

## ORDINARY COUNCIL MEETING MINUTES – 13.04.10

***Mission Statement:***

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

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**HELD:** Tuesday 13<sup>th</sup> April 2010 at 3.00pm

**LOCATION:** Memorial Hall, Beechworth

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**ATTENDEES:**

Councillors:	Senior Management/Officers
Bernard Gaffney – Mayor	Brendan McGrath – CEO
Ali Pockley – Deputy Mayor	
Peter Croucher	Mark Crouch
Larry Goldsworthy	Mark Florence
Vic Issell	Phil Prior
Barbara Murdoch	Frank Bonacci
	Sally McCarron
	Jo Riley

**APOLOGIES:** Cr Graham, Andre M Kompler

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***Vision Statement:***

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

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**1.0 WELCOME**

They Mayor welcomed all those in attendance.

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

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

**3.0 APOLOGIES AND LEAVE OF ABSENCE**

The Mayor noted Cr Graham as an apology.

**4.0 DECLARATION OF CONFLICT OF INTEREST**

Cr Murdoch declared a conflict of interest concerning the following items as she is a Director at North East Water:

- 11.1 Planning Application, EDM Group (Peter O'Dwyer) on Behalf of K & E Mueller, Traton St Wahgunyah; and
- 11.2 Planning Permit Application PP09-0155, 2 Lot Subdivision, Mellish Street, Beechworth (Living Streets Designs).

**5.0 OPEN FORUM**

Lawrence Adorni-Dickson, a Junior Councillor from St Josephs Primary School in Beechworth, introduced himself to Councillors and gave a brief overview of his personal interests.

**6.0 CONDOLENCES**

Nil.

**7.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETING – 09.03.10**

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

**That the minutes from the Council Meeting held on 9<sup>th</sup> March 2010 be adopted.**

**Unanimously Carried**

**8.0 BUSINESS ARISING FROM PREVIOUS MINUTES**

Nil.

**9.0 DEPUTATIONS AND PETITIONS**

Nil.

**10.0 CORPORATE SERVICES**

**10.1 RATING STRATEGY ADOPTION**

**File No.: 09/663 - Mark Crouch - General Manager Corporate Services**

For Decision

**RECOMMENDATION**

That:

1. All submissions received and previously circulated to all Councillors be noted, and
2. The Draft Indigo Shire Council Rating Strategy, subject to agreed changes, be adopted and form the basis of rating considerations for the financial year commencing 1<sup>st</sup> July 2010.

**Moved: Cr Goldsworthy**

**Seconded: Cr Issell**

That:

1. Items 14.1 to 14.6 inclusive are incorporated in the Draft Rating Strategy as either original concepts and as appropriate as alternatives to the relevant rating differentials.
2. Once that is completed the revised draft rating strategy is released to the public calling for written submissions on its contents or any potential improvements. That as part of this process that submissions are requested specifically on the Environmental Service Charge taking into consideration the requirements of the Section 223 of the LGA.
3. The revised draft and submissions are returned to Council at the June Ordinary Meeting for consideration.

**Lost**

<b>For:</b>	<b>Against:</b>
<b>Cr Goldsworthy</b>	<b>Cr Pockley</b>
	<b>Cr Gaffney</b>
	<b>Cr Croucher</b>
	<b>Cr Murdoch</b>
	<b>Cr Issell</b>

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

**That the Draft Rating Strategy be received and go out for public consultation, with a final draft to be returned to the June or July Ordinary Meeting of Council.**

**Carried**

<b>For:</b>	<b>Against:</b>
<b>Cr Goldsworthy</b>	<b>Cr Pockley</b>
<b>Cr Murdoch</b>	<b>Cr Issell</b>
<b>Cr Croucher</b>	
<b>Cr Gaffney</b>	

**INTRODUCTION**

As part of the budget process 2009/10, there was recognition by Council that considerable work was required in the review of the existing rating strategy and preparation of a new Council Rating Strategy over 2009/10. At the time of preparing the budget 2009/10, Council received considerable community input over aspects of its rating policy, particularly the differential rating of Residential 2 (Home Industry) properties.

As part of the Council Plan 2009/2012, Council has the following listed under *Growing our Economic Prosperity*:

Develop a fair and equitable rating policy:

- Review the Council rating policy, including benchmarking the current rating capacity of Council, the use of differential rating, development contributions, and separate rates and charge schemes.
- Review rating differential application as part of 10 year rating strategy.

The need for a Rating strategy or policy was identified as part of the required policy formation processes in the lead up to the preparation of a long term financial plan (LTFP). Other policies required included a Borrowing Policy, and a long term capital works evaluation and prioritisation framework.

As detailed to Council previously, the formal preparation of a LTFP will take place in the first half of the 2010/11 financial year. Various policies prepared, considered and adopted at this stage will assist in the compilation of the LTFP.

**BACKGROUND**

Over the past 4-5 months, Council has undertaken a review of the current rating strategy. The Council Finance Committee has considered various aspects of the current policy as well as considering a range of alternatives to various components of the current strategy.

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During this time, the compilation of a draft rating strategy has progressed and various versions of a draft strategy have taken shape, with a draft policy adopted by Council at the February 2010 Council meeting. The committee has also considered a large number of possible rating differential 'options'.

The committee has considered a number of rating strategies from other Councils in Victoria as well as a 'model strategy' issued by the MAV.

The draft strategy incorporates a comprehensive preamble and other sections that detail the reasons for, the methodology and objectives behind a rating strategy. The strategy preamble and introduction provide an important basis for any strategy adopted by Council. Any strategy or policy on rating needs to have been well considered and based on sound and defined objectives to ensure Council is in a position to 'defend' its rating decisions.

At the February 2010 Council meeting, an agreed process and timetable for the consideration of a rating strategy was considered and adopted by Council. In addition to the Finance Committee consideration of a new strategy, a process of public consultation was agreed. This process has now been completed, with the final draft strategy now with Council for final consideration and adoption.

Following the focus group session and three public meeting, the finance committee has considered the 'key elements or themes' that came out of these sessions. Details of the summary and themes together with Finance Committee discussions have been previously circulated to all Councillors.

On April 1 2010, a Council workshop was convened to consider the community inputs coming from the community engagement process, as well as further discussion around aspects of the draft policy.

The workshop session considered various community input and 'themes' in relation to the draft rating strategy as currently drafted. The session also considered the key objectives to be achieved as part of the ongoing use of differential rating with discussion around various components of the strategy and what Council sought to achieve within the strategy. There was broad support on a number of issues. At the same time, there were major differences and priorities identified on a number of levels that would require considered debate and discussion at Council.

The public consultation process has been undertaken in a genuine and open manner, people who participated said they appreciated the opportunity. A host of issues was identified with overall recognition that consensus on any or all of the issues was never likely. There was an understanding that Council was responsible for making the final determination on the policy.

### KEY IMPLICATIONS

Council recognised that community consultation was an important element in the consideration and adoption of a new rating strategy.

Given the complexities and ‘community emotion’ around Council rating, it was considered important to schedule something more than a series of public meetings. A focus group session was scheduled as part of the above process, and independently facilitated. The outcomes from the focus group sessions indicated the process was a worthwhile and valid aspect of the rating strategy ‘journey’.

IMPLICATIONS

159. Municipal charge (Ss 1&2 only)

- (1) A Council may declare a municipal charge to cover some of the administrative costs of the Council.
- (2) A Council’s total revenue from a municipal charge in a financial year must not exceed 20 per cent of the sum total of the Council’s—
  - (a) total revenue from a municipal charge; and
  - (b) total revenue from general rates— in that financial year.

160. Uniform rate

If a Council declares that general rates will be raised by the application of a uniform rate—

- (a) the Council must specify a percentage as the uniform rate; and
- (b) the general rate for any rateable land is to be determined by multiplying the value of the land (as determined under the valuation system used by the Council) by that percentage.

161. Differential rates

- (1) A Council may raise any general rates by the application of a differential rate if—
  - (a) it uses the capital improved value system of valuing land; and
  - (b) it considers that the differential rate will contribute to the equitable and efficient carrying out of its functions.
- (2) If a Council declares a differential rate for any land, the Council must—
  - (a) specify the objectives of the differential rate which must be consistent with the equitable and efficient carrying out of the Council’s functions and must include the following—
    - (i) a definition of the types or classes of land which are subject to the rate and a statement of the reasons for the use and level of that rate in relation to those types or classes of land;
    - (ii) an identification of the types or classes of land which are subject to the rate in respect of the uses, geographic location (other than location on the basis of whether or not the land is within a specific ward in the Council’s municipal district) and planning scheme zoning of the land and the types of buildings situated on it and any other criteria relevant to the rate;
    - (iii) if there has been a change in the valuation system, any provision for relief from a rate for certain land to ease the transition for that land; and
  - (b) specify the characteristics of the land which are the criteria for declaring the differential rate.

- (3) A Council which declares a differential rate must ensure that copies of the following information are available for public inspection at the Council office—  
 Repealed (b) the objectives of the differential rate and the criteria on the basis of which that rate was declared;  
 (c) the rate and amount of rates payable in relation to land in each category of differential rating and what proportion of the total rates and charges this represents;  
 (d) any other information which the Council considers it necessary to make available.
- (5) The highest differential rate in a municipal district must be no more than 4 times the lowest differential rate in the municipal district.

Council should also note that there was no legislative requirement to seek submissions pursuant to S223 of the Local Government Act 1989. At the same time, as part of the community engagement process, a submission process was encouraged and all submissions provided to Councillors for due consideration as if a formal S223 process was initiated.

#### FINANCIAL IMPLICATIONS

There are indirect financial implications in the preparation and adoption of a Council rating strategy. The adoption of a rating strategy is a key component in the establishment of a Long Term Financial Plan and will provide the rating basis, methodology and establishment of agreed objectives in how Council rates. The amount of rates raised will be considered by Council as part of the annual budget process. What the strategy provides is a considered basis on which the Council rating system will operate and the structure agreed to achieve Council revenue objectives.

The reason for the rating strategy is laid out in the strategy preamble:

Council believes that overall policy must be underpinned by agreed objectives and sound principles, which are well understood, communicated to ratepayers and compliant with current legislation. A Council rating strategy will have a substantial impact on the ratepayer base of any municipality. The purpose of the policy, amongst a number of priorities, is to articulate the rating burden structure that provides a sound basis and foundation for the imposition of rates and an associated strategy going forward. The policy and strategy .

Council aspires to balance service levels in accordance with the needs and expectations of its community and sets taxation levels (rating) to adequately resource its roles and responsibilities.

In setting rates, Council gives primary consideration to its strategic directions, budget considerations, the current economic climate, other external factors and likely impacts upon the community.

Council has recognised that a sound and well considered rating strategy will assist Council in the budget process, and will provide Council with a firm basis to justify rating policy positions. These policy decisions will have been considered and settled prior to the budget process and will have gone through an agreed community consultation process as part of their adoption.

An indirect financial implication of not having an agreed and adopted strategy in the preparation of the Council budget will be the wasted resource cost to Council in staff and Council seeking to defend and justify a position or strategy that should have been considered and settled prior to the budget process.

POLICY IMPLICATIONS

This report is dealing with the consideration and adoption of policy.

Refer Council plan 2009 / 2013 extract above.

CONCLUSION

Not applicable.

Attachment:  
Draft Indigo Shire Council Rating Strategy

## 10.2 BORROWING POLICY ADOPTION

File No.: 09/667- Mark Crouch - General Manager Corporate Services

For Decision

### RECOMMENDATION

That the draft Indigo Shire Council Borrowing Policy, as appended, and subject to any agreed changes, be adopted.

Moved: Cr Goldsworthy  
Seconded: Cr Murdoch

That the draft Indigo Shire Council Borrowing Policy, as appended, and subject to any agreed changes, be adopted.

**Unanimously Carried**

### INTRODUCTION

As part of the foundation work towards the preparation of a long term financial plan (LTFP), and as part of prudent financial management, Council needs to consider and adopt a Borrowing Policy; it does not currently have one. The Council Finance Committee considered and prepared a draft policy premised on the indicative prudential parameters as determined by Local Government Victoria and the Victorian Auditor-General, which are targeted at the lower or 'conservative' end of long-term debt and debt servicing exposure.

Council has no formal borrowing policy currently.

Any policy adopted will be subject to annual review and is not 'set in concrete'. Council will exercise sound financial management by adopting a policy, reviewing it regularly, and being prepared to consider and possibly alter the policy in light of changed financial conditions and needs.

### BACKGROUND

The draft policy as tabled has been considered by the Council Finance Committee over recent months, and considered at the Councillors workshop session April 1 2010.

The adoption of a borrowing policy is supported by the members of the Council Audit Committee, who attend the Finance Committee review.

### KEY IMPLICATIONS

There are no environmental risks associated with the proposed Borrowing Policy.

There is no legislated or regulatory mandate that Council must adopt a borrowing Policy.

There are business risks in Council not having considered and adopted a borrowing policy. The compilation of a long term financial plan will be potentially compromised if Council has no agreed policy on long term borrowings.

FINANCIAL IMPLICATIONS

This report and policy adoption concerns financial policy.

POLICY IMPLICATIONS

Council Plan 2009/2012 extract:

*Ensure that we have adequate income to provide services with minimum rate increases – Review of Council long term borrowings policy, infrastructure development needs and overall long term borrowings indebtedness of Council.*

CONCLUSION

Not applicable.

Attachment:  
Draft Indigo Shire Council Borrowing Policy.

**10.3 LOCAL LAW NO. 4 – CONTROL OF LIVESTOCK**

**File No.: 09/929 - Jo Riley - Manager Governance & Risk**

**For Decision**

**RECOMMENDATION**

**That Council adopt Local Law No. 4 – Control of Livestock.**

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

**That Council adopt Local Law No. 4 – Control of Livestock.**

**Unanimously Carried**

**INTRODUCTION**

The Control of Livestock Local Law came before Council at a Briefing on 23 February, 2010. Since that date the document has had several amendments and has been circulated to all Councillors for their comment.

**BACKGROUND**

As advised at Council's Ordinary Meeting on 10 November, 2009 Local Law No. 4 had a sunset date of 14 July 2009.

Since Council's November 2009 meeting the following has been undertaken:-

1. Notice placed in the local newspaper on 5 December, 2009 and the Government Gazette on 10 December, 2009 advising the public that pursuant to Section 223 of the Local Government Act 1989 the Local Law is currently under review and inviting submissions by close of business on Monday, 4 January, 2010 (this date was later extended due to feedback received by members of the public/farming groups).
2. To date two written submissions have been received. Copies of the submissions received were provided to Council at its Briefing on 23 February, 2010.

Submissions have been considered in accordance with the Act and the persons making the submissions notified that the item would be listed for Council's April Meeting.

3. Various amendments made (taking into consideration recommendations made in the Local Laws Guidelines).

The proposed amended Local Law is now attached.

KEY IMPLICATIONS

Regulatory:

The current regulatory implications are that Council's Enforcement staff and the local Police are currently not able to issue Infringement Notices under this Local Law.

FINANCIAL IMPLICATIONS

Minimal.

POLICY IMPLICATIONS

Not applicable.

CONCLUSION

As this Local Law is currently not enforceable it is recommended that Council's review takes place as soon as possible and any amendments required are made to enable the Local Law to be adopted at Council's April 2010 Ordinary Meeting.

Attachments:  
Proposed Local Law No. 4 –Control of Livestock  
Public Notices  
CONFIDENTIAL - submissions

#### 10.4 FINANCE REPORT FOR PERIOD ENDING 28<sup>TH</sup> FEBRUARY 2010

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

##### For Information

The accompanying attachments to this finance report provide year to date comparisons as at the end of February 2010 versus the latest forecast updates provided by department managers as part of the Mid Year Budget Review.

The February year to date results show a \$370,000 favourable position versus the Mid Year Review forecasts for the same period. The majority of this favourability is timing related with either invoices for activity already engaged yet to be presented or new, several processing errors that will correct in March and unplanned grants being received that will incur additional expenditure before the financial year end.

Detailed explanations of year to date variances greater than (+ / -) \$10,000 are provided in the Exception Report accompanying this financial report.

Any potential savings contained within this favourability be fully understood following the March quarter end forecast review to be performed during April and will be reported back to Council at the May Council meeting.

Cash and investments held by Council as at the end of February are still strong with \$6.77M being held at 28<sup>th</sup> February 2010. While the continued focus on capital works delivery will draw down upon these cash holding during the remainder of the year, the final rate instalment due at the end of May should assist in maintaining strong levels of cash holding at the end of the year.

The Capital works program is continuing to show positive progress on delivery of works with \$6.22M having been spent on Capital Works in the eight months to the end of February 2010.

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

**11.0 SUSTAINABLE COMMUNITIES**

Cr Murdoch declared a conflict of interest, as she is a Director at North East Water and departed the meeting at 3.31pm.

**11.1 PLANNING APPLICATION, EDM GROUP (PETER O'DWYER) ON BEHALF OF K & E MUELLER, TRATON ST WAHGUNYAH**

**File No.: PP09-0197 - Kath Oswald - Assistant Town Planner**

**For Decision**

**RECOMMENDATION**

**That Council approve Planning Application PP090197 and issue a Notice of Decision to Grant a Planning Permit for the construction and use of a dwelling and associated outbuildings on Lot 1 Plan Of Subdivision 507322C, Traton St Wahgunyah.**

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

**That Council approve Planning Application PP090197 and issue a Notice of Decision to Grant a Planning Permit for the construction and use of a dwelling and associated outbuildings on Lot 1 Plan Of Subdivision 507322C, Traton St Wahgunyah.**

**Lost**

<b>For:</b>	<b>Against:</b>
<b>Cr Gaffney</b>	<b>Cr Goldsworthy</b>
<b>Cr Croucher</b>	<b>Cr Pockley</b>
	<b>Cr Issell</b>

**INTRODUCTION**

Application No:	PP-090197
Applicant:	Peter O'Dwyer EDM Group on behalf of Kim and Eric Mueller.
Subject Land:	Lot 1 Plan of Subdivision 507322C, Traton St Wahgunyah.
Proposal:	To use and develop a dwelling and associated outbuildings.
Date application lodged:	29 October 2009.
Subject site land area:	4.41ha.
Current use of subject site:	Vacant/grazing.

This matter was reported to Council at its March meeting, and Councillors deferred a decision until further investigations were made into the source of anecdotal reports that the subject land ‘could never be built on’. Attempts were made to contact each of the four objectors who raised this. Responses indicated that the real estate agents conducting the sales at the time had made these assurances, and one objector indicated that ‘it was well known in Wahgunyah that the land in question could not be built on’. One objector who purchased a dwelling in Traton Street in 2009 indicated that his partner ‘spoke to someone at Council’ and she was assured that it would be ‘virtually impossible to build on the subject land’, however it was not clear who was spoken to nor which area within Council they represented.

It is considered that the assurances that were given with regard to the potential development of the subject land were not based on any authoritative source and are not evidenced in any Council record.

On this basis, the report recommending that Council resolve to issue a Notice of Decision to Grant a Permit for the subject land is presented below.

#### SITE DESCRIPTION

The subject site is located at the fringe of the township of Wahgunyah and abuts the Residential 1 Zone to the east (**Attachment A**). The subject site, being approximately 4.4ha in total, has an irregular form and is relatively flat. A pronounced knoll of raised land exists generally in the northeast of the site, being the location of the proposed building envelope (**Attachment B**). The northern part of the land is generally cleared of native vegetation, with scattered trees on the southern portion and along the creek frontage to the west.

The land is bounded by Residential 1 Zone to the east, Crown Land reserve to the south and west. The Farming Zone land to the north is fragmented into many parcels.

#### PROPOSAL

The proposal is to use and develop the land for the purpose of a dwelling.

#### ZONING AND PLANNING CONTROLS

Zoning: Farming Zone

Permit Trigger: Under the provisions of the Farming Zone a dwelling is a Section One use (no permit required) if the site is at least 40 ha. If the site is smaller than 40 ha the dwelling then becomes a Section Two use (planning permit required). In this case the subject site is 4.41ha, thus a planning permit is required.

Overlay/s: Part of the land is covered by the Wildfire Management (WMO), Flooding (FO) and Land Subject to Inundation (LSIO) Overlays, however the area nominated as the building envelope is not affected by any of these overlays.

#### STATE PLANNING POLICY FRAMEWORK

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 Indigo 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 (MSS)

The Municipal Strategic Statement is a concise statement of the key strategic planning, land use and development objectives for the municipality and the strategies and actions for achieving these objectives. Relevant clauses of MSS include:

- 20.01 Operation of local Planning Policies
- 20.01-4 Economy
- 21.01-5 Environment
- 21.03 Vision

Local Planning Policies

- 22.02-2 Rural dwelling siting and design guidelines.
- 22.02-4 Tourism Development

Before making a decision on an application, the Responsible Authority must consider the matters set out in Section 60 of The Planning and Environmental Act (1987). The following matters from Section 60 are relevant to this application and must be considered:

- (1) (a) the relevant planning scheme; and
  - (b) the objectives of planning in Victoria; and
  - (c) 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.
- (1A) Before deciding on an application, the responsible authority, if the circumstances appear to so require, may consider:
- (a) any significant social and economic effects of the use or development for which the application is made; and .
  - (b) any other relevant matter.

These requirements have been addressed through the assessment set out in this document.

NOTICE OF THE APPLICATION

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. Four [4] submissions, including one petition, were received in response, and are included as a **Confidential Attachment**.

The following represents a summary of matters raised in objections:

1. The development of the site will affect the stormwater flows and the water quality of Sunday Creek;
2. The construction of a dwelling and sheds will impact on views;
3. The proximity of the proposed dwelling to the recreational area across Sunday Creek will cause noise complaints;
4. Dust from the driveway to the proposed dwelling will cause a nuisance;
5. The character of the neighbourhood will be affected;
6. Residents were advised that the subject land would 'never be built on'; and
7. The proposal will result in the devaluation of adjacent properties.

A Planning Focus Meeting was held on 19 January 2010, and was attended by the applicants and their representative, Council staff and 9 objectors. At this meeting these issues were raised and discussed.

#### DISCUSSION

1. The issue of water quality was raised in relation to this matter for a number of reasons. Part of the land is subject to flooding in a 1 in 100 rainfall event, as it is close to Sunday Creek, which flows into the Murray River. The application was referred to the North East Catchment Management Authority (NECMA) for comment., whose only requirement was that the dwelling and outbuildings be constructed above 134.3m AHD.

The building envelope which is nominated to contain development associated with the proposal is located on part of the land that is not affected by the FO or LSIO, being slightly elevated. Development within the LSIO or FO would have the potential to affect water quality by means of runoff. As a condition of a permit, all stormwater emanating from the development will be required to be retained on site through the use of rainwater tanks, grassed areas and so on. Another potential threat to water quality could be contamination with wastewater generated on the site. The applicants propose to connect the dwelling to reticulated sewer, thereby minimising or eliminating the risk of wastewater contaminating Sunday Creek.

2. The issue of the potential for a development to impact on someone's views is a subjective one, and has been established by VCAT as a factor that is not required to be taken into account in the decision making process.
3. The subject land is located adjacent to the Crown Land reserve along Sunday Creek, and within reasonable distance to the Wahgunyah Racecourse and Recreation Reserve. Concerns were raised that if a dwelling were to be constructed on the subject land, the noise generated by various activities, specifically the speedway, conducted at the recreation reserve would become a nuisance to the occupants, and generate noise complaints.

The concern was that any complaints could possibly result in the curbing or cessation of these activities. The residents of the proposed dwelling, along with existing residents in the area, have every right to object to noise if it exceeds the applicable limits set down by the Environmental Protection Authority, and the proposed dwelling would have no additional rights in this regard.

## ORDINARY COUNCIL MEETING MINUTES – 13.04.10

4. With regard to a potential dust nuisance, the applicants have advised that they propose to stabilise the access to the dwelling. Further, it is not considered the construction of a single dwelling will result in the generation of significant traffic movements.
5. With regard to the character of the neighbourhood, there is no Neighbourhood Character Overlay to indicate a preferred style of development in this area. It is not considered that a single dwelling in this location will have an adverse affect on the residential amenity of the area.
6. Anecdotal reports indicating the subject land would never be built on are not a valid planning concern.
7. As with the issue of an individuals view, the issue of what affects the value of a property is subjective. The value of a property is affected by a variety of factors, including macro-economic factors – interest rates, availability of credit, taxation policy; micro-economic and location factors – location, proximity to transport and schools, topographical factors, planning requirements, Council policies; and socio-economic and lifestyle factors – push for urban consolidation, reduction in household size, and housing preferences. As such, land value is not a valid planning concern.  
The subject land is unusual in that it is a fully serviceable property bounded, for the main part, by residential land and Crown Land, yet zoned Farming Zone. Because of this unique situation, many of the provisions of the Farming Zone are not applicable, and while the land must be assessed against the provisions of the zone, its potential for agriculture are clearly limited.

### CONCLUSION

The proposal to construct a dwelling and associated outbuildings in the nominated building envelope raises no issues. The concerns raised by the objectors can be adequately addressed by the design response, and it is considered that there will be no loss of amenity to adjoining residents as a result of the granting of a permit.

It is therefore recommended that Council issue a Notice of Decision to Grant a Planning Permit for the subject site, subject to the conditions attached (**Attachment C**).

Attachment:  
A - Locality Plan  
B – Site Plan  
C – Proposed Notice of Decision.  
D - Confidential Attachment

Cr Murdoch declared a conflict of interest, as she is a Director at North East Water and departed the meeting at 3.31pm.

**11.2 PERMIT APPLICATION PP09-0155, 2 LOT SUBDIVISION, MELLISH STREET, BEECHWORTH (LIVING STREETS DESIGNS)**

**File No.: 09-0155 - Travis Basham - Town Planner**

For Decision

**RECOMMENDATION**

That Council resolve:

1. To approve Planning Permit Application PP09-0155 for the subdivision of Lot 1 TP247011E, being 7 Mellish Street, Beechworth, into 2 Lots generally in accordance with the plans submitted with the application and subject to the Conditions at Attachment F.
2. To enter into an Agreement under Section 173 of the Planning and Environment Act 1987 with the owner of the land to:
  - a) prohibit buildings or works, other than for the express purpose of access, from being constructed or carried out within the access envelope approved pursuant to Condition 2 of Permit PP09-0155;
  - b) provide notification of the need for development to be designed so as to ensure vehicles are able to leave the site in a forward direction.

**Moved: Cr Issell  
Seconded: Cr Goldsworthy**

That Council resolve:

1. To approve Planning Permit Application PP09-0155 for the subdivision of Lot 1 TP247011E, being 7 Mellish Street, Beechworth, into 2 Lots generally in accordance with the plans submitted with the application and subject to the Conditions at Attachment F.
2. To enter into an Agreement under Section 173 of the Planning and Environment Act 1987 with the owner of the land to:
  - a) prohibit buildings or works, other than for the express purpose of access, from being constructed or carried out within the access envelope approved pursuant to Condition 2 of Permit PP09-0155;
  - b) provide notification of the need for development to be designed so as to ensure vehicles are able to leave the site in a forward direction.

**Unanimously Carried**

SUMMARY

Application No: PP09-0155  
 Applicant: Living Streets Designs  
 Subject Land: Lot 1 TP247011E, being 7 Mellish Street, Beechworth  
 Proposal: 2 Lot Subdivision

BACKGROUND

Date application lodged: 14/09/2009  
 Purpose: Seek approval to subdivide the land into 2 Lots in accordance with the plan at Attachment B.  
 Subject site land area: ~3,600m<sup>2</sup>  
 Site description:

The land known as Lot 1 TP 247011 E formerly known as part CA 3, Section S2, Parish of Beechworth is located on the southern outskirts of Beechworth in a residential area. The land is identified on the locality plan at Attachment A.

The land has an existing dwelling that fronts Mellish Street along the southern boundary. The northern part of the allotment is vacant land, which has an unused road adjoining on the eastern boundary, adjacent to the rail reserve. On the northern boundary is a second road reserve that intersects with John Street, which is currently used as a shared driveway by the residential properties on either side of it. The vacant part of the land is an open grassed area.

The land has access from Mellish Street and two roads that are currently unused. Both of these unused roads intersect with John Street.

The site is in a well established residential area, which is comprised mostly of single detached dwellings.

The street network in this area is made up of wide streets with bitumen paved surfaces and gravel shoulders. The drainage is typically open drains, some bluestone lined, with concrete culverts in place on driveway crossovers. The nature strips are wide and have no formal footpaths, and contain a mix of street trees, power poles and overhead transmission lines.

John Street carries only low volumes of traffic having the sole role of providing access to the residents within the street. Mellish Street carries higher levels of traffic as it provides a link between the Beechworth-Wangaratta Road and Buckland Gap Road.

Previous Application/s: Application PP06-069 was lodged in 2006 for the subdivision of the land into 6 Lots. Council gave notice of the application and a number of objections were received. As a result of objections received the applicant was requested to provide further information in relation to stormwater treatment, access and future development. The application was not proceeded with and was withdrawn from Council's Planning Register.

Surrounding land use: Residential

Zoning of surrounding land: Residential 1 Zone

PROPOSAL

The proposal is to subdivide the subject site into two lots (proposed Lot 1, 1531m<sup>2</sup> and proposed Lot 2, 2074m<sup>2</sup>).

ZONING AND PLANNING CONTROLS

Zoning: Residential 1 Zone

Purpose:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households.
- To encourage residential development that respects the neighbourhood character.
- In appropriate locations, to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs.

Overlay/s: None Applicable

PERMIT TRIGGER:

A permit is required to subdivide land pursuant to Clause 32.01-2 of the Residential 1 Zone. An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2.
- Should meet all of the standards included in the Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2.

PLANNING AND ENVIRONMENT ACT 1987 - SECT 60

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

- the relevant planning scheme; and
- 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
- all objections and other submissions which it has received and which have not been withdrawn; and
- any decision and comments of a referral authority which it has received; and
- 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:

- 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  
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.

Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure. Planning is to recognise the need for, and as far as practicable contribute towards:

- Health and safety.
- Diversity of choice.
- Adaptation in response to changing technology.
- Economic viability.
- A high standard of urban design and amenity.
- Energy efficiency.
- Prevention of pollution to land, water and air.
- Protection of environmentally sensitive areas and natural resources.
- Accessibility.
- Land use and transport integration.

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**

14.01 Planning for Urban Settlement

**Housing**

16.01 Residential Development for Single Dwellings

**Infrastructure**

18.09 Water Supply, Sewerage & Drainage

**Particular uses and development**

19.01 Subdivision

**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:

Settlement & Infrastructure

21.02 Key Issues

21.03-1 Vision & Strategic Framework

21.03-2 Corporate Plan

21.04-1 Settlement & Infrastructure

21.04-1-1 Beechworth

**LOCAL PLANNING POLICIES**

22.01-3 Residential Subdivision & Development

This policy applies to the subdivision and/or development of residential land. The basis of the policy is that new residential subdivision and/or development is required to satisfy standards regarding service connections, road construction and development impact.

The Objectives of the policy include:

- To ensure that all forms of residential development, including low density residential development are connected to reticulated sewerage, water, power and stormwater facilities.
- To ensure that all roads that service a residential development are fully constructed and sealed.
- To provide for a variety of lot sizes to meet the requirements of all age groups, different lifestyles and to provide choice, quality of life.

22.03-11 Stormwater Management Policy

**PARTICULAR PROVISIONS**

52.01 Public Open Space Contribution and Subdivision

56 Residential Subdivision

**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.

65.02 Approval of an application to subdivide land

Before deciding on an application to subdivide land, the responsible authority must also consider, as appropriate:

- The suitability of the land for subdivision.
- The existing use and possible future development of the land and nearby land.
- The availability of subdivided land in the locality, and the need for the creation of further lots.
- The effect of development on the use or development of other land which has a common means of drainage.
- The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.
- The density of the proposed development.
- The area and dimensions of each lot in the subdivision.
- The layout of roads having regard to their function and relationship to existing roads.
- The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.
- The provision of off-street parking.
- The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.

REFERRAL AUTHORITIES

Notice of the application was given to the following referral authorities in accordance with Section 52 of the Planning and Environment Act 1987:

- Indigo Shire Council – Assets Department
- CFA

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

PUBLIC NOTICE

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

2 submissions were received in response.



TITLE & OBJECTIVE	COMPLIES / DOES NOT COMPLY / VARIATION REQUIRED
<p>Clause 56.04-2 Lot area and building envelopes objective</p> <p>To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management, easements and the retention of significant vegetation and site features.</p>	<p>Objectives ✓ <b>Complies</b></p>
<p>Standard C8</p> <p>Lots greater than 500 square metres should be able to contain a rectangle measuring 10 metres by 15 metres.</p> <p>Proposed Lot 2 (vacant) is 2,074m<sup>2</sup> and capable of siting a 10m by 15m building envelope with appropriate orientation in accordance with Clause 54. Lot 1 is 1,531m<sup>2</sup> and contains the existing dwelling and associated outbuildings.</p>	<p>Standards ✓ <b>Complies</b></p>
<p>Clause 56.04-3 Solar orientation of lots objective</p> <p>To provide good solar orientation of lots and solar access for future dwellings.</p>	<p>Standards ✓ <b>Complies</b></p>
<p>Standard C9</p> <p>Unless the site is constrained by topography or other site conditions, at least 70 percent of lots should have appropriate solar orientation.</p>	<p>✓ <b>Complies</b></p>
<p>Clause 56.04-5 Common area objective</p> <p>No common area proposed</p>	<p>Objectives - <b>N/A</b></p>
	<p>Standards - <b>N/A</b></p>
<p>Clause 56.06-8 Lot access objective</p> <p>To provide for safe vehicle access between roads and lots.</p> <p>The original submission was silent on Clause 56.06-8. A further submission regarding Clause 56.06-8 and access to proposed Lot 2 was received on the 25<sup>th</sup> March 2010 and is included at Attachment D.</p>	<p>Objectives Access will be discussed further below.</p>

TITLE & OBJECTIVE	COMPLIES / DOES NOT COMPLY / VARIATION REQUIRED
<p>Standard C21</p> <p>Vehicle access to lots with a frontage of 7.5 metres or less should be provided via rear or side access lanes, places or streets.</p> <p>The design and construction of a crossover should meet the requirements of the relevant road authority.</p>	<p>Standards</p> <p>Access will be discussed further below.</p>
<p>Clause 56.07-1 Drinking water supply objectives</p> <p>To provide an adequate, cost-effective supply of drinking water.</p> <p>Standard C22</p> <p>The supply of drinking water must be designed, constructed and provided to the boundary of all lots in the subdivision in accordance with the requirements and to the satisfaction of the relevant water authority.</p>	<p>Objectives</p> <p><b>✓ Complies</b></p>
	<p>Standards</p> <p><b>✓ Complies</b></p>
<p>Clause 56.07-2 Reused and recycled water objective</p> <p>To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water.</p>	<p>Objectives</p> <p>- <b>N/A</b></p>
<p>Standard C23</p> <p>Reused and recycled water supply systems must be provided to the boundary of all lots in the subdivision where required by the relevant water authority.</p>	<p>Standards</p> <p>- <b>N/A</b></p>
<p>Clause 56.07-3 Waste water management objective</p> <p>To provide a waste water system that is adequate for the maintenance of public health and the management of effluent in an environmentally friendly manner.</p>	<p>Objectives</p> <p><b>✓ Complies</b></p>
<p>Standard C24</p> <p>Reticulated waste water systems must be provided to the boundary of all lots in the subdivision where required by the relevant water authority.</p>	<p>Standards</p> <p><b>✓ Complies</b></p>

TITLE & OBJECTIVE	COMPLIES / DOES NOT COMPLY / VARIATION REQUIRED
<p>Clause 56.07-4 Urban run-off management objectives</p> <p>To minimise damage to properties and inconvenience to residents from urban run-off.</p> <p>To ensure that the street operates adequately during major storm events and provides for public safety.</p> <p>To minimise increases in stormwater run-off and protect the environmental values and physical characteristics of receiving waters from degradation by urban run-off.</p>	<p>Objectives  <b>✓ Complies</b>            See Attachment C for a copy of Indigo Shire Council – Assets Department Response</p>
<p>Standard C25</p> <p>The urban stormwater management system must be designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority.</p>	<p>Standards  <b>✓ Complies</b></p>
<p>Clause 56.08-1 Site management objectives</p> <p>To protect drainage infrastructure and receiving waters from sedimentation and contamination.</p> <p>To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works.</p> <p>To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable.</p>	<p>Objectives  <b>✓ Complies</b></p>
<p>Standard C26</p> <p>A subdivision application must describe how the site will be managed prior to and during the construction period.</p> <p>Minimal works are required and engineering plans require erosion and sediment control plans to be submitted for approval.</p>	<p>Standards  <b>✓ Complies</b></p>
<p>Clause 56.09-1 Shared trenching objective</p> <p>To be used where practical in accordance with relevant service provider requirements</p>	<p>Objectives            - <b>N/A</b></p> <p>Standards            - <b>N/A</b></p>
<p>Clause 56.09-2 Electricity, telecommunications and gas objectives</p>	<p>Standards  <b>✓ Complies</b></p>

TITLE & OBJECTIVE	COMPLIES / DOES NOT COMPLY / VARIATION REQUIRED
To be in accordance with relevant service provider requirements	Objectives ✓ <b>Complies</b>

**CLAUSE 56.06-8 LOT ACCESS**

The objective of Clause 56.06-8 is to provide for safe vehicle access between roads and lots.

Standard C21 provides that vehicle access to lots with a frontage of 7.5 metres or less should be provided via rear or side access lanes, places or streets and that the design and construction of a crossover should meet the requirements of the relevant road authority. Table C1 sets out the relevant standards for the design of roads and neighbourhood streets.

**Table C1 Design of roads and neighbourhood streets**

**Access Lane**

A side or rear lane principally providing access to parking on lots with another street frontage.

▪ <b>Traffic volume<sup>1</sup></b>	300vpd
▪ <b>Target speed<sup>2</sup></b>	10kph
▪ <b>Carriageway width<sup>3</sup> &amp; parking provision within street reservation</b>	5.5m <sup>8</sup> wide with no parking spaces to be provided. Appropriately signed.

▪ <b>Verge width<sup>4</sup></b>	No verge required.
▪ <b>Kerbing<sup>5</sup></b>	
▪ <b>Footpath provision</b>	None  Carriageway designed as a shared zone and appropriately signed.
▪ <b>Cycle path provision</b>	None

**Access Place**

A minor street providing local residential access with shared traffic, pedestrian and recreation use, but with pedestrian priority.

▪ <b>Traffic volume<sup>1</sup></b>	300vpd to 1000vpd
▪ <b>Target speed<sup>2</sup></b>	15kph
▪ <b>Carriageway width<sup>3</sup> &amp; parking provision within street reservation</b>	5.5m wide with 1 hard standing verge parking space per 2 lots. or 5.5m wide with parking on carriageway - one side.  Appropriately signed.
▪ <b>Verge width<sup>4</sup></b>	7.5m minimum total width.  For services provide a minimum of 3.5m on one side and a minimum of 2.5m on the other.
▪ <b>Kerbing<sup>5</sup></b>	Semi-mountable rollover or flush and swale or other water sensitive urban design treatment area.
▪ <b>Footpath provision</b>	Not required if serving 5 dwellings or less and the carriageway is designed as a shared zone and appropriately signed.  or 1.5m wide footpath offset a minimum distance of 1m from the kerb.
▪ <b>Cycle path provision</b>	None

**Key to Table C1**

1. **Indicative maximum traffic volume for 24-hour period.** These volumes depend upon location. Generation rates may vary between existing and newly developing areas.
2. **Target speed is the desired speed at which motorists should travel.** This is not necessarily the design speed and is not greater than the marked legal speed limit.
3. **Width is measured from kerb invert to kerb invert.** Widening may be required at bends to allow for wider vehicle paths using appropriate Australian Standards for on street and off-street parking but should not negate the function of bends serving as slow points.
4. **Verge width includes footpaths.** Additional width may be required to accommodate a bicycle path.
5. **Where drainage is not required a flush pavement edge treatment can be used.** Layback kerbs are preferred for safety reasons. Upright kerbs may be considered for drainage purposes or in locations where on-street parking should be clearly defined and parking within the verge is not desired.
6. **Turning requirements to access and egress parking on abutting lots may require additional carriageway width.** The recommended carriageway width of 5.5m will provide adequate access to a standard 3.5m wide single garage built to the property line.
7. **50kph is the default urban speed limit in Victoria.**
8. **Target speed must not exceed the legal speed limit.**

In accordance with the above standards, a carriageway width of 5.5 metres is required to provide access to proposed Lot 2. Whether or not a verge is required is discretionary as the access road could be considered to be either an Access Lane or an Access Place as the frontage of proposed Lot 2 is less than 7.5 metres.

An Access Lane is defined as side or rear lane principally providing access to parking on lots with another street frontage and is capable of accommodating up to 300 vehicle movements per day (vpd). An Access Place is defined as a minor street providing local residential access with shared traffic, pedestrian and recreation use, but with pedestrian priority and can accommodate up to 1000 vpd.

Note 6 in the Key to Table C1 indicates that turning requirements to access and egress parking on abutting lots may require additional carriageway width. The recommended carriageway width of 5.5m will provide adequate access to a standard 3.5m wide single garage built to the property line.

In this instance, taking into account the length of road required to provide access (~40m), adjoining development, frontage of proposed Lot 2 and the traffic environment, it is considered that the standards for an Access Lane should be applied to the proposed development. In this regard, construction of the carriageway to a trafficable width of 5.5m meets the objective of Clause 56.06-8 by providing safe vehicle access.

To provide further perspective to the issues raised in relation to the safety of the access, Clause 55.03-9 sets out access objectives for multiple dwelling developments to ensure vehicle access to and from a development is safe, manageable and convenient. Standard B14 provides that accessways should be at least 3 metres wide and provide a passing area at the entrance that is at least 5 metres wide and 7 metres long if the accessway serves ten or more spaces and connects to a road in a Road Zone.

In this instance, the Access Lane that is required to service proposed Lot 2 will continue to provide rear access to the two adjacent lots and will provide direct access to one additional lot. At 5.5m carriageway width, it therefore far exceeds the standards that would apply if it was a multiple dwelling development.

Section 3(1) of the Planning and Environment Act 1987 provides that the term road includes highway, street, lane, footway, square, court, alley or right of way, whether a thoroughfare or not and whether accessible to the public generally or not. In this regard there is little difference between accessways to multiple dwelling developments and roads within road reserves other than ultimate ownership of the asset and maintenance and management of it. The function of a constructed accessway to a multiple dwelling development or a road within a road reserve is essentially the same in that it needs to provide safe, manageable and convenient vehicle access.

If the standards for multiple dwelling development were adopted it would require a 3m wide access with a widening to at least 5m for a distance of around 10m from the intersection with John Street to provide for a passing bay. Disturbance to existing development that encroaches on the road reserve currently restricting access would however be unavoidable as the 3m access would also require widening to approximately 5.5m wide to provide for turning movements to access the subject land.

Submissions received in relation to the proposal raise concerns over the adequacy of the width of the Lane when accessing the garage on the adjacent property indicating that the Lane should also be widened to 5.5m at this point. As the Lane is only 40m in length, if the subdivision is approved it will therefore be necessary to remove the hedge and fencing that encroaches into the road reserve and construct the Lane so as to achieve a 5.5m carriageway for the length of the Lane.

A site feature survey prepared by Oxley and Company in relation to previous Planning Permit application PP06-069 (see Attachment E) shows the location of existing encroaching development and buildings adjacent to the road reserve. The existing hedge and fence lines would need to be removed in order to facilitate construction of the road to the above standard thereby addressing safety concerns raised in submission to the proposal and ensuring adequate access was provided to proposed Lot 2 in accordance with the requirements of the Indigo Planning Scheme.

As the road reserve effectively ends at the access to proposed Lot 2 however, there is not adequate area to enable a vehicle to reverse out of the site within the road reserve. It is therefore considered that an area of proposed Lot 2 would be required to be used solely for vehicle movements to enable and ensure vehicles left the site in a forward direction. Should approval be granted, such an area will need to be identified and protected via a restriction on the Title to Lot 2.

## AMENITY IMPACTS

The subject land is Zoned Residential 1 Zone. The purpose of this Zone is:

- To provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households.
- To encourage residential development that respects the neighbourhood character.

Given the density of surrounding development and the size of proposed Lot 2 (2,074m<sup>2</sup>) it is considered that the site is capable of accommodating and is suitable for further residential development. Off-site amenity impacts associated with the use of the land for residential purposes essentially relate to access to the site and the proximity of the existing dwelling to the north of the unmade road reserve.

If the access to proposed Lot 2 is constructed toward the southern alignment of the road reserve (practical location given siting of the garage on the adjacent allotment), the carriageway would be approximately 5m from the dwelling to the north of the road reserve.

Construction of the access to the proposed development does have the potential to impact on the amenity of the existing dwelling to the north of the road reserve. Given that the subject land is suitable for residential development in all other respects, it must be determined whether the amenity impacts of having the road constructed are reasonable.

Clause 54 of the Indigo Planning Scheme relates to new dwellings and provides at Clause 54.03-1, objectives in relation to street setbacks to ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site. Table A1 of Clause 54.03-1 provides that dwellings may be setback 2m from side streets (note that this does not have regard to the alignment of the road formation within the road reserve).

Clause 55 of the Indigo Planning Scheme relates to two or more dwellings on a lot and residential buildings and is consistent with Clause 54 in relation to building setbacks from side streets.

Clause 55.03-10 sets out objectives in relation to parking location to avoid parking and traffic difficulties in the development and the neighbourhood and to protect residents from vehicular noise within developments.

Standard B15 provides that shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where windowsills are at least 1.4 metres above the access way.

If the above residential Standards are used as a guide, it is considered that the construction of the road to provide access to proposed Lot 2 will not unreasonably affect the residential use or amenity of the existing dwelling to the north of the road reserve.

## VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

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

The case ***Dragt v Greater Geelong CC [2008] VCAT 372 (11 March 2008)*** dealt with a proposed 2 lot subdivision with a 70m long access to the second lot. The Tribunal commented that:

- At Clause 56.06-8, a variety of standards are set out for provision of safe vehicle access between roads and lots. The smallest designated access is set out at Table C1 of this clause. It provides for an access lane that is a side or rear lane principally providing access to parking lots [*sic*] with another street frontage. It is the nearest form of accessway that would reflect the level of traffic volume and provision of access for this two lot subdivision. The carriageway width for such an access lane is a maximum of 5.5m. This width is stated as a maximum. Matters of providing parking and number of vehicle movements per day can be taken into account in deciding the appropriate width. I have done this and find that a 3.5m wide accessway providing the 3m of constructed access is an appropriate outcome for this two lot subdivision.

In ***Korderas v Monash CC [2009] VCAT 2515 (25 November 2009)***, a case which dealt with a second dwelling on a lot, the Tribunal made the following comments in relation to access:

- The width of the accessway was also in dispute with measurements varying between 2.7m and 2.9m (depending on who had done the measuring). There is simply no room to move with this measurement as the driveway is flanked by the brick wall of Unit 1 on one side, and by the brick garage of the adjoining house on the other side. This narrow width extends for about ten metres before it opens up on the east and west sides of the house.
- While this access width might not be ideal, in my view it is trafficable, manageable and operable. It will only be used by the residents of the units who will be well aware of its tight fit. On that basis I am prepared to accept it, but only because the adjustments in the rear yard will enable vehicles to enter and leave in a forward direction. I did consider the option of removing a protruding course of brickwork from the neighbouring garage (but on the subject land). In the end, I will not tamper with this, as I am unaware of the impact of such removal on the structural integrity of the adjoining garage.

The case ***Duff v Indigo SC [2006] VCAT 505 (29 March 2006)*** was a review of a decision to issue a permit for 5 dwellings on a lot at Railway Avenue, Yackandandah. The development was proposed to be accessed via a 3.6m wide 40m long access between two existing dwellings. The access was located approximately 3.6m from the nearest dwelling and 5.5m from the other dwelling. In that case the Tribunal upheld Council's decision with modified conditions, commenting that:

- It is also important in my view to provide for the passing of vehicles along the access way, as the accessway generally provides for only one-way traffic and a passing bay located within the first 10 metres of the site would be appropriate. This could be achieved by widening either side of the accessway by approximately 700mm to provide for a passing bay.

The modified conditions included widening of the access to allow for a passing bay which brought the access to within 3m of the nearest dwelling and 5m from the other dwelling. The conditions also required installation of an acoustic fence between the nearest dwelling and the access (i.e. where the access to the five dwellings was within 3m of the existing dwelling). An acoustic fence was not required where the access was approximately 5m from the other adjacent dwelling.

## CONCLUSION

Having regard to the above, it is considered that the proposal meets the objectives and standards of Clause 56, the Residential 1 Zone objectives and the objectives of Local Planning Policy at Clause 22.01-3 that relate specifically to residential subdivision & development.

The proposal will impact on adjacent properties by virtue of the fact that encroaching development will be required to be removed to allow the access to be constructed within the road reserve. It is not considered that such impacts are unreasonable in the circumstances however as the road reserve is required to provide access to the subject land.

Access should be constructed so as to provide a carriageway width of 5.5m in accordance with the Access Lane standards of Clause 56.06-8 of the Indigo Planning Scheme and an area of proposed Lot 2 will need to be identified and protected via a restriction on the Title to Lot 2 so as to be used solely for vehicle movements to enable and ensure vehicles leave the site in a forward direction.

On balance, it is considered that the proposal represents an acceptable outcome under the provisions of the Indigo Planning Scheme and it is therefore recommended that the application should be supported by Council.

Attachments:

A – Locality plan

B – Proposal

C – CFA and Assets Department response

D – Further submission regarding Clause 56.06-8 and access to proposed Lot 2

E – A site feature survey prepared by Oxley & Company in relation to previous Planning Permit application PP06-069

F – Conditions

G – Confidential-Attachment to be provided to Councillors – Copy of Objections

Cr Murdoch returned to the meeting at 3.40pm.

**11.3 SECTION 173 AGREEMENTS**

**File No.: 08-4357 - Property Number 3658 - 261 Racecourse Rd Chiltern – Mark Florence - General Manager Sustainable Communities**

For Decision

**RECOMMENDATION**

**That Council as the relevant Responsible Authority enter into the subject Section 173 Agreements with the owners of the following land and to sign and seal the appropriate documentation:**

- a) Land in Lot 1 Title Plan 081154C, 1399 Woolshed Rd Beechworth.
- b) Land in Crown Allotment 9 Section 18, 261 Racecourse Rd, Parish and Township of Chiltern.

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

**That Council as the relevant Responsible Authority enter into the subject Section 173 Agreements with the owners of the following land and to sign and seal the appropriate documentation:**

- a) Land in Lot 1 Title Plan 081154C, 1399 Woolshed Rd Beechworth.
- b) Land in Crown Allotment 9 Section 18, 261 Racecourse Rd, Parish and Township of Chiltern.

**Unanimously Carried**

**INTRODUCTION**

Section 173 Agreements, made under Section 173 of the Planning and Environment Act 1987, 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).

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) Owner: LG Barlow & TJ Byford

Planning Permit 08/4357 relates to the construction of a dwelling on a property of approximately 20 hectares in the Farming Zone at Woolshed Rd, Beechworth. The proposal is to establish approximately 15ha of grapevines, managed in an organic manner, and associated residence. The permit was issued on the basis that the owners of the land enter into an Agreement with Council under Section 173 of the Planning and Environment Act 1987 which requires:

- a) the establishment of one hectare of vines on the area nominated on the endorsed plans to Council's satisfaction prior to the construction of a dwelling; and
- b) the execution of the Farm Action Plan as submitted with the planning permit application.
- c) Owner: TJ & DC Cleveland

The subject land consists of 3.3ha on Racecourse Rd Chiltern, zoned Farming. The landowners propose to install a Dependent Persons Unit (DPU) on the property to accommodate their elderly parents. Under the provisions of the Indigo Planning Scheme, no planning permit is required for a DPU, based on the theory that it will be removed once it is no longer required.

It has consistently been Council's approach that only the DPUs provided by the Department of Human Services under contract require no formal agreement for their use. DPUs in any other form either require a planning permit to use the land for a dual occupancy, or a formal agreement with Council in the form of a Section 173 Agreement to ensure the unit is removed once it is no longer in use by specific people, in this case the parents of one of the landowners. As such, it is proposed to enter into an agreement to ensure:

- That the dependent persons unit is for the sole use of the parents of Donna Cleveland;
- That the dependent persons unit is to be removed from the land within six months of the date that it is no longer required for the sole use of the parents of Donna Cleveland;
- That the dependent persons unit is to be removed from the land prior to the land being sold, transferred or assigned; and
- To bring this agreement to the attention of all purchasers mortgagees, transferees and assignees of the Land.

## KEY IMPLICATIONS

Not applicable.

## FINANCIAL IMPLICATIONS

Not applicable.

## POLICY IMPLICATIONS

Not applicable.

CONCLUSION

Not applicable.

Attachments:

A Locality/Site Plan PP08/4357  
Land in Lot 1 TP 081154C, 1499 Woolshed Rd Beechworth

B Locality/Site Plan P/N 3658 Land in Crown Allotment 9 Section 18,  
261 Racecourse Rd, Parish and Township of Chiltern.

**11.4 INDIGO SHIRE COUNCIL COMMUNITY GRANTS AND AWARDS ADVISORY COMMITTEE.**

**File No: Sally McCarron - Manager Community Planning**

**For Decision**

**RECOMMENDATION**

**That:**

- 1. Council determine that meetings of the Indigo Shire Community Grants and Awards Advisory Committee be closed to members of the public pursuant to provisions in the Local Government Act 1989, and**
- 2. Council adopt the Instrument of Delegation for the Indigo Shire Community Grants and Awards Advisory Committee.**

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

**That:**

- 1. Council determine that meetings of the Indigo Shire Community Grants and Awards Advisory Committee be closed to members of the public pursuant to provisions in the Local Government Act 1989, and**
- 2. Council adopt the Instrument of Delegation for the Indigo Shire Community Grants and Awards Advisory Committee.**

**Unanimously Carried**

**INTRODUCTION**

This report presents the draft Instrument of Delegation for the newly created Community Grants and Awards Advisory Committee and requests that Council adopt the Instrument of Delegation.

**BACKGROUND**

At its meeting in February 2010 Council resolved to rescind the Instrument of Delegation for the Indigo Shire Community Advisory Committee and to establish a new committee that would consider Council's Community Grants and Community Awards.

In making this decision Council recognised that the role of the Indigo Shire Community Advisory Committee had substantially changed and its primary function has been to assess the Community Grants applications. Council also recognised that it was more appropriate for a newly formed Committee to take on this role, together with consideration of nominations for the Citizen of the Year, Young Citizen of the Year and the Emma George Scholarship.

KEY IMPLICATIONS

Membership of the Committee is proposed to be:

- Mayor of the Day
- 1 Councillor
- 8 Community members drawn from a wide cross section of the community
- Manager Community Planning

Councillor Peter Croucher was nominated as the Councillor representative at the February 2010 meeting.

Appointment to the Committee would be for a two year period, however the initial appointment would see half the members being appointed for two years and the other half for three years. This would ensure that some consistency and knowledge would be retained.

Section 89 of The Local Government Act 1989 requires that Committee meetings must be open to the public unless the meeting is discussing the following items:

- Personal matter
- The personal hardship of a resident or ratepayer
- Industrial matters
- Contractual matters
- Proposed developments
- Legal advice
- Matters effecting the security of Council property
- Any other matter which the Council or Committee considers would prejudice the Council or any person
- A resolution to close the meeting to members of the public

The business of the Community Grants and Awards Committee will focus on Community Grant applications and nominations for Community Awards. As such the business of the Committee is considering:

- Personal matters, and
- Other matters which the Council or Committee considers would prejudice the Council or any person.

It is therefore recommended that the meetings of this Committee not be open to the public. The draft Instrument of Delegation has been prepared to reflect this recommendation.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report. Specific budget allocations exist for the programs being considered by the Committee.

POLICY IMPLICATIONS

The development of the Instrument of Delegation is consistent with the requirements of the Local Government Act 1989.

**ORDINARY COUNCIL MEETING MINUTES – 13.04.10**

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

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

**CONCLUSION**

The establishment of this new Committee will ensure that the important role played by the Indigo Shire Community Advisory Committee is continued.

Attachment:  
Indigo Shire Community Grants and Awards Committee Instrument of Delegation

**11.5 SECTION 173 AGREEMENTS – DELEGATION TO SIGN OFF**

**File No.: Mark Florence - General Manager Sustainable Communities**

For Decision

**RECOMMENDATION**

**That the person holding or acting in the position of Chief Executive Officer may, on behalf of the Council, affix the common seal of the Council to an agreement made pursuant to section 173 of the Planning and Environment Act 1987, where such agreement is required by a condition of a planning permit issued pursuant to the Indigo Planning Scheme. This authority ceases 24 months from the date of this resolution or may be withdrawn or varied by Council resolution at any time prior to that date.**

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

**That the person holding or acting in the position of Chief Executive Officer may, on behalf of the Council, affix the common seal of the Council to an agreement made pursuant to section 173 of the Planning and Environment Act 1987, where such agreement is required by a condition of a planning permit issued pursuant to the Indigo Planning Scheme. This authority ceases 24 months from the date of this resolution or may be withdrawn or varied by Council resolution at any time prior to that date.**

**Unanimously Carried**

**INTRODUCTION**

Section 173 Agreements are made under Section 173 of the Planning and Environment Act 1987, and 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).

Section 173 Agreements are entered into as part of Planning Permit conditions to ensure that particular controls relating to land use development are adhered to by the land owner. 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 legal costs, is that of the other party entering into the agreement with Council.

This recommendation seeks to refine the process by which Section 173 Agreements are signed off by Council. Planning permits approved by Council, either under delegation or through Council meeting resolution can contain the requirement for a Section 173 Agreement to be entered into.

The decision to grant the permit includes a decision to enter into the Section 173 Agreement.

## ORDINARY COUNCIL MEETING MINUTES – 13.04.10

Under the current administrative process, a Council resolution is required to formally resolve for Council to enter into the agreement. The current process, in effect, asks Council to resolve a matter which has already been resolved either through delegated authority or by Council meeting resolution – a repeat process.

This recommendation removes the additional step in the process and extends the CEO delegation to include the capacity to sign off on Section 173 Agreements, thereby reducing the processing time involved in finalising Planning Permits, and removing the need for a further Council resolution. The recommendation has been provided by Council's solicitor and meets all requirements under the Local Government Act.

### KEY IMPLICATIONS

The recommendation provides for an improved administrative function in the processing of approved Planning Permits which contain a Section 173 Agreement, resulting in improved processing time.

### FINANCIAL IMPLICATIONS

There are no financial implications

### POLICY IMPLICATIONS

This recommendation supports Council's policies to provide good governance and customer response.

### CONCLUSION

The recommendation provides a largely administrative improvement, streamlining process and enhances the time taken to process planning permit applications.

## 12.0 MAJOR PROJECTS AND PROGRAMS

### 12.1 RUTHERGLEN HEAVY VEHICLE DEVIATION STUDY – FINAL REPORT

File No.: 09/283-02- Phil Prior- Special Projects Engineer

For Decision

#### RECOMMENDATION

That Council:

1. Endorse the findings of the Aurecon Rutherglen Heavy Vehicle Deviation Study.
2. Takes the following action with regard to the four shortlisted routes;
  - Railway option – continue discussion with VicRoads to secure funding to undertake a conceptual design and planning assessment for this route. Kilborn Road option – notify residents that Council will no longer be considering this route as heavy vehicle alternative to Main Street, Rutherglen.
  - Parkins Road and Herrins Road routes – notify residents that this route will only be further considered if the Railway option is proved to be unviable as a result of the conceptual design and planning assessment.
3. Thank all members of the Community Reference Group for their valued input to the Rutherglen Heavy Vehicle Deviation Project.
4. Release the Aurecon Rutherglen Heavy Vehicle Deviation Study for public comment and forward planning considerations.
5. Continue to work with VicRoads representatives to monitor the effectiveness of the 40kph signs in Main Street, Rutherglen over a six month period and subject to the outcomes, further consider recommended short term actions as listed in the Aurecon Report.
6. Continue to work with VicRoads representatives to monitor traffic on the arterial and local road networks and in particular the Up River and Gooramadda Roads and determine long-term strategies for the management of these roads.

**Moved: Cr Murdoch  
Seconded: Cr Issell**

**That:**

- 1. Receive the findings of the Aurecon Rutherglen Heavy Vehicle Deviation Study.**
- 2. Thank all members of the Community Reference Group for their valued input to the Rutherglen Heavy Vehicle Deviation Project.**
- 3. Release the Aurecon Rutherglen Heavy Vehicle Deviation Study for public comment and forward planning for 6 weeks and report back to the July meeting.**
- 4. Continue to work with VicRoads representatives to monitor the effectiveness of the 40kph signs in Main Street, Rutherglen over a six month period and subject to the outcomes, further consider recommended short term actions as listed in the Aurecon Report.**
- 5. Continue to work with VicRoads representatives to monitor traffic on the arterial and local road networks and in particular the Up River and Gooramadda Roads and determine long-term strategies for the management of these roads.**

**Unanimously Carried**

### INTRODUCTION

Planning and Engineering Consultants Aurecon was jointly engaged by Council and VicRoads to undertake a study into potential routes for deviating heavy vehicles out of Main Street, Rutherglen.

Aurecon has now completed its Project and Council and VicRoads need to have an agreed strategy for progressing this Project.

### BACKGROUND

The Rutherglen community has for 30 or 40 years been looking to Council to provide a solution to the amenity and safety issues in Main Street, Rutherglen caused by heavy vehicle movements through a very confined mixed use roadway space. A number of options have been discussed and considered to reduce conflict between heavy vehicle through traffic and shopping precinct users, including removing on street parking. The community has understandably been reluctant to compromise on its use and enjoyment of the Main St precinct.

Council has over the past four years, undertaken consultation utilising two community based reference groups and this Aurecon report to endeavour to identify the most appropriate solution to this problem.

## ORDINARY COUNCIL MEETING MINUTES – 13.04.10

The first goal of the current Project is to initially identify the preferred route, finalise alignments, work closely with residents along that route and to then work towards the preservation of that alignment by amending the Indigo Shire Planning Scheme to acknowledge the future road alignment.

The work undertaken to date has identified that whatever alternative route is selected, the cost will be significant and that it is likely to be many years before funding can be secured for construction. The preservation of the route and protection of that route within Indigo Shire Planning Scheme will ensure that a viable corridor is available for construction when funding is secured.

It has also become apparent throughout the process that there is no simple solution to this problem that does not impact on residents or properties along any route. It has also become apparent through traffic studies undertaken as part of the Aurecon Report that truck traffic in Main Street will increase, particularly so if the Logic Freight Centre grows to its full potential. These studies by both the community groups and Aurecon have also identified that many routes that have long been considered by the Rutherglen community as viable alternatives, such as Ready Street and Hopetoun Road, have over many years been developed as residential precincts and are clearly no longer viable as alternative heavy vehicle routes.

Clearly there is a need for Council to act now and pursue a viable solution to this problem to ensure that at some time in the future Main Street Rutherglen can revert to a safer community precinct.

### VICROADS' POSITION

Main Street, Rutherglen forms part of the Murray Valley Highway and is an arterial route with VicRoads having full responsibility for the management of through traffic. VicRoads has been a partner in both the Aurecon study and the Reference Group processes and has provided the following synopsis of its position on the Rutherglen Heavy Vehicle Deviation Project.

Graham Freestone, Regional Director, VicRoads, provided the following details:-

“VicRoads has been pleased to support the planning study investigation for the Rutherglen Heavy Vehicle Deviation.

It is noted that the planning study report recommends the Railway Reserve as the preferred route. The Indicative Total Estimated Cost (TEC) for this (VicRoads January 2010) is \$20 million. The Benefit Cost Ratio (BCR) calculated by the Consultant for this option is 0.14, considerably less than 1, making the project hard to justify economically (BCRs greater than one indicate that the calculated benefits are greater than the estimated costs of the project, a BCR less than one indicates that the calculated benefits are less than the estimated costs).

It is considered unlikely that funding would be obtained for this project on a purely economic basis as proposals for improvement projects are considered based on the BCR and prioritised on a region wide and state wide basis. For example, this region has been bidding for a number of years to obtain funding for the duplication of a short section of the Midland Highway at Shepparton East – the TEC for this project is \$4.5 million and the calculated BCR was 1.1. An example of a truck bypass that has been successful in obtaining funding is the truck bypass on the Melba Highway at Yarra Glen. In this case the TEC is \$15 million (for a new 1.4 km road link) and the calculated BCR was 3.2. The total average daily traffic through Yarra Glen is around 9000 vehicles per day of which truck volumes are about 1200 per day (compared with a Rutherglen traffic volume of about 3400 vehicles per day of which truck volumes are about 360 vehicles per day).

In order to have any opportunity for funding, the community must unite behind one proposal.”

If a heavy vehicle deviation of Main Street Rutherglen that would also serve as an arterial road bypass is to be provided, the next stage is for Vic Roads to undertake a detailed planning study. Vic Roads’ Regional Director Graham Freestone has indicated that he would support placing a funding bid to further investigate the Railway option in the November 2010 bidding round, which if successful, would provide funding in the 2011 / 2012 financial year. However, Mr Freestone has also indicated proposals of this nature are considered and prioritised on a state-wide basis and that this Project is not considered likely to rank high enough to obtain funding at this stage. It is felt that the Aurecon study findings have indicated that a heavy vehicle deviation of Rutherglen that would also serve as an arterial road bypass is unlikely to be achieved in the short to medium term.

Vic Roads recommends that Council further consider a heavy vehicle deviation on local roads (either on existing roads or a new road) as being the most viable option for removal of trucks from Main Street in the short term. Vic Roads will continue to assist Council to find and implement appropriate short to mid-term solutions prior to any funding for a more detailed study of the recommended route being obtained.

**RUTHERGLEN COMMUNITY REFERENCE GROUP POSITION**

The Rutherglen Heavy Vehicle Deviation Community Reference Group was formed to consider submissions arising from the work of the Rutherglen Focus Group and to review alternatives. The Reference Group met on some 14 occasions over an 18 month period to provide its recommendations to Council. Community Reference Group members were;

- |         |          |
|---------|----------|
| Arthur  | Jones    |
| Malcolm | Campbell |
| Dale    | Bridge   |
| Ashley  | Fraser   |
| Damien  | Adams    |
| Danny   | Glasgow  |
| Doug    | Hyslop   |
| Glenda  | Mackay   |
| Ian     | Lobban   |
| Mary    | Dunn     |
| Philip  | Trimble  |
| Greg    | Duncan   |

Cr Vic	Issell
Cr Barb	Murdoch
Tony	Plowman (Chairman)
Phil	Prior (Indigo Shire)

Ted Shanks	resigned January 2009
Michael Ham	VicRoads
Bruce Davis	VicRoads

The Community Reference Group meetings included discussions with representatives from Main Street Traders, representatives from the Parkins Road route, Graham Freestone (VicRoads Regional Director), Mr Ken Jasper MP and representatives of the transport industry.

The final task for the Community Reference Group was to provide comment on the Aurecon Study and at the Community Reference Group meeting held on 23 February 2010 the following motion was put and unanimously carried by all eligible voters present;

*The Community Reference Group having received and considered the Aurecon Report and while recognising the community's wish to see the route out of the Township endorse the reports recommendations that the railway corridor be considered the route most appropriate and achievable to best remove heavy vehicle traffic from the main street of Rutherglen.*

Note that the following Community Reference Group members were apologies at this meeting;

- Danny Glasgow
- Damien Adams
- Ian Lobban
- Michael Ham (VicRoads)

#### THE RUTHERGLEN COMMUNITY POSITION

The Rutherglen community has taken an active interest as this project has developed, in particular those residents who live or own property in close proximity to one of the routes under investigation. Council has previously been provided with copies of submissions received up until the commencement of the Aurecon study. Further submissions received since this time are attached as confidential documents. Submissions received have generally been of a high standard, well researched and providing factual information which has been of great benefit.

The vast majority of submissions highlight the negatives of a particular route; to take the arguments to their intended conclusion would be to eliminate all routes. The validity of the issues raised is acknowledged, however the counter position is that all shortlisted routes, and in particular the preferred Railway option, provide a far better broader community outcome than leaving heavy vehicles in Main St.

THE AURECON STUDY

The Aurecon Study has looked at four ranking criteria to arrive at the preferred option;

Transport - will the considered route remove heavy vehicles from Main Street, Rutherglen?

Environmental –the impact on built and natural environment

Social –the impact on people

Economic – the cost of the project and likelihood of achieving funding for construction

It is clear from the Study that the inner or shorter routes are favoured from an economic perspective. The VicRoads comments highlight the fact that this Project does not meet normal VicRoads funding criteria as the measurable benefits do not even come close to the measurable costs. Clearly the more expensive options fare considerably worse on this measure and are unlikely to be funded in the foreseeable future - if ever. Further work needs to be completed to ascertain the more intangible benefits eg. economic development, community wellbeing and growth to make the Project more attractive to likely funding providers. Clearly, from the comments of VicRoads the cost of all routes is well outside existing VicRoads' guidelines for potential funding, however as traffic grows and the town develops and the economic and social benefits of a heavy vehicle deviation can be better modelled then the probability of funding will improve. The probability of achieving funding for a lower cost option (i.e. Railway) is obviously significantly higher than a very high cost outer option (i.e. Parkins).

The outer routes are favoured from a social perspective as in general they do not immediately impact on the body of town residents, however it has become apparent throughout the various studies, and particularly in light of the Aurecon revised alignments, that many rural properties will be impacted by the outer routes. This would have a major impact on residents businesses (including property severance), resident's well- being and future aspirations.

The Herrins route provides an option fringing the major urban areas of town but does isolate some rural residential areas and fringe others and impacts on industrial land and viticultural assets. The use of the Herrins corridor is not consistent with current land low density residential land zonings which were implemented in 1994. This route may have been an excellent option some years ago, however the level of development along this corridor now makes it unattractive from a social impact perspective.

The outer routes, being longer and traversing a more natural environment, have a greater environmental impact generally than the inner routes. Further detail assessment is required however, the Aurecon findings that the environmental implications on the lowest scoring route in this category, the Parkins route, could be minimised and mitigated with careful design. On this basis, environmental considerations would appear to not preclude any of the shortlisted routes proceeding.

The southern routes ie. the Herrins and Parkins options and the Railway route provide linkages for all arterial roads and consequently are favoured from a transport perspective. The Kilborn route provides a significant and expensive detour for vehicles and would encourage road users to seek alternative shorter routes through town. For this reason the Kilborn route should no longer be considered as a viable option.

KEY IMPLICATIONS

- Risk Management – the Rutherglen community has for many years been fearful of a major traffic incident in Main Street. This threat increases with time as traffic volumes increase and it is timely for Council to pursue a solution.
- The stated Vic Roads position of advising Council to seek a local road solution is not considered a favourable alternative for Council. The implications for Council if this solution was achieved are that Council would be taking on responsibility for line haul heavy vehicle traffic on its local road network and the resultant costs and management issues. It must also be remembered that both Community groups and Aurecon have discounted the currently available local road network as viable heavy vehicle arterial road options generally for social reasons- the same valid reasons would apply in considering these options as a local road heavy vehicle alternative. If the Railway option were to be considered as a potential local road solution then part of that consideration must be for a longer term solution of having VicRoads take responsibility for through traffic by upgrading the Railway option to an arterial road.
- Legislative – Main Street, Rutherglen forms part of the arterial road network with VicRoads responsible for through traffic. Council has been driving this Project to date with support from VicRoads. To further progress this Project requires more direct input from VicRoads with VicRoads providing the leadership to finalise an appropriate heavy vehicle deviation route.
- Environmental – the existing traffic loads and in particular the heavy vehicle loads in Main Street, create an unpleasant and unattractive streetscape. The relocation of heavy vehicles will have implications on any new route, however this would be considerably less than their impact on Main Street.
- At this stage both VicTrack and the Department of Transport have considered the Railway option favourably and confirmed that while they want to keep the Railway corridor available for possible future rail services they believe the corridor can accommodate both rail and road services and have approved proceeding with further detail assessment. This assessment can be undertaken as a conceptual design and planning study which could be completed within 12 months of VicRoads and Council providing the necessary funding. This study would then definitively confirm the suitability of the Railway option (or not) and consequently enable Council and VicRoads to advise Rutherglen residents of the future needs along other shortlisted routes.

FINANCIAL IMPLICATIONS

The Aurecon Study was jointly funded by Council and VicRoads and is now completed. No further funding is allocated in Council’s budget for the coming year with the expectation that the necessary detailed assessment would be funded by VicRoads. If Council proceeds with supporting the conceptual design along the Railway option then a contribution from Council towards this study would make it far more likely that VicRoads would financially support the study

POLICY IMPLICATIONS

The finding of a heavy vehicle deviation to Main Street, Rutherglen forms part of Council’s Community Plan.

### CONCLUSION

The Aurecon Study pulls together four years of community and consultant work to arrive at the conclusion that the Railway Reserve is the most appropriate solution to removing heavy vehicles from Main Street, Rutherglen.

The Railway route was also shortlisted by both the Rutherglen Focus Group and Rutherglen Community Reference Group. The Rutherglen Community has, in some quarters, expressed concern at utilising the Railway Reserve option. Council must heed community feeling, however it must ultimately look at which options are viable and likely to be constructed if the project is to ever proceed.

The Study findings clearly point to the Railway Reserve as achieving the principal goal of removing heavy vehicles from Main Street, Rutherglen.

Confidential Attachments:  
CD - Public Submissions dating back to the inception of the Aurecon study  
Hard Copy - Aurecon Final Report

**13.0 GOVERNANCE**

**13.1 DRAFT COUNCIL PLAN**

**File No: Brendan McGrath – Chief Executive Officer**

**For Decision**

**RECOMMENDATION**

**That:**

- 1. Council adopt the Draft Indigo Shire Council Plan 2010/2013 as attached to this report,**
- 2. The plan be made available for public comment; and**
- 3. Any submissions received will be considered and accommodated within the final Indigo Shire Council Plan 2010/2013 as determined by Council.**

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

**That:**

- 1. Council adopt the Draft Indigo Shire Council Plan 2010/2013 as amended,**
- 2. The plan be made available for public comment; and**
- 3. Any submissions received will be considered and accommodated within the final Indigo Shire Council Plan 2010/2013 as determined by Council.**

**Unanimously Carried**

**INTRODUCTION**

Section 125 and 126 of the Local Government Act requires that the Council must annually review its Council Plan and Strategic Resource Plan and submit it for approval to the Minister by 30<sup>th</sup> June each year.

**BACKGROUND**

Following the elections in November 2008, the Indigo Shire Council embarked on an extensive process of community consultation that underpinned the development of a new Council Plan.

Consultation involved approximately 1400 people through round table discussions and community surveys. The results were used to develop the key strategic objectives, strategies, goals and actions contained within the Council Plan.

A follow up survey has been done and just under 300 responses have now been received. A summary of this survey is attached to this report.

### FINANCIAL IMPLICATIONS

There are no financial implications associated with the review of the Council Plan. Costs for the conduct of the annual survey and for the printing of the plan are contained within the 2009/21010 budget.

### POLICY IMPLICATIONS

The review of the plan is consistent with section 125 and 126 of the Local Government Act.

### CONCLUSION

Given the extent of work that went into the production of this Council Plan and the community consultation, the revised draft is only a relatively minor review of what is considered to be a current document reflecting the Council's goals and objectives and the community's aspirations as outlined in the consultation.

Attachments:  
Summary – Customer Satisfaction Survey  
Draft Council Plan  
Statement of Financial Performance

**13.2 FUNDING REQUEST - RUTHERGLEN 150 YEAR ANNIVERSARY OF THE DISCOVERY OF GOLD**

File No.: Brendan McGrath – Chief Executive Officer

For Decision

**RECOMMENDATION**

That Council determine whether or not they wish to approve all or part of the request for \$2,000.00 through the Mayor & Councillor Discretionary Fund and refer their request for \$50,000 to the 2010/2011 Budget process.

Moved: Cr Issell  
 Seconded: Cr Croucher

That Council approve all or part of the request for \$2,000.00 through the Mayor & Councillor Discretionary Fund and refer their request for \$50,000 to the 2010/2011 Budget process.

**Unanimously Carried**

Moved: Cr Goldsworthy  
 Seconded: Cr Murdoch

That Council approve funding of \$1,000.00 through the Mayor & Councillor Discretionary Fund and refer their request for \$50,000 to the 2010/2011 Budget process.

**Lost**

<b>For:</b>	<b>Against:</b>
Cr Murdoch	Cr Issell
Cr Goldsworthy	Cr Gaffney
	Cr Pockley
	Cr Croucher

**Moved: Cr Issell  
Seconded: Cr Goldsworthy**

**That Council approve funding of \$1,000.00 through the Mayor & Councillor Discretionary Fund.**

**The motion was lost on the casting vote of the Mayor**

<b>For:</b>	<b>Against:</b>
<b>Cr Murdoch</b>	<b>Cr Pockley</b>
<b>Cr Goldsworthy</b>	<b>Cr Croucher</b>
<b>Cr Issell</b>	<b>Cr Gaffney</b>

**INTRODUCTION**

Correspondence has been received from the Committee of the Rutherglen 150<sup>th</sup> Gold Anniversary Committee, requesting two levels of funding for the event, which finishes in September 2010.

**BACKGROUND**

Correspondence was received earlier this year from the Committee requesting two forms of funding:

- a) A \$2,000.00 contribution to assist with the establishment of the committee and the event; and
- b) An allocation of \$50,000.00 in the 2010/2011 budget for the event.

Council Officers wrote back to the Committee acknowledging that their request for \$50,000.00 would be referred for consideration as part of the 2010/2011 budget process and suggested that in relation to the \$2,000 application, an application to either the Community Grants or Festival and Events Programs would be appropriate.

Officers consider that both of those two grant programs are more appropriate for this request than the Mayor & Councillors Discretionary Fund. We also suggested in that correspondence that discussions could be had with Department of Planning and Community Development and Regional Development Victoria and that we would be happy to assist them to do so. The Committee has since come back requesting that the Council formally consider their request for \$2,000.00 through the Mayor & Councillor Discretionary Fund as originally requested.

**FINANCIAL IMPLICATIONS**

The 2009/2010 Budget contains funding for the Mayor & Councillors Discretionary Fund. To date \$5,245 has been allocated. Funds are available should the Council wish to support this initiative.

**POLICY IMPLICATIONS**

There are no policy implications.

CONCLUSION

The request for \$50,000.00 should be treated as a submission to the 2010/2011 budget process and Council should determine whether they support the request for \$2,000.00 from the Mayor & Councillor Discretionary Fund.

Attachment:  
Letter

**13.3 COUNCIL ADVISORY COMMITTEES REPORT**

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

**For Decision**

**RECOMMENDATION**

**That:**

1. **The following Advisory Committee minutes be received and noted by Council.**

<b>Committee</b>	<b>Date of Meeting</b>
Indigo Tourism Advisory Committee	Nil
Indigo Environmental Advisory Committee	Nil
Heritage Advisory Committee	18 February 2010
Arts & Cultural Advisory Committee	Nil
Disability Advisory Committee	15 March 2010
Finance Committee	4 March 2010
Audit Committee	Nil

2. **That the following Advisory Committee resolutions be received and noted by Council:**

**Heritage Advisory Committee**

18/02/10 – An extensive discussion re signage guidelines took place - corporate branding, uppercase/lowercase and fonts, the signage booklet, non compliance of signage and DK (Heritage Advisor) took members through the process pre Indigo Shire Council Signage Guideline Policy to the current situation in the Indigo Planning Scheme. From this discussion a motion was put forward:

**Anna Robbins/Susan Reynolds Moved: That Indigo Shire Heritage Advisory Committee supports the current Signage Guideline policy in the Indigo Shire Planning Scheme and recommends that Council continue to support this.**

**Motion carried unanimously.**

**Officers Comment:**

It should be noted that this policy forms part of the Indigo Shire Council Planning Scheme and will be the topic of an upcoming briefing discussion by Council shortly.

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

1. The following Advisory Committee minutes be received and noted by Council.

<b>Committee</b>	<b>Date of Meeting</b>
Indigo Tourism Advisory Committee	Nil
Indigo Environmental Advisory Committee	Nil
Heritage Advisory Committee	18 February 2010
Arts & Cultural Advisory Committee	Nil
Disability Advisory Committee	15 March 2010
Finance Committee	4 March 2010
Audit Committee	Nil

2. That the following Advisory Committee resolutions be received and noted by Council:

**Heritage Advisory Committee**

18/02/10 – An extensive discussion re signage guidelines took place - corporate branding, uppercase/lowercase and fonts, the signage booklet, non compliance of signage and DK (Heritage Advisor) took members through the process pre Indigo Shire Council Signage Guideline Policy to the current situation in the Indigo Planning Scheme. From this discussion a motion was put forward:

**Anna Robbins/Susan Reynolds Moved: That Indigo Shire Heritage Advisory Committee supports the current Signage Guideline policy in the Indigo Shire Planning Scheme and recommends that Council continue to support this.**

**Motion carried unanimously.**

**Officers Comment:**

It should be noted that this policy forms part of the Indigo Shire Council Planning Scheme and will be the topic of an upcoming briefing discussion by Council shortly.

**Unanimously Carried**

INTRODUCTION

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

BACKGROUND

Please refer to the appended minutes.

KEY IMPLICATIONS

Not applicable.

FINANCIAL IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

Not applicable.

CONCLUSION

Not applicable.

Attachments:  
Heritage Advisory Committee Minutes – 18 February 2010  
Disability Advisory Committee Minutes – 15 March 2010  
Finance Committee Minutes – 4 March 2010

**14.0 NOTICES OF MOTION**

**14.1 COMMERCIAL/INDUSTRIAL RATE DEFINITION**

**TAKE NOTICE that at a meeting of Council to be held on 13/04/2010 I intend to move the following motion:**

That:

1. The definition of ‘Commercial / Industrial Rate’ is recorded in the Rating Strategy as being applicable to:
2. All rateable land, buildings and capital improvements that are situated in a Business or Industrial zone, unless it can be shown or it is known that the property is used solely for the purposes consistent with that of a residential dwelling; or
3. Any commercial, manufacturing, administrative, service industry or retail business, that produces or provides goods or services where the predominant activity is income generation and the land is situated in a Mixed Use, Township or Residential zone.

**Moved: Cr Goldsworthy  
Seconded: Cr Issell**

**The definition of ‘Commercial / Industrial Rate’ is recorded in the Rating Strategy as being applicable to:**

- a) **All rateable land, buildings and capital improvements that are situated in a Business or Industrial zone, unless it can be shown or it is known that the property is used solely for the purposes consistent with that of a residential dwelling; or**
- b) **Any commercial, manufacturing, administrative, service industry or retail business, that produces or provides goods or services where the predominate activity is income generation and the land is situated in a Mixed Use, Township or Residential zone.**

**Lost**

<b>For:</b>	<b>Against:</b>
<b>Cr Goldsworthy</b>	<b>Cr Croucher</b>
	<b>Cr Murdoch</b>
	<b>Cr Issell</b>
	<b>Cr Pockley</b>
	<b>Cr Gaffney</b>

**Explanatory comment (if required):**

For the certainty of those rate payers that attract the Commercial / Industrial Rate and those staff that have to administer this policy, this definition provides a more confident way of determining if a business or land and buildings are appropriately classified. The definition that has been included in the Draft Rating Strategy states;

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“That they are rateable land and that they are used predominately for the purposes of income generation through the carrying on of a business, administrative, commercial or industrial activity that is not farming (agricultural production). This may include Residential 2 ( Home Industry) type properties that have in excess of five bedrooms.”

The suggested alteration allows the property to be classified due to its zoning which will capture most properties suitable for this differential. In addition it does require staff to determine how many rooms a particular endeavour has to classify it.

.....  
**Cr Larry Goldsworthy**

...../...../.....

**Officers Comments:**

- 1. No real changes to the administration of this differential other than transferring the majority of current Residential 2 (Home Industry) to the Commercial / Industrial differential.
- 2. Per Senior Revenue Officer – linking differential to zoning leads to much clearer definition.
- 3. Existing definition of Commercial / Industrial poorly worded – above definitions per notice of motion would assist to clarify and improve.
- 4. Part (b) of notice of motion – captures any potential commercial operations located within a residential zone.

**14.2 ELECTRONIC GAMBLING RATE**

**TAKE NOTICE** that at a meeting of Council to be held on 13/04/2010 I intend to move the following motion:

That:

1. A rate differential category be created titled 'Electronic Gambling Rate' and that it applies to any premises where electronic gambling, that uses machines that are commonly referred to as 'poker machines', are operating or have a permit to operate.
2. That the rate differently is set at the maximum level allowable, which, if the Rating Strategy is adopted in it's present form, will be four (4) times the lowest rate of 74% (Rural 1) and decreasing over the next 9 years to 65%. The net result being a rate differently for this year of 296% reducing to 260% by 2020.

**Moved: Cr Goldsworthy  
Seconded: Cr Issell**

**That:**

1. **A rate differential category be created titled 'Electronic Gambling Rate' and that it applies to any premises where electronic gambling, that uses machines that are commonly referred to as 'poker machines', are operating or have a permit to operate.**
2. **That the rate differently is set at the maximum level allowable.**

**Unanimously Carried**

**Moved: Cr Goldsworthy  
Seconded: Cr Issell**

**That:**

1. **A rate differential category be created titled 'Electronic Gambling Rate' and that it applies to any premises where electronic gambling, that uses machines that are commonly referred to as 'poker machines', are operating or have a permit to operate.**
2. **That the rate differential is set at the maximum level allowable.**

**Lost**

<b>For:</b>	<b>Against:</b>
<b>Cr Goldsworthy</b>	<b>Cr Gaffney</b>
<b>Cr Issell</b>	<b>Cr Pockley</b>
	<b>Cr Croucher</b>
	<b>Cr Murdoch</b>

**Explanatory comment (if required):**

Poker Machines have been shown to be addictive to a small percentage of the population where they are unable to control their habit, ultimately proving to cause financial ruin to individuals. The community has long voiced it's opposition to 'Poker Machines' ever being introduced into the Indigo Shire. This rate differential sends a clear message to any business enterprise that may ever be successful in gaining a permit to have poker machines that their rating contribution will be at the maximum and go towards the efforts of the Indigo Shire in remaining a 'Pokies free' Shire and assisting in dealing with the aftermath.

.....  
**Cr Larry Goldsworthy**

...../...../.....

**Officers Comments:**

A proposed 'electronic gambling rate' would be a differential rate. A differential rate needs to comply with the LGA89. LGA89 extracts below. There is a clear need to make a case that the use of a differential contributes to the equitable and efficient carrying out of its (Council) functions, and that the objectives of the differential are consistent with the equitable and efficient carrying out of the Council functions.

161. Differential rates

- (1) A Council may raise any general rates by the application of a differential rate if—
  - (a) it uses the capital improved value system of valuing land; and
  - (b) it considers that the differential rate will contribute to the equitable and efficient carrying out of its functions.
- (2) If a Council declares a differential rate for any land, the Council must—
  - (a) specify the objectives of the differential rate which must be consistent with the equitable and efficient carrying out of the Council’s functions and must include the following—
    - (i) a definition of the types or classes of land which are subject to the rate and a statement of the reasons for the use and level of that rate in relation to those types or classes of land;
    - (ii) an identification of the types or classes of land which are subject to the rate in respect of the uses, geographic location (other than location on the basis of whether or not the land is within a specific ward in the Council’s municipal district) and planning scheme zoning of the land and the types of buildings situated on it and any other criteria relevant to the rate;
    - (iii) if there has been a change in the valuation system, any provision for relief from a rate for certain land to ease the transition for that land; and
  - (b) specify the characteristics of the land which are the criteria for declaring the differential rate.
  - (b) the objectives of the differential rate and the criteria on the basis of which that rate was declared;
  - (c) the rate and amount of rates payable in relation to land in each category of differential rating and what proportion of the total rates and charges this represents;
  - (d) any other information which the Council considers it necessary to make available.
- (5) The highest differential rate in a municipal district must be no more than 4 times the lowest differential rate in the municipal district.

There is a need to be very clear in defining the rate base intended to be rated ‘electronic gambling rate’ above. I.e. restricted to ‘poker machines’ type electronic gambling only, and would apply whether machines are operating or permit exists to operate.

Council needs to be satisfied that the various requirements or elements in 1 and 2 above are satisfied.

No legal opinion has been sought re above notice of motion intent.

**14.3 ENVIRONMENTAL SPECIAL CHARGE**

**TAKE NOTICE that at a meeting of Council to be held on 13/04/2010 I intend to move the following motion:**

That:

1. An Environmental Special Rate is included in the Indigo Shire Rating Strategy as per section 163 of the Local Government Act, 1989.
2. The Special Rate is to be used to pay for environmental programs and initiatives within the Indigo Shire, they include, but are not limited to:
3. Weed removal and destruction along creeks, roadways and other council controlled land;
4. Tree planting and maintenance programs;
5. Land and watercourse preservation;
6. Any other action required to restore and enhance remnant vegetation and habitat;
7. The replacement of street lighting lamps with low energy use alternatives;
8. The purchase of any product, land or goods to most effectively respond to any carbon off set or similar scheme that the Federal or State Government may introduce.
9. To fund the implementation of any action items as identified in the Indigo Shire Council Environment Strategy.
10. The Special Rate is to be set at \$20 per rateable property per financial year.

**Moved: Cr Goldsworthy  
Seconded: Cr Issell**

**That:**

1. **An Environmental Special Charge is included in the Indigo Shire Rating Strategy as per section 163 of the Local Government Act, 1989.**
2. **The Special Charge is to be used to pay for environmental programs and initiatives within the Indigo Shire, they include, but are not limited to:**
3. **Weed removal and destruction along creeks, roadways and other council controlled land;**
4. **Tree planting and maintenance programs;**
5. **Land and watercourse preservation;**
6. **Any other action required to restore and enhance remnant vegetation and habitat;**
7. **The replacement of street lighting lamps with low energy use alternatives;**
8. **The purchase of any product, land or goods to most effectively respond to any carbon off set or similar scheme that the Federal or State Government may introduce.**
9. **To fund the implementation of any action items as identified in the Indigo Shire Council Environment Strategy.**
10. **The Special Charge is to be set at \$20 per rateable property per financial year.**

**Unanimously Carried**

**Moved: Cr Goldsworthy  
Seconded: Cr Issell**

**That:**

- 1. An Environmental Special Charge is included in the Indigo Shire Rating Strategy as per section 163 of the Local Government Act, 1989.**
- 2. The Special Charge is to be used to pay for environmental programs and initiatives within the Indigo Shire, they include, but are not limited to:**
- 3. Weed removal and destruction along creeks, roadways and other council controlled land;**
- 4. Tree planting and maintenance programs;**
- 5. Land and watercourse preservation;**
- 6. Any other action required to restore and enhance remnant vegetation and habitat;**
- 7. The replacement of street lighting lamps with low energy use alternatives;**
- 8. The purchase of any product, land or goods to most effectively respond to any carbon off set or similar scheme that the Federal or State Government may introduce.**
- 9. To fund the implementation of any action items as identified in the Indigo Shire Council Environment Strategy.**
- 10. The Special Charge is to be set at \$20 per rateable property per financial year.**

**Lost**

<b>For:</b>	<b>Against:</b>
<b>Cr Goldsworthy</b>	<b>Cr Murdoch</b>
<b>Cr Croucher</b>	<b>Cr Issell</b>
	<b>Cr Gaffney</b>
	<b>Cr Pockley</b>

**Explanatory comment (if required):**

Our mission statement is 'a great place to live, work and visit,' our Council Plan talks about protecting and enhancing the natural environment. We have an Environmental Strategy that has a number of actions that are directly related to protecting and enhancing the environment in which we live. The Council Plan talks of the weed control program, the green house action plan and sustainability. By introducing an Environmental Special Rate we will be securing funds from the community that are quarantined specifically for the task of looking after the environment. We have the vision, now we need the financial commitment to make it happen.

.....  
**Cr Larry Goldsworthy**

...../...../.....

**Officers Comments:**

A flat \$20 per property – this is more akin to a service charge pursuant to the S162 of the LGA89. A rate would be a rate in the \$ applied against a property valuation versus a flat amount per rateable property.

If the intent is that a special rate be instigated under S163 of the LGA89, particular attention would be required to ensure the regulatory provisions contained in S163 – 166 are satisfied. This can be a very complex rating 'vehicle' if poorly instigated. It can also be argued that a special rate applies to a restricted section of the rate base where Council considers that the performance of the function or the exercise of the power is or will be of special benefit to the persons required to pay the special rate or special charge. If the benefit is to all properties within the Shire, a general rate or a well detailed and defined differential rate may be a better avenue to proceed.

**162. Service rate and service charge**

(1) A Council may declare a service rate or an annual service charge or any combination of such a rate and charge for any of the following services—

- (a) the provision of a water supply;
- (b) the collection and disposal of refuse;
- (c) the provision of sewage services;
- (d) any other prescribed service.

(2) A service rate or service charge may be declared on the basis of any criteria specified by the Council in the rate or charge.

**163. Special rate and special charge (part only)**

(1) A Council may declare a special rate, a special charge or a combination of both only for the purposes of—

- (a) defraying any expenses; or
- (b) repaying (with interest) any advance made to or debt incurred or loan raised by the Council—

in relation to the performance of a function or the exercise of a power of the Council, if the Council considers that the performance of the function or the exercise of the power is or will be of special benefit to the persons required to pay the special rate or special charge.

#### **14.4 RESIDENTIAL 2 (HOME INDUSTRY) RATE**

**TAKE NOTICE that at a meeting of Council to be held on 13/04/2010 I intend to move the following motion:**

That:

1. The 'Residential 2 (Home Industry) Rate' be removed from the Indigo Shire Rating Strategy;
2. A new rating differential be included in the Rating Strategy titled 'Tourism Industry Rate and be applied at a 135% differential to the General rate;
3. The Tourism Industry Rate is to apply to all businesses or individuals that do not already incur a Commercial or Industrial rate or would otherwise be classified as Commercial or Industrial; and
4. Derive income by providing goods or services that may directly benefit from the Council's tourism and promotional services, this will include, but is not limited to:
  - a) all short term accommodation providers, including motels, 'bed and breakfasts,' overnight or weekly room rentals, farm stays, camps, caravan parks or any other accommodation business of a similar nature; or
  - b) any venue licensed to sell alcohol for consumption either on or off the premises through a retail sales outlet; or
  - c) retail or service outlets that benefit from passing trade from tourists.
5. The Tourism Industry Rate will not be charged if the affected business or individual can demonstrate to Council that they do not sell alcohol and;
  - a) would otherwise be classified as a farming, primary producing or agricultural operation by the Australian Tax Office or are assessed as a Rural 1 rate payer; or
  - b) derived a combined taxable income that was less than \$50,000 in the previous financial year, this includes:
    - i. from the sales of their goods or services;
    - ii. any taxable income derived from other sources, like wages, interest or dividends.
  - c) With regard to sub-section (b) if the property is not in the name of an individual person the determination of taxable income includes the taxable income of:
    - i. any other person in joint ownership; or
    - ii. all of the directors of any company that owns the property; or
    - iii. the beneficiaries of any trust that owns the property.
6. Any property that is only included in the Tourism Industry Rate, by virtue that alcohol is sold, will have the effects of this rate only imposed on the Capital Improved Value of the buildings, land, car parking and other capital improvements that are directly used to manufacture and sell the alcohol. It will not include the land or buildings that are used to grow the raw ingredients or any other residual capital improvement like the occupant's housing or machinery sheds, this will all be rated at the differently that would have ordinarily applied to the property.

Cr Murdoch departed the meeting at 4.43pm.

**Moved: Cr Goldsworthy  
Seconded: Cr Issell**

**That:**

- 2. The 'Residential 2 (Home Industry) Rate' be removed from the Indigo Shire Rating Strategy;**
- 3. A new rating differential be included in the Rating Strategy titled 'Tourism Industry Rate and be applied at a 135% differential to the General rate;**
- 4. The Tourism Industry Rate is to apply to all businesses or individuals that do not already incur a Commercial or Industrial rate or would otherwise be classified as Commercial or Industrial; and**
- 5. Derive income by providing goods or services that may directly benefit from the Council's tourism and promotional services, this will include, but is not limited to;**
  - a) all short term accommodation providers, including motels, 'bed and breakfasts,' overnight or weekly room rentals, farm stays, camps, caravan parks or any other accommodation business of a similar nature; or**
  - b) any venue licensed to sell alcohol for consumption either on or off the premises through a retail sales outlet; or**
  - c) retail or service outlets that benefit from passing trade from tourists.**
- 6. The Tourism Industry Rate will not be charged if the affected business or individual can demonstrate to Council that they do not sell alcohol and;**
  - a) would otherwise be classified as a farming, primary producing or agricultural operation by the Australian Tax Office or are assessed as a Rural 1 rate payer; or**
  - b) derived a combined taxable income that was less than \$50,000 in the previous financial year, this includes;**
    - i. from the sales of their goods or services;**
    - ii. any taxable income derived from other sources, like wages, interest or dividends.**
  - c) With regard to sub-section (b) if the property is not in the name of an individual person the determination of taxable income includes the taxable income of:**
    - i. any other person in joint ownership; or**
    - ii. all of the directors of any company that owns the property; or**
    - iii. the beneficiaries of any trust that owns the property.**
- 7. Any property that is only included in the Tourism Industry Rate, by virtue that alcohol is sold, will have the effects of this rate only imposed on the Capital Improved Value of the buildings, land, car parking and other capital improvements that are directly used to manufacture and sell the alcohol. It will not include the land or buildings that are used to grow the raw ingredients or any other residual capital improvement like the occupant's housing or machinery sheds, this will all be rated at the differently that would have ordinarily applied to the property.**

	<b>Lost</b>
<b>For:</b>	<b>Against:</b>
<b>Cr Goldsworthy</b>	<b>Cr Gaffney</b>
	<b>Cr Pockley</b>
	<b>Cr Croucher</b>
	<b>Cr Isell</b>

**Explanatory comment (if required):**

The Residential 2 Home Industry Rate differential attracted considerable criticism in the last budget when some 50 additional properties were appropriately re-classified into this category. Much of the criticism focused on the inequity of the classification and how it was applied. As part of a thorough review of the entire rating rationale a draft document was put out to the community for comment. That document had excluded the Residential 2, Home Industry Rate as it was basically too difficult to administer in its present form. As such there was little feed back on the issue for those that had previously been aggrieved by its inclusion faced a rate reduction of 35% and were no doubt glad to see it go. Had they known that would again change I've little doubt more would have been said about it.

At the Councillor workshop on the Rating Strategy on Wednesday the 1<sup>st</sup> of April a majority of the 5 Councillors present, choose to reinstate the Residential 2, Home industry classification, without further clarifying how it would work better or be more equitably applied from an administrative prospective.

From the outset I believe that for the businesses that are beneficiaries of the Tourism Industry there is just cause for a higher rate differential, particularly when you look at the 2009 Indigo Shire Annual Report on page 114. The Tourism and Economic Development Unit had net costs of about \$1,038,000 to operate for the last financial year, which was about double the cost from the previous year.

The Council Plan quotes figures that the Manufacturing Industry employs the most people who live in the shire, though not necessarily employed in the shire, at 1055. The Retail Industry employs around 703 people, with tourism not getting directly mentioned in the top 4 industries.

This financial years entire budgeted rate revenue from the Commercial / Industrial sector was \$496,720 and from Residential 2 at \$126,484, making a total of \$623 204. If you break down the figures and remove the General rate component that would have been collected regardless of the differential, it works out to an additional contribution around \$161,571. So while the shire has an entire unit set up to support predominately Tourism and some Economic Development at a cost of more than a million dollars it barely extracts 15% of this from the rate differently charged to the financial beneficiaries. The shire does not go to anywhere near the same extent with the 3 industries that each employ more people in the shire. There is hugh scope for the Tourism industry to pay its way.

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The difficulty is not the justification for the differential but the administration and execution of it.

The proposed Tourism Industry Rate picks up on the justifications that are evident for the Residential 2 rate, but sets far more defined parameters for when the differential is to be applied. It will include the wineries that have a cellar door outlet and rates them appropriately, but excludes farm gate sales and other small time businesses that have less capacity to pay.

.....  
**Cr Larry Goldsworthy**

...../...../.....

**Officers Comments:**

1. Per Senior Revenue Officer – advantages if we can link ‘directly’ to benefiting from Council spending on tourism.
2. Will be a need to make clear who the ‘directly benefit’ class is and who will be rated as such.
3. There are possible issues over administration of various components of the notice of motion. Taxation returns, Director Declarations. Exemption arrangements and supporting documentation. Not insurmountable, but there will be issues that will need to be addressed. ‘Licensed to sell alcohol for consumption either on or off the premises through a retail sales outlet’ will need to be carefully worded / defined.
4. There are issues most likely around splitting of valuations. Further advice and detailed consideration may be required if we are to take this further.
5. Per Tourism Manager re explanatory comment provided:
6. As discussed, the statement within this item that “The Tourism and Economic Development Unit had net costs of about \$1,0,38,000 to operate for the last financial year, which was about double the cost from the previous year.” is misleading.

The real difference was an increase of 3.8%, or \$32,000. A grant of \$250,000 for the Rural Skills Connect Program in the Economic Development area has affected the figures, as that came in the 2008 year and was partially spent in 2009. If you take this into account, the 2008 net cost was \$826,000 and the 2009 net cost was \$858,000.

**14.5 RESIDENTIAL VACANT RATE**

**TAKE NOTICE** that at a meeting of Council to be held on 13/04/2010 I intend to move the following motion:

**That:**

**The 'Residential Vacant Rate' be removed from the Indigo Shire Rating Strategy.**

<p><b>Moved: Cr Goldsworthy</b>  <b>Seconded: Cr Issell</b></p> <p style="text-align: center;"><b>That the 'Residential Vacant Rate' be removed from the Indigo Shire Rating Strategy.</b></p> <p style="text-align: right;"><b>Lost</b></p>	
<b>For:</b>	<b>Against:</b>
<b>Cr Goldsworthy</b>	<b>Cr Gaffney</b>
<b>Cr Croucher</b>	<b>Cr Pockley</b>
	<b>Cr Murdoch</b>
	<b>Cr Issell</b>

Cr Murdoch returned to the meeting at 4.47pm.

**Explanatory comment (if required):**

The Residential Vacant Rate differential is justified in the Rating Strategy on the grounds that it provides encouragement for those land holders with a vacant block of land to develop it because they are penalised by having to pay a 200% premium on their rates. As our rating assessments are calculated on the Capital Improved Value this usually means the assessment will not be that dissimilar to the average general rate. The issue being is that as there is no building the owners may well not be drawing on Council services, in fact they may not even be living in the Indigo Shire. The justification is flawed for what person is going to spent \$200,000 to build a house just because their rates are an extra \$500 per year. The logic certainly escapes me.

If the Council really does care about openness and transparency why not call this rate for what it is and that is a money grab. There is no justification for it, neither on a capacity to pay or a benefit received argument.

.....  
**Cr Larry Goldsworthy**

...../...../.....

**Officers Comments:**

Nil.

#### 14.6 WATER SERVICE CHARGE

**TAKE NOTICE** that at a meeting of Council to be held on 13/04/2010 I intend to move the following motion:

That:

1. A Water Service Charge is included in the Indigo Shire Rating Strategy as per section 162 of the Local Government Act, 1989.
2. The Water Service Charge is to be used to pay for the supply of water, the provision, upgrading and maintenance of infrastructure as required to Lake Anderson, Lake King, Lake Sambell and the various water stand pipes that the Indigo Shire controls. The Water Service Rate can also be used to provide drinking fountains in our townships and for other water related projects that will assist the local environment or community in dealing with the effects of climate change.
3. The Water Service Charge is to be set at \$10 per rateable property per financial year.

**Moved: Cr Goldsworthy**

**Seconded: Cr Issell**

**That:**

1. **A Water Service Charge is included in the Indigo Shire Rating Strategy as per section 162 of the Local Government Act, 1989.**
2. **The Water Service Charge is to be used to pay for the supply of water, the provision, upgrading and maintenance of infrastructure as required to Lake Anderson, Lake King, Lake Sambell and the various water stand pipes that the Indigo Shire controls. The Water Service Charge can also be used to provide drinking fountains in our townships and for other water related projects that will assist the local environment or community in dealing with the effects of climate change.**
3. **The Water Service Charge is to be set at \$10 per rateable property per financial year.**

**Unanimously Carried**

**Moved: Cr Goldsworthy**  
**Seconded: Cr Issell**

**That:**

- 1. A Water Service Charge is included in the Indigo Shire Rating Strategy as per section 162 of the Local Government Act, 1989.**
- 2. The Water Service Charge is to be used to pay for the supply of water, the provision, upgrading and maintenance of infrastructure as required to Lake Anderson, Lake King, Lake Sambell and the various water stand pipes that the Indigo Shire controls. The Water Service Charge can also be used to provide drinking fountains in our townships and for other water related projects that will assist the local environment or community in dealing with the effects of climate change.**
- 3. The Water Service Charge is to be set at \$10 per rateable property per financial year.**

**Lost**

<b>For:</b>	<b>Against:</b>
<b>Cr Goldsworthy</b>	<b>Cr Murdoch</b>
	<b>Cr Gaffney</b>
	<b>Cr Pockley</b>
	<b>Cr Croucher</b>
	<b>Cr Issell</b>

**Explanatory comment (if required):**

The Indigo Shire has numerous water commitments where the community expects a certain level of service. We have seen over the last few years where 2 out of the 3 lakes under our control have run dry. During the summer months the lakes provide a focal point for community activities when they are full and add a measure of serenity and tranquillity that is important for our enjoyment of life. The water stand pipes are an equally important community asset that allows our more rural rate payers a measure of security of access to stock and domestic watering if required. In times of fire the lakes and stand pipes act as an emergency water source.

Anecdotally in Australia we consume more than 600 million litres of bottled water at an annual cost of 500 million dollars. The water that is provided to our towns is often at a better quality than that provided in a plastic bottle, at a fraction of the cost and environmental impact. The provision of fresh water from a drinking fountain is a basic service that is still just as appropriate today as it was when they were installed in the twentieth century.

Our mission statement is ‘a great place to live, work and visit,’ our Council Plan talks about implementing water conservation and reuse programs, Stormwater management and having drinking fountains in our communities.

By introducing a Water Service Rate we will be securing funds from the community that are quarantined specifically for water related projects. We have articulated the desire in our Council Plan, now we need provide the long term financial commitment to make it happen.

.....  
**Cr Larry Goldsworthy**

...../...../.....

**Officers Comments:**

1. The intent to place a flat \$10 charge per rateable property dictates a water service charge versus a rate. A rate would dictate a rate in \$ versus a charge being a flat amount per property.
2. Per Local Government Act 1989 should be no issues. The proposal is not the provision of a water supply, but provision of a service as specified.

162. Service rate and service charge

- (1) A Council may declare a service rate or an annual service charge or any combination of such a rate and charge for any of the following services—(a) the provision of a water supply;  
(b) the collection and disposal of refuse;  
(c) the provision of sewage services;  
(d) any other prescribed service.
- (2) A service rate or service charge may be declared on the basis of any criteria specified by the Council in the rate or charge.

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

**15.1 CR GAFFNEY - MAYOR**

DATE	TIME	FUNCTION/EVENT	LOCATION
March:			
1	9.00 am	Computer Launch St Joseph's Primary	Beechworth
	11.00 am	Meeting with Economic Development Officer	Beechworth
	2.00 pm	Rutherglen Wine Board Meeting	Rutherglen
2	1.30 pm	Meeting with State Library of Victoria & Police Museum	Beechworth
	4.00 pm	Council Briefing Meeting	Yackandandah
9	9.30 am	Meeting with CEO	Beechworth
	10.30 am	Launch of Ned Kelly Weekend Media Launch	Beechworth
	2.00 pm	Council Briefing Meeting	Yackandandah
	3.00 pm	Council Meeting	Yackandandah
	6.30 pm	Community Forum	Yackandandah
12	10.00 am	Kerferd Oration Meeting	La Trobe, Beechworth
	12.30 pm	Farewell Luncheon Susan Cheetham	Yackandandah
13	12.00 pm	Launch 150 <sup>th</sup> Anniversary of Discovery of Gold in Rutherglen	Rutherglen
15	10.00 am	Meeting with CEO	Beechworth
	7.00 pm	Rating Strategy Community Meeting	Tangambalanga
16	9.30 am	Meeting with Member for Murray Valley K Jasper	Rutherglen
	3.30 pm	Council Briefing Meeting	Yackandandah
17	10.00 am	Golden Horseshoes Festival Meeting	Beechworth
	7.00 pm	Rating Strategy Community Meeting	Rutherglen
18	7.00 pm	Rating Strategy Community Meeting	Beechworth
19	6.30 pm	Open Yackandandah Folk Festival	Yackandandah
20	7.00 pm	Judge Event Yackandandah Folk Festival	Yackandandah
21	10.00 am	Folk Festival & Community Market	Yackandandah
22	7.00 pm	Chair AGM Beechworth Neighbourhood Centre	Beechworth
23	4.00 pm	Council Briefing Meeting	Yackandandah
24	9.30 am	MAV Councillor Fundamentals – Finance	Benalla

## ORDINARY COUNCIL MEETING MINUTES – 13.04.10

	7.00 pm	MAV Maximising the Mayoralty Dinner	Melbourne
25	9.30 am	Maximising the Mayoralty Workshop	Melbourne
26	7.30 am	Business Breakfast	Yackandandah
	9.30 am	Indigo Tourism Advisory Committee Meeting	Chiltern
	1.00 pm	Meeting with Premier Brumby and Minister Allen	Wangaratta
29	9.30 am	Meeting with Mayor of Corowa	Corowa
	2.00 pm	Meeting with CEO	Beechworth
	3.30 pm	Meeting re Rutherglen Tourism	Beechworth
	5.30 pm	Farewell Damian Adams	Rutherglen
30	4.00 pm	Council Briefing Meeting	Yackandandah

**15.2 CR POCKLEY – DEPUTY MAYOR**

DATE	TIME	FUNCTION/EVENT	LOCATION
March:			
1	9.00 am	Media Training	Beechworth
2	4.00 pm	Council Briefing Meeting	Yackandandah
5	9.30 am	Meeting with constituent	
	3.15 pm	Presentation Student Badges	Yackandandah Primary School
6	6.00 pm	Yackandandah Cricket Club 150 <sup>th</sup> Anniversary	Yackandandah
9	2.00 pm	Council Briefing Meeting	Yackandandah
	3.00 pm	Council Meeting	Yackandandah
	7.00 pm	Community Forum	Yackandandah
10	9.00 am	Meeting with Tourism Manager and others	Yackandandah
12	All Day	Junior Council Young Leaders Forum	Melbourne
16	3.30 pm	Council Briefing Meeting	Yackandandah
17	7.00 pm	Rating Strategy Public Meeting	Rutherglen
18	10.00 am	Press launch Yackandandah Folk Festival	Yackandandah
23	4.00 pm	CEO Review	Yackandandah
24	9.30 am	MAV Councillor Fundamentals Finance	Benalla
	7.00 pm	Maximising the Mayoralty Dinner	Melbourne
25	9.30 am	Maximising the Mayoralty Workshop	Melbourne
26	7.30 am	Business Breakfast	Yackandandah
	9.30 am	Indigo Tourism Advisory Committee Meeting	Yackandandah
30	4.00 pm	Council Briefing Meeting	Yackandandah
31	8.00 am	Meeting with constituent	

**15.3 CR GRAHAM**

DATE	TIME	FUNCTION/EVENT	LOCATION
March:			
1	5.30 pm	Meeting 150 <sup>th</sup> Anniversary Discovery of Gold in Rutherglen	Rutherglen
2	4.00 pm	Council Briefing Meeting	Yackandandah
4	Full Day	AGM and QGM NevRWaste	Wangaratta
5	7.30 pm	Rutherglen & District Art Show	Memorial Hall, Rutherglen
6 / 7	Various	Tastes of Rutherglen	Various in Rutherglen
9	2.00 pm	Council Briefing Meeting	Yackandandah
	3.00 pm	Council Meeting	Yackandandah
11	11.00 am	Admin NevRWaste	Wangaratta
12	10.00 am	Meeting with community representatives	Wahgunyah
13 / 14	Various	Tastes of Rutherglen	Various in Rutherglen
13	12.00 pm	Launch 150 <sup>th</sup> Anniversary Discovery of Gold in Rutherglen	Wine Experience, Rutherglen
15	9.30 am	Meet with D Chambers	Rutherglen Office
17	7.00 pm	Rating Strategy Public Meeting	Rutherglen
18	11.00 am	Admin NevRWaste	Wangaratta
	12.00 pm	North East Road Safe Meeting	Wangaratta
	3.00 pm	Meeting re Racecourse Road Subdivision	Yackandandah
	7.30 pm	AGM Friends of Glenview	Indigo North Health, Rutherglen
19 / 20	Various	Yackandandah Folk Festival	Yackandandah
21	7.00 am	Legacy Golf Day	Rutherglen
22	3.00 pm	Road Safe Review, VicRoads	Benalla
23	4.00 pm	Council Meeting and Review	Yackandandah
24	9.30 am	MAV Councillor Fundamentals Finance	Benalla
26	7.00 am	Meeting with Minister Jennings	Melbourne
27	6.30 pm	Browns Plains Community Dinner	Browns Plains
29	10.00 am	Murray Darling Association Meeting	Albury

**ORDINARY COUNCIL MEETING MINUTES – 13.04.10**

	5.30 pm	Farewell Damien Adams	Wine Experience, Rutherglen
30	4.00 pm	Council Briefing Meeting	Yackandandah
31	12.00 pm	Farewell Lunch Kevin Hince, NevRWaste	Wangaratta

**15.4 CR CROUCHER**

DATE	TIME	FUNCTION/EVENT	LOCATION
March:			
2	4.00 pm	Council Briefing Meeting	The Shed, Yackandandah
3	10.00 am	UMRL Review	UMRL, Wodonga
4	12.30 pm	Rostrum Meeting	Albury
5	7.30 pm	150 <sup>th</sup> Anniversary Yackandandah Cricket Club	Yackandandah
9	10.30 am	Launch of Ned Kelly Weekend	Burke Museum, Beechworth
	2.00 pm	Ordinary Meeting of Council	Yackandandah
10	10.30 am	Early Years Working Group	Yackandandah
	8.00 pm	Coulston Park Management Meeting	Tangambalanga
12	Full Day	Young Leaders Forum	Melbourne
15	9.00 am	Presentation Student Representative Council Badges	Barnawartha Primary School
		Rate Strategy Meeting	Tangambalanga
16		Council Briefing Meeting	Yackandandah
18	12.30 pm	Rostrum Meeting	Albury
	3.00 pm	Indigo Heritage Advisory Meeting	Beechworth
	5.00 pm	Meeting with constituent	
	7.00 pm	Rate Strategy Meeting	Beechworth
19	1.00 pm	Youth Forum with Secondary Schools	Wangaratta
21		Yackandandah Folk Festival	Yackandandah
23	10.00 am	Upper Murray Regional Library Meeting	Wodonga
	4.00 pm	Briefing Meeting / Review	Yackandandah
24	9.30 am	MAV Councillor Fundamentals – Finance	Benalla
25	10.00 am	Finance Committee Meeting	Beechworth
	12.30 pm	Welcome to Shire (Fire Victims, Kilmore)	RSL Rooms, Beechworth
26	7.30 am	Big Breakfast	Yackandandah
	9.30 am	Indigo Tourism Advisory Committee	Chiltern
27		Thank you to CFA	Bruarong
30	4.00 pm	Council Briefing Meeting	Yackandandah
31	10.00 am	Upper Murray Regional Library, Review Report	Wodonga

## ORDINARY COUNCIL MEETING MINUTES – 13.04.10

### 15.5 CR GOLDSWORTHY

DATE	TIME	FUNCTION/EVENT	LOCATION
March:			
2	4.00 pm	Council Briefing Meeting	Yackandandah
3	3.00 pm	Fire Refuge Meeting OESC	Yackandandah
	5.30 pm	Municipal Emergency Management Planning Committee Meeting	Yackandandah
4	4.00 pm	Finance Committee Meeting	Beechworth
9	2.00 pm	Council Briefing Meeting	Yackandandah
	3.00 pm	Ordinary Meeting of Council	Yackandandah
11	7.00 pm	Lake Sambell Committee of Management Meeting	Beechworth
12	9.00 am	Timber Towns AGM	Melbourne
15	7.00 pm	Rating Strategy Meeting	Tangambalanga
16	3.30 pm	Council Briefing Meeting	Yackandandah
18	7.00 pm	Rating Strategy Meeting	Beechworth
23	4.00 pm	CEO Review	Yackandandah
24	9.30 am	MAV Councillor Fundamentals Finance	Benalla
25	10.00 am	Finance Committee Meeting	Beechworth
30	4.00 pm	Council Briefing Meeting	Yackandandah

**15.6 CR ISSELL**

DATE	TIME	FUNCTION/EVENT	LOCATION
March:			
2	4.00 pm	Council Briefing Meeting	Yackandandah
5 / 8	Inclusive	Leave	
9	3.00 pm	Council Meeting	Yackandandah
	7.00 pm	Community Forum	Yackandandah
13	12.00 pm	Launch 150 <sup>th</sup> Anniversary Discovery of Gold in Rutherglen	Rutherglen
	1.30 pm	Rutherglen Annual Art Show	Rutherglen
16	4.00 pm	Council Briefing Meeting	Yackandandah
	6.30 pm	CEO Review	Yackandandah
18	4.30 pm	Burke Museum Meeting	Beechworth
	7.00 pm	Rating Strategy Meeting	Beechworth
19	2.00 pm	AGM Murray Arts	Wodonga
	8.00 pm	Yackandandah Folk Festival	Yackandandah
20	10.00 am	Yackandandah Folk Festival	Yackandandah
22	7.30 am	Burke Museum Meeting	Beechworth
23	4.00 pm	CEO Review	Yackandandah
26 / 28	Inclusive	Leave	
30	4.00 pm	Council Briefing Meeting	Yackandandah

**15.7 CR MURDOCH**

DATE	TIME	FUNCTION/EVENT	LOCATION
March:			
2	4.00 pm	Council Briefing	Yackandandah
3	7.30 am	Chamber of Commerce Meeting	Beechworth
	7.30 pm	Community Strengthening Meeting	Barnawartha
4	4.00 pm	Finance Committee Meeting	Beechworth
5	11.00 am	Chain of Responsibility Meeting	Benalla
8	3.00 pm	Meeting with Constituent	Barambogie
9	10.30 am	Launch of Ned Kelly Weekend	Beechworth
	2.00 pm	Council Briefing Meeting	Yackandandah
	3.00 pm	Council Meeting	Yackandandah
	6.30 pm	Council Community Forum	Yackandandah
10	7.00 pm	Residential Growth Meeting	Chiltern
13	10.30 am	Annual Art Exhibition	Rutherglen
	12.00 pm	Launch Rutherglen 150 <sup>th</sup> Celebration of Discovery of Gold	Rutherglen
15	7.00 pm	Rating Strategy Meeting	Tangambalanga
16	3.00 pm	Council Briefing Meeting	Yackandandah
17	7.00 pm	Rating Strategy Meeting	Rutherglen
18	7.00 pm	Rating Strategy Meeting	Beechworth
19	9.30 am	Australian Local Government Women's Association Annual Conference	Melbourne
24	9.30 am	Finance Fundamentals Meeting	Benalla
	7.00 pm	Chiltern Recreation Reserve AGM	Chiltern
25	10.00 am	Finance Committee Meeting	Beechworth
	1.00 pm	Chiltern Primary School Fete	Chiltern
26	7.30 am	Business Breakfast	Yackandandah
	10.00 am	ALGWA Meeting	Benalla
30	4.00 pm	Council Briefing Meeting	Yackandandah
31	7.00 pm	Lake Anderson / Greening of Chiltern Meeting	Chiltern

**16.0 GENERAL BUSINESS**

COUNCILLOR	COMMENT
Pockley	Opened the Exhibition of Frank Le Conpte – the painting presented to her is to be included in Councils collection and a letter of thanks to be sent on behalf of all Councillors.

**Moved: Cr Pockley  
Seconded: Cr Issell**

**That a condolence letter be sent to Dr Tess Goodwin of Yackandandah in regard to the loss of her husband.**

**Unanimously Carried**

Goldsworthy	February Council Meeting, multi use zoning of properties in Beechworth. Requested an update from CEO. Frank Bonacci departed the meeting at 5.05pm due to a direct conflict of interest as he has a property that is affected. CEO updated Councillors on the status of this process.
	Frank Bonacci returned to the meeting at 5.08pm.
	Beechworth Primary School, requested a response in regard to After School hours care. Mark Florence informed Councillors of the process.
	National LG Asset Management Public Works Conference. Are ISC staff attending? CEO advised Councillors that relevant staff will be attending the conference.
Issell	Petition Inquiry. How do we confirm the signatures are verified as true? CEO advised Cr Issell of the process.
	Are Council speaking to Vicroads concerning the motorcyclist that was killed at the intersection near Uncle Toby's? CEO advised Council staff will follow up.

Cr Croucher departed the meeting at 5.16pm and returned at 5.20pm.

**ORDINARY COUNCIL MEETING MINUTES – 13.04.10**

Gaffney	Cr Gaffney informed Councillors that he sent a letter of condolence to the family on behalf of the Council.
	Pink Night in Beechworth. Raise money for research into Breast Cancer.

**Moved: Cr Pockley  
Seconded: Cr Issell**

**That Council assist the Pink Night Committee by allocating \$500 from the Mayor & Councillor Discretionary Fund to cover the cost of the hire the Memorial Hall and subsequent cleaning.**

**Unanimously Carried**

**Moved: Cr Pockley  
Seconded: Cr Issell**

**That Council allocate \$750 from the Mayor & Councillor Discretionary Fund as a one off contribution for a coordinator position for East Timor Arturo Island. Note that the coordinator position is not as an employee of Indigo Shire Council.**

**Unanimously Carried**

17.0 CONFIDENTIAL

Nil.

**Meeting Concluded:**

**5.52pm**

**Next Meeting:**

**Tuesday 11<sup>th</sup> May 2010**

**- Community Hall, Tangambalanga**