



INDIGO SHIRE COUNCIL

NOTICE is hereby given that the Ordinary Meeting of the Indigo Shire Council will be held on **Tuesday 14 October 2008** in the **Senior Citizens Rooms, Conness Street, Chiltern** commencing at **7 pm**.

A handwritten signature in black ink, appearing to be "B. McGrath", written in a cursive style.

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 2 September 2008
Special minutes of Meeting held 9 September 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."

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9.0 DEPUTATIONS AND PETITIONS

9.1a) RUTHERGLEN WATER TOWER (FILE NO: E535-02 – CEO)

For Decision

RECOMMENDATION

That the joint letters of support from various signatories indicating their support for this Icon being owned by Indigo Shire be received.

SUMMARY

A joint letter with semblance to a Petition and signed by in excess of 1,000 people has been presented to Councillor Peter Graham, Councillor Frances Walsh and the Chief Executive Officer in Rutherglen on Wednesday 1 October. A synopsis of the letters is for Council to retain and restore the Water Tower at Rutherglen.

The Mayor will move the above recommendation which can then be followed up with any further recommendations relating to this issue at a future Council meeting.

10.0 ENVIRONMENT AND DEVELOPMENT

10.1 SECTION 173 AGREEMENTS - (06/304, 07/4174, 08/4248, 08/4250) (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) M C Los
- B) L D Mayhew
- C) B R Jacobs

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 **06/304** relates to a three lot subdivision of Low Density Residential Zoned land at Back Creek Road, Yackandandah. The land is approximately 1.47ha in total area, and it is proposed to create three lots 5,491m (containing the existing dwelling), 4,178m and 4,749m. Council resolved to issue the permit on the basis that an Agreement under Section 173 of the Act be entered into with the Responsible Authority which:

(i) ensures that all dwellings are sited, designed and constructed using the principles of Water Sensitive Urban Design and in particular that:

(a) All dwellings must incorporate a minimum 22,000L 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.

(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) ensures that all lots are connected to reticulated sewerage as soon as reticulated services are available near the site, or the Keeble Way subdivision (PP05-056) is constructed.

B) Planning Permit 07/4174 relates to a dwelling on land at the corner of D2 Access Road, C2 Access Road and Steads Lane, Chiltern. The subject site is within the Farming Zone and comprised of multiple Crown Allotments. Those that are contiguous are required to be consolidated into an allotment of 9.6ha. The remaining 40ha located on the other side of the Black Dog Creek to the south of the 9.6ha parcel is to be burdened by an agreement under Section 173 of the Act with the Responsible Authority to:

(i) ensure that Lot 1 on Plan of Subdivision PS343820V cannot be used or developed for the purposes of a dwelling.

- C) Planning Permit Application 08/4248 relates to a re-subdivision of three Farming Zoned lots into two Lots of 44.95ha and 62.74ha at Ropers Lane, Gundowring. The planning permit was issued on the basis 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 the land for the purposes of a dwelling must be accompanied by a site analysis, design response and report addressing the siting, design, height, mass and scale of the proposed development and buildings having particular regard to the visual quality and character of the surrounding area with the aim of protecting the landscape from visual intrusion and inappropriate development;
 - (iii) provides notification that if the development of lots 1 or 2 for the purposes of a dwelling is approved, a Road Contribution Levy will apply. The contribution which is payable is the amount of the levy which is current at the date the payment is made.

Attachment A: Locality/Site Plan – PP06/304 Back Creek Road, Yackandandah.

Attachment B: Locality/Site Plan – PP07/4174 corner of D2 Access Road, C2 Access Road and Steads Lane, Chiltern.

Attachment C: Locality/Site Plan – PP 08/4248 Ropers Lane, Gundowring.

10.2 PLANNING APPLICATION PP08-4306 M STEWARD (D GAVAN) (ATP)

For Decision

SUMMARY

Application No:	PP08-4306
Applicant:	M Steward
Owner:	D Gavan
Subject Land:	Lot 2 Plan of Subdivision 422787B, 33 Wood St Beechworth
Proposal:	2-lot Subdivision
Date application lodged:	16 June 2008
Subject site land area:	2235 m ²
Current use of subject site:	Single dwelling

RECOMMENDATION

That Council resolve to issue a Notice of Decision to Grant planning permit PP08-4306 subject to the following conditions:

1. PLANS TO BE SUBMITTED

Before a plan of subdivision can be certified, plans prepared by a licensed surveyor to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The plans must be generally in accordance with the plans submitted with the application, drawn to scale showing all bearings, distances, levels, street names, lot numbers, lot sizes, and easements.

2. SECTION 173 AGREEMENT

Before the plan of subdivision is certified under the Subdivision Act, the owner of the subject land must enter into an agreement with the responsible authority under Section 173 of the Planning & Environment Act 1987, and make application to the Registrar of Titles to have the agreement registered on the title to the land under Section 181 of the Act, which provides that on the vacant lot to be created, buildings may be constructed only within the building envelope as shown on the endorsed plan of this permit. This envelope cannot be varied except with the written consent of the responsible authority. The owner of the subject land must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.

Conditions Required by Assets Department

2. WORKS WITHIN THE ROAD RESERVE

Prior to the commencement of any works required as a condition of this approval within Wood Street, an application for consent for “Works within Road Reserves” (formerly known as a road opening permit) is to be obtained by the works manager, in accordance with the Road Management Act 2004.

3. POINT OF ACCESS

Prior to the commencement of any on-site works the location of the points of access must be determined to the satisfaction of the Responsible Authority. It must be noted that a previous planning permit for the subdivision of 33 – 39 Wood Street (PP04-139) requires road construction; the applicant should ensure that points of access for this development are determined and incorporated into that work.

4. VEHICLE CROSSINGS

4.1. Prior to the commencement of any on-site works the owner at the time must construct the vehicle crossings in accordance with Council standards. A crossing permit must be obtained from the Responsible Authority and levels fixed.

4.2. Any required 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.

5. ENVIRONMENTAL MANAGEMENT

Works must be prepared and undertaken in accordance with EPA

Publication 275 “Construction Techniques for Sediment Pollution Control”.

6. STORMWATER DRAINAGE

- 6.1. Prior to Certification of the Plan of Subdivision/ commencement of any works on site all design plans relating to proposed and existing stormwater must be submitted to and approved by the Responsible Authority. Prior to the issuing of the statement of compliance all works must be completed in accordance with approved plans.**
- 6.2. The applicant must provide a stormwater drainage discharge point to each allotment. Stormwater emanating from Lot 2 of the development must be conveyed via an easement drain situated on the northern boundary of Lot 1. This easement drain must commence in the northwest corner of Lot 2 and the drain within Lots 1 and 2 be protected by easement. The easement drain will be maintained by the Responsible Authority, subject to the completion of a defects liability period.**
- 6.3. The applicant must ensure that all proposed and existing reticulation and outfall drains are contained within easements accessible by Council.**
- 6.4. All works within the development must ensure that the existing open storm water drain on the southern boundary of Lot 1 is not subject to any affect that reduces its capacity or effectiveness. Any works related to the subdivision or development of dwellings must take into account potential affects of peak flows conveyed by this drain, and be so designed as to minimize adverse affect.**

7. STREET TREES

- 7.1. Prior to the issuing of the statement of compliance the applicant must provide street trees at a rate of one tree for each lot created. This requirement can be met by planting trees greater than 2 metres in height, with a species as listed in Council’s Street Tree Plan and in accordance with Council’s Street Tree Planting Policy.**
- 7.2. The applicant must maintain these trees for a period of 12 months from the date of issue of the Statement of Compliance. Any trees that die or are deemed by Council to need replacement due to lack of maintenance and watering during dry climatic conditions must be replaced at the developers cost and maintained for an additional 12 month period.**

8. FEES

Prior to issuing of the statement of compliance the applicant must pay, to Council, Plan Checking Fees of 0.75% and Engineering Inspection Fees of 2.5% of the value of roads pathways and drainage works. The value of works must be the final actual cost of works (GST Inclusive).

9. PLANS SUBMITTED

- 7.1. Prior to the consent to certification, detailed construction plans and specifications for drains must be prepared and submitted for approval**

to the satisfaction of the Responsible Authority. All designs must be to GDA94 and the Australian Height Datum. All works constructed or carried out must be in accordance with the approved plans or any subsequent approved variations to these plans.

7.2. Prior to the Statement of Compliance being issued, as built documents of roads pathways and drainage works must be submitted to Council in the following format:-

- Plans:- Hard Copy:- A3 Paper
- Schedule & Specification: -Electronic: - MS Word Hard Copy:- A4 Paper

(end Assets conditions)

10. STATUTORY REQUIREMENTS - CLAUSE 66 INDIGO PLANNING SCHEME

7.3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.

7.4. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.

7.5. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

11. EXPIRY DATE

This permit shall expire if the Statement of Compliance pursuant to the provisions of the Subdivision Act 1988 is not issued within two (2) years of the date of this permit. The Responsible Authority may extend the periods referred to if a request is made in writing before the period expires or within three months of the date of expiration.

BACKGROUND

The subject land is presently developed by the construction of a single dwelling, and is cleared of native vegetation, although some landscaping associated with the existing dwelling is present. Several rocky outcrops are present on the land.

Land in the vicinity of the subject land is generally developed for single dwellings which vary in age and style. The street setbacks of the dwellings in the vicinity of the subject land also vary, ranging from approximately 2m to approximately 15m (see **Attachment A** – locality plan). The road reserve of Wood St is approximately 30m wide, with the formed width adjacent to the subject land approximately 4.5m wide.

PROPOSAL

The application is for a 2-lot subdivision of the property, into Lot 1, being 1788m², and Lot 2, being 447m² (see Attachment B – proposal). The subdivision plan submitted for approval indicates a building envelope.

ZONING AND PLANNING CONTROLS

Zoning: Residential 1 Zone
Overlay/s: None Applicable
Permit Trigger: Subdivision

Planning and Environment Act 1987 - SECT 60

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

- (a) the relevant planning scheme; and
- (b) the objectives of planning in Victoria (which include at Section 4(1)(b) to provide for the protection of natural and man-made resources...); and
- (c) all objections and other submissions which it has received and which have not been withdrawn; and
- (d) any decision and comments of a referral authority which it has received; and
- (e) any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development.

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

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

STATE PLANNING POLICY

11 Introduction, Goal and Principles

The purpose of State policy in planning schemes is to inform planning authorities and responsible authorities of those aspects of State level planning policy which they are to take into account and give effect to in planning and administering their respective areas. It is the State Government's expectation that planning and responsible authorities will endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development. Planning and responsible authorities must take account of and give effect to both the general principles and the specific policies applicable to issues before them to ensure integrated decision-making.

Society has various needs and expectations such as land for settlement, protection of the environment, economic well-being, various social needs, proper management of resources and infrastructure. Planning aims to meet these by addressing aspects of economic, environmental and social well-being affected by land use and development.

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:

Housing**16.01 Residential development for single dwellings**

The objective of this Clause is to encourage subdivisions in locations with access to physical and community infrastructure and providing a range of lot sizes, and also opportunities for increased residential densities to help consolidate urban areas. This clause also provides a link to Clause 56 to plan subdivisions for development of single houses.

Particular uses & development**19.01 Subdivision**

The objective of this clause is to ensure the design of subdivisions achieves attractive, livable and sustainable neighbourhoods and also to control the subdivision and consolidation of land within the framework of the Planning and Environment Act 1987 and the Subdivision Act 1988.

In the development of new residential areas and in the redevelopment of existing areas, subdivision should be designed to create livable and sustainable communities in various ways, including:

- Contributing to an urban structure where networks of neighbourhoods are clustered to support larger activity centres on the regional public transport network.
- Creating compact neighbourhoods that have walkable distances between activities and where neighbourhood centres provide access to services and facilities to meet day to day needs.
- Providing a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people.
- Integrating housing, work, shopping, recreation and community services to provide a mix and level of activity that attracts people, creates a safe environment, stimulates interaction and provides a lively community focus.
- Contributing to reducing car dependence by allowing for: public transport that is easy to use; safe and attractive spaces and networks for walking and cycling; and subdivision layouts that allow easy movement within and between neighbourhoods.
- Contributing to environmentally sustainable development by designing energy efficient lots, incorporating water conservation, stormwater management and waste water treatment techniques and promoting waste reduction and reduced air pollution.
- Contributing to an attractive built environment by creating neighbourhoods that emphasise existing cultural heritage values, well designed built form and landscape character.
- Being accessible to people with disabilities.

LOCAL PLANNING POLICY FRAMEWORK

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

application:

Municipal Strategic Statement

Relevant clauses of MSS include:

21.04-1-1 Beechworth

This Clause acknowledges there is a large supply of vacant land zoned for residential purposes in the Beechworth Township, and prevents further extension of the township area until the supply is reduced.

Local Planning Policies

22.01-3 Residential subdivision & development

This Clause seeks, among other things, to ensure that all forms of residential development are connected to reticulated sewer and water, power and stormwater facilities. It also seeks to provide for a variety of lot sizes to meet the requirements of all age groups, different lifestyles and to provide choice and quality of life.

PARTICULAR PROVISIONS

56 Residential Subdivision

Clause 56 seeks to achieve residential subdivision outcomes that appropriately respond to the site and its context for:

- Metropolitan Melbourne growth areas,
- Infill sites within established residential areas, and
- Regional cities and towns.

This clause contains standards and objectives against which an application for residential subdivision is assessed.

GENERAL PROVISIONS

65 Decision Guidelines

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

65.01 Approval of an application or plan

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

- The matters set out in Section 60 of the Act.
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of the zone, overlay or other provision.

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

REFERRAL AUTHORITIES

The application was not required to be referred to any authorities.

PUBLIC NOTICE

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

1 submission was received in response.

Issues raised in the submission can be summarised as follows:

1. The new dwellings would block the objectors view of the gorge;
2. Building another two dwellings on the site would cause an overcrowded look.

The objector declined an invitation to attend a Planning Focus Meeting to discuss her concerns.

DISCUSSION

Issues raised in objection:

1. The new dwellings would block the objector's view of the Gorge.

There is no legal right to a view through another person's property. The subject application is for a 2-lot subdivision only, and as such an assessment is not being made of the proposed dwelling to be constructed on proposed Lot 2. As the lot is between 300 and 500 m², Clause 56.04-2 (Lot area and building envelopes objective) requires the lot to contain a building envelope and be able to contain a rectangle measuring 10 metres by 15 metres. The proposed subdivision meets this standard. It is noted that while a future dwelling on proposed Lot 2 may reduce views from the objector's property, all views will not be lost.

2. Building another two dwellings on the site would cause an overcrowded look.

As indicated above, the application is for a 2-lot subdivision only, and multiple dwellings are not proposed as part of the application. The application will lead to potential for one additional dwelling on the proposed Lot 2. As such, it is considered this objection is not relevant in this instance, and this is not a valid reason to refuse the application.

General discussion:

The proposed building envelope on Lot 2 is located 2 metres from the Wood St boundary. While this setback is less than the adjacent dwellings, its impact is lessened by a combination of factors: the varying nature of the setbacks of development in Wood St, the wide road reserve, and narrow road pavement (see also **Attachment A** – locality plan).

In addition to the above, the building envelope contains a substantial concrete slab that was approved as part of PP02-083, which was for a multi-dwelling development. The slab is located 2m from the Wood St boundary, and was originally proposed to be used as a garage in association with the existing dwelling on the subject land. As a building with this reduced setback has already been approved for this site, it is considered the approval of a dwelling in this location is not unreasonable in this instance. In addition, there are two other instances of development being located approximately 2m from the road reserve in the vicinity, namely a carport at 29 Wood St and a dwelling at 32 Wood St.

Plans of a proposed dwelling were received as part of the application. These show a dwelling built over the concrete slab, with a portico built within the 2m setback from the road reserve. While it is considered acceptable for a dwelling to be built with a 2m setback for the reasons discussed above, further encroachment into this setback is not desirable because there is no other development on this section of Wood St that is closer than 2m to the road reserve. For this reason it is proposed to require a Section 173 Agreement as a condition of the permit that no buildings be constructed outside the building envelope on the endorsed plan.

It is considered that the creation of a small lot in this instance satisfies a number of relevant planning criteria, including the utilisation of an infill opportunity in an established residential area which is in close proximity to an activity centre. The locality displays no definite neighbourhood character with regard to lot size or configuration, and is best described as 'varied'. In addition, there is no preferred neighbourhood character for the area, and as such subdivision & development of the nature proposed can be considered on its merits.

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:

In the case *Brodrick v Surfcoast SC* (VCAT 1116, 2006) the Tribunal member concluded that: "While the owners of No. 11 would understandably prefer to retain their extensive view of the skyline, that desire does not provide an adequate basis for refusal of a permit. Both the planning scheme and Council's policies envisage a degree of urban change".

In the case *Barron v Macedon Ranges SC* (VCAT 238, 2004), the Tribunal member concluded that: "Having the opportunity to examine the planning scheme, I am persuaded that there is a clear direction to consolidate urban development in major urban centres such as existing townships, to encourage the taking up of existing residential land before encroachment on non-urban land, and encouragement of a variety of housing densities and dwelling types near commercial and community activities in larger towns."

CONCLUSION

Having regard to the above discussion, the various matters raised by the objector, as well as the merits of the proposal in this particular location it is felt that on balance the application should be approved subject to conditions.

*Attachment A – Locality plan
Attachment B – Proposal
Attachment C – Site pictures*

10.3 OBJECTION TO FOORD'S MILL NOT ON HERITAGE OVERLAY (FILE NO: E512-08 – ATP)

For Decision

RECOMMENDATION

- 1. That Council advise Mr Terry Young and the Wahgunyah Progress Association that the decision not to include the former Foord's Mill in Mill St, Wahgunyah on the Indigo Shire Heritage Overlay is upheld.**
- 2. That subject to the agreement by the owner of the site, the Wahgunyah Progress Association be advised that Council would support erection of a plaque identifying the Foord's Mill site and Council will be prepared to pay half cost of such plaque.**

SUMMARY

The Wahgunyah Progress Association and Mr Terry Young on behalf of the Wahgunyah Progress Association have made repeated requests for reconsideration of the decision not to include the former Foord's Mill at Mill St Wahgunyah in the Indigo Shire Heritage Overlay. The site has been investigated as part of the Indigo Shire Heritage Study, and subsequently by two Indigo Shire Heritage Advisers. All have come to the conclusion that the extensive alteration of the former mill buildings has removed much of its integrity and therefore its significance. The site should therefore not be included in the Heritage Overlay.

BACKGROUND

In June 2007 the Planning department was contacted by Mr Terry Young on behalf of the Wahgunyah Progress Association. At the time the Indigo Planning Scheme Review was underway, and Mr Young requested the former Foord's Mill site at Mill St Wahgunyah be included in the Heritage Overlay.

The heritage adviser at the time assessed the site and advised that due to substantial modifications to the building, including demolition of a large percentage of the original building fabric, it was considered there was not sufficient integrity of the place for it to be included in the Heritage Overlay.

Mr Young then made a further request in August 2007 for the matter to be reconsidered, and was advised that the matter would be brought before the Indigo Heritage Advisory Committee (HAC).

In October 2007 the president of the Wahgunyah Progress Association Alan Pleitner made another request for reconsideration of the matter.

In November 2007 the HAC supported the previous advice given and suggested that an interpretive plaque would be better suited to the site. It was suggested that the

Wahgunyah Progress Association request the owners' agreement to a plaque and ask Council to fund half the cost.

Both the Wahgunyah Progress Association and Mr Young were advised of this in writing on November 29, 2007.

In August 2008 Mr Young made a further request for the reconsideration of the matter, to which the previous advice was re-iterated. Copies of the various correspondences can be found at **Attachment A**.

In light of the above it is recommended that Council resolve to advise Mr Terry Young and the Wahgunyah Progress Association that the decision not to include the former Foord's Mill in Mill St, Wahgunyah on the Indigo Shire Heritage Overlay is upheld.

Attachment

**10.4 PLANNING APPLICATION JONATHAN LADSTON,
BEECHWORTH WODONGA ROAD, BEECHWORTH (FILE
NO: PP08-4323 - STP - EDSM)**

For Decision

SUMMARY

Application No: PP-084323

Applicant: Jonathan Ladston

Subject Land: Lot 3 on Title Plan 533916K (formally know as part of Crown Allotment 7 Section L Parish of Beechworth)

Purpose: Seek approval to use and develop the subject site for the purposes of a dwelling and associated outbuildings.

Date application lodged: 27/06/08

Subject site land area: 3.016 hectares

Current use of subject site: The site is currently vacant and is not used for any purpose.

RECOMMENDATION

That Council approve planning Application PP084323 and grant a Planning Permit for the construction of a dwelling on Lot 3 on Title Plan 533916K (formally know as part of Crown Allotment 7 Section L Parish of Beechworth) in accordance with the endorsed plans to be submitted pursuant to Condition 1 hereunder, and subject to the following conditions.

1. APPROVED DEVELOPMENT

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

- (i) the location of all building/s and works (including water tanks) proposed to be erected or constructed on the land;
- (ii) the dimensions and elevations of all building/s proposed to be erected or constructed on the land;
- (iii) the nature of all external materials and finishes of all such building/s (including the roofing and above ground water tanks);
- (iv) the location of road access points and driveways; and
- (v) a copy of a percolation test prepared by a suitably qualified practitioner indicating the ability of the site to contain and treat on site effluent and wastewater,

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

2. LAYOUT NOT ALTERED

Upon the endorsement of the plans required in Condition 1 the layout as shown on these endorsed plans must not be altered without the written consent of the Responsible Authority.

3. AGREEMENT UNDER SECTION 173 OF THE PLANNING AND ENVIRONMENTAL ACT 1987

That prior to the commencement of the dwelling hereby approved the applicant must enter into an agreement under Section 173 of the Act with the Responsible Authority. The applicant must pay the reasonable costs of the preparation, execution and registration of the section 173 agreement. The agreement must provide that:

- (i) No development and construction of buildings to be occur outside the nominated building envelope depicted on Drawing No. 1139(1) 2F 1D of JCA Land Consultants.
- (ii) The maximum height of any building is 4.5 metres
- (iii) The building may be only single story.
- (iv) Excavation and cut/fill on site must be less than 1 metre.
- (v) No vegetation to be removed outside the nominated building and effluent envelope.
- (vi) No livestock grazing will be allowed outside the nominated building envelope.

4. OUTDOOR LIGHTING

Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.

5. VISUAL SCREEN

A minimum of two (2) rows of trees must be planted to screen the house and associated outbuildings from the road and adjoining properties. The plantings must be indigenous to the locality and must be installed within three month of the completion of the buildings and maintained thereafter to the satisfaction of the Responsible Authority.

6. SOIL AND WATER MANAGEMENT

To minimise soil erosion during construction, the landowner and builder shall ensure that the following measures are implemented in the sequences outlined:

- (i) A dish shaped diversion drain or similar structure is to be placed above the proposed construction site(s) to divert run-off to a stable discharge area, such as an area with a grass cover. This diversion drain is to be lined with turf or otherwise stabilised if it erodes after rainfall.
- (ii) A sediment trapping fence using a geo-textile fabric specifically designed for such a purpose and installed to manufacturer's specifications is to be placed below the construction area (eg "silt stop").
- (iii) Vegetation is to be cleared from the construction site only; other areas are to remain undisturbed.
- (iv) Top soil from the construction site or builders sand is to be stockpiled in a location where it will not be eroded from the site, and is not to be stockpiled on the road reserve.
- (v) All erosion control measures will require maintenance after rainfall. They should be retained until the site has fully revegetated.

7. EXTERNAL FABRIC

7.1 The external fabric of the building/s hereby approved, (including the roofing) or any above-ground water storage tank constructed or installed on the land must be of non-reflective, neutral "earthy" colours to blend with the landscape and preserve the visual amenity of the area.

7.2 Any metal cladding proposed to be used in the construction of the building/s hereby approved, must be:

- (a) galvanised or natural colour bonded metal cladding; and/or
- (b) treated metal cladding painted in muted tones, provided such painting is completed prior to the occupation of any building/s hereby approved, to the satisfaction of the Responsible Authority.

8. ON-SITE EFFLUENT DISPOSAL

Prior to the issue of a Building Permit, consent of Council for an on-site effluent disposal and treatment system shall be obtained. Such systems shall comply with the provisions of the *Guidelines for Environmental Management - Septic Tanks Code of Practice, Publication 891, Environment Protection Authority (March 2003)* and be located so as to ensure all effluent and wastewater is disposed of and absorbed within the boundaries of the land to the satisfaction of Council's Environmental Health Officer. (Note: No absorption drain or effluent line shall be located within 100m of any stream [including ephemeral streams].)

9. WATER SUPPLY

9.1 Unless otherwise approved by the Responsible Authority, water storage tank(s) shall be provided in close proximity to the dwelling holding a minimum of 90,000 litres of water, of which a minimum reserve of 20,000 litres is to be held at all times for fire fighting purposes.

9.2 Tanks shall be fitted with a gate valve and a 64mm, 3 thread round male coupling to CFA specifications to enable quick connection and full utilisation of all water.

9.3 All tanks shall be environmentally unobtrusive or shall be screened to the satisfaction of the Responsible Authority.

10. SEDIMENT CONTROL

Any clearing or construction associated with development must be conducted in accordance with sediment control principles as outlined in "*Construction Techniques for Sediment Pollution Control*" (Environment Protection Authority 1991). Specifically, the applicant must ensure:

- (i) Grading, excavation and construction must not proceed during periods of heavy rainfall;
- (ii) Sediment traps must be designed, installed and maintained to maximise the volume of sediment trapped from the site during development and construction, and;
- (iii) Disturbed areas must be stabilised and revegetated following the completion of works.

Conditions required by Assets & Operations

11. 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.

12. VEHICLE CROSSINGS

Any new vehicular access points required and any required existing crossing points not complying with current standards must be constructed at full cost to the applicant/owner at a location, and to a standard, to the satisfaction of the Responsible Authority.

13. ENVIRONMENTAL MANAGEMENT

- 13.1 All works within the Beechworth-Wodonga Road 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.**
- 13.2 Prior to the commencement of any works within the road reserve, an assessment of the vegetation affected as a result of new property accesses must be made by Council in conjunction with the vehicle crossing permit inspection.**
- 13.3 Works must be prepared and undertaken in accordance with EPA Publication 275 “Construction Techniques for Sediment Pollution Control”.**

14. STORMWATER DRAINAGE

- 14.1 The discharge of concentrated stormwater drainage into the road drains or culverts will not be permitted.**
- 14.2 All stormwater emanating from the developments approved by this permit must be disposed of within the curtilage of the property.**
- 14.3 A road culvert approximately 25m north of the southern boundary and immediately north of the existing access as shown on the endorsed plans discharges stormwater flows into the subject land. Any use of the land must make adequate provision for the conveyance of flood flows resulting from this culvert and the prevention of soil erosion. Any concentration of overland flows resulting from the use of the land must be dispersed prior to leaving the subject land.**
- 14.4 This Planning Permit will have no force or effect until the landowner enters into an agreement under Section 173 of the Act with the Responsible Authority, to provide notification to future landowners of CA7 (part) Section L by way of an endorsement on the title that -**
- 14.5 Prior to the disposal of effluent within the effluent envelope shown on the endorsed plan, the owner at the time must construct bunding capable of preventing ingress by overland flows around that part of the effluent envelope affected by rainfall events up to a 1 in 100 ARI.**
- 14.6 The owner at the time must maintain any bunding constructed to protect the effluent envelope from overland flows, up to a 1 in 100 ARI event.**

Conditions Required by VicRoads

- 15. The access driveway to the subject development site must be located generally as depicted on the submitted plan (Drawing No. 11391(1) FID) and must be sealed between the edge of traffic lane of the Beechworth – Wodonga Road and the old section of this road which is to be utilised as part of the driveway. The section of driveway required to be sealed shall be constructed generally 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 Amended).**
- 16. The intersection of the access driveway with the Beechworth – Wodonga Road must be at a location where, upon removal of vegetation within the arterial**

road reserve, Safe Intersection Sight Distance (SISD) as described in Chapter 6 of the AustRoads publication “Guide to Traffic Engineering Practice – Part 5, Intersections At-Grade, June 2005”, is provided at the intersection of the access driveway and the Beechworth – Wodonga Road. The applicant must obtain the approval of the responsible authorities and arrange the removal of the vegetation.

17. Construction activities within the Beechworth – Wodonga Road reserve must be performed in accordance with the relevant sections of the VicRoads’ Standard Specification for Roadworks. Traffic Management must 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.

18. All works associated with the upgrading of the access are to be completed at no cost to VicRoads and the road reserve must be left in a neat, tidy and safe condition.

19. **EXPIRY DATE**

This permit will expire if one of the following circumstances applies:

- (i) The development is not started within two years of the date of this permit.
- (ii) The development is not completed within two years of the date of commencement.

The Responsible Authority may extend the periods referred to if a request is made in writing before the period expires or within three months of the date of expiration.

NOTES

The waterway on the west side of the property is designated by the North East Catchment Management Authority (NECMA). Any works or activities proposed in or over this designated waterway required a permit from NECMA.

BACKGROUND

Description of the site:

The subject site resembles a square shape and is located approximately 500 metres north of Beechworth along the Beechworth Wodonga Road. The property is approximately 3.016 ha in area. The width of the land is 210m on the south boundary and its length 160m on the west boundary. The land around the proposed dwelling site is generally flat with a rocky outcrop to the north and west. The remainder of the site slopes steeply to the western boundary. A seasonal water course runs past the western boundary, which originates from a drain north of the cemetery and runs through a culvert under the main road.

The site in general is moderately treed with Black Cypress Pines, Blakleys Red Box, Stringy Bark and some Apple Box. There is evidence of some mining activity in the past but no evidence of any buildings or structures on the site. The vegetation appears to have

regenerated since mining activity in the past, but was badly fire damaged in 2007 with many of the trees now dead. The site is fenced on the east, west and south boundaries and informally fenced along the north boundary.

The soil is granitic.

The location, size and shape of the proposed building and effluent envelope have been designed to accommodate the constraints listed above.

Access to the site is via the existing gateway, which has been in place for many years providing access from a wide verge of the main road. An existing but unformed driveway approaches the building envelope from the south.

Surrounding land use:

The subject site is surrounded by mostly small lots of a similar size to the subject site and most of the lots contain single dwellings. The subject site is located approximately 500m north of the township of Beechworth and abuts the Rural Living Zone to the west. The surrounding area depicts a de facto rural living character.

Zoning of surrounding land:

Land abutting the subject property to the south, north and east are zoned “Farming Zone” and the land abutting the subject property to the west is zoned “Rural Living Zone”.

PROPOSAL

The proposal is for the use and development of a dwelling on the subject property. The applicant has nominated a building envelope to be located approximately 60m west of the Beechworth Wodonga Road approximately halfway between the northern and southern boundaries of the subject site.

ZONING AND PLANNING CONTROLS

Zoning: Farming Zone

Overlay/s: Significant Landscape Overlay 2.

Permit Trigger: Farming Zone - 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 3.016 ha, thus a planning permit is required.

A planning permit is also triggered in terms of the Landscape Significance Overlay 2 for the construction of a dwelling.

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 Local Planning Policies
- 21.01-4 Economy
- 21.01-5 Environment
- 21.03 Vision
- 22. Local Planning Policies
- 22.01. Rural dwelling siting and design guidelines.
- 22.01-5 Dwellings on existing small rural allotments

REFERRAL AUTHORITIES

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

- Vic Roads
- North East Catchment Management Authority
- Department of Sustainability & Energy

None of the referral authorities have any objection to the issuing of a planning permit subject to inclusion of conditions.

PUBLIC NOTICE

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

SITE INSPECTION

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

DISCUSSION

Consideration of the planning merits of the proposal:

The question that needs to be answered in this case is whether the proposed dwelling will be in keeping with the character of the surrounding area and whether the proposed use will prejudice 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 a de-facto rural living environment displaying smaller lots varying in size between approximately 3 and 5 hectare and containing single dwellings with very limited agricultural activity. The agricultural potential of the subject site is very limited due to very shallow soils, rocky outcrops and the steep slope towards the creek along the western boundary. The subject site is also substantially vegetated except the area that is identified by the building envelope for future development of a dwelling and waste water disposal area.

The agricultural potential of the subject site on its own or in conjunction with other properties to increase agricultural production in the area is highly unlikely due to the limited potential. For this reason it can be argued that the development of a dwelling on the subject site, although no nexuses has been establish between the dwelling and the agricultural activity, will not detrimentally impact on the rural activities of surrounding properties as very little agricultural activity is carried out on surrounding properties. The surrounding area also currently displays a rural living character and therefore the development of an additional dwelling in this area will not lead to the fragmentation of rural land and the concentration of dwellings in the area with the potential of changing the character of the area. The proposed dwelling therefore is in keeping with the character of the surrounding area.

An aspect of this application that needs careful consideration is the fact that the subject site is covered with a Significant Landscape Overlay and that this application must also be assessed in terms of the impact this application will have on the landscape. The land slopes quite significantly from just north of the proposed building envelope towards the north and north-west. The subject site is virtually located on the crest of the hill, and the development of a dwelling on this site could have a significant impact on the landscape of the area. The proposed building envelope is setback approximately 16 metres from the ridge with quite substantial vegetation. Some of the trees are fire damaged starting from the ridge towards the north and north-western boundaries. The development of a dwelling in this location, although setback approximately 16 metres from the ridge, could be very visible from the north/north-west. It is therefore important to ensure that the height, bulk and external colours of the proposed dwelling is of such a nature that it will not detrimentally impact on the landscape character of the area.

The applicant in his submission argues that the proposed building envelope is located such that no trees will be removed, destroyed or lopped and the existing access way has been designed to avoid tree removal. However an inspection of the site revealed that quite a substantial amount of vegetation has been removed from the nominated building envelope. At the time it could not be determined whether the vegetation was dead or alive prior to its removal.

The Municipal Strategic Statement (MSS) at Clause 21.04 (Environment) and the Local Planning Policies at Clause 22.01-5 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.

Is the proposed development compatible with the decision guidelines set out under the provisions of the Indigo Planning Scheme and more specific Schedule 2 to the Significant Landscape Overlay?

The proposed location of the building envelope is such that with the appropriate controls in place the development of a dwelling will not have a detrimental impact on the landscape of the area. The effluent disposal envelope is located in an area which is cleared of vegetation and would therefore not have a negative impact on existing vegetation on the site and therefore no impact on landscape character.

The recommendation for approval of this application (a dwelling on a small rural allotment in the Farming Zone) may raise the question as to whether Council is consistent in its approach in dealing with these matters given the recent history and Council's stance on these issues. This case does not compromise Council's position on these matters purely from the point of view that the subject site has absolutely no agricultural potential and the site is located in an area that clearly depicts a de-facto rural living environment and that the development of an additional dwelling in the area will not compromise rural activity on surrounding properties and lead to the fragmentation and proliferation of dwellings in the area. This is a classical example where after considering the merits of the case a recommendation is put forward which has regard to the existing situation on the ground and therefore it cannot be argued that this will set a precedent for considering future applications. The Indigo Shire Planning Scheme sets out the guidelines/policies under which application must be assessed and in terms of these guidelines Council must have a balanced response on all related aspects which means that each application must be considered on its own merits. Although in general a fair degree of similarities usually exist for applications for dwellings on small rural properties in the Farming Zone, this case is unique in relation to mainly the location of the subject site in a de-facto rural living environment and to a lesser degree the fact that the agricultural potential of the site is very limited.

Attachment A Aerial Location PP08-4323
Attachment B Location Plan PP08-4323

**10.5 ENVIRONMENT AND DEVELOPMENT SERVICES
PROJECTS – OCTOBER 2008**

For Information

Projects underway are shown in the following table.

Project	Current actions
Amendment C10 and C45 – Heritage Overlay	<ul style="list-style-type: none">• Amendment C10 abandoned due to lapse of time and replaced with Amendment C45.• Amendment C45 approved by Minister of Planning 18 August 2008. Amendment gazetted and came into operation 4 September 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. Public exhibition finished on 15 August 2008. 45 submissions were received. These include acknowledgment, support, requests for minor changes and objections. Submissions are currently being investigated prior to reporting to Council.
Amendment C35 – Former Beechworth Hospital site	<ul style="list-style-type: none">• 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. Currently clarifying objection prior to reporting to Council.

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 on exhibition for two months until 24 June 2008. • Two submissions were received. Issues raised in submissions being addressed by NECMA prior to a report on the amendment being presented to Council.
Indigo Planning Scheme Amendment C44 -	Requests to rezone land zoned for public purposes to an industrial zone and land zoned for public conservation and resource use to farming. Conditional authorisation has been received for exhibition of the amendment. Conditions of the authorisation have been addressed and we are now awaiting approval to exhibit from DPCD.
Indigo Planning Scheme C48 – Kiewa Valley Highway	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.
Indigo Planning Scheme –environmental/biodiversity overlay	<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. Draft report received and under review. Report to be finalised and presented to Council November.
Interim car parking policy (Indigo Planning Scheme Amendment C42)	Interim Policy adopted June 2008. Preparation of parking precinct plan under consideration. Will not be progressed until 2009.
Rural Land Use Strategy	Coomes Consultants appointed to undertake phase one and two of strategy. Phase one and two commenced. Initial consultation phase completed. Issues and opportunities paper to be released early October.

<p>VCAT Appeals</p>	<ul style="list-style-type: none">• PP05-281 Appeal by O & 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.• 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 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. Tis matter will be joined with the subdivision matter. Hearing date set for 3 days commencing 29 October. The hearing to be in 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 dated 17 September 2008. Appeal dismissed – no permit to issue. I This is an important decision as it provides significant support for the existing Indigo Planning Scheme provisions in relation to dwellings in rural areas.• 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. Hearing set down for 11 November at Yackandandah.• 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.
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	<ul style="list-style-type: none">• 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. Appeal may be resolved prior to hearing.• PP 07-4018 Appeal by Wahgunyah Progress Association Inc. against Council's failure to grant a planning permit for a boat ramp and associated works at Sarah Street, Wahgunyah. Practice Day hearing 8 August 2008. Appeal dismissed.• P97/015 Appeal by Powercount Developments requesting modification of a condition of this permit which was issued at the direction of the AAT. Practice Day Hearing set for 10 October.
Environmental health staff	Trainee Environmental Health officer position advertised. No appointment made. Options for format of position and filling of position being reconsidered.
Administration staff	Kym Warne has been appointed to the position of Administration Officer position.

10.6 BUILDING STATISTICS – SEPTEMBER 2008 (EDSM)

For Information

<u>Property Localit</u>	<u>Description</u>	<u>Project Val</u>	<u>Approval Da</u>
eechworth	welling	\$99,6	04/09/0
eechworth	welling	\$124,6	01/09/0
eechworth	welling	\$300,0	01/09/0
eechworth	teration – fi onitoring system	\$2	11/09/0
utherglen	xtension	\$97,9	08/09/0
utherglen	welling	\$249,8	25/09/0
ahgunyah	welling	\$249,5	01/05/0
arnawartha	wimming Pool	\$29,9	01/09/0
eechworth	ew Building	\$14,0	02/09/0
ewa	emolition	\$2,5	03/09/0
eechworth	ew Building - shed	\$1,0	04/09/0

utherglen	teration	\$15,000	05/09/08
eechworth	xtension	\$125,000	08/09/08
lliput	ew Building	\$9,800	08/09/08
ion	teration	\$9,700	10/09/08
ewa	ew Building	\$23,300	10/09/08
ewa	e-stump	\$4,400	10/09/08
utherglen	wimming Pool	\$31,800	10/09/08
ergunyah	wimming Pool	\$25,700	15/09/08
ackandandah	xtension	\$9,600	15/09/08
utherglen	xtension	\$65,000	15/09/08
ewa	xtension	\$30,000	16/09/08
utherglen	ew Building	\$81,000	17/09/08
eechworth	welling	\$160,000	18/09/08
eechworth	welling	\$495,000	18/09/08

Bechworth	Stump	\$3,500	19/09/08
Arnawartha	Extension	\$4,600	19/09/08
Bechworth	Wellington	\$174,000	22/09/08
Blackandandah	New Building	\$9,800	24/09/08
Blackandandah	Extension	\$83,900	24/09/08
Blackandandah	New Building	\$68,800	24/09/08
Blackandandah	Extension	\$55,000	25/09/08
Booragee	New Building	\$41,700	26/09/08
Milner	New Building	\$6,700	29/09/08
Blackandandah	New Building	\$9,300	29/09/08
Total		\$2,747,000	

10.7 PLANNING STATISTICS – SEPTEMBER 2008 (EDSM)

For Information

Appl No	Locality	Proposed Use	Project Value	Decision
P074076	Wutherglen	Dwelling & Horse Facility	\$350,000	Refused
P084275	Milern	Extension to Dwelling	\$100,000	Withdrawn
P084285	Beechworth	Three (3) Lot Subdivision	\$50,000	Approved
P084298	Beechworth	Lot Subdivision	\$	Approved
P084305	Mahgunyah	Lot Subdivision & 4 Holiday Cabins & Outbuildings	\$245,000	Approved
P084310	Waghorn Flat	Boundary re-alignment	\$	Approved
P084316	Blackandandah	ed	\$9,300	Approved
P084325	Indigo Valley	Multipurpose Church Building	\$45,000	Approved
P084337	Ion	Additions & Alts to Dwelling	\$9,700	Approved

P084346	Leechworth	Airport	\$10,000	Approved
P084296	Blackandandah	Dwelling and Shed	\$4,600	Approved
P084353	Arnawartha	Addition to Shed	\$4,600	Approved
P084354	Leechworth	Garage	\$8,000	Approved
P084359	Blackandandah	Dwelling	\$40,000	Approved
P084360	Lewea	Shed	\$23,300	Approved
P084369	Waghorn Flat	Airport & Verandah Sts	\$3,700	Approved
P084374	Springhurst	Certification - Consolidation	\$0	No permit required
P084375	Blackandandah	Extension to Dwelling	\$83,900	Approved
112.2	Bergunyah	Boundary Adjustment Dwelling	\$0	Approved
1034.1	Blackandandah	Lot Subdivision	\$0	Approved
1257.1	Towns Plains	Dwelling	\$0	Approved
P084383	Booragee	Shed	\$41,700	No permit required

		consolidation		quired
total			\$1,027,4	

11.0 OPERATIONS AND ASSETS

11.1 INDIGO'S ENVIRONMENTAL ADVISORY COMMITTEE (FILE NO: E136 – NRM OFFICER)

For Decision

RECOMMENDATION

That Council in accordance with Section 86 (3) of the Local Government Act, 1989, the following representatives be appointed to Indigo's Environmental Advisory Committee:

- a. 2 x Councillors – to be determined
- b. 10 x community representatives
 - Jan Palmer
 - Charlie Robinson
 - Sarah Flamsteed
 - Rik Thwaites
 - Pheona Donaldson
 - Barney Foran
 - Greg Smith
 - Jenny Indian
 - Bernadette Cudars
 - Matthew Charles-Jones
- c. 4 x Landcare representatives
 - Joy Phillips
 - Jane Roots
 - Jennifer Davidson
 - Graeme Missen
- d. 2 x NRM Government representatives
 - Sue Berwick
 - Tim Clune
- e. 1 x other group representative (Beechworth Chamber of Commerce)
 - Catherine Smith

SUMMARY

Indigo Shire Council resolved to establish a Section 86 Environmental Advisory Committee at the June 2008 meeting. Eighteen applications for positions on this committee were received. It is recommended that Council assent to the committee the fifteen applicants who reside in the Shire, as well as the two received from government departments. This inclusive process has occurred with the formation of recent reference groups, such as the reference groups for the Municipal Strategic Statement review and the Rutherglen Heavy Vehicle Bypass.

BACKGROUND

At the June meeting Indigo Shire Council passed a resolution to form an Environmental Advisory Committee, under Section 86 of the Local Government Act, 1989. Following this, a range of advertising was employed to encourage community members to complete an application form to express their interest in being part of this group. Specific invitations to submit an application were sent to all Landcare groups within the Shire, as well as a range of relevant NRM government departments. During this time, the Senior Management Team also nominated two of its members to be delegates on this committee (Robert Uebergang and Susan Cheetham with Stephen Swart as proxy). Further discussions were held at the Council briefing meeting held Tuesday 16th September, 2008.

Eighteen applications in total were received. Eleven applications were received from people applying as individuals from the community sector. Many of these applicants have recognized important links to groups such as the budding Beechworth and Yackandandah sustainability groups, vigneron associations, Alpine Valley Agribusiness Forum, land and water advisory committees, festival committees, Landcare groups and many more. It is recommended that Council honour all the nominations from those that reside in the Shire.

Four applications were received from representatives of the Landcare groups within the Shire. These groups are an established conduit between Council and landholders, such as primary producers, as well as land managers who undertake environmental improvement works on public land. It is recommended that Council honour all these nominations. Two applications were received from NRM government departments. These representatives will be of considerable value to the committee, specifically in the provision of information relating to state and regional policies and programs. It is recommended that Council assent of both these nominations to the committee. One application was received from a representative of a community group, other than Landcare – Beechworth Chamber of Commerce. Although other community groups were not specifically invited to apply, it is excellent that such a group has expressed an interest and willingness to participate. Input from this group would certainly increase the diversity of views represented on the committee, in turn ensuring decision-making is more rigorous. It is recommended that Council assent this nomination to the committee.

CONSULTATION

Review of the applications has been undertaken with Senior Management representatives, as well as Councillor Vic Issell. Positive feedback regarding the above recommendations was received from Council at the briefing meeting held 16th

September, 2008. All applicants have received a letter thanking them for their application and notifying them of the timeframe for decision.

POLICY IMPLICATIONS

As highlighted in previous reports the contributions of residents, Landcare representatives, as well as state and regional natural resource management staff made through the committee will ensure that future decisions on environmental issues are made with rigour. Accordingly, Indigo Shire will be better placed to prioritise Council plans, policies, programs and opportunities for environmental action.

FINANCIAL & RESOURCE IMPLICATIONS

Also highlighted in previous reports, the operation of the committee will require a small amount of administrative support. This is important for success of the group, as well as to avoid additional tasks falling to the NRM Officer. This support can be met with the existing administrative time allocated to the NRM Officer role, however, a specific support officer would need to be nominated. Note that this process is expected to streamline roles and responsibilities of the NRM Officer.

11.2 DISCONTINUANCE OF GOVERNMENT ROAD, BACK CREEK ROAD, YACKANDANDAH (FILE NO: E975-05 - AM)

For Decision

RECOMMENDATION

That Council resolve to discontinue a disused Government Road that intersects with Back Creek Road, Yackandandah, in accordance with Part 3 s.12 of the Road Management Act 2004.

BACKGROUND

Planning Permit PP07-025 for an Art and Craft centre in Back Creek Road Yackandandah was issued to Mr Ben Gilbert in July 2007. The land subject to the Planning permit is currently owned by Department of Sustainability & Environment (DSE) with a large portion of the old Saw Mill on the site situated over a disused government road.

Further to the issue of the Planning Permit Ben Gilbert approached DSE to negotiate purchase of the subject land and approached Council to instigate closure of the government road.

Council agreed in 2007 that the government road is unused and with the existence of the saw mill structure over the road it is appropriate that it be closed.

In order to discontinue the road Council must publish a public notice advertising the discontinuance and asking for submissions for consideration. Further to consideration of submissions Council may proceed to discontinue the road by a notice published in the

Government Gazette.

When the road is discontinued the land will revert to sole control of DSE who are then free to divest this land to Mr Ben Gilbert.

POLICY IMPLICATIONS

The road discontinuation when completed will place 1,220m² of government road in the sole control of DSE and allow for the disposal of this land to Mr Ben Gilbert.

FINANCIAL IMPLICATIONS

There are minor advertising costs associated with this process of road discontinuance. These costs are to be recovered from the benefiting purchaser.

Attachment

11.3 SPRING STREET AND MULHOLLAND DRIVE SPECIAL CHARGE SCHEME (FILE NO: T480.08-02 – OM)

For Decision

RECOMMENDATION

That Council:

- 1. Declare a Special Charge Scheme on Spring St and Mulholland Drive.**
- 2. Notify benefiting owners of the declaration.**

SUMMARY

Council has made a resolution to give notice to declare a Special Charge Scheme in Spring Street during its November 2007 Meeting.

The Spring Street Project is construction of a bituminous sealed pavement with kerb & channel both sides in Spring Street and the construction of kerb and channel in Mulholland Drive, both with associated drainage. Council considers this will be of special benefit to those owners of property required to pay the special charge.

A second round of submissions has been received regarding changes made to the scheme by Council during the September 2008 Council Meeting.

BACKGROUND

Notice of intention to declare a Special Charge Scheme was sent to all Spring Street Residents on the 21 of February 2008 by mail. The Proposed Declaration was hand delivered to all ratepayers who are resident and mailed to all non resident rate payers.

As a result of these notices, Indigo Shire Council initially received submissions from

eight parties which have been already been considered by Council.

During Councils meeting on the 2 of September Council made some changes to the scheme as listed below:

- Move Northern court bowl / tee head 6-8 metres North
- Remove fruit trees at the Northern end of the Street either during construction or landscaping at the end of project
- Replace court bowls with tee heads
- Move Southern court bowl / tee head as far South as practical
- Reduce Motel and number 1 Spring St Contribution to nothing

As a result of these changes 8 submissions have been received. Although not all of the submissions are relevant to the changes they have all been tabled for discussion. A summary of the submissions is listed below.

Abandon Project because it is based on Spring Street being a court

Submissions 1

The submission refers to the claim that Spring Street was never formally closed and that the scheme discriminates against some residents.

Officer's Comments

Council to note comments

Council not to adopt a Special Charge Scheme and look for alternatives to deal with problems

Submissions 1

Comments were made about Councils approach to the scheme over the years. There is an objection to some residents paying more than others which may be referring to Councils decision to diminish the contribution of both the Motel and Number 1 Spring Street. The submission also requested for Council not to progress with the Special Charge Scheme and to look for other ways to deal with the problem.

Officer's Comments

Council to note comments

Amenity of the street not to be adversely effected by construction.

Submissions 1

There is a concern that the trees along the street will be affected by construction. Also the submission requested that the fruit trees remain. The primary concern is that the character

of the street is not affected by the works.

Officer's Comments

The main trees that line the street will remain and there is no reason to be concerned about their welfare during construction. All efforts will be made to ensure they are not damaged.

Also Council to note the comment regarding the decision to remove the fruit trees.

Concerns about Mulholland Drive Residents contributions

Submissions 2

There is concern that Mulholland Drive residents are being made to contribute to the construction costs of Spring Street and that it is unfairly apportioned. There is also a concern that a resident was excluded from meetings and correspondence until April this year.

Officer's Comments

This submission is considered to be largely due to a lack of understanding of the apportionment. Mulholland Drive residents are considered to have sideage to Mulholland Drive so are only required to contribute 1/3 of their sideage rather than 50% of frontage as most Spring Street residents are. To add to this because there is already a sealed strip residents are only expected to contribute 35% of their 1/3 which equates to a little less than 12% of their whole frontage.

Also regarding the 'exclusion of meetings and correspondence'. Mulholland Drive was not included in previous schemes that were attempted to be levied on Spring Street. The fact that the submitter was not required to contribute to previous schemes will have no bearing in this scheme.

Concerns of contributions by Bridge Road residents

Submissions 1

There is one submission expressing concern over Bridge Road residents who have rearage contributing to the construction of Spring Street. There was also reference to Spring Street never being officially closed.

Officer's Comments

The property in question is considered to have equal benefit to other Spring Street properties because the block can be subdivided and therefore will receive the full benefit.

Thanks for consultation process

Submissions 1

There was a submission to thank Council for the consultation process so far during the scheme. The submission also requests that the current Council makes the decision of whether or not to adopt the scheme.

Officer's Comments

Council to note comments

Number One Spring Street to have full apportionment

Submissions 1

The submission addressed one of the decisions made by Council on the 2 of September regarding the reduction on apportionment of the Motel and number 1 Spring Street. The submission agrees that the Motel derives no benefit but states that number one should contribute to the cost of the upgrade as any other Spring Street owner does. The submission therefore objects to this cost being defrayed across other residents.

Officer's Comments

Number One Spring Street is directly opposite the motel therefore the Motel could not have its contribution diminished without diminishing the contribution of number one.

Support all changes to the scheme

Submissions 1

There was one submission pledging support for all changes made to the scheme.

Officer's Comments

Council to note comments.

CONSULTATION

These submissions have been made through an extensive consultation process, which has involved correspondence, phone calls, meetings of street residents, survey of street residents and several site visits to several residents. The first round of submissions have also been made by eight residents and five have taken the opportunity to present their submissions directly to Council.

After the changes that had been made by Council at the September Council Meeting, residents were once again given the opportunity to make comment on the changes. These comments are in the appendix to this agenda.

POLICY IMPLICATIONS

This step is according to Council Policy for Special Rates and Charges.

FINANCIAL IMPLICATIONS

The project will funded by a combination of contributions by residents totalling an estimated \$99,996.50 and a Council contribution of an estimated \$122,646.50. The Council contribution will come from Roads to Recovery funding.

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

For Decision

RECOMMENDATION

That Council:

- 1) Adopt the proposed Road Management Plan amendment as Council's new Road Management Plan effective as of 31 October 2008**
- 2) Proceed to have the new Road Management Plan put in place to supersede the existing Road Management Plan as of 31 October 2008.**

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.

Council has resolved to amend the Plan with subsequent advertising calling for submissions, submission review and submission incorporation into the Road Management Plan amendment. Council may now choose to adopt the Road Management Plan amendment as Council's new Road Management Plan.

If adopted the Road Management Plan amendment would become Council's new Road Management Plan effective as of 31 October 2008.

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).

Council received the recommendation to amend the Road Management Plan at its August 2008 meeting. The proposed amended Road Management Plan was subsequently advertised and submissions invited from all parties aggrieved by the proposed amendment. The submission period closed on 18th September 2008.

One internal submission was received with nil submissions received from other parties. The internal submission related to the Road Maintenance Activity Specification – Pathway Repairs. The submission outlined that:

- the path heaving recording level for Medium Use and High Use paths be changed from 25-50mm to 30-75mm with heave compulsory intervention level changing to >75mm. Changes thought necessary as heaves under 30mm presented minimal pedestrian hazard.
- the term 'step or misalignment' be changed to 'vertical displacement' to clarify terminology
- the path scouring recording level for Recreational Paths be changed from >125mm to >100mm as response times for this path category was substantial (12 months)
- the heave and re-sheeting compulsory intervention levels be changed from 2 weeks and allocated as two month for High Use and 3 month for Medium Use paths. Changes thought necessary as heaves and re-sheeting do not give rise to an immediate hazard and take longer to address in maintenance terms.

The submission was reviewed with subsequent incorporation of all submission points into the Road Maintenance Activity Specification which forms an attachment to the Road Management Plan amendment. The points raised in the submission were considered as being relevant and duly considerate of risk management issues associated with 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.

Council received the recommendation to amend the Road Management Plan in August 2008. The proposed amended Road Management Plan has been advertised with submissions invited in August-September 2008 in accordance with Part 4 s. 54 of the Road Management Act 2004. Further to consideration and incorporation of submissions, the proposed amended Road Management Plan may now be adopted as Council’s new Road Management Plan.

Attachment: Proposed Road Management Plan

11.5 OPERATIONS DEPARTMENT – PROGRESS REPORT – TO 30 SEPTEMBER 2008 (GMOA)

For Information

Project	Description of Works
GENERAL MAINTENANCE Road Maintenance & Parks and Gardens	Two graders have been working in the Rutherglen area with backlog of grading completed. Roadside shoulder spraying and general Parks & Gardens work in progress.
WORKS IN PROGRESS Bus Stops	Some objections have been received to the Planning Permit for the proposed bus stop relocation in Wellsford Street Yackandandah. Revised plans

<p>EXTERNAL PRIVATE WORKS Buller Gas</p>	<p>currently being prepared to resolve these issues.</p> <p>Ski season extended at Mt Buller until the end of school holidays, new invoicing working well.</p>
<p>Waste Management</p>	<p>Falls Creek Waste</p> <p>At a public meeting held at Falls Creek on Monday 11 August some very positive feedback from business owner/operators was received in relation to the work that is carried out by our staff undertaking the waste/recycle collection service.</p> <p>East Gippsland Waste</p> <p>The annual contract performance review, conducted by East Gippsland Shire, will be undertaken in early September.</p> <p>Indigo Waste</p> <p>Some further planting has been completed at the Yackandandah Transfer Station rehabilitation site to replace plants that have died since the rehabilitation was been completed. A recent inspection of the site was completed by the EPA as required by the Pollution Abatement Notice that was originally served on the site. The EPA was very impressed by the project and confirmed that all conditions imposed by the Notice are being completed.</p>
<p>Animal Control & Local Laws</p>	<p>Works (in hours and out of hours)</p> <p>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 have advertised for staff for the 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.</p>
<p>Summer</p>	<p>The current contract at City of Wodonga extended for one year.</p>

ENVIRONMENT	
Community Water Grants – round 3	Racecourse Road site – project almost complete – remaining funds to be used for follow up spraying
Greenhouse Action Plan	Action planning to yet to be formalised – Environmental Projects Officer to undertake
North East Greenhouse Alliance	<p>Focus has been on development of a marketing package to expand membership.</p> <p><u>Update on Projects:</u></p> <ol style="list-style-type: none"> 1. Alternate Fuels <ul style="list-style-type: none"> • First delivery of biodiesel yet to occur 2. Kicking Goals for the Environment <ul style="list-style-type: none"> • Project complete – final report to AGO due November 30th 3. Adaptation <ul style="list-style-type: none"> • no progress 4. Plant Savers <ul style="list-style-type: none"> • Final report to AGO due October 31 • Yackandandah – audit received, in the process of identifying measure • Barnawartha -kids now involved in collecting energy statistics to be added to audit report • St Mary’s Rutherglen – installation complete – still working on publication of project completion and savings made 5. Sustainable Lighting <ul style="list-style-type: none"> • no change
Lake Sambell	<ul style="list-style-type: none"> • Rock beaching to occur near boardwalk – permit yet to be obtained. • Next meeting scheduled for October. • Plant order for next season to be submitted.
Indigenous Resource Area at Lake Sambell	<ul style="list-style-type: none"> • Rock beaching of eroded bank still yet to occur - permit needed. • Planting finished. • Signage to be developed, fabricated & installed.
Isaac Park	<ul style="list-style-type: none"> • Spraying of weeds to occur over next 2 months, as well as brush-cutting of long grass in hard to reach places. • Plant order for next season to be submitted.
Community woodlot program	<ul style="list-style-type: none"> • Prison crew continue to operate from the Beechworth Transfer Station cutting, splitting and delivering timber to concession card holders who have registered an interest.

	<ul style="list-style-type: none"> • Still awaiting contractor to hydraulically shear large timber in the Yackandandah, Chiltern and Stanley woodlots to make timber more accessible (jointly funded by DSE).
Roadside Management Plan	Follow up visits to participants of Roadside Partnership Program underway.
Roadside weed initiative	Program underway – chemical allocated – 21 participants.
Eco-Awareness Group	Next meeting scheduled for 10.30am Wed Nov 19, Yackandandah.
Community awareness	Printing of the reviewed “It’s Only Natural” waterwise gardening booklet for Indigo Shire and Rural City of Wangaratta has occurred – promoted through Indigo Informer and on website.
Upper Sandy Creek School revegetation project	Planting day rained out – school to organise when convenient.
Sustainable water use plan	Awaiting news of Smart Water Fund (State) application submitted for the extension of use of waste water in Rutherglen.
Code of Forest Practice	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.
Environmental Advisory Committee	Awaiting adoption of group members at October Council meeting – inaugural meeting to follow.
Environment Strategy	12 applications received for the Environmental Projects Officer position – interviews to follow.

11.6 CAPITAL WORKS – PROGRESS REPORT – TO 30 SEPTEMBER, 2008 (GMOA)

For Information

Project	Actions
Subdivisional works by developers	<ul style="list-style-type: none"> • Mt Fleury Estate, High St Beechworth completed. • Red Hill Rd Estate Havelock Rd, Stage 2 works in progress.
Plant	Plant renewal requirements under review.
Rutherglen Wine Bottle	Planning Permit for works yet to be submitted to Council from NEW. Many letters and petition have been received in support of retaining and restoring this icon.
Murray to Mountains Rail Trail	Design plans have been completed. Still negotiating access.
Chiltern Floodplain Works	Works commenced to improve culvert capacity on High St floodway. Design works in progress, discussions underway with NECMA.
Havelock Road area stormwater re-use	<p>Havelock Road works complete with pump re-use system nearing completion.</p> <p>Downstream wetlands to be constructed December to complete project.</p>
Ready/Soles Street drainage	Detailed design nearing completion.
Chiltern Commercial Area Parking	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.
Rutherglen Heavy Vehicle Deviation.	Community Reference Group finalising route priorities and planning to present their report to November Council meeting.
Tangambalanga Football club rooms	<p>Project working group formed and finalising design layouts.</p> <p>DPCD funding yet to be confirmed.</p>
Yackandandah Supermarket Car parking	Works in Hammond St commenced. Supermarket now up and running.

Wahgunyah-Moodemere Walking Trails	Cultural heritage preliminary survey for proposed route in progress.
Yackandandah Museum	Internal walls relined with verandah re-building works in progress.
Chiltern Martin Park Lighting/Pathways/Music Bowl upgrade (LIWP)	Solar light installed. Works now complete.
Former Beechworth Methodist Church Roof	Specifications for project submitted for the approval of Heritage Vic.
Beechworth Netball Courts	Beechworth Netball courts and retaining wall are completed.
Beechworth Pool	Tender has been awarded for works. Construction in progress.
Tangambalanga Industrial Estate	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 in October.
Yackandandah Industrial Estate Depot	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 in October.
Wahgunyah Boat Ramp	Discussions ongoing.

12.0 HEALTH AND WELLBEING**12.1 COUNCIL'S 2008/2009 COMMUNITY GRANTS – (FILE NO: M272.14B - HWBM)****For Decision****RECOMMENDATION**

That Council adopt the recommendations of the Indigo Shire Community Advisory Committee regarding the Community Grants Program for 2008/2009 totalling \$47,281.97 as tabled below:

Applicant	Project	Total Project Cost	Grant requested	Grant recommended
GENERAL GRANTS				
Beechworth Cricket Club	purchase of equipment to maintain turf wicket at Harmutha Park, including specialised lawn mower, line marker, wheelbarrow and mowing equipment	\$12,393.	\$4,000.	\$1,500.00
Beechworth Lawn Tennis Club	remove tennis court line and replace	\$4,750.	\$1,550.	\$1,550.00
Chiltern Athenaeum	construction/extension of display stand for World War 1 exhibit at the Athenaeum	\$6,475.	\$2,875.	\$2,875.00
Chiltern & District Swimming Club	costs to qualify a local swim coach	\$250.	\$250.	\$250.00
Chiltern Rodeo Club Inc	install additional area lighting for rodeo facility	\$3,810.	\$2,810.	\$2,810.00

Cornishtown Hall Reserve Committee of Management	restoration and painting of the external porch area of the Hall	\$3,280.	\$1,640.	\$1,640.00
Country Womens Association Kiewa Branch	purchase of computer software for use by volunteers to produce flyers, brochures, maintain accounts etc	\$338.	\$288.	\$288.00
Gundowring North Tennis Club	installation of sun shade shelter at tennis club	\$5,298.	\$3,798.	\$3,500.00
Indigo Adult Riding Club	purchase and installation of water tank for use at the riding club (Chilte racecourse Reserve)	\$2,350.	\$850.	\$850.00
Lions Club of Rutherglen	new verandah for railway station side of clubroom	\$3,100.	\$1,900.	\$1,900.00
Middle Indigo Primary School	purchase of bistro blinds to convert existing shade structure into enclosed space for community	\$6,260.	\$3,300.	\$3,000.00
Neighbourhood Watch Kiewa area	purchase of 'A-frame' promotional signs	\$985.	\$935.	\$500.00
Rutherglen Playgroup	improvements to playgroup facility at Rutherglen Hall including security door, eastfeeding couch and seating	\$4,043.	\$2,471.	\$1,500.00
Sandy Creek Memorial Hall	purchase of 30 stackable chairs and 8 tables for use at Hall	\$5,922.	\$4,000.	\$4,000.00

Upper Sandy Creek Recreation Reserve Committee	Construction of a steel framed metal clad shade structure adjacent tennis courts at reserve	\$8,848.	\$3,850.	\$3,800.00
Wahgunyah Football Netball Club	Purchase of 100 stackable chairs to be used Wahgunyah Recreation Reserve	\$1,815.	\$1,815.	\$900.00
Wooragee Landcare Group	Purchase of data projector for Wooragee Hall and use by others of Hall	\$3,050.	\$2,100.	\$1,000.00
Yackandandah Community Education Network	Update signage at site entrance, add new signage streetfront and install reverse cycle air conditioner in one of the offices	\$5,405.	\$3,105.	\$575.00
Yackandandah Sports Park Committee of Management	Purchase of 500 stackable plastic chairs for use at the Sports Park and for loan to the community	\$5,190.	\$3,690.	\$2,000.00
Yackandandah Toy Library	Construction of storage shed at YCEN for Toy Library to assist relocation to YCEN	\$4,995.	\$3,700.	\$3,700.00
Wild OATS (Our Autistic TeenS)	Funds to assist in the delivery of (1) information session for the community to raise awareness of autism and (2) general workshop for families with adolescents to discuss issues such as liberty, education etc	\$3,720.	\$2,000.	\$2,000.00
ARTS AND				

Arts Rutherglen	Purchase of audio visual equipment to assist presentation of events and activities	\$3,148.	\$1,574.	\$1,574.10
Beechworth Neighbourhood Centre (Social Singing Network)	Training of three singers in sessions to develop the network	\$1,300.	\$500.	\$500.00
Beechworth Theatre Company	Assist production and performance of a musical for senior citizens in the shire including video performance	\$1,950.	\$1,100.	\$1,100.00
Chiltern Lions Amateur Players	Purchase of storage equipment and storage costs	\$2,709.	\$494.	\$494.87
Chiltern Rutherglen CE (Chiltern Singers)	Purchase of choral music for specific musical events and accompanist fees	\$3,000.	\$2,200.	\$200.00
Rutherglen Historical Society	Purchase microfilm reader	\$2,000.	\$1,000.	\$1,000.00
TOTAL - GENERAL AND ARTS AND CULTURE		\$106,385.	\$7,796.	\$45,006.97
YOUTH INITIATIVES GRANTS				
Beechworth Landcare	Engagement of young people to manage the process of developing a masterplan and landscape design for the Beechworth State Park	\$3,315.	\$1,615.	\$1,615.00

Yackandandah Golf Club	unds to assist you lfers attend junior g aining and tourname the district	\$1,840.	\$660.	\$660.00
TOTAL - YOUTH INITIATIVE GRANTS		\$5,155.	\$2,275.	\$2,275.00
TOTAL GRANTS		\$111,540.	60,071.	\$47,281.97

SUMMARY

This report details the funds recommended for allocation under Council's 2008/2009 Community Grants Program and Asset Maintenance Grants Program.

BACKGROUND

As part of the 2008/2009 Budget process, Council allocated the following funds for community groups and committees:

- | | |
|---|-----------|
| 1. Council's Community Grants – General and Arts and Cultural | \$45,000 |
| 2. Council's Community Grants – Youth Initiatives | \$ 2,500 |
| 3. Asset Maintenance Grants | \$115,700 |

Council has delegated the assessment of Council's Community Grants Program to the Indigo Shire Community Advisory Committee (ISCAC). This Committee assesses all applications based on the appropriate criteria and then recommends to Council how the funds should be distributed.

Applications for the 2008/2009 Program closed on 22 August 2008 and deliberations were completed by ISCAC at its meeting on the 9th September 2008. The recommendations from ISCAC in regards to the Community Grants Program form the recommendations in this report.

Council made the decision three years ago that there will be no application process for the Asset Maintenance Grants. Community groups and Committees are provided with an annual contribution based on a set of criteria developed by Council. In 2008/2009 Council allocated \$115,700 from its budget for the Asset Maintenance Grants Program. This was an increase of 7% from the 2007/2008 budget allocation of \$107,800 based on recommendations from the Recreation Plan adopted by Council in March 2008.

ISSUES

Council Community Grants

Council received fifty-two (52) applications under the Program requesting grants totalling \$116,980.45. In general, the majority of applications requested funding in the range of \$1,000 to \$5,000.

The Committee commented on the quality of the applications and the time and effort put into the applications by the applicant bodies.

The Committee have recommended that Council provide funding to twenty-nine (29) of the applications. It was also recommended that several applications be referred to more appropriate funding sources such as the Volunteer Grants Program 2008.

It should be noted that several of the recommendations from ISCAC were not for the full amount requested in the application or had some conditions attached. In particular:

- The Beechworth Cricket Club's request for \$4,000.00 towards turf management

equipment was reduced to \$1,500.00 as the Committee felt a partial grant towards some of the equipment was adequate given the Club could apply for equipment through the Volunteers Grants Program 2008.

- The Chiltern Athenaeum's request for \$2,875.00 is subject to a successful outcome in their application for \$3,000.00 through the Department of Veterans Affairs "*Saluting Their Service*" funding program.
- The Kiewa Neighbourhood Watch's request of \$935.00 for funding towards 2 x 'A-Frames' was reduced to \$500.00 to purchase 1 only.
- The Rutherglen Playgroup's request for \$2,471.30 for equipment/furniture was reduced to \$1,500.00 to go towards the indoor and outdoor seating only.
- The Wahgunyah Football Netball Club's request for \$1,815.00 for the purchase of 100 stackable chairs was reduced to \$900.00 as the Committee assessed the project as a lesser priority than some of the other projects.
- The Wooragee Landcare Group requested \$2,100.00 to assist in the purchase of a data projector. ISCAC determined that the Group should be offered \$1,000.00 and be requested to fund the balance.
- The Yackandandah Community Education Network requested \$3,105.00 to assist in the purchase of an air conditioner and signage. ISCAC determined that it would be appropriate to only fund the \$575.00 towards the signage.
- The Yackandandah Sports Park Committee's request for \$3,690.00 for the purchase of 500 stackable chairs was reduced to \$2,000.00 as the Committee assessed the project as a lesser priority than some of the other projects.
- The Chiltern Singers requested \$2,200.00 to assist in the purchase of sheet music and for accompanist fees. ISCAC did not deem it appropriate that this Program fund an accompanist and recommended that \$200.00 be offered to the Singers to pay for membership to a music lending program.

All unsuccessful applicants will receive notification in writing detailing why they were unsuccessful and an offer of future advice and assistance, such as referral to other more appropriate funding programs to progress their particular project.

POLICY IMPLICATIONS

The funding Program is guided by Council's Community Grants Program Policy.

FINANCIAL IMPLICATIONS

The following table details the applications for funding and the allocations recommended:

Grants Program	Total Number of Applications	Total Number Funded	Amount Funded \$
Council Community Grants – General	39	21	\$40,138.00
Council Community Grants – Arts and Culture	10	6	\$4,868.97
Council Community Grants – Youth Initiatives	3	2	\$2,275.00
TOTALS	52	29	\$47,281.97

Grants Program	No Funded	Amount Funded \$
Council Asset Maintenance Grants	69	\$115,639.00

12.2 12. DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT'S 2009/2010 COMMUNITY FACILITY FUNDING PROGRAM (CFFP) (FILE NO: C901.14 - RCDC)

For Decision

RECOMMENDATION

That Council submits the following applications to the Department of Planning and Community Development for consideration under the 2009/2010 Community Facilities Funding Program.

- 1. Barnawartha Chiltern Miners Cricket Club. \$46,000.00 grant requested**
- 2. Indigo Shire Council \$60,000.00 grant requested**
- 3. Kergunyah Pony Club Inc. \$21,533.00 grant requested**

SUMMARY

This report is to inform Council of the process undertaken for the consideration and submission of applications for the above funding program, and to recommend the applications to be forwarded to the Department of Planning and Community

Development (DPCD).

BACKGROUND

The Indigo Shire Community Advisory Committee (ISCAC) was delegated by Council in 1997 to consider all applications submitted for these grants.

An advertisement calling for applications under the 2009/2010 CFFP was publicised in all newspapers within the Indigo Shire and information was also sent directly to all community organisations and clubs. These applications closed to Council on 1 October 2008.

Council received five (5) applications for the 2009/2010 CFFP which were considered at the ISCAC meeting on 6 October 2008.

Council is permitted to lodge three applications for the minor facilities category with the following scope:

- Funding ratio for Indigo **SRV \$2 : \$1 Local**
- Maximum of two applications that seek up to \$60,000 each towards a total project cost of \$200,000 or less
- If applying for three projects, Council must submit at least one application for a project with a total project cost of \$60,000 or less

CONSULTATION

Information was sent to all community groups and clubs informing them of the process for this year's CFFP. All potential applicants were advised to contact Council to discuss their proposal prior to making any submission.

As recommended by ISCAC, consultation and advice was also undertaken with representatives from the Regional Office of DPCD to assist in the determination of the three most appropriate projects under the Program.

Follow up will occur with all applicants regarding further information or planning necessary for the lodgement of these applications to DPCD or any future applications.

DISCUSSION/ISSUES

Applications were submitted by:

No	Applicant	Project	Total Project Cost	Club Contribution	Council Contribution	Grant Requested
1	Barnawartha Milern Miners Cricket Club	Installation of turf cricket, irrigation and storage shed at the Barnawartha Recreation Reserve	\$59,000	\$23,000	\$0	\$46,000
2	Indigo Shire Council	Beechworth Skating Rink Stage construction/extension including seating, shade, seating and landscaping	\$10,000	\$10,000	\$40,000	\$60,000
3	Bergunyah Bowls Club	Construction of storage shed including shelter and seating areas for spectators and officials	\$23,000	\$10,767	\$0	\$21,533
4	Booragoon Tennis Club	Resurfacing of existing 2 concrete courts with synthetic grass	\$11,497	\$7,497	\$0	\$33,993
5	Yackandandah Bowling Club	Renovations of clubroom areas to improve access	\$80,000	*\$82,000	\$38,000	\$60,000
			\$32,700	\$133,264	\$78,000	\$221,526

* Note to Item 4 – The \$82,000 includes an amount of \$60,000 which is an amount the Club is seeking as a grant from the Federal Government’s Regional Infrastructure Program (currently closed).

All proposed projects meet the eligibility criteria. However, feedback from the Regional Office of DPCD indicates that the Yackandandah Bowling Club’s application will not be funded as funding sources for the project have not been confirmed.

In determining the final three applications to be submitted to CFFP, the following

comments, feedback from DPCD and discussion points were taken into consideration:

Barnawartha Chiltern Miners Cricket Club – Turf wicket project

- The project will develop the second oval at the Barnawartha Recreation Reserve.
- Turf wickets are an attraction for young cricketers to improve skills and compete at higher levels.
- Strong contribution from club/community.
- The budget for the project needs to be confirmed with accurate quotes and estimations of volunteer labour.
- The project was listed as the number 2 priority in the Barnawartha Recreation Reserve Masterplan, adopted by Council in 2005.
- The project is currently not listed in Council's recently adopted Recreation Plan.

Indigo Shire Council – Beechworth Skate Park project

- There is very strong support from local skaters and riders and the broader Beechworth community for the project.
- Skate park projects have been very successful in providing recreational opportunities for young people.
- Beechworth skaters and riders have been meeting and consulting with the community for over 12 months and have significant resources to contribute to the project.
- Skate parks and youth related projects are specifically listed as a strong priority under the Program's guidelines.
- The project is listed as the number 40 priority in the Recreation Plan.

Kergunyah Pony Club Inc. – Storage and shelter project

- Improvement to the facility by providing shade to spectators and officials and storage space for the Club
- The Club is growing and recently completed one of the few cross country equestrian courses in North East Victoria
- The project is currently not listed in Council's recently adopted Recreation Plan.
- It was noted that if Council submits 3 three applications, one of these must have a project total of less than \$60,000. This application, with some minor reductions in the amount of the grant requested, fits into this category.

Wooragee Tennis Club Inc. – Resurface 2 tennis courts project

- Improvement to the facility by providing better quality surface for tennis.
- The application's budget requested a grant of more than the \$2 : \$1 ratio required by the Program. The Club has indicated that, with the correct ratios applied, they would not be able to meet the financial community contribution requirement.
- A recommendation would be made to the Club to raise the required funds and apply again next year.

Yackandandah Bowling Club – Clubroom upgrades project

- Would not be considered by DPCD as key funding source through Federal Regional Infrastructure Fund not confirmed.

With the removal of the Yackandandah Bowling Club and Wooragee Tennis Club applications from the process, ISCAC considered it appropriate to recommend the final

three projects ie the Barnawartha Chiltern Miners Cricket Club, the Indigo Shire Council and the Kergunyah Pony Club Inc. projects for submission to the 2009/2010 CFFP.

POLICY IMPLICATIONS

This process is in line with the process adopted by Council and ISCAC in previous years and within the delegated authority to ISCAC. It also reflects Council's strategic objective to "the provision of a range of services to meet the needs of the community".

Council's Recreation Plan

The Indigo Shire Recreation Plan was adopted by Council in March 2008. The Plan included a list of all known recreational capital works projects at that time, prioritised by a set of pre-determined criteria. One of the main aims of this prioritised listing is to guide Council's decision making when allocating funds or applying for grants for recreational projects. The list will be updated on a regular basis to ensure that new projects are included and prioritised and completed projects are removed.

The Barnawartha Cricket project is not listed in the Recreation Plan, however it was the number 2 priority in the adopted Barnawartha Recreation Reserve Masterplan, and therefore supported by Council.

The Beechworth Skate Park is listed as the Number 40 priority for the Shire, however, it should be noted that 15 projects have been completed or have funding secured that were listed as a higher priority than that of the skate park project.

The Kergunyah Pony Club project is a new project currently not listed in the Recreation Plan, however, it is a good project for the Club and the community and is the final option for the third application to the 2009/2010 CFFP.

FINANCIAL & RESOURCE IMPLICATIONS

Council has a policy, where appropriate, of contributing 50% of the community contribution component of recreational funding submissions. However, only one (1) of the projects selected for the Minor Facilities Funding Program has a proposed Council budget allocation:

Indigo Shire Council - Beechworth Skate Park - \$40,000

In this case, the project is for upgrades to a Council owned community facility which is directly managed and maintained by Council. The project is currently listed in Council's capital works program, although a year has not been allocated. It should be noted that the scope of the project has now substantially increased to meet the needs of the community and funding for this project, if successful through the CFFP, would need to be considered in the 2009/2010 Council budget process.

12.3 HEALTH & WELL BEING PROJECTS – PROGRESS REPORT – OCTOBER 2008 (HWBM)

PROJECT	ACTION/ PROGRESS
North East Transport Connections Project	<p>This project covers the local government areas of Indigo, Towong, Alpine, Wodonga and Wangaratta. It has now entered its second year.</p> <p>As part of the project the Indigo Transport Working Group has been established. This group has been central to the development of the Indigo Transport Options booklet as well as assisting in the development of the Transport Action Plan. The Action Plan has been informed from extensive consultation including a transport survey conducted earlier this year. The key issues in the Action Plan include:</p> <ul style="list-style-type: none"> • Development and distribution of Transport Options Booklet • Advocacy for the development of an accessible bus link between Beechworth, Yackandandah and Wodonga • Improved youth access to transport links
Early Years Project	<p>The Health & Wellbeing Manager, in conjunction with the Indigo Health Consortium, Beechworth Health Service and Indigo North Health, have been working on the development of an Early Years Plan for Indigo Shire.</p> <p>The first stage was to distribute a survey to Indigo families and collate the responses. A steering committee is now being formed to continue the process utilising data from the surveys. Two meetings have been scheduled to form the steering committee. These are to be held on 22 October in Yackandandah and 27 October in Chiltern.</p>
Indigo Shire Fire Safety Workshop for people with special needs	<p>A workshop facilitated by the CFA will be held on 25 October 2008 in the Supper Room, Indigo Shire office Beechworth. The workshop will focus on fire safety in the home and the importance of fire plans. A display of special equipment i.e. smoke alarms with flashing lights and information on fire safety will be available to participants.</p>
Learning Partnerships	<p>The commencement of Indigo Shire’s Youth Leadership program, entitled Learning Partnerships, has been postponed and will be rescheduled for early in November.</p>

FReeZA Training	Training has been offered to the Hume Region Co-ordinators and will be held in Benalla on Wednesday 29 October, covering a range of current issues: duty of care, young people presenting drug/alcohol affected, first aid, drug & alcohol services, front of house, conditions of entry (pat downs, bag checks, metal detectors, breath testing), traffic/queue/footpath management, dealing with banned items (cigarettes, studded belts, wallet chains etc), community services (police, fire, ambulance), refund policy on pre-sold tickets for breach of conditions, the media and negative perceptions in the community.
FReeZA – ‘Crump It Up’ 15 November 2008	The next planned FReeZA event, ‘Crump It Up’ will be held in Beechworth on Saturday 15 November. Tickets are \$8 pre-sale and will be available from all Shire Offices and Beechworth Secondary College. Some Chiltern young people have expressed an interest in holding a FReeZA event there during the 150 th Celebrations over the Australia Day weekend 2009.

13.0 CORPORATE AND VISITOR SERVICES

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

For Decision

RECOMMENDATION

That the respective Shire Offices in Beechworth, Rutherglen and Yackandandah be closed from 4.00 pm on Wednesday 24 December 2008 and reopen at 8.30 am on Monday 5 January 2009.

BACKGROUND

This year, Christmas Day falls on a Thursday. Consequently, Friday the 26th and Thursday the 1st of January, 2009 are public holidays.

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

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

13.2 PROPOSED AMENDMENTS TO ENVIRONMENTAL LOCAL LAW NO. 2 – BIRD CONTROL DEVICES (FILE NO:M202.5-02 – EDSM/GMCVS)

For Decision

RECOMMENDATION

1. That in accordance with Section 119 of the Local Government Act 1989 Council in principle adopt Local Law No. 2 of October 2008.
2. (a) Give notice in the Government Gazette and by a Public Notice in the Border Mail stating the purpose and general report of the proposed Local Law.

(b) That a copy of the proposed Local Law can be obtained from the Council office.

(c) That any person affected by the proposed Local Law may make a submission relating to the proposed Local Law under Section 223 of the Local Government Act 1989.

SUMMARY

The need to review our Environmental Local Law was identified following an investigation into noise complaints relating to the use of audible bird scaring devices on a cherry farm in Stanley. Councils Environmental Local Law and existing legislation did not specifically address the use of this type of equipment. Furthermore although the Environment Protection Authority has guidelines for the use of this equipment they have no legislative force being only guidelines. Therefore as legislative controls and Councils Local Law do not presently address this type of device it is proposed to address them with amendments to our Local Law.

There is also a need to review Local Law No. 2 because of the sunset clause in the Local Government Act. The current Local Law No. 2 was made in December 1999.

BACKGROUND

Presently the Local Law and others throughout the state specifically address gas scare guns and the like and not this type of device. A state-wide search failed to find any information to aid in the drafting of proposed changes and therefore information was sought from other states including South Australia and overseas including Canada where such devices are used and controls are in place.

Proposed changes to our Local Law were then developed based on this research and our specific conditions to address bird scare devices overall rather than just bird scare guns. These conditions were drafted in an effort to reduce any adverse affects on neighbouring properties. Such conditions relate to the times of use, requirement for a bird management plan, need to identify ownership of the property to aid in complaint investigation, introduction of the EPA noise guidelines, etc.

There have been minor revisions made to Local Law No. 2 to bring the Local Law in line with terms used in other controls that Council has.

CONSULTATION

It is proposed that the draft Local Law will be exhibited and feedback sought from the general community and those affected by the proposed changes. Notification will be made to primary producer groups. An information sheet detailing changes will be provided as part of the notification.

POLICY IMPLICATIONS

Changes to the Local Law is the definition of audible bird scaring devices is expanded to include audible bird scarers as well as gas guns which were already provided for.

FINANCIAL & RESOURCE IMPLICATIONS

To implement and enforce these conditions there will be a need for greater compliance, monitoring and administration activities by staff. It is considered that the cost implications for these proposed changes would not be significant initially given the present limited use of these devices in the Shire however this may increase over time.

CONCLUSION

The need for the proposed changes to the Local Law have been identified due to the use of a piece of equipment that is causing annoyance to a neighbouring property in the Stanley area and the recognition that the present conditions under the Local Law do not adequately cover the use of this type of equipment.

The controls proposed have been researched, considered and cover various aspects of the use of this equipment. They do not ban its use or prevent the farmer from using them. Permits for their use have not been required as is the case with gas scare guns in other Council areas.

Control measures proposed are reasonable and designed to allow for the use of the devices whilst introducing controls for the protection of neighbouring properties.

Attachment

13.3 COUNCIL ELECTIONS 2008 (FILE NO: M247.1 - GMCVS)

For Decision

RECOMMENDATION

That Council, in accordance with Clause 93 (2) of the Local Government (Electoral) Regulations 2005 hereby allows the Returning Officer to designate a place outside the municipal district of the Indigo Shire Council, to be a counting place; that place being the Mitchell Secondary College, Mitchell Street, Wodonga.

SUMMARY

This Report recommends the allowance of conducting the count for the Elections outside Indigo Shire.

BACKGROUND

As with past practice, the VEC will conduct the count at an external venue. The reason for this is to utilise the computer facilities available at the count venue. This will enable Council to enjoy the cost and time saving benefits of a computer count to count and distribute preferences in the Indigo Shire Election.

At Council's September 2008 meeting, it was resolved that the counting take place in Wangaratta. The VEC, has subsequently to that decision, advised that due to logistical reasons it is necessary to change the counting venue to Wodonga.

13.4 TOURISM & MARKETING - PROGRESS REPORT – OCTOBER 2008 (TMM)

For Information

Project Actions

Burke Museum review	Regional Development Victoria has given initial stage approval for a grant toward the operational review of the Burke Museum. Full stage approval is expected to take another 8-10 weeks.
Festivals and events	The Yackandandah Tourism Association is planning to run the Spring Migration Gay & Lesbian Celebration on in September 2009 with the support of the previous organisers. They plan to change the date of the weekend so it does not co-incide with Father's Day and make the event more family friendly. Terra Australis – Great Southern Land Mountain Bike Epic has been officially launched. The event will spread over seven days through Falls Creek, Dinner Plain, Bright and two nights in Beechworth on April 3 and 4.

	<p>Chiltern is gearing up for the annual Ironbark Festival on 12 October and preparations are in full swing for Beechworth's Celtic Festival on November 7-9.</p>
North East Valleys Food & Wine	<p>North East Valleys Food & Wine is holding a strategic planning day in October to review its structure and future plans. The planning day will include a review of membership and income generating opportunities such as the Provincial Pantry and investigate ways to become a self-funding organisation.</p> <p>Pedals to Produce has been launched (a joint initiative between North East Valleys and Cycle Tourism) with baskets for hire distributed to VICs throughout the region along with coupon booklets and maps.</p>
Cycle tourism update	<p>The Ride booklet has been printed and distributed throughout Indigo, Alpine and Wangaratta shires. The booklet features Beechworth, Rutherglen, Chiltern and Yackandandah and outlines popular and easy rides taking in tourism attractions.</p> <p>Other marketing activities underway for the Murray to Mountains region include an electronic direct marketing campaign and a full page feature in The Age on Around the Bay in a Day weekend.</p>
Draft Regional Victorian Action Plan	<p>Tourism Victoria's Draft Regional Victoria Action Plan has been released and Indigo Shire has given feedback through various channels including that the High Country recommendations miss vital product development including cycle tourism and the Great Alpine Road.</p>
Official Visitor Guides	<p>The Indigo Tourism Advisory Committee discussed the future of official visitor guides (OVGs) at its last meeting and decided each town should continue producing the individual guides with a view to including development of a separate piece of collateral promoting the four towns. It was agreed the Shire had invested significant funds into developing the OVGs and LTAs should now aim to take ownership of them, using the Rutherglen model which made a profit.</p>
Accommodation survey	<p>The accommodation survey conducted in Rutherglen over the past year will be rolled out Shire wide from November. The survey will provide valuable information about who our visitors are, where they are coming from and the reasons they choose our region.</p>

14.0 FINANCE

14.1 YEAR 2010 VALUATION (Q08/09 – CFO)

For Decision

RECOMMENDATION

That Council enacts option in Contract Q08/09 and appoints LG Valuation Services to complete Year 2010 Valuation.

SUMMARY

This report recommends that Council takes up the option with LG Valuation Services for the completion of the Year 2010 valuation.

BACKGROUND

LG Valuation Services has provided property valuations for Indigo Shire Council since 2004. Council advertised for tenders for 2008 Valuation and this was awarded to L G Valuation Services with an option for 2010 and 2012 valuations with price to be negotiated at a later dates.

Council staff are keen to continue the association established with LG Valuation Services with work standard and delivery times considered very good.

ISSUES

LG Valuation Services have requested that Year 2010 Valuation option be activated and have provided cost details in terms of Valuation Best Practice 2010.

Valuation services of this nature are limited within this area and Council has in the past had unpleasant experiences with other local valuers.

Service provided by LG Valuation Services has been of a very good standard with additional services provided including regional conference prior to each revaluation commencing. This has given council staff the ability to provide input into valuation process and remain up to date with the valuers processes and plans.

FINANCIAL IMPLICATIONS

Contract price is \$134,122 (GST inclusive) for Year 2010 Valuation. This compares favourably with Year 2008 cost of \$124,366 (GST Inclusive) considering increase in wages and fuel prices over the past two years.

14.2 CONSIDERATION OF INDIGO SHIRE COUNCIL ANNUAL REPORT 2007/2008 (FILE NO:M030 – CFO)

For Decision

RECOMMENDATION

That the Indigo Shire Council Annual Report for 2007/08 be adopted.

BACKGROUND

Council is required to produce and deliver an Annual Report to the Minister for Local Government by 30 September each year. Council received an unqualified or clean audit opinion on all three reports received from the Auditor General Victoria.

The Annual Report summarises Council's operations and provides other general information about the Shire and the Council's activities over a twelve month period ending on 30 June 2008. A copy of the Report has been previously distributed to Councillors and will be available on Council's website.

Part of the report relates to statutory requirements and in particular things that Council has to report. These include the detailed financial statements, comprising the standard statements, financial report, and Performance Statement, the Local Government Indicators, Best Value report, listing of Local Laws, employment statistics and equal opportunity, etc.

In addition, Council provides a detailed summary of its strategies under the Council Plan and the outcomes that were achieved during the period.

The standard statements at the beginning of the financial report show that Council budgeted for a surplus of \$2.924 million as compared to an actual surplus of \$1.290 million. The differences between the budgeted surplus and the actual surplus are lower than anticipated Capital Grants and Capital Contributions amounting to \$2.241 million. Both are related to the level of completion of the Capital Works budget for the 2007/08 year. The level of completion was \$3.443 million (44.6%) from a budget of \$7.720 million.

The underlying result, which excludes capital income, shows an improvement from the budgeted deficit of \$1.457 million with an actual deficit of \$788,000. This is an improvement of \$669,000. Nevertheless, the budgeted underlying deficit of \$1.457 million was influenced by the anticipated level of activity to be created by the Capital Works budget of \$7.720 million.

On a cash basis Council held \$4.086 million of cash and investments at 30 June compared to the budgeted cash position of \$1.592 million. Of the \$4.086 million held at the 30 June 08, \$3.3 million was restricted in the form of reserves and unspent grant funds (refer note 29) leaving \$823,000 of unrestricted cash.

The table below outlines the key financial measures and indicators as compared to the 2006/07 year.

	2008	2007	Change	Change	
	\$	\$	\$	%	

Profit	1,290,3	1,214,0	76,3	6.29	▲
Underlying Deficit	-788,0	-1,415,0	627,0	44.31	▲
Cash on Hand	4,085,5	3,203,7	881,8	27.53	▲
Unrestricted Cash Positic	823,0	505,7	317,3	62.74	▲
Borrowings	3,213,5	3,782,0	-568,4	-15.03	▼
Employee Entitlements	1,506,4	1,472,1	34,3	2.33	▲
Depreciation	4,444,5	4,229,8	214,7	5.08	▲
Capital Expenditure	4,279,6	5,441,8	-1,162,2	-21.36	▼

Private Works Profit	436.9	485.8	-48.9	10.08	▼
Debt Commitment Ratio	10.6	12	-1.4	11.67	▼
Adjusted Working Capital Ratio	2.15	1.75		22.86	▲
Rate Revenue as % Total Revenue	38.3	35.4	2.90	8.19	▲
Renewal Gap	0.79	0.87		-9.10	▼
Renewal & Maintenance Gap	0.85	0.92		-7.60	▼

14.3 AUGUST 2008 EXCEPTION REPORT (FILE NO: M064 – CFO)

For Information

Attached is the Exception Report for the month of August 2008. The report highlights those Departments, Business Units and Projects which have a +/- \$10,000 variance between YTD budget and YTD actual results. An explanation is also provided explaining

the variances.

Senior managers and the CEO perform a monthly analysis of the Actual YTD results and Forecast in order to update the expected result as at 30th June 2009. It is mentioned in the variance explanations/commentary that some variances are timing in nature (profiling) and others may be real or permanent, in that they have been caused by changed circumstances.

Further attention and refinement to departmental profiling of income and expenses will result in more relevant budgets and most timing differences will become the exception rather than the rule. Timing differences will still occur since circumstances can change resulting in income and expenses being received or paid in different months. We will refine and adjust the profiles for income and expenses before the September quarterly reports.

The outcome of recognising these variances is to amend our Forecast, which becomes an update on the Adopted Budget. The Adopted Budget is our starting point each year and is the benchmark we compare our actual monthly/YTD result. The Forecast on the other hand is the updated budget. It shows an expected outcome at 30th June 2009.

There are two reports presented for your consideration. The first report titled Departmental Exception Report details those exceptions for your attention and are numbered in the Note Column. The second report titled Business Unit/Project Exception Report gives further detail concerning these variances. You will note that most are timing differences and will result in refinement to the income and expense profiles in the next period.

Attachment

15.0 GOVERNANCE

15.1 CONDOLENCE LATE WJ McQUILLEN (FILE NO: M236-02 – CEO)

For Decision

RECOMMENDATION

That Council write a letter of condolence under seal to the family of the late Walter James McQuillen FIMA, MIWA, ABS, JP.

BACKGROUND

Walter James McQuillen passed away at Rutherglen on Friday 5 September 2008 aged 85 years.

Wally McQuillen as he was affectionately known served as Shire Secretary to the former Shire of Rutherglen from 1969 until his retirement in 1992.

Following local government amalgamation he was a part time member of the Local

Government Commission for two years and was also an independent member and Chair of Council's Audit Committee for 11 years until January 2006.

15.2 MAV STATE COUNCIL MEETING (FILE NO: M506-13 - CEO)

For Decision

RECOMMENDATION

That Council appoint Mayor Cr Vic Issell as the substitute representative to the Municipal Association of Victoria for the State Council Annual Meeting to be held on 17 October 2008.

SUMMARY

Cr Jenny Dale is Council's delegate to the MAV and has been registered to attend the MAV Annual General Meeting on 16 October and State Council Meeting on 17 October 2008, whilst Mayor Cr Vic Issell has been registered as an observer. Only delegates have voting rights. As Cr Dale is now unable to attend it is recommended that Mayor Cr Vic Issell, be nominated as Council's substitute representative.

16.0 NOTICE OF MOTION

17.0 COMMITTEE AND DELEGATES REPORTS

17.1 SEPTEMBER DIARY - CR V ISSELL

Date	Time	Function
2 Sept	4.30 pm	Council Briefing, Chiltern
	7.00 pm	Ordinary Council Meeting, Chiltern
3	12.30 pm	Border Trust meeting, Albury
4	11.00 am	Opening, Chiltern Supermarket extensions
	5.00 pm	North East Local Government Network, Wangaratta
5	11.00 am	VECCI Business Leaders Workshop, Wodonga
	7.30 pm	'Where are the Barkers' movie, Wooragee Hall
6	8.00 pm	Welcome, Spring Migration Festival, Yackandandah
9	11.00 am	Funeral Late Wally McQuillen, Rutherglen
	5.00 pm	Special Council meeting re Financial Reports, Yackandandah

	6.00 pm	Community Grants meeting, Chiltern
10	11.00 am	Border Trust meetings, Albury
12	11.00 am	Meeting with CEO, Beechworth
	12.30 pm	Kerferd Committee meeting, Beechworth
15	10.30 am	Indigo Disability Advisory Committee meeting, Beechworth
	11.00 am	Self Advocacy Training by DAIS, Beechworth
	3.00 pm	Meeting with CEO, Beechworth
16.9.08	4.00 pm	Council Briefing, Yackandandah
17.9.08	8.30am	Meeting with Police District Inspector, Beechworth
17-19	Incl	National Conference of Community Foundations
21	12 noon	Grand Final Luncheon, Ovens & Murray League, Lavington
	3.00 pm	Opening, Lawn Bowling Season, Rutherglen
22	10.00 am	Meeting with CEO, Beechworth
22 - 25		Sick Leave
26	12 noon	Receive, Climate Change Torch, Albury
	2.00 pm	Opening, Cellar Door, Indigo Wine Company, Beechworth
28	4.00 pm	Presentations, Indigo Golf Challenge, Beechworth
29 Sept - 3 Oct	Incl	Leave

Cr V Issell
14 October 2008

17.2 AUGUST & SEPTEMBER DIARY - CR J DALE

For Information

Date	Time	Event
5 August	4.00 pm	Council Briefing Meeting, Chiltern
	7.00 pm	Ordinary Meeting of Council, Chiltern
8	2.30 pm	Meeting with Tangambalanga Resident re School
14	4.30 pm	Indigo Heritage Advisory Committee, Yackandandah
16	11.30 am	Official Opening New Supermarket, Yackandandah
18	6.30 pm	Tallangatta Football & Netball League Count, Albury
19	4.00 pm	Council Briefing Meeting, Yackandandah
	6.30 pm	CEO Performance Review, Yackandandah
23	3.00 pm	Guest Speaker Burke Museum "Women's Suffrage and Right to Vote", Beechworth
26	3.00 pm	CEO Review with Consultant, Yackandandah
	7.00 pm	Community Forum, Kergunyah
30	9.30 pm	Morning Tea "Women's Suffrage and Right to Vote", Yackandandah
2 Sept	4.00 pm	Council Briefing Meeting, Chiltern
	7.00 pm	Ordinary Meeting of Council, Chiltern
4	5.00 pm	North East Local Government Network Meeting, Wangaratta
5	9.00 am	MAV Board Meeting, Melbourne
	4.15 pm	Meeting with Diane Thomas, Beechworth
9	11.00 am	Funeral Late Wally McQuillen, Rutherglen
	6.00 pm	Special Meeting to Adopt 2008/09 Budget, Yackandandah
	7.00 pm	ICSAC Community Grants/Loans Review, Chiltern
10	7.00 pm	Guest Speaker, Moira Shire Candidate Information Session,

		Numurkah
13	10.00 am	Tallangatta Football & Netball League Grand Final, Sandy Creek
23	4.00 pm	Council Briefing Meeting, Rutherglen
	7.00 pm	Community Forum, Rutherglen
30	7.0 pm	Community Forum, Beechworth

Cr J Dale - 14 October 2008

17.3 SEPTEMBER DIARY - CR P GRAHAM

For Information

Date	Time	Event
1 Sept	7.00 pm	Rural Landscapes Meeting, DPI, Rutherglen
2	9.30 am	Minister Merlino funding announcement Beechworth pool.
3	10.30 am	Admin, NevRWaste, Wangaratta
4	7.30 pm	School Play, St Mary's Rutherglen
7	12 noon	Rededication William Anderson Pipe Organ, Beechworth
8	9.00 am	RWE Board Meeting, Rutherglen
9	11.00 am	Funeral Late Wally McQuillen, Rutherglen
	5.00 pm	Special Council Meeting, Yackandandah
11	9.30 am	NevRWaste Meeting, Wangaratta
15	10.30 am	Road Safety Forum, Probus, Beechworth
	6.30 pm	Morris Medal Presentation, SS&A Club, Albury
15	5.00 pm	Council Briefing Meeting, Yackandandah
18	11.30 am	North East RoadSafe AGM, Wangaratta
	5.45 pm	RWE Board Meeting, Rutherglen
	6.30 pm	Launch Revised Rutherglen Marketing Plan, RWE, Rutherglen
23		Review Draft Regional Waste Management Plan, Wangaratta
	4.30 pm	Council Briefing Meeting, Rutherglen
	7.00 pm	Community Forum, Rutherglen
25	2.00 pm	2030 Rural Horizons Forum, Wangaratta
	7.00 pm	MAV Candidate Information Session, Chiltern
26	1.00 pm	Launch, Indigo Valley Vineyard, Everton
28	4.30 pm	Indigo Golf Challenge, Beechworth
30	7.00 pm	Road Safety Forum, Kiewa

Cr Peter Graham OAM

14 October 2008

17.4 NORTH EAST ROADS SAFE AGM (FILE NO: T403 - CR P GRAHAM)

For Information

I attended this meeting on 18 September 2008 along with Alex Showers and the minutes are tabled for information.

The executive position were unchanged from the previous year however the committee

was expanded by the addition of two additional members namely myself and Ron Webb to provide additional flexibility to administration throughout the next year.

At the conclusion of the meeting, secondary students from Mt Beauty presented a very interesting production on road safety specifically for their age group.

The theme was around a probationary driver attending a party and being coerced into taking three party goers home after the curfew.

The behaviour of the passengers distracts the sober driver who has a serious crash and is killed.

A reminder that while alcohol was involved it was not the driver who was so affected but the passengers who caused this crash to take place.

A very interesting perspective.

The purchase of the new Speed Trailer is awaiting receipt of all funds from each LG member.

Tabled is the Annual Report for this group and it should be noted that the group is in a sound financial position.

17.5 2030 RURAL HORIZON FORUM (FILE NO: M220-04 - CR P GRAHAM)

For Information

I attended the 2030 Rural Horizon Forum in Wangaratta together with Cr Barbara Murdoch and representatives from the Planning Department.

A number of speakers presented information on various topics including:

- Climate change
- Agricultural use of land
- Effects of residential development on rural zones and land prices
- The structure of farms
- Population change
- The timber industry
- State Planning Policy
- Effects of new farm zones
- Possible actions by Local Government on planning issues
- Landscape degradation
- Value of irrigation

The forum, in my view, confirmed the difficulties that our Shire has identified in the past however, did not clarify a constructive way forward.

I consider that our review of rural land, which is ongoing, should deliver the best results into the future.

I note however the time that this approach is likely to take and urge Council and its officers, together with State agencies, to make every effort to support a speedy result that delivers real flexibility into our land use and that identifies the factors which must be protected.

I consider that the Shire must clearly identify what it sees as the best use of land under the various zones and then regulate to achieve those priorities.

17.6 TIDY TOWN STATE AWARDS (FILE NO: E786-06 - CR P GRAHAM)

For Information

The above awards were held in MOE over the weekend 3 - 5 October 2008 and over 170 were in attendance. The event was hosted by LaTrobe City Council and the function was well presented.

Iris Manick, Anne Wilson, Laureen Barnard (Teacher), Nic Cencic and Luke McVea (students) from Beechworth Secondary College attended on behalf of the Shire together with me and Kay.

The standard of entry in all categories was very high and although Indigo Shire had finalist status in four of the nine categories and was a finalist in the overall State ranking Indigo was not successful in receiving category awards this year.

The attendance of representatives from the Beechworth Secondary College was well received and their presence was commented on by a number of those present.

The aim of these awards is to participate and to improve local amenity together with promoting Avoidance, Re-use and Recycling and these aims need to be reinforced continually.

Awards such as the Tidy Towns annual event provide independent feedback to those volunteers who work hard to achieve great things for their communities.

Tabled is the list of finalists in the 2008 KABV Sustainable Communities - Tidy Towns awards.

The Overall Sustainable Communities-Tidy Towns winner was Horsham. This Rural City has held this title on two previous occasions and continually performs to a very high standard.

Horsham will now represent Victoria in Canberra in April 2009 for the Australian Award.

17.7 SEPTEMBER DIARY - CR B MURDOCH**For Information**

Date	Time	Event
1 Sept	1.30 pm	Rural Land Use Strategy Meeting, Tangambalanga
2	9.15 am	Minister Merlino Funding Announcement, Beechworth Swimming Pool
	1.30 pm	Rural Land Use Strategy Meeting, Beechworth
	4.00 pm	Council Briefing Meeting, Chiltern
	7.00 pm	Ordinary Meeting of Council, Chiltern
4	11.00 am	Official Opening, New Supermarket, Chiltern
8	7.00 pm	Chiltern Progress Association AGM, Chiltern
9	5.00 pm	Council Briefing Meeting, Yackandandah
11		Brainfood Conference, Beechworth
16	4.00 pm	Council Briefing Meeting, Yackandandah
17	7.30 pm	Chair Barnawartha Recreational Trust AGM, Barnawartha
18	12.30 pm	Official Launch Hume Sustainable Communities Project, Wangaratta
20	10.00 am	Women's Suffrage / Right to Vote Morning Tea, Chiltern
23	4.00 pm	Council Briefing Meeting, Rutherglen
25	12 noon	2030 Rural Horizons Forum, Wangaratta
	7.00 pm	MAV Candidate Information Session, Chiltern
26	1.00 pm	Indigo Wine Company Official Opening, Beechworth
30	7.00 pm	Community Forum, Beechworth

Cr B Murdoch

14 October 2008

17.8 SEPTEMBER DIARY - CR F WALSH**For Information**

Date	Time	Event
1 Sept		Rural Land Use Study, Tangambalanga
2	9.30 am	Minister Merlino Funding Announcement Beechworth Pool
	4.00 pm	Council Briefing Meeting, Chiltern
	7.00 pm	Ordinary Meeting of Council, Chiltern
3	6.30 pm	St Joseph's School Production, Chiltern
4	6.30 pm	St Mary's School Production, Rutherglen
5	5.30 pm	Official opening of Browns Plains Fire Station
9	11.00 am	Funeral Late Wally McQuillen, Rutherglen
	4.00 pm	Special Council Meeting, Yackandandah
10		Resilient Rutherglen
13	12 noon	Share a Plate, La Trobe, Beechworth
16	Full morning	Junior Council Meeting, Stanley
	4.00 pm	Council Briefing Meeting, Yackandandah - Presentation on

		Timor Leste
17		Hot House Performance, Wahgunyah
18	5.30 pm	Indigo Heritage Advisory Committee Meeting, Beechworth
23	4.00 pm	Council Briefing Meeting, Rutherglen
	7.00 pm	Community Forum, Rutherglen
25	7.00 pm	MAV Councillor Candidate Information Session, Chiltern
26	11.00 am	Indigo Tourism Advisory Committee Meeting, Yackandandah
30	7.00 pm	Community Forum, Town Hall, Beechworth

Cr Frances Walsh

14 October 2008

17.9 ATAURO ISLAND SECTION 86 COMMITTEE (FILE NO: M220.1 - CR F WALSH)

For Information

At a recent Council meeting it was agreed to form a Section 86 committee as part of the friendship agreement between Atauro Island and Indigo Shire. I have had verbal replies from the following people.

Dr Wendy Connor, Beechworth
 Cath O'Connor, Beechworth
 Wendy Spencer, Beechworth
 Katalin Young, Yackandandah
 Yackandandah Kindergarten
 Sue Gibbs Barnawartha
 Rhonda Burfitt, Yackandandah
 Irene Cracknell, Rutherglen
 David Martin, Rutherglen
 Rodger Farrell, Rutherglen
 Frances Walsh, Rutherglen

I would like to suggest that this group of people meet at Chiltern Bakery for a breakfast meeting on Sunday 12th October at 10.00 am to have a discussion as to where to from here.

I would also like to suggest that this report be discussed at the meeting in October and then ratified by the new Council in December and appoint a councillor to be part of this committee. It would save the Committee from being ratified twice in a short period of time.

17.10 JUNIOR COUNCIL REPORT (CR F WALSH)

For Information

The September Meeting of the Junior Council was held on Tuesday 16th at Stanley Primary School with all but one of the Junior Councillors attending.

An exercise was conducted on the benefits of the Junior Council with the group being broken into three sub groups. Each sub group put down 24 points, gradually reducing these to three final points which they considered the most important benefits of being a Junior Councillor. Surprisingly the final outcomes of the groups were similar, being

Group One: Raising money; learning; working together

Group two: Leadership skills; help kids overseas; raise money

Group three: Meet new people; learn to co-operate with others; raises money

The next meeting of the Junior Council will be on 14 November at Kiewa Valley Primary School, with Sgt Kevin Mack of the Wodonga Police being the guest speaker.

17.11 SEPTEMBER DIARY - CR A BANKS

For Information

Date	Time	Event
2 Sept	4.30 pm	Council Briefing Meeting, Chiltern
	7.00 pm	Ordinary Meeting of Council, Chiltern
6-21	Inclusive	Annual Leave
23	4.30 pm	Council Briefing Meeting, Rutherglen
30	8.00 am	Lake Sambell Committee of Management Meeting, Beechworth
	7.00 pm	Community Forum, Beechworth

Cr Andrew Banks

14 October 2008

18.0 GENERAL BUSINESS