheel drives on the island, often the only way to travel was on the back of a tray truck together with many locals. Each village has its own problems including lack of food and clean water -

malnutrition is a big problem that is slowly being overcome by education and with food supplements (6.5kg corn and soy meal, 600g sugar and 600ml oil) delivered by HIAM Health twice monthly.

There is very little electricity on the island, the village of Vila is serviced by a generator which runs for 6 hours each night from 6pm. The Tua Ko' in Eco-Village where we stayed at was lit by solar power. Many parts of Timor Leste have solar power, mostly put in by friendship groups in Australia through Local Government Organisations (LGO's) in East Timor. Water is also a problem on both the main land of Timor Leste and Atauro Island as the only supply is from springs. The island receives between 12000 and 16000 mls per year but the culture of the island is that you do not use the water that comes from the sky only that which comes from the ground. The traditional understanding is that water attracts mosquitoes and mosquitoes bring malaria - there is a great need for an education program to combat this belief.

On the last Friday of our visit I had a further meeting with the Chiefies and I had also invited the Principal of the local school who I believe is the equivalent of our district inspector, to the signing of the MOU. At this meeting I outlined the process used in local government in Indigo Shire and Australia whereby anyone who wants support on a project has to present a submission to the council, and if that person is a relation of one of the councillors, the councillor must leave the room when the vote is taken.

I had been told by several people that some of the chiefies do not follow a democratic process but have the attitude that I am in charge and you do what I say. As I went through this process, there were several chiefies nodding their head in agreement. I think they understood the message I was giving. The process I asked them to follow was that if anyone had a project that they wished us to support in some way, they were to present to the chiefies who would make the final decision. The decision would be passed to our liaison person Osaias and he would contact me and the project would be considered.

The MOU was translated into Tetum by Gabrielle Samson and Osaias before being signed by the Sub-District Administrator and me. I also have an attendance sheet signed by all those present at the signing. The MOU offered support in the way of skills and training for any teacher or tourism person to come to Indigo Shire to spend some time with our tourism department.

FINAL COMMENTS

I feel very strongly about this project and I urge the Councillors to take on board the work that has already been done and move it forward. I have the feeling that this is seen as my pet project and nothing to do with anyone else. Well, as we agreed to sign the MOU it is no longer a one person project, it is for all of us to become involved and support. We have raised the expectations of a third world country and in my opinion we cannot walk away with a warm fuzzy feeling and leave them to it. It needs to be in our Council Plan, on the web site and part of what Indigo Shire is about.

As our vision says "*A united, prosperous and admired community enriching our environment, heritage and rural lifestyle: a great place to live work and visit.*" So the same needs to be said about Atauro island our Friendship community.

(Note: Accommodation costs at Tua Ko' are US\$25 per day which includes 3 meals a

day.)

FINANCIAL & RESOURCE IMPLICATIONS

Travel and accommodations costs for an appropriate employee to Atauro Island to give tourism training and costs associated with teaching and tourism people being hosted in Indigo Shire.

17.5 INAUGURAL TIMOR LESTE – AUSTRALIA FRIENDSHIP CONFERENCE DILI (FILE NO: M220-03 - CR FRANCES WALSH)

For Information

The inaugural Timor Leste - Australia Friendship Conference was held in Dili from Wednesday 18 to Friday 20 June 2008.

Hametin Komunitades Liu Hosti Amizade International

Strengthening Communities through International Friendship.

The Conference was held at the Ministry of Foreign Affairs, built by the Chinese Government. Consequently, the design was distinctly Chinese and some of the notices around the building were both in Chinese and English, no Tetum.

The Conference had several sponsors the main ones being the Victorian Local Governance Association (VLGA) and the Timor Leste Government.

There were representatives of 24 local governments in Australia at the Conference and there are 48 local government areas in the Friendship group. As well as these representatives there were many representatives from the local districts who had come to be with their friendship team for the conference. We had our two representatives with us at all sessions of the conference. They were Osaias Soares and Lia. These two people were members of the original committee set up for tourism when we first sent the memorandum of understanding across to Atauro Island. Their conference fees were paid by the Timor Leste government. Osaias is a young married man with two children by now I hope. He lives on the Island. Lia is a young woman who also lives on the Island. Osaias's understanding of spoken English is very good but written is not so good. But he is keen and has been in contact with me twice via email since we returned.

President Dr Jose Ramos Horta

The East Timorese President, Dr. Jose Ramos Horta, acknowledged that this was the largest gathering of Europeans in Timor Leste ever. He acknowledged that he is part Australian as when he was shot the Australian Army replaced 4 of the 5 litres of blood he lost but he is still trying to speak like an Australian.

The President spoke highly of the work done by Abel Guterres as the Consul General and his work with the friendship foundation. When Ramos Horta was Prime Minister he set Abel the task of forming 100 friendship relationships or he would fire him. But as he no longer holds that position, Abel is safe.

The “burning issues” raised by the President were:

- The seasonal workers scheme in Australia
- Timorese born before 1975 have Portuguese citizenship
- Poverty
- Lack of clean water
- No one poorer than a person without clean water
- Schools without clean fresh water
- Need for recycling and water catchment
- Repairing schools
- The war against poverty is the only just war.
- Buy Timorese coffee has a large Viagra content hence the increase in population!
- Major plant and animal viruses have come from European countries not Timor
- Don't dump your old computers on us
- Still working towards a peaceful solution
- Country is only 7 years old. Building a state takes more than 7 years. You can't build a successful chicken shop in that time.

A pledge that the President was very firm about was that the U.N. would not leave until 2012 at least. They still need help so there will be no hasty signature for the U.N. to leave.

Abel Guterres - Consul General, East Timor

Abel spoke of the problem of tax on incoming goods and the need for that to be lifted. He hopes that in the future with the new minister that if the goods are for the community's use there will be no tax. The government has no place in this organisation it is community run and should have no interference from the government. There needs to be more accountability and openness towards the supporters of the community project.

We know this in Indigo as there has been no accountability for the money sent to Roman Luan by the Junior Council. After my visit there I am satisfied that the money has not been misused as there is a need for three signatures on any forms. But we have not had any acknowledgement of the money and I did not meet with the committee.

Prime Minister - Kay Rala Xanana Gusmao

Xanana Gusmao is a very forceful speaker and has a very strong message of support for each other and the need to build community. We share one common humanity and together we move forward. A nation is its people and to know the nation you must know the people. All our past experiences bring us together and make us stronger.

Australia supported the Indonesian Government and then the people of Timor Leste and stood up for their rights to be independent. The Timor Leste Government fully supports

the Friendship groups. Friends understand, respect and tolerate each other. Timor Leste is not like Australia, it is a new nation, faces challenges and the friendship groups will contribute to this nation. It is important to support all people, from all levels and to offer help.

The government was wrong to do what it did in 2003 and in the years between then and now we have lost many things, we will learn from our mistakes. Relationships at local levels are not just empty gestures they are need to build community and to strengthen people's commitment. The politicians were wrong to incite the people and cause trouble and problems. It is important to talk to discuss problems and work towards helping each other. There was a very passionate plea to the people of Australia and Timor Leste to participate and be responsible for the success of the programs we are involved in.

Do not wait for elections to become involved in the community and the country, work for the people not the party. He pledged to lead his party forwards. If we think of ourselves as leaders and the people are crying and poor, we are not leaders. His final pledge was that there would be no more bloodshed, no more burning of houses and if people are working for the party and not the people they should resign.

We had an interpreter for this speech and as Xanana got more worked up he forgot to stop for her to interpret. When he finished the locals stood up and cheered and then the interpreter said "phew I don't think I can do that as well but I will try" and when she had finished we all stood up and cheered.

Other speakers of interest and their comments were:

Minister for Local Government

A rather cryptic comments regarding how we can seek friends but we are stuck with our neighbours. The border between Timor Leste and Australia is not to separate but to strengthen. Australians welcome frank and open discussion and respect each other. The government is to take the role of a monitor and not to interfere.

Alternative Energy Association

Anton Vikstrom

This is an Australian non government organisation whose role is to support the provision of solar power in the country.

They had a request for 5 solar stations to be set up, they had money for two and parts for three. The solution was to train the local technicians to complete the installation which worked well. Once again we have the message of long time commitments, the need to build partnerships with people with the right skills and to trust each other.

If we are sitting in physical darkness we are in the dark but if we are in the light we feel lighter. We must seek to solve our problems ourselves.

Abel's aim is to be the first green country in the world.

The costing of the program to community centres and is schools free but individual houses are \$2 per month. Kerosene costs the average household \$2 per week so solar power is a cheaper alternative.

Friends of Baccau

Australian International volunteer working in Baccau, a district of Timor Leste. It is known as the city of light as it has electricity 24 hours a day.

If you are chasing butterflies you could stub your toe so instead you plant flowers and the butterflies will come to you. This message means that it is important to start with small things people can do for themselves and as the song says” From little things big things grow”.

Rob Hudson

Rob Hudson is a MP from Victoria. He is a long time supporter of Timor Leste.

These are the main points of his presentation.

- Australia owes Timor Leste a debt which we have taken too long to repay
- This is not charity but friendship
- We have let Timor Leste down once and we will not do it again
- This is a friendship commitment not a feel good option but the deliverance of much needed services
- It is important to take up the issues of temporary visa for Timorese youth as they have no work and very little education
- The friendships are to be based on community not Government interference
- We must practise what we preach, training is the first preference but offering to help it to be done is a final resource. Australia is not only neighbour but family.

Minister for State and Administration

The natural resources of Timor Leste are oil, gas and minerals. This lead to a discussion on the viability of the gas pipeline coming to Dili rather than Darwin as is currently the proposal.. It would greatly benefit the Timorese people providing work opportunities as well as training in the necessary skills area. There was a strong vote of confidence from the meeting to support this option in any way possible, such as speaking with local and federal politicians on our return to Australia.

The Conference closed on Friday at 2.00pm amid much back patting and promises to remain in contact, which always happens at the end of a successful conference.

17.6 JULY DIARY - CR FRANCES WALSH**For Information**

Date	Time	Event
4 July	11.00 am	Indigo Tourism Board Meeting, Rutherglen
6	10.00 am	Yackandandah Tibetan Monks
13		Farmers' Market, Rutherglen
14	2.00 pm	Meeting with Mayor and CEO, Beechworth
15	4.00 pm	Council Briefing Meeting, Yackandandah
17	5.30 pm	Heritage Advisory Committee Meeting, Rutherglen
18	6.00 pm	Rutherglen Primary School Premiere
21	9.00 am	Badge Presentation, School Council, Barnawartha
	2.00 pm	Guest Speaker, Rutherglen Red Cross AGM
	6.00 pm	Women's Suffrage Meeting, Rutherglen
22		Rutherglen Probus Meeting, Presentation on Timor Leste
	4.00 pm	Council Briefing Meeting, Barnawartha
	7.00 pm	Community Forum, Barnawartha
24		Rutherglen Arts Meeting
26		Meals on Wheels, Rutherglen
29	4.00 pm	Council Briefing Meeting, Wooragee
	7.00 pm	Wahgunyah Progress Association, Guest Speaker
31		Rural Land Use Meeting, Yackandandah

Cr Frances Walsh

5 August 2008

17.7 JUNE AND JULY DIARY - CR A BANKS**For Information**

Date	Time	Event
3 June	4.00 pm	Council Briefing Meeting at Chiltern
	7.00 pm	Council Meeting, Chiltern
11	5.30 pm	Planning Focus Meeting re MB Cellars, Beechworth
12	8.00 am	Lake Sambell CoM on site meeting
17	4.00 pm	Council Briefing Meeting, Yackandandah
24	4.00 pm	Council Briefing Meeting, Wahgunyah
	6.30 pm	Special Meeting of Council to adopt Draft Budget
	7.00 pm	Community Forum, Wahgunyah
1 July	4.00 pm	Council Briefing Meeting, Chiltern
	7.00 pm	Ordinary Meeting of Council, Chiltern
11	6.30 pm	Meeting with Black Springs Rural Land Group
15	4.00 pm	Council Briefing Meeting, Yackandandah

17	8.30 am	Meeting, Beechworth Chamber of Commerce re Municipal Offices
21	7.30 pm	Baarmutha Park Management Committee Meeting
22	4.00 pm	Council Briefing Meeting, Barnawartha
	7.00 pm	Community Forum, Barnawartha
29	3.00 pm	Council Briefing Meeting, Wooragee
	7.00 pm	Community Forum, Wooragee

Cr Andrew Banks

5 August 2008

17.8 MAV COUNCILLOR DEVELOPMENT WEEKEND – (FILE NO: M506-12 - CR JENNY DALE)**For Information**

The MAV Councillor Development week-end was attended by the Mayor, Cr Vic Issell and Cr Jenny Dale.

Approximately 150-160 Councillors and some partners and children attended this great gathering of local government. at Lorne.

The welcome dinner on the Friday evening had as the guest speaker, The Hon Tim Fisher AC. The evening commenced with a welcome from a Councillor from Surf Coast Shire, (former Mayor) and this was followed by a traditional welcome to the land.

Tim's speech was targeted towards the role of leadership in LG Tim went through the various traps that Councillors could stumble into when using the media as communication. He also spoke at length of political matters around the world and the effect that this would have on Australia. I found Tim to be an interesting and passionate speaker on all things Australian, especially trains.

Saturday morning the Conference was officially opened by The Hon Richard Wynne MP, Minister for Housing, Local Government and Aboriginal Affairs.

The Minister spoke about the importance of the upcoming elections, and what a logistical exercise it will be when the 79 Councils all go to the polls at once. I should say 78 at the moment as Melbourne City Council has asked for an extension of another year. The Minister was not impressed and has stated that it will be all Councils. Minister Wynne spoke on the necessity of identification of the State and Federal members in your area, and to make them aware of the issues that are of concern to LG This was in direct reference to Tim Fisher's speech the previous evening, where Tim referred to LG being recognised, and acknowledged when there are Legislative reforms.

The Minister outlined the changes mooted for the Councillors at this election, such as the Allowances being increased to a minimum and maximum range, indexed and with a Super component. There will also be a Councillor "Tool Kit" which will state what a Councillor is entitled to when elected, ie, lap top computer, phone, fax, etc. This will be

the same across all councils. There will also be an amount of \$600,000.00 for Councillors Training Package. He envisaged that the training would be conducted by the MAV, LG Pro and the VLGA. This will be aimed at assisting in bringing Councillors up to speed in what is required of them after election. The caretaker period for councils will be altered from 57 days to 32 days in line with other levels of government.

The City of Melbourne voters must reside in the municipality and not just have car parking rights, or boat mooring rights, to be eligible to vote.

This has been a ruse in the past. There will also be scrutiny for "Dummy Voters".

There will be seminars on better LG Code of Conduct, and Councillor behavior. If conflict occurs that cannot be resolved internally, there will be a two stage process activated. 1. A Council of elders will hear the problems, and if unsuccessful in resolving the issue then it will be to go to VCAT for a ruling.

Some discussion then arose when the Minister stated that he had accepted the recommendations of the Ombudsman's report on Responsibilities of a Councillor. The main concern was in relation to the transparency of Council's Briefing meetings. There was discussion on decision making, and reference to "Winky Pop" decisions. The Minister stated that at all times Councillors should make clear decisions and have an unambiguous lack of bias when dealing with issues.

Interestingly the Minister spoke on seeking Additional Income Streams, especially for small rural councils which do not have the ability to raise funds internally. 50-55% of funding comes from the State and Federal governments in the form of grants. It is vital to boost this in some way.

My personal belief is that Constitutional Recognition would be nice, but it will not be as important as LG being allocated its own share of the Country's Tax stream. We would be able to stand alone with a recognisable and secure funding source.

The second key note speaker was Don Lenihan, Adviser to the Government of New Brunswick on Public Engagement. This address attempted to show that there is a different way that Governments can operate, and that is to use people power, and have the community involved with decision making on issues that concern them, their area, and their district. This is not to be seen as a lessening of the "Power" of the elected representative, but as an enhancement to problem solving on issues that rightly belong to the people.

He spoke at length on what he called "THE ENGAGEMENT CONTINUUM". Public engagement is a complex issue. What do we mean by "Public engagement? And when do we move beyond Consultation? We need to break this up into three areas of views - Deliberation - Action. The idea is to:

1. Align stakeholders around common goals,
2. To set the directions and priorities around which communities and committees of interest can mobilise. We need to disentangle the dialogue, and have a more visionary approach. Strategic planning with full community ownership, and logic models. What is the difference here?

There will be different dialogues for different tasks, divisions of labour and weighting of tasks, depending on the issue. A new role for Government as a convener, and would have to bring in Stakeholders, citizens etc with converging goals. With this model of Public Engagement three key goals of better governance appear to be converging:

1. Promote more effective government,
2. Strengthening civic, or Local Government,
3. Define and develop participation and responsibilities, new forms of public leadership.

The closest we have to this sort of community governance would be the "Lighthouse Model" being worked upon in various councils across Victoria.

My first workshop was again with Don Lenihan, who expanded on his previous theme.

Again he spoke on the Model of Engagement. Some of the statements were and I quote, "The government should not give away its role of making decisions for the public, but they do need to look at ways that this can be managed"

"To engage the community you must have clear direction. A united community will over speak the Council. They must allow people to have a greater part in decision making".

"Wellness of the Community; What is the individual's part in all this? The community needs to get together to start the ball rolling. The Council needs to take on more of a facilitators role. We need to draw on the sense of the community and not dictate to the public, after all it is their problem they live there. There should be no fear of lessening of power, either from an officer or Councillor"

Who's the best judge of whether the shoe fits - the manufacturer or the wearer?

My second workshop was "On your feet: Looking and sounding the part". This was conducted by Jo Pearson, media and presentation coach.

This was an informative and interactive workshop, with emphasis on "Body Language" and the importance to look the part and feel the part. Public impressions are nearly all perceptions, until facts come into play. You must appear confident even if you do not feel it. On the average most people could not do what we do as Councillors.

The 3.30 pm Key Note speaker was Jan Smith from Girgarre, Northern Victoria. Jan spoke on the resurrection of her small dying town of Girgarre. She, and others, formed a group, and commenced a Community Market day. This was slow to start, but now it is a hugely successful venture, and has enabled the community to reconstruct, and refurbish its Town Hall, and have funding for many, many projects around the town. Jan was a vibrant energetic and passionate speaker, who I do not believe you could say no to, if she were after something. She demonstrated how a community and its Council could work together.

Then it was time for the Group Activity. This took the form of African musical instruments and drums. Each section of the audience was given a musical instrument and

they then had to learn their part. At the end they all can together with a canopy of noise, (meant to be in harmony) and we had dancers too!!!

I managed to get a drum for myself and had a great time.

The Dinner was very good, with plenty of networking. The guest for the evening was Sir Murray Rivers, Q.C. (retired) former Victorian Supreme Court Judge.

This actor is billed as one of Australia's most controversial legal and political figures. He is a very outspoken media commentator, who speaks on controversial topics such as corporate governance and ethics, leadership, IVF programs, the rise of Kevin Rudd, greenhouse emissions and the environment.

I have seen this man in action before and find him quite amusing. This cannot be said for some of the audience who took offence to the actor.

The Mayor attended the Sunday sessions. I had to leave early for an appointment back in Indigo early afternoon. As this is my last Councillor Development experience, I would sincerely like to thank the Indigo Shire for allowing me to participate in these events over the past few years, I have learnt an enormous amount and made some very wonderful friends amongst my fellow Councillors form all over Victoria.

17.9 JULY DIARY - CR J DALE

For Information

Date	Time	Event
1 July	4.00 pm	Council Briefing Meeting, Chiltern
	7.00 pm	Ordinary Meeting of Council
4	9.30 am	MAV Board Meeting, Melbourne
	7.00 pm	Yackandandah/Tangambalanga/Beechworth/Baranduda Lions Clubs combined hand over dinner, Albury
5	1.30 pm	Guest Speaker, Baree Region Guides Forum, Barnawartha
15	5.30 pm	Council Briefing Meeting, Yackandandah
16	7.00 pm	Burke Museum AGM, Beechworth
18-20	Full weekend	MAV Councillor Development Weekend, Lorne
21	7.30 pm	Chiltern Tourism Association AGM, Chiltern
22	4.00 pm	Council Briefing Meeting, Barnawartha
	7.00 pm	Community Forum, Barnawartha
24	7.00 pm	Rutherglen Heavy Vehicle Deviation Focus Group Meeting, Rutherglen
29	3.00 pm	Council Briefing Meeting, Wooragee
	7.00 pm	Community Forum, Wooragee
30	4.00 pm	Farewell Pam Crosthwaite, DON, YBNH, Yackandandah

Cr Jenny Dale

5 August 2008

17.10 JULY DIARY - CR W HOTSON**For Information**

Date	Time	Event
1	3.00 pm	Council Briefing Meeting, Chiltern
	7.00 pm	Ordinary Meeting of Council, Chiltern
4	12 noon	Indigo Tourism Meeting, Rutherglen
	6.30 pm	WAW Customer Service Presentation, Chiltern
15	5.00 pm	Council Briefing Meeting, Yackandandah
21	7.30 pm	Chiltern Tourism Association Inc AGM, Chiltern
22	4.00 pm	Council Briefing Meeting, Barnawartha
	7.00 pm	Community Forum, Barnawartha
24	7.00 pm	Rutherglen Heavy Vehicle Deviation Focus Group Meeting, Rutherglen
26	3.00 pm	Site inspection Municipal Offices Project, Beechworth
	4.00 pm	Tread Softly Exhibition, shop windows and Burke Museum, Beechworth
27	11.00 am	Kerferd Oration, Beechworth
29	4.00 pm	Council Briefing Meeting, Wooragee
	7.00 pm	Community Forum, Wooragee
31	5.30 pm	Rural Land Use Strategy Meeting, Yackandandah

Cr Bill Hotson

5 August 2008

17.11 JULY DIARY - CR B MURDOCH**For Information**

Date	Time	Function
1 July	4:00 pm	Briefing Meeting Chiltern
	7:00 pm	Council Meeting Chiltern
4	6:30 pm	WAW Meeting with Chiltern Community, Chiltern
9	7:30 pm	Meeting Chiltern Arts, Chiltern
10	7:00 pm	Meeting Chiltern Progress, Chiltern
21	3:30 pm	ALP Valley's Young Farmer's Forum, Rutherglen
	7:00 pm	Chiltern Tourism AGM, Chiltern
22	4:00 pm	Council Briefing Meeting, Barnawartha
23	10:00 am	Northern Region Sustainable Water Strategy Consultative Meeting Melbourne
24	5:30 pm	Volunteers Workshop Rutherglen
27	11:00 am	Kerferd Oration Beechworth
28	6:00 pm	Meeting 'Women's Suffrage' Chiltern
29	3:00 pm	Briefing Meeting Wooragee
	7:00 pm	Council Forum, Wooragee
31	7:00 pm	Rural Land Use Meeting Yackandandah

Cr Barbara Murdoch

5 August 2008

18.0 GENERAL BUSINESS

19.0 CONFIDENTIAL

**19.1 PRINCIPLES FOR A FUNDING STRATEGY FOR THE
COUNCIL OFFICE CONSOLIDATION PROJECT – (FILE
NO: E971 – CEO)**

PURSUANT TO SECTION 77(2)(c) OF THE LOCAL GOVERNMENT ACT 1989 I
HEREBY DESIGNATE THE ATTACHED INFORMATION AS CONFIDENTIAL AS
IT RELATES TO LEGAL AND CONTRACTUAL MATTERS



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Brendan McGrath
CHIEF EXECUTIVE OFFICER

5./8./2008