



## **INDIGO SHIRE COUNCIL**

**NOTICE** is hereby given that the Ordinary Meeting of the Indigo Shire Council will be held on **Tuesday 11 November 2008** in the **Senior Citizens Rooms, Conness Street, Chiltern** commencing at **7.00 pm**.

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

**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 14 October 2008
- 8.0 Business Arising (previous Minutes)**

### **OUR VISION IS**

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

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**9.0 DEPUTATIONS AND PETITIONS**

**10.0 ENVIRONMENT AND DEVELOPMENT**

**10.1 INDIGO PLANNING SCHEME AMENDMENT C24 -  
INDIGO PLANNING SCHEME REVIEW 2006/07 (FILE  
NO: E1240.24 - SSP)**

**For Decision**

**RECOMMENDATION**

1. The part of the amendment proposing to rezone land along All Saints Road Wahgunyah Road from FZ to IN1Z be split from the rest of the amendment to further address the potential impact of this proposal on the adjoining land owner and the environment. This part of the amendment will considered separately at a later date.
2. The part of the amendment proposing to correct mapping errors relating to the Heritage Overlay items of the Beechworth Justice Precinct and the Rutherglen Research Station, be abandoned.
3. The part of the amendment proposing to rezone land in Chiltern from Township Zone to Residential 1 Zone be abandoned.
4. All submissions that could not be accommodated by changing the proposed planning scheme Amendment C24 be referred to an independent Panel appointed by the Minister for Planning in accordance with Section 23 of the *Planning & Environment Act, 1987*.

**SUMMARY**

Council adopted the *Indigo Shire Council – Planning Scheme Review 2006/07* on 2 October 2007. Indigo Planning Scheme Amendment C24 can essentially be considered as comprising two parts, namely:

1. Amendments to the Indigo Planning Scheme as a result of the recently completed Indigo Planning Scheme Review and as recommended by the adopted review document entitled *Indigo Shire Council Planning Scheme Review 2006/07*, these amendments include:
  - Changes to the Local Planning Policy Framework (LPPF) by replacing Council’s Municipal Strategic Statement (MSS) with an updated MSS and a number of other changes to the LPPF including deleting current policy, introducing new policy and making minor changes to existing policy;

- Replacing a number of Schedules to the Development Plan Overlay; and
  - Rezoning a number of parcels of land.
2. Correction of a number of general mapping and administrative errors and anomalies (as detailed below).

As part of this Planning Scheme Amendment process, the amendment has been exhibited, and a number of objections have been received, along with letters of support, queries and submissions from authorities. This report considers each of these submissions, its impact on the amendment and whether an Independent Panel would be required to consider the amendment. Such a panel would be appointed by the Minister for Planning in accordance with Section 23 of the Planning & Environment Act 1987.

### **BACKGROUND**

The Indigo Planning Scheme Review 2006/07 process commenced in April 2006 and the final review document, entitled Indigo Shire Council – Planning Scheme Review 2006/07, was adopted by Council on 2 October 2007. In addition to adopting this document council also resolved:

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

The adopted final review document contains an Implementation Plan which lists a number of action items for immediate actions. These items include:

- Review relevant schedules to the Development Plan Overlay;
- Implement interim local policy to discourage dwellings in the FZ on lots smaller than 40ha;
- Produce new MSS based on the Indigo Planning Scheme Review 2006/07;
- Rezone land currently in the Township Zone to Residential 1 Zone and Business 1 Zone in accordance with strategic maps for Chiltern, Yackandandah and

Barnawartha;

- Rezone land identified on the Rutherglen Strategic Map for future commercial purposes;
- Rezone land identified by the Wahgunyah Strategic Map for future industrial purposes;
- Wahgunyah: Rezone land east of Frederick Street, Wahgunyah from B1Z to R1Z.

The Minister for Planning authorised the preparation of Amendment C24 in April 2008 and the amendment was subsequently publicly exhibited in accordance with Council's decision of 2 October 2007 and the Planning and Environment Act. A number of submissions were received as a result of the recent public exhibition of Indigo Planning Scheme Amendment C24.

### **PUBLIC EXHIBITION**

Amendment C24 was advertised from 9 June 2008 to 15 August 2008. In response, a total of 39 objections/request for changes to the amendment, 2 letters of support and 4 written queries have been received. Copies of the objections/request for changes to the amendment have been provided to each Councillor. The table below contains a summary of the submissions received, a response to main issues and a recommendation for each.

It should be noted that the submissions from Goulburn Murray Water, Indigo Shire Council – Assets Department, Vic Roads, North East Water, the Department of Sustainability and Environment, the National Trust, local timber companies and the Department of Primary Industries each requested a number of changes to be made to the proposed amendment. These changes were considered and then discussed with each of these submitters. Some requested changes were considered inappropriate, some were considered outside of the scope of the amendment and some were agreed to. Copies of Indigo Shire Council's responses to each submission have been provided to each Councillor. The submitters have considered Council's response and in each case have agreed that the proposed approach was satisfactory and that the matter will not be further pursued through an independent panel process. The same process was followed in relation with the submissions from the CFA and North East Catchment Management Authority (NECMA), but in these cases only verbal confirmation has been received that Council's response to their submission were considered satisfactory. Unless written confirmation can be obtained, these submissions will have to be referred to an independent panel.

<b>Submitter</b>	<b>Support / Objection</b>	<b>Summary of content</b>	<b>Response</b>	<b>Recommendation</b>
1. Land owner - Yackandandah	Objection / Request for changes	Rezoning of land from Low Density Residential Zone (LDRZ) to Rural Living Zone (RLZ) will have a detrimental affect on the value of the property.	A planning permit is required to subdivide the land and such a permit has not been granted, therefore there is no existing right to subdivide the land.	No change to amendment.
		Land is suitable for LDRZ development.	The land is currently zoned LDRZ, but has been identified as unsuitable for this purpose as part of the Indigo Planning Scheme Review 2006/07 process.	No change to amendment.
2. Land owner - Wahgunyah	Objection / Request for changes	Rezoning of land along All Saints Road, Wahgunyah from Farming Zone (FZ) to Industrial 1 Zone (IN1Z), should not allow or make permissible: <ul style="list-style-type: none"> <li>• An industry that could be detrimental or harm tourism by any means;</li> <li>• An industry that could affect grape production in the vicinity.</li> </ul>	The type of development that will take place on the subject land is currently not known, which makes it difficult to respond the concerns raised. Additional tools could be introduced in an attempt to address the issues raised. These tools should be further investigated.	Split this part of the amendment from the main amendment in an attempt to resolve concerns raised at a later stage by investigating the introduction of additional tools to address the potential impact of this amendment on adjoining land and biodiversity (see DSE comments).
3. Land owner - Beechworth	Objection / Request for changes	Request to rezone lot in Beechworth from FZ to LDRZ.	The rezoning of this lot was considered as part of the Planning Scheme Review 2006/07 process and the lot was found unsuitable for such a rezoning due to potential land use conflicts that may be caused by such a rezoning.	No change to amendment.
4. Land owner - Chiltern	Objection / Request for changes	Request a change to the proposed zoning - entire property should be included in LDRZ.	This is a mapping issue that should be changed as requested by the landowner.	Change the amendment to include entire property in LDRZ as requested.
5. Solicitor	Objection / Request for changes	Not sufficient notice provided to landowners with lots in the FZ smaller than 40ha, in relation to the deletion of "Dwellings on existing small rural allotments" policy and the introduction of the new "Rural Dwellings Policy".	Notice was provided beyond statutory obligations.	No change to amendment
6. Land owner - Yackandandah	Objection / Request for changes	Proposed rezoning from TZ to Business 1 Zone (B1Z) and R1Z would affect the future value of the property.	The entire property should be zoned B1Z as the physical characteristics of the land would not be conducive to the land being developed partly for business purposes and partly for residential purposes.	Change the amendment to include the entire property under the B1Z
7 - 22. Owners of rural lots, planning consultants and solicitor	Objection / Request for changes	Objection against the introduction of the new "Rural Dwellings Policy" which does not support dwellings on small rural lots in the FZ while the Rural Land Use Strategy is being prepared. Some submissions also include objections against the deletion of "Dwellings on existing small rural allotments" policy, which is proposed to be replaced by the "Rural Dwellings Policy".	The introduction of the new "Rural Dwellings Policy" is an interim measure while the Rural Land Use Strategy is being completed. This policy replaces the "Dwellings on existing small rural allotments" policy which is not considered sustainable.	No change to amendment

23 - 27. Land owners in Chiltern & progress association	Objection / Request for changes	Objection to the proposed rezoning of land in Chiltern from TZ to R1Z.	The rezoning of land in Chiltern from TZ to R1Z may need further investigation.	Abandon the part of the amendment proposing to rezone land in Chiltern from TZ to R1Z thereby retaining the TZ on the relevant land in Chiltern
28 - 30. Timber Companies and DPI	Objection / Request for changes	Request changes to the sections of the MSS and Local Planning Policy related to timber production	Requested changes to MSS are supported, but suggested changes to Local policy are considered beyond the scope of this amendment.	Change the MSS as requested
31 - 34. Land owners	Queries	Written queries were received asking clarification on a number of aspects of the proposed amendment, The required information was provided in each case.		
35. National Trust	Objection / Request for changes	Request to add individual Heritage Overlay over 2 properties in Chiltern	The requested changes are considered outside of the scope of this amendment. The relevant properties are already covered by the Heritage Overlay.	No change to amendment
36. DSE	Objection / Request for changes	Request a number of changes to the amendment	Amendment to be changed as requested where possible. Some requested changes are considered inappropriate or outside of the scope of this amendment and is therefore not supported.	Change amendment to include supported changes as agreed with submitter.
37. NECMA	Objection / Request for changes	Request a number of changes to the amendment	Amendment to be changed as requested where possible. Some requested changes are considered inappropriate or outside of the scope of this amendment and is therefore not supported.	Change amendment to include supported changes as agreed with submitter. Written confirmation of agreement still to be provided.
38. North East Water	Objection / Request for changes	Request a number of changes to the amendment	Amendment to be changed as requested where possible. Some requested changes are considered inappropriate or outside of the scope of this amendment and is therefore not supported.	Change amendment to include supported changes as agreed with submitter.
39 - 40. EPA and DEECD	Support	Letters of support of the proposed amendment		
41. Vic Roads	Objection / Request for changes	Require some minor mapping changes	Requested mapping changes to be made	Change amendment as agreed with submitter.
42. Indigo Shire Council – Assets Dept.	Objection / Request for changes	Request for alternative zonings for a number of properties	Suitable public zonings are more appropriate for these properties	Change amendment as agreed with submitter.
43. CFA	Objection / Request for changes	Fire Station to be developed further in future and proposed rezoning from TZ to R1Z may have an impact on this.	Proposed rezoning from TZ to R1Z will place no additional planning requirements or restrictions on the use or development of the subject land for the purposes of a Fire Station.	No change to amendment as agreed with submitter. Written confirmation of agreement still to be provided.
44. Goulburn Murray Water	Objection / Request for changes	Request a number of changes to the amendment	Amendment to be changed as requested where possible. Some requested changes are considered inappropriate or outside of the scope of this amendment and is therefore not supported.	Change amendment to include supported changes as agreed with submitter.

45. Land owner - Chiltern	Objection / Request for changes	Objection to the inclusion of land in Chiltern as "Future Business / light industrial" on the proposed Chiltern Strategic Map which forms part of the proposed Municipal Strategic Statement	The Chiltern Strategic Map was prepared as part of the recent planning scheme review process and was prepared in consultation with the community of Chiltern. The land is considered suitable for this type of development. This Chiltern Strategic Map shows the preferred future land use for areas in Chiltern and the land will be subject to a future rezoning process.	No change to amendment
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Heritage Victoria has also indicated that they will be making some changes to the Heritage Overlay as part of a separate planning scheme amendment process and that the correction of mapping errors related to the Beechworth Justice Precinct and the Rutherglen Research Institute proposed as part of Amendment C24 will now be done by Heritage Victoria as part of this separate planning scheme amendment process. As a result, the part of Amendment C24 proposing the correction of mapping errors related to the Beechworth Justice Precinct and the Rutherglen Research Institute, should be abandoned.

## **CONCLUSIONS**

In accordance with Clause 23(1) of the Planning & Environment Act, after considering a submission that requests a change to an amendment, Council may:

- Change the amendment in the manner requested;
- Refer the amendment to an Independent Panel, or;
- Abandon the amendment or part of the amendment.

In the case of Indigo Planning Scheme Amendment C24 a number of the submissions received could be accommodated by making relatively minor changes to the amendment. These changes will be reported to Council at a future Council meeting.

In a number of cases however, submissions could not be accommodated within the amendment and these submissions will either have to be referred to an Independent Panel or the affected part of the amendment could be abandoned. The part of the amendment now proposed to be included in separate amendment processes (by Heritage Victoria) should also be abandoned.

A further alternative is to split part of the amendment from the main part of the amendment in an attempt to address some of the issues raised and then treat this part of the amendment as a separate amendment.

In light of the above comments, it is recommended that part of the amendment be split from the amendment to be treated as a separate amendment, that part of the amendment be abandoned, that some changes be made to the amendment to accommodate submissions and that the submissions that could not be accommodated within the amendment be referred to an Independent Panel for consideration, these submission include:

- Objections to the proposed deletion of the “Dwellings on existing small rural allotments” and replacing it with the “Rural Dwellings Policy”;
- An objection to the rezoning of a property in Yackandandah from Low Density Residential Zone to Rural Living Zone;
- A request to rezone a property in Beechworth from Farming Zone to Low Density Residential Zone;
- An objection to land in Chiltern being identified for “Future Business / light industrial” on the proposed Chiltern Strategic Map which forms part of the proposed Municipal Strategic Statement.

(The submissions from the CFA and NECMA may also be referred to the panel if written confirmation are not received from them that their concerns have been satisfactorily

addressed.)

**10.2 INDIGO PLANNING SCHEME AMENDMENT C35 -  
REZONING OF FORMER BEECHWORTH HOSPITAL  
(FILE NO: E1240.35 - SSP)**

**For Decision**

**RECOMMENDATION**

- 1. The amendment be changed by introducing the Environmental Audit Overlay proposed to be rezoned from Public Use Zone to Residential 1 Zone.**
  
- 2. The submission received be referred to an independent Panel appointed by the Minister for Planning in accordance with Section 23 of the Planning & Environment Act 1987.**

**SUMMARY**

Following the opening of the new Beechworth Health Service Residential Aged Care Facility in Sydney Road (June 2005), the site of the former Ovens and Murray Hospital for the Aged ceased being used for health related purposes. This site, located in Warner Road, is surplus to Government operating requirements and is now managed by the Department of Treasury and Finance (DTF) who are undertaking a disposal process.

As part of this process, it has been identified that the land needs to be rezoned from Public Use to more appropriate non-public use zone or zones. An amendment to the Indigo Planning Scheme is required for such as rezoning to take place. Planning Scheme Amendment C35 proposes to change the zoning of the subject land from Public Use Zone 3 □ Health and Community (PUZ3), Public Use Zone 2 □ Education (PUZ2) and Residential 1 Zone (R1Z) to Mixed Use Zone (MUZ) and R1Z. The amendment also proposes to introduce the Environmental Audit Overlay (EAO) to cover part of the site.

As part of this Planning Scheme Amendment process, the amendment has been exhibited, and one objection was received. This report considers this objection, its impact on the amendment and whether an independent Panel would be required to consider the amendment. Such a panel would be appointed by the Minister for Planning in accordance with Section 23 of the Planning & Environment Act 1987.

The purpose of this report is not for a decision to be made on the final outcome of the proposed Planning Scheme Amendment, but to ensure that the matter can progress to the next step in the Planning Scheme Amendment process.

**BACKGROUND**

The Department of Treasury and Finance (DTF) has commissioned consultants to prepare a request for a planning scheme amendment to rezone the site of the former Ovens and Murray Hospital for the Aged to an appropriate non-public use zone. The land

was used for various Health Care purposes for a period of over 130 years but is currently disused.

In order to rationalise and modernise the provision of aged health service provision in Beechworth to meet the standards mandated through legislation, a new residential aged care and acute facility was developed in Sydney Road adjacent to the Beechworth hospital. The subject site was decommissioned in June 2005 after the opening of this new facility. At the current moment the former Beechworth Hospital is empty and is awaiting potential reuse options that may be facilitated by rezoning of the land and its transfer into private ownership through the DTF disposal process.

Indigo Planning Scheme Amendment C35 proposes to rezone the subject site from the exiting Public Use Zone 3 □ Health and Community (PUZ3), Public Use Zone 2 □ Education (PUZ2) and Residential 1 Zone (R1Z) to Mixed Use Zone (MUZ) and R1Z. The existing zoning of the subject site is shown in Figure 1 below, while the proposed new zoning is shown in Figure 2.

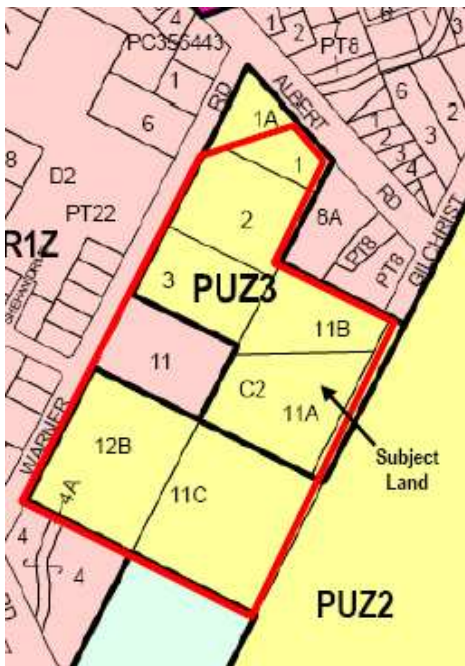


Figure 1: Existing Zoning

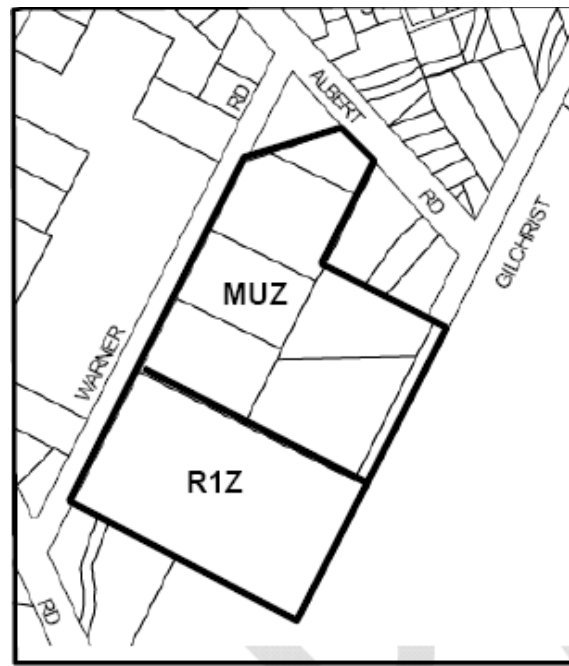


Figure 2: Proposed Zoning

The amendment further proposes to introduce the Environmental Audit Overlay (EAO) to cover that part of the site primarily occupied by the Old Beechworth Hospital infrastructure including the diesel underground storage tank and old boiler room and the maintenance services (including chemical stores). This proposed overlay is shown in Figure 3.



Figure 3: Proposed Environmental Audit Overlay

**PUBLIC EXHIBITION**

Amendment C35 was advertised from 29 November 2007 to 11 January 2008. In response a number of submissions were received which included one objection. A Copy of this objection to the amendment has been provided to each Councillor. The objection raises concerns in relation to:

- Potential dust problems from unsealed roads as a result of the proposed rezoning and subsequent development;
- That the vacant land south of the former hospital may have some historical significance;
- The flow of water from the vacant land south of the former hospital onto adjacent land will be affected by development of the site.

In an attempt to address the concerns raised Council's Senior Strategic Planner wrote to the submitter and in reply a further objection was received raising additional concerns. A Copy of this objection has been provided to each Councillor. The concerns raised in this submission were:

- Dust and noise from additional traffic on unsealed road;
- Drainage problems as a result of future residential development;
- Concern relating to natural water flow on the land proposed for the Residential 1 Zone;
- That the vacant land south of the former hospital may have historical significance as a brick-making site;
- That the land proposed for Residential 1 Zone may be contaminated due to waste from the former hospital being dumped on the site.

As a result of the concerns raised in this submission, the proponent of the proposed Planning Scheme Amendment has engaged consultants to undertake an Environmental Site Assessment of the vacant land proposed to be zoned Residential 1 Zone. This

Environmental Site Assessment was carried out to investigate the historical uses of the site, assess whether potentially contaminating activities may have occurred on site and assess whether waste was present on the site. The assessment included (amongst other things):

- A review of historical records and photographs of the site;
- A on site meeting with the objector;
- The excavation of test pits, and;
- The testing of soil samples.

The Environmental Site Assessment revealed some evidence that the site was used for the excavation of raw materials for brick making in the past, but no physical evidence indicating brick making on this site was reported. Use of the land as a source of raw material for brick making would not generally increase the potential for the land to be contaminated. No evidence of historical significant works/infrastructure was found.

The Environmental Site Assessment further found some buried waste [possibly derived from the hospital] but no [toxic medical wastes] were found on the subject land.

Based on the evidence contained in the site assessment it can be concluded that the site is in all probability still suitable for the proposed rezoning, but that further environmental work will have to be carried out before subdivision takes place. This may include excavation, removal and disposal of uncontrolled fill. The Indigo Planning Scheme includes provisions that would give Council the ability to ensure that any required remedial works are carried out prior to the subdivision of the land and therefore it is proposed to introduce the Environmental Audit Overlay (EAO) over the vacant land proposed to be rezoned to the Residential 1 Zone. This proposed change is indicated in Figure 4 below.



Figure 4: Proposed Environmental Audit Overlay (extended)

The other points of objection raised in the submission are not issues that could generally be dealt with when land is rezoned, because the design of future development on the

subject site is not known. In this case the property will also not be developed by the current owners, but will be disposed once rezoned. These points of objection are better considered when subdivision takes place. In this regard the following should be noted:

- If Planning Scheme Amendment C35 is approved a planning permit would be required to subdivide the land. Existing policy requires that residential roads required by the development must be sealed to relevant standards contained in Council's Road Management Plan.
- The flow of water from the spring on the subject land and the overall drainage of the land are aspects required to be considered in detail before the land is subdivided. As mentioned above, a planning permit would be required to subdivide the land and as part of this planning permit process the developer would be required to consider all natural features of the land such as drainage lines and wetlands when designing the subdivision. The planning permit process for such a subdivision is also likely to include notices to owners/occupiers of adjoining properties, which provides an opportunity for formal comment/objections to be made in relation to more detailed design.

The objector was informed of the above and the Environmental Site Assessment undertaken and its results, but has indicated that they wish for the objection to stand (see letter dated 14 October 2008, as provided to Councillors) chosen to continue with their objections to the proposed rezoning.

### **CONCLUSIONS**

In accordance with Clause 23(1) of the Planning & Environment Act, after considering a submission that requests a change to an amendment, Council may:

- Change the amendment in the manner requested;
- Refer the amendment to an independent Panel, or;
- Abandon the amendment or part of the amendment.

In the case of Indigo Planning Scheme Amendment C35 part of the objection received could be accommodated by making a relatively minor change to the amendment (extending the EAO). A number of other points of concern could however, not be accommodated within the amendment and the submission will have to be referred to an independent Panel.

**10.3 SECTION 173 AGREEMENTS - (07/4122, 08/4288, 08/4390)**  
**(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) J C & P J Rule**
- B) J H Sawyer & J.S.M.S. Pty Ltd**
- C) I A Miller**

**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 07/4122 relates to a proposed 3 Lot subdivision of land with frontage to Balaclava Road, Beechworth. The land is developed with an existing dwelling and it is proposed to create two additional Residential 1 Zoned lots of 920m<sup>2</sup> and 1732m<sup>2</sup>. A Section 173 Agreement was entered into on the 26<sup>th</sup> August 2008 to ensure:
  - (i) That all dwellings are sited, designed and constructed using principles of Water Sensitive Urban Design and in particular that:
    - (a) All dwellings must incorporate a minimum 10,000 Litre rain water tank on site. The water tank must be plumbed to the toilets and garden taps as a minimum. Only the overflow from the rainwater tank is to be directly discharged to each lot's stormwater point. All dwellings shall include water saving measures (AAA rated fixtures and a pressure reduction******

valve).

- (b) Stormwater is detained on site where practical through use of permeable paving, pebble paving, infiltration trenches, soakwells, lawn, garden areas and swales. The total hard surface site coverage (including outbuildings, swimming pools, tennis courts, driveways and all impermeable surfaces), must not exceed 60%.
  - (c) An Erosion and Sediment Control Plan must be submitted with all Building Permit applications that clearly outlines how the site is to be managed during and after construction.
- (ii) That where incorporated, rear or side of allotment infiltration trenches with overflows to the formal drainage system are maintained so as to ensure design stormwater flows do not impact on downslope properties.

The planning Permit was subsequently amended on the 14<sup>th</sup> October 2008 at the request of the applicant to alter the timing of construction of the internal roadway to coincide with the construction of dwellings on the lots created. It is proposed to present an amended Section 173 Agreement to Council for Sealing that includes the requirements of amended Condition 6(ii) of the Permit which now provides that:

- the landowner may enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987, which ensures that prior to a dwelling being occupied on Lot 2 or 3 of PS620796V, the internal roadway is constructed generally in accordance with the engineering plans approved for construction on the 23/09/2008 and endorsed as forming part of this permit to the satisfaction of the Responsible Authority within Common Property No. 2 to service the respective Lot. All works carried out in accordance with the approved plans must be supervised by a suitably qualified practitioner. Prior to a dwelling being occupied on the respective Lot, a written statement must be supplied by the supervising practitioner that all relevant works have been carried out in accordance with the approved plans.
- B) Planning Permit 08/4288 relates to a restructure of 3 Farming Zoned lots into 2 lots of approximately 30ha and 41ha to align with existing fence lines at Howlong Road, Barnawartha. The application was approved on the basis that a Section 173 Agreement was to be entered into with the Responsible Authority to ensure:
- That the lots created are not able to be further subdivided so as to increase the number of lots.
- C) Planning Permit 08/4390 relates to a three lot subdivision of Rural Living Zoned land with frontage to Star and Fanning Lanes, Wooragee. The land comprises 19.85 hectares and was previously approved under Planning Permit PP06-021 for subdivision into 3 lots of 2.2ha, 8.6ha, and 9ha in accordance with an approved Development Plan. Previous permit PP06-021 has expired and the current Permit PP08-4390 was approved on the basis a Section 173 Agreement was entered into to ensure that:

- (i) each lot created is not able to be further subdivided so as to increase the number of lots;
- (ii) all future development is in accordance with the approved development plan;
- (iii) the wastewater treatment and disposal facilities associated with future development of the lots is installed and maintained in accordance with the recommendations of the Land Capability Assessment prepared by LWMP Consultants, and;
- (iv) no vehicular access is provided from Star Lane without the further written approval of the Responsible Authority.

*Attachment A: Locality/Site Plan – PP07/4122 Balaclava Road, Beechworth.*

*Attachment B: Locality/Site Plan – PP08/4288 Howlong Road, Barnawartha.*

*Attachment C: Locality/Site Plan – PP08/4390 Star and Fanning Lanes, Wooragee.*

**10.4 INDIGO PLANNING SCHEME AMENDMENT C49 –  
FORMER BEECHWORTH GAOL - SCHEDULE TO  
DEVELOPMENT PLAN OVERLAY (FILE NO: E1240-49 -  
SSP)**

**For Decision**

**RECOMMENDATION**

- 1. Council resolve to request authorisation to commence with the preparation of Indigo Planning Scheme Amendment C49 from the Minister of Planning, as required by the Planning and Environment Act of 1987.**
- 2. Pending the outcome of the request for authorisation to commence with the preparation of Amendment C49, Council resolve to commence with the preparation and exhibition of Indigo Planning Scheme Amendment C49 which proposes to introduce a new schedule to the Development Plan Overlay relating to the former Beechworth Gaol site.**

**SUMMARY**

In February 2008 the Minister for Planning amended the Indigo Planning Scheme by introducing a Development Plan Overlay (DPO) over the former Beechworth Gaol site in Sydney Road, Beechworth. The Minister's letter approving this Planning Scheme Amendment (C41) indicates that the new DPO is introduced to the site on an interim basis and that Council should consult with the landowner on the form of the final control for the site, which would then be subject to the normal amendment process including full public exhibition.

A schedule to the DPO was prepared and provided to the landowner for input. The landowner subsequently objected to this schedule. It is proposed to introduce a revised schedule to the DPO into the Indigo Planning Scheme by means of Indigo Planning Scheme Amendment C49.

The purpose of this report is to seek Council's support for proposed Planning Scheme

amendment C49 and to initiate a request for authorisation from the Department of Planning and Community Development to commence preparation of Planning Scheme Amendment C49. Once authorised, the amendment would be prepared and exhibited.

**DISCUSSION**

In November 2007 Council requested the Minister for Planning to intervene and introduce provisions to the Indigo Planning Scheme which will ensure that the former Beechworth Gaol site is redeveloped in a sensitive manner by requiring a ‘whole of site’ development plan to be approved before development of the site commences. The reason for this request was that no firm proposal for the reuse of the historic assets on the site was put forward and instead the owner of the site sought permits for subdivision and development of housing on the peripheral land component in the absence of a proposal for redevelopment or reuse of the critical heritage component. Council was concerned that the proposed subdivision and development may be inappropriate if a ‘whole of site’ approach is not taken in considering the type and form of future development on this heritage site and subsequently the planning permit application was also refused.

In February 2008 the Minister for Planning amended the Indigo Planning Scheme by introducing a Development Plan Overlay (DPO) over the former Beechworth Gaol site in Sydney Road, Beechworth. The Minister’s letter approving this Planning Scheme Amendment (C41) indicates that the new DPO (see map below) is introduced to the site on an interim basis and that Council should consult with the landowner on the form of the final control for the site, which would then be subject to the normal amendment process including full public exhibition.

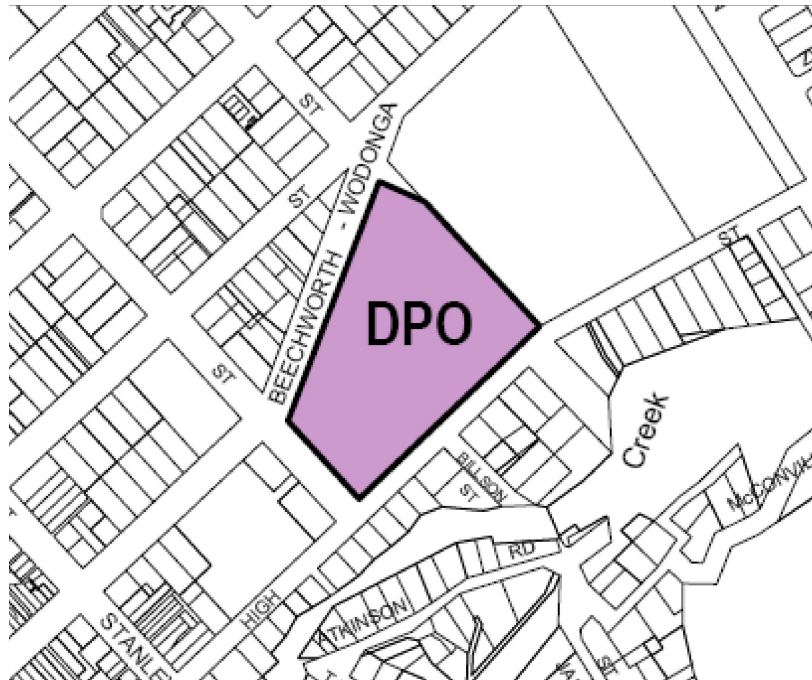


Figure 1: Development Plan Overlay

The DPO introduced by the Minister for Planning requires a Development Plan to be approved prior to any planning permits for subdivision or development of the land is

granted. The Minister did not include a schedule to specify what should be included in this specific Development Plan. A schedule the Development Plan was subsequently prepared to be the final control for the site. The landowner was provided with a copy of this schedule for input and subsequently objected to this schedule. The schedule to the overlay was revised as part of the preparations for the recent VCAT hearing relating to the subdivision of the land. A copy of this schedule is attached (**Attachment A**). It is proposed to now proceed with the Planning Scheme amendment process to introduce this schedule to the DPO.

**CONCLUSION**

It is proposed to introduce a specific schedule to the DPO relating to the former Beechworth Gaol site in Beechworth by undertaking the full Planning Scheme amendment process as required by the Minister for planning and the Planning and Environment Act.

*Attachment A: Proposed Schedule 7 to the Development Plan Overlay*

**10.5 BUILDING STATISTICS – OCTOBER 2008 (EDSM)**

**For Information**

<b>Property Locality</b>	<b>Description</b>	<b>Project Value</b>	<b>Approval Date</b>
Beechworth	dwelling	\$99,600	04/09/08
Beechworth	dwelling	\$184,500	29/09/08
Beechworth	dwelling	\$177,600	29/09/08
Northglenn	New Building	\$9,600	01/10/08
Blackandandah	New Building	\$4,500	02/10/08
Millern	New Building	\$5,400	02/10/08

Beechworth	New Building	\$9,000	07/10/08
Barrowan	New Building	\$3,400	07/10/08
Beechworth	New Building	\$10,000	09/10/08
Blackandandah	New Building	\$5,000	13/10/08
Chagunyah	Swimming Pool	\$4,000	13/10/08
Crows Plains	Alteration	\$50,000	13/10/08
Dutherglen	Other	\$41,500	14/10/08
Blackandandah	Swimming	\$30,000	14/10/08
Niltern	Other	\$8,000	15/10/08
Beechworth	New Building	\$7,900	20/10/08
Niltern	Extension	\$142,900	21/10/08
Dutherglen	New Building	\$12,000	21/10/08
Dutherglen	Swimming	\$10,000	21/10/08
Blackandandah	Extension	\$2,000	23/10/08

Witchworth	Extension	\$4,500	27/10/08
Wetherglenn	Alteration	\$26,000	27/10/08
Wilton	New Building	\$9,000	27/10/08
Wingabalanga	Extension	\$8,000	27/10/08
Wetherglenn	Tree-stump	\$7,800	27/10/08
Witchworth	Swimming	\$360,000	28/10/08
<b>Total</b>		<b>\$1,291,200</b>	

**10.6 PLANNING STATISTICS – OCTOBER 2008 (EDSM)**

**For Information**

Appl.No	Locality	Proposed Use	Project Value	Decision
084251	Wetherglenn	Veterinary Clinic	25,000	Approved
084281	Wackandandah	Rural Industry	1,300	Approved
084306	Witchworth	Lot Subdivision		Approved
084315	Witchworth	Detached Garage	7,900	Approved

		boundary Realignment		
084328	echworth	welling	200,0	pproved
084335	utherglen	gnage		pproved
084338	lans Flat	welling	40,0	pproved
084276	ackandandah	endment - Reconstruct useum	20,0	pproved
084348	iltern	nce	8,0	pproved
084356	digo	ative Vegetation Removal		pproved
084365	poramadda	ed	15,0	pproved
084288	rnawartha	endment - Consolidation of oundary Adjustment		pproved
084368	utherglen	nange of Use - Building ociety	50,0	pproved
084370	echworth	gnage	6	pproved
084371	echworth	gnage	6	pproved
084373	echworth	placement of 23 Street Bin	30,0	pproved

084385	Wilton	Conditions to Dwelling	142,9	Approved
084388	Blackandandah	Dwelling		Approved
084390	Booragee	Lot Subdivision and 3 Dwellings		Approved
084391	Manley	Dwelling	195,0	Approved
084396	Wilton	Report	5,4	Approved
084399	Watherglan	Concrete Lighting Towers	41,5	Approved
152.1	Blackandandah	Amendment - Dwelling		Approved
106.1	Watherglan	Amendment - Extractive Industry		Approved
175.2	Bechworth	Amendment - Dual Occupancy		Approved
084246.1	Blackandandah	Amendment - Boundary Alignment		Approved
074122.1	Bechworth	Amendment - 3 lot Subdivision		Approved
189.1	Bechworth	Amendment - Dwelling Extension		Approved
128.1	Watherglan	Amendment - 2 lot subdivision		Approved

		orm farm		
total			833,3	

**10.7 ENVIRONMENT AND DEVELOPMENT SERVICES PROJECTS – NOVEMBER 2008**

**For Information**

Projects underway are shown in the following table:

<b>Project</b>	<b>Current actions</b>
<b>Amendment C21 - Kiewa-Tangambalanga</b>	<ul style="list-style-type: none"> <li>• Structure Plan adopted by Council in May 2006.</li> <li>• Authorisation received was conditional and a protracted negotiation took place before DSE allowed exhibition to commence.</li> <li>• 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 several reports all of which have been found to be inadequate to meet AAV requirements. Proponent now requested to provide details of consultation with Aboriginal groups, and agree to a Section 173 Agreement over the land re preparation of a future CHMP, once this finalised then the matter will be further reported to Council with a view to proceeding to an Independent Panel review.</li> </ul>
<b>Municipal Strategic Statement and Indigo Planning Scheme Amendment C24 – Major review</b>	<ul style="list-style-type: none"> <li>• Review report with Minister for Planning.</li> <li>• Planning Scheme amendment (C24) to implement initial matters has received DPCD authorisation. Public exhibition finished on 15 August 2008. 45 submissions were received. These include acknowledgment, support, requests for minor changes and objections. Report on amendment in this agenda.</li> </ul>
<b>Amendment C35 – Former Beechworth Hospital site</b>	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 agrees to extend Environmental Audit Overlay over that part of the property which is affected by potential contamination. Report on amendment in this agenda.

<p><b>Amendment C36 – Chiltern Flood Study</b></p>	<ul style="list-style-type: none"><li>• Amendment to replace Land Subject to Inundation Overlay in Chiltern based on the recommendations of the Chiltern Flood Study. Exhibition period ended 24 June 2008.</li><li>• Two submissions were received. Issues raised in submissions have been addresses by NECMA. Currently mapping being revised to take into account NECMA’s response. Following further consultation with the objectors the matter will be reported to Council.</li></ul>
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<p><b>Indigo Planning Scheme Amendment C44 – Back Creek Road, Yackandandah and Buckland Gap Road, Beechworth</b></p>	<p>Requests to rezone land zoned Public Use Zone 7 to Industrial 1 Zone and from Public Conservation and Resource Zone to Farming Zone. Both rezoning will enable the Crown to dispose of the land to adjoining land owners. Amendment on public exhibition until 24 November 2008.</p>
<p><b>Indigo Planning Scheme C48 – Kiewa Valley Highway</b></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><b>Indigo Planning Scheme –environmental / biodiversity overlay</b></p>	<ul style="list-style-type: none"> <li>• Phase 1: Identifies biodiversity priority areas within the municipality for further investigation and possible further controls in the planning scheme. Phase 1 report completed.</li> <li>• Phase 2: Coomes Consulting appointed to undertake this phase of analysis of requirements for additional or changed planning controls. Phase 2 underway. Draft report received and under review. Report to be finalised and presented to Council.</li> </ul>
<p><b>Interim car parking policy (Indigo Planning Scheme Amendment C42)</b></p>	<p>Interim Policy adopted June 2008. Preparation of parking precinct plan under consideration. Will not be progressed until 2009.</p>
<p><b>Rural Land Use Strategy</b></p>	<p>Coomes Consultants appointed to undertake phase one and two of strategy. Phase one and two commenced. Initial consultation phase completed. Issues and opportunities paper released. Period for comments closes 19 November 2008.</p>
<p><b>Indigo Planning Scheme Amendment C50 - Chiltern Business 3 rezoning</b></p>	<p>Application for grant to fund strategic component has been lodged with RDV. Preparation of amendment to proceed following strategic work.</p>
<p><b>VCAT Appeals</b></p>	<ul style="list-style-type: none"> <li>• PP05-281 Appeal by O &amp; Z vonWilpert against Council’s refusal to amend a planning permit for a dwelling at Elgin Road, Beechworth. Hearing set for 14 November in Melbourne. A request has been received for a further adjournment.</li> <li>• 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 &amp; 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 to hearing.</li> </ul>

	<p>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. The hearing to be in Melbourne.</p> <ul style="list-style-type: none"> <li>• PP07-4119 Appeal by C &amp; T Welsh against Council's refusal of an application for a dwelling at Riley's Road, Barnawartha. Waiting for advice of hearing date. Hearing set down for 11 November at Yackandandah.</li> <li>• PP08-4198 Appeal by M Bird against Council's refusal to approve a dwelling. Yackandandah Wodonga Road, Staghorn Flat. Hearing set down for 11 November at Yackandandah.</li> <li>• PP08-4246 Appeal by G Scamell against conditions of a planning permit. Negotiations underway with applicant to resolve issues. Hearing set down for 11 November at Yackandandah. Negotiations successful, amended permit has issued.</li> <li>• P97/015 Appeal by Powercount Developments requesting modification of a condition of this permit which was issued at the direction of the AAT. Application being advertised prior to listing on 12 December 2008.</li> </ul>
<p><b>Environmental health staff</b></p>	<p>Trainee Environmental Health officer position advertised. No appointment made. Options for format of position and filling of position being reconsidered.</p>
<p><b>Administration staff</b></p>	<p>Kimberly Warne has commenced in an Administration Officer position.</p>

## **11.0 OPERATIONS AND ASSETS**

### **11.1 RUTHERGLEN HEAVY VEHICLE DEVIATION COMMUNITY REFERENCE GROUP (FILE NO: T360.3 GMOA)**

#### **For Decision**

#### **RECOMMENDATION**

#### **That Council:**

- 1. Receive the report from the Community Reference Group.**
- 2. Release the report for public comment.**
- 3. Refer submissions received on the report to the consultants appointed to undertake the detail route assessment.**
- 4. Continue to liaise with the VicRoads on short term traffic management solutions for Main Street Rutherglen, incorporating those recommendations in item 6.1 on the Community Reference Group report.**
- 5. Further review the Community Reference Group report, in conjunction with VicRoads, benefit cost ratios are available and then identify routes to be referred when the consultants appointed to undertake the detailed assessment.**

#### **SUMMARY**

Council appointed the Community Reference Group(CRG) to undertake further assessment on possible heavy vehicle deviation routes for Main Street Rutherglen including to review the work undertaken by the Focus Group and submissions received on the report. The CRG has now completed its work in accordance with its charter, up to the stage of presenting this first report to Council.

#### **BACKGROUND**

The Community Reference Group (CRG) Report is attached. Council appointed Mr Tony Plowman as an independent chairman of the Community Reference Group and subsequently appointed thirteen community nominees to the group. Councillors Jenny Dale and Bill Hotson were appointed as the Council representatives on the group. Councils General Manager Operations & Assets Phil Prior provided technical support as did Michael Ham representing VicRoads. The group had their initial meeting in February 2008 and over ten subsequent meetings undertook a process of consultation and analysis in accordance with the requirements in the charter to arrive at their conclusions.

The CRG identified all potential routes then identified the issues which will impact on route selections. The group developed an assessment matrix to ensure that all routes were equally and fairly assessed and that the process of assessment was totally transparent.

The broader regional freight network is also being looked at under three separate studies:

1. A Traffic Impact Assessment auspiced by Wodonga Council specifically to look at the impact of the Logic Freight Centre.
2. The Hume Corridor Transport Strategy funded by the State Government and being managed by the regional group of Council's.
3. The Victorian Transport Plan, due for release shortly by the State Government.

These reports will all be available to the consultants appointed to undertake the detail assessment.

**POLICY IMPLICATIONS**

The Council plan identifies the need for a heavy vehicle bypass for Rutherglen as a priority.

**FINANCIAL IMPLICATIONS**

Council has allocated funding in its 2008/2009 budget as it's contribution towards the cost of the required detailed route assessment . Funding for construction of the preferred route will predominantly need to be sourced through state and federal government sources.

*Attachment*

**11.2 RELOCATION OF ROUTE BUS STOP WAHGUNYAH (FILE NO: T625 – (CWWM))**

**For Decision**

**RECOMMENDATION**

**That Council approve the proposed relocation of the existing public bus stop from Foord St. to Blanche St. Wahgunyah and the installation of a bus shelter.**

**SUMMARY**

The Department of Transport, Route bus operators and school bus operators in conjunction with Council has proposed the relocate the existing bus stops in Foord St. to a single location in Blanche St. Wahgunyah.

**BACKGROUND**

Council has received funding from the Department of Transport to improve and upgrade various route bus stops throughout the municipality. This includes the provision of bus shelters and to ensure compliance with the Disability Discrimination Act (DDA). Discussions with route and school bus operators and the Regional Manager of the Department of Transport have concluded that the current stops near the Caltex Service Station and opposite near Cofields Plumbing in Foord St Wahgunyah would be better located with a single stop in Blanche St near the corner of Foord St. beside the Public

Park.

To ensure compliance with the DDA the stop needs to be provided with a step or kerb to facilitate ease of access for passengers with disabilities and also the installation of raised Tactile Ground Surface Indicators (TGSI's). With the current stops in Foord St., because of the location of street trees, buses cannot stop in a position close enough to the kerb to meet this requirement. Busses currently stop partially blocking the through traffic lane. Additionally with the installation of a bus shelter in Foord St. the nature strip is not wide enough to install the shelter and still provide sufficient width of footpath and room in front of the shelter to provide a circulation space for the movement of wheel chairs.

The preferred location in Blanche St. allows for sufficient room within the nature strip to install a shelter and provide room for pedestrian traffic and wheel chair movement in front of the shelter. This single stop will be used for busses travelling both to and from the Rutherglen direction. The shelter will also be provided with lighting for increased night time security.

**CONSULTATION**

The proposal to relocate the bus stop to the Blanche St. location was advertised in the Corowa Free Press on 27<sup>th</sup> August 2008 and placed on display on the public notice board at the Wahgunyah School of Arts Hall and the Wahgunyah Post Office until 10<sup>th</sup> September 2008. A letter was also sent to the Wahgunyah Progress Association for their comments. The advertisements requested comments to be submitted to Council by 4:00pm Friday 5<sup>th</sup> September 2008.

3 written objections were received and one letter of support.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL & RESOURCE IMPLICATIONS**

Nil. All funding is provided by the Department of Transport.

### 11.3 CAPITAL WORKS – PROGRESS REPORT – TO 30 OCTOBER, 2008 (GMOA)

#### For Information

<b>Project</b>	<b>Actions</b>
<b>Subdivisional works by developers</b>	<ul style="list-style-type: none"> <li>• Red Hill Rd Estate Havelock Rd, Stage 2 works in progress.</li> <li>• Subdivisional construction works are currently very quiet.</li> </ul>
<b>Plant</b>	08/09 replacement program and 10 year forward plan finalised. Minor plant purchases commenced.
<b>Rutherglen Wine Bottle</b>	Planning Permit for works yet to be submitted to Council from NEW. Letters and a petition have been received in support of retaining and restoring this icon.
<b>Murray to Mountains Rail Trail</b>	Design plans have been completed. Agreement reached on access. Preparing tenders for rail removal between Federation Way and Rutherglen.
<b>Chiltern Floodplain Works</b>	Presently investigating options for a dry detention basin upstream of the town. Meetings with landowners have occurred. Waiting on valuations on a potential site before commencing discussions with the owner.
<b>Havelock Road area stormwater re-use</b>	<p>Re-use system commissioned and handed over for use by the Beechworth Football and cricket clubs.</p> <p>Downstream wetlands to be constructed December to complete project. Permit planning ongoing.</p>
<b>Ready/Soles Street drainage</b>	Detailed design under review.
<b>Chiltern Commercial Area Parking</b>	Reached agreement on land purchase, detail design at draft stage. Removal of old houses complete. Application to be made for additional \$170,000 grant in 08/09. Public meeting 6 November.
<b>Rutherglen Heavy Vehicle Deviation.</b>	Community Reference Group finalising route priorities and planning to present their report to October Council meeting.
<b>Tangambalanga Football club rooms</b>	<p>Design layout finalised. Designer/ draftsman engaged and geotechnical investigation completed.</p> <p>DPCD funding yet to be confirmed. DPCD application amount revised down from \$70,000 to \$50,000.</p>

<b>Yackandandah Supermarket Car parking</b>	Works in Hammond St commenced. Supermarket now up and running.
<b>Wahgunyah-Moodemere Walking Trails</b>	Cultural heritage preliminary survey for proposed route nearing completion. Survey completed. Working through other planning permit requirements.
<b>Yackandandah Museum</b>	Reconstruction works 85% complete. Scheduled re-opening late November.
<b>Chiltern Martin Park Lighting/Pathways/Music Bowl upgrade (LIWP)</b>	Works now complete.
<b>Former Beechworth Methodist Church Roof</b>	Specifications for project submitted for the approval of Heritage Vic. Permit exemption application requested by HV subsequently submitted by ISC...verbal approval obtained just awaiting written confirmation. Scope of works currently out for quotation.
<b>Beechworth Netball Courts</b>	Beechworth Netball courts and retaining wall are completed.
<b>Beechworth Pool</b>	Tender has been awarded for works. Construction in progress.
<b>Tangambalanga Industrial Estate</b>	Regional Development Victoria (RDV) 'Expressions of Interest' funding application for Tangambalanga and Yackandandah industrial developments has been submitted. RDV expected to review development sites first-hand November 7 <sup>th</sup> .
<b>Yackandandah Depot Industrial Estate</b>	Regional Development Victoria (RDV) 'Expressions of Interest' funding application for Tangambalanga and Yackandandah industrial developments has been submitted. RDV expected to review development sites first-November 7 <sup>th</sup> .
<b>Wahgunyah Boat Ramp</b>	Planning process progressing. Discussions ongoing.

## 11.4 OPERATIONS DEPARTMENT – PROGRESS REPORT – TO 30 OCTOBER 2008 (GMOA)

### For Information

Project	Description of Works
<p><b>GENERAL MAINTENANCE</b></p> <p><b>Road Maintenance &amp; Parks and Gardens</b></p>	<p>Roadside shoulder spraying and general Parks &amp; Gardens work in progress.</p> <p>Spring mowing in Parks &amp; gardens has ramped up and is in full swing.</p> <p>Localised slashing with hand slasher.</p> <p>Street furniture maintenance commenced.</p>
<p><b>WORKS IN PROGRESS</b></p> <p><b>Bus Stops</b></p>	<p>Some objections have been received to the Planning Permit for the proposed bus stop relocation in Wellsford St. Yackandandah. Amendments have been made to the construction plans as a result of a Focus Group meeting held.</p>
<p><b>EXTERNAL PRIVATE WORKS</b></p> <p><b>Buller Gas</b></p>	<p>Ski season extended at Mt Buller until the end of school holidays, new invoicing working well.</p>
<p><b>Waste Management</b></p>	<p><b>Falls Creek Waste</b></p> <p>We are now in summer mode with this contract with collections undertaken 2 days per week.</p> <p><b>East Gippsland Waste</b></p> <p>Contract is progressing smoothly with no major concerns. Interviews have been held for a replacement site supervisor at the Marlo Transfer Station with an appointment to be made shortly.</p> <p><b>Indigo Waste</b></p> <p>The “Byte back” program for the collection of old unwanted computers is taking place from 20<sup>th</sup> October to 17<sup>th</sup> November with drop off points at the Beechworth Transfer Station and the Yackandandah office. A good response has been received so far. It is proposed to have a further collection in the new year when drop off facilities will be made available at Rutherglen and Chiltern.</p>

<b>Emergency Management</b>	An application for funding for the installation of an overhead data projector and installation of 3 white boards was made through the Department of Justice. Advice has just been received that this application was successful. This funding has been made available for Council's to upgrade facilities at Municipal Emergency Coordination Centres.
<b>Fire Prevention</b>	Fire Hazard inspections have been completed in all of our urban areas with approximately 120 Fire Prevention Notice served. Follow-up inspections will be undertaken after the 14 days allowed for compliance with the notices. Council has also received an amount of \$6,492 from the CFA through their Fire Access Road Subsidy Scheme for the upgrading of the concrete crossing over Sandy Creek at Hibbersons Rd. Council is required to contribute \$927 to this project. This work is expected to be completed by the end of November.
<b>Animal Control &amp; Local Laws</b>	<b>Works</b> (in hours and out of hours) As the dry continues residents of the Shire are reporting more livestock on our roads, both during the daytime and at night. We are expecting to see a greater increase in this as from all reports this will not be a good season for farmers. We are still seeing cats being a major nuisance for rate payers, trapping programs are slow but we are having good results. I would start to see the demand on Councils traps increase as these problem cats will start having kittens.
<b><u>POOLS</u></b>	
<b>Indigo</b>	Repair works to the Beechworth shell are nearing completion, the painting of the buildings has been finished with the replacement of the solar heating programmed for early in November. We are expecting to start filling in the first week of November.  The four other Indigo pools are being prepared for an opening on the 22 November 2008, 2 days earlier than last year.
<b>Summer</b>	The Wodonga Olympic pool (under contract with the City of Wodonga) was opened on the 1 <sup>st</sup> October. With a cool start to the season, we are now being inundated with patrons. The core Wodonga staff are providing a good balance of fun and safety for swimmers and spectators alike.
<b>ENVIRONMENT - Shay</b>	

<b>Community Water Grants – round 3</b>	No change - Racecourse Road site – project almost complete – remaining funds to be used for follow up spraying
<b>Greenhouse Action Plan</b>	No change - Action planning to yet to be formalised – Environmental Projects Officer to undertake
<b>North East Greenhouse Alliance</b>	<p>Alliance organised David Spratt, co-author of <i>Climate Code Red</i>, to present to the Councils of Benalla and Wangaratta and public presentations at Indigo and Wodonga. All were well attended and well-received.</p> <p>Investigation into reporting requirements under the new National Greenhouse Emissions Reporting (NGER) Act.</p> <p><u>Update on Projects:</u></p> <ol style="list-style-type: none"> <li>1. Alternate Fuels <ul style="list-style-type: none"> <li>• First delivery of biodiesel yet to occur</li> <li>• Alliance position statement on biofuels adopted</li> </ul> </li> <li>2. Kicking Goals for the Environment <ul style="list-style-type: none"> <li>• No change - Project complete – final report to AGO due November 30<sup>th</sup></li> </ul> </li> <li>3. Adaptation <ul style="list-style-type: none"> <li>• No change</li> </ul> </li> <li>4. Plant Savers <ul style="list-style-type: none"> <li>• Final report to AGO due October 31</li> </ul> </li> <li>5. Sustainable Lighting <ul style="list-style-type: none"> <li>• Alliance to provide small one-off contribution to VSPLAG (Victorian Street lighting Alliance group)</li> </ul> </li> </ol>
<b>Lake Sambell</b>	<ul style="list-style-type: none"> <li>• Spraying of gorse, broom and grass has occurred throughout western side of lake</li> <li>• Rock beaching to occur near boardwalk – permit yet to be obtained.</li> <li>• AGM scheduled for November</li> <li>• Plant order for next season to be submitted</li> </ul>
<b>Indigenous Resource Area at Lake Sambell</b>	<ul style="list-style-type: none"> <li>• Spraying of weeds has occurred</li> <li>• Watering of plants will need to occur soon</li> <li>• Rock beaching of eroded bank still yet to occur - permit needed.</li> <li>• Signage still yet to be developed, fabricated &amp; installed.</li> </ul>
<b>Isaac Park</b>	<ul style="list-style-type: none"> <li>• No change - spraying of weeds to occur over next month</li> <li>• Brush-cutting of long grass organised</li> <li>• Plant order for next season to be submitted.</li> </ul>
<b>Community woodlot program</b>	<ul style="list-style-type: none"> <li>• Hydraulic shearing of large timber in the Yackandandah, Chiltern and Stanley woodlots to make timber more accessible (jointly funded by DSE) currently underway</li> </ul>
<b>Roadside Management Plan</b>	<ul style="list-style-type: none"> <li>• Follow up visits to participants of Roadside Partnership Program underway – scheduled to conclude end of Nov</li> </ul>
<b>Roadside weed</b>	<ul style="list-style-type: none"> <li>• Program underway – chemical allocated – 21 participants.</li> </ul>

<b>initiative</b>	•
<b>Eco-Awareness Group</b>	Next meeting scheduled for 10.30am Wed Nov 19, Yackandandah.
<b>Community awareness</b>	No change - printing of the reviewed "It's Only Natural" water wise gardening booklet for Indigo Shire and Rural City of Wangaratta has occurred – promoted through Indigo Informer and on website.
<b>Upper Sandy Creek School revegetation project</b>	• No change – awaiting contact from school if our assistance is required
<b>Sustainable water use plan</b>	• Awaiting news of Smart Water Fund (State) application submitted for the extension of use of waste water in Rutherglen.
<b>Code of Forest Practice</b>	• No change - 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.
<b>Environmental Advisory Committee</b>	• Notification of representatives & announcement of inaugural to occur ASAP
<b>Environment Strategy</b>	• Incumbent for Environmental Projects Officer position is Helen Jones, scheduled to start Wednesday 5 <sup>th</sup> November

## **12.0 HEALTH AND WELLBEING**

### **12.1 HEALTH & WELLBEING PROJECTS – PROGRESS REPORT – NOVEMBER 2008**

<b>PROJECT</b>	<b>ACTION/ PROGRESS</b>
<b>i86 Youth Action Committee Recruitment Commencing</b>	Over the next two months, the i86 Youth Action Committee will be seeking interested young people, aged 12-25 years to be involved with various Shire projects (FReeZA, Skate Parks, Youth Centres) as well as being on the Advisory Committee that will commence regular formal reports to Council in 2009.
<b>National Youth Week Assessment</b>	On 6 November, three young people from Indigo Shire will join the National Youth Week Assessment Process being held in Benalla. The Regional Youth Affairs Networks are supporting young people from the region to participate in the National Youth Week Assessment Workshop. The Workshops will include:

	<ul style="list-style-type: none"> <li>▪ Training provided by Office for Youth (OFY) Staff on government decision making as well as an explanation of the assessment process.</li> <li>▪ Participants will be provided with information including the criteria for their assessments and guidelines regarding conflict of interest.</li> <li>▪ Young people from each RYAN region will then sit separately to assess applications from their region</li> <li>▪ At the end of the session, the assessment teams will provide OFY with an agreed list of projects which they would support for funding.</li> <li>▪ These recommendations will then be forwarded to the Minister for Sport, Recreation and Youth Affairs for consideration.</li> </ul>
<p><b>Skate Bowl Upgrade</b></p>	<p>Following a successful application by Beechworth Landcare to Council’s Community Grants – Youth Initiative Grant to develop a concept design for the extension of the Beechworth Skate Bowl, the i86 Youth Action Committee have been invited to organise the consultation with young people and community members for the project.</p>
<p><b>Community Strengthening Project</b></p>	<p>An application has been submitted to the Department for Planning and Community Development for a Community Strengthening project in Chiltern, Barnawartha, Yackandandah and the Indigo Valley. The project, if successful will run over a three year period and will build the self sufficiency and resilience skills and capacity within these communities. Another component of the project is to build the skills and capacity within the Council staff to enable them to better engage with the community. This project is included in Council’s budget.</p>
<p><b>‘Spring Community Get Together’ activities</b></p>	<p>As part of Council’s ongoing community drought strategy two community social events have been conducted – in Barnawartha on 9 October and Kergunyah on 29 October. These events provided opportunities for local people to come together to access health checks, receive up to date information on supports available and to socialise over a barbecue at the end of the evening. Feedback from the evenings has been positive with a number of people making follow up contact with various service providers present on the nights.</p>
<p><b>2008 Seniors Festival</b></p>	<p>The 2008 Seniors Festival was conducted from 5-12 October with Indigo Shire offering a range of activities to its seniors throughout the week. The main event in Indigo was the Opening Luncheon which was held on Wednesday 8<sup>th</sup> October at the Rutherglen Hall. Around 120 seniors attended the Luncheon which featured a circus display, old time ballads and story telling. Thanks were extended to all organizations who were involved in the event.</p>

<p><b>Department of Planning and Community Development's (DPCD) Community Facility Funding Program (CFFP) 2009/2010</b></p>	<p>As recommended at Council's October meeting, three applications were submitted under the DPCD's 2009/2010 CFFP – Minors:</p> <ul style="list-style-type: none"> <li>• Kergunyah Pony Club Installation of Shelter/Family Area – Grant requested \$23,600</li> <li>• Beechworth Skate Park Upgrades – Grant requested \$60,000</li> <li>• Barnawartha Cricket Club Installation of Turf Wicket – Grant requested \$46,000</li> </ul> <p>It is anticipated that an announcement of the successful projects will be made in March 2009 with projects expected to be completed in the 2009/2010 financial year.</p>
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**13.0 CORPORATE AND VISITOR SERVICES**

**13.1 BEECHWORTH LAWN TENNIS CLUB (FILE NO. C921-03 - GMCVS)**

**For Information**

**SUMMARY**

Council has finally received the Certificates of Title for the land owned by the Beechworth Lawn Tennis Club from Mr. G. Bailey's office. The ownership of the Titles will now be transferred from the name of the United Shire of Beechworth into the name of The Beechworth Lawn Tennis Club (at the Club's expense).

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

**Project                      Actions**

<p><b>Tourism Victoria Board visit</b></p>	<p>The Board of Tourism Victoria held a cocktail function and dinner in Beechworth on Thursday 30 October as part of the Board's program to visit three regional locations a year. Approximately 60 Indigo Shire tourism operators and industry officials attended the cocktail function (12 attended dinner with the Board) discussing issues pertinent to tourism in our region. Board members spoke very highly of the tourism offerings in Beechworth and the networks formed between local government areas to achieve projects such as the recent developments in cycle tourism and food and wine.</p>
<p><b>ITAC strategic marketing plan</b></p>	<p>Indigo Tourism Advisory Committee is working on a draft three year strategic marketing plan. The committee is reviewing its vision and values, the Shire's product strengths and target markets, key objectives and marketing strategies. It is anticipated the plan will be presented to Council in early 2009.</p>

<p><b>North East Valleys Food &amp; Wine</b></p>	<p>North East Valleys Food &amp; Wine’s “Provincial Pantry” website (a virtual online pantry for consumers to purchase North East food and wine products) will be the subject of a full page advertisement in The Age in November promoting Christmas hampers and gifts.</p> <p>A strategic planning day in October resolving to continue its focus on developing the Provincial Pantry website with a marketing focus and rolling the online presence into North East Valleys Food &amp; Wine membership.</p>
<p><b>Cycle tourism update</b></p>	<p>The Pedals to Produce initiative between North East Valleys Food &amp; Wine and Murray to Mountains Cycle Tourism has been warmly received throughout the region. The program includes bicycle baskets for hire, coupon booklets and maps guiding cyclists on leisurely routes around our region’s food and wine producers. Initial distribution points have been through Visitor Information Centres, however this is being reviewed to include a accommodation houses and key tourism attractions.</p>
<p><b>Great Alpine Road Marketing Inc</b></p>	<p>The Great Alpine Road Marketing Inc is about to produce an official visitor guide in line with Tourism Victoria’s key touring routes. The brochure, featuring Beechworth and Yackandandah as part of the Golden Heritage Drive, will be distributed throughout Australia. Great Alpine Road Marketing Inc is also progressing its relationship with Sydney Melbourne Touring, which is pitching the route to a wider domestic and international market.</p>
<p><b>Snowy Valleys Way</b></p>	<p>Tumut Shire Council has taken over the project management of the Snowy Valleys Way producing a draft Strategic draft strategic plan 2009-2011 with a focus on marketing and encouraging greater operator involvement. The project management team has also reviewed its structure and is aiming to increase operator involvement to see Council involvement significantly scaled back from July 2010.</p>
<p><b>Ned Kelly Weekend survey results</b></p>	<p>Surveys distributed after the 2008 Ned Kelly Weekend have been returned and compiled with very positive feedback. A total of 93% of respondents said they would come to the event again in the future, 71% stayed in Beechworth between one and four or more nights, and the most popular events were the re-enactments and special evening performances.</p>

**14.0 FINANCE**

**14.1 QUARTERLY FINANCE REPORT (M064 - CFO)**

**For Information**

Attached is the Chief Finance Officer's Quarterly Finance Report to 30 September 2008.

*Attachment*

**15.0 GOVERNANCE**

**16.0 NOTICE OF MOTION**

**17.0 COMMITTEE AND DELEGATES REPORTS**

**17.1 OCTOBER DIARY - CR V ISSELL**

**For Information**

Date	Time	Function
1-3 Oct		Annual Leave
4	9.00 am	Murray Arts sub-committee and Board meetings, Albury
	11.30 am	Green Living Fair, Valhalla Wines, Wahgunyah
	7.00 pm	Rutherglen Apex 1000 <sup>th</sup> Meeting Dinner
6	2.00 pm	Weekly meeting with CEO, Beechworth
	6.00 pm	Indigo Community Advisory committee, Chiltern
8	9.30 am	North East Affordable Housing Roundtable, Wodonga
	11.30 am	Seniors' Week Luncheon, Rutherglen
	4.00 pm	Agribusiness forum, Beechworth
9	9.15 am	Councillor duty, Beechworth
11	6.30 pm	Scion Winery Dinner, Victoria Hotel, Rutherglen
12	10.00 am	Atauro Island Section 86 committee meeting, Chiltern
	11.30 am	Ironbark Festival, Chiltern
13	8.00 am	Weekly meeting with CEO, Beechworth
	9.00 am	Support representation by constituent, Beechworth

14	7.30 am	Healthy Breakfast, Yackandandah
	3.45 pm	CEO Interim Review, Chiltern
	4.30 pm	Council Briefing meeting, Chiltern
	7.00 pm	Ordinary Council meeting, Chiltern
15	8.00 am	Healthy Breakfast, Beechworth
	12 noon	Border Trust AGM & Board meeting
16	9am-5.30pm	MAV Annual Conference, Melbourne
17.	7.30 am	Rural Councils Victoria bi-annual forum, Melbourne
	9.30 am	MAV AGM, Melbourne
18	12 noon	Sustainable Food lunch, Beechworth
20	10.30 am	Probus meeting talk on Solar energy, Beechworth
	1.30 pm	Indigo Disability Advisory Committee, Yackandandah
	6.00 pm	Reception - dinner for Governor General, Albury
21	8.30 am	Weekly meeting with CEO, Beechworth
	4.00 pm	Citizenship ceremony, Yackandandah
	5.00 pm	Council briefing meeting, Yackandandah
22	12 noon	Border Trust meeting, Albury
23	4.30 pm	Havelock Road Stormwater Project PR, Beechworth
	6.30 pm	Dinner with David Spratt, Beechworth
	7.30 pm	Public meeting with David Spratt, Beechworth
24	5.30 pm	Labour Day Dinner, Wodonga
27	7.30 pm	Beechworth Neighbourhood Centre AGM
28	4.00 pm	Council Briefing meeting, Yackandandah
29	11.30 am	Sustainable Water Strategy briefing, DSE, Wodonga
	6.00 pm	Drought meeting, Kergunyah
30	6.00 pm	Tourism Victoria Board reception and dinner, Beechworth
31	9.30 am	Chief Commissioner of Police, Wodonga
	11.30 am	Upper Hume CHS AGM, Wodonga

Cr V Issell  
11 November 2008

**17.2 OCTOBER DIARY - CR P GRAHAM****For Information**

<b>Date</b>	<b>Time</b>	<b>Event</b>
2 Oct	9.30 am	MAV Environment Policy Forum, Melbourne
3	10.00 am	Murray Regional Development Board Meeting, Cobram
4 - 5	Incl	Tidy Town State Awards, Moe
6	2.00 pm	Meet with Association of Regional Waste Management Groups, Melbourne
	4.00 pm	Meet with Minister Jennings, Regional Waste Management Group review and co-operation
7	1.30 pm	Rural Land Use Meeting, Wangaratta
8	9.00 am	Regional Waste Management Plan Review, Wangaratta
	12 noon	Seniors Festival Official Luncheon, Rutherglen
11	2.00 pm	Visit Oktoberfest, Beechworth
	6.30 pm	Scion Dinner, 140 <sup>th</sup> Anniversary Dinner Victoria Hotel, Rutherglen
12	12 noon	Visit Ironbark Festival, Chiltern
13	8.30 am	Meet with CEO Sustainability Victoria
14	11.00 am	Executive Meeting Association of Victorian Regional Waste Management Group, Melbourne
16-17	Full days	General Meeting of Association of Victorian Regional Waste Management Group, Mildura
19	10.00 am	Visit Rutherglen Show
	11.30 am	Meet with Ratepayer, Chiltern
20	10.00 am	Meet with Ratepayer, Rutherglen
	7.00 pm	Candidate Information Session, Chiltern
21	9.30 am	Meet with Ratepayer, Rutherglen
23	10.00 am	Workshop Fire Safety in the Home, Beechworth
	6.30 pm	Dinner Beechworth Sustainability with David Spratt
24	10.30 am	Attend medal presentation for Indigo Citizen, Wangaratta
26	9.30 am	Visit Lions Annual Town Garage Sale, Rutherglen
27	10.30 am	Guest Speaker, Probus, RSL Mulwala
	4.00 pm	Meet with Ratepayer, Rutherglen
	7.30 pm	Beechworth Neighbourhood House, AGM
28	1.00 pm	Attend Candidate Draw at VEC Chiltern
	2.30 pm	Attend Funeral Service for Late Bryan Carracher, Councillor with former Shire of Rutherglen
	4.00 pm	Council Briefing Meeting, Rutherglen
30	6.30 pm	Bicycle Strategy Meeting, Beechworth
31	1.00 pm	Art Space Development Meeting, Rutherglen

**Cr Peter Graham OAM**

11 November 2008

**17.3 OCTOBER DIARY - CR W HOTSON****For Information**

<b>Date</b>	<b>Time</b>	<b>Event</b>
11 October	10.00 am	Chair Tri-annual election of Chiltern Racecourse Committee of Management
12	9.30 am	Chiltern Ironbark Festival
14	4.00 pm	Council Briefing Meeting, Chiltern
	7.00 pm	Ordinary Meeting of Council, Chiltern
21	4.00 pm	Council Briefing Meeting, Yackandandah
28	2.30 pm	Funeral Late Bryan Carracher, former Rutherglen Shire Councillor
	4.00 pm	Council Briefing Meeting, Rutherglen
29	7.00 pm	Rutherglen Rotary Business Person's Dinner, Tuileries
30	8.00 pm	Barnawartha VFF AGM, Howlong Golf Club

**Cr Bill Hotson**

11 November 2008

**17.4 OCTOBER DIARY - CR F WALSH****For Information**

<b>Date</b>	<b>Time</b>	<b>Event</b>
1 October		Accepting petition on the Rutherglen Water Tower
7		Rural Land strategy Wangaratta
12		Meeting with interested people Atauro Island
13		Junior council Council Meeting Chiltern
17		Reading for the ELF program - Rutherglen
		Indigo Tourism Rutherglen
23		Heritage Meeting Chiltern Arts Rutherglen
28		Represented Council at funeral for Brian Carracher Briefing Rutherglen
31		Meeting Wine Experience Centre Art Shed Program

**Cr Frances Walsh**

11 November 2008

**18.0 GENERAL BUSINESS**

**19.0 CONFIDENTIAL**